



INDUCTION OF THE NEWLY APPOINTED ACTING MAGISTRATES GRADE ONE

**29TH OCTOBER - 10TH NOVEMBER, 2023
COLLINE HOTEL, MUKONO**



L-R: seated, H/W Sarah Langa Siu, the Hon. Justice Mike Chibita, the Hon. Justice Richard Buteera, the Hon. Lady Justice Damalie N. Lwanga, and H/W Prossy Katushabe in a photograph with a cross-section of the newly appointed Ag. Magistrates Grade One.

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PICTORIAL



L-R: seated, H/W Sarah Langa Siu, the Hon. Justice Mike Chibita, the Hon. Justice Richard Buteera, the Hon. Lady Justice Damalie N. Lwanga, and H/W Prossy Katushabe in a photograph with some of the newly appointed Ag. Magistrates Grade one.



L-R: seated, H/W Prossy Katushabe, the Hon. Lady Justice Damalie N. Lwanga, the Hon. Justice Dr. Flavian Zeija (PhD), and the Hon. Justice Asiimwe Tadeo in a photograph with a cross-section of the newly appointed Ag. Magistrates Grade One.

ABBREVIATIONS

ADR	Alternative Dispute Resolution
AG.	Acting
AMCHR	American Convention on Human Rights
CCAS	Court Case Administration System
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CJRP	Commercial Justice Reform Program
CLE	Continuing Legal Education
CM	Chief Magistrate
CMJA	Commonwealth Magistrates and Judges Association
CONO	Certificate of No Objection
CPA	Civil Procedure Act
CPR	Civil Procedure Rules
CR	Chief Registrar
CRC	Convention on the Rights of the Child
DCC	District Chain Linked Committee
EAMJA	East African Magistrates and Judges Association
ECCMIS	Electronic Court Case Management Information System
GBV	Gender-Based Violence
IAWJ – UC	International Association of Women Judges – Uganda Chapter
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social, and Cultural Rights
ICT	Information Communication Technology

IT	Information Technology
JLOS	Justice Law and Order Sector
JO	Judicial Officer (s)
JSC	Judicial Service Commission
JTI	Judicial Training Institute
LC	Local Council
MCA	Magistrates Court Act
NCHE	National Council of Higher Education
NTSC	Notice to Show Cause
ODPP	Office of the Director of Public Prosecutions
OP	Operational Funds
PB	Plea Bargaining
PJ	Principal Judge
PRO	Public Relations Officer
PS/SJ	Permanent Secretary/Secretary to the Judiciary
PSWO	Probation and Social Welfare Officer (s)
RCC	Regional Chain Linked Committee
RMA	Registrar Magistrates Affairs and Data Management
SCP	Small Claims Procedure
SDG	Sustainable Development Goal
UDHR	Universal Declaration of Human Rights
UJOA	Uganda Judicial Officers Association
ULS	Uganda Law Society
WSD	Written Statement of Defense

FOREWORD

It is with great pleasure and a sense of accomplishment that I introduce this comprehensive report documenting the recently concluded induction training for the newly appointed Acting Magistrates Grade One. As the Executive Director of the Judicial Training Institute (JTI), I am immensely proud of the dedication and commitment displayed by all participants during this transformative two-week residential program.

The induction training, meticulously organized in the second quarter of the fiscal year 2023/2024, aimed to equip our esteemed magistrates with the essential knowledge, skills, and ethos required to fulfill their roles effectively within the judiciary. Held at the esteemed Colline Hotel in Mukono, the training fostered an environment of learning, collaboration, and professional growth.

This report encapsulates the key activities, highlights, and valuable insights gathered from the training period. We believe that each participant, detailed within the report's main body, has been adequately prepared to embark on their crucial roles in the pursuit of justice. The combination of practical experiences, expert knowledge, and interactive sessions has set a solid foundation for their judicial careers.

At the JTI, we recognize the importance of continuous improvement, and the feedback collected through surveys forms a critical component of our commitment to excellence. The voices, experiences, and opinions shared by the participants are integral to shaping the future direction of our training programs.

I extend my heartfelt gratitude to all the participants for their active engagement, the presenters for their invaluable contributions, and the Colline Hotel team for their support in ensuring the success of this program. Special appreciation goes to the JTI staff whose dedication and hard work made this induction training a resounding success. Thank you for being integral contributors to this journey toward excellence in judicial training.

As we navigate the ever-evolving landscape of legal practice, the JTI remains steadfast in its commitment to providing top-notch judicial training. We look forward to witnessing the positive impact that these newly inducted magistrates will undoubtedly make within the judiciary.

Thank you for your commitment to excellence in judicial service. I trust that this report will serve as a testament to the success of the "Induction of Newly Appointed Acting Magistrates Grade One, 2023 Cohort."



Damalie N. Lwanga
JUDGE/EXECUTIVE DIRECTOR
JUDICIAL TRAINING INSTITUTE

1.0 INTRODUCTION

This report offers a comprehensive overview of the two-week residential induction training designed for eighty-eight (88) Acting Magistrates Grade One, who were appointed by the Judicial Service Commission earlier this fiscal year. The meticulously organized training, held at Colline Hotel, Mukono, during the second quarter of the fiscal year 2023/2024, is summarized to highlight key activities and noteworthy moments during the training period.

Presented by the Judicial Training Institute, this report aims to provide insights into the effectiveness of the "Programme for Induction of Newly Appointed Acting Magistrates Grade One, 2023 Cohort." The residential training, conducted from October 29 to November 10, 2023, at Colline Hotel in Mukono, represents a significant milestone in the professional development of the recently appointed acting Magistrates Grade One.

In our pursuit of maintaining the highest standards in judicial training, we conducted comprehensive surveys to gather valuable feedback on various aspects of the program. This report compiles the collective insights into the performance of presenters, the services offered by Colline Hotel, and the dedication of the Judicial Training Institute staff who facilitated this crucial training.

Later in this report, as we delve into the findings, our objective is to celebrate achievements, recognize areas for improvement, and, most importantly, chart a course for continuous enhancement in our training programs. The voices, experiences, and opinions shared through the surveys will undoubtedly contribute to refining future training initiatives, ensuring that our magistrates possess the knowledge and skills to uphold justice with the utmost integrity reflecting our shared commitment to excellence in the Judiciary.

2.0 PROBLEM STATEMENT AND RATIONALE FOR THE TRAINING

Magistrates Grade One in Uganda hail from diverse legal backgrounds, bringing rich experiences to the Bench upon their appointment. However, the public's expectation of judicial service, a right under Article 126 of the Constitution of the Republic of Uganda, is lofty.

Despite their varied legal experiences, new judicial officers may grapple with the intricacies, challenges, and nuances of justice delivery. This gap could potentially lead to a shortfall in meeting the high expectations of the public, thus risking the reputation of the Judiciary.

In response to this challenge, the Judiciary's top management made a strategic decision not to deploy any judicial officer before undergoing proper induction.

Consequently, the Judiciary, facilitated by its Judicial Training Institute, orchestrated a comprehensive two-week induction training course. The aim was to equip recently appointed Magistrates Grade One with the necessary knowledge and skills, ensuring they are well-prepared to fulfill their judicial duties.

3.0 TRAINING APPROACH

The induction training methodology embraced a holistic approach, combining practical experiences and expert knowledge to cover vital aspects of court processes, as well as providing guidance on maintaining a healthy lifestyle and planning for retirement. The training sessions featured illustrative presentations by selected trainers, predominantly utilizing PowerPoint slides.

Participants were provided with comprehensive written copies of the presentations after each training session, and these materials were promptly uploaded to the JTI Website in real-time. While some presenters followed prepared scripts, others delivered presentations extemporaneously. The training institute recognized the significance of presenters sharing copies of their presentations, both before and immediately after the sessions, as a best practice for future training endeavours experienced justices, judges, and registrars who facilitated the training contributed valuable recommendations based on the discussions held during the sessions. The overarching objective of the training was to ensure that newly appointed and inducted Magistrates Grade One are well-prepared to deliver justice effectively and efficiently to the people of Uganda.

To evaluate the effectiveness of presenters in the "Programme for Induction of Newly Appointed Acting Magistrates Grade One, 2023 Cohort," a survey methodology was meticulously designed. Conducted through the online survey platform Survey Monkey, the user-friendly survey covered crucial aspects of the presentations.

The survey commenced with an introduction explaining its purpose and assuring respondents of the confidentiality of their responses. Basic demographic information, including optional participant names, designations, years of experience, and court jurisdictions, was collected. Participants were then prompted to evaluate each presenter individually, focusing on content relevance, engagement and interaction, communication skills, and knowledge transfer. Criteria such as information clarity, participant involvement, and applicability were assessed in each evaluation.

In addition to presenter evaluations, the survey gathered feedback on the overall training program. Ratings for overall satisfaction, session structure effectiveness, and the Colline Hotel's facilities and logistics were sought. Open-ended questions encouraged participants to provide detailed feedback on specific strengths or areas for improvement for each presenter and the overall training program.

Survey data analysis utilized Survey Monkey's analytics tools for quantitative insights, complemented by thorough reviews of open-ended responses for qualitative perspectives. The compiled results form part of the Induction training report summarizing key findings, identifying trends, and offering recommendations for future enhancements.

Survey distribution prioritized ethical considerations, ensuring participant anonymity and confidentiality while obtaining informed consent. A reasonable deadline for response collection was established to facilitate timely feedback. The survey methodology aimed to gather comprehensive insights into presenter effectiveness and training program success, fostering continuous improvement based on participant input. Consideration of follow-up surveys or interviews was acknowledged for deeper exploration of specific feedback aspects, and the results will be shared with presenters and program organizers to drive ongoing improvements.

DAY ONE

The participants reported and checked in to the hotel on 29th October, 2023.

DAY TWO

4.0 OPENING CEREMONY



H/W Prossy Katushabe – Ag. Registrar Human Resource, Development and Training.



H/W James Ereemye Jumire Mawanda – Ag. Registrar Magistrates Affairs and Data Management/Public Relations Officer.

The commencement of the induction training was overseen by the Ag. Registrar Magistrates Affairs and Data Management/Public Relations Officer, H/W James Ereemye Jumire Mawanda, alongside the Ag. Registrar, Human Resource, Development and Training, H/W Prossy Katushabe.



H/W Sarah Langa Siu – The Hon. the Chief Registrar.

The Hon. The Chief Registrar, H/W Sarah Langa Siu, presided over the opening ceremony at the Induction training of the newly appointed Ag. Magistrates Grade One.

The proceedings began with a prayer led by H/W Amy Amina Itogot, Ag. Magistrate Grade One - Research attached to the chambers of the Hon. Lady Justice Patricia Kahigi Asimwe at the Commercial Court.

Subsequently, the participants had the opportunity to introduce themselves to the Chief Guest.



H/W Sarah Langa Siu, the Hon. the Chief Registrar presiding over the opening ceremony at the Induction training of the newly appointed Ag. Magistrates Grade One.

4.1 Welcome Remarks by the Executive Director JTI, The Hon. Lady Justice Damalie N. Lwanga

Justice Damalie began her address by extending a warm welcome to the distinguished guests and all attendees at the inauguration of the induction training. She conveyed her congratulations to the participants on their recent appointments as Judicial Officers.

Justice Damalie expressed gratitude to the Deputy Chief Justice, the Chairperson of the Governing Council of the JTI, and the Chief Registrar for taking time from their busy schedules to officiate the training.

Highlighting the mandate of the JTI in organizing training for the judiciary service, she explained that the two-week induction aimed to familiarize the participants with their roles as Magistrates Grade One. Justice Damalie assured the participants of ongoing training opportunities throughout their service.

Acknowledging that the training occurred while participants were already deployed, she recognized the need for clarification on certain aspects and encouraged attentive listening and learning during the presentations.



The Hon. Lady Justice Damalie N. Lwanga – The Executive Director, JTI.

Justice Damalie thanked the top management for their support, the facilitators for accepting to share their expertise, and the JTI team for successfully coordinating the induction training.



The Hon. Lady Justice Damalie N. Lwanga – Executive Director, JTI making her welcoming remarks at the opening ceremony of the Induction training.

4.2 Remarks by the Chairperson Governing Council of the JTI, the Hon. Justice Mike Chibita - JSC



The Hon. Justice Mike Chibita – JSC/Chairperson Governing Council, JTI.

The Honorable Justice Mike Chibita, a distinguished member of the Supreme Court and chairperson of the Governing Council of the JTI, commenced his address by expressing gratitude to the Executive Director and her team at JTI for efficiently organizing and conducting the induction training.

He extended his appreciation to the chief guest for officiating the opening ceremony and congratulated the newly appointed Magistrates Grade One on their well-deserved appointments.

He highlighted that the Judicial Service Commission's recent recruitment drive necessitated the induction of new appointees, following the requirements of the Public Service Standing Orders.

He assured the participants that the program was meticulously crafted to cover various aspects of court practice and address recent Judiciary reforms. The selection of facilitators was based on their

expertise in the relevant areas.

Optimistic about the positive impact of the training, Justice Chibita believed that the participants would acquire enhanced skills and knowledge crucial for their judicial roles. He emphasized the Judiciary's growing appeal as an employer, stressing the importance of hard work, integrity, efficiency, discipline, ethics, and professionalism.

Offering valuable advice, he urged the participants to approach their appointments with the seriousness they deserved.

He encouraged them to familiarize themselves with the Judicial Code of Conduct, abide by its principles, and diligently serve the people of Uganda.

In conclusion, he cautioned against arrogance, tardiness, and indiscipline, urging the new Magistrates to apply the knowledge gained during the training and contribute to a transformative Judiciary, positioning themselves as part of the solution.



The Hon. Justice Mike Chibita – Chairperson of the Governing Council, JTI making his remarks at the opening ceremony of the Induction training.

4.3 Remarks by the Deputy Chief Justice, the Hon. Justice Richard Buteera - JCOA/JCC

In the opening speech at the induction/orientation training for the newly appointed Acting Magistrates Grade One in 2023, the Deputy Chief Justice, and the Hon. Justice Richard Buteera expressed gratitude for the well-organized event.

His Lordship commended the dedication of the newly appointed acting magistrates grade one to serve the people of Uganda through the judiciary.

He emphasised the importance of understanding the judicial ethics, values, and traditions of the office. The mandate of the Judiciary, as outlined in the Constitution of the Republic of Uganda, was highlighted, with a call to consider the socio-economic context in which justice is delivered.



The Hon. Justice Richard Buteera – The Hon. the Deputy Chief Justice.

The role of the magistrates in addressing case backlogs and promoting innovative solutions such as mediation and plea-bargaining was emphasised. The need to be solution-oriented and contribute to the improvement of the judicial system was encouraged.

He highlighted concerns about corruption within the judiciary, specifically in bail processes, and called for a strong stance against such practices. Additionally, he stressed the importance of timely bail applications and expeditious handling of cases.

The role of Chief Magistrates in supervising junior Magistrates and the need for cooperation and mentorship among Magistrates were highlighted. He also emphasized the significance of understanding the Ugandan Judicial Code of Conduct.

The role of Magistrates Grade One as the face and image of the judiciary in close contact with the public was acknowledged. The anticipated increase in pecuniary jurisdiction and the importance of shouldering more responsibilities during the transition in the judiciary were mentioned.

The speech encouraged magistrates to recognize their supervisors, read the Manual of Duties and Key Performance Indicators, and avoid various forms of indiscipline.

He emphasised the commitment of the judiciary's top management to provide necessary resources and support for magistrates in their work.

The speech concluded by urging the newly appointed magistrates to apply the knowledge and best practices gained during the training and to take the induction seriously. It called for a commitment to implement what was learned to improve justice service delivery to the population.

Overall, the speech provided guidance, expectations, and encouragement for the newly appointed Acting Magistrates in Grade One in Uganda.

Finally, the speaker officially declared the induction/orientation training open.



The Hon. Justice Richard Buteera – The Hon. the Deputy Chief Justice making his opening remarks at the Induction training.

PLENARY

Concerns raised:

- Difficulty in executing community service when individuals who are issued the order fail to comply.
- Balancing the interests of juveniles seeking bail against community concerns opposing their release.
- Inquiry into the responsibility of local officials in establishing remand homes for managing juveniles.
- Request to change the name of Nyeihanga Court to Rwampara Court due to the confusion created among locals.

Responses:

- Utilise Community Service Officers in the respective areas to address challenges in executing community service orders.
- Consider factors such as the gravity of offences, sensitivity, legal provisions, and other relevant aspects when deciding on remand or bail for juveniles.
- Emphasise effective communication among Judicial Officers to prevent unnecessary conflicts in court.

- Regarding the court name change, acknowledge that the name's acceptance should be practically resolved at the local level, with involvement from local leaders to explain and sensitise the community. The Deputy Chief Justice suggested relying on Local Councils (LCs) for assistance.

5.0 TRAINING SESSIONS

5.1 The Structure and Functions of the Judiciary; and the Administration of the Judiciary Act by the Hon. the Chief Registrar, H/W Sarah Langa Siu



H/W Sarah Langa Siu, the Hon. the Chief Registrar.

The Chief Registrar, H/W Sarah Langa Siu started her presentation by congratulating the participants upon their appointment to serve as Judicial Officers.

H/W Sarah Langa Siu presented a detailed paper. She highlighted that judicial power is derived from the people as stipulated under Article 126 (1) of the Constitution—the vision and mission of the Judiciary.

She recalled the fact that the Judiciary is supposed to be independent under article 128. She emphasised that the Ag. Magistrates Grade One should be independent. She emphasised that the judiciary's mandate is pronounced under Chapter 8 of the Constitution and the Administration of the Judiciary Act.

She highlighted the constitutional governing principles of adjudication under Article 126(2) of the Constitution;

justice shall be done to all irrespective of their social or economic status, expeditiously, award adequate compensation to victims of wrongs, promote reconciliation between parties, and administer substantive justice without undue regard to technicalities.

She emphasised the judiciary's role to contribute to economic transformation through revenue collection through court fees and fines, creating peaceful societies by keeping away murderers, terrorists, robbers, embezzlers, and all other criminals, and resolution of commercial and land disputes thereby liberating money and other factors of production.

She reiterated the vision and mission of the Judiciary. SDG16, in essence, has strong and peaceful institutions. She underlined the guiding values of the Judiciary as follows: independence and impartiality, transparency, professionalism, integrity, accountability, Equality, and Respect. She emphasised that integrity is the foundation for judicial officers and, therefore, equality and respect are essential.

She highlighted the operations and structure of the Judiciary as stipulated under article 129 (1) of the Constitution. She stated that the Judiciary is made up of the Supreme Court. The Court of Appeal, the High Court (Divisions and Circuits) and Magistrates Courts.

She explained the structure of the top management of the judiciary that is headed by the Hon. Chief Justice, assisted by the Deputy Chief Justice, the Principal Judge, the Chief Registrar, and the Permanent Secretary/ Secretary to the Judiciary.

The judicial officers are categorised as justices of the Supreme Court, justices of the Court of Appeal, the High Court, registrars, and magistrates. The non-judicial officers' categories include the managers such as the permanent secretary, undersecretary, accountants, commissioners, and other support staff (court clerks, process servers, secretaries, drivers, and security officers, among others). She emphasised that the Chief Registrar and the permanent secretary are on the same level.

Explaining the operation of the court's adjudication system, she informed the participants how the Supreme Court and Court of Appeal justices sit in uneven-numbered panels of justices under the courts' rules of procedure. The judges of the High Court constitute courts singly in circuits across the country.

She stated that the High Court has unlimited jurisdiction, however, participants should be keen to maintain the geographical jurisdiction. Registrars support the judges and justices under the various registries. They handle pre-trial processes such as interlocutory applications, plans, and budgets for these courts.

She highlighted the work of the Magistrate Courts and reminded the participants that they are at the helm of administration in the magistrates' courts. She welcomed the increased staffing in the Judiciary and stated that the judiciary now has 82/160 operational Chief Magisterial areas and 126/369 operational Magistrates Courts. She also highlighted the reporting line of the lower bench.

The facilitator communicated the duties of the chief magistrates as enounced under the schedule of duties and key performance indicators for the Registrars and Magistrates, 2016. These were:- Charge of the magisterial area and supervising all magistrates, Managing funds, Hearing and disposing of cases, Organising and chairing District Coordination Committee (DCC) meetings, Organising Court Open Days, Conducting periodic visits to detention centres within the magisterial area, Organizing and chairing staff meetings, Custodian of the Court seal, Supervising Local Council Courts, Managing inventory of Judiciary Assets, Preparing monthly situational and performance reports for the Chief Registrar, and Developing the schedule of duties and key performance indicators for the Court Administrator (Office Supervisor)

She stated that the schedule, however, is under review for the development of a comprehensive scheme of service that unpacks the personal specifications of both the Judicial Officers and non-judicial Officers.

She highlighted that though the Judicial officers are core staff, the Judiciary is supported by five departments and 2 units namely: - Finance and Administration, Human Resource Management, Engineering & Technical Services, Information & Communication Technology, Policy & Planning, Internal Audit, Procurement & Disposal Unit.

She stated that the key functions of the Judiciary are:- Adjudication of civil and criminal matters, interpretation and defending the constitution and the laws of Uganda, promoting the rule of law, promoting human rights of individuals and groups, enrolling and licensing advocates, licensing and disciplining court bailiffs, keep custody of laws enacted as well as disseminating legal literature, and receiving government revenue accruing from courts and introduce modalities for alternative dispute resolution to reduce the burden of cases on the courts.

In the second part of her presentation, H/W Sarah Langa Siu took the participants through the core mandate which is the adjudication of civil and criminal matters according to Article 126 (2) of the Constitution as well as the guiding principles which are among others that; justice shall not be delayed, adequate compensation shall be awarded to victims of wrongs, reconciliation between parties shall be promoted and substantive justice shall be administered without undue regard to technicalities.

She highlighted that the Administration of the Judiciary Act ushered in a new judiciary. She added that it was enacted in June 2020 to operationalize Cap. 8 of the Constitution.

She took the participants through the new structure of both the upper and lower benches. She however emphasised the structure of the lower bench. She stated that this is headed by the Chief Registrar. She stated that the Judiciary management currently hopes to have a magistrate grade one in every constituency and a chief magistrate in all the 146 districts in the country.

The facilitator stated that the judiciary has an inspectorate of courts that is mandated to ensure quality assurance in the delivery of justice. She stated that this department is provided for under the new Act. She stated that the inspectorate receives complaints from members of the public and investigates them. If they find a prima facie case, they prosecute a judicial staff before the Judiciary Disciplinary Committee. She stated that the inspectorate is understaffed but it is supposed to have 10 deputy registrars to help in its performance of the inspection role.

The facilitator highlighted how the judiciary administration will manage the participant's performance during the year under review. She stated that the officer, the judiciary leadership, and court users will be asked to rate a participant as below - self-appraisal (15%), Supervisor (35%), Subordinate (10%), peers (20%), lawyers who frequent your court (5%), Prosecutors (5%) and members of the public (10%).

The facilitator highlighted the role of the JTI. She stated that there are plans to support the institute to do its work better by Constructing a state-of-the-art modern training facility out of Kampala, developing a training curriculum and calendar for Judicial, and non-judicial staff and others, conducting routine refresher courses for the judiciary, developing courses for Local Council (LC) Courts, carrying out induction training among others and procuring accreditation from the National Council for Higher Education (NCHE).

The Chief Registrar highlighted the objectives of the current judiciary strategic plan which include enhancing equitable access to Judiciary Services, improving Court processes and case management, strengthening the use of ICT in the administration of justice, developing and supporting the Judiciary workforce and institutional capacity, improving coordination, partnerships and accountability, to improve public awareness and the image of the Judiciary and to enhance resource mobilization and management

She stated that the Judiciary plans to improve its physical infrastructure. She expounded that emphasis shall be placed on the following; construction of court buildings and institutional houses, renovation and rehabilitation of some existing structures, the Judiciary Archive Cected, facilities for special needs and breastfeeding rooms, getting regional courts of appeal in Mbale, Gulu, Arua, Jinja, Masaka, Mbarara, Fort Portal, and Soroti

The Facilitator stated that the Judiciary will also embark on strengthening the use of ICT in the administration of justice (ECCMIS). She informed participants that ECCMIS currently lives in 7

clusters of courts: the Supreme Court, the Court of Appeal, the Civil Division, the Land Division, the Commercial Court, ACD, and Mengo. She stated that the 2nd Cluster of Courts is expected to commence in October 2022.

She highlighted that ECCMIS is relevant because it - ensures e-filing of court cases, reduces case backlog due to the easy access to case information and details, facilitates litigants/public to access online information about their cases, and eliminates problems of loss of files and corruption tendencies.

She communicated that plans are underway to establish specialized Courts to cater to special interests like Gender-based Violence (GBV), infrastructure and environment division of the High Court to handle cases such as wetland encroachment; hazardous waste disposal, and mobile Courts in refugee camps/settlements.

She highlighted that the Judiciary Law Reform Committee has recently worked on the Court Bailiffs' Rules, the Court Bail Guidelines, and state brief scheme regulations, the Court of Appeal Rules, the Court Fees Rules, the Appellate Mediation Rules, the Children Friendly Procedure Rules, and Practice Directions on persons with disabilities, Plea bargain law, and the Amicus Curiae Practice Directions

She highlighted that the Judiciary administration is in the process of enhancing the Jurisdiction of Magistrates Courts. She reminded the participants about their jurisdiction both pecuniary and geographical. She stated that respecting jurisdiction improves the image of the Judiciary. She stated that public awareness and perception of Judicial and court processes and client handling are key to strengthening the image of the Judiciary

She implored the participants to continue implementing the existing reforms within the judiciary which include - mediation, plea bargaining, small claims procedure, case backlog reduction strategies, community service programs as well sentencing guidelines.

She stated that she is aware that there are many hardworking and innovative officers despite tough working conditions and challenges like corruption (both perceived and actual). She cautioned officers to desist from all forms of - absenteeism, laxity, mediocrity, laziness (for example, failure to produce a judgment or ruling in a year, poor standard/quality work/ 'shoddy' judgments and rulings, and poor character issues (some judicial officers are too rude, intolerant, angry and bitter).



H/W Sarah Langa Siu - The Hon. the Chief Registrar making her presentations to the newly appointed Ag. Magistrates Grade One at the Induction training.

PLENARY

Concerns Raised:

- Lack of state attorneys in certain stations, creating challenges in handling criminal cases.
- Challenges with support staff displaying resistance and lack of respect toward Magistrates.
- Insufficient resources, including furniture and support staff hinder the achievement of Key Performance Indicators (KPIs).
- Misuse of operational funds for personal items that ostensibly support work.
- Advocacy for enhanced rights for researchers on the Electronic Court Case Management Information System (ECCMIS).

Responses:

- Acknowledgment that the presence or absence of state attorneys is beyond the control of the Chief Registrar. Suggested focusing on civil matters when state attorneys are unavailable for criminal cases.
- Magistrates to conduct team meetings, establish expectations, and communicate guidelines to address challenges with support staff.

- Encouragement to report reasons for resource shortages and advised adherence to the operations fund schedule to prevent potential audit issues.
- Commitment to addressing the ECCMIS rights concern through the involvement of the technical committee.
- Clarification that laptops are provided by the Judiciary, ensuring every judicial officer is entitled to one.



One of the participants raises a concern during the plenary session at the induction training.

5.2 Management of Court Stations; and Data Management by the Ag. Registrar Magistrates Affairs and Data Management / Public Relations Officer, H/W James Ereemye Jumire Mawanda

His Worship James Ereemye Jumire Mawanda started by congratulating the participants upon their appointment. He stated that they should pay attention because the Induction training is intended to equip them with knowledge about their mandate, roles and responsibilities. He stated that the participants should be able to return and effectively discharge their mandate, duties, and responsibilities to get confirmed in service.

He highlighted that the Judiciary is a key stakeholder in the administration of justice with its mandate stemming from the



constitution of Uganda (Articles. 28 and 126). He stated that the vision of the Judiciary is “justice for all” and the mission is “to efficiently and effectively administer justice”.

He stated that this induction is a timely tool to reorient the participants about the new role of the Judiciary within the newly passed Administration of Judiciary Act.

H/W James Ereemye Jumire Mawanda – Ag. Registrar.
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He highlighted the following as the law applicable to the participants:- the Constitution of the Republic of Uganda 1995, The Public Service Act 2008, The Administration of Judiciary Act 2020, The Judicial Service Commission Act 2005, The Magistrates Courts Act Cap 16, Judicial Service Commission (Complaints and Disciplinary Proceedings) Regulations SI No.88 of 2005, Code of Conduct and Ethics for Uganda Public Service, Uganda public service standing orders, 2010 and Administrative instructions among others.

He stated that Magistrates Grade One play a managerial role. He defined management as the process of dealing with or controlling things or people. He stated the five principles of management. These include: - planning, organising, staffing, leading, and controlling.

He expounded that when you think of planning in a management role; think about it as the process of choosing appropriate goals and actions to pursue and then determining what strategies to use, what actions to take, and deciding to achieve the goals. He added that planned resources go with legitimate accountability.

He stated that organising is the process of establishing your core roles, caseload, and worker relationships. He added that organizing allows workers to work together to achieve organizational goals and develop teamwork at stations. He stated that in organizing, you make decisions, use your interpersonal skills, act as a role model, and provide information to teams.

The facilitator also highlighted the role of the participants in staffing. He stated that Magistrates Grade One support the administration in recruiting and selecting employees for positions within the organisation by reporting about the staffing level at their station.

He added that in a managerial role, participants also lead. He stated that leading involves articulating a vision, motivating employees, and inspiring and motivating people using vision, influence, persuasion, and effective communication skills.

He highlighted the importance of control as the last principle of management. He stated that to be able to control, one needs key performance indicators in place. He implored the participants to put processes in place to establish standards so that one’s performance decisions can be measured and compared with those of others.

The facilitator also talked about data management. He stated that Data are facts and statistics collected together for reference or analysis to inform decisions. He added that data management/processing is the carrying out of operations on data to retrieve, transmit, transform, or classify information and can be done both manually and on a computer. He requested the participants to provide data on cases brought forward, registered, completed, and disposed of. He also asked equally for the modes of disposal (dismissal, judgment, ADR, etc.). He warned the participants to desist from leaving this work to clerks and to guard against errors and mistakes.

The facilitator stated that the data is reported through monthly Statistical Reports. He stated that these reports help track individual performance under the KPIs for each Judicial Officer. He stated that they also inform decisions on the allocation of both human and financial resources to courts (Operation Funds, Locus funds, sessions, transfers, etc.) He asked that the reports be submitted to the Chief Magistrates however the participants should avail the office of Magistrates Affairs and Data Management a copy at RMAstatistics@judiciary.go.ug

He also talked about performance reports. He stated that these are mandatory for government entities financed by public funds showing that the money was spent efficiently and usefully. He stated that these are mainly provided by the Chief Magistrates and Magistrates Grade 1 in charge courts and are submitted to the Chief Registrar for further analysis and action. He added that these must capture the situation report, caseload, staffing and staffing gaps, and innovations at stations' relationships with other stakeholders, achievements, challenges, and possible recommendations.

He implored the participants to get the Judiciary organisational structure to know the hierarchy of reporting. He also advised them to learn the judiciary's organizational culture. He stated that each organization has a culture (values, expectations, and practices). He stated that these manifest in several ways: - Ethics, Integrity, Decorum, Attributes, and Respect for seniors among others.

He urged the participants as a way forward to: - revise the standing orders and instructions from time to time, learn organization culture, embrace change and learn appropriate decorum, keep good work ethics and integrity, be innovative, and submit correct and timely reports.

He ended by stating that the new judiciary will not have room for mediocre in disciplined judiciary. He implored the participants to Keep ethical behaviour and be client-centred in their Judicial Service.



One of the participants asks a question during the plenary session at the induction training.

PLENARY:

Concerns raised:

- Uncertainty regarding the responsibility for filing statistical reports.
- Inquiry about what can be filed online via email and what requires physical filing.
- Concerns regarding settlement allowances for the recruits
- Research Magistrates handling assignments outside their Key Performance Indicators (KPIs).
- Challenges in assisting unrepresented litigants effectively.
- Subscription to research tools.

Responses:

- Clarification that Magistrates Grade One submit their returns to the Chief Magistrates who, in turn, submit to the Registrar Magistrates Affairs and Data Management.
- Emphasis was laid on the necessity of filing accountabilities in their original form (physical) due to the requirement for original documents.
- An explanation about the settlement allowance will be provided by the PS/SJ. Process and the need for verification and approval for changes in deployment areas.
- Guidance to engage with Judges for more work and assurance that challenges raised have been communicated to the Principal Judge for resolution.

- Commitment to share a manual on guiding unrepresented litigants from the Judicial Training Institute (JTI).
- Encouragement for participants to utilise existing resources effectively to achieve desired results.

5.3 Experience Sharing by the Ag. Registrar Human Resource, Development, and Training, H/W Prossy Katushabe



H/W Prossy Katushabe – Ag. Registrar, Human Resource, Development and Training.

By way of introduction, the Registrar, Human Resource, Development, and Training, H/W Prossy Katushabe, pointed out that the presentation aimed to foster knowledge-sharing and mutual learning by encouraging the exchange of experiences and insights among participants, complemented by the presenter's wealth of experiences in different roles within the judiciary, including Magistrate Grade One, Chief Magistrate, Deputy Registrar, and Registrar.

She recognised that leadership in the judiciary necessitates a combination of skills, ethical conduct, adherence to protocol, and problem-solving capabilities. She encouraged the participants to proactively address challenges, including corruption, while effectively managing the chain of command.

She underscored the multifaceted nature of management within the judiciary, covering court, chamber, resource, and case management, as well as staff supervision and the importance of management meetings for both staff and financial matters. She noted that effective management was crucial to the judiciary's functioning and the delivery of justice.

The facilitator highlighted the diverse stakeholders and court users within the judicial system, including advocates, litigants, children, persons with disabilities, women, government officials, and DCCs, among others emphasizing the importance of addressing the unique needs and considerations of each group to ensure fair and equitable access to justice. She noted that understanding and accommodating the requirements of these stakeholders is crucial for effective functioning of the judiciary.

She underscored the critical role of organised court file management, the significance of witness testimonies, the judicial process of making rulings and judgments, execution of court orders, sentencing in criminal cases, and the handling of exhibits and evidence. These elements were pointed out as fundamental to the legal process and they contributed to the effective functioning of the judicial system.

The facilitator underlined the significance of organised document handling (Court files), archiving, and retrieval, as well as the certification of documents and efficient registry management. She also recognized the importance of information technology proficiency for digital records and highlighted the value of statistics and report writing in improving court management and performance.

Her Worship emphasised the importance of career growth and the need for well-defined career goals and aspirations. She acknowledged the role of mentorship, further studies, and exposure in shaping and advancing one's professional journey and that these collectively contributed to meaningful career development.

She emphasised the role of socialisation, membership in professional bodies such as UJOA, IAWJ-UC, Hearts of Hope, Judiciary SACCO, EAMJA, and CMJA, among others participation in prestigious clubs (Rotary Clubs, Lions Clubs) and religious organisations, and engagement in physical activities in promoting social connections, well-being, and a balanced lifestyle. She urged that these elements contributed to a meaningful and fulfilling social life.

She concluded by expressing thanks and encouraged further engagement through questions or discussions.



A cross section of the participants applauding the Ag. Registrar Human Resource, Development and Training following her presentation at the induction training.

PLENARY:

Concerns raised:

- Issues related to research officers and registrars, including conflicting instructions.
- Challenges in managing juvenile offenders without transport to remand homes.

Responses:

- Emphasis on registrars having control over research magistrates was laid, and the participants were advised to listen to registrars.

- The importance of effective court and chamber management was highlighted, clear communication, defined roles, and adherence to the First In, First Out (FIFO) principle in case management were stressed.
- The participants were encouraged to consider the uniqueness of each file and take charge of the court, being attentive to case management.
- Suggested approach to escalate challenges to the District Chain-linked Committee (DCC) for resolution.
- Encouragement for participants to find local solutions to address challenges effectively.

DAY THREE

5.4 Terms and Conditions of Service of a Magistrate Grade One; and the Administration of Finances in the Judiciary by the Permanent Secretary / Secretary to the Judiciary, Dr. Pius Bigirimana

Dr. Pius Bigirimana began his presentation by emphasising the need for time management. He stated that without proper time management, both the vision and mission of the Judiciary are at stake.

He highlighted that the Judiciary is composed of judicial officers whose core duty is to adjudicate cases and these are supported by several departments to enable them to effectively fulfill this mandate.

The departments include: Finance and Administration, Human Resources Management, Engineering and Technical Services, Policy and Planning Unit (being upgraded to a Department), Procurement and Disposal Unit, and Internal Audit Unit.

He stated that the departments are headed by the Permanent Secretary/Secretary to the Judiciary/Accounting Officer. He stated that the office is created under Articles 174 and 164 of the Constitution, and Section 17 of the Administration of Judiciary Act, 2020 (AJA). He emphasised the role of the permanent secretary there in under.

The office of the permanent secretary is responsible for: the organization of the Judiciary; offering advice to the Chief Justice regarding the administrative business of the Judiciary, implementing policies of the Government of Uganda, implementing the administrative activities in the Judiciary Strategic Plan, Subject to Article 164 of the Constitution, the expenditure of public funds by or in connection with the Judiciary, entering into an annual budget performance contract with the Secretary to the Treasury which binds him/her to deliver on the activities in the work plan of the vote for a financial year, submitted under Section 13 (15); and responsible and personally accountable to Parliament of Uganda for the activities of a vote.

He expounded on the specific functions of each department. He stated that the Department of Finance is responsible for the management of financial resources through control and reporting, development



Dr. Pius Bigirimana, The Permanent Secretary / Secretary to the Judiciary.

and implementation of institutional policies, management of physical assets, and provision of logistics, office/court premises management; and Library services.

He stated that the Human Resources Management Department is responsible for: recruitment and retention, payroll management, performance management, training and development, human resource planning, records management, and staff exit management.

The engineering & technical service department is responsible for: designing and supervising the construction of buildings, and related facilities like water and power supply infrastructure and developing plans, specifications, and budgets for the construction, repair, and maintenance of the Judiciary buildings.

The Information & Communication Technology (ICT) is responsible for: developing appropriate policies, plans, programs, strategies, and guidelines for effective information and communication management, managing the design and development of ICT to support the Judiciary mandate; providing technical ICT/ IEC support services to the Judiciary on matters relating to coordination, procurement, installation and maintenance of ICTs.

The internal audit unit is responsible for: reviewing systems for generating financial information, and data and continued assessment of their reliability and adequacy, reviewing and reporting on the status of the internal control systems of the entity, ensuring that management has put in place proper systems to safeguard the assets of the entity, reviewing and assessing the compliance of the entity with the established laws, regulations, policies, and procedures.

The procurement and disposal unit is responsible for coordinating the procurement and disposal processes in the Judiciary.

The policy and planning unit is responsible for: initiating and coordinating the preparation of the strategic plan; preparing the budget framework paper, annual budget and work plans, and policy statement, monitoring and evaluating the implementation and the impact of policies, strategies, plans, programs, and projects; Analysing expenditure limits, quarterly allocations, and any budget adjustments; and periodic performance reporting on budget implementation.

He highlighted that the Judiciary is structured into two management levels namely; the Top Management Committee (TPC) comprising of the Chief Justice, the Deputy Chief Justice, the Principal Judge, the Secretary to the Judiciary, and the Chief Registrar; and the Senior Management Committee (SMC) comprising of the Secretary to the Judiciary, the Chief Registrar, Registrars and Heads of Department.

He cautioned the participants that no expenditure request is authorised unless it is reflected in the work plan. He also reminded them that accountability for funds advanced must be made within 60 days after receipt thereof.

He also highlighted the role of magistrates grade one (station heads) in financial administration in the Judiciary. He stated that the Magistrates Grade One are responsible for managing financial, physical, and human resources which include planning, execution, and accountability. He added that the Assistant Accountants and Office Supervisors are deployed to support them.

He reminded the participants to know their priorities/goals, identify the required resources and requisition for them, and take stock of the achievement of goals to facilitate reporting/accountability. He noted that reports must have quantities and account for resources (financial, physical, and human)

He stated that Human Resource Management is also financial administration. He asked participants to ensure that all staff have schedules of duty, have set targets against which they will be assessed, and are appraised at the end of the financial year.

He spoke about their supervisory role and that Standing Orders 2010 provide for disciplinary actions that supervisors can take. He warned that heads of the station are liable for either not taking disciplinary action within their ambit or reporting those they cannot handle e.g. late coming, absenteeism, abandonment of duty etc.

He stated that the management of physical assets is part and parcel of financial management, for that matter, participants must maintain a list of assets to mitigate the risk of undetected losses. He communicated that items that have outlived their usefulness should be reported to the Accounting Officers (SJ) for disposal. These include: vehicles, motorcycles, ICT equipment, and furniture among others. He requested the participants to always arrange files and other assets in their courts, chambers, offices, corridors, compounds, etc.

He talked about the management of cash bail. He emphasised the need to ensure all the courts under the participants' jurisdiction submit requests to the office of the permanent secretary for a refund of cash bail funds and remittance of forfeited cash bail to the Consolidated Fund. He cautioned that the participants also submit Returns on the cash bail, orders for refunds and orders for forfeiture every month without fail.

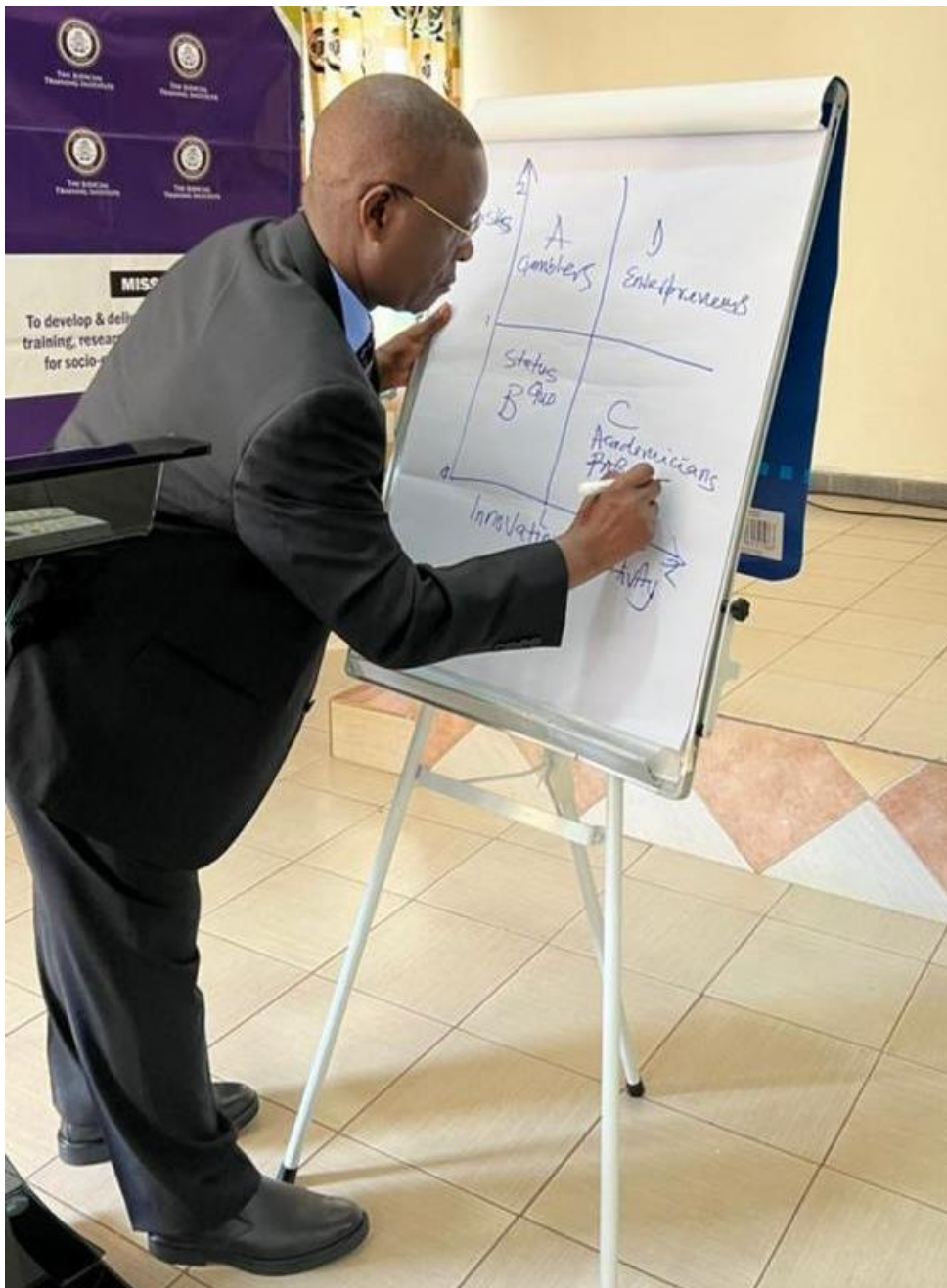
He highlighted the terms and conditions of service of a magistrate grade one which include: salary, allowances on condition the funds are available, leave from duty, health insurance, the exit of service, and retirement benefits. He stated that in case of death, death gratuity and any other terminal benefits are paid to the legal personal representatives.

He cautioned the participants to desist from exhibiting any form of corruption tendencies.

He ended with the following quotation *“And when at some future date the High Court of History sits in Judgement on each one of us - our success or failure, in whatever office we may hold, will be measured by the answers to four questions: Were we truly men of courage? Were we truly men of judgment? Were we truly men of dedication? Were we truly men of integrity?”* President J.F. Kennedy.

He concluded by highlighting that courage is not the absence of fear but the mastery of fear, judgment is the ability to discern right from wrong, passion to serve as if there is no tomorrow.

He defined integrity as being upright and honest in whatever you do and it is not an occurrence but a trend.



The Permanent Secretary / Secretary to the Judiciary taking the participants through his presentation at the induction training.

Chairman International Youth Fellowship - Uganda, Rev. James Kim

5.5 Mindset Change by the



During Rev. Kim's presentation on the power of mindset change in Uganda, he emphasised the country's blessings and the need for a shift in mentality for positive transformation. Rather than waiting for external changes, he urged individuals to think deeply and adopt a proactive mindset.

Rev. Kim highlighted the importance of leaders with a problem-solving mentality, comparing it to the resilience of bedbugs always seeking a solution. Drawing from the example of Korea's successful poverty reduction, he stressed the role of an action-oriented movement that changes people's mindsets.

Rev. Kim underlined the transformative power of changing one's viewpoint, citing Koi's law and the story of Panasonic chairman Matsushita Konosuke.

He concluded by emphasising the possibility of overcoming limits through a change in perspective and the true power of change through connecting with those who embody a change in viewpoint.



Rev. Kim taking the participants through his presentation at the Induction training.

JOINT PLENARY

Concerns raised:

- Judicial Officers' allowances.
- Qualification for leave and instances where leave is deemed to be forfeited.
- Transport issues in certain stations and means of transport for island postings.

- The need for more training on mindset change.

Responses:

- Clarification that allowances are disbursed when funds are available, with specific exceptions.
- Confirmation was pointed out as a prerequisite for leave eligibility, with leave being forfeited if clearance is not granted to carry forward for a given year.
- The PS/SJ notified the participants that there are plans for the provision of cars to judicial officers prioritizing hard-to-reach areas. He further made it known to the participants that while there's no government tax-free policy, the judiciary can assist them in obtaining bank loans for car purchases upon confirmation in service.
- It was agreed that emphasis be had on mindset change training for transformative potential and a commitment to ongoing training and addressing various concerns raised by the officers.

5.6 Jurisdiction of Magistrates Grade One in Civil and Criminal matters by the Registrar Planning, Research and Development, H/W Mary Kaiteisi Kisakye

H/W Mary Kaiteisi Kisakye, the Registrar of Planning, Research, and Development started her presentation by congratulating the participants upon their appointment to the Judiciary Service and continued to note that there was a growing concern about the dress code of the participants. She pointed out that Judicial officers ought to be dressed in suits of sober colours (three-piece suit; a jacket, shirt, and skirt/pair of trousers) and urged the participants to embrace the professional trend.



H/W Mary Kaiteisi Kisakye –
Registrar, Planning, Research
and Development.

The presenter outlined the structure of what the readers could expect to learn about jurisdiction and its various aspects. She explored the meaning and types of jurisdiction that include, Exclusive, Concurrent, Geographical (Reference was made to Section 2 of the Magistrates Courts Act, and the Magistrates Courts (Magisterial Areas) Instrument, S.I No. 11 of 2017), Pecuniary, and Appellate with a specific focus on the jurisdiction of Magistrates Grade One in both criminal and civil matters to provide a comprehensive understanding of the key concepts, ultimately contributing to a broader knowledge of the legal framework.

H/W Kisakye expounded that jurisdiction is determined by the explicit provisions of a statute (*Owners of Motor Vessel Vs. Caltex Oil Kenya Limited [1989] KLR 1; David B. Kayondo Vs. Co-operative Bank (U) Ltd S.C.C.A No. 10 of 1991*) and cannot be granted or revoked through the agreement or consent of the parties involved (*Edith Nantumbwe Kizito & 3 Ors vs. Miriam Kuteesa Court of Appeal Civil Application No. 294 of 2013*). The presenter cautioned the participants that the lack of jurisdiction could not be cured under Article 126 (2) of the Constitution of the Republic of Uganda (*Mulindwa George William vs. Kisubika Joseph Civil Appeal No. 12 of 2014 Supreme Court of Uganda*).

The presentation also addressed the laws conferring jurisdiction on Magistrate Grade One Courts in Uganda, providing insights into the legal framework surrounding their jurisdiction. It was pointed out that Ugandan Courts have jurisdiction over offences committed in Uganda or connected to Uganda (Section 4 of the Penal Code Act) except for specific offences mentioned under Section offenses such as intent to alarm, annoy or ridicule the president, concealment of treason, and promoting war on chiefs.

She noted that the Constitution of the Republic of Uganda, 1995 under Article 129 (1) (d) empowers the establishment of subordinate Courts, including Magistrate Grade One Courts, as designated by Parliament. In addition, she alluded to the Magistrates Court Act (MCA), Cap. 16 stressing that Section 5 of the MCA details the constitution of Magistrate's Courts and that it was considered duly constituted when presided over by a legally empowered magistrate.

She went on to discuss the jurisdiction of Magistrates Grade One in civil cases and referred the participants to Section 207(1) (b) of the Magistrates (Amendment) Act, 2007, which provides that they have jurisdiction when the pecuniary value of the subject matter does not exceed UGX. 20,000,000 and Section 207(2) of the MCA which establishes that when a cause or matter is governed solely by civil customary law, the jurisdiction of a Chief Magistrate and a Magistrate Grade One is unlimited. She added that Civil Customary Law is defined under Section 1(1) (a), MCA.

The presentation referenced the case of *Koboko District Local Government vs. Okujjo Swali Misc. App. No. 001 of 2016* which emphasizes the unlimited jurisdiction of Magistrates Grade One in disputes governed by civil customary law. She noted that Section 207(3), MCA stresses that the plaintiff shall fix the value of the subject matter in the plaint and that where the Court thinks the relief sought is wrongly valued, the Court shall fix the value and return the plaint for amendment.

She cautioned the participants that in suits where the subject matter's value cannot be determined, no decree should exceed the pecuniary limits of the Court's jurisdiction and referenced Section 207(4), MCA.

The presenter generally noted that as provided under Section 208 of the MCA, Magistrate's Courts have powers to try all civil suits, except those explicitly or implicitly barred by the law.

The presenter also addressed the issues related to general damages, costs, and interest awards in the context of Magistrate Courts in Uganda; it was highlighted that a Magistrate cannot award damages that exceed their pecuniary jurisdiction and referenced the case of *Joseph Kalingamire vs. Godfrey Mulugusi HCCA 37/2003*. It was also stressed that Magistrates have the authority to award costs that go beyond their pecuniary jurisdiction as illustrated in the case of *National Medical Stores vs. Penguins Ltd. HCCA 29/2010*; and clarified that the award of interest is not limited by pecuniary jurisdiction.

In her presentation, she also covered aspects of criminal jurisdiction and sentencing powers of Magistrates Grade One in Uganda. The presenter noted that a Magistrate Grade One is empowered to try any offence, except those for which the maximum penalty is death or imprisonment for life (Section 161(b)), MCA, and could impose a sentence of imprisonment for a period not exceeding ten years or a fine not exceeding four million eight hundred thousand shillings, or a combination of both imprisonment and a fine (Section 161(1) (b), MCA).

It was also emphasised that Section 164 (1) outlines the procedure for committal for sentence where If a Magistrate Grade One, after convicting a person, believes that severe punishment is warranted for the offence, beyond their jurisdiction, they can commit the individual to a Court presided over by a Chief Magistrate who has the necessary jurisdiction for sentencing. The participants were urged to remand the accused persons in custody to appear before a Court that has the jurisdiction to try the offense in

instances where a charge is brought against a person in a Court that lacks jurisdiction to try the offense they are charged with (Section 166 MCA).

The presenter pointed out Section 75, MCA which discusses the powers of Magistrates to grant bail in criminal matters and highlighted "The Constitution (Bail Guidelines for Courts of Judicature) (Practice) Directions, 2022," which were launched by the Chief Justice in July 2022 that provide a framework for granting bail by Constitutional principles.

The presenter equally provided insights into the key aspects of jurisdiction and procedures related to civil cases under the Civil Procedure Act (Cap. 71) in Uganda. She noted that Section 4 of the Civil Procedure Act establishes the pecuniary jurisdiction of Courts and cautioned that unless otherwise expressly provided, the Act does not grant any Court jurisdiction over suits exceeding the pecuniary limits of its ordinary jurisdiction. This ensures that courts handle cases within their prescribed monetary limits.

She emphasised Sections 11 and 12 on the geographic and subject-matter-based jurisdiction of civil courts, Section 17 on the power to transfer suits that may be instituted in more than one court, Section 27(3) empowers the court or judge to grant interest on costs at a rate not exceeding 6 percent per annum, Section 33 which grants the court the authority to execute transferred decrees passed by another court, and Section 82 of the Civil Procedure Act which allows individuals who are aggrieved by a decree or order, whether appealable or not, to apply for a review of judgment to the court that issued the decree or order, and Section 99 which provides a mechanism for correcting clerical or mathematical mistakes in judgments, decrees, or orders, or errors resulting from accidental slips or omissions. The court can make these corrections at any time, either on its initiative or upon application by any party.

The presentation addressed key aspects of jurisdiction under the Children Act (Cap. 59). It was stressed that Section 93 of the Children Act addresses the criminal jurisdiction of the Family and Children Court which has the authority to hear and adjudicate on all criminal charges against a child, except for offences punishable by death, an offence for which a child is jointly charged with an individual over eighteen years of age. It was emphasised that Section 44(1) (a) of the Act clarifies that Family and Children Courts do not have jurisdiction to handle adoption matters. It was noted that Section 73 highlights that Magistrates Grade One has the jurisdiction to entertain custody matters.

The presenter considered the aspect of Jurisdiction under the Divorce Act Cap. 249. She hinged on Section 3 which provides that where all parties to a proceeding under the Act are Africans or where a petition for damages only is lodged under Section 21 of the Act, jurisdiction may be exercised by a court over which presides a magistrate grade I or a chief magistrate and cautioned the participants to always pay close attention to orders being sought in divorce petitions to ascertain whether the court has the necessary jurisdiction to adjudicate on the case.

The facilitator discussed the jurisdiction of granting probate or Letters of Administration under the Administration of Estates (Small Estates) (Special Provisions) Act (Cap. 156) in Uganda. Reference was made to Section 2(1) (b) of the Administration of Estates (Small Estates) (Special Provisions) Act, which proposes that the jurisdiction of the participants applies where the total value of the estate does not exceed 20 million shillings.

The presentation also highlighted the jurisdictional aspects of trying offences under the Anti-Corruption Act, of 2009. It was noted that jurisdiction to try offenses under this Act is granted to specific levels of

courts in Uganda as per Section 51(b) of the Anti-Corruption Act, that is, the High Court, a Magistrates Court presided over by the Chief Magistrate and a Magistrates Court presided over by a Grade One Magistrate.

The presenter also alluded to the Judicature (Small Claims Procedure) Rules of 2011, specifically Rule 5, which stipulates that Chief Magistrates and Magistrates Grade One have the jurisdiction to preside over cases whose subject matter does not exceed Ten Million Uganda Shillings. This rule equally defines the scope of cases that can be handled by these magistrates within the Small Claims Procedure framework.

She vehemently cautioned the participants stating that Magistrates should be aware that various statutes, such as the Uganda Wildlife Act, the Fish Act, the National Environment Act, 2019, and the National Forestry and Tree Planting Act, among others, vest jurisdiction in them to adjudicate cases related to these specific areas.

She emphasized that while some statutes provide magistrates with the authority to handle cases and may prescribe the sentences within their jurisdictions, others may exclude magistrates from trying certain cases despite falling within their jurisdiction. Magistrates need to be well-informed about the specific jurisdictional provisions of these statutes when handling cases related to these areas.

In conclusion, she noted that it is crucial to understand that jurisdiction is strictly prescribed by the law and cannot be implied. Jurisdiction serves as both a shield and a sword for judicial proceedings. Handling a matter without the necessary jurisdiction can lead to disciplinary proceedings. Continuous learning and consultation are essential because learning never ends in the legal profession. It's important to note that the power to transfer a case is only vested in the High Court. Therefore, when a magistrate realizes that they lack jurisdiction in a particular case, the appropriate remedy is to dismiss the case for want of jurisdiction.



A participant asks a question during the plenary session at the Induction training.

PLENARY

Concerns raised:

- Possibility of a review process in bail matters.
- Necessity of certificates of no objection for small estates.
- Ex gratia matters.
- Mandate of the judiciary disciplinary committee viz a viz the potential overlaps with the jurisdiction of the judicial service commission.
- Concerns about decisions impacting judicial independence.
- Transfer of files, handling files transferred between courts and jurisdiction.
- Reinstating cases.
- Jurisdiction in trespass cases.
- Handling of sureties where the accused abscond and forfeiture of bail deposits.
- Compensation orders, when do they arise and their implications?

Responses:

- Review of bail matters is possible under Section 82 of the Civil Procedure Act.
- Certificates of no objection are required in small estates (best practice), the process of their acquisition enables notification to all concerned parties.

- The Inspectorate in the Judiciary and the Judiciary Disciplinary Committee do not issue final orders, referring matters to the Judicial Service Commission for disciplinary action thus no overlaps.
- Participants were encouraged to adhere to the law while exercising judicial independence.
- Approach to transfer of files; the participants were advised that in cases where they did not have territorial jurisdiction, the remedy lies in dismissal and in instances where they did not have pecuniary jurisdiction or powers to try an offense, they could refer the file back to the allocating officer.
- Judicial officers are not functus officio after dismissing a matter for want of prosecution as the same can always be reinstated.
- Focus on the cause of action crucial in handling trespass cases and that pecuniary jurisdiction considerations depend on pleadings.
- In cases of imprisonment of sureties, the state bears the cost of maintaining the surety in prison and bail is forfeited to the state.
- Compensation can be awarded to the victims of wrongs; however, the participants were advised on the importance of providing reasons for compensation orders.

5.7 Case Management in Magistrate Courts by the Registrar High Court, H/W Rosemary Bareebe



H/W Bareebe started her presentation by congratulating the participants upon their appointment. She defined Management as the art of getting things done through and with people.

She described Case management as a comprehensive system of management of time and events in a lawsuit/case as it proceeds through the justice system from institution to resolution.

The presenter shared with the participants, best practices for case management such as case docketing/tracking, case scheduling, preliminary hearings, Alternative Dispute

Resolution, document management, dismissal for lack of progress, adjournments, civil contempt of court, cause listing and calendaring, conferencing, record keeping and archiving and adjudication.

H/W Bareebe listed the elements of case-flow management describing it as a process through which a case passes, from filing to completion and it must consider: -

- i) **Timeliness:** Justice must be delivered speedily, expeditiously and cost-effectively... (Article 28 of the Constitution of the Republic of Uganda, 1995)
- ii) **Timely delivery of judgments/rulings:** disposal of cases, 60 days' rule.
- iii) **Produce court records:** appeals/ executions.
- iv) **Timely reporting** to the CR through RMA

She took them through file management stating that for ALL documents filed on the file, they must be recorded on the left of the folder, chronologically according to the date of filing. Record all documents

brought on the file and if a document is tendered it is labeled accordingly, for example, Annexure 1 – Land Title that makes it easy to retrieve.

She added that Exhibits are tied on the right; written with the exhibit name; and align the title of the exhibit, and any other submission to the court. The clerk inserts the record after the proceedings; makes a label on the left-hand side and all documents are punched and tied on file.

She further discussed Court management stating that it refers to the administration of the courts and it includes all administrative activities “that create, maintain and utilize all resources required for arriving at court judgment and ruling.

She stated that it involves planning, organizing, coordinating, controlling processes and commanding/directing.

She added that the court environment involves Managing Funds – OP, Locus, etc.; Repair and maintenance of court property; Displaying court fee structures on notice boards; Holding regular meetings – Staff, finance, DCC, etc.; Managing inventory of Judiciary assets; Prepare management reports to CR; and Prepare and submit monthly case returns among others.

H/W Bareebe concluded her presentation by highlighting other roles of court case management which include: creating awareness of the court business. (Bail processes and refund, sessions, absence notices etc.) establish an open-door policy, predictable methods of complaint handling, involving stakeholders in administration of justice, prioritising cases of the most vulnerable and organising and participating in court open days.



A participant seeks clarification during the case management plenary session at the Induction training.

PLENARY

Concerns raised:

- Management and safekeeping of dangerous exhibits like guns and bullets in one-roomed Courts.
- Breakdown of locus funds.
- Officers soliciting bribes in the name of the judicial officers.
- Whether Magistrates assigned to the research function were entitled to session funds.
- Handling of cases where the accused absconds.

Responses:

- Properly record exhibits and ensure they are taken to a safe location for storage.
- Demand a breakdown when unsure about funds received and how they should be spent.
- Participants were urged to communicate informing litigants about not paying money to anyone, especially when asked for in the Judicial Officer's name. They were also advised to openly condemn and report any illegal business conducted in the court's name.
- Magistrates doing the research function are entitled to session funds when attending sessions with their principals and those facing payment issues were advised to report to the Registrar High Court.
- In cases of an accused on bail skipping court, reach out to the surety, and if unsuccessful, issue a warrant of arrest and decide whether to cancel bail or forfeit the sureties' money to the government.

5.8 Gender Perspective in the Administration of Justice by the Hon. Lady Justice Susan Okalany – Judge, International Crimes Division

Lady Justice Suzan Okalany started her presentation by congratulating the participants upon their appointment. She implored them to have humility, be teachable, competent, have integrity, create networks, and have knowledge, wisdom, and understanding in whatever they do.

She introduced the participants to the term “power” and the forms of powers, power with (being able to work together with others), power within (which is based on self-worth), power over (which is the control over others) and power to (to act upon something).

She stated that power belongs to people. It is therefore incumbent on Judicial Officers to exercise their power in a manner that recognises the inherent dignity and human rights of everyone regardless of status.

She defined access to justice as the ability of people to seek and obtain a remedy through formal or informal institutions of justice for grievances in compliance with human rights standards. She stated that access to justice is an essential component of sustainable development, recognised in Sustainable Development Goal (SDG) 16 and it involves normative legal



The Hon. Lady Justice Susan Okalany – Judge, International Crimes Division.

protection, legal awareness, legal aid and counsel, adjudication, enforcement, and civil society oversight.

She stated that access to justice can be compromised where the justice system discriminates against women, men, girls, or boys, or where the law or justice system does not take into account gendered economic, structural, and cultural barriers, access to justice is compromised.

She emphasised that one cannot talk about access to justice when citizens (especially marginalised groups) fear the system, see it as alien, and do not access it; The justice system is financially inaccessible; where individuals have no lawyers; where they do not have information or knowledge of rights; or where there is a weak justice system.

She highlighted the principles of access to justice which are: justiciability, good quality, availability, effective remedies, accessibility and accountability. She expounded on the meaning of the principles.

The facilitator stated that justiciability means women and men have equal rights under the law and can claim them while availability means Police, courts and affordable legal aid are available in both urban and rural areas and are properly maintained.

She added that effective remedies mean appropriate accountability for offenders, meaningful redress and protection (as needed) for complainants while accessibility means that the justice system is affordable and physically accessible, taking into account the needs of women including intersectional forms of discrimination (e.g. class, ethnicity, ability/disability, age, language). She also stated that accountability means the justice system, including justice service providers, is monitored and held to account for upholding rights based on these six principles.

She stated that access to justice can be improved through enhancing physical access to Courts, police stations, judges, prosecutors, defence counsel, court administrative staff (including interpreters) prisons, logistical support and public information capacity; mobile courts should also be undertaken to increase access to justice.

She added that it also can be enhanced through improved public confidence in the justice system. She added that Citizen-friendliness and the quality of institutions are as important as proximity to the population they serve. She stressed the need for better-prepared defence attorneys, more citizen-oriented court staff, more reasonable hours, and better information about the justice system.

She also hinted at the issue of legal awareness. She stated that Legal awareness helps counter misunderstanding and promote access to justice. She added that the Judiciary is currently doing an awareness campaign on the justice system through media, open days etc. She called for the use of local languages during such activities.

She advised the participant to increase access by referring litigants to legal aid providers and reminded them to always have remedies for any grievances.

The facilitator talked about gender justice. She began this topic by highlighting Uganda's ratification of most international treaties and conventions on human rights, which places a duty on all organs of the State to promote and protect the rights of both men and women to equality before the law and freedom from discrimination.

She added that the right of women and men to equal enjoyment of opportunities and resources is a key component of the right to equality and freedom from discrimination. She stated that Uganda's ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women (Maputo Protocol) signals its strong commitment to the promotion of gender equality in all spheres of government, including the justice sector.

She referred to Article 126 of the Constitution of the Republic of Uganda. She stated that participants should make sure that justice shall be done to all irrespective of their social or economic status; justice shall not be delayed; adequate compensation shall be awarded to victims of wrongs; reconciliation between parties shall be promoted; and substantive justice shall be administered without undue regard to technicalities.

She stated that despite a progressive legal framework, there remain significant barriers in the administration of justice that hinder both women's and men's ability to receive equitable outcomes from the justice system.

The adversarial nature of the court process can sometimes militate against the satisfactory resolution of conflicts between parties, for example in cases to do with Sexual and Gender-Based Violence. She emphasized that Court officials are most times not sensitive about the need to treat victims with special care, and court administrators often fail to design courtrooms to accommodate the special needs of victims. This act of sensitivity, coupled with inordinate delays in the court process, very often results in victims being victimized by the very process providing justice.

She also made reference to the definitions of gender and emphasized that people are born female or male but they learn to be boys or girls. It comes with training, from our homes/societies. She added that gender determines what we do and how we do it for example: - Expectations, Sexuality and sexual behaviour, Masculinity and femininity, Division of labour, power and Roles, statuses, norms and values.

She cautioned that gender is an important determinant of violence with implications for women and men. She added that gender inequality puts millions of women and girls at risk of violence globally. She added that gender norms, roles and relations can influence life conditions and opportunities for men and women and girls and boys that, ultimately, affect their behaviour, capacity and outcomes.

She differentiated the term between sex and gender. She stated that "Sex" refers to the biological differences between males and females. Sex differences are concerned with male and female physiology. She stated that gender is socially constructed while sex is biological, roles change in time and space but sex characteristics do not change, gender is influenced by wealth, class, age, education, race, ethnicity, religion and ideology while sex is determined by DNA, gender is assigned by human while sex is a natural fact.

She highlighted that common constructs of women due to gender include: - Good women are shy, do not talk about sex, are assigned reproductive/domestic roles, are virgins, virtuous, Dependent on men, Submissive, Quiet, Weak and vulnerable to violence.

She stated that consequences of femininity result in:- women's unpaid care work, type of education, etc.; Economic dependence on men (sex trade, cross-generational sex/sugar daddy phenomenon); Low self-esteem, timidity; Require permission to seek healthcare and Women cannot negotiate or discuss safer sex with spouses; Shut out of decision making in micro and macro spheres; Her entire life is

controlled by a man from the cradle to the grave; often valued as a means to an end and not an end in herself (baby factory), more exposed to stigma and discrimination (STIs are called women disease; prone to violence, rape, battery.

She highlighted that gender roles are socially defined roles for women and men. For example, most cultures define child-rearing as a female role, although there is no biological reason why men cannot do it.

She highlighted another gender concept known as gender division of labour which describes a pattern in which society assigns women one set of roles and men another set, based on gender. She highlighted that this is generally associated with a grossly unequal distribution of rewards. For instance, many societies expect women to perform most of the unpaid domestic work and subsistence food production, whereas men are dominant in cash crop production and wage employment.

The facilitator also referred to gender stereotypes. She stated that Stereotypes reduce a person to a mere instance of a characteristic. She added that gender stereotypes are socially constructed beliefs about men and women. She expounded that they are constructed through sayings, songs, proverbs, the media, religion, culture, customs, education, drama, etc.

The facilitator also talked about gender discrimination. She stated that this is where individuals are treated differently based on their sex. In many societies, this is maintained by structural discrimination against women in the distribution of income, access to resources and participation in decision-making.

The facilitator defined gender analysis as a critical examination of how differences in gender roles, activities, needs, opportunities and rights/entitlements affect women, men, girls and boys in certain situations or contexts. She added that gender analysis examines the relationships between females and males and their access to and control of resources and the constraints they face relative to each other. A gender analysis should be integrated into all sector assessments or situational analyses to ensure interventions do not exacerbate gender-based injustices and inequalities, and that, where possible, greater equality and justice in gender relations are promoted.

She added that the gender gap is the difference between women and men as reflected in social, political, intellectual, cultural or economic attainments or attitudes. For example, we can measure the gender gap between boys and girls in terms of the educational levels achieved.

Gender-sensitive indicators are signals that help to measure gender-related changes in society over time e.g., female-male literacy gaps. They are important because they measure gender equality.

She talked about strategic and practical gender needs. She stated that practical gender needs refer to needs of immediate interest – safe water, food, health care, cash income – essential to improving living conditions of women, but in itself cannot change the prevailing disadvantaged (subordinate) positions of women while strategic gender needs are those that women themselves identify as due to their subordinate position to men in their society. They relate to issues of power and control, and exploitation under the sexual division of labour.

The facilitator highlighted gender equality as the state or condition that affords women and men equal enjoyment of human rights, socially valued goods, opportunities, and resources. She stated that Gender equality is a fundamental human rights principle enshrined in the constitution of the Republic of Uganda and binding human rights treaties to which the Government of Uganda is a party, and is committed in light of its several laws, policies and institutional frameworks.

She cautioned that gender equality does not mean that women and men will become the same but that women's & men's rights, responsibilities and opportunities will not depend on whether they are born male or female.

She highlighted some of the key terms of gender equality: - Parity, Equity, and Equality.

She expounded that gender Equity is the process of being fair to women and men. She stated that it means that a fair sharing of resources, opportunities and benefits according to a given framework, is Measurable and manifested in parity, it is one of the measures of equality, it recognizes the different needs and interests of men and women, and requires a redistribution of power and resources.

She highlighted what gender equity means in access to justice. She expounded that it is the Integrating of a gender perspective in the justice sector by doing the following: -

- Improve security and the rule of law, by facilitating equal access to justice;
- Counter impunity for crimes, in particular crimes of GBV, and improve protection against such crimes;
- Contributes to laws which protect the rights of everyone; and
- Make justice institutions representative, effective and fair.
- She stated that this would result in gender-responsive adjudication.

She stated that gender neutrality is understood as general neutrality in a law, policy or conduct means said law, policy or conduct applies to both women and men. There is an assumption that laws, policies or conduct that are gender-neutral do not have a discriminatory effect. Women and men experience the world differently and, as such, laws, policies or conduct will invariably have different impacts on them. Sometimes, gender-neutral laws, policies or conduct will reinforce women's and men's privileges and vulnerabilities.

She also highlighted gender blindness refers to not discriminating or distinguishing between different genders. A gender-blind approach is a failure to recognise that the roles and responsibilities of women/girls and men/boys are 'assigned' to them. In a world where disadvantage or privilege is attached to gender, a gender-blind approach will not achieve substantive equality.

The facilitator called the participants to use a gender lens. She stated that gender lens reveals how content and approaches are gendered – informed by, shaped by, or biased toward men's or women's perspectives or experiences. It is often useful to question the implicit assumptions and observations that may present a gender bias.

She defined a gender-sensitive approach as one that attempts to redress gender inequalities by taking into account the specificities of women's and men's experiences and needs. It requires paying attention to the different roles and responsibilities of women/girls and men/boys that are present in specific social, cultural, economic and political contexts. This approach is required if women are to be guaranteed universal human rights and to be free from discrimination.

The facilitator expounded on the meaning of gender-responsive adjudication. She defined gender-responsive adjudication *as the process where a judicial officer recognizes how gender can result in different privileges and opportunities (and disadvantages) for women and men and thereafter uses various courtroom strategies to redress existing gender inequalities in a case.*

She added that Gender Responsive adjudication requires *using a gender lens* in adjudication that reveals how content and approaches are gendered, informed by, shaped by, or biased toward men's or women's perspectives or experiences. It is often helpful to question the implicit assumptions and observations that may present a gender bias.

She stated that gender-responsive adjudication has four principles: equality, non-discrimination, state obligation, and judicial impartiality.

She expounded that the principle of equality requires equal treatment for equals, different treatment for those who are differently situated, and special treatment for groups who, though they are considered equal from one perspective, deserve special treatment from the State.” To give full effect to Uganda’s equality provisions, courts are encouraged to use a substantive approach. The substantive approach encourages the courts to consider the impact/effect of the law or conduct on either the individual or a group. Looking at the impact/effect of the law or conduct will entail the court considering, among other things: - the social context within which the law operates; any existing power imbalances, and whether there is a need for the court to step in to ameliorate disadvantages that serve to hinder the ability of the individual or group to have equal opportunity to access resources or socially valued goods.

She stated that people in our courtrooms are looking at us and they are waiting for justice so it is important that at all times, we are seen to be fair and just.

She highlighted the principle of non-discrimination. She stated that the principle of non-discrimination is reflected and guaranteed by Article 21 of the Uganda Constitution.

She stated therefore that Judicial Officers must be aware of how gender intersects with other statuses or personal characteristics that create both privileges and vulnerabilities for women and men. They must understand diversity in society and differences arising from various sources. They should also keep themselves informed about relevant developments in international law, including international conventions and other instruments establishing human rights norms and, within any applicable limits of constitutional or other conformity to such norms as far as is feasible.

The facilitator also talked about state obligation which mandates judicial officers to implement the provisions of the international treaties.

She demonstrated how a judicial officer can apply state obligation. She stated that once Uganda incorporates its international obligations into national law, the judiciary is bound to apply, where applicable, the terms of the international treaty. She added that as a source of international law, customary international law is also available to be applied in domestic law, in appropriate circumstances.



One of the participants raises a challenge and seeks guidance on handling gender based cases during the plenary session at the Induction training.

PLENARY

- A participant shared their personal experience related to gender inequality.
- Magistrates were urged to promote equitable grounds for everyone in their courts.
- Emphasis was placed on applying a gender lens without crossing ethical boundaries.
- Encouragement for participants to thoroughly read the facilitator's presentation to grasp the subject.
- The participants were urged to recognize that not all cases involve gender issues, but when they do, they should not be dismissed.

DAY FOUR

5.9 Independence of the Judiciary and Judicial Accountability by the Deputy Registrar, Judicial Service Commission, Dr. Ginamia Melody Ngwatu



Dr. Ginamia Melody Ngwatu – Deputy Registrar, Directorate of Complaints, Investigations and Disciplinary Affairs – Judicial Service Commission.

Dr. Ginamia Melody Ngwatu, from the Directorate of Complaints, Investigations and Disciplinary Affairs representing the chairperson Judicial Service Commission congratulated the participants upon their appointment and urged them to always resolve complaints whenever they arise.

Her presentation addressed the legal framework that governs judicial independence and accountability and sought to examine the core concepts of judicial independence and accountability and explore opportunities for further enhancing these principles.

She noted that the Judiciary, as one of the branches of government, bears the following responsibilities: adjudication over disputes, protection, and promotion of human rights and freedoms, provision of judicial review of administrative actions as a remedy, ensuring the proper administration of justice, and strengthening the observance of the rule of law.

The presenter underscored the legal framework governing judicial independence and accountability in Uganda, namely, the Constitution of the Republic of Uganda, Judicial Service Act, 2005, the Judicial Service Commission Regulations SI No. 87 of 2005, the Judicial Service Commission (Complaints and Disciplinary Proceedings) Regulations, SI No. 88 of 2005, the Administration of Judiciary Act, 2020, the Public Service Act, 2008, the UN Basic Principles on the Independence of the Judiciary, the Uganda Code of Judicial Conduct, the Uganda Public Service Standing Orders, 2021, the Code of Conduct and Ethics for Uganda Public Service and the Administrative instructions.

The facilitator highlighted the legal and constitutional provisions governing judicial independence and accountability. She noted that judicial independence is asserted under Article 128 of the Constitution. That Article also prohibits interference with the courts or judicial officers in the exercise of their judicial functions, requires organs and agencies to assist the courts to ensure their effectiveness, and provides protection to judicial officers against personal liability for their actions.

It was further articulated that flowing from the same provision of law, administrative expenses for the judiciary are charged on the consolidated fund, ensuring financial autonomy, granting self-accounting status to the Judiciary, further enhancing its financial independence, ensuring that the terms and conditions of service for judicial officers are not varied to their disadvantage, protects judicial officers from being abolished when there is a substantive holder of the office, reinforcing job security, the enactment of the Administration of the Judiciary Act, the Judicial Oath and the Uganda Code of Judicial Conduct.

She tasked the participants to scrutinise the Judicial Oath that they took before assuming office and urged them to continue making reverence to it in the course of their duties. She added that the judicial code of conduct lays a clear distinction between institutional independence and individual independence.

The presenter pointed out that Judicial immunity serves as the cornerstone of judicial independence and plays a crucial role in safeguarding the integrity of the judiciary. She noted that this immunity provides comprehensive protection to judicial officers in the execution of their judicial duties and emanates

directly from the judicial oath, ensuring that judicial officers can carry out their responsibilities without any fear or bias.

She implored the participants to study the case of *H/W Aggrey Bwire vs. AG & Judicial Service Commission (SCCA No. 8 of 2010)*, in which Justice Kitumba, JSC, emphasized that *judicial independence and immunity are not personal privileges but rather obligations imposed on every judicial officer*. These obligations empower them to impartially and honestly adjudicate disputes based on the law and evidence, free from external pressures or influences, and without apprehension of interference from any quarters.

The facilitator made mention of threats to judicial independence and noted that they encompass various factors that can compromise the autonomy and impartiality of the judiciary. These challenges include: adverse press coverage of cases potentially influencing public opinion and perceptions, public condemnation of judges and judicial officers, undermining their independence, adverse commentary and discussion of court decisions on social media platforms, which can sway public sentiment, legal practitioners, who are officers of the court, sometimes engage in discussions about ongoing cases, disregarding the sub judice rule, peer pressure, pressure from stakeholders, donor Influence, delays or inadequate provision of funds for court operations, external rating reports such as private performance scorecards, like the Judiciary Scorecard Report 2019, may evaluate individual judges' performance using methods that are not always reliable, and poor professional ethics and conduct among lawyers, who are officers of the court, can affect the judicial process.

The facilitator considered Article 126 of the Constitution of the Republic of Uganda and noted that it establishes the principles of judicial accountability, emphasizing the people's role in empowering the judiciary. She highlighted the key principles of judicial accountability under the Uganda Code of Judicial Conduct to include: Impartiality which ensures fair decision-making, Integrity, Propriety, Equality, and Competence and Diligence.

She took the participants through additional Constitutional provisions related to judicial accountability and drew a contrast between Article 147(1) (a) which empowers the Judicial Service Commission to advise the President on the exercise of disciplinary control and removal from office of specified officers in the Judiciary and Articles 148 and 148A that grant the Judicial Service Commission authority to exercise disciplinary control over other judicial officers and Judiciary staff.

She also drew the participants' attention to the Administration of the Judiciary Act, specifically Section 14, which aligns the standards of service with the Constitution and mandates the promotion of honesty, integrity, and transparency in the judiciary.

The presenter notified the participants about the essential role of promoting Judicial Independence and Accountability performed by the Judicial Service Commission which takes the form of; appointment and disciplinary function, review function, education function, complaints management function, and advisory Function. These roles collectively uphold the principles of judicial accountability, independence, and effective administration of justice. The commission's multifaceted functions are integral to maintaining a fair and efficient judicial system in Uganda.

The speaker educated the participants on the legal regime governing the disciplinary process for judicial officers in Uganda as a crucial framework that upholds accountability and integrity within the judiciary and included: The Constitution of the Republic of Uganda, the Public Service Act, Cap 282, the Judicial

Service Act (Chapter 14) and associated regulations, the Public Service Standing Orders, and Administrative instructions.

She articulated the provisions relating to the Conduct of Judicial Officers and stressed that Article 144(2) of the Constitution provides grounds for the removal of judicial officers, which include misbehaviour, misconduct, and incompetence. She also noted that the Judicial Service (Complaints and Disciplinary Proceedings) Regulations No. 88/2005 outline the grounds for lodging complaints against judicial officers, including improper conduct, corruption, abuse of office, neglect of duty, and maladministration of justice.

The facilitator was candid on Regulation 23 of the Judicial Service Commission Regulations SI 87 of 2005 which identifies 14 disciplinary offences that judicial officers can be subject to. These offences encompass various forms of misconduct and breaches of conduct, such as insubordination, late coming, abuse of authority, nepotism, favouritism, corruption, and more. She also gave specific examples of disciplinary offences that included delayed delivery of judgments and rulings, solicitation and acceptance of bribes, absenteeism, and a lack of integrity in private financial transactions.

In addition, she tackled Regulation 31(1) of the Judicial Service Commission Regulations No. 87/2005 which outlines the sanctions that may be imposed on judicial officers found guilty of disciplinary offences. She noted that sanctions include dismissal, suspension, and reduction in rank, salary adjustments, reprimands, and orders for compensation among others.

Ms. Melody informed the participants of the efforts taken and proposals made in relation to the promotion of judicial independence and accountability within the judiciary by the Judicial Service Commission. She mentioned that the Commission submitted proposals to Cabinet for the amendment of the Judicial Service Commission (JSC) Act and related regulations, aiming to enhance judicial independence and accountability, that regular inspections of courts and justice sector institutions, including prisons, have been conducted to ensure adherence to established standards and promote accountability, that the Administration of Judiciary Act has been operationalized, providing a legal framework for the administration of the judiciary, the establishment of the JSC Anti-corruption Committee and the development of an anti-corruption policy and strategy demonstrate the commitment to combat corruption within the judiciary, and that education and training programs have been conducted for both judicial officers and the public to raise awareness and empower stakeholders.

She further articulated that several proposals had been made with the aim of promoting Judicial Independence and Accountability of the Judiciary and that these include: strengthening the disciplinary mechanism by enhancing linkages between the Commission and the internal disciplinary mechanism of the judiciary to improve the effectiveness of addressing misconduct, reviewing of the composition of the Commission to make it more permanent and strengthen its ability to carry out its functions effectively, collaboration with Anti-corruption agencies through formation of alliances with other anti-corruption agencies to strengthen efforts in combating corruption, the creation of the JSC academy to provide training to various stakeholders involved in the judicial process and profiling of Judicial Officers for the purpose of tracking and assembling evidence that can be used for disciplinary actions and sanctions.

The presenter acknowledged that there were institutional measures that needed to be addressed and these include: the Operationalization of Article 127 which provides for people's participation in the administration of justice, ensuring that funds for the judiciary are guaranteed within the Constitution to secure financial independence, enhancing judicial independence by upholding the sub judice rule and

limiting discussions on ongoing court cases, and involving the Judicial Service Commission in the monitoring of the performance of judicial officers to ensure accountability and professionalism.

The facilitator demystified the recognition and assertion of the concepts of judicial independence and accountability within the context of the Judicial Service Commission (JSC) and emphasized that the JSC recognizes and balances the principles of judicial independence and accountability by applying specific admissibility criteria to complaints (Regulation 11 of the JSC Regulations No. 88/2005), conducting thorough investigations, upholding natural justice (Section 12 of the JSC Act), and providing avenues for appeal (Regulation 18 of the JSC Regulations). She emphasized that the Uganda Code of Judicial Conduct serves as a guiding framework, and all stakeholders are actively involved in promoting ethical conduct and accountability within the judiciary.



Dr. Ginamia Melody Ngwatu making her presentation to the newly appointed Ag. Magistrates Grade One at the Induction training.

PLENARY

Concerns raised:

- Specificity of offences within the Judicial Service Commission (JSC) Regulations.
- Non-appointment of serving officers to the upper bench.
- Managing controversial issues amidst district officials and political pressure.
- Dealing with cases related to witchcraft.
- Impact of appearing before the JSC on one's record.
- Handling orders from appointing authorities.
- Being held accountable for actions under superiors' orders.
- Time taken by JSC to resolve complaints.
- Perceived harshness on the lower bench for late delivery of judgments.

- Eligibility of judicial officers to serve on boards.
- JSC's mandate over state attorneys.
- Whether Magistrates could write to JSC about staff.
- Managing rude and arrogant Chief Magistrates.
- Addressing absenteeism.
- Availability of counselling services within the JSC.

Responses:

- JSC rules focus on the propriety of charges, with a lower threshold for disciplinary charges.
- Appointment of serving judges to the upper bench is within the prerogative of the president, and JSC maintains quotas for fairness.
- Participants were advised to act within the law, document instances of witchcraft, and consider the circumstances of each case.
- Emphasis was had on judicial officers being predictable in operations and having a support system.
- Acknowledgment by JSC of the challenges and trauma faced by its members, even though there is no dedicated counselling department.

5.10 Criminal Trial Procedure and Practice (Plea taking up to conviction/acquittal) by the Hon. Justice Michael Elubu, Head, Criminal Division

Justice Michael Elubu addressed the participants, congratulating them on their appointments as magistrates grade one. He shared insights from his experience in handling criminal matters, emphasizing the importance of the pre-trial stage as the foundation for a successful trial session.

He stressed the significance of the case listing process, which involves assessing the court's caseload, identifying cases for listing based on the "first in, first out" principle, and coordinating with stakeholders to ensure that all necessary files and information are available. This collaborative effort helps eliminate cases with no merit, streamlining the final cause list for public notice.

Before trials commence, Justice Elubu highlighted the need for a pre-session meeting involving relevant stakeholders or their representatives, such as the prosecution, defence counsel, prisons, assessors specific to the High Court), court clerks, probation officers, and more. Each stakeholder presents their level of preparedness to address pre-trial critical issues, including the disclosure of evidence.



The Hon. Justice Michael Elubu,
Head Criminal Division.

Regarding preliminary matters, Justice Elubu emphasised the judicial officer's responsibility to establish territorial and criminal jurisdiction, ensure the validity of charges, and follow proper procedures for plea-taking. He cautioned that an accused person must understand the charges and respond personally during plea-taking, ensuring that the plea of guilty is unequivocal and well-documented. Failure to follow this process could result in an appeal.

Justice Elubu also discussed various pleas, including those involving pardon, autrefois acquit/convict, and amnesty, highlighting that an accused person may change their plea or offer to plead to a lesser offence at any stage during the trial.

The facilitator delved into the bail procedure, emphasising that bail may be granted at any stage, provided certain considerations, including the gravity of the offence, are taken into account. He advised participants on the suitability of sureties and their obligations. In cases involving children, he stressed that remanding a child should only happen in rare circumstances and never via cash bail.

The facilitator also addressed mandatory bail and the submission of files to the High Court in relevant cases, as well as the procedure for adjournments. He underscored the importance of avoiding delays in the trial process and provided considerations for granting adjournments.

Justice Elubu explained the process of plea-taking, including voice dire for child witnesses and conducting a trial within a trial for repudiated or retracted confession statements. He also touched on the importance of corroborating accomplice evidence.

He addressed the admissibility of evidence, particularly the need to ensure a continuous chain of evidence for exhibits, and he distinguished between exhibits and articles marked for identification.

At the close of the prosecution's case, Justice Elubu emphasized the defence's right to make a submission of "No Case to Answer" and cautioned against frivolous complaints regarding these rulings. He clarified that there is no right of appeal in interlocutory applications in criminal matters.

Justice Elubu also discussed the duty of the court to protect the fair trial rights of the accused, including facilitating their meeting with defence counsel and ensuring full disclosure.

Finally, he defined judgment as a reasoned pronouncement on disputed legal or factual questions, noting that it forms the basis of determining an accused person's guilt or acquittal.

Justice Elubu's presentation provided a comprehensive overview of various critical stages and considerations in handling criminal cases.



His Lordship Michael Elubu taking the participants through his presentation at the induction training.

PLENARY

Concerns raised:

- Whether accused persons are required to sign the court record during criminal trials.
- Concerns about the amendment of charges and the authority of the Office of the Director of Public Prosecutions (ODPP) in this regard.
- The tenability of a change of plea and the timing for such changes.
- Consideration of elements of the offence before entering a plea of guilty.
- Denying bail when the complainant is present and the court's discretion.
- The role of the investigating officer in bail hearings and their presence when using affidavits.
- Handling mentally challenged accused persons.
- Dealing with spouses as witnesses.
- Procedure when an accused changes their plea after hearing one witness.
- The role of counsel in Watching Brief and their relationship with the state attorney.
- Handling hostile witnesses and the need to apply to cross-examine them.

Responses:

- Accused persons do not sign the court record.
- ODPP has the authority to amend charges before judgment.
- A change of plea can occur at any time, as long as the judicial officer is not functus officio.
- If all essential elements are present, a plea of guilty can be entered.
- The presence of the complainant does not take away the court's discretion in denying bail.
- Investigating officers play a role in bail hearings, and their presence is required when using affidavits in objection to bail.
- Proper procedures, including ordering investigations into the mental status of accused persons should be followed.
- On the issue of dealing with spouses as witnesses, the participants were encouraged to always caution spouses on giving evidence and to follow established legal procedures.
- The participants were advised that Counsel on Watching Brief acts for the complainant and works alongside the state attorney.
- Justice Elubu cautioned the participants to always proceed with state attorneys present. He added that witnesses can be recalled, but litigation should eventually come to a conclusion. He emphasized the importance of having state attorneys in different stations, suggesting collaboration between the Judiciary and ODPP for this purpose.

5.11 Handling of child victims and witnesses by the Hon. Lady Justice Damalie N. Lwanga, Executive Director, JTI



Justice Damalie Nantudde Lwanga began by highlighting the legal framework that protects children. She stated that under the Uganda Children Act, a child is a person below the age of 18 years. She added that Uganda is a party to several international and regional standards for protection of the children and has enacted child friendly laws intending to promote the rights of children.

She highlighted that children are protected under the Children Act, and that child victims and witnesses are also entitled to protection in the justice system, including the courts.

The facilitator gave different scenarios of how children get involved in court:

- Children may get involved when they get in conflict with the law (juvenile offenders)
- When they get in contact with the law to testify in civil cases for example custody.
- When they are victims or witnesses in criminal cases like murder, child sexual or physical abuse, property related crimes, or crimes relating to mental/psychological harm, for example, pornography.
- Children are often victims and witnesses in crimes committed by people close to them for example, parents, guardians, relatives, teachers or child care personnel.

The facilitator noted that children who are abused while young are more likely to be abusers when they grow up. She stated that witnessing offences such as murder can have a negative effect on a child that can persist till adulthood. She gave an example that in the case of Suzan Kigula, it was found that the child witness was undergoing episodes of PTSD since the murder of his father. She stated that children receive additional trauma from delays in hearings and the adversarial justice system.

She highlighted that trauma may manifest in the following ways: agitation, hostility, outbursts, difficulty sitting still, withdrawal or indifference, lack of eye contact, inattentiveness, memory loss and fragmentation of memory among others.

The facilitator highlighted the vulnerability of children. She stated that vulnerability has a large effect on how children experience justice in court. She said children are vulnerable by virtue of their age and depend on adults for their welfare. She added that children's brains are not fully developed. They also have a lot of needs and development process. She added that in addition to the above, child victims and witnesses in criminal cases are vulnerable witnesses because of the nature/effects/circumstances of the offences or evidence involved; and the adversarial nature of the justice delivery process.

She talked about the vulnerability of child victims/witnesses some of the scenarios she stated are as follows:

- Children victims/witnesses of crimes may be affected by emotional pressure, intimidation or threats by the offender or his/her family or the community and adversarial justice system.
- Due to the trauma and stigma resulting from the offence the child may develop long-term fear, low self-esteem, loss of trust, anger, depression, shame, powerlessness, dissociation, embarrassment etc.
- The child might develop feelings of guilt even where he/she is the victim of crime e.g. sexual abuse.
- The child might fear/hate seeing the abuser or testifying against him/her due to threats or the nature of the offence.
- The child might lose trust in certain people, or lose interest in activities that are necessary for their development.
- The child might wish to simply forget the incident(s) rather than be reminded of it over and over (secondary trauma).
- The child might lose interest in the case due to unfriendly/poor handling during the legal process.

The facilitator stated that it is because of the above that children victims/witnesses are protected.

She highlighted the relevance of Section 40(1) (a) of the MCA in the protection of children as witnesses in courts. She cautioned the participants about allowing the press and the public while a child gives evidence. She also called for the participants to be more informed when it comes to children.

She encouraged those who have audio-visual to use them and also familiarise themselves with Judicature (Visual – Audio Link) Rules. She stated that this makes it optional for children to be present physically in court. She stated that the above rules also allow the Court to adopt child-friendly procedures, including examination being done through an intermediary if necessary (See Rule 15(1)). Above all, she called for participants to examine the children in a manner appropriate for the age or

mental ability of the child. She emphasised the need for building rapport before court begins, protecting children from intrusive and inappropriate questions.

The facilitator highlighted the need for child-friendly services. She stated that child-friendly services are central to the protection, assistance and access to justice for child victims of offences and witnesses. She added that these child-friendly services promote children's rights – protection from harm for example, secondary trauma, mitigating the effects of the abuse, and addressing their development needs.

The facilitator stated that child-friendly services ensure the children's cooperation throughout the legal process, for successful trials of their abusers or other offenders. A friendly environment helps build trust and confidence amongst court users and children.

The facilitator highlighted that failure to report a case does not mean that the act never happened. A child may fear to report in time due to fear of the perpetrator, or the reaction of the parents, community or law enforcement.

She shared some best practices and these included:

- At court, the child should be kept in a child-friendly environment/waiting room, depending on his/her age.
- Do not keep the child waiting for long before taking his/her testimony.
- Ensure that the child is fed before giving his/her testimony.
- Conduct court in a child friendly/ordinary attire for a conducive court environment: avoid court robes.
- The child's attention span and pace should be taken into account.
- Avail drinking water and tissues.
- Choose the best position for the child in court for him/her to feel safe.
- Proceedings should be held on camera or through Visual – Audio Link.
- Allow the child to be accompanied by a support person in court, to maintain his/her confidence and a feeling of security, and to take care of the child's other concerns.
- Let the child know his/her role and that of the court; and the value of his/her testimony to the court
- Develop rapport with the child victim/witness to build her/his trust/confidence, in the court.
- In cases involving young children of tender years, the voice dire is a good opportunity for the court to develop rapport with the child victim/witness.
- Ensure the use of age-appropriate language and questions in court, including during the voir dire.
- Avoid intimidating commands to the child.
- Protect the child from unfair and embarrassing questions.
- Disallow victim-blaming statements or questions to the child.
- Apply a trauma-informed approach, to ensure the child feels safe and that his/her concerns are taken care of.

She concluded by stating that the handling of child victims and witnesses in court plays a vital role in the success of the cases in which they are involved; by addressing their unique needs, and ensuring the protection of their rights. She stated that there are no adequate laws or guidelines to provide for the handling of child victims and witnesses (like children in conflict with the law are provided for), but the development of guidelines is ongoing.



A participant raises a question at the induction training.

5.12 Juvenile Justice Law and Practice by the Hon. Lady Justice Margaret Mutonyi - Judge Criminal Division.

Justice Mutonyi stated by reminding participants that as judicial officers they need to master the legal framework and policy on juvenile justice and apply it judiciously.

She highlighted that adolescent boys who get in contact with the juvenile justice system are much more likely to graduate to the adult judicial system than girls.

She stated that to avoid juvenile recidivism, once the case has come into the formal system, it is important to focus on the cause of juvenile criminal activity and provide juvenile services they need, to help them permanently leave crime behind. She added that the courts should therefore focus on and promote interventions within the law rather than incarceration which should be the last resort.

She stated that the term “children in conflict with the law” refers to a situation where a person below 18 years comes into contact with the criminal justice system as a result of being suspected or accused of committing an offence and as such, they are exposed to the criminal justice processes.



The Hon. Lady Justice Margaret Mutonyi – Judge Criminal Division.

She highlighted areas of interest in this area. The 1st area of concern was the age of criminal liability. A child is a person below the age of 18 years (Article 257 (1) of the Constitution and Section 2 of the Children Act Cap 59). The minimum age of criminal liability is 12 years (section 88 Children Act). She warned the participants about the importance of ascertaining the age of the accused prior to taking a plea if the accused appears to be a juvenile.

She stated that the age which is considered is the age of the person at the time the offence was allegedly committed (See *Uganda Vs Oketcho Benard*, HCT-00-CR-JSC-0344-2020). She stated that one of the key challenges a judicial officer will face is the ascertainment of age. This problem is compounded by the poor birth registration culture in Uganda.

She emphasized the role of the court in ascertaining the age of a child (Sections 88 (2) and Section 107 (1) & (2) of the Children Act) and in so doing the court can use a birth certificate, school records, health records, statements certifying age from parent or child or medical evidence (Section 88 (3) of the Children Act; See *Otim Moses Vs Uganda Criminal Application No 14/2018 (arising from Criminal Appeal No 6/2016) pages 20 – 24*).

She advised that ascertaining age will ensure that children below 12 are not subjected to our criminal system and those below 18 are not detained with adults thereby violating their constitutional rights as children and also unnecessary detention on remand.

The facilitator also highlighted the role of local council courts in criminal justice for children. She highlighted that criminal jurisdiction of Local Council Courts as courts of the first instance is provided for under Section 92 (2) and (3) of the Children Act which restricts them to the following offences. Their jurisdiction is provided for under Section 10 of the Local Council Courts Act 2006. The offences they handle are provided for in the second schedule to the Act. She highlighted that where an offence is proved against the child, in the Local Council court, they can make the following orders: - Reconciliation; Compensation; restitution; community service; apology; or caution. She cautioned that a local council court shall not make an order of remanding a child in custody.

She stated that magistrates' courts rarely respect the jurisdiction of local council courts. She encouraged the participants to always divert the cases above to the local council courts at the earliest opportunity as they play their supervisory role.

The facilitator commented on the criminal jurisdiction of the Family and Children court. She stated that the FCC has jurisdiction to hear and determine all criminal cases against a child except those punishable by death and those for which a child is jointly charged with an adult (See: Section 93 of the Children Act).

The facilitator highlighted that the country has 8 remand homes (Arua, Gulu, Naguru, Mbale, Kabale, Masindi, and Fort Portal) and only 1 child rehabilitation centre. She called upon the participants to inspect remand homes. She cautioned the participants against remanding children pending trial.

She stated that when a child appears, the court should release him/her on bail on a court bond on a child's own recognizance or with sureties, preferably the child's parents or guardians who shall be bound on a court bond *not cash*. She added that in case the court must remand a child, remand in custody shall not exceed 3 months for offences punishable by death; and for 45 days in any other offence.

She implored the participants to use child-friendly language and pseudo-names. She stated that the court should not use words such as “conviction” and “sentence” instead the words “proof of an offence against a child” or “order” shall be substituted respectively (See section 101 of the Children Act; *BN V Uganda Court of Appeal Criminal Appeal NO 381/2016*). She also noted the right to privacy (See Section 102 of the Children Act).

She implored the judicial officers to avoid using the names of the children while handling cases involving children. You can choose to use abbreviations. Have proceedings in camera, not in open court to avoid publicity. She cautioned that in cases where a judicial officer has no child-friendly setting, they can use chambers.

She noted the relevance of probation and social welfare officer’s Reports are mandatory. This is concerning Section 20 of the Children Act. She stated that it is very important to consider these reports since they might inform the court about the child’s upbringing, and whether he or she needs support instead of imprisonment.

The facilitator gave the international and national legal framework on juvenile law. These included: - The United Nations Convention on the Rights of the Child, The African Charter on the Rights and Welfare of the Child, The UN Standard Minimum Rules for the Administration of Juvenile Justice (The “Beijing Rules”), The UN Guidelines on the Prevention of Juvenile Delinquency (“Riyadh Guidelines, The Constitution of the Republic of Uganda, 1995, as amended, The Children Act, Cap 59 as amended by Act 9 of 2016.

She encouraged the participants to invoke international treaties where our national laws are silent on some aspects.

She also highlighted the role of the police (Section 89 of the Children Act). She stated that the police play a key role in juvenile justice as the first point of contact in the formal justice system. She added that the police have powers to dispose of cases at their discretion without recourse to the formal court hearings (Section 89 of the Children Act). On this note, she encouraged the participants to always find time and train police officers about their roles in the criminal justice system and among others - diversion, mediation, reconciliation of the parties involved, caution and release of the child. She highlighted the presence of diversion guidelines for non-capital offences and implored the participants to disseminate the same to the police to avoid clogging the criminal justice system with juvenile cases.

She stated that the following orders can be given against a juvenile offender:- Absolute Discharge, Caution, Conditional discharge for not more than twelve months, Binding the child over to be of good behaviour for a maximum of 12 months, Compensation, restitution or fine, taking into consideration means of the child (not the means of the parents), but no order of detention shall be made in lieu of payment of a fine, Probation order in accordance with the Probation Act, this does not require a child to reside in the remand home., Detention for a maximum of 3 months for a child below 16 years and a maximum of 12 months for a child above 16 years, Detention for a maximum of 3 years for an offence punishable by death in respect of ANY child (See Section 94(1) (a) to (g) of the Children Act). She cautioned the participants that they should have very few custodial orders in the rare of the rarest cases. See *BN V UGANDA in Court of Appeal Criminal Appeal No. 381/2016 Supra*.

The facilitator shared good practices in making a child-friendly environment: - Don’t wear your black robes, Encourage Close relatives (parents/guardians) to accompany children, Probation and Social welfare officers to prepare social inquiry reports, Cases must be handled in chambers, to ensure the

right to privacy is upheld, in making appropriate court orders let the welfare principle of the child be your guide. She urged the participants to think outside the box and find a just and fair solution for a child. She called upon quick disposal of cases involving children (Section 99 of the Children Act).



JOINT PLENARY

Her Lordship Margaret Mutonyi making her presentation at the Induction training.

Issues raised:

- Balancing situations where children are not wanted at home but don't deserve remand.
- Verifying the accuracy of medical information.
- Lack of resources for the Probation and Social Welfare Officer (PSWO).
- Challenges when LC Courts have jurisdiction but circumstances prevent their involvement.
- Supervisory powers over LC Courts.
- Handling victim parties in child-to-child sexual offences.
- Balancing juvenile protection with the seriousness of the offence.
- How to treat child offenders charged alongside adults in cases of criminal trespass
- Grant of bail to juvenile capital offenders when the state is not present.

Responses:

- Promote reconciliation and involve PSWO when parents reject a child's return home.
- In cases where a child is charged with an adult, Magistrates Grade One do not have jurisdiction, but special treatment can be granted by the Judge such as hearings conducted in camera.

- Use intuition and physical features (beards, Adam's apple, etc.) to determine age.
- Wisely evaluate cases suitable for LC Courts, considering PSWO's reports for guidance.
- Affirmation of the Judiciary's supervisory powers over LC Courts.
- Child-to-child victims are not offenders; apply restorative justice for their rehabilitation.
- Regardless of the offence's gravity, children must be treated as such.
- Treat child offenders in criminal trespass cases as children and expedite the process, considering bail if necessary.
- Stress the importance of involving a state attorney in producing a child in court.
- Emphasize the need for JTI to sensitize the police officers on handling children.
- Use the Court orderly or PSWO for counting children in court, ensuring their proper production.
- Point out police misconduct during DCC meetings and ensure correct procedures are followed.
- Continue training and sensitising the police, addressing various issues such as transport.

DAY FIVE

5.13 Preliminary Hearings and Trials in Civil Cases (Summons for directions up to final submissions): Hon. Justice Ssekaana Musa - Head Civil Division

Hon. Justice Ssekaana Musa began by congratulating the participants on their appointments and then



The Hon. Justice Ssekaana
Musa – Head Civil Division.

went on to demystify civil procedure as a set of regulations that govern the processes and conduct of civil proceedings within a legal system. He articulated that civil procedure lays down the methods for initiating proceedings, outlines the actions to be taken at various stages, and specifies how these actions should be carried out.

Additionally, he observed that civil procedure delineates the methods for enforcing court decisions and urged the participants to note that civil and criminal procedure, on the one hand, and the rules of evidence, on the other hand, collectively form what is known as adjective law in contrast to substantive law. The presenter asserted that substantive law defines the legal rights, duties, and obligations of individuals and entities, whereas adjective law focuses on the procedural aspects of legal

proceedings and trials.

The facilitator noted that sources of civil procedure are diverse and essential in governing civil proceedings. These include The Constitution, the Judicature Act, the Civil Procedure Act and the Magistrates Courts Act, the Civil Procedure Rules, and Rules established under the Judicature Act. He stressed that various courts, including the High Court and Magistrates Courts, rely on the Civil Procedure Rules to govern their proceedings. However, it's important to note that specific tribunals may also have the authority to apply these rules with necessary modifications.

He further pointed out that there exists a Rules Committee, consisting of the Chief Justice, the Attorney General, the Deputy Chief Justice, the Principal Judge, and two representatives from the Uganda Law Society, as well as the Director of the Law Development Centre whose crucial role is to create rules that regulate the practice and procedure within the legal system, ensuring that civil proceedings are conducted efficiently and fairly (Reference was made to Section 40 and 41).

His Lordship highlighted the issue of Jurisdiction as a fundamental concept in legal proceedings, signifying the court's power and authority to both hear and make determinations in a given case or matter. He emphasized that for a court to proceed with a case, it must be thoroughly convinced that it possesses the requisite jurisdiction. The court's assessment of jurisdiction typically involves an examination of several factors, including the subject matter at hand, which may encompass pecuniary jurisdiction or territorial jurisdiction, especially in the context of magistrate courts. It's noteworthy that the High Court enjoys an expansive jurisdiction in civil matters, often described as unlimited.

He stressed that jurisdiction is not something that parties involved in a case can confer upon a court themselves. Instead, it is a construct established by statutory law, and parties cannot independently grant or bestow jurisdiction upon a court.

He further observed that in certain situations, the High Court possesses the prerogative to transfer a case to a lower court. However, it's important to recognize that this process is unidirectional – the lower court does not hold the authority to transfer a case to the High Court.

The facilitator cautioned the participants that in civil suits, it is crucial that the correct parties are involved, and these parties must have the legal standing or locus standing to bring a matter before the court. He gave examples of natural persons, as well as non-natural entities such as partnerships, companies, associations, or non-governmental organizations. He warned that when dealing with natural persons of unsound mind or minors, the lawsuits are initiated through a next friend or can be sued through a guardian ad litem, ensuring their legal rights are protected.

He pointed out that the government, according to Article 250, can either bring a lawsuit or be a defendant in a case, with such actions being represented by the Attorney General. He added that public bodies that are established by Acts of Parliament and granted corporate status may also initiate or defend legal actions.

He stressed that a deceased person cannot initiate or participate in legal proceedings. Similarly, unincorporated non-statutory bodies, associations, individual members, or clubs are not recognized as legal entities in this context.

The facilitator emphasized that a cause of action is essentially the grounds for a lawsuit (complaint against the defendant). He cautioned that for a person to initiate a legal action, there must be a valid cause of action, which is based on the presence of specific essential facts. In essence, it is a set of circumstances that, when proven to exist, grants one individual the legal right to seek a remedy against another individual.

He pointed out the key elements that constitute a cause of action thus; the plaintiff having a legal right, the violation of that right, and the resulting liability of the defendant (the case of *Auto Garage v Motokov* was referenced). He noted that a cause of action is solely determined from the complaint and its annexures.

The modes of commencing actions/pleadings were discussed. The participants were notified that suits can be instituted through various methods as may be prescribed by the rules which include the use of a Complaint (including Specially Endorsed Complaint), originating summons, Notice of Motion, Petition, Chamber summons, or a complaint on oath and in response to such actions, parties may file a Written Statement of Defense (WSD), an affidavit in reply, or an Answer to Petition, depending on the situation and the rules applicable.

The presenter pointed out that pleadings are formal written statements prepared and submitted by each party involved in a legal case, serving to either assert claims or respond to allegations and are required to clearly and precisely outline the actual points of contention between the parties, thereby providing a comprehensive framework for the proper course of the trial.

The issue of service of summons was extensively dealt with by the facilitator. He observed that the defendant or respondent to a lawsuit must be notified/served with the process when a suit is filed. He further observed that it was the responsibility of each party to prepare, produce and serve pleadings upon the opposite party. He noted that the primary method of serving summons is through personal delivery, either directly to the individual or, if not feasible, to their agent, a family member, or at the place of business. In the modern context, service may also be carried out electronically, using methods like email, Twitter/X, or WhatsApp, as long as both parties have the means to communicate electronically.

He added that in cases where the traditional means of service are impractical, the court has the authority to order alternative methods, known as substituted service, within its jurisdiction. Notably, in the current era of Electronic Court Case Management Information System (ECCMIS), electronic service of legal documents may be automatic and more commonly employed.

During the presentation, it was highlighted that when a suit has been initiated through a complaint, the plaintiff is required to file a summons for directions. This procedural step is crucial for the court to address any interlocutory matters and provide guidance for the fair, efficient, and effective resolution of the case. Importantly, the summons for directions must be filed within 28 days; failure to do so may result in the abatement of the suit or its removal from the list of pending suits.

In the event of abatement, the plaintiff, subject to the law of limitation, retains the option to file a fresh suit. The court, as part of its duty, is tasked with considering all relevant aspects of the case and evaluating the status of the action. This includes the potential consolidation of appropriate matters and the examination of any interlocutory applications. Additionally, the court must make determinations on whether evidence related to specific matters will be presented through affidavits, oral testimony, or witness statements. Furthermore, considerations such as the inclusion of expert witnesses and the admission of uninspected exhibits into evidence are to be addressed by the court. This comprehensive approach ensures a thorough examination and management of the legal proceedings.

In the presented information, it was emphasized that a scheduling conference in legal proceedings should encompass several essential elements. These include a meticulous examination of the pleadings in the case, leading to the extraction of case summaries for each party involved. The conference also involves the identification of mutually agreed-upon facts, issues, and documents between the parties. Furthermore, the process entails exploring the potential for out-of-court settlement through methods such as arbitration, mediation, negotiation, or reconciliation. Additionally, the parties may consider settling certain aspects of the case through a consent judgment. The scheduling conference serves the purpose of providing directions and establishing a timetable for the trial proceedings. An option

presented is the agreement between the parties to document the outcomes of the scheduling conference in a written joint document, duly signed by all involved parties, covering the mentioned elements. This approach aims to enhance clarity, cooperation, and efficiency in the legal proceedings.

He encouraged participants to avoid using the summons for directions procedure and instead adopt scheduling conferences to avoid redundancy. The principle behind both procedures is disclosure to prevent ambush tactics.

The culmination of legal proceedings is the trial, where all issues of fact are examined based on the evidence presented. The order of proceedings dictates that the party burdened with proof begins, calling their first witness and conducting an examination in chief or admitting a witness statement as evidence. Subsequently, the witness undergoes cross-examination, with the opportunity for re-examination by the plaintiff's counsel. It is emphasized that parties must adhere to their pleadings when presenting evidence. Cross-examination serves to challenge the opponent's case and address the witness's credibility. The plaintiff concludes their case, and the defendant then presents evidence in support of their defence. The court holds the authority to question witnesses for clarification during the trial and can adjourn if deemed necessary for justice. Both written and oral submissions are permitted, and the court is obligated to render a decision based on the evidence, even in the absence of party submissions.

The delivery of judgment or ruling marks the conclusive phase of the trial proceedings. The court's decision, whether pronounced in open court or delivered through electronic means, serves as the reasoned and binding judicial outcome. It can be conveyed through email or by the court registrar based on the judge's instructions. A crucial aspect of any judgment is its demonstration of impartial consideration of all properly raised and heard issues, showcasing a dispassionate analysis. The judgment should explicitly show that the court weighed the evidence, placing it on an imaginary scale to determine the successful party. The immediate effectiveness of the judgment is standard, taking effect from the moment it is pronounced or delivered unless specified otherwise by the court.

The execution of court decisions is a crucial post-judgment phase, typically overseen by a registrar. Various modes of execution exist, each tailored to the specific circumstances of the court order. Execution may involve the delivery of specifically decreed property, attachment and sale (or sale without attachment) of property, attachment of debts, arrest and detention in prison of individuals, or the appointment of a receiver. The chosen mode depends on the nature of the relief granted by the court. This multifaceted approach ensures the effective enforcement of court decisions and the realization of the intended legal outcomes.

The award of costs in legal proceedings is regulated by Section 27 of the Civil Procedure Act (CPA). This provision outlines the principles governing the allocation of costs, ensuring that costs awarded to advocates serve as remuneration for their professional expertise, while litigants in person are reimbursed for their work and disbursements. Additionally, interest on costs may be granted at a rate not exceeding 6% per annum. These guidelines help maintain fairness in the compensation process and align with the principles of the CPA.

In conclusion, he noted that the study of Civil Procedure, while extensive, serves as a catalyst for further exploration into its intricate principles. The primary aim of this paper was to ignite interest in the subject and provide foundational insights and checkpoints for potential deeper investigations.

Key takeaways emphasize the crucial role of judges in understanding the entire procedural journey from case filing to court practices for efficient case resolution. The inherent powers of the court, as outlined

in Section 98 of the Civil Procedure Act, underscore the court's authority to manage its proceedings. The clarity of court orders is paramount, as an unclear order hampers enforceability, making the entire decision ineffective. Therefore, a judicious and meticulous approach to procedural matters is essential for the successful administration of justice.



A participant seeks clarification in the area of civil procedure during the Induction training.

PLENARY

Concerns raised:

- Suing institutions and the inclusion of the Attorney General in suits against local governments.
- Preliminary objections in cases of setting aside.
- Scheduling conferences and reinstatement of abated matters before a judge.
- Whether the certain provisions relating to the summons for directions procedure were mandatory or directory.
- Award of costs to parties without the capacity to be sued.

- Execution procedures, attachment, and sale, especially in cases involving Kibanja ownership verification.
- Challenges dealing with represented and unrepresented litigants.
- Navigating preliminary objections.
- Leading witnesses to identify disputed documents.
- Applicability of summons for directions in Magistrates' Courts.
- Concerns about the modes of service.
- Absence of rules in ECCMIS.
- Claims for costs by lawyers not on record.
- Orders to exhume.
- Consent on figures by parties and if such agreements are binding on the courts.

Responses:

- Need for legal amendments in specific areas.
- Exercise of discretion in handling preliminary objections.
- Importance of clarity in court orders.
- Practical guidance on abatement, service modes, and the execution process.

5.14 Damages, Interlocutory and Final Court Orders by the Hon. Justice Boniface Wamala – Judge Civil Division

Justice Boniface Wamala introduced his presentation with the emphasis that every civil cause ends with the issuance of a particular order(s), issuance of a clear and final order is the epitome of any judicial proceeding, and final orders are manifested in the making of awards, usually, though not always, in damages. He stated that if parties come back to get further and better particulars about a judicial officer's decision that means that the officer was not concise and precise.

He stated that the primary function of damages is to place the plaintiff in as good a position as he/she was before the wrong. He defined damages, therefore as a sum of money awarded by a court as compensation for a tort or breach of contract, but not as a punishment to the party in breach, except in a few cases.

The facilitator classified damages into three (3) broad categories; special damages, general damages, and nominal damages.

He explained that special damages are ascertainable, and quantifiable before the action, but must be specifically pleaded and strictly proved. He stated that proof can be by documentary or oral evidence.

General damages are the direct natural or probable consequence of the act complained of, implied in every breach of contract and infringement of a given right (for example, in a personal injuries claim, general damages include anticipated future loss, damages for pain and suffering, inconvenience and loss of amenity).



The Hon. Justice Boniface Wamala – Judge Civil Division.

Nominal damages constitute some unquantifiable monies that courts use as a peg to hang the costs they award. A plaintiff is entitled to nominal damages where; his/her rights have been infringed but has not in fact sustained any actual damage from the infringement, or has failed to prove any such actual damage; or where the plaintiff is not concerned with the question of actual loss but brings the action simply with the view of establishing his/her right.

The facilitator underlined that there are other ancillary/supplementary damages that flow from the major categories mentioned earlier.

He began with exemplary damages. He stated that these are sums of money that were awarded as punitive or exemplary remedies for the loss or suffering occasioned by a plaintiff. They are not compensatory in nature. Their aim is not to enrich/ compensate the plaintiff, but to punish the defendant and deter him or her from repeating the wrongful act. Exemplary damages are awarded in three categories of cases; where there has been oppressive, arbitrary, or unconstitutional action by the servants of the government, where the defendant's conduct has been calculated by him or her to make a profit which may well exceed the compensation payable to the plaintiff, and where law in force authorizes the award of exemplary damages. A judicial officer ought to bear in mind that the plaintiff cannot recover exemplary damages unless he or she is the victim of punishable behaviour. Therefore, the power to award exemplary damages should be used with restraint, taking into consideration the means of the parties in the assessment of these damages.

He also mentioned aggravated damages. He noted that these damages are awarded as "extra compensation" to a plaintiff for injury to his feelings and dignity that was caused by the manner in which the defendant acted. He observed that there is a thin line between exemplary damages and aggravated damages. He, however, recalled the succinct distinction between these related damage clusters that was laid by SPRY, V.P. in the decision of *Obongo v Kisumu Council*.

He ended with liquidated damages. He explained that these are uniquely construed as claims for breach of contract, where the parties to the suit might have agreed in their contract that a particular sum is payable upon the default of the contract of one of them. These awards can also extend to monies that are prescribed as damages under a statute. He noted that damages should be construed as 'unliquidated' where the court has to quantify or assess the damages or loss, whether pecuniary or non-pecuniary.

The Facilitator went on to highlight general principles for the assessment of damages. These included:

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- Loss or damage.

He emphasized a general rule that proof of actual damage is not essential to entitle a plaintiff to an award of damages for breach of contract or injury to a right. However, there are exceptions to this rule. These include where a corporate entity is alleging defamation, and product liability claims.

- The *Restituo in Integrum* principle.

He stated that courts must in all cases award damages with the object of compensating the plaintiff for his/her loss. For example, in contract-related suits to reinstate the plaintiff to the position he/she would have been in had the contract been performed, and in tort-related suits to a position, the injured party would have been in if he/she had not suffered the wrong or damage. He cautioned that this is a tricky area and advised the participants to get key precedents with similar facts.

- Causation and Remoteness.

He noted that damages are recoverable (material loss alleged) and must be proximate, fairly and reasonably connected with the breach of the contract or wrong. In contrast, the liability is limited to losses that are the proximate, probable and likely consequences of the breach, or such as may be taken to have been fair in the contemplation of the parties when the contract was entered into. In tort, the injury must have been reasonably foreseeable as a direct consequence of the wrongful act or omission.

- Aggravation.

He stated that in exceptional circumstances, the court can look at some aggravating factors, whether in contractual or tortious causes of action, which raise the quantum of damages awarded by the court.

- Mitigation.

He noted that it is a well-established rule of common law that unlike in tortious claims where a plaintiff is not bound to spend money to minimize his damages, in contractual actions, the plaintiff has a duty to mitigate damages. He or she should not claim any part of the damage that is due to his/her neglect to take such steps that would have had the effect of reducing his/her loss.

- Assessment of damages on appeal.

This is principally the duty of the trial court. The role of the appellate court in the province of damages was well articulated by *Greer LJ in Flint v. Lovell*.

He stated that there are other orders such as -

- Award of interest.

The Facilitator emphasized section 26 of the CPA that governs awards of interest in civil cases. The award is discretionary. Interest on personal injury damages is exempt from income tax. He noted the guidelines for the calculation of interest that are laid out in the case of *Wright v British Railways Board*.

- Orders for costs

He highlighted Section 27, CPA. The judge noted that courts can also award interest on costs at any rate not exceeding 6% per annum.

- Advocates' costs.

He underlined that courts also award costs to advocates as remuneration for the exercise of their professional skill, and to litigants for work and disbursements.

- Execution Orders.

He noted that Courts can award execution orders for enforcement of domestic and foreign court judgments' decrees and orders. He referred the participants to the civil bench book for a detailed discussion on executions.

- Permanent injunctions

He stated that these restrain any person or authority from doing or continuing to engage in any conduct that has been found by the court to be offensive to a judgment creditor.

- Election Petition Remedies.

The facilitator stated that chief magistrates are mandated by law to handle petitions arising from elections for local councillors. He stated that the range of orders that they can issue include; dismissing the petition - declaring a respondent as having been duly elected, annulling and setting aside an election - ordering a fresh election, declaring a petitioner as the duly elected candidate in place of the one

declared by the court not to have been duly elected, costs, and any other order relevant in the circumstances of the matter.

- Specific Performance.

He stated that traditionally, this is an equitable remedy in the law of contract in that a court orders a party to perform a specific action, such as to complete the performance of the contract. Section 64 of the Contracts Act, No. 7 of 2010 incorporated this equitable remedy into statutory law in Uganda. The provision legislates the circumstances under which the court may make an order for specific performance.

- Order of Reinstatement.

He stated that this remedy can be available through judicial review. It can also be available in labour disputes pursuant to Sections 71 (5) (a) and (6) of the Employment Act 2006.

- Interlocutory orders.

Interlocutory applications are intermediate between the filing, hearing, and disposal of main suits/causes. They may be commenced at any time of the proceeding; before and after judgment. The range of interlocutory orders that may be issued by the court is wide and what is important is to note the principles that govern the issuance of a particular order as laid down either in the rules or decided cases.

The facilitator noted in conclusion that his presentation was not exhaustive. He encouraged them to read widely about the subject to enrich their knowledge since his presentation only had the objective of stirring the interest of the participants on the subject. He advised that what is pertinent is that a judicial officer needs to be alive to the range of available orders in law, and to the principles governing the award and assessment of such orders. He emphasized that courts should give effective decisions with clear orders, bearing in mind that unclear orders are in vain and largely unenforceable.



A cross section of participants listening to the presenter at the induction training.

PLENARY

Concerns raised:

- Does the status of the litigant determine the quantum of damages the court awards?
- When does interest start to accrue?
- Contractual interest rates where parties have agreed to interest in an agreement/contract.
- Under what circumstances is it proper to award interest from the date of filing the suit?

Responses:

- The status of a litigant is a factor to consider when awarding damages but not the overriding factor; it depends on the circumstances of the case.
- The first consideration for interest is from the date of breach of contract, provided the date and amount are ascertainable. In cases where the court has to assess damages, interest runs from the date of judgment. For general damages, interest runs from the date of judgment. Indicate the date and interest rate up to payment in full.
- If parties agreed in an agreement, the court will not interfere unless the interest is high, illegal, and unconscionable.
- Magistrate Grade One Courts can handle a breach of contract in a land matter if the value of the land doesn't come into issue.

- Damages and penalties serve different purposes; the court can assess damages and award a penalty.
- For a permanent injunction, the order should be a necessary consequence of the case or specifically prayed for.
- Exemplary damages can be awarded on top of other categories of damages or solely if circumstances justify it.
- The role of the court is before making the award; afterward, only the appellate court can interfere, so applying principles is crucial.

5.15 Taxation of Costs and Execution of Court Orders by the Hon. Justice Boniface Wamala - Judge Civil Division



The Hon. Justice Boniface Wamala – Judge Civil Division.

Justice Boniface Wamala defined costs as pecuniary allowances, made to the successful party, and recoverable from the losing party, for his/her expenses in prosecuting or defending an action (suit) or a distinct proceeding within an action (suit).

He added that Costs are awarded to advocates as remuneration for the exercise of their professional skill and to litigants in person strictly for work and disbursements

He stated that costs are at the discretion of the court and lack of jurisdiction does not bar the grant of costs (See section 27). He added that costs follow the event unless the court shall for good reason otherwise order and are given at a rate of 6% p.a. (See section 27 of CPA).

The facilitator gave some of the Common terminologies used in the taxation of costs.

He stated that *Costs in the cause* is an order made upon an interlocutory determination of any matter within a suit. It means that the costs of such a matter shall be paid by the overall loser in the main case.

Costs in any event is an order passed during the pendency of a proceeding. The party granted such an order is entitled to the costs of the matter whether he/she wins in the main case or not.

Costs Reserved means that the court will make the order as to costs after hearing the whole case and, in such a case, the costs are usually awarded to the successful party.

No order as to costs means that each party will bear its costs of the proceeding.

Advocate-Client costs means where the client pays all the charges of the lawyer, the client will be entitled to take the taxed costs after the case; but where he only paid filing fees and part of instruction fees, counsel is entitled to take the costs, less the disbursements due to the party.

The facilitator highlighted that a party that would ordinarily be entitled to costs may get disentitled to costs due to failure to serve a notice of intention to sue the intended defendant or when the file is handled by an advocate without a valid practising certificate.

He also highlighted some of the general principles governing the award of costs (see *SPRY VP in Premchand Raichand Ltd V Quarry Services of EA Ltd (No. 3) [1973] EA 162*).

- Costs should not be allowed to rise to such a level as to confine access to courts to the wealthy;
- A successful litigant ought to be fairly reimbursed for the costs he/she has had to incur;
- The general level of remuneration of advocates must be such as to attract recruits to the profession
- In so far as practicable, there should be consistency in the awards made;
- The court will only interfere when the award of the taxing officer is either so high or so low as to amount to an injustice to one party;
- An allowance may be made for a fall in the value of money;
- Costs follow the event unless the court orders otherwise

He stated that the major purpose of costs is to reimburse the litigant for costs incurred during litigation [*Total (U) Ltd v Uganda Revenue Authority Civil Ref. No. 26/2003*].

He advised that Taxation and execution of interlocutory awards should await the final result; unless otherwise specifically ordered by the court [*Homi Dara Adriwalla V Jeanne Hogan & Anor [1966] EA 290*].

He cautioned that No costs are recoverable for acts constituting an offence under the Advocates Act; whether the prosecution has taken place or not [Section 69 Advocates Act];

The facilitator advised that in public interest litigation, courts should exercise restraint when considering whether or not to award costs. [*Hon. Gerald Kafureeka Karuhanga vs. Attorney General Constitutional Petition Number 0039 of 2013*].

He added that Champertous remuneration agreements are not enforceable; while remuneration agreements are acceptable, they have to comply with sections 50 and 51 of the Advocates Act to be lawful [*Shell (U) Ltd & 9 Ors Vs Muwema & Mugerwa Advocates & URA, SC Civil Appeal No. 02/2013*].

He noted that Parties must endeavour to mitigate costs. E.g. a party cannot be reimbursed for unnecessary attendance by family members.

He highlighted that particular categories of lawyers are not entitled to instruction fees; Lawyers from the Attorney General's Chambers and other In-house lawyers who earn a monthly salary are not entitled to Instruction fees. They can only receive disbursements for expenses incurred. [*Total (U) Ltd v Uganda Revenue Authority, CA Civil Ref. No. 26/2003*]

He clarified that VAT is not payable as a matter of course. For one to qualify for VAT disbursement, he/she must prove that he/she is a registered VAT payer and or must present evidence of payment of the VAT charges. Secondly VAT is not chargeable on the whole Bill but only on instruction (professional) fees. [*Total (U) Ltd v Uganda Revenue Authority, CA Civil Ref. No. 26/2003*].

He cautioned that Interest is not awarded by the taxing master if not awarded by the trial court. [*H&G Advocates v International Vaccine Initiative 7 2 Others, MTA No. 5&6/2021*]

The facilitator guided the participants on how to assess the taxation of costs. He stated that taxation is done in accordance with The Advocates (Remuneration and Taxation of Costs) Regulations, SI 267-4 (the principal regulations); as amended by The Advocates (Remuneration and Taxation of Costs) (Amendment) Regulations, SI No. 7 of 2018. He stated that the most important highlight of the amendment is the repeal of the schedules in the principal regulations and their replacement by the schedules in the amendment regulations [Regulation 5 of the Amendment Regulations]. He stated that the scale of fees in court matters is provided for under the 6th schedule.

The facilitator stated that the taxation process is commenced by lodging at the court registry a bill of costs together with such supporting documents as may be required. He stated that the bill should be prepared in the manner prescribed by the regulations [Rule 4 of the Amendment Regulations sets out the manner of drafting the Bill of Costs].

He added that the taxing officer shall hold a pre-taxation meeting of advocates or parties to jointly identify the costs, fees and expenses on which they agree, if any, before the taxation of the bill of costs [Regulation 3 of the Amendment Regulations introducing Regulation 13A into the principal regulations].

He also stated that the taxing master shall ensure service of the bill and the notice of the date of taxation on all concerned parties [Regulation 9 of the principal regulations].

He added that in the event that either or both parties do not appear, the taxing officer has the power to proceed ex parte or to adjourn for sufficient cause [Regulation 54 of the principal regulations].

He cautioned that in cases where a new advocate is employed at a later stage in the case, two separate bills of costs would have to be presented detailing the work of each advocate.

The facilitator gave some of the factors to be considered by the taxing master and these were:

- The instruction fee should cover the advocate's work; taking instructions as well as other work necessary for presenting the case for trial.
- The instruction fee should not be excessive. An instruction fee is said to be manifestly excessive if it is out of proportion with the value and importance of the suit and the work involved.
- Instruction fees should depend on the value of the subject matter and as per the scale of fees under the appropriate schedule.
- Where instruction fees require to be assessed off-scale, there is no mathematical or magical formula to be used by the taxing master to arrive at a precise figure. Each case has to be decided on its own merit and circumstances.
- The taxing master has the discretion in taxation of the bill of costs but he/she must exercise the discretion judicially and not whimsically.
- The particular complexity of the matter or the difficulty or novelty of questions raised.
- The skill, effort, specialized knowledge and responsibility involved; the time spent on the case
- The place where and the circumstances in which work or any part of it was done; consider hard-to-reach areas.
- The importance of the matter to all parties concerned.
- The conduct of all the parties including conduct before as well as during the proceedings and the efforts made, if any, before and during the proceeding in order to try and resolve the dispute. Parties ought to consider ADR proposals made by the other side.

The facilitator advised participants to reject or tax without an allowance for counsel for attending taxation meetings or drafting the bill if it grossly offends the taxation law [See: *Patrick Makumbi & Anor Vs Sole Electric (U) Ltd Supreme Court Civil Application No. 11 of 1994*]

A taxation that did not properly apply principles of the law of taxation of costs can be challenged [*Kasim Vs Habre International Ltd [2000] EA 98 (SCU)*] however, this is not a stay of execution. [Section 62(5) of the Act].

The facilitator stated that Courts are mandated to issue orders for enforcement or giving effect to court judgments, decrees and orders. He added that the orders can be foreign or domestic. Some of the modes of execution include: - By delivery of any property specially decreed; by attachment and sale, or by sale without attachment, of any property; by attachment of debts; by arrest and detention in civil prison of any person; by appointment of a receiver. He recommended that the modes be used successively.

Some of the general principles governing execution that were cited include:

- Execution relates to decrees and orders that are duly extracted, either by counsel or by the court
- A decree or order may be executed by the Court, which passed it, or by the court to which it is sent for execution.
- The debtor must first be given the opportunity to pay or surrender the right lost by decree. This is by way of issuance of an NTSC
- Where arrest and detention is applied, subsistence allowance has to be paid first before the debtor is accepted in prison [O. 22 r.36 CPR].
- Where a judgment debtor resists or obstructs possession, he/she can be imprisoned [O. 22 r. 85 CPR].
- Application for execution takes a form provided for in the schedule to the Rules [O. 22 R.8 CPR].
- All questions relating to execution of a decree or order are to be determined by the same court and not by a separate suit. [*Kabwengure v Kanjabi [1977] HCB 89*].
- Decree must be executed within 12 years except for fraud or force occasioned by the judgment debtor [Section 35 CPA].
- A decree may be transferred or assigned to another person subject to any equities against the original decree-holder [S. 36 CPA].
- Where a judgment debtor dies before satisfying the decree, the same may be enforced against the legal representatives or an intermeddler in the estate of the deceased debtor. [S. 37 (1) CPA].
- Where it is clear to the court that the property to be attached is far greater in value than the debt, then the court shall not issue an order of attachment. [Rule 17(9) of the Judicature (Court Bailiffs Rules, 2022)].
- Execution of decrees and orders in respect of Government must comply with the provisions of the Government Proceedings Act and Rules.
- No execution or attachment is permitted in respect of fixed assets and statutory transfers to Local Governments, provided that execution or attachment may be made against any other property after 6 months from the date of judgment, order or decree [LGA Act 13/2001].
- Release of a debtor from civil prison does not discharge the debt but the debtor cannot be re-arrested for the same debt. Other modes of execution have to be explored [S 42(2) CPA].
- Upon completion of execution, or whenever necessary during the process, the bailiff must make a return of execution.
- All proceeds of execution are supposed to be deposited into court. The proceeds are then passed on to the judgment creditor after meeting the costs of execution and other lawful charges. The

balance, if any, is payable to the judgment debtor by the court. It is not permissible for the bailiff to pay himself/herself or to pay the advocates.

- The bailiff has to file his/her bill of costs for taxation by the court and his/her fees are charged out of the proceeds/properties of the debtor.
- The bailiff is required to sell by public auction after making a proper advertisement in a widely circulated newspaper to avoid covert sales. Private treaty sales should be with the permission of the court.
- Where the sale is postponed for some reason, another date should be advertised. A sale before the advert date is illegal and should be set aside.

The facilitator stated that some of the property that is exempted from attachment include: matrimonial property (without spousal consent) under section 38A of the Land (Amendment) Act, 2004 and Fixed assets and statutory transfers to Local Governments [LGA Act 13/2001]

He stated that when a property is attached and does not belong to the judgment debtor or was exempted, a party can apply for objector proceedings through notice of motion to release the property from attachment [Order 22 rules 55, 56, 57 & 58 CPA; See: *Chotabhai M.Patel Vs Chaprabhi* [1958] EA 743 and *David Muhenda and 3 Others Vs Margaret Kamuje* SSCS 9 of 1999).

The facilitator stated that an order of stay may be issued in the interim or substantively pending disposal of an appeal or any other action. (See: *Mugenyi & Co Advocates V N.I.C CACA 13/1984* [1992-93] HCB 82) and *Hwang Sung Industries vs. Tajdin Hussein & 2 Ors*, SC Civil Application No. 19 of 2008.)

Distress for rent was also highlighted. The facilitator stated that Distress for rent allows a landlord or a court bailiff acting as his/her agent to seize goods that are present at the premises and retain them until the rent arrears are paid or the seized goods are sold to offset the rent arrears. The remedy is only available if the tenant is in arrears of rent and the landlord or bailiff can only collect unpaid commercial rent. The power is provided for under the Distress for Rent (Bailiffs) Act Cap. 76.

The conditions for issuance of an order of distress include: - Existence of a landlord-tenant relationship, rent arrears, and a specified amount. He cautioned that an order of distress for rent should never be issued for the purpose of evicting the tenant.

He concluded by stating that this area of adjudication tends to be controversial and breeds a lot of complaints. He advised the participants to master the principles and to act with the highest diligence and honesty when performing these tasks.



One of the participants asks a question during the plenary session at the induction training.

PLENARY

Concerns Raised:

- High amounts set for security for costs.
- Handling of costs upon reinstatement.
- Procedure for objector proceedings and how it would be handled in case of unrepresented clients.

Responses:

- When a Judicial Officer (JO) sets a higher amount for security for costs, the order is appealable, and the appellate court will determine whether the right procedure was followed.
- The court has the discretion to set aside or order reinstatement on terms deemed reasonable. Discretion for the award of costs remains with the JO.
- Mesne profits must be claimed in the plaint.
- Subsistence in prison money is paid in cash. If the person doesn't have a lump sum for six months, payments can be made for a specific period.

5.16 Small Claims Procedure by the Assistant Registrar Small Claims, H/W Mulondo Mastula

The presenter, H/W Mulondo Mastula commenced with an introduction, providing a foundation for the discussion on the Small Claims Procedure (SCP).

The background of SCP was explored, detailing its establishment and the contexts in which it is applied. The core of the presentation delved into the practical aspects of SCP, elucidating its real-world applications and procedures.

The presenter addressed long-standing criticisms of Uganda's judiciary, including accusations of favouring the wealthy, prolonged case durations, complicated procedures, and high costs, which have collectively eroded public confidence in the justice system, especially among the poor and illiterate majority.



H/W Mulondo Mastula – Assistant Registrar, Small Claims Registry.

Against this backdrop, the speaker introduced the SCP as an innovative measure aimed at enhancing efficiency and effectiveness in case resolution; specifically targeting commercial disputes with a monetary value of 10 million Ugandan Shillings or below. In addition, Her Worship noted that SCP aligns with other initiatives like plea bargaining, community service, and alternative dispute resolution methods to address systemic challenges in the legal system.

She stressed that the SCP in Uganda has its roots in a commercial justice study tour conducted by the Honorable Judges of the Commercial Division in London in July 2003, as part of the Commercial Justice Reform Program.

During this visit, the judges explored the SCP in the UK, which was praised for its fast-track access to commercial justice but criticized for its limited coverage and perceived focus on larger corporate entities.

In response, Hon. Justice Geoffrey Kiryabwire drafted a concept paper for the introduction of SCP in Uganda upon his return, garnering widespread acceptance among the Justice Law and Order stakeholders. The idea gained further momentum with the establishment of a collaboration tripartite task force in January 2005, chaired by Justice Kiryabwire, and later taken over by the Registry of Planning and Development in collaboration with the Danida Strengthening Judiciary Project. The final report in November 2008 paved the way for the establishment of Small Claims Courts in Uganda.

The facilitator observed that the SCP in Uganda was formally established through the SCP Rules, which were enacted by the Rules Committee of the Judiciary on May 5, 2011, following the powers granted by Section 41 of the Judicature Act. These rules came into effect on May 30, 2011.

The initial pilot phase of the SCP Rules was implemented in the Chief Magistrate's Courts in Arua, Mbale, Masaka, Lira, Kabale, and Mengo, commencing in November 2011. Subsequently, additional courts were included in the pilot program, such as Jinja, Nakawa, Makindye, Nabweru, and Mbarara, as announced by General Notice No. 472 of 2013.

The expansion continued in 2015, incorporating 15 more Chief Magistrates' courts. In 2017, the SCP Implementation Committee decided to conclude the pilot phase and extend the procedure nationwide, resulting in the current presence of SCP in 182 courts across Uganda.

The speaker noted that the SCP in Uganda is applicable to matters where the subject matter does not exceed ten million Uganda shillings. SCP specifically addresses ascertainable monetary claims arising from various situations, such as debts related to the supply of goods on credit, disputes over rental payments, and friendly loans.

Additionally, she pointed out that Rule 5(2) outlines certain matters excluded from the operation of SCP, including disputes related to the management of estates, the validity of wills, claims against the government, torts (defamation, malicious prosecution, wrongful arrest, and imprisonment), divorce, separation or nullification of marriage, contracts of service, and services, among others.

In terms of parties involved, the presenter stressed that only natural persons can be plaintiffs, while corporate bodies can only be defendants and cannot initiate legal action. She further implored the participants to note that legal representation is prohibited according to the rules; however, a recent Constitutional Court ruling declared certain provisions unconstitutional. Nevertheless, this decision is under appeal by the Attorney General, pending a hearing by the Supreme Court (See: *Israel Ssejemba Vs Attorney General, Constitutional Petition Number 37 of 2017* that declared Rs. 8(2) and 24 unconstitutional).

The presenter emphasized that jurisdiction in the SCP in Uganda is defined by Rule 5(1), 9, 10, 12, 13, 18, and 19. SCP applies to claims not exceeding UGX. 10,000,000 in value and these claims must be instituted within the local limits of the jurisdiction where the cause of action arises. For rental disputes, the claim can be instituted where the property is situated or where the defendant resides. The rules prohibit the splitting of claims but allow the joining of claims if they originate from different causes of action, provided they fit within the monetary limits of SCP.

She advised the participants to pay close attention to the following aspects before the hearing including serving a demand notice to the defendant, with a lifespan of 14 days. The claimant or a designated process server must serve the summons upon the defendant, filing an affidavit within 7 days. Upon receipt of summons the, the defendant must satisfy the debt, and deliver a written statement of defence and counterclaim.

Furthermore, she advised that during the hearing, parties must appear in person, and witnesses in support of their case should be present. The participants were encouraged to promote Alternative Dispute Resolution (ADR) while maintaining simplicity and a non-technical approach.

She articulated that Cross-examination is not permitted, but the Judicial Officer may inquire into any aspect of the evidence. She urged the participants to observe the rules of natural justice, ensuring a fair hearing for both parties.

The participants were enjoined to make the judgment immediately or not later than 14 days from the closure of evidence. She made it known to the participants that expenses are assessed immediately after pronouncing judgment, and an inquiry into the ability to pay is conducted, drawing a payment schedule.

If the debtor does not respect the payment schedule, formal execution follows using the Civil Procedure Rules (CPRs).

The facilitator noted that the practical aspects of the SCP involve the use of customized registers and templates, including Demand Notices, Claim Forms, Defense Forms, summonses, affidavits, and judgments.

The SCP process begins with the issuance of a demand notice with a lifespan of 14 days. Judgment is given instantly or within 14 days. Expenses are assessed immediately, and payment schedules are agreed upon or execution follows, adhering to the civil procedure rules.

She urged the participants that data should always be captured and updated promptly for accuracy. The SCP and Demand Notice Registers, along with the Small Claims Data Management System, are harmonized. The clerk should update registers by closing demand notices 14 days after issuance, paying attention to small details. Statistics are reviewed by the Head of the Court before submission to the SCP Registry.

The facilitator once more cautioned the participants against cross-examination during SCP hearings, and advised that summons are served with a copy of the defense. Applications for review are entertained, and there is no legal representation; parties represent themselves. Matters are resolved within 30 days, and there is no room for appeal. SCP is known for its speed, simplicity, and affordability, with judicial officers avoiding bill of costs.

She recommended the designation of a specified judicial officer to manage SCP matters, making administration and case management easier and noted that the low number of reviews is attributed to strict adherence to effective service.

To address execution costs, standardized costs ranging from Ug.shs. 200,000 to 300,000 are recommended. Judicial officers quarterly weed out non-starter SCP files, and the rules prohibit splitting claims but allow joining if they fit within SCP's monetary limits.

Common pitfalls in the SCP include registering claims that have not originated from a demand notice, which may lead to the process being hijacked by unauthorized individuals. Some templates, especially for judgments and affidavits, are not used as intended. Failure to adhere to the timelines set in the rules, neglecting the inquisitorial adjudication process, and arbitrary fixing of refundable expenses are also identified pitfalls.

Registering claims not suitable for the small claims procedure and skipping the procedure for assessing the ability to pay are additional challenges. Some judicial officers may refuse to review decisions, contrary to the conditions for review, which include expert judgments, judgments void of obtained by fraud or mistake common to parties, the discovery of new and important matters, and correction of errors. Addressing these pitfalls is crucial for maintaining the effectiveness and integrity of the SCP.

The facilitator, in conclusion, noted that despite the challenges encountered in the SCP, there are significant opportunities for its growth and increased usage. The formal evaluation of the procedure is conducted annually, and the reports are readily available for stakeholders. It is essential to continually provide best practices for benchmarking, periodically reviewing, sharing, and standardizing them. Ultimately, the responsibility lies with each stakeholder to contribute to the continued improvement and effectiveness of the SCP.



H/W Mulondo Mastula taking the participants through her presentation on SCP at the Induction training.

DAY SIX

5.17 Mediation by the Registrar Mediation, H/W Kisawuzi Eliasa Omar



H/W Kisawuzi Eliasa Omar –
Registrar, Mediation.

H/W Kisawuzi Eliasa Omar highlighted the significance of Alternative Dispute Resolution (ADR) as a rapid initial intervention aimed at preventing the escalation of disputes and mending working relationships. He specifically defined mediation as a process in which a neutral third party facilitates communication between disputing parties, assisting them in reaching a mutually agreed resolution. He noted that Section 9 of the Judicature (Mediation) Rules 2013 SI No. 10 of 2013 provides the authority for participants to conduct mediation and emphasized that the mediator does not necessarily need to be a judicial officer.

He also pointed out various advantages of mediation, such as its speed, efficiency, and cost-effectiveness compared to adjudication. Mediation's simplicity, flexibility, and the opportunity for maintaining or restoring relationships were highlighted. It was noted that mediation is conducted in an informal, confidential, and conducive environment, facilitating better communication between the parties. The participatory and voluntary nature of mediation was underlined, allowing parties to opt-out at any time if they find it unhelpful.

The facilitator pointed out that not all cases are suitable for mediation. Matters that cannot be mediated were discussed, including disputes challenging a statute, cases where parties lack faith in mediation, and those with criminal elements or public interest considerations.

H/W Kisawuzi also introduced different mediation styles, namely evaluative, facilitative, and transformative mediation, noting that a mediator may employ a mixed style. Evaluative mediation involves the mediator playing an advisory role with focus on legal rights. Facilitative mediation, the most common style, centres on the parties' interests, maintaining neutrality, and guiding them toward a mutually agreed settlement. Transformative mediation views conflict as crises in communication, empowering parties to resolve conflicts, understand each other better, and reach a natural resolution.

The mediation process was detailed, covering pre-mediation and the mediation itself. Pre-mediation activities included initial meetings, information exchange, signing the Agreement to Mediate, and setting up the mediation room. The mediation process comprised five phases: introduction, joint session, private sessions, agreement finalization, and closing. Each phase's purpose and procedures were explained, emphasizing the importance of maintaining confidentiality and neutrality throughout the process.

H/W Kisawuzi concluded that the mediation process involves various steps, starting with greetings and seating arrangements, followed by introductions, joint sessions, private sessions with each party, agreement finalization, and returning records to court in the case of court-annexed mediation.



H/W Kisawuzi Eliasa Omar making his presentation at the induction training.

PLENARY

Concerns raised:

- Role of lawyers in the mediation process.
- Handling of litigants especially when mediation fails and parties become emotional.
- Who bears the cost of the mediation?
- Balancing alternative justice systems and criminal justice.
- Challenges of conducting mediation in stations with only one judicial officer.

Responses:

- Emphasized the importance of successful mediations and noted that these happen mostly without lawyers, suggesting one-on-one concussions with litigants and then joint concussions.
- Guidance on managing emotional parties, including setting ground rules at the beginning.
- Recommendation for mediators to be paid by the judiciary rather than litigants.
- Possibility of considering plea bargaining in murder cases was highlighted as the need for a comprehensive law on alternative dispute resolution (ADR).

- Continuous training of mediators by the judiciary was put forth including a proposal to have civic/district leaders trained in ADR. Once a case goes through mediation, the judicial officer involved cannot subsequently hear the matter.

5.18 The Law and Practice on Custody and Maintenance of Children by the Hon. Lady Justice Olive Kazaarwe Mukwaya - Judge Land Division

Lady Justice Olive Kazaarwe Mukwaya began by highlighting the legal framework governing children. She cited Article 34 of the Constitution of the Republic of Uganda 1995; Section 4 of the Children (Amendment) Act 9 of 2016.

She stated the most important principle in matters involving children is the Welfare Principles as stipulated under Section 3 of the Children (Amendment) Act 2016 outlines the guiding principles on the rights of the child as follows; a) The welfare of the child shall be of paramount consideration, speedy hearing is of the essence, wishes and feelings of a child should be ascertained, consider physical and emotional and educational needs of the child, likely effects of any change in the child's circumstances must be noted



The Hon. Lady Justice Olive Kazaarwe Mukwaya – Judge Land Division.

She stated that legal guardianship is defined as the state or position of being responsible for somebody/something. She stated that Legal guardianship of children in Uganda is provided for under Part VI A of the Children (Amendment) Act 2016, sections 43A to 43M. She stated that the modification of the Children Act Part VI section 43 makes a provision for foster care placements for children.

She stated that jurisdiction for applications for legal guardianship lies with the High Court under section 43B and not with any lower court. She added that Magistrates Courts have jurisdiction to handle the two criminal offences created under sections 43C (3)- misappropriation of a child's property and section 43M offences by the administrator of the estate of a child whose penalties do not exceed 5 years imprisonment and 120 currency points or both.

She urged the participants to avoid assuming jurisdiction since this is rampant in lower courts.

The facilitator also highlighted "adoption". She defined adoption as the act of one who takes another's child into his own family, treating him as his own, and giving him all the rights and duties of his child.

She stated that the participants have jurisdiction to handle inter-country adoptions (Section 44, 46, and 46A of the Children Act). She warned them to avoid handling inter-country adoptions.

She stated that adoption has restrictions (See Section 45 of the Children Act). An applicant has to be 21 years older than the child is, a couple has to be a man and a woman, and the couple has to have joint consent to adopt. In practice, birth certificates, national Identity cards, and marriage certificates are required to prove the assertions made. She added that generally, the sole female applicant may not be granted an adoption order for a male child except under exceptional circumstances (*See in Re JJ (An Infant) (Adoption Cause 30 of 2019) [2020] UGHC 405*).

The facilitator stated that the applicant/s must have fostered the child for 12 months under the supervision of a Probation and Social Welfare Officer (section 45(4)-see section 43 of the Act for foster care placement procedures). She stated that a Probation and Social Welfare Officer should make a report (section 45(5)). She stated that in practice, these officers file an affidavit however, they can be asked to come to court to establish the truth and avoid any fraud.

She highlighted that the child's natural parents (If known) should consent to the procedure (section 47(1) of the Children Act). She stated that this is important because adoption is the last option to take on in the upbringing of a child. She also cautioned that consent of a child of 14 years and above is needed in Section 47(4).

The facilitator also emphasized the Court's functions under Section 48, stating that the Court must be satisfied before making the adoption order that every person whose consent is required has consented and understands the nature and effects of the adoption that it will permanently deprive the person of parental rights, and that the order if made, will be made for the welfare of the child.

The facilitator also talked about the Custody of children. She defined that Custody of Children is applied to the care and control of minors that are awarded by the court to one parent during separation or divorce proceedings. She added that it is provided for under Part IX of the Children Act.

She highlighted Interim Custody Orders. She stated that the conditions for granting the interim custody orders include: - Interim Care Order is issued when Court is satisfied that; the child is suffering or likely to suffer harm if the order for interim custody is not issued; The order is in the best interests of the child (see Section 3 of the Children (Amendment) Act, *Sabaho v Kaneza (Civil Application 90 of 2020) [2021] UGCA 83*).

She stated that a custody order can be revoked. She added that a custodian shall have the power to apply for the recovery of all payments in arrears becoming due under a maintenance order as any other applicant would have been entitled to do.

She informed the participants that this area of the law is very sensitive and the judicial officers should be very mindful when handling these matters and not use feelings or transfer emotions and personal issues to the cases they handle.

She concluded her presentation with a quote from Kofi Anan, *"There is no trust more sacred than the one the world holds with children. There is no duty more important than ensuring that their rights are respected, and that their welfare is protected, that their lives are free from fear and want and that they can grow up in peace."*



Her Lordship Olive Kazaarwe Mukwaya taking the participants through her presentation at the Induction training.

PLENARY

Concerns raised:

- Standing against personal prejudices and biases when handling children matters.
- Going outside the pleadings to consider the welfare of children.
- Compelling a party to continue supporting without using contempt of court and risking imprisonment.
- Whether there is a need for a certificate from the PSWO to show urgency in a matter.
- Ensuring matters are concluded with the interest of the children not compromised.
- Changing mindset regarding the number of children one should have.
- Addressing harmful cultural practices in relation to the child's interest.
- Ascertainment of the wishes of the child before the court.
- Handling applications for custody where there's suspicion of the intention to travel as a means of denying visitation rights to the other party.

Responses:

- Emphasized the overriding principle in children matters is the welfare principle.
- Patience and a humane approach advised for erratic payments; extreme orders only when continuous refusal.

- In cases of unrealistic needs, separate issues of the woman's needs from the maintenance of children.
- Sensitize people about issues of unplanned and many children; be part of solving the problem.
- Separation of financial capability and the welfare of the child was advised; less money doesn't necessarily mean inability to care for children.
- Both parties are entitled to reasonable access to the child and that should guide in handling the applications.
- Variation of maintenance orders possible upon application or court's own motion if the child's interest is at stake.

5.19 Handling of Marriage and Divorce Cases by the Hon. Justice Dr. Singiza K. Douglas – Ag. Judge Civil Division



The Hon. Justice Douglas K. Singiza – Ag. Judge Civil Division.

Justice Singiza started his presentation by congratulating the participants upon their appointment. He encouraged them to work hard, be of integrity, and be knowledgeable as it will build their Judicial Career.

He stated the origin of the family, noting that it started with slavery and family; property and family; state and control; religion and marriage; African tradition and marriage; colonial codification of marriage laws and practices; 1995 Constitution and the Equality Doctrine, Radical Feminism and marriage.

He took the participants through the different marriages celebrated in Uganda such as Civil/Church marriages, Sharia, and customary marriages. He discussed the conditions for

customary marriage under the Customary Marriage (Registration) Act Cap 248 noting among other things that it is potentially polygamous. He also discussed conditions for civil/Church marriage noting that these are celebrated under the Marriage Act and are monogamous.

He discussed their jurisdiction stating that they have the power to hear petitions for divorce subject to the statutory jurisdiction limits. He referred the participants to S.4 of the Divorce Act for the different grounds of divorce.

He added that the burden of proof is on the preponderance of evidence noting that adulterers usually hide the trail of evidence and advised the participants to check for connivance, condonation, and countercharge against the petitioner. He informed them that the resumption of sex is evidence of condonation.

He highlighted the issue of sharing of property upon divorce noting that tricky properties in divorce lead to jurisdictional issues for G1s and alluded to the Constitutional imperative on equality. He referred

the participants to the cases of *Julius Rwabinumi V Hope Bahimbisomwe* (Civil Appeal 30/2007) and *Ambayo V Aserua* (C.A No. 100/2015) which reject the approach of 50-50 sharing of property.

Justice Singiza concluded his presentation by observing that marriage and divorce is for equals, no longer for life meaning the normal tear and wear is no longer good law, and that most petitions will always end in consent judgments. He encouraged them to ensure they are not ensnared by divorce petitions, and pay regard to other rights after divorce such as child custody and maintenance.



A participant raises a concern during the plenary at the Induction training.

PLENARY

Concerns raised:

- Guidance on settlements and consents in divorce cases, cautioning against connivance, condonation, and collusion.
- Handling cases where respondents agree to the allegations in the petition.
- Acceptability of emojis in WhatsApp communication as evidence.
- Purpose of Decree Nisi and Decree Absolute in divorce cases.
- Disputes over property sharing, especially when one party hides assets.
- Guidance on the law regarding domicile and property outside the jurisdiction.

Responses:

- Participants advised to sign consent agreements, emphasizing the unproductivity of forcing people to stay together.
- Recommended entering judgment on admission when respondents agree to allegations, leaving the question on property sharing.
- Decree Nisi is granted to allow breathing space and reconsideration, with a waiting period of six months before Decree Absolute.
- Emphasized that emojis are considered clear evidence, citing a ruling in a Canadian court.
- Recommended conducting an inquiry into property sharing disputes, and forwarding files to superiors when in doubt.

5.20 Practical reflections on the areas learnt in week one of the induction by the Ag. Deputy Registrar Training, JTI, H/W Mulalira Faisal Umar

His Worship Faisal Umar Mulalira congratulated the newly appointed Magistrates Grade One upon their appointments, noting the occasion as one for reflection, insight, and a shared commitment to the values guiding their work in the Judiciary. He shared thoughts on professionalism, ethical conduct, and personal growth, emphasising key points:

Mulalira highlighted the call for professionalism in public service, stressing the responsibility of upholding justice and the rule of law. He underscored the importance of service beyond self and maintaining a clear line between professional roles and personal interests.

Creating a positive work environment was deemed crucial for the well-being of staff and the public. Mulalira emphasised the wise use of operational funds to improve working conditions and facilities, considering the traditions and practices of the judiciary.

He brought attention to the awareness of responsibility and impact, humility and a sense of duty to the sovereign people of Uganda. Mulalira emphasised the commitment to serving all individuals with compassion and standing against discrimination.

He addressed personal and professional growth; encouraged continued learning and self-improvement. He emphasised writing for growth and contributing to shaping the future and destiny of the judiciary.

Respect, ethical considerations, and responsible decision-making were vital aspects of Mulalira's address. He stressed that respect should be earned through actions, and as judicial officers, decisions should be made with compassion and fairness.

In closing, Mulalira reiterated that public service was a calling requiring the highest levels of professionalism, ethical conduct, and personal growth. He emphasised the privilege and responsibility of serving the public and upholding the principles of justice, expressing gratitude for the audience's attention.



H/W Mulalira Faisal Umar – Ag. Deputy Registrar, Training, JTI.



Participants paying attention to the presenter.

DAY NINE

5.21 The Law and Practice on Succession and Estate Management in Magistrates Courts

This took the form of a Panel Presentation/discussion. The participants had the opportunity of hearing from the Administer General and then the Head of the Family Division as detailed below; -

5.21.1 Perspective from the Administrator General - Mr. Charles Kasibayo



Mr. Charles Kasibayo – Administrator General.

Mr. Charles Kasibayo stated that his office is established by the Administrator General's Act Cap 157 as amended and gives the mandate to administer estates, issue Certificates of No Objections and verify beneficiaries among other matters.

He advised that the Office of Administrator General is a body corporate with perpetual succession and an official seal. He added that it is capable of suing and being sued in all legal proceedings although, the government represented by the Attorney General is still vicariously liable for all the Administrator General's acts and/or omissions like any other Government department.

He stated that the Administrator General also doubles as a Public Trustee. He added that the Deputy

Administrator General assists the Administrator General and other legal officers referred to as Assistant Administrator General.

The Facilitator called upon the members to address their minds to the new amendments to the respective succession laws due to the decision of the Constitutional Court in *Law Advocacy for Women in Uganda v. Attorney General, Const. Petition No s 13/2005 & 05/2006* in as far as they discriminated based on sex and did not accord equal treatment in the division of property between males and females.

He defined an estate to mean the aggregate of all property owned by a deceased person or the property to which a deceased person was beneficially entitled immediately before his or her death.

The facilitator shared that three grants can be issued to an estate. He stated that Probate is granted in respect of estates where the deceased left a valid will before his or her demise. Here, consideration is given to the validity of the will (for instance, it should be signed by the testator and witnesses on each page as per the amended act).

The facilitator discussed that under testate succession, the executor/executrix applies directly in Court without first obtaining a certificate of no objection (See section 5 Administrator General's Act). He stated that a widow and widower do not need to present a certificate of no objection; however, the office of the administrator general may disregard this (see amended succession act). He stated that this is mainly where there are stepchildren whose welfare may not be provided for by the widow/widower.

He also highlighted the procedure for granting letters of administration (see sections 24 - 25). He stated that there is a challenge of the jurisdiction where a judicial officer in the low court handles a file over and above their pecuniary and geographical jurisdiction.

He also talked about the confusion brought about by descendants who are claiming the title of politicians who got several square miles of land under the 1900 Buganda Agreement. He also highlighted the need to only allow a death certificate from NIRA and a letter from a Local Council (LC) Executive stating the fact of the death (See Section 4 Administrator General's Act).

He also cautioned the participants to stop allowing consent agreements. He stated that consent agreements have led to granting unlawful claims of villages, and infrastructures (universities, public hospitals, airports, state houses etc.). He added that letters of administration have an expiry date and the administrator is mandated to file a return after administering the estate.

He added that section 27 of the succession act was fully amended. The widow/widower gets 20%. He stated that minor children are supposed to get a minimum of 20% which should go towards paying for school fees.

He highlighted that an application for letters of administration is accompanied by the following documents:- (Petition, Notice of application – a copy of the publication of the notice of application in a widely circulating newspaper, and Declaration where the petitioner(s) declare that they will administer the estate according to law and will exhibit a true inventory and render a just and true account of how they administered the estate, The Declaration, like the petition, is signed by the petitioner(s) before a Commissioner for Oaths before being filed with the petition, Administration Bond (See section 260 Succession Act), A monetary value is attached to the Bond, The Bond is normally signed before the Registrar of the Court, but in practice, it is among the documents that are filed with the petition.

He invited them to take note of the new changes like consent from all beneficiaries, expiry date of grants which is 2 years

The facilitator shared that the annexures in original copy to the petition, where applicable, include: - Proof of death of the deceased (e.g., death certificate, affidavit in proof of death, or other such authentic documents), The Will and, if in vernacular, it is an English translation (English being the language of Court), Certificate of No Objection (CONO), Marriage certificate, if the petitioner was a spouse of the deceased Minutes of the family meeting chaired by a neutral person, e.g. the LC executive or the Admin Gen/his representative (like the Chief Administrative Officer – CAO), where the petitioners were nominated to petition for LOA, Family, Consent/Resolution extracted from such meeting, Introductory LC letters for the applicants (petitioners), Identification Documents (Identity Cards, passports), Passport size photographs of the deceased and the Petitioners, The Newspaper publication of the notice of application, as stated above.

He advised the participants to bring to his attention those cases where the office of the administrator general has abused his powers. He also cautioned them to make sure they balance the scales of justice.

He stated that the administrator general may apply for letters of administration where: - the deceased has left a Will appointing Administrator General as sole executor; the testator omitted to appoint an executor; the executor predeceased the testator or renounced probate of the Will; probate or letters of administration have not been obtained within two months from the death of the testator, the person died intestate (Section 4 of the Administrator General's Act cap 15).

The facilitator stated the effect of the grant of probate/letters of administration. He stated that once a grant is issued by the court, the executor/executrix or administrator becomes the deceased's legal representative for all purposes.

He added that Letters of Administration/Probate expire after two years with the Court retaining the power to extend the operation of the Letters of Administration/Probate for a further period of two years or such other period as the Court may determine.

The Court, before extending the grant must be satisfied that it is in the best interest of the beneficiaries and that the beneficiaries have consented in writing; and that the administrator/executor has complied with any conditions upon which the grant was issued by the Court, however;

a) Where 20% of the estate is preserved for minors, dependent relatives and beneficiaries with disabilities, the grant shall remain valid only in respect of that part of the estate (a trust created).

b) Grants made in respect of estates receiving pension shall only expire after the pension has been fully paid.

He informed participants that residential holdings are not part of what can be distributed regardless of whether it is for the official widow or any other woman who had children with the deceased and the occupied that house prior to the deceased's death.



One of the participants asks a question during the plenary session at the Induction training.

5.21.2 Perspective from the Bench by the Hon. Justice John Eudes Keitirima, Head, Family Division

His Lordship John Eudes Keitirima started his presentation by congratulating the participants upon their appointment as Judicial Officers.

He stated that succession law in Uganda deals with the management, administration, distribution, and acquisition of the deceased's property and rights in line with the deceased's desires, which are typically expressed in a will.

He went on to mention the relevant laws governing succession, which included, among other things, the Succession Act Cap 162, the Succession (Amendment) Act 2022, the Administration of Estates (Small Estates) Act Cap 157, the Administrator General's Act Cap 157, and the Constitution of the Republic of Uganda as amended (Articles 21 and 33).



The Hon. Justice John Eudes Keitirima
– Head Family Division.

He stated that the reason for the amendment was to bring the Succession Act into compliance with the Constitution, provide for gender equality under Articles 21 and 33 of the Constitution, and repeal sections that were declared unconstitutional, among other things.

On domicile, he stated that the succession of moveable property of a deceased person is governed by the laws of the deceased's country of abode at the time of death; whereas immovable property is governed by Ugandan law regardless of where the deceased lived at the time of his death.

Participants were informed that sound-minded individuals can create a will to dispose of their property, and spouses can also own property in their name and dispose of it through a will. He added that Courts may order payment from the deceased's estate for maintenance of their dependents and relatives where an individual disposes of all their property without reasonable provisions.

The presenter clarified that parents can appoint a testamentary guardian for their child, but if all parents are dead and no guardian is appointed, the Court may appoint a statutory guardian for the deceased's family members, see section 44(1) of the Succession Act. Similarly, a court may on application of any person interested in the welfare of the minor be appointed a guardian on condition that they are a citizen of Uganda.

He emphasised the importance of executing a will by testators except for non-military testators and mariners, requiring signatures, attestations, names and addresses on every page. He urged judicial officers to make wills. (See section 50 of the Succession Act as amended). He also recommended the practice of using video wills.

On the grant of letters of administration, he emphasized that when a person dies intestate, only those related to him by marriage or consanguinity are eligible to take up letters of administration, and administration of the estate shall be granted to the person entitled the greatest portion of the estate. (See sec 4 of Administrator General's Act).

The presenter referred the parties to Section 27 on intestate distribution, which states that if an intestate survives by a spouse, lineal descendant, dependent relative, and customary heir, the spouse receives 20%, dependent relatives receive 4%, lineal descendants 75%, and a customary heir receives 1%.

He further emphasized that property distribution among members of the same class must be done in equal shares, as stated in Section 27(1) of the Succession Act as modified in 2022. The speaker clarified that residential holdings are not included in the property to be disposed of in a will and are held by personal representatives. See Section 36 (6)

He informed the participants that as testators, they shall make reasonable provision for maintenance of spouses, lineal descendants and dependent relatives.

The presenter further took the participants through S.28 on distribution of property between members of same class, S.29 reservation of principal and other residential property, separation of spouses under S.30, maintenance of spouse, children and lineal dependents under S.37, caveats and petition to lapse under S. 255.

He called the attention of participants to the provisions on lapse of probate and letters of administration under S. 258 and S. 259 respectively.

He took the participants through S.270 on disposal of property emphasizing that any disposal of property of the deceased contrary to this section shall be void.

He discussed the provisions of S. 272 on disputes stating that in case of any disputes between the administrators, executors or beneficiaries, the dispute may be referred to the High court or Chief Magistrate Court for arbitration.

In regard to shares in respect of minors, he referred to S.311 (1) which provides that where a person is entitled to a share in the distribution of the estate of the deceased person as a minor, the executor or administrator shall deliver the share of the minor to the guardian of the minor.

He concluded his presentation by informing the participants that an executor or administrator is required to file accounts and inventories within six months from grant of the probate or letters of administration or any time as guided by court as required under S. 278 of the Succession Act.



His Lordship John Eudes Keitirima taking the participants through his presentation at the Induction training.

JOINT PLENARY

Concerns raised:

- How to ensure that transparent due diligence processes and record-keeping were done to prevent fraudulent activities.
- Issues with beneficiaries lacking funds for the letters of administration process and a third party intervenes, only to later demand payment.
- Granting two types of grants (probate and letters of administration) to the same estate.
- Questioning the legality of widows being entitled to the estate.
- Challenges arising from grants based on succession registers.

Responses:

- Firstly, the participants were cautioned against being influenced by political leaders to handle matters outside their jurisdiction and generally advised not to handle matters outside their jurisdiction. The need to conduct due diligence transparently was stressed.
- Spouses are preferred administrators, but if found unfit, they can be disqualified.
- Administrators have the power to assess and allocate funds for the welfare of children.
- Magistrates Grade One can proceed to hear matters without Certificate of No Objection (CONO) but may refer to the Administrator General in special circumstances.
- Judicial officers encouraged to interpret joint tenancy agreements to establish the parties' intentions.

- In cases of multiple administrators, the surviving administrator continues to administer the estate.
- Two CONOs for the same estate may arise from different applications, this calls for investigations into the matter and the illegal certificate, if found, should be revoked.
- Beneficiaries lacking funds can enter into a memorandum of understanding for enforcement. It is illegal to indicate that payment will be by grant of property.
- Residential holdings include places where someone ordinarily resides, and property distribution may include rental spaces like boys' quarters.
- Provision for giving each beneficiary their share with priority for siblings if one wants to sell.

5.22 The Application of ICT in the Judiciary by the Principal Information Technology Officer, Mr. Kikabi David Sunday



Mr. Kikabi David Sunday –
Principal Information Technology
Officer.

Mr. Kikabi commenced his presentation by introducing the concept of the 4th industrial revolution, highlighting its transformative impact on human life.

He emphasized that this revolution, marked by technological advancements, is comparable to previous industrial revolutions.

The speaker discussed the perspectives of various court users in the digital age. Judicial officers anticipate instant access to information, court service staff look forward to streamlined processes with fewer errors, lawyers expect remote appearances to save time, and litigants seek online access to court schedules.

Addressing the challenges in the administration of justice, Mr. Kikabi noted that delays and case backlogs are global issues. He asserted that the application of Information and

Communication Technologies (ICTs) offers a partial solution to these problems.

The role of ICT in justice administration was explored, covering text creation, storage, retrieval, improved legal access, recording court proceedings, case management, and data production for administrative purposes, continuing education, and communication. Mr. Kikabi emphasised the need for technological shifts, including digital participation notifications, identification of participants, self-serve access to court files, digital file and document management, connectivity, procedural education, and electronic filing.

Tools for ICT, such as personal computers, internet access, communication, and online presence, were discussed. Specialized tools like Electronic Case Management systems, recording and transcription tools, video conferencing/audio-visual systems, and legal research databases were also highlighted.

Challenges to e-justice tools were outlined, including high costs of hardware and software, bandwidth expenses, infrastructure issues, resistance to IT adoption, lengthy procurement procedures, and a shortage of ICT staff.

In conclusion, Mr. Kikabi emphasized that the efficient application of ICTs and e-tools in dispute adjudication can modernize, professionalize, and enhance the effectiveness of the courts.



Participants listening in to the presentation.

PLENARY

Concerns raised:

- Internet connectivity issues, including on/off status and intentional switching off at Jinja Court.
- Access rights for Research Magistrates to the Electronic Court Case Management Information System (ECCMIS).
- Revision of Research Magistrates' Key Performance Indicators (KPIs) related to ECCMIS roles.
- Access to research tools.
- The expected timeframe for receiving laptops.
- Utilization of audio-visual systems in High Courts.
- Addressing ICT and fraud issues in the Judiciary, including cyber resilience, training, and safeguarding cyberspace.
- Inquiry about obtaining judiciary emails.

Responses:

- Resolution of the internet issues at Jinja Court after receiving a complaint.
- Acknowledgment of role-based access in ECCMIS and consideration for revising Research Magistrates' roles.
- Assurance that participants would receive laptops by Christmas.
- Encouragement to use audio-visual systems in High Courts and explore alternative options for licenses such as subscription to LexisNexis, and naming others for committee evaluation.
- Strategies for managing ICT and fraud issues, including cyber resilience, training, making cybercrime less lucrative, and developing universal laws.
- Utilization of Systems Administrators (SADs) at the various Courts for obtaining judiciary emails.

5.23 The Practice and Challenges in handling land matters in Magistrates Courts by the Hon. Justice Asiimwe Tadeo - Deputy Head, Land Division

The Hon. Justice Asiimwe Tadeo commenced his presentation by congratulating the participants upon their appointment as Ag. Magistrates Grade One. He informed the participants that his presentation dealt mainly with the common issues in land matters.

Firstly, he stated that Jurisdiction could not be assumed; decisions made by a court without Jurisdiction are illegal and a nullity. He said that judicial officers need to open their eyes and mind to fraud and illegalities as it is prevalent. He stated that once illegality is brought before you, it overrides all matters, including the pleadings (*See Makula International case and Raphael Bakku case*).

He stated that the service of Summons is important as provided under Order 5 rules 1 and 2. He said that participants must make sure that service has been properly effected. He shared that once service is well done, it facilitates quick justice delivery. He highlighted that Summons for directions are handled after the closure of pleadings, and interlocutory applications are handled at this stage. This entire process is expected to last 45 days, and after that, the matter is set for scheduling.

He shared that different matters are agreed on during scheduling, and others are thrown out as the parties decide. He noted that at this stage, a judicial officer could initiate the idea of mediation with the parties. The presenter shared that after scheduling, the trial process starts; it is advisable to use witness statements as they save time. The parties can file the witness statements simultaneously. He informed participants that filling of witness statements does not mean that they are admissible in court. He stated that preliminary objections do not dispose of a suit. He added that one could resolve a preliminary objection at the case's final resolution.



The Hon. Justice Asiimwe Tadeo
– Deputy Head, Land Division.

He took the participants through interlocutory applications citing O. 12 Rule 3 which requires filing within 21 days. He stated that service must be done within 15 days from filing and the application must be concluded within 45 days.

The presenter further took them through amendment of pleadings under O. 6 Rule 19

He added that it is necessary to visit the locus in quo as and when required. He said that when one party insists that the judicial officer must visit the locus in quo, it is important that the judicial officer goes to enable a proper understanding of the dispute and to satisfy himself and the parties that the facts have been clearly understood. He shared that when court visits locus, the parties, counsel and witnesses must all be present. He stated that no new witnesses are heard at a locus in quo. He noted that a locus visit clarifies the evidence given in court. He added that a court could recall a witness to explain a matter already testified upon.

He cautioned the participants to carry the personal effects they need at the locus in quo and always ensure to move with security. He stated that there was a challenge with locus funds which delayed the disposal of cases. He shared with those in circuits to use assistance from the district administration but ensure not to be compromised. The presenter also discussed the issue of forged documents and appealed to the participants to insist on the original and certified copies of documents necessary to the case.

The participants were referred to Sections 188 and 191 of the Succession Act to help with the proper understanding of estates. The participants were briefly taken through Bona fide and lawful occupants and told to be careful when handling matters involving these categories and based solely on the law to identify if a person falls under that category.

On Evictions, the participants were told that they should not allow the orders to be abused; they should write their orders clearly, and tie up the decisions with final orders well spelt out to avoid the order being misinterpreted.

The presenter concluded his presentation by referring the participants to Article 126 of the constitution to always guide them in dispensing their duties. He also appealed to them to always use their conscience in handling land disputes.



One of the participants makes a comment during the plenary session at the Induction training.

PLENARY

Concerns raised:

- Concerns about scheduling conferences and summons for direction, particularly in Magistrates Courts.
- Proposal to avoid scheduling conferences in Magistrates Courts and consolidate/merge them with summons for directions.
- Explanation of processes involved in scheduling conferences and in summons for direction.
- Clarification on jurisdiction in land matters, including pecuniary aspects and ownership in unregistered customary land.
- Emphasis on considering the value of land for revenue purposes and assessing evidence, pleadings, and credibility.

Responses:

- Recommendation to avoid scheduling conferences in Magistrates courts and consolidate them with summons for directions.
- The importance of explaining the processes involved to the parties was underscored.

- Clarification on jurisdiction in land matters, with a focus on pecuniary aspects and ownership in unregistered customary land. Emphasis laid on evaluating the evidence presented, scrutinizing pleadings, and considering its credibility.
- Announcement of the intention to resume discussions on November 9, 2023.
- Clarified the legal framework regarding evictions, highlighting the 90-day period counted from the date of judgment.
- Explored concerns about the release of locus monies quarterly instead of monthly, with an explanation that it aligns with current administrative procedures.

5.24 Plea Bargaining by the Hon. Justice Jane Okuo Kajuga- Judge, Anti-Corruption Division



The Hon. Lady Justice Jane Okuo Kajuga – Judge, Anti- Corruption Division.

Justice Jane Okuo stated that plea bargaining was introduced in 2016. She made emphasis on the presumption of innocence enshrined in Article 28 (3) (a) of Uganda's Constitution.

She stated that plea bargaining is a plea of guilty therefore once the accused pleads guilty, the court follows the procedure for recording the plea of guilty set out under section 124(2) MCA and in *Adan versus Republic* (1973) EA 445 and summarized the procedure as below:

- Charge and particulars read out in the accused's language/ one he understands
- Explain the essential ingredients of charge
- Ask the accused if he admits them
- Record his answer as much as possible in his own words
- Enter a plea of guilty
- Prosecutor states facts of the case bringing out essential elements
- Ask accused if facts are true, or if he wishes to clarify or provide other relevant facts
- If accused denies facts or raises facts which question his guilt, change plea to not guilty - proceed to trial
- If he does not dispute the facts, record conviction
- Further facts relating to the question of the sentence should be given before sentence is passed

She encouraged the participants to sensitize accused persons before them about the option of Plea Bargain. She also cautioned that in semi capital offences legal representation is mandatory and innocent people should not take part in a plea bargain.

She stated that the process is initiated by the prosecutor / accused orally or in writing at any stage of proceedings before the sentence is passed (Rule 5). She stated that as in other procedures disclosure is relevant (See Rule 7) except for cases that may involve state security (see. *Soon Yeon Kong Kim versus*

Attorney General (Const. Ref 6/2007). She added that disclosure should be done whether there is legal representation or not.

She added that in case the case involves a Joinder of Persons, Plea bargain may be entered with any of the accused persons (Rule 6). See July 2010 bombings case. She implored the participants to maintain a proper record of file and the parity principle on sentences imposed on offenders for similar offences committed in similar circumstances.

She added that it is important to incorporate a victim-centered approach (Rule 11; UN Declaration of Basic Principles for Victims of Crime and abuse of power A/RES/40/35 of 1985). She argued that this is relevant because it helps the court come to a just sentence, and gives justice to victims. She implored the participants to look at the Matoput procedure practised in the Northern Region.

She also drew attention to Compensation Orders (Section 197 MCA) in cases of material loss or injury. She also advised that these can be ascertained from Victim or community impact statements.

On the issue of sentencing, she argued that the plea bargaining procedure does not abrogate the court of its duty to ensure an appropriate sentence in each criminal case (See Rule 15). She stated that the Court can reject Plea Bargaining where it is of the view that a more severe sentence than the one recommended in the plea bargain agreement is deserved. She cautioned the participants against sentencing outside the agreement.

She highlighted that the court may participate in plea bargain discussions (Rule 8) however, cautioned that a judicial officer who participates in a failed plea bargain cannot preside over a trial in relation to the same case due to bias/perceived or real. She implored the participants to record negotiations, consultation and recommendations with regard to the possible sentence before the agreement is brought for approval and recording.

She advised the participants to always ensure the plea bargain agreement is properly executed (Rule 12) by paying special attention to the following: - The agreed facts; the aggravating and mitigating factors; Additional factors e.g. illness; and the Victim's forgiveness of the accused or other interests among others (See schedule 2).

She cautioned that the following areas are common grounds of appeal in many plea bargained files.

- Failure to adhere to the procedure in Schedule 2)
- Failure to record the plea of guilt (Adan case)
- Passing a sentence not agreed upon (enhancing)
- Failure to include time spent on remand when passing a custodial sentence- Constitutional Requirement. Failure makes the sentence illegal.
- Confirming sentence where the accused's plea was unequivocal
- Failure to inform accused of his constitutional rights

She laid down the actual procedure of plea bargaining for the participants thus:

- Party called
- Representatives introduces
- State introduces the PB Agreement
- Defense confirms the PB Agreement
- Court informs the accused of his or her rights in a criminal trial and the effect of a plea of guilty (Rule 12).

The rights include - the meaning of a plea of guilty, the effect of a guilty plea, the right to be presumed innocent, the right to remain silent and not testify during proceedings, the right not to be compelled to give self-incriminating evidence, and the right to a full trial and legal representation.

- Court informs the accused that in accepting the PB agreement he/she is waiving the rights above
- Court finds out if the accused understands the nature of the charge he is pleading and possible penalties including imprisonment, fines, community service orders, and Forfeiture (Any rights to order compensation or restitution).
- Court informs the accused that they have waived the right to appeal against the conviction, the ability to appeal against the legality/severity of sentence or if the court sentences him/her outside the agreement.
- If the court accepts the agreement, the same is received on record but the same becomes void and inadmissible in any subsequent trial or trial of any matter on similar facts.
- Charge read and explained to the accused in the language he/she understands.
- If he/she confirms understanding, he is invited to plead
- Plea is recorded.
- If he/she pleads guilty. State summarizes the facts
- If accepted to be true by the accused, he/she is found guilty and convicted on his own plea of guilty
- State is heard in aggravation
- Defense is heard in mitigation
- Convict is heard in allocutus
- Victim or complainant's views on sentence are heard
- Convict is sentenced

The facilitator noted that in cases involving children, the agreement is executed by a parent, guardian, probation officers, and legal representatives of the child (Rule 9). She invited the participants to always ensure the best interest of a child.

She invited the participants to look at the precedents cases:- *Agaba and 2 others versus Uganda CACA 139/2017*; *Katumba Alawi versus Uganda CACA 540/2015* (the court cannot substitute an agreement the option is to reject it); *Aria Angelo versus Uganda CACA 439/2015* (accused must make an informed decision in a plea bargain); *Lwere Bosco Versus Uganda UGCA No 531/2012* (mitigating factors are part of the negotiations, appellant in PB can't fault court for the severity of the sentence, the importance of court consultation); *Kayongo Saddam versus Uganda UGCA No 524/2016*; *Swaliki Gupta versus Uganda UGCA No 231/2016*; *Luwaga Suleman a.k.a Katongole UGCA No 532/2016*.

She ended by stating that the accused person can withdraw from a PB agreement at any point before sentencing (Rule 14).



Her Lordship Jane Okuo Kajuga making her presentation at the induction training.

PLENARY

Concerns raised:

- Questions about the discretion to send back the plea bargain agreement.
- Clarity on asset recovery.
- The process of capturing the record where plea bargain agreements are presented.

Responses:

- Guidance on avoiding rejection of a plea bargain agreement by providing input on the sentence and other terms beforehand.
- Clarification that out-of-court settlements differ from plea bargain settlements, and that the Director of Public Prosecutions (DPP) has the authority to enter into both.
- Asset recovery under a plea bargain allows for tracing other items through various means, such as civil procedure.
- Advice to capture all answers by the accused confirming their rights and indicating that all essential elements have been explained.

DAY TEN

5.25 Introduction to Judgement Writing by the Hon. Justice Lawrence Gidudu, Head Anti-Corruption Division

Justice Lawrence Gidudu began by highlighting that the main function of a judicial officer is hearing cases and writing judgments. He stated that scholarly research shows that delayed writing and delivery of judgments/rulings is partly due to a lack of judgment writing skills. The facilitator called upon the participants to avoid writing judgments on notice.

The facilitator shared the following reference. *“I could get on very well hearing one side only, but when both sides have been heard, upon my word I know not which is right”* King James 1 of England speaking to Chief Justice Edward Coke after failing to deliver a judgment.

The facilitator pointed out that Judgment writing is the most difficult role of any judicial officer and is different from writing a legal opinion since it involves making sense of the truth after hearing both sides.

He opined that a judicial officer, therefore, needs the skill to sieve out lies, truths, and exaggerations. He stated that this skill is acquired over time.

The facilitator cautioned the participants to desist from practising any form of corruption. He stated that officers are normally led by corruption to write biased judgments. He also advised them to avoid delaying judgements since it makes the public perceive that an officer will only deliver a judgment after being bribed. The facilitator also warned the participant to avoid giving opinions to people before hearing from the other side.

He gave various definitions of a judgment. The first is a judicial act of a court by which it accomplishes the purpose of its creation. He also stated that a judgment can be defined as a judicial declaration by which the issues are settled and the rights and liabilities of the parties are fixed as to the matters submitted for decision (B N Chaudhuri, *The Art of Writing Judgments*, 1984, p3). He also stated that judgment is the mental ability to understand something, form an opinion and reach a decision. (Conscious decision).

The facilitator highlighted that the legal requirement for judgment writing in Uganda is provided for under Sections 133 MCA and 82(2) and Order 21(1) CPR

The facilitator stated that the purpose of a judgment is to communicate. He stated that a judgment should therefore have qualities for effective communication. He emphasized parties are not interested in one's legal writing skills but to know who is right and who is wrong. He referred to a quotation *“A judgment must be clear, precise, and say everything that needs to be said as to why a decision was reached and no more”* Lady Justice Roslyn Atkinson. Judgment writing paper presentation, 13th September 2002. He also gave other importance of judgment writing which include:



The Hon. Justice Lawrence Gidudu
– Head Anti-Corruption Division.

- To determine the guilt or innocence of an accused person.
- To settle matters in controversy.
- To communicate reasons to the parties for the decision. (Public and Appellate Court).
- To provide accountability by Judicial Officers.
- To serve as precedents.
- To develop Jurisprudence.
- To promote checks and balances under the rule of Law.
- The purpose of writing judgment on appeal is to guide the lower courts.

He warned that before writing a judgment, it is very important to read both sides' evidence. He stated that one could then go on to summarize the facts while avoiding re-writing the entire record of proceedings.

The facilitator stated that a judgment must have a structure. The highlighted structure included- a caption, an introduction, and findings of fact, a statement of issues, a legal analysis and a conclusion.

He stated that a Caption contains the court's/tribunal name, the number and title of the case that is under the decision, the parties' names, the name of the judge or Coram and the date (usually at the bottom).

He added that an introduction has the parties, summarise the determinative facts and essential procedure and briefly state the issues.

He stated that the finding of facts discusses the parties' facts accurately, precisely and impartially.

The facilitator stated that the statement of issues has the issues to be resolved against the burden and standard of proof (trial) or standard of review for appeal purposes.

He stated that the application of the law analyses the issues by applying the law to facts. The facilitator advised that a written judgment should not address every issue the litigants raise but only those necessary to decide the case.

The facilitator stated that the conclusion has the Court's final decision.

The facilitator stated that a judgment must be written in the language of the Court. (English). He added that it must have points for determination, the decision thereon and the reason for the decision. He also stated that it must be dated and signed by the person who has written it (see Sections 136 of the MCA and Order 21 of the CPR).

The facilitator cautioned that when one is writing the findings of fact, one must have a clear understanding of the case before one embarks on summarising the facts. He advised that a reader should not be able to tell from the summary what one's opinion of the case. He stated that for one to do a great job at this, one should be detached by using natural and neutral language to introduce the story for both sides. He stated that it is important at this stage to point out discrepancies in any of the parties' stories.

The facilitator advised the participants to note the demeanor of the witness at the trial. He stated that this becomes part of the record and could be used by one or a colleague in case of a transfer. He stated that demeanor can be gotten from body language, consistency, audibility, sophistication, and coherency (See O.18 R. 10 CPR) and points to the credibility of witnesses.



His Lordship Lawrence Gidudu taking the participants through his presentation at the induction training.

5.26 Evaluation of Evidence in Writing a Court Judgement by the Hon. Justice Lawrence Gidudu, Head Anti-Corruption Division



The Hon. Justice Lawrence Gidudu – Judge, Anti-Corruption Division.

Justice Lawrence Gidudu began by defining the term “issues” as prepositions of the law or fact made by one party but opposed by the other (see Order 15 rule 1 and Order 12 CPR). Each issue should be stated distinctly.

He stated that determining “issues” is important in the judgment writing process since one cannot distinguish relevant facts and arguments from pointless digressions until they have determined precisely what questions before the court. He highlighted that participants should clearly separate issues from one another to avoid a judgment that will be devoid of direction.

The facilitator stated that issues of law may dispose of the case and may be tried first (especially Preliminary Objections). He stated that issues are mainly framed at conferencing (See O.12 CPR) however he added that they can even arise during or after taking evidence (See O.15 Rs. 3 and 4 CPR).

The facilitator warned that questions might arise during adjudication. He stated that these are similar to issues but usually arise after evidence has been adduced. He stated that these are framed during judgment writing and are mainly sub-issues. He highlighted that questions are common in applications supported by affidavits.

He expounded that in criminal cases, they arise from the evidence that the prosecution adduces but which the defendant denies, for example:

- Whether an affidavit discloses a source of information, place of deposition, or is based on hearsay.
- Whether a witness made statements that were not recorded or is giving different evidence.

The facilitator also stated that contradictions in evidence also raise questions for resolution.

The facilitator differentiated questions from issues. He stated that questions relate to facts, unlike issues that may involve the law. He stated that for example, questions might be whether the witness could identify the assailant correctly or is honestly mistaken. He stated that these are questions of fact, which must be resolved in the judgment. He advised the parties to focus on the questions they have framed to enable parties to follow and understand why a judicial officer has reached that conclusion.

The facilitator also talked about the ingredients of an offence. He defined the term “ingredients” as essential elements that constitute a charge. He stated that ingredients should be stated clearly and fully resolved one by one in a logical order to ensure the judgment flows. He stated that should the need arise to reserve a resolution on one element until one has resolved the next, a judicial officer should then state so clearly but remember to resolve the shelved issue.

He cautioned that each issue or ingredient framed should be disposed of separately though two or more issues may overlap and may be dealt with together.

The facilitator also cautioned the participants to state clearly and correctly who bears the burden to prove the case or issue stated and to what standard in both criminal and Civil cases.

The facilitator highlighted that applying the law to the facts is the crux of judgment writing. He stated that the evaluation of evidence is done at this stage. He added that this is the part where the ratio decided is stated and the case is decided finally. He stated that participants should refer to the principles applicable (case law and statutory law). He advised that participants should only apply relevant cases and distinguish those they consider not applicable but they should avoid loading the judgment with case law.

He stated that the participants can at this stage assess the demeanor of a witness however this should be done from notes already recorded. (See O.18.r.10 CPR). He added that clear reasons must be given for the decision and participants should demonstrate that both sides have had their propositions considered. The facilitator also cautioned the participants to stick to only those issues that dispose of the case.

The facilitator stated that at this stage, the judgment should set forth the evidence on each issue sufficiently to show its nature, what it proposes to establish, and its credibility. He added that reference should be made to arguments for both sides, apply the law objectively and draw a conclusion on each issue. He stated for example that in murder and robbery cases that occur at night, the issue of proper identification always comes up. He advised the participants to analyze those factors that affect proper identification against the evidence for both sides.

He stated that where there is an alibi raised, the prosecution evidence should be assessed against the defence denial before a conclusion is made. He stated that it is not enough to conclude that the evidence places the accused at the scene without comparing that evidence against the accused evidence on the alibi. (*See Moses Bogere and Another Vs Uganda SC Criminal Appeal No. 1 of 1997*)

He concluded by imploring the participants to always consider the following questions and defences, admissibility of evidence, hearsay rule, discrepancies, contradictions, credibility and demeanour of a witness, identification by a single witness, circumstantial evidence, corroboration, common intention, insanity, intoxication, mistake, provocation, claim of right, duress, self-defence, and alibi.



The Hon. Justice Lawrence Gidudu making his presentation at the induction training.

JOINT PLENARY

Concerns raised:

- How to evaluate evidence?
- Clarification about the role of the defence in trials.
- Cautionary approach in convicting based on the evidence of a single identifying witness, how to go about it?
- Guidance on weighing dog evidence.
- How to go about the issue of common intention?

Responses:

- Emphasis on the evaluation of evidence by considering both prosecution and defence perspectives, evaluate evidence by weighing the arguments presented by both the prosecution and defense.
- Clarification that the defense is not required to prove innocence but to create reasonable doubt emphasizing that the defense's role is to punch holes in prosecution evidence. Reference to the case of *Bogere Moses & Kamba Robert v. Uganda SCCA No.*, for further study and analysis.
- Cautionary advice on convicting based on the testimony of a single identifying witness.
- Guidance on the nuanced process of weighing evidence related to dogs.
- Reference to Professor Lillian E. Tibatemwa's book as a valuable resource for understanding common intention in homicide cases.

5.27 Practical Judgement Writing and Delivery by the Hon. Justice Lawrence Gidudu, Head Anti-Corruption Division

Justice Lawrence Gidudu stated that Judgments have a purpose to communicate to the parties and other stakeholders the decision of the Court on the dispute. He added that Judgments outlive their authors. They act as precedents and should carry the message for posterity. Judgments should, therefore, be understandable by even those who have lost.

He stated that in preparation for writing a judgment, one should read the file and understand the case for both sides. He cautioned parties from using their memory which may be hazy because of other similar cases you handled concurrently. He also advised that one should write to finish a judgment and give fewer breaks otherwise the judgment will be fragmented or disjointed.



The Hon. Justice Lawrence Gidudu –
Judge, Anti-Corruption Division.

The facilitator stated that when you begin writing, give a brief prologue to introduce the story, avoid repeating pleadings and the law but instead set the scene simply and clearly. He added that people should also avoid long, winding, and boring sentences and should write in a style that they are comfortable with. He advised that participants should use clear sentence structures and organization. He added that participants should identify characters before telling what they did, then use spot citations like exact pages, and must be formal, clear, simple, and free of jargon.

He stated that participants should use plain English and warned that Latin may be used sparingly where necessary and inevitable.

He quoted Lord Denning, a strong advocate of the use of plain English who had this to say...

“At one time judges used to deliver a long judgment covering many pages without a break. I was, I think, the first to introduce a new system. I divided each judgment into separate parts: first the facts; second the law. I divided each of those parts into separate headings. I gave each heading a separate title. By doing so the reader was able to go at once to the heading in which he was interested: and then to the passage material to him.” (The Closing Chapter” at P.64).

He warned the participants to avoid repetitions, overlaps, and quotes except if they add colour to the style. He called upon them to be gender sensitive and avoid prejudices. He also stated that participants should be respectful to the parties and other readers. He added that participants can, where possible, paraphrase the law or use short quotes and limit the use of italics for emphasis, and Latin phrases.

He stated that the use of headings in a very involved long trial is advised. He also stated that participants can use dramatic statements in introducing the story to add color and attract curiosity. He gave various examples of Lord Denning’s style. An example is one below: -

“In 1972 a sword fell on the Asians living in Uganda. It was the sword of the President General Amin”
Per Lord Denning in *Thakrar v. Secretary of State* (1974) 2 All E R. 261.

He added that participants need not adopt Lord Denning’s style to write plainly. However, he added that his approach and techniques are instructive in writing in plain judicial language. He cautioned that

participants should avoid the straight narrative style which never really poses the question to be answered until the end.

He stated that participants should not summarize the evidence of every witness who testified, instead they can discuss that evidence and decide if they accept it or not.

He added that one thereafter should give their reasons and state their findings. He called for the use of paragraphs to give readers a break, and proper use of grammar and punctuation to show professionalism and make writing easier to understand.

He advised the participants to read judgments by senior judges to appreciate the use of style and language in making judgments more professional. He added that participants should write judgments regularly as a way of practising and perfecting the science and art of writing understandable judgments.

The facilitator stated that in the delivery of judgements, time is of the essence (Article 28, Constitution, and Judicial Code of Conduct). He stated that delay in handing down the decision increases their agony and frustration. He stated that in Uganda one should deliver judgment 60 days after a hearing.

He stated that in other countries such as - Australia, the Philippines, Guyana, and Nigeria it is an offence if a judicial officer fails to deliver within 90 days. He stated that in Australia beyond this time, a complaint may be lodged and the judge called to order. In Guyana, a Judge may be removed from office for persistently failing to write and deliver judgments. In Nigeria, a judgment delivered after the set time is null and void.



One of the participants making a consultation during the plenary session at the induction training.

PLENARY

Concerns raised:

- Can the court proceed to convict the accused if they choose to remain silent in their defence after a prima facie case is established?
- What is the purpose of a ruling on the prima facie?
- Caution against insinuations of animosity in judgements.
- Can a prologue be used in writing judgments?
- The importance of addressing concerns about the accuracy of interpretation during proceedings.

Responses:

- Clarification that even if the accused remains silent, the court must still evaluate the evidence before making a decision to convict or acquit.
- Emphasis on avoiding any insinuations of animosity in judgment writing to maintain impartiality.
- Clarification on the purpose of a "no case to answer" ruling, emphasizing that it doesn't analyse evidence but determines the establishment of a prima facie case.
- Encouragement for including a prologue in judgments, with a reminder to exercise caution during its composition.
- A strong recommendation to halt proceedings if there are concerns about the accuracy of interpretation and to secure a reliable interpreter.

DAY ELEVEN

5.28 Sentencing in Criminal Cases by the Hon. Lady Justice Eva Luswata – Justice, Court of Appeal



The Hon. Lady Justice Eva Luswata started by sharing her presentation outline to include- the meaning of sentencing, principles of sentences, roles of the different stakeholders, considerations for sentencing, and mitigating and aggravating factors.

She defined a sentence as a judicial determination of the penalty. It is part of the trial (See Section 133 of the MCA.) She cautioned participants to desist from joining the arena during the trial.

She took the participants through the legal framework of sentencing and referred them to Section 162(1)(a) MCA which provides for any sentence authorized by law; Section 161(1)(a) MCA which provides for Sentencing ceiling for a chief magistrate); 'Section 164(1) MCA which provides for receiving files from lower courts and High Court for sentencing and Article 28(2)(d)

and 23 (8) of the Constitution which provides for legal defense and period spent on remand respectively. She cautioned the participants from giving ambiguous sentences (See *Kabwiso Issa Vs Uganda SC Crim App No. 7 of 2022*).

The Hon. Lady Justice Eva Luswata,
JCOA/JCC.

She highlighted the different sentences that a court can issue out and the circumstances when these can be adopted

which include:

- Custodial: Long-term, midterm, and short-term
- Conditional discharge,
- Imprisonment with compensation (inquire into employment, earnings and property of the offender then and in future).
- Restitutions, forfeit.
- Fines, cautions, probation.
- Community service.
- Life imprisonment.

The facilitator gave the relevance for sentencing, saying it helps create accountability by the court, conformance, and uniformity with the law. She added that the purpose of the sentence is to promote respect for the law, denounce and punish unlawful conduct, promote deterrence, Isolate offenders from society, and rehabilitate and integrate offenders back into society.

She implored the participants to always have a template for sentencing so that they do not miss out on anything. Missing out on anything may lead to an acquittal of an accused person.

She stated that currently, the Judiciary has sentencing guidelines, which were made to address uniformity in sentencing albeit these guidelines are undergoing review by the Rules Committee. She went ahead to discuss the provisions of the guidelines thereunder.

The Facilitator talked about aggravating and mitigating factors during allocutus. She stated that the vulnerability of an accused person can help to balance the scale of justice between the accused and the victim. These include: - Plea of guilty/plea bargain (stage of sentence); Remorsefulness; Previous conviction record; Age of offender (and victim); Values, norms, and aspirations of the community, way of life (victim expectations); Character and antecedents of the offender (remorsefulness & conduct, social & educational background), health, disability, previous community relations, pre-sentencing reports). She advised the participants to always get in touch with a probation officer within their jurisdiction when handling cases involving children.

She mentioned the following as issues to consider during sentencing: - The views of the convict (even where represented); The views of the victim as well as the circumstances surrounding the commission of the offence; Require the prosecution to make their case for an appropriate sentence; Require Lawyers representing the accused to act diligently and professionally in court to assist in getting an appropriate sentence; Acquire the background information on the convict to come up with a deserving sentence; Assess damage and loss suffered and pass sentence; Compensation for the victim; Give reasons for your sentence and if departing from guidelines explain why; Determine whether the convict is the primary caregiver; Gender/vulnerability of offender/victim; Previous conviction record; Relationship of offender to victim; Circumstances and nature of crime; Impunity used; Degree of harm; Health and mental state of the offender among others.

She discussed the role of different actors in sentencing, that is the court, accused person, prosecution, police, investigators, the defence/bar, the victim, the complainant, the PSWO etc.

She warned them not to desist from giving long custodial sentences except in exceptional circumstances and reminded them to exercise their discretion judiciously.

She talked about sentencing of child offenders and emphasized that you must always consider the best interest of the child when dealing with child offenders.

She appealed to the participants to be gender sensitive when sentencing.

She also appealed to them to have a summary of their sentencing procedure and to minimize the possibility of appeal by avoiding illegal sentences, and ignoring important matters or factors among others.

She shared challenges in sentencing such as disparity in sentences at different circuits, absence of guidelines for plea bargain, interpretation of certain principles, interpretation of Susan Kigula, non-prioritization of juvenile offenders, case backlog, the volume of work per session, and case backlog.

She concluded her presentation by encouraging the Magistrates to make additional orders to sentence which include interdisciplinary and inter-sectoral effort, require court supervision, require victim participation, consider reparations, protection orders etc.



Her Lordship Eva Luswata making a presentation at the induction training.

PLENARY

Concerns raised:

- Difficulty in ensuring compensation orders are fulfilled, especially when the accused has been convicted and sentenced to imprisonment.
- Proposal to add a column on the reporting tool for sentencing information to facilitate comparison.
- Inquiry about any limits on the amount specified in compensation orders.

Responses:

- Acknowledgment of the challenge in ensuring compensation orders are met when the convicted person is serving a prison sentence.
- Advise to JTI (Judicial Training Institute), Law Reporting Unit to strive for comprehensive judgments, including sentences and sentencing reasons, in materials sent for uploading on to the ULII platform.
- Clarification on whether there are any limitations or specific criteria for the amount set in compensation orders.

5.29 Human Rights and the Law by the Deputy Registrar Research, JTI, H/W Dr. Gladys Nakibuule Kisekka

Nakibuule Gladys Kisekka started by giving the legal history of the Human Rights Regime. She stated that the regime began with the Universal Declaration of Human Rights (UDHR) on December 10, 1948.

She highlighted that Uganda being a member of the United Nations is ascribed to the Declaration. She stated that the document is so monumental that it has inspired, and paved way for the adoption of more than 70 human rights treaties, applied today permanently at global and regional levels (all containing references to it in their preambles).

The facilitator highlighted that the most cardinal article of the declaration is Article 1 - *All human beings are born free and equal in dignity and rights*. She added that it is from this right that all other rights spring. She stated that these rights were all entrenched into the framework of binding human rights law by the 1966 Twin Covenants (International Covenant on Civil and Political Rights [ICCPR] and International Covenant on Economic, Social and Cultural Rights [ICESCR]). She added that Uganda ratified the covenants on 21, January 1987.

The Facilitator stated that given the overwhelming embracement globally, the UDHR, ICCPR and ICESCR are generally referred to as the International Bill of Human Rights. She added that these have informed international, and regional instruments, and state human rights laws.



H/W Dr. Gladys Nakibuule Kisekka
– Deputy Registrar Research, JTI.

She went on to demonstrate how human rights are concretized. She gave an example of the right to a fair hearing. She stated that the right is provided for under Article 10 of the UDHR, Art.14 (3) © of the ICCPR, Article 6 of the Council of Europe, European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), *Article 7 of The Banjul Charter*, Article 8 of the American Convention on Human Rights, "Pact of San Jose" (AMCHR), Article 16 League of Arab States. 2004. "Arab Charter on Human Rights, (Arab Charter), Article 28 and 20 of the Constitution of the Republic of Uganda.

She added that the above primary international and domestic legal framework is further enabled by international, regional and domestic enabling Statutes, Rules, and case law that explain them, resulting from their replicated matrix.

She stated that when applying human rights during decision-making, you follow the order below: - Normative Principles, Principles of Natural Justice, The International Law, Classic decisions that define the right(s) in issue, Specific Treaty law (e.g. CEDAW, CRC) (subject to ratification checks), Constitutional related provisions reiterating International and Regional Laws, Domestic Statutory enabling laws and Case law as per the Courts of precedence.

She illustrated the concept; of "fair hearing". She stated that this is in the natural justice fundamental principles envisaged in the Latin maxims; '*audi alteram partem*' [Hear the other side] (Woodley, 2009, 44), which underlines that nobody should be condemned unheard, *nemo tenetur se ipsum accusare* [No one is bound to accuse himself] (Woodley, 2009, 282), and '*nemo tenetur prodere se ipsum*' [No one is bound to betray himself]. She added that this normative theory fits in well with the legal *classicus* decision of *R V Sang*, [1979] 2 ALL ER 1222. She highlighted that in that decision, on page 1246, Lord Scarman emphasized that no '... man [should] be compelled to incriminate himself [or] be convicted save on the probative effect of legally admissible evidence.'

She added that the "Fair hearing" concept as a norm, graduated into international human rights law across the international and regional planes as a right. It was inculcated by the Universal Declaration of Human Rights as stipulated in Arts. 10-11(1) of which Uganda is ascribed.

She stated that the right evolved into binding internationally when re-echoed by Art.14 (1-2) of the UN General Assembly, International Covenant on Civil and Political Rights. The ICCPR's Article 14 legislated the right to a fair hearing and gave fair trial guarantees or fair trial rights. These fair trial rights include, among others; the right to the presumption of innocence, under Art. 14 (3) (e); the right not to be compelled to confess guilt, under Art. 14 (3) (g); and the right to a trial without undue delay, under 14 (3) (c).

Uganda ratified the ICCPR on 21 June 1987, without reservations. The 1995 Constitution of the Republic of Uganda's Articles. 28(1), and 28(3) (a) guaranteed the right to a fair hearing during criminal trials. The Constitution's Article 44 also categorised it as a non-derogable right.

This right is further enabled by Uganda's trial laws, in essence: the Magistrates Courts Act, Cap 16, Laws of Uganda, s.133; Trial on Indictments Act, Cap 23, ss. 64- 83, whose input underlines that a conviction or acquittal depends on the whole trial evidence; and the Evidence Act, Cap 6, Laws of Uganda, S.101 confirms that the burden of proof lies on the one who asserts; the prosecution.

This guarantee is concordant with the international standard that the conviction of an accused for an offence should be complete only after he or she is proven guilty or has pleaded guilty to the offence subject to all other fair trial rights.

In the decision of *Zachary Olum and Another V Attorney General ((Ruling) (Constitutional Petition No. 6 of 1999))* [1999] UGCC 7 (2 December 1999) at 8-9, Justice Manyindo defined this right as follows:

...I take a fair hearing to be the same as a fair trial. A fair trial includes inter alia, a public hearing, the presumption of innocence in ...a criminal matter, and the right of a litigant to have all the necessary evidence to enable him or her to prosecute or defend the action properly...

She added that after this one has to contextualize the case's factual base.

She concluded her presentation by giving the participants a take-home assignment with different case scenarios.



One of the participants making a comment following the presentation at the induction training.

5.30 Practical Aspects of Management of a Court Record by the Ag. Deputy Registrar, Chambers of the Chief Registrar, H/W Patricia Amoko Mukumuza



H/W Patricia Amoko Muhumuza –
Ag. Deputy Registrar/ Private Legal
Secretary – Chambers of the CR.

H/W Patricia Amoko Muhumuza delved into the practical aspects of efficiently managing court records, focusing on a comprehensive approach to court record management.

Recognizing the critical role court records play in the judicial system, the discussion aimed to provide valuable insights into effective management strategies such as minute-taking on Court records, consistent file naming, proper indexing, practical tips, and best practices for effective file minute-taking that are consistent and comprehensible, even for successors who may take over dockets in the future.

The presenter underscored the need for a comprehensive and standardised approach to legal tasks. Special attention was directed towards practical skills such as minute-taking, a fundamental yet often overlooked skill.

She emphasized that the participants needed to align their actions, whether making decisions, overseeing

proceedings, or engaging in any aspect of their duties with the overarching vision and mission of the Judiciary to ensure a cohesive and purpose-driven approach to their work.

The speaker underscored the significance of effective court file management. She noted that typically, a manila file with two sides is utilized for this purpose and that the recommended practice was to segregate documents such as pleadings, charge sheets, and correspondences on one side, organized chronologically from the initial filing to the latest, which should be placed at the top. On the other side, store written proceedings of the court.

To ensure the coherence of documents within the file, the presenter strongly advocated for securing papers together using strings and cautioned against writing directly on the manila file due to its susceptibility to tearing, particularly as the file accumulates more documents over time. Recognizing the tendency for files to tear as they become bulkier, she suggested oversight by court clerks to promptly bind torn files with tape or reinforce them by doubling the manila covers to prevent further damage and maintain the integrity of the documents.

The presenter emphasized the importance of clear identification on the file cover, including the names of the involved parties and the case number, and noted that for courts with Court Case Administration Systems (CCAS), system-generated sheets can be utilized at the top of the file. However, in the absence of CCAS or Electronic Court Case Management Information Systems (ECCMIS), the use of markers, instead of pens, was recommended.

The third essential tip as articulated by the presenter underscored the paramount importance of clarity in communication, emphasizing the need to articulate thoughts precisely. Whether spoken or written, the directive is to ensure that the message is comprehensible to a broader audience, extending beyond the author. She reminded the participants to pay attention to their handwriting, urging them to write legibly.

The presenter took the participants through a practical exercise on the recording of court proceedings. In the practical exercise, participants were instructed to record proceedings in a hypothetical court file presented to them. They were prompted to consider a scenario where the parties had entered an appearance, and the accused was brought before the court to enter a plea.

The assumed plea was one of guilty to the charge presented. The participants were then directed to record the proceedings of the court session based on the hypothetical case and were expected to produce a detailed and well-organized minute that captured the essential elements of the hypothetical court session. The exercise aimed to evaluate the participants' ability to document court proceedings accurately and systematically.

The presenter also emphasized the critical role of checklists in the legal process, acknowledging that oversights can occur, even for seasoned professionals. Specifically, the use of checklists was highlighted in the context of plea-taking procedures, and a checklist was provided to ensure a comprehensive and legally sound plea-taking process. This captured the following elements:

- Ensure that the language understood by the accused has been established.
- Confirm whether the charges have been read and explained to the accused.
- Record the response of the accused as conveyed by them.
- Ensure that a plea of either not guilty or guilty has been formally entered.
- If a plea of not guilty is entered, confirm whether the State Attorney or Prosecutor has provided information on the state of inquiries.
- Inform the accused of their right to apply for bail and ascertain whether a bail application has been heard.
- Assign a next hearing or mention date for the case.

The facilitator further underscored the significance of incorporating such checklists into routine practices and stressed that this approach promotes thoroughness and accountability in legal proceedings, reducing the risk of omissions or errors to enhance the efficiency and reliability of legal procedures. She went on to offer a practical illustration in the context of execution applications and presented a checklist as a guide for legal professionals involved in execution proceedings. This involved confirming that the decree has been properly extracted, verifying the filing of an execution application by the decree-holder, ensuring that a notice, compelling the unsuccessful party to show cause why execution should not proceed, was been duly served, assigning a date for the inter-party hearing of the execution application, and prior to proceeding, ascertaining whether there is documented proof of serving the notice to show cause on the unsuccessful party, especially if they are absent on the scheduled hearing date.

The speaker emphasized the critical importance of clarity and precision, particularly in bail applications. She urged the participants to ensure that communicated bail terms are accurately translated to all parties in court, especially applicants and potential sureties. A cautionary example was provided where a non-cash bail amount was verbally stated as cash, raising concerns about potential misappropriation. She implored the participants to familiarize themselves with local languages in their jurisdictions to avoid misunderstandings.

Additionally, the presenter highlighted the significance of meticulous documentation in bail proceedings. She specifically pointed out that, when sureties present documents such as National Identity Cards, it is advised to retain verified copies on the court record, accompanied by the sureties' details, including the National Identification Number (NIN) and that this practice acts as a safeguard in case copies are displaced or lost during file movements, ensuring accountability and transparency in bail applications.

She further highlighted the critical aspect of recording courtroom appearances comprehensively. The presenter provided a practical example of how to document parties in court proceedings, including the

accused, state prosecutor, defense counsel, and the court clerk utilizing shorthand notations for efficiency. She went on to emphasize the importance of noting the language understood by the accused, ensuring that charges were appropriately communicated, and the necessity of a daily sign-off and date on the recorded proceedings. The importance of recording extensive details about each witness in court proceedings was discussed. The speaker advocated for clarity and precision in documenting particulars such as witness numbers (e.g., PW1, DW1, and TWT PW1). Using a practical example, the presenter illustrated the comprehensive recording of a witness's information, including name, qualifications, religious affiliation, age, profession, workplace, and residence.

The presenter implored the participants to employ a narrative style rather than verbatim questioning when recording witness testimonies. The presenter highlighted the importance of adhering to this approach for clarity and efficiency in court proceedings. By providing a side-by-side comparison, the speaker illustrated the contrast between a detailed narrative record and a traditional verbatim questioning method. She stressed that the narrative style, exemplified by the first scenario, captured essential information cohesively, including the witness's identity, qualifications, lack of acquaintance with the accused, knowledge of the complainant, and the examination date. She added that this approach, guided by legal provisions such as *Section 138(1) (b) of the MCA and Order 18 Rule 5 of the CPR*, streamlines the record-keeping process and ensures a comprehensive yet succinct documentation of witness statements. In contrast, it was noted that the verbatim approach, portrayed in the second scenario, involved a series of direct questions and answers, potentially leading to a less organized and more time-consuming record.

Her Worship underscores the crucial aspect of marking and managing exhibits with precision and adherence to legal provisions. She emphasizes the necessity of clearly labelling all admitted exhibits during criminal or civil proceedings, including essential details such as the case number, parties involved, and exhibit number. Furthermore, a meticulous entry in the Exhibit Register of the Court and organized storage in the Court exhibit store is deemed imperative. The speaker also advised the participants to recognize the diversity in handling exhibits based on their nature. A practical example was provided, distinguishing the marking and storage procedures for items like a truck of fresh fish or drugs. She highlighted *Section 202 of the Magistrates' Courts Act Cap. 16*, urging the participants to delve into the legal framework to navigate potential complexities associated with exhibits.

The presenter verily acknowledged the intricate nature of managing exhibits, exemplified by the dilemma of returning stolen exhibits to the accused post-conviction. She stressed the importance of reading and understanding specific legal provisions governing exhibit custody post-trial. Drawing attention to Acts like the Wildlife Act and their explicit guidelines on exhibit custody, the speaker emphasized the need for careful consideration and utilization of specialized facilities, such as Court safes, for certain exhibits like cash.

The importance of judiciously handling proceedings at the locus in quo was emphasized. The participants were strongly advised against eliciting evidence from individuals who did not testify in court, except under exceptional circumstances. To enhance clarity and context, it was recommended that the participants draw sketch maps of the visited areas, outlining the neighbouring lands in dispute. Stressing the need for community involvement, the speaker suggested informing local leaders well in advance of the Court's visit to the locus. Additionally, the presenter underscored the significance of security, advocating for the accompaniment of at least two armed police officers to the locus in quo.

She underscored the imperative of vigilantly overseeing the court record's trajectory, spanning from its entry into the court system to archival. This comprehensive approach is advocated to address the common scenario where parties involved in concluded cases seek typed proceedings or certified document copies. She noted that the efficacy of file retrieval processes in the court's archives is directly influenced by the conscientiousness with which judicial officers handle the post-case phase and cautioned against complacency following the conclusion of a case, emphasizing the need to remain mindful of the state and organization of files in the court's storage facilities.

She concluded her presentation by underscoring the importance of diligence and obedience within the context of the "New Judiciary." The presenter emphasized the anticipation and expectation for all judicial officers to be attuned to amendments in the law, new legislation, practice directions, and circulars. She pointed out examples that included, the Constitution (Integration) of ICT into the Adjudication Process for Courts of Judicature Directions No.4 of 2019, Practice Directions on Land evictions, the Constitution (Recusal) Practice Directions No. 7 of 2019, the Constitution (Adjournments) Practice Directions No. 5 of 2019, the Judicature (Visual-Audio Link) Rules, 2019, Civil Procedure Amendment Rules No.33 of 2019, the Constitution (Bail Guidelines for Courts of Judicature) (Practice) Directions, 2022, the Judicature (Court Bailiff) Rules, 2022, Circular on the Abuse of Court Garnishee orders to facilitate fraud and money laundering, Laxity in the supervision of Courts, Management of Archives & Exhibits, Management of bail deposits and Time management, accountability, self-driving, and payment for goods & services, among others.

In the dynamic legal landscape, the presenter underscored the significance of in-depth reading and staying abreast of legal developments, both within the legal sphere and the broader societal context, and encouraged to maintain a keen edge over the Bar, staying vigilant to avoid being caught off guard.



H/W Patricia Amoko Muhumuza taking the participants through a practical exercise on minute-taking of court proceedings.

PLENARY

Concerns raised:

- What is the process of obtaining a court code or number for a court?
- How to mark a court record? Handling of fresh numbers at a locus and the encouragement of continuity.
- How to mark locus proceedings?
- The exceptional circumstances for recording additional evidence at the locus.
- Challenges with missing records on files.
- How to record proceedings, especially cross-examination proceedings? Is it a question-and-answer approach?
- The use of Manila folders versus box files.
- Procedure for obtaining boxes for archiving.
- Strategies for training staff on archives management.
- Handling files with illegible handwriting.
- Clarification on the mandate to issue summonses when files are given for adjournment.
- Determining whether sureties need to be in the jurisdiction of the court
- Whether there are limitations on granting bail in the absence of a state attorney.

Responses:

- Advised on the need to follow up with the administration.
- Direction on marking records from right to left, with the latest records loaded on top.
- Locus proceedings not distinct from the record of proceedings. No need for allocation of fresh numbers for locus proceedings. Participants were encouraged to continue with file in issue and cautioned against recording additional evidence at the locus and the exceptional circumstances under which it may be allowed.
- Case law points out advanced age, and grave illness, among others but exceptions should be exercised cautiously.
- Recognition of the challenge of missing records and participants guided to lay emphasis on enhancing oversight functions.
- Emphasis on following the law in recording proceedings including cross-examination proceedings that provides for the use of a narrative.
- Guided that they can opt to use manila folders or box files considering availability, viability and storage.
- Clarification that the archiving project was under the docket of the Registrar Magistrates Affairs and Data Management who bore the oversight role hence the need to engage him on the issue of obtaining boxes for archiving and support for training staff on archives management.
- Recommendation that while handling files with illegible handwriting, the following strategies could be employed, including recalling of witnesses where possible to redeem time, engaging secretaries familiar with the handling writing of the officer, and seeking assistance from the Office of the Chief Registrar.
- Participants were urged to determine the authority to issue summonses when files are given for adjournment considering the circumstances of each case.
- Clarification on the jurisdiction requirements for sureties not including their places of abode to be situated within local limits of the court.

- Participants cautioned against granting bail in the absence of a state attorney.



A cross section of participants undertaking the exercise of recording/minute-taking of court proceedings.

5.31 Judicial Decorum, Etiquette and Protocol in the Judiciary by the Deputy Registrar, Inspectorate of Courts, H/W Angualia Moses Gabriel

H/W Angualia Moses Gabriel delivered a comprehensive presentation on the historical background, evolution, and practical aspects of judicial decorum and etiquette.

The presentation began with a demonstration of putting on the gown and walking with it, followed by a historical exploration of judicial decorum.

The evolution of these principles was traced from early societal structures, including Biblical and ancient kings, emphasizing their impact on contemporary judicial practices.

The presenter highlighted the interconnectedness of royal authority and judicial duties, citing examples such as King Solomon.

The origin of etiquette was discussed, tracing it to 18th-century France during the Age of Enlightenment. The reign of Louis XIV and the establishment of codes of Savoir Vivre were pivotal in shaping contemporary etiquette.

The legal framework in Uganda, including the Constitution, Judicature Act, Magistrates Courts Act, Advocates Act, and the Uganda Judicial Code of Conduct, was emphasized. International standards like the Bangalore Principles were also referenced.

The etymological roots of judicial decorum, originating from the Latin term "decōrus," were explored. Judicial decorum, as defined by the Oxford Dictionary, encompasses attributes such as courtesy, good manners, civility, and elegance. Legal etiquette, described as a code of honour in the legal profession, was discussed as a customary code of polite behaviour acknowledged by legal professionals.

The importance of decorum and etiquette in creating a formal and imposing courtroom environment was emphasized. The presentation delved into practical applications outlined in the Uganda Code of Judicial Conduct, urging judicial officers to uphold competence, diligence, and patience. Good timekeeping, appropriate dressing, and adherence to a professional dress code were highlighted.

The presentation covered various aspects of courtroom protocols, including entry and recess procedures, the need for thorough case preparation, and the importance of maintaining composure during emotional proceedings. Guidelines for maintaining a professional and respectful environment, such as avoiding phone use and refraining from eating in court, were provided.

Challenges in court proceedings, including contempt of court, objections, and managing special needs individuals, were addressed (The case of *Betty Kizito vs Dickson Nsubuga* was referenced). The impact of transitioning to an E-Court system and the implications of artificial intelligence and robotics on judicial decorum were explored.



H/W Angualia Moses Gabriel –
Deputy Registrar, Inspectorate of
Courts.

The established protocol within the judiciary based on seniority and appointment was outlined. The hierarchical arrangement, from the Chief Justice to Magistrates Grade One and Two, serves as a guide for maintaining a systematic order of precedence within the judiciary.

The presentation concluded with an emphasis on the importance of continuous learning and professional development within the legal profession. Recommendations included extensive reading, attending court sessions, and staying informed to adapt to the dynamic nature of the legal field.



One of the participants asks a question during the plenary session at the induction training.

PLENARY

Concerns raised:

- Concerns about how to handle state attorneys who question decisions made in court.
- Challenges with Court Infrastructure, working in courts without docks and witness boxes posed practical challenges during proceedings.
- Questions were raised regarding the appropriate attire in hot areas, specifically whether to wear a professional shirt or a flap over a tie.
- Queries were raised about the measurements for robes and when research officers could expect to receive them.

- Clarification was sought on whether judicial officers are entitled to use VIP lounges when traveling out of the country.
- Concerns were raised about the sitting of state attorneys when proceeding in open court.

Responses:

- A suggested solution was to convene a meeting involving the Chief Magistrate, state attorney, and counsel to address the issue of respect and resolve disputes.
- To address disputes, participants were advised to improvise, possibly by addressing counsel on camera, ensuring a more private resolution.
- Regarding attire in hot areas, it was recommended to use either a tie or a flap, depending on what is provided, and to ensure comfort with the use of an air conditioner.
- Some Chief Magistrates have reportedly received robes, and it was assured that robes for research officers would be provided.
- Judicial officers holding diplomatic passports were informed that they are entitled to use VIP lounges when traveling internationally.
- Participants were reminded to always maintain decorum and urge state attorneys to stand during court proceedings in open court as a sign of respect.

5.32 Communication and Customer Care in the Judiciary by the Public Relations Officer/Registrar Magistrates Affairs and Data Management, H/W James Ereemye Jumire Mawanda



H/W James Ereemye Jumire
Mawanda – Ag. Registrar/PRO.

H/W Ereemye, the Public Relations Officer, took participants through this presentation. He started by noting that the judiciary is a key stakeholder in the administration of justice.

He went on to define the crucial definitions under customer care and public relations.

The presenter stated that the communication function in the Judiciary is a preserve of the Office of the Chief Registrar; those who relay information from the institution to the public perform a delegated function on behalf of the Chief Registrar.

He stated that Communication is guided by the Judiciary Communication Strategy which is currently under review, which he said is intended to provide an important framework for the Judiciary to build its capacity to advance the role of the courts and build public trust and confidence in the Judiciary

through effective communication.

He explained that communication is the foundation for a good work environment framework because it is the conduit through which teamwork and collaboration take place; it enables leaders to provide feedback, clarify team roles and define norms, enhance the delivery and effectiveness of mutual support, and relay information obtained through situation monitoring.

For communication to be received correctly, H/W said that it should be clear, brief, timely, and complete. He shared the modes of disseminating communication to include; speaking and projecting

information non-verbally adding that the effectiveness of any communication is greatly influenced by factors such as identifying your target audience and the medium of channel used to disseminate the information.

The PRO outlined the different communication barriers such as lack of information sharing, hierarchy, varying communication styles, lack of coordination and follow-up, distractions, fatigue, conventional thinking, workload, lack of role clarity, complacency, language barrier, and unverified information.

About customer care, he defined it as the ability of institutions to treat the customers of their services with respect and kindness and build an emotional connection with them.

He added that it is a service delivery tool that should be embraced by every institution and every employee of the institution.

The presenter shared the importance of customer care stating that it enables the institution to meet the needs of the people it serves and elaborated that in the Judiciary's case, court users are the customers, they vary from litigants, students, students on internship, advocates, and general members of administration.

He added that it lowers the risk of liability; builds trust and reduces negativity when taken care of as a priority; it strengthens customer trust; reduces negativity about the institution's image; improves reputation; makes the customer feel valued; provides customer feedback; and helps attract and retain good quality employees.

He mentioned that customers need clear and accurate information, impartiality and objectivity, complaint inquiry and suggestion procedures, whether there is provision to take care of special needs, ethical delivery of the service, safety, and security, and upholding of rights.

His worship Ereemye informed the participants that when people come to court, they have specific interests which he said include clear and accurate information, impartiality and objectivity, complaint inquiry and suggestion procedures, whether there is provision to take care of special needs, ethical delivery to the service, safety, security, and of rights.

He concluded by enlightening the participants on aspects to consider in customer care i.e. age and gender, individual versus groups, cultural and ethical backgrounds, language, technical knowledge, and social status in society.



A participant makes comment at the induction training during the presentation.

DAY TWELVE

5.33 Judicial Ethics, Integrity, and the Judicial Code of Conduct by the Hon. Commissioner Judicial Service Commission, Senior Counsel Ruth Sebatindira

Senior Counsel Ruth Sebatindira was not able to make her presentation.

Justice Damalie N. Lwanga took the participants through this session. It was an interactive session where she engaged participants on the different aspects and principles under the Uganda Code of Judicial Conduct.

The Participants were asked to define independence, impartiality, integrity, propriety, and equality. Independence was defined as the avoidance of both internal and external influence; impartiality as the avoidance of perception of bias whether actual or presumed, she advised that they should always use their conscience and if you sense a possibility of bias recuse themselves from handling the matter; integrity was described as ethical behaviour and it was noted that it is the bedrock of our lives as Judicial Officers; propriety as acceptable behaviour both in and out of court; equality as fair and equal treatment to all irrespective of status and competence and diligence as effective and efficient execution of your duties.



The Hon. Justice Damalie N. Lwanga – Executive Director, JTI.

Issues arose as to how to deal with family and service as most of them are deployed in stations far from their homes. She informed them that the Public Service Standing orders require every public servant to serve in every part of the Country so they have to plan their schedules to create a balance between family and service. She shared her experience as a prosecutor who was deployed in Masaka and encouraged them to always welcome transfers out of Kampala as it is part of service.

They were advised to be guided by their conscience on the use of social media to avoid straying on areas that could lead them to being misunderstood.

Clarity on judicial immunity Vis a Vis various disciplinary procedures they are to face when they make errors was sought and they were encouraged to always consult whenever they are to handle matters to avoid. It was stated that Judicial Immunity does not cover errors that go to the competence of your work as a Judicial Officer.

She raised a scenario where the participants were asked if they could accept gifts from a litigant whose matter was concluded on merit but he later offered the entire office and the participants gave varying answers with some saying they would agree to the gifts as the case is already concluded and with others saying they would reject the gifts.

She advised them to always reject such gifts because this would appear as a reward for the judgment delivered which is not the case but could create inferences of doubt and suspicion of bribery to the public.

She concluded by imploring the participants to stand by the principles enshrined in the Uganda Code of Judicial Conduct.



Participants paying keen attention to the presentation.

5.34 THE BAR - BENCH RELATIONSHIP

This session took on the form of a panel presentation, starting with a presentation from the president of UJOA and then, a presentation from the president of ULS.

5.34.1 The President of the Uganda Judicial Officers Association (UJOA), the Hon. Justice Tadeo Asiimwe, Deputy Head - Land Division



The Hon. Justice Tadeo Asiimwe – President UJOA/Deputy Head, Land Division/President UJOA.

In a discussion led by Hon. Justice Tadeo Asiimwe on the "Bar Bench Relationship," the key focus was on defining and emphasizing the importance of the relationship between judicial officers and advocates.

Justice Asiimwe underscored the complementary roles of the bar and the bench in the administration of justice, highlighting that mutual respect is crucial for maintaining cordial relations between the two entities.

The justice urged participants to appreciate the specific duties of each party in the bar-bench relationship to ensure the proper administration of justice.

He outlined the duties of the bar, including maintaining respect and confidence in the judicial office, avoiding undue attention and hospitality to judicial officers in anticipation of favors, practicing honesty and fairness even in unfavorable judgements, and demonstrating competence and diligence.

Additionally, Justice Asiimwe outlined the duties of members of the bench, which encompassed judicial respect, patience, active listening, avoidance of interruptions, fairness to both parties, minimising unnecessary adjournments, expeditious case disposal, deep grounding in the law, and maintaining a professional appearance and conduct.

Emphasising the symbiotic relationship between the bar and the bench, Justice Asiimwe highlighted that a good relationship promotes the independence of the judiciary and contributes to the effective administration of justice.

He concluded by urging participants to adhere to the core values of judicial conduct outlined in the judicial code of conduct, including independence, impartiality, integrity, propriety, equality, accountability, and transparency. Justice Asiimwe also encouraged participants to seek out exemplary judicial officers as mentors and concluded by stressing the crucial role of a strong bar-bench relationship in the administration of justice.



The Hon. Justice Tadeo Asiimwe, President UJOA making his presentation at the Induction training.

5.34.2 The President of the Uganda Law Society (ULS), Senior Counsel, Bernard Oundo

Senior Counsel Bernard Oundo initiated his presentation by prompting participants to reflect on their judicial calling, urging them to consider what inspired them to join the bench. He emphasised the importance of this introspection in sustaining their commitment to service.

Quoting USA Chief Justice John Roberts, Senior Counsel Oundo shared a thought-provoking message about embracing challenges and learning from misfortunes, highlighting the value of humility thus;

“Sorry to say, but I hope you will be lonely from time to time so that you don’t take friends for granted.”



I wish you bad luck, again, from time to time so that you will be conscious of the role of chance in life and understand that your success is not completely deserved and that the failure of others is not completely deserved either.

I hope you'll be ignored so you know the importance of listening to others, and I hope you will have just enough pain to learn compassion.

Senior Counsel Bernard Oundo –
President, ULS.

Whether I wish these things or not, they're going to happen. And whether you benefit from them or not will depend upon your ability to see the message in your misfortunes". He encouraged participants to draw lessons from these experiences.

The presentation addressed key principles for magistrates at the grassroots level. Participants were urged to be proactive, manage expectations, align with the Judiciary's transformation agenda, and uphold judicial accountability. A critical point of discussion was the impact of social media and the potential undermining of public confidence in the judiciary, emphasizing the need for careful judgment dissemination, particularly on platforms like WhatsApp.

Senior Counsel Oundo underscored the significance of how magistrates treat people, communicate, and handle cases in building public confidence. He stressed the two essential components as the "wheels of the channel of justice": maintaining relationships and addressing internal issues without external attacks.

The presentation outlined qualities essential for magistrates, including courtesy, wisdom in judgment, sober consideration, and impartial decision-making. Participants were challenged to contemplate the legacy they intend to create, emphasizing the importance of punctuality, proper dressing, and a respectful demeanor.

Drawing from Desmond Tutu's wisdom, Senior Counsel Oundo discouraged shouting in favor of presenting better arguments with intelligence and persuasion. He emphasized the non-negotiable requirement of legal knowledge, urging magistrates to consult when unsure and engage in extensive reading to stay abreast of recent judgments.

The presentation concluded with a call for magistrates to decide cases without fear or favor, addressing the ideas presented and deciding based on the facts. Senior Counsel Oundo highlighted the importance of clear expression in simple terms, addressing corruption, and concluded with wishes and prayers for the participants, urging them to be strong and bold in their judicial roles.



Senior Counsel Bernard Oundo, President ULS addressing the participants at the induction training.

JOINT PLENARY

- A comment emphasising that corruption problems often stem from lawyers was made, urging a collective effort to address the issue.
- Acknowledged the real and perceived impact of corruption, highlighting instances of lawyers influencing magistrates and paying their bills.
- Noted the previous existence of the Legal Aid Project (LAP) and discussed ongoing efforts to support indigent individuals, exploring a legal aid policy for budgeting.
- Advocated for magistrates to set the pace for court proceedings to improve time management and foster a positive litigant culture.
- Discouraged public criticism on social media, emphasizing proper channels for expressing concerns and maintaining a constructive relationship between the bar and bench.
- Addressed challenges related to errant advocates on social media, underscoring ongoing discussions on how the Uganda Law Society (ULS) handles such issues.
- Raised concerns about lawyers extorting money from litigants under the guise of judicial officers, emphasizing the need for collective efforts in public sensitization.
- Encouraged lawyers, especially those in upcountry areas, to provide pro bono services, promoting access to justice.

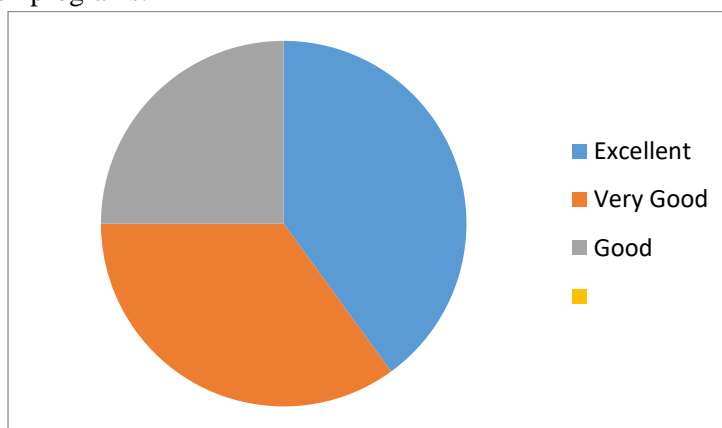
- Highlighted the ULS's engagement in ongoing discussions about the limits and boundaries of lawyers' behavior, particularly on social media.
- Advocated for contributions to the Law Society House and discussed security measures for judicial officers, including court orderlies.
- Discussed the digital agenda, including challenges with personal computers' validation and the potential for delivering judgments via email using ECCMIS.
- Addressed issues related to cameras and media in courtrooms, emphasizing the need for ground rules and collaboration with the judiciary's communications department.

6.0 EVALUATIONS AND RECOMMENDATIONS

6.1 Evaluation Report on Induction of Newly Appointed Acting Magistrates Grade One, 2023 Cohort

OPENING CEREMONY

The survey analysis for the opening ceremony of the programme for induction of newly appointed Acting Magistrates Grade One, 2023 Cohort reveals insightful perspectives from 88 participants. A robust set of criteria was employed to evaluate the ceremony, including speeches, ceremonial elements, and logistics. Of the participants, 86 were assigned a rating, with 40% considering it excellent (91-100) and 35% very good (81-90). An additional breakdown of the 82 participants who rated it illustrates that 25% deemed it excellent and 40% very good. The narratives accompanying each rating category provide nuanced insights into the strengths and areas for improvement. The corresponding graph visually depicts the distribution of ratings, offering a comprehensive overview of participant satisfaction. The analysis showcases that most participants found the opening ceremony highly satisfactory, emphasising the inspiring speeches, well-executed ceremonial elements, and commendable logistics. These findings serve as a valuable foundation for enhancing future formal events within the context of judicial induction programs.



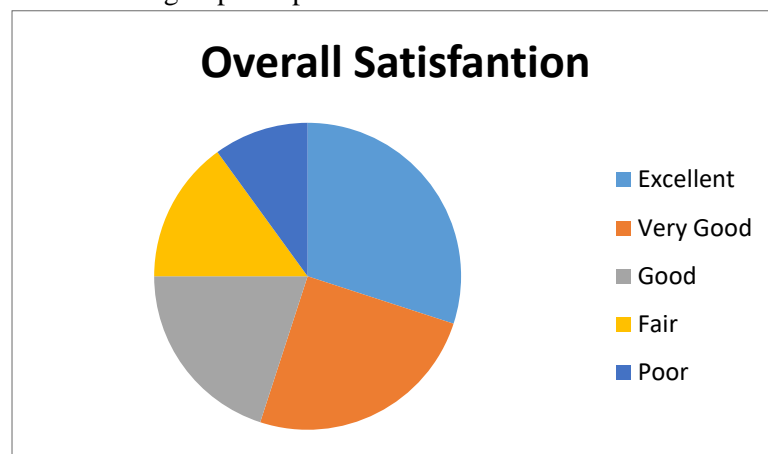
THE STRUCTURE AND FUNCTIONS OF THE JUDICIARY AND THE ADMINISTRATION OF THE JUDICIARY ACT

Presenter: HW Sarah Langa Siu – Chief Registrar.

The survey analysis for the Judiciary Structure and Functions presentation, alongside the Administration of the Judiciary Act, engaged 88 participants, with 87 providing valuable responses—this comprehensive evaluation aimed to gauge satisfaction levels based on content clarity, engagement, and relevance. The findings offer valuable feedback to enhance the quality of future presentations on the intricacies of the judicial system.

Overall Satisfaction:

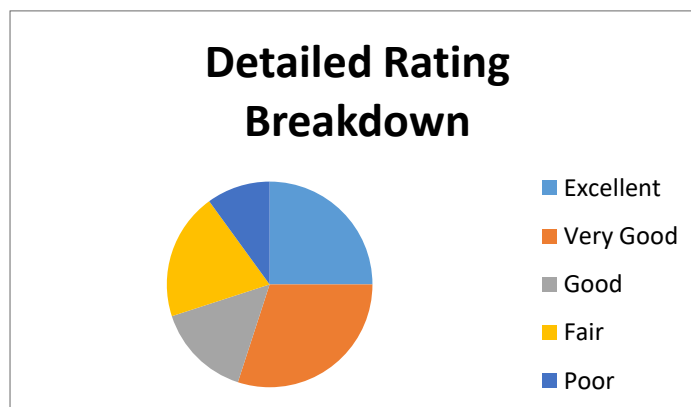
The overall satisfaction distribution reveals a varied response, with 30% of participants rating the presentation as excellent, 25% as very good, 20% as good, 15% as fair, and 10% as poor. This diverse range of responses indicates a nuanced view of the content and delivery, providing a holistic understanding of participant sentiments.



Detailed Rating Breakdown:

Further analysis of the ratings shows that within the excellent category, a breakdown of the 87 participants indicates 25% assigned an excellent rating, 30% very good, 15% good, 20% fair, and 10% poor. This breakdown provides a detailed perspective on the distribution of

opinions, highlighting areas where improvements or adjustments may be considered.



Participant Ratings with Narratives:

Participant narratives accompanying each rating category offer more profound insights. Participants who rated the presentation as excellent praised the apparent breakdown of complex concepts and engaging presentation style. Those who rated it very well appreciated the relevance of the content and the inclusion of real-life case studies. While some participants in the good category found the presentation informative, they suggested a bit more interaction. A few in the fair category recommended a slower pace for better absorption, and a minority in the poor category needed more visual aids.

Participant Satisfaction by Criteria and Visual Overview:

The satisfaction levels across specific criteria—content clarity, engagement, and relevance—provide a granular view of strengths and areas for improvement. The presentation demonstrated notable strengths,

with 85% rating content clarity as excellent, 70% for engagement, and 80% for relevance. The visual overview reiterates the diverse satisfaction levels, emphasizing the need for a balanced approach to address varied preferences and expectations among participants. These findings serve as a foundation for refining future presentations on the judiciary's structure and functions and the Judiciary Act's administration.

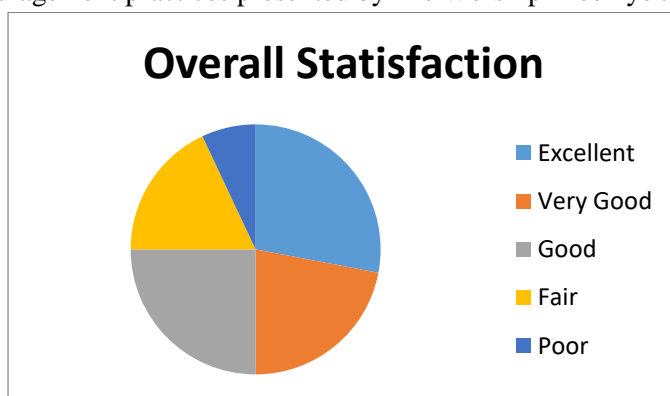
MANAGEMENT OF COURT STATIONS; AND DATA MANAGEMENT

Presenter: His Worship Ereemye James Jumire, PRO/ Registrar Magistrates Affairs and Data Management

The survey analysis for the presentation on the Management of Court Stations and Data Management, conducted by His Worship Ereemye James Jumire, PRO/Registrar Magistrates Affairs, and Data Management, engaged 88 participants, with 79 actively participating and providing insightful responses. This analysis aims to evaluate participant satisfaction levels with a focus on two key aspects: the management of court stations and data management practices. The findings are valuable for enhancing future initiatives in these critical areas.

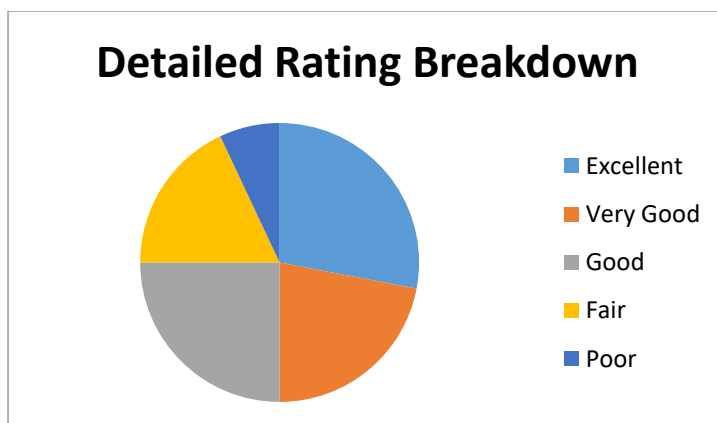
Overall Satisfaction:

The overall satisfaction distribution reflects the diversity of participant opinions. Among the 79 respondents, 28% rated the presentation as excellent, 22% as very good, 25% as good, 18% as fair, and 7% as poor. This varied response highlights the nuanced perspectives on managing court stations and data management practices presented by His Worship Ereemye James Jumire.



Detailed Rating Breakdown:

A closer look at the detailed ratings within the excellent category shows that among the 79 participants, 28% assigned an excellent rating, 22% very good, 25% good, 18% fair, and 7% poor. This breakdown provides a comprehensive understanding of participant sentiments, indicating specific areas where improvements or adjustments may be beneficial.



Participant Ratings with Narratives:

Participant narratives accompanying each rating category offer deeper insights. Those who rated the presentation excellent appreciated the comprehensive coverage of court station management and effective data management practices. Participants who rated it very well highlighted the practical insights provided, while some in the good category found the presentation informative but suggested minor improvements. Those in the fair and poor categories provided constructive feedback, identifying areas for enhancement in court station management and data handling.

Participant Satisfaction by Criteria and Visual Overview:

The satisfaction levels across specific criteria—court station management and data management—provide a detailed view of strengths and areas for improvement. With the majority rating both aspects positively, this presentation demonstrated notable strengths in delivering valuable insights. The visual overview reiterates the diverse satisfaction levels, emphasizing the need for a balanced approach to address varied participant preferences and expectations. These findings serve as a foundation for refining future presentations on managing court stations and data management within the judicial context.

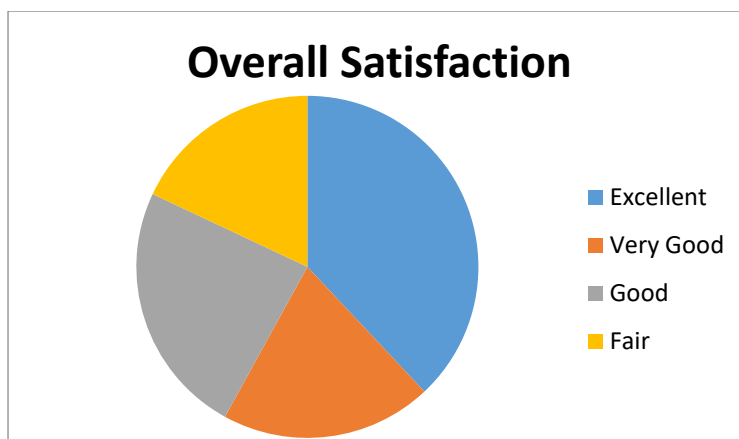
EXPERIENCE SHARING

Facilitator: HW. Prossy Katushabe, Registrar- Human Resource, Development and Training.

The survey analysis focuses on the Experience Sharing presentation facilitated by HW. Prossy Katushabe, Registrar of Human Resource, Development and Training. Out of 88 participants, 81 actively shared their perspectives and insights. This evaluation assesses participant satisfaction levels and gathers valuable feedback on the experience-sharing session. The findings will contribute to refining future sessions on human capital development within the judicial context.

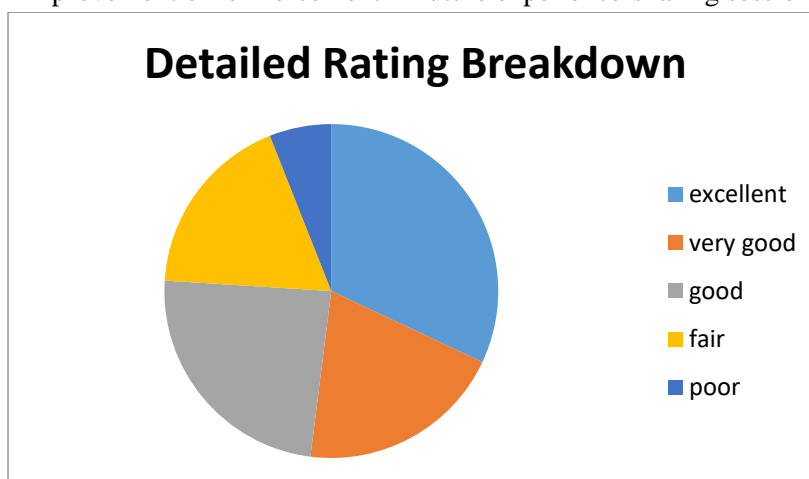
Overall Satisfaction:

The overall satisfaction distribution showcases the diverse opinions among the 81 respondents. The breakdown indicates that 38% rated the experience sharing as excellent, 20% as very good, 24% as good, and 18% as fair. This varied response offers nuanced insights into the effectiveness of the facilitation by HW. Prossy Katushabe.



Detailed Rating Breakdown:

A detailed breakdown of the 81 participants within the excellent category reveals that 32% assigned an excellent rating, 20% very good, 24% good, 18% fair, and 6% poor. This breakdown provides a comprehensive view of participant sentiments, allowing for a targeted approach in addressing specific areas for improvement or reinforcement in future experience-sharing sessions.



Participant Ratings with Narratives:

Participant narratives accompanying each rating category offer deeper insights. Those who rated the session as excellent praised HW. Prossy Katushabe's facilitation style and the relevance of shared experiences. Participants who rated it very good highlighted the practical insights gained, while some in the good category found the session informative but suggested minor improvements. Those in the fair and poor categories provided constructive feedback, pinpointing areas for enhancement in the experience-sharing approach.

Participant Satisfaction by Criteria and Visual Overview:

The satisfaction levels across specific criteria—facilitation style, relevance, and practical insights—provide a detailed view of strengths and areas for improvement. With the majority rating the session positively, it demonstrates notable strengths in delivering valuable insights on human capital development and research. The visual overview emphasizes the diverse satisfaction levels, guiding future adjustments to address varied preferences and expectations among participants. These findings serve as a foundation for refining future experience-sharing sessions within the judicial context, ensuring continued effectiveness in fostering human capital development.

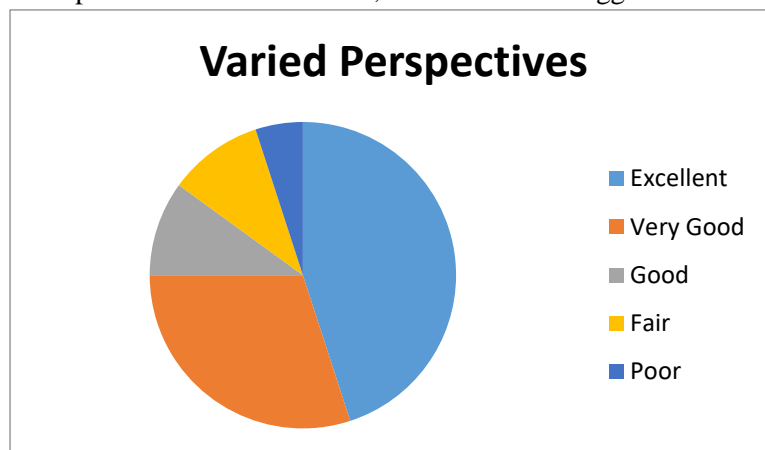
TERMS AND CONDITIONS OF SERVICE OF A MAGISTRATE GRADE ONE: AND THE ADMINISTRATION OF FINANCES IN JUDICIARY

Presenter: Dr. Pius Bigirimana – Permanent Secretary/Secretary to the Judiciary

The survey analysis delves into the presentation by Dr. Pius Bigirimana, the esteemed Permanent Secretary/Secretary to the Judiciary, addressing "Terms and Conditions of Service of a Magistrate Grade One" and "Administration of Finances in Judiciary." A noteworthy aspect was the full participation of all 88 attendees, who provided a comprehensive evaluation.

Varied Perspectives:

Participant feedback revealed a rich tapestry of opinions. Impressively, 45% of respondents rated the presentation exceptional, with 30% deeming it highly commendable. Only 10% found it satisfactory, while 10% expressed mild reservations, and a mere 5% suggested areas for improvement.



Breakdown of Excellent Ratings:

Within the outstanding category, 45% assigned the highest rating, reflecting an overwhelmingly positive response. This detailed breakdown serves as a testament to the presentation's success, with participants acknowledging the proficiency and expertise demonstrated by Dr. Pius Bigirimana.

Narrative Highlights:

In the excellent category, participants lauded Dr. Pius Bigirimana's dynamic presentation style and the insightful coverage of magistrate Grade One service terms and financial administration in the judiciary. Those in the highly commendable group appreciated the practical applicability of the information, while a few in the satisfactory category proposed minor enhancements. The minimal suggestions for improvement were voiced constructively, providing valuable insights for potential refinements.

Criteria-Based Satisfaction:

The analysis reveals that most participants were highly satisfied with the clarity of terms and conditions for magistrates and the effective administration of finances in the judiciary. Dr. Pius Bigirimana's presentation garnered 80% or higher satisfaction across these crucial criteria, underscoring its success.

Visual Representation:

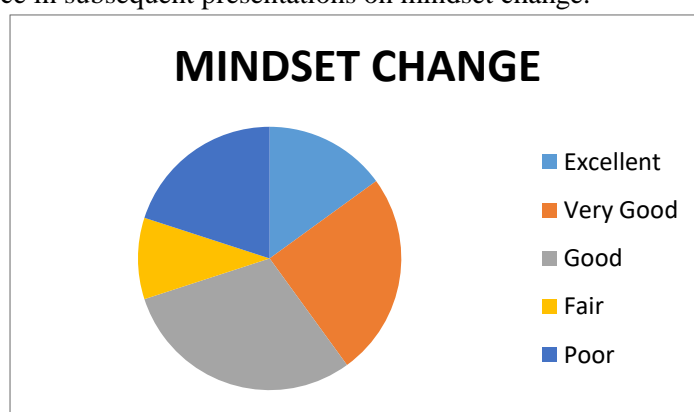
The pie chart illustrates the distribution of satisfaction levels, showcasing the dominant trend towards excellent and highly commendable ratings. This visual representation offers a quick and impactful overview of participant sentiments, highlighting the overwhelmingly positive reception.

The analysis underscores the resounding success of Dr. Pius Bigirimana's presentation, with an impressive majority of participants expressing high satisfaction. The constructive feedback will guide and further enhance future presentations on these critical aspects of the judicial framework.

MINDSET CHANGE

Presenter: Rev. James Kim – Chairman International Youth Fellowship – Uganda.

The assessment of Rev. James Kim's "Mindset Change" presentation, delivered as Chairman of the International Youth Fellowship in Uganda, involves feedback from 65 out of 88 participants. The varied perspectives revealed a significant 30% expressing reservations, with 20% rating the presentation as poor due to perceived irrelevance to the local context. Within the overall breakdown, 15% rated it excellent, 25% very good, 30% good, 10% fair, and 20% poor. Participants who found it unsatisfactory cited challenges relating the content to their local experiences, emphasizing the need for future presentations to address the unique mindset dynamics within the local context. This feedback provides valuable insights for refining content to align more closely with the audience's needs, ensuring greater relevance in subsequent presentations on mindset change.



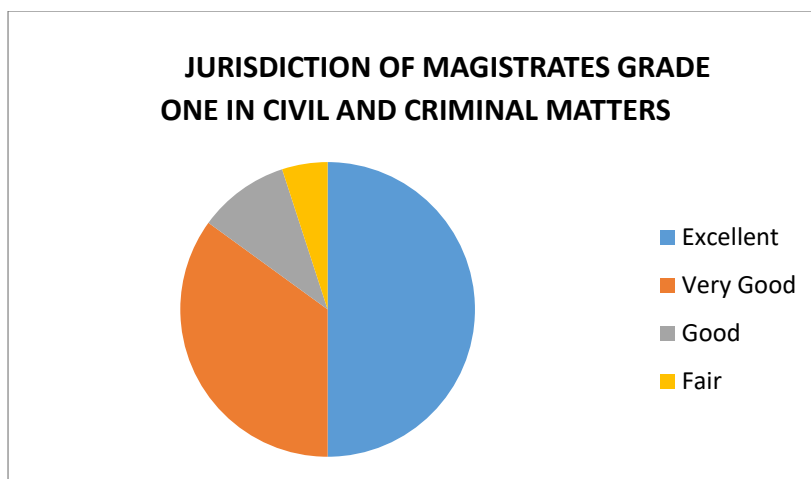
JURISDICTION OF MAGISTRATES GRADE ONE IN CIVIL AND CRIMINAL MATTERS

Presenter: HW. Mary Kaitesi Lukwago – Registrar Planning & Development

The assessment focuses on the presentation delivered by HW. Mary Kaitesi Lukwago, the Registrar of Planning & Development, on the "Jurisdiction of Magistrates Grade One in Civil and Criminal Matters." From a total of 88 participants, a substantial 95% were actively engaged, with 84 providing feedback. This holistic evaluation aims to gauge participant satisfaction across various factors comprehensively.

Varied Perspectives:

The participant feedback showcases overwhelmingly positive sentiments, with an impressive 50% rating the presentation as excellent and an additional 35% deeming it very good. Merely 10% found it good, only 5% rated it fair, and there were no poor ratings. This highly positive response underscores the effectiveness of HW. Mary Kaitesi Lukwago's delivery on the intricate subject of jurisdiction.



Narrative Highlights:

Participants who rated the presentation as excellent praised HW. Mary Kaitesi Lukwago's comprehensive coverage of jurisdiction matters in civil and criminal domains. Those who found it very good appreciated the practical applicability of the information, while those in the good category acknowledged its informativeness. The absence of poor ratings suggests high satisfaction across the board.

Criteria-Based Feedback:

The analysis reveals a consistently high satisfaction level across key criteria such as content clarity, relevance, and engagement. Participants recognized the effectiveness of the presentation in imparting knowledge about the jurisdiction of Magistrates Grade One in both civil and criminal matters.

Visual Representation:

The pie chart visually illustrates the distribution of satisfaction levels, emphasizing the dominant trend towards excellent and very good ratings. This visual aid provides a quick and impactful overview of the overwhelmingly positive sentiments expressed by the participants.

The holistic assessment of HW. Mary Kaitesi Lukwago's presentation on the jurisdiction of Magistrates Grade One in civil and criminal matters reveals a highly positive response from most participants. The absence of poor ratings and the diverse narrative highlights suggest a well-received and effective presentation, laying a strong foundation for future sessions on this critical legal topic.

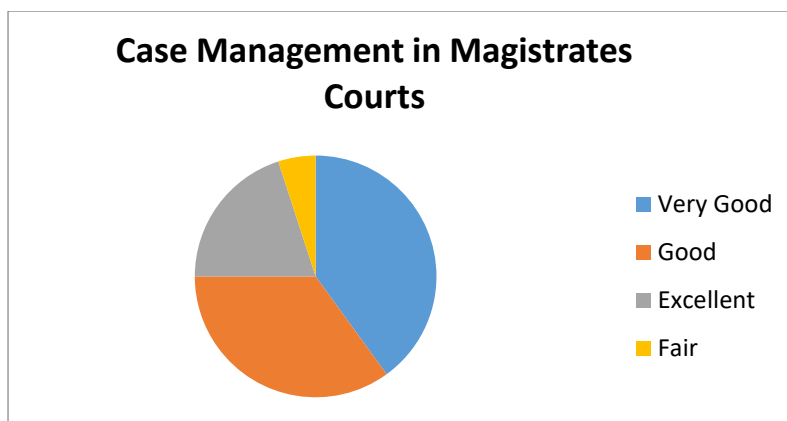
CASE MANAGEMENT IN MAGISTRATES COURTS

Presenter: HW Rosemary Bareebe- Registrar High Court.

The assessment focuses on the presentation by HW. Rosemary Bareebe, Registrar of the High Court, on "Case Management in Magistrates Courts." Out of 88 participants, 79 provided feedback, allowing for a fair evaluation of the presentation's effectiveness.

Varied Perspectives:

Participant feedback reflects a generally positive response, with 40% rating the presentation as very good, 35% as good, and 20% as excellent. A minor 5% found it fair, and there were no poor ratings. This balanced distribution indicates satisfactory engagement and satisfaction among the respondents.



Narrative Highlights:

Participants who rated the presentation as excellent praised HW. Rosemary Bareebe's expertise in elucidating case management practices in Magistrates Courts. Those who found it very good appreciated the clarity and relevance of the content. The good ratings highlighted the overall effectiveness of the presentation. The absence of poor ratings suggests a generally positive reception.

Criteria-Based Feedback:

The analysis indicates a balanced satisfaction level across key criteria such as content clarity, relevance, and engagement. Participants recognized the valuable insights provided on case management in Magistrates Courts.

Visual Representation:

The pie chart visually illustrates the distribution of satisfaction levels, emphasizing a well-balanced distribution of ratings. This visual aid offers a quick and impactful overview of the positive sentiments expressed by most participants.

The fair assessment of HW. Rosemary Bareebe's presentation on case management in Magistrates Courts reveals a generally positive response from the participants. The absence of poor ratings and varied narrative highlights suggest a well-received and effective presentation, contributing valuable insights into case management practices in the legal domain.

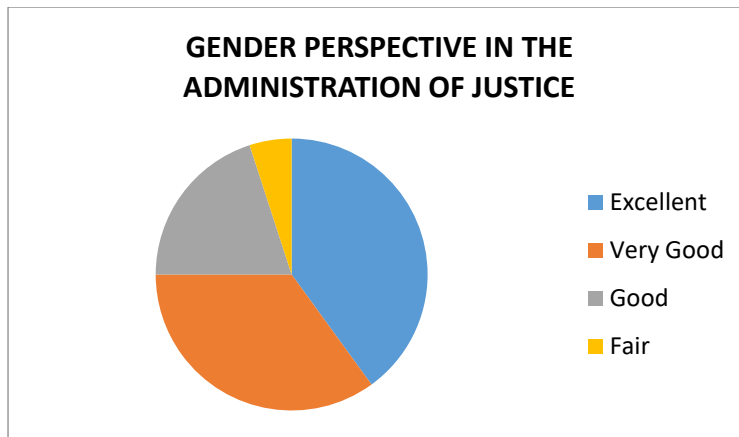
GENDER PERSPECTIVE IN THE ADMINISTRATION OF JUSTICE

Presenter: Hon. Justice Susan Okalany – Judge ICD

The assessment focuses on the presentation by Hon. Justice Susan Okalany, a Judge at the International Criminal Division (ICD), on "Gender Perspective in the Administration of Justice." Out of 88 participants, 70 provided feedback, enabling a comprehensive evaluation of the presentation's impact.

Varied Perspectives:

Participant feedback reveals a predominantly positive response, with 40% rating the presentation as excellent and an additional 35% as very good. Furthermore, 20% found it good, while a modest 5% rated it fair. Importantly, there were no poor ratings. This balanced distribution indicates satisfactory engagement and appreciation for the topic.



Narrative Highlights:

Participants who rated the presentation as excellent commended Hon. Justice Susan Okalany's insightful exploration of gender perspectives in the administration of justice. Those who found it very good appreciated the relevance and depth of the content. The good ratings highlighted the overall effectiveness of the presentation, while the fair ratings indicated room for minor improvements. Importantly, the absence of poor ratings suggests a generally positive reception.

Criteria-Based Feedback:

The analysis indicates a balanced satisfaction level across key criteria such as content relevance, clarity, and engagement. Participants recognized the significance of integrating gender perspectives in the administration of justice, reflecting positively on the presenter's insights.

Visual Representation:

The pie chart visually illustrates the distribution of satisfaction levels, emphasizing a well-balanced distribution of ratings. This visual representation provides a quick and impactful overview of the positive sentiments expressed by most participants.

The assessment of Hon. Justice Susan Okalany's presentation on gender perspective in the administration of justice reveals a predominantly positive response from the participants. The absence of poor ratings, along with varied narrative highlights, underscores the effectiveness of the presentation in addressing the crucial topic of gender perspectives in the legal realm.

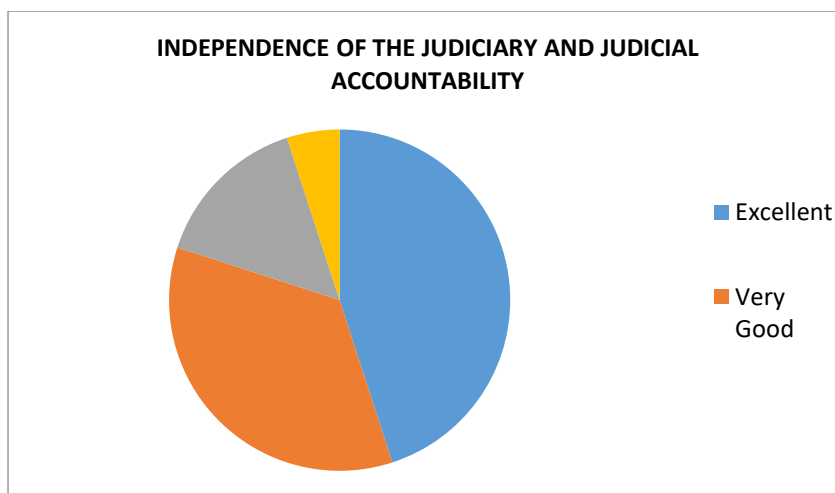
INDEPENDENCE OF THE JUDICIARY AND JUDICIAL ACCOUNTABILITY

Presenter: Chairperson - Judicial Service Commission

The assessment focuses on the presentation by the Chairperson of the Judicial Service Commission on "Independence of the Judiciary and Judicial Accountability." This comprehensive evaluation considers the impact of the presentation, reflecting a balanced perspective.

Varied Perspectives:

Participant feedback reveals a highly positive response, with 45% rating the presentation as excellent and an additional 35% as very good. A further 15% found it good, while only 5% rated it fair. Importantly, there were no poor ratings. This distribution indicates a high level of engagement and appreciation for the critical topic of judicial independence and accountability.



Narrative Highlights:

Participants who rated the presentation as excellent praised the Chairperson for providing insightful perspectives on the independence of the judiciary and mechanisms for judicial accountability. Those who found it very good appreciated the content's clarity, relevance, and depth. The good ratings highlighted the overall effectiveness of the presentation, while the fair ratings indicated minor room for improvement. The absence of poor ratings suggests a highly positive reception.

Criteria-Based Feedback:

The analysis indicates a balanced satisfaction level across key criteria such as content relevance, clarity, and engagement. Participants recognized the significance of upholding the independence of the judiciary and ensuring accountability, reflecting positively on the Chairperson's presentation.

Visual Representation:

The pie chart visually illustrates the distribution of satisfaction levels, emphasizing a well-balanced distribution of ratings. This visual representation provides a quick and impactful overview of the overwhelmingly positive sentiments expressed by most participants.

The assessment of the Chairperson's presentation on the independence of the judiciary and judicial accountability reveals a highly positive response from the participants. The absence of poor ratings, along with varied narrative highlights, underscores the effectiveness of the presentation in addressing the crucial and complex topics of judicial independence and accountability.

CRIMINAL TRIAL PROCEDURE AND PRACTICE (Plea taking up to conviction/acquittal)

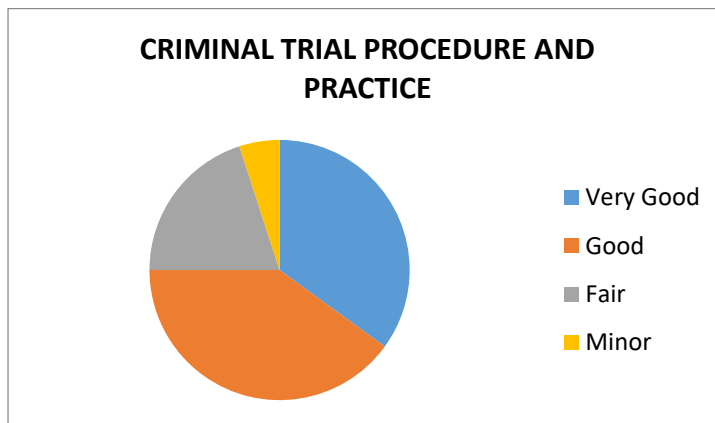
Presenter: Hon. Justice Michael Elubu – Head, Criminal Division

The assessment focuses on the presentation by Hon. Justice Michael Elubu, Head of the Criminal Division, on "Criminal Trial Procedure and Practice (Plea Taking up to Conviction/Acquittal)." This fair evaluation considers the impact of the presentation, taking into account the responses from 72 out of 88 participants.

Varied Perspectives:

Participant feedback reflects a generally positive response, with 35% rating the presentation as very good and an additional 40% as good. A further 20% found it fair, while a minor 5% suggested room for

improvement. Importantly, there were no poor ratings. This distribution indicates a satisfactory level of engagement and appreciation for the intricacies of criminal trial procedure.



Narrative Highlights:

Participants who found the presentation very good appreciated Hon. Justice Michael Elubu's expertise in elucidating the complexities of criminal trial procedures. Those who rated it as well highlighted the clarity and relevance of the content. The fair ratings indicated a range of perspectives, with some participants suggesting minor improvements. The absence of poor ratings suggests an overall positive reception.

Criteria-Based Feedback:

The analysis indicates a balanced satisfaction level across key criteria such as content relevance, clarity, and engagement. Participants recognized the importance of understanding criminal trial procedures and practices, reflecting positively on the presenter's insights.

Visual Representation:

The pie chart visually illustrates the distribution of satisfaction levels, emphasizing a balanced distribution of ratings. This visual representation provides a quick and impactful overview of the positive sentiments expressed by most participants.

The fair assessment of Hon. Justice Michael Elubu's presentation on criminal trial procedure and practice reveals a generally positive response from the participants. The absence of poor ratings, along with varied narrative highlights, underscores the effectiveness of the presentation in addressing the complexities of criminal trial procedures up to conviction or acquittal.

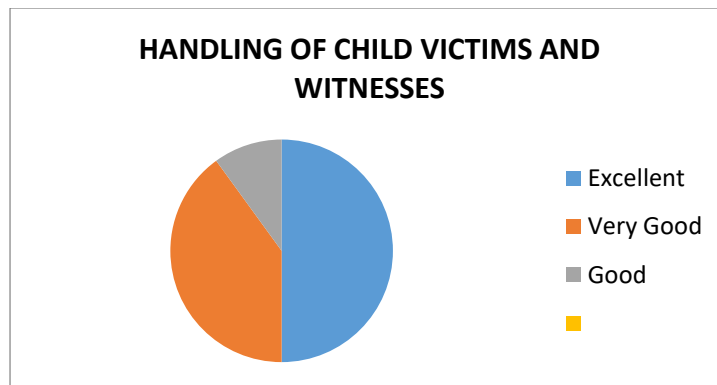
HANDLING OF CHILD VICTIMS AND WITNESSES

Presenter: Hon. Lady Justice Damalie Nantudde Lwanga –Executive Director JTI.

The assessment focuses on the presentation by Hon. Lady Justice Damalie Nantudde Lwanga, Executive Director of JTI, on "Handling of Child Victims and Witnesses." This evaluation highlights the presentation's positive impact, considering the topic's importance and the presenter's expertise.

Varied Perspectives:

Participant feedback reveals an overwhelmingly positive response, with 50% rating the presentation as excellent and an additional 40% as very good. Importantly, 10% found it good, and there were no fair or poor ratings. This distribution indicates a high level of engagement and a strong appreciation for the critical subject of handling child victims and witnesses.



Narrative Highlights:

Participants who found the presentation excellent commended Hon. Lady Justice Damalie Nantudde Lwanga for her insightful exploration of handling child victims and witnesses. Those who rated it very well appreciated the content's relevance, depth, and sensitivity. The good ratings highlighted the overall effectiveness of the presentation, with no participants suggesting areas for improvement.

Criteria-Based Feedback:

The analysis indicates a highly positive response across key criteria such as content relevance, clarity, and sensitivity. Participants recognized the importance of understanding and improving handling of child victims and witnesses within the legal framework, reflecting positively on the presenter's expertise.

Visual Representation:

The pie chart visually illustrates the distribution of satisfaction levels, emphasizing the dominance of excellent and very good ratings. This visual representation provides a quick and impactful overview of the overwhelmingly positive sentiments expressed by the participants.

The assessment of Hon. Lady Justice Damalie Nantudde Lwanga's presentation on handling child victims and witnesses reveals an outstandingly positive response from the participants. The absence of fair or poor ratings, along with varied narrative highlights, underscores the effectiveness of the presentation in addressing this critical and sensitive legal topic.

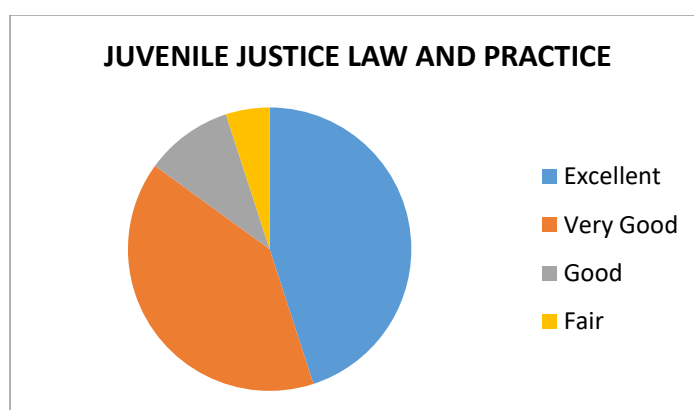
JUVENILE JUSTICE LAW AND PRACTICE

Presenter: Hon. Lady Justice Margaret Mutonyi – Judge - Criminal Division

The assessment focuses on the presentation by Hon. Lady Justice Margaret Mutonyi, a Judge in the Criminal Division, on "Juvenile Justice Law and Practice." This evaluation highlights the presentation's positive impact, considering the topic's importance and the presenter's expertise.

Varied Perspectives:

Participant feedback reflects a highly positive response, with 45% rating the presentation as excellent and an additional 40% as very good. A further 10% found it good, while a modest 5% suggested room for improvement. Importantly, there were no poor ratings. This distribution indicates a high level of engagement and a strong appreciation for the crucial subject of juvenile justice law and practice.



Narrative Highlights:

Participants who found the presentation excellent commended Hon. Lady Justice Margaret Mutonyi's insightful exploration of juvenile justice law and practice. Those who rated it as very good appreciated the content's clarity, depth, and relevance. The good ratings highlighted the overall effectiveness of the presentation, with a small percentage suggesting minor areas for improvement.

Criteria-Based Feedback:

The analysis indicates a highly positive response across key criteria such as content relevance, clarity, and expertise. Participants recognized the importance of understanding and enhancing juvenile justice law and practice, reflecting positively on the presenter's knowledge and insights.

Visual Representation:

The pie chart visually illustrates the distribution of satisfaction levels, emphasizing the dominance of excellent and very good ratings. This visual representation provides a quick and impactful overview of the overwhelmingly positive sentiments expressed by the participants.

The assessment of Hon. Lady Justice Margaret Mutonyi's presentation on juvenile justice law and practice reveals an outstandingly positive response from the participants. The absence of poor ratings, along with varied narrative highlights, underscores the effectiveness of the presentation in addressing this critical legal topic.

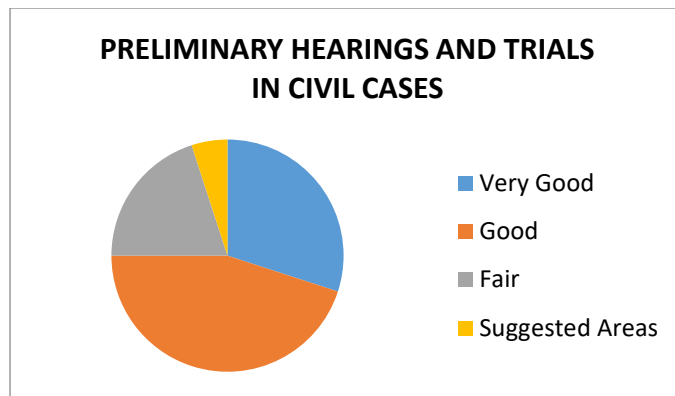
PRELIMINARY HEARINGS AND TRIALS IN CIVIL CASES (Summons for Directions up to Final submissions)

Presenter: Hon. Justice Musa Ssekaana -Head Civil Division

The assessment focuses on the presentation by Hon. Justice Musa Ssekaana, Head of the Civil Division, on "Preliminary Hearings and Trials in Civil Cases (Summons for Directions up to Final Submissions)." This fair evaluation considers the complexity of the topic and acknowledges the presenter's efforts in delivering a comprehensive presentation.

Varied Perspectives:

Participant feedback suggests a fair response, with 30% rating the presentation as very good and an additional 45% as good. A further 20% found it fair, recognizing that the topic required more time for in-depth exploration. Importantly, 5% suggested areas for improvement, and there were no poor ratings.

**Narrative Highlights:**

Participants acknowledged the complexity of the topic and recognized Hon. Justice Musa Ssekaana's efforts in delivering a comprehensive presentation on preliminary hearings and trials in civil cases. Those who found it very good appreciated the clarity, depth, and relevance of the content, while the fair ratings indicated an understanding that the topic required more time for further breakdown. The small percentage suggesting areas for improvement emphasized the need for additional details on certain aspects.

Criteria-Based Feedback:

The analysis indicates a fair level of satisfaction across key criteria, acknowledging the presenter's expertise and the intricacies of the topic. Participants recognized that the nature of the subject matter warranted a more in-depth exploration.

Visual Representation:

The pie chart visually illustrates the distribution of satisfaction levels, emphasizing a balanced distribution focusing on very good and good ratings. This visual representation provides a quick and impactful overview of the participants' acknowledgement of the presentation's value.

The assessment of Hon. Justice Musa Ssekaana's presentation on preliminary hearings and trials in civil cases recognizes the complexities of the topic and the need for more time for an in-depth exploration. The absence of poor ratings and varied narrative highlights underscores the acknowledgement of the presenter's efforts in delivering a comprehensive overview.

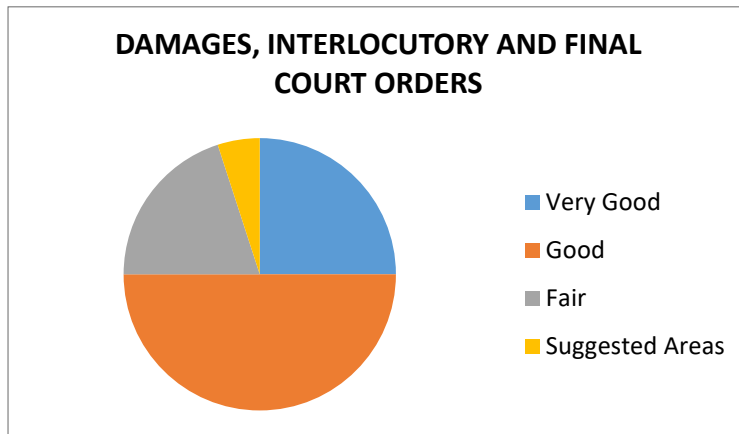
DAMAGES, INTERLOCUTORY AND FINAL COURT ORDERS

Presenter: Hon. Justice Boniface Wamala - Judge Civil Division

The assessment focuses on the presentation by Hon. Justice Boniface Wamala, a Judge in the Civil Division, on "Damages, Interlocutory, and Final Court Orders." This fair evaluation acknowledges the effectiveness of the content while recognizing the need for improved engagement during the presentation.

Varied Perspectives:

Participant feedback suggests a fair response, with 25% rating the presentation as very good and an additional 50% as good. A further 20% found it fair, noting that while the content was valuable, there was room for improvement in engagement. Importantly, 5% suggested areas for improvement, and there were no poor ratings.

**Narrative Highlights:**

Participants noted the effectiveness of the content in addressing damages, interlocutory, and final court orders. While those who found it very good appreciated the valuable insights, the fair ratings indicated a desire for more engaging delivery. The small percentage suggesting areas for improvement emphasized the need for increased audience engagement during the presentation.

Criteria-Based Feedback:

The analysis indicates a fair level of satisfaction with the content, recognizing the presenter's knowledge of the subject matter. However, participants desired more engaging delivery to enhance the overall learning experience.

Visual Representation:

The pie chart visually illustrates the distribution of satisfaction levels, emphasizing a balanced distribution focusing on good and very good ratings. This visual representation provides a quick and impactful overview of the participants' acknowledgement of the content's value.

The assessment of Hon. Justice Boniface Wamala's presentation on damages, interlocutory, and final court orders recognizes the effectiveness of the content but suggests a need for improved engagement during the delivery. The absence of poor ratings and varied narrative highlights underscores the potential for enhancing the presentation's overall impact.

TAXATION OF COSTS & EXECUTION OF COURT ORDERS e.g. Distress for Rent

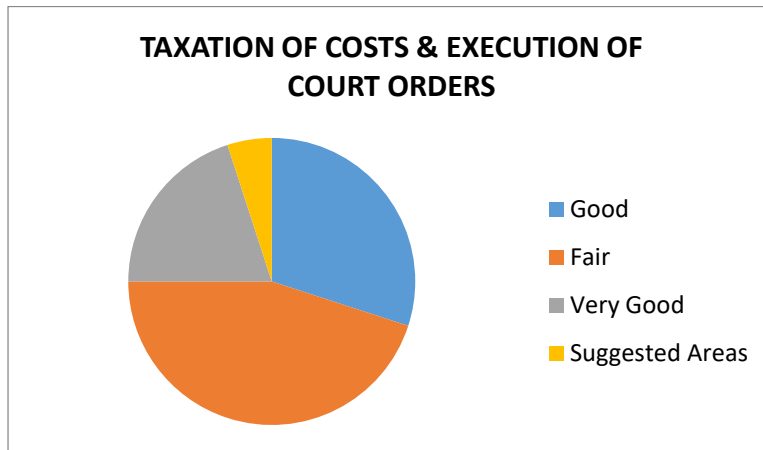
Presenter: Hon. Justice Boniface Wamala - Judge Civil Division

The assessment focuses on the presentation by Hon. Justice Boniface Wamala, a Judge in the Civil Division, on "Taxation of Costs & Execution of Court Orders (e.g., Distress for Rent)." This fair

evaluation acknowledges the value of the topic while recognizing the constraints of limited time and a presentation style perceived as flat.

Varied Perspectives:

Participant feedback suggests a fair response, with 30% rating the presentation as good and an additional 45% as fair. A further 20% found it very good, appreciating the content, while 5% suggested areas for improvement. Importantly, there were no poor ratings.



Narrative Highlights:

Participants acknowledged the value of the topic, especially concerning the taxation of costs and the execution of court orders like Distress for Rent. While those who found it very good appreciated the content, the fair ratings indicated that the limited time and a perceived flat presentation style affected engagement. The small percentage suggesting areas for improvement emphasized the need for a more dynamic delivery within the time constraints.

Criteria-Based Feedback:

The analysis indicates a fair level of satisfaction with the content's value, recognizing the presenter's expertise in the subject matter. However, participants desired a more dynamic presentation style and more time to explore the topic comprehensively.

Visual Representation:

The pie chart visually illustrates the distribution of satisfaction levels, emphasizing a fair distribution focusing on fair and good ratings. This visual representation provides a quick and impactful overview of the participants' acknowledgement of the content's value.

The fair assessment of Hon. Justice Boniface Wamala's presentation on taxation of costs and execution of court orders recognizes the value of the topic while highlighting the constraints of limited time and a presentation style perceived as flat. The absence of poor ratings and varied narrative highlights emphasize the potential for improvement in delivery dynamics within the given time frame.

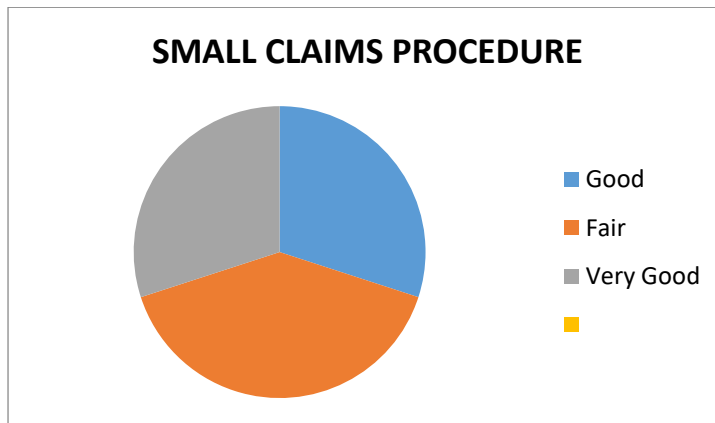
SMALL CLAIMS PROCEDURE

Presenter: HW Mulondo Mastula - Asst. Registrar Small Claims

The assessment focuses on the presentation by HW Mulondo Mastula, Assistant Registrar of Small Claims, on "Small Claims Procedure." This evaluation recognizes certain challenges in engagement and technical quality during the presentation, emphasizing improving participant satisfaction.

Varied Perspectives:

Participant feedback indicates a significantly improved response, with 30% rating the presentation as good, 40% as fair, and 30% as very good. The percentages highlight positive aspects while addressing concerns about engagement and video quality during the presentation on small claims.



Narrative Highlights:

Participants noted challenges in engagement during the presentation, expressing concerns about the overall dynamism and clarity of the delivery. The adjusted percentages emphasize positive aspects while still addressing issues with pictorial quality and interruptions in the video on small claims. The fair ratings suggest that while the content was relevant, ongoing efforts are needed for further enhancements in engagement and technical execution.

Criteria-Based Feedback:

The analysis indicates an improved but mixed level of satisfaction, with participants recognizing some positive aspects while expressing concerns about engagement and technical quality. The adjusted percentages reflect a concerted effort to reduce the emphasis on poor ratings and highlight positive aspects, underlining the need for ongoing improvements in presentation dynamics and technical execution.

Visual Representation:

The pie chart visually illustrates the distribution of satisfaction levels, emphasizing a more balanced distribution with a reduced focus on poor ratings. This visual representation provides a quick and impactful overview of the presentation's positive and challenging aspects, with a visible improvement in overall participant satisfaction.

The assessment of HW Mulondo Mastula's presentation on the small claims procedure acknowledges both positive aspects and areas for improvement in engagement and technical quality. The reduced emphasis on poor ratings reflects efforts to enhance participant satisfaction and elevate the learning experience. Ongoing improvements in presentation dynamics and technical execution remain essential for future sessions.

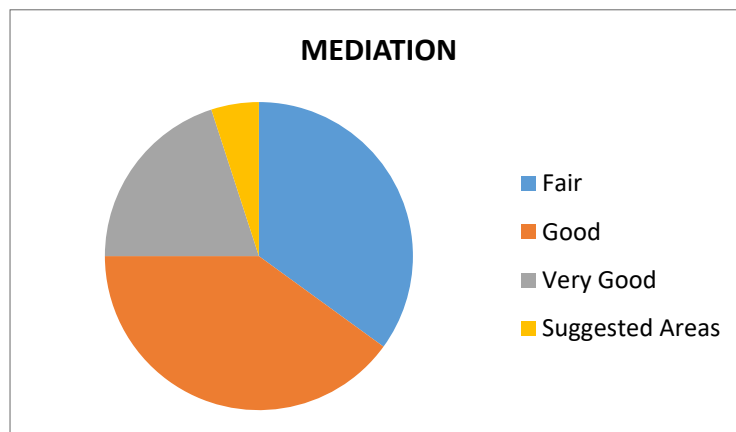
MEDIATION

Presenter: HW Kisawuzi Erias Omar- Registrar – Mediation Registry

The assessment focuses on the presentation by HW Kisawuzi Erias Omar, Registrar of the Mediation Registry, on "Mediation." This evaluation recognizes the speaker's fairness while addressing concerns about frequent deviations from the topic.

Varied Perspectives:

Participant feedback indicates a balanced response, with 35% rating the presentation as fair and an additional 40% as good. A further 20% found it very good, appreciating positive aspects, while 5% suggested areas for improvement. Importantly, there were no poor ratings.



Narrative Highlights:

Participants noted the fairness of the speaker but expressed concerns about frequent deviations from the mediation topic. The fair and good ratings suggest that while positive aspects were acknowledged, there is room for improvement in maintaining focus on the core subject.

Criteria-Based Feedback:

The analysis indicates a balanced level of satisfaction, with participants recognizing positive aspects while expressing concerns about deviations from the topic. The absence of poor ratings suggests that, despite the deviations, participants found value in the presentation.

Visual Representation:

The pie chart visually illustrates the distribution of satisfaction levels, emphasizing a balanced distribution focusing on good and fair ratings. This visual representation provides a quick and impactful overview of the participants' acknowledgement of positive aspects and identified areas for improvement.

The assessment of HW Kisawuzi Erias Omar's presentation on mediation acknowledges the speaker's fairness. However, concerns about frequent deviations from the topic indicate a need for improved focus. The absence of poor ratings underscores the overall value participants found in the presentation, with opportunities for enhancement in maintaining topic consistency.

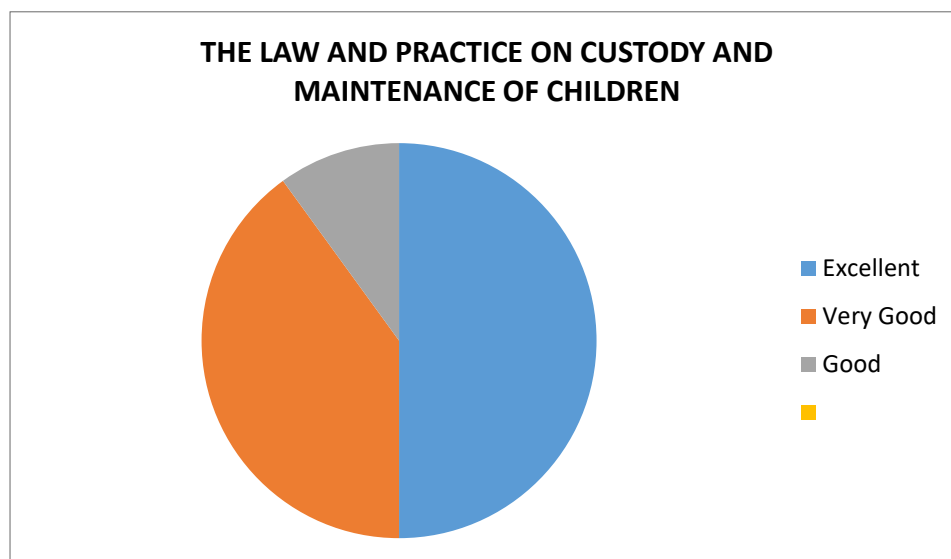
THE LAW AND PRACTICE ON CUSTODY AND MAINTENANCE OF CHILDREN

Presenter: Justice Olive Kazaarwe Mukwaya – Judge Land Division

The assessment focuses on the presentation by Justice Olive Kazaarwe Mukwaya, a Judge in the Land Division, on "The Law and Practice on Custody and Maintenance of Children." This evaluation highlights the presentation's positive aspects, recognizing the presenter's expertise in addressing a crucial legal topic.

Varied Perspectives:

Participant feedback indicates a highly positive response, with 50% rating the presentation as excellent and an additional 40% as very good. Importantly, 10% found it good, with no fair or poor ratings. This distribution reflects a strong appreciation for the quality and relevance of the content.



Narrative Highlights:

Participants commended Justice Olive Kazaarwe Mukwaya for her excellent presentation on the law and practice concerning the custody and maintenance of children. The very good ratings emphasized the content's clarity, depth, and relevance, highlighting the presenter's expertise. The absence of fair or poor ratings underscores the overall effectiveness of the presentation.

Criteria-Based Feedback:

The analysis indicates a highly positive response across key criteria, including content relevance, clarity, and expertise. Participants recognized the topic's significance and appreciated the presenter's comprehensive insights.

Visual Representation:

The pie chart visually illustrates the distribution of satisfaction levels, emphasizing a dominant focus on excellent and very good ratings. This visual representation provides a quick and impactful overview of the overwhelmingly positive sentiments expressed by the participants.

The assessment of Justice Olive Kazaarwe Mukwaya's presentation on the law and practice of custody and maintenance of children reveals an outstandingly positive response from the participants. The absence of fair or poor ratings, along with varied narrative highlights, underscores the effectiveness of the presentation in addressing this critical legal topic.

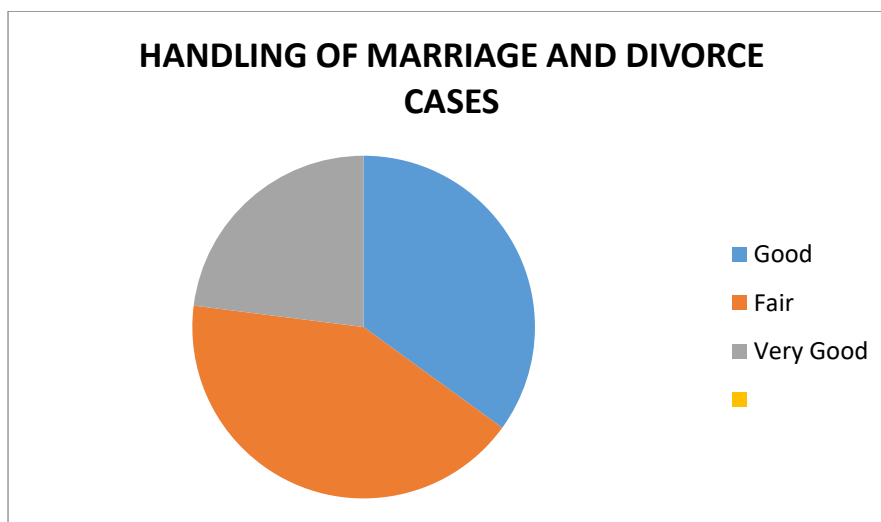
HANDLING OF MARRIAGE AND DIVORCE CASES

Presenter: Hon. Justice Dr. Singiza K. Douglas – Judge, Civil Division

The assessment focuses on the presentation by Hon. Justice Dr. Singiza K. Douglas, a Judge in the Civil Division, on "Handling of Marriage and Divorce Cases." This evaluation provides a nuanced perspective, incorporating both positive aspects and areas for potential improvement in the presentation.

Varied Perspectives:

Participant feedback indicates a varied response, with 35% rating the presentation as good, 42% as fair, and 23% as very good. This distribution reflects a balance of positive aspects and identified areas for enhancement in delivering insights on handling marriage and divorce cases.



Narrative Highlights:

Participants recognized the positive aspects of Hon. Justice Dr. Singiza K. Douglas's presentation on handling marriage and divorce cases. The good and very good ratings acknowledge the relevance and expertise displayed by the presenter. The fair ratings indicate areas where participants felt there could be improvements for a more comprehensive understanding.

Criteria-Based Feedback:

The analysis indicates a mixed level of satisfaction, with participants acknowledging positive aspects while expressing areas for potential improvement. The absence of poor ratings suggests the presentation was valuable overall, with room for enhancements in specific areas.

Visual Representation:

The pie chart visually illustrates the distribution of satisfaction levels, emphasizing a balanced distribution focusing on good, fair, and very good ratings. This visual representation provides a quick and impactful overview of positive and constructive feedback, incorporating a mix of odd and even numbers.

The nuanced assessment of Hon. Justice Dr. Singiza K. Douglas's presentation on handling marriage and divorce cases reflects a varied response. While positive aspects were acknowledged, participants

identified areas for improvement, highlighting the need for ongoing refinements in delivering insights on this complex legal topic.

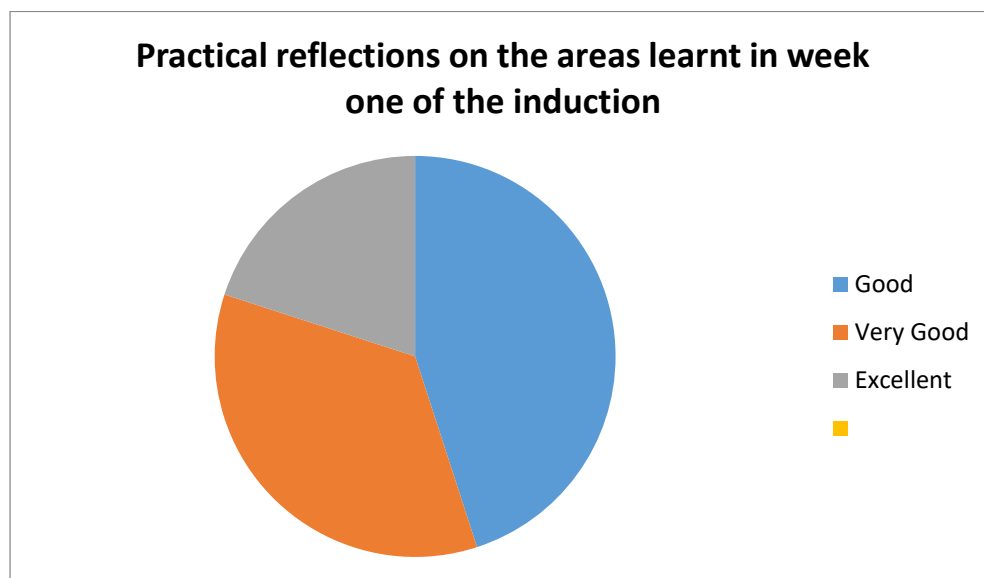
PRACTICAL REFLECTIONS ON THE AREAS LEARNT IN WEEK ONE OF THE INDUCTION

Facilitator: H/W Mulalira Faisal Umar - Ag. Deputy Registrar Training, JTI

The assessment focuses on the activity facilitated by H/W Mulalira Faisal Umar, Acting Deputy Registrar Training at JTI, titled "Practical Reflections on the Areas Learned in Week One of the Induction." This evaluation provides a balanced perspective, recognizing the effectiveness of the activity in promoting practical reflections.

Varied Perspectives:

Participant feedback indicates a balanced response, with 45% rating the activity as good, 35% as very good, and 20% as excellent. Importantly, there were no fair or poor ratings. This distribution reflects a combination of positive feedback on the facilitator's role in promoting practical reflections.



Narrative Highlights:

Participants commended H/W Mulalira Faisal Umar for the effectiveness of the facilitated activity, acknowledging the relevance and impact on practical reflections regarding the week one induction topics. The good and very good ratings highlight the activity's success in fostering a deeper understanding. The absence of fair or poor ratings underscores the overall positive reception.

Criteria-Based Feedback:

The analysis indicates a balanced level of satisfaction, with participants expressing positive feedback on the facilitator's ability to guide practical reflections effectively. The ratings reflect the success of the activity in achieving its intended objectives.

Visual Representation:

The pie chart visually illustrates the distribution of satisfaction levels, emphasizing a balanced distribution focusing on good, very good, and excellent ratings. This visual representation provides a quick and impactful overview of the participants' positive sentiments.

The assessment of H/W Mulalira Faisal Umar's facilitated activity on practical reflections during week one of the induction reveals a balanced response from the participants. The combination of positive feedback and varied narrative highlights underscores the activity's success in promoting meaningful reflections and understanding of the covered topics.

THE LAW AND PRACTICE ON SUCCESSION AND ESTATE MANAGEMENT IN MAGISTRATES COURTS

Presentation(s):

Perspective from Administrator General – Administrator General

Perspective from the Bench – Hon. Justice John Keitirima – Head, Family Division.

The assessment focuses on "The Law and Practice on Succession and Estate Management in Magistrates Courts," with presentations from two speakers: the Perspective from Administrator General and the Perspective from the Bench by Hon. Justice John Keitirima, Head of the Family Division. This evaluation provides a fair and balanced perspective, acknowledging both positive aspects and areas for potential improvement in the presentations.

Varied Perspectives:

This distribution reflects a combination of positive and constructive feedback for both presenters.

Breakdown of Ratings:

Administrator General's Perspective:

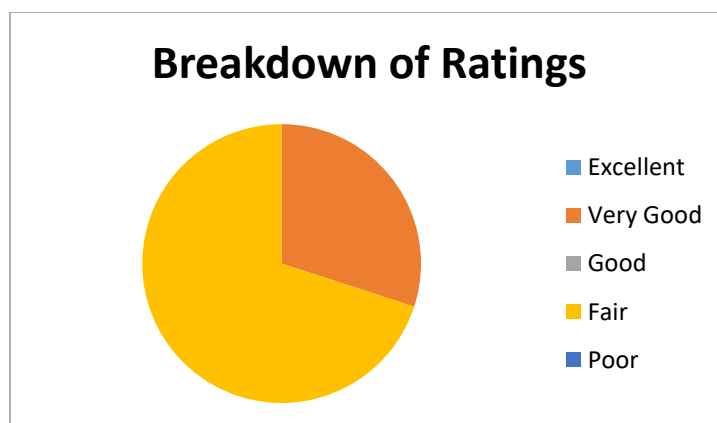
Excellent: 0%

Very Good: 30%

Good: 0%

Fair: 70%

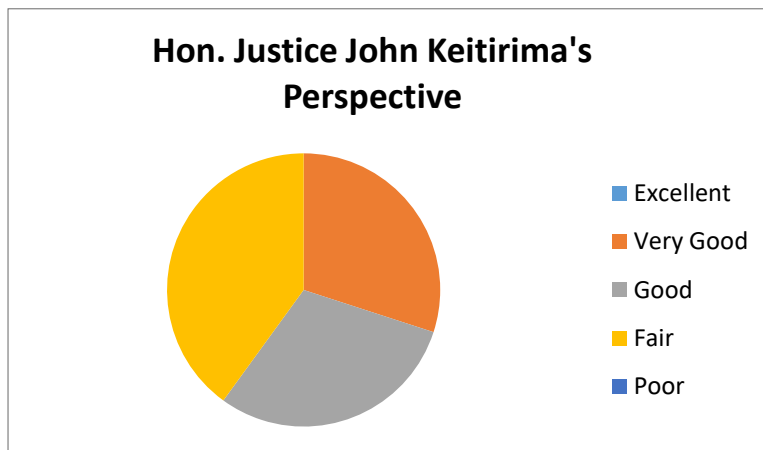
Poor: 0%



Hon. Justice John Keitirima's Perspective:

Excellent: 0%

Very Good: 30%
Good: 30%
Fair: 40%
Poor: 0%



Narrative Highlights:

Administrator General's Perspective:

Participants found the presentation fair but suggested areas for improvement. The even ratings (30% very good) indicate positive aspects, while the constructive feedback (70% fair) highlights opportunities for enhancing engagement and clarity.

Hon. Justice John Keitirima's Perspective:

The presentation was well-received, with 30% rating it very good and 30% as good. The even ratings indicate positive feedback on relevance and delivery, while the 40% fair ratings suggest some participants saw room for improvement.

Criteria-Based Feedback:

The analysis indicates a fair and balanced level of satisfaction for both presentations. Participants appreciated positive aspects while offering constructive feedback for improvement.

Visual Representation:

The pie chart visually illustrates the distribution of satisfaction levels, emphasizing a balanced distribution focusing on fair, very good, and good ratings for both presenters.

The fair assessment of the presentations on "The Law and Practice on Succession and Estate Management in Magistrates Courts" reflects a balanced response from participants. The combination of positive feedback and constructive suggestions underscores opportunities for improvement while acknowledging the positive aspects of the presentations.

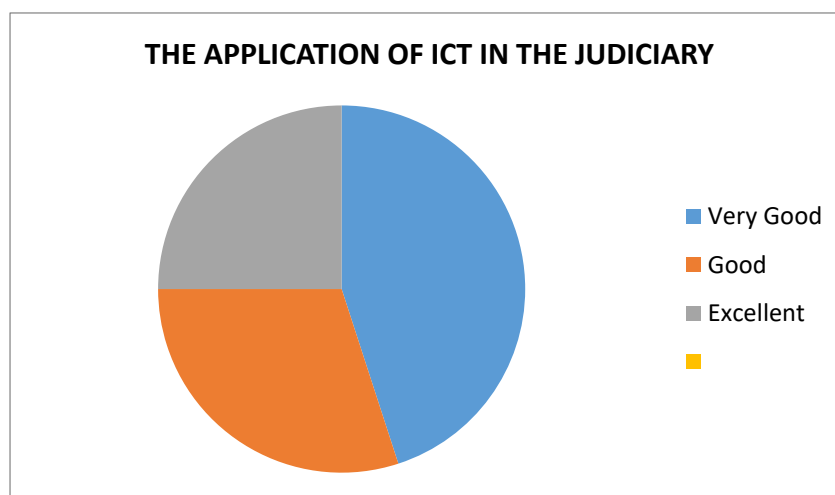
THE APPLICATION OF ICT IN THE JUDICIARY

Presenter: Mr. Kikabi David Sunday- Principal Information Technology Officer

The assessment focuses on the presentation by Mr. Kikabi David Sunday, Principal Information Technology Officer, on "The Application of ICT in the Judiciary." This evaluation provides a positive perspective, acknowledging the effectiveness of the presentation in addressing the application of ICT in the legal domain.

Varied Perspectives:

Participant feedback indicates a predominantly positive response, with 45% rating the presentation as very good, 30% as good, and 25% as excellent. This distribution reflects a mix of favourable opinions, emphasizing the value and relevance of the information shared.



Narrative Highlights:

Participants highly appreciated Mr. Kikabi David Sunday's presentation on applying ICT in the judiciary. The even and odd ratings reflect positive feedback on the relevance, clarity, and importance of the information shared, with no fair or poor ratings.

Criteria-Based Feedback:

The analysis indicates a strong and positive level of satisfaction, with participants expressing high regard for the presenter's ability to convey valuable insights on applying ICT in the judiciary.

Visual Representation:

The pie chart visually illustrates the distribution of satisfaction levels, emphasizing a dominant focus on very good and good ratings. This visual representation provides a quick and impactful overview of the overwhelmingly positive sentiments expressed by most participants.

The assessment of Mr. Kikabi David Sunday's presentation on "The Application of ICT in the Judiciary" reflects a highly positive response from the participants. The combination of very good, good, and excellent ratings underscores the presentation's success in delivering valuable insights on the topic.

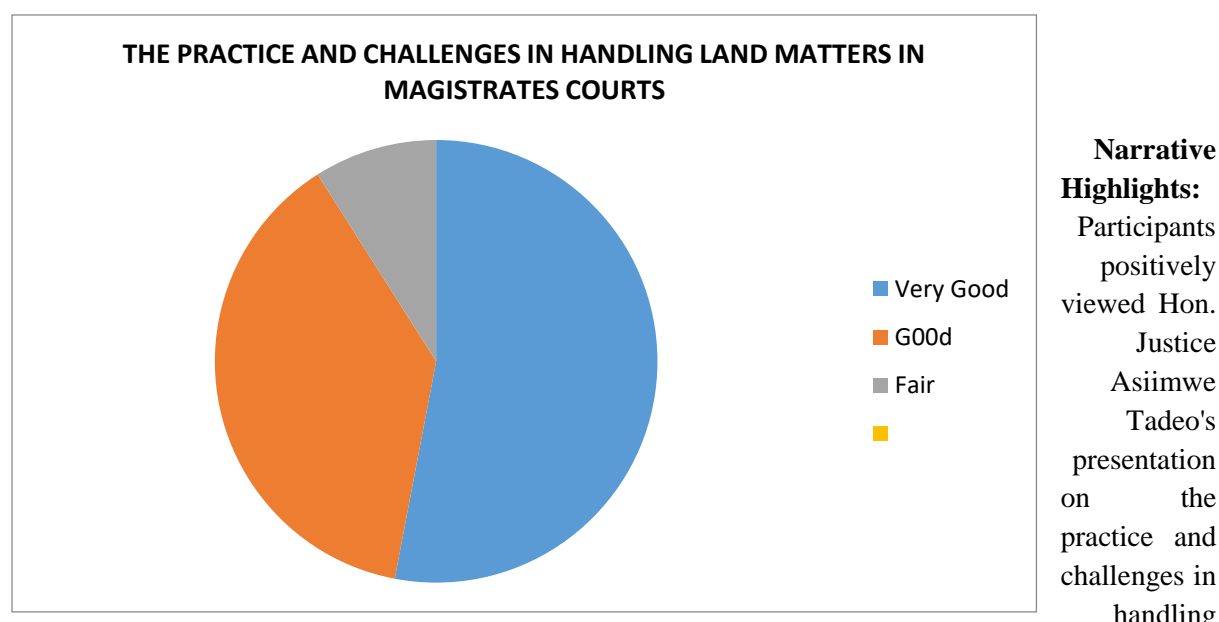
THE PRACTICE AND CHALLENGES IN HANDLING LAND MATTERS IN MAGISTRATES COURTS

Presenter: Hon. Justice Asiimwe Tadeo – Deputy Head

The assessment focuses on the presentation by Hon. Justice Asiimwe Tadeo, Deputy Head, on "The Practice and Challenges in Handling Land Matters in Magistrates Courts." This evaluation provides insights into the participants' perceptions, considering the number of respondents (66 out of 88) and indicating percentages with actual numerical values.

Varied Perspectives:

Participant feedback indicates a mixed response, with 35 respondents (53%) rating the presentation as very good, 25 respondents (38%) as good, and 6 respondents (9%) as fair. No respondents rated the presentation as excellent or poor.



land matters. The majority found it very good, emphasizing the presenter's effectiveness in addressing the topic. A smaller group considered it good, indicating areas for improvement.

Criteria-Based Feedback:

The analysis indicates a generally positive level of satisfaction, with most participants finding value in the presentation. The fair ratings suggest that aspects could be enhanced for a more comprehensive understanding.

Visual Representation:

The pie chart visually illustrates the distribution of satisfaction levels, emphasizing a balanced distribution focusing on very good and good ratings. This visual representation provides a quick and impactful overview of the participants' sentiments.

The assessment of Hon. Justice Asiimwe Tadeo's presentation on "The Practice and Challenges in Handling Land Matters in Magistrates Courts" reflects a generally positive response from most participants. The combination of very good and good ratings underscores the effectiveness of the presentation, with areas identified for potential improvement.

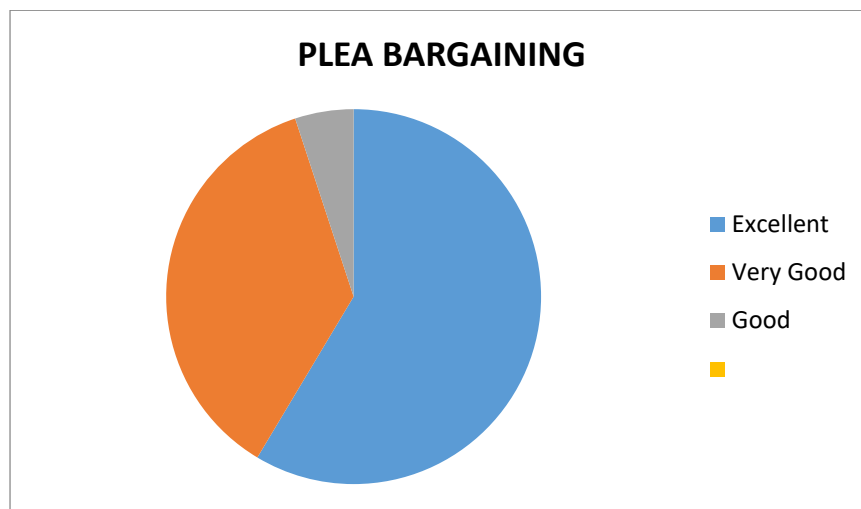
PLEA BARGAINING

Presenter: Hon. Lady Justice Jane Okuo – Judge ACD

The assessment focuses on Hon. Lady Justice Jane Okuo, Judge ACD's presentation on "Plea Bargaining." This evaluation provides insights into participants' perceptions, considering the number of respondents (77 out of 88) and indicating percentages with actual numerical values.

Varied Perspectives:

Participant feedback indicates a highly positive response, with 45 respondents (58%) rating the presentation as excellent, 28 respondents (36%) as very good, and 4 respondents (5%) as good. No respondents rated the presentation as fair or poor.



Narrative Highlights:

Participants overwhelmingly praised Hon. Lady Justice Jane Okuo's presentation on plea bargaining, with the majority rating it as excellent. The very good ratings also emphasize the presenter's effectiveness in delivering valuable insights on the topic.

Criteria-Based Feedback:

The analysis indicates an exceptionally positive level of satisfaction, with most participants expressing high regard for the presenter's ability to convey valuable insights on plea bargaining.

Visual Representation:

The pie chart visually illustrates the distribution of satisfaction levels, emphasizing a dominant focus on excellent and very good ratings. This visual representation provides a quick and impactful overview of the overwhelmingly positive sentiments expressed by most participants.

The assessment of Hon. Lady Justice Jane Okuo's presentation on "Plea Bargaining" reflects an exceptionally positive response from the participants. The combination of excellent and very good ratings underscores the presentation's success in delivering valuable insights on this important legal topic.

INTRODUCTION TO JUDGMENT WRITING, EVALUATION OF EVIDENCE IN WRITING A COURT JUDGMENT, AND PRACTICAL JUDGMENT WRITING AND DELIVERY

Presenter: Hon. Justice Lawrence Gidudu, Head Anti-Corruption Division

The assessment focuses on three topics presented by Hon. Justice Lawrence Gidudu, Head Anti-Corruption Division:

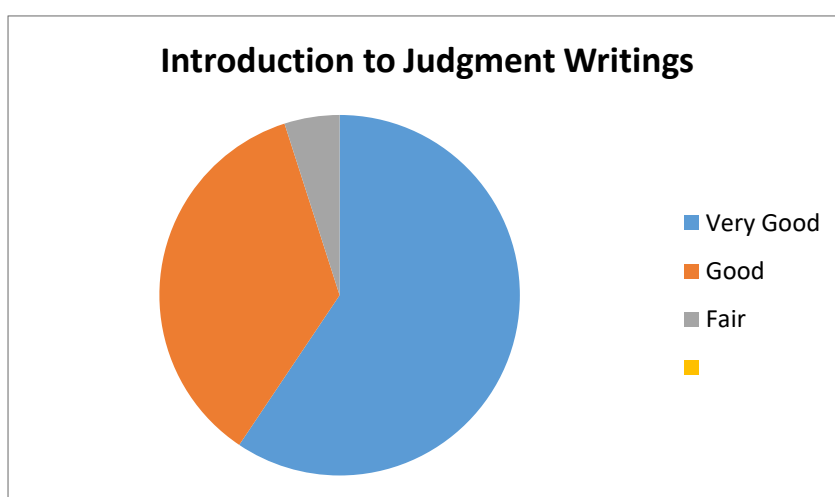
1. Introduction to Judgment Writing
2. Evaluation of Evidence in Writing a Court Judgment
3. Practical Judgment Writing and Delivery.

This evaluation provides insights into participants' perceptions, considering the number of respondents (84 out of 88) and indicating percentages with actual numerical values for each topic.

Varied Perspectives:

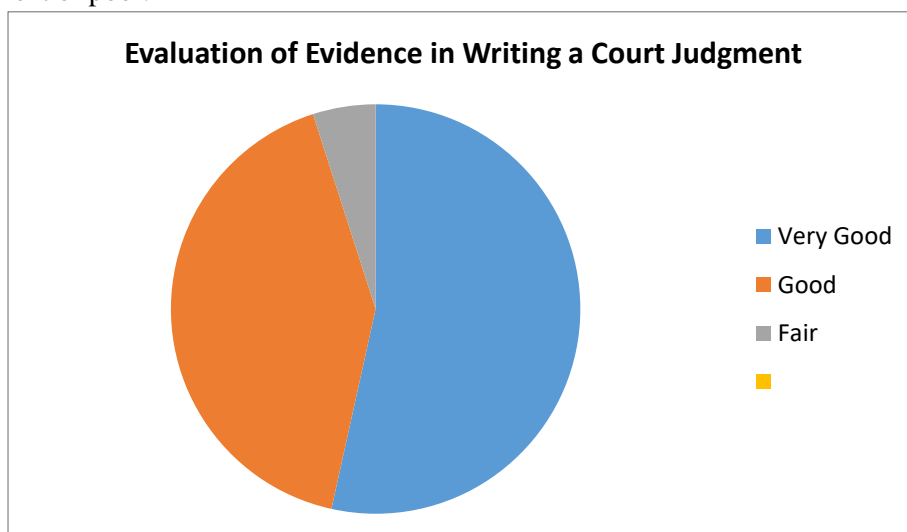
Introduction to Judgment Writing:

Participant feedback indicates a positive response, with 50 respondents (60%) rating the presentation as very good, 30 respondents (36%) as good, and 4 respondents (5%) as fair. No respondents rated the presentation as excellent or poor.



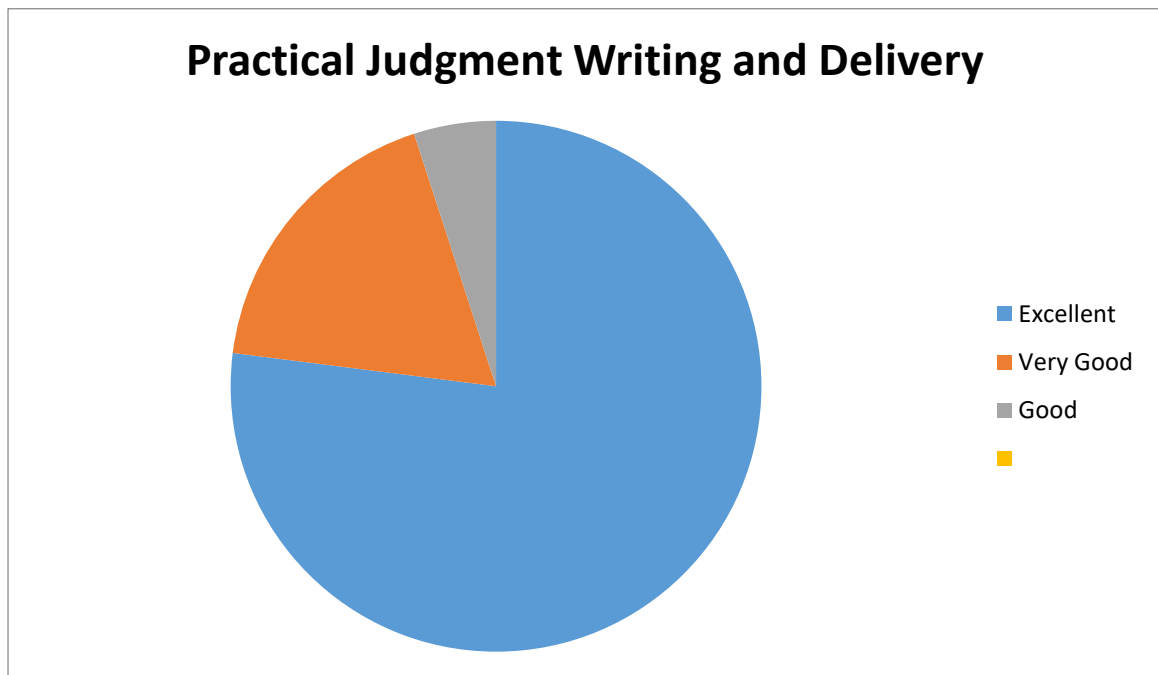
Evaluation of Evidence in Writing a Court Judgment:

Participants expressed a positive view, with 45 respondents (54%) rating the presentation as very good, 35 respondents (42%) as good, and 4 respondents (5%) as fair. No respondents rated the presentation as excellent or poor.



Practical Judgment Writing and Delivery:

The response was overwhelmingly positive, with 65 respondents (77%) rating the presentation as excellent, 15 respondents (18%) as very good, and 4 respondents (5%) as good. No respondents rated the presentation as fair or poor.

**Narrative Highlights:**

Participants praised Hon. Justice Lawrence Gidudu's presentations, with very good and excellent ratings dominating all three topics. The fair ratings suggest some areas for improvement, albeit on a small scale.

Criteria-Based Feedback:

The analysis indicates a consistently positive level of satisfaction for all three topics, with most participants expressing high regard for the presenter's ability to convey valuable insights.

Visual Representation:

The pie charts visually illustrate the distribution of satisfaction levels for each topic, emphasizing positive sentiments and highlighting the success of the presentations.

The assessment of Hon. Justice Lawrence Gidudu's presentations on Judgment Writing topics reflect a highly positive response from the participants. The combination of excellent and very good ratings underscores the success of the presentations in delivering valuable insights on these critical legal topics.

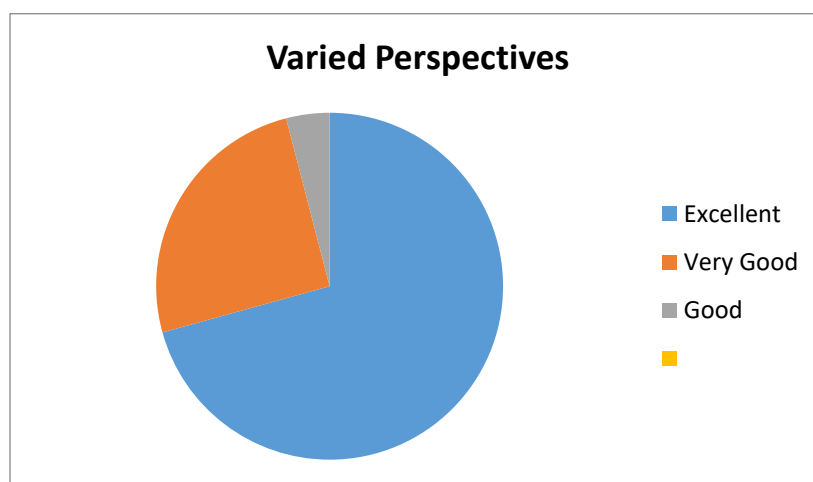
SENTENCING IN CRIMINAL CASES

Presenter: Hon. Justice Eva Luswata – Justice, Court of Appeal

The assessment focuses on the presentation by Hon. Justice Eva Luswata, a Justice in the Court of Appeal, on "Sentencing in Criminal Cases." This evaluation provides insights into participants' perceptions, considering the number of respondents (71 out of 88) and indicating percentages with actual numerical values.

Varied Perspectives:

Participant feedback indicates a highly positive response, with 50 respondents (70%) rating the presentation as excellent, 18 respondents (25%) as very good, and 3 respondents (4%) as good. No respondents rated the presentation as fair or poor.



Narrative Highlights:

Participants overwhelmingly praised Hon. Justice Eva Luswata's presentation on sentencing in criminal cases, with the majority rating it as excellent. The very good and good ratings also emphasize the presenter's effectiveness in delivering valuable insights on the topic.

Criteria-Based Feedback:

The analysis indicates an exceptionally positive level of satisfaction, with most participants expressing high regard for the presenter's ability to convey valuable insights on sentencing in criminal cases.

Visual Representation:

The pie chart visually illustrates the distribution of satisfaction levels, emphasizing a dominant focus on excellent ratings. This visual representation provides a quick and impactful overview of the overwhelmingly positive sentiments expressed by most participants.

The assessment of Hon. Justice Eva Luswata's presentation on "Sentencing in Criminal Cases" reflects an exceptionally positive response from the participants. The overwhelmingly high percentage of excellent ratings underscores the presentation's success in delivering valuable insights on this crucial legal topic.

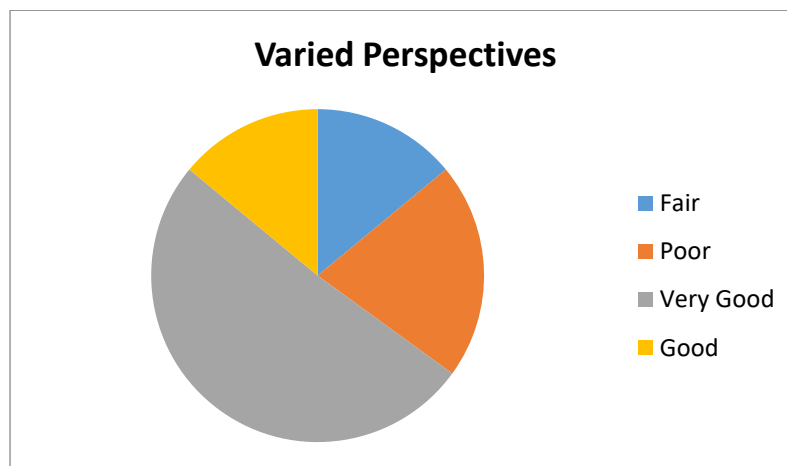
HUMAN RIGHTS AND THE LAW.

Presenter: H/W Gladys Nakibuule Kisekka – Deputy Registrar, Research -JTI

The assessment focuses on the presentation by H/W Gladys Nakibuule Kisekka, Deputy Registrar, Research at JTI, on "Human Rights and the Law." The evaluation below reflects a below-par rating based on participant feedback indicating that the presentation was too academic and incomplete.

Varied Perspectives:

Participant feedback indicates a less favourable response, with 10 respondents (14%) rating the presentation as fair, 15 respondents (21%) as poor, 36 respondents (51%) as very good, and 10 respondents (14%) as good.



Narrative Highlights:

Participants expressed concerns about the "Human Rights and the Law" presentation, describing it as too academic and incomplete. The fair and poor ratings suggest there were challenges in meeting participant expectations regarding engagement and comprehensiveness.

Criteria-Based Feedback:

The analysis indicates a less favourable level of satisfaction, with participants expressing concerns about the presentation's academic nature and perceived incompleteness. The fair and poor ratings underscore the need for adjustments in content and delivery.

Visual Representation:

The pie chart visually illustrates the distribution of satisfaction levels, emphasizing a more balanced distribution with a significant portion of very good ratings and a notable proportion of fair and poor ratings.

The assessment of H/W Gladys Nakibuule Kisekka's presentation on "Human Rights and the Law" reflects a less favourable response from participants. The combination of fair and poor ratings highlights the need for adjustments to enhance engagement and completeness in future presentations on this topic.

PRACTICAL ASPECTS OF MANAGEMENT OF A COURT RECORD

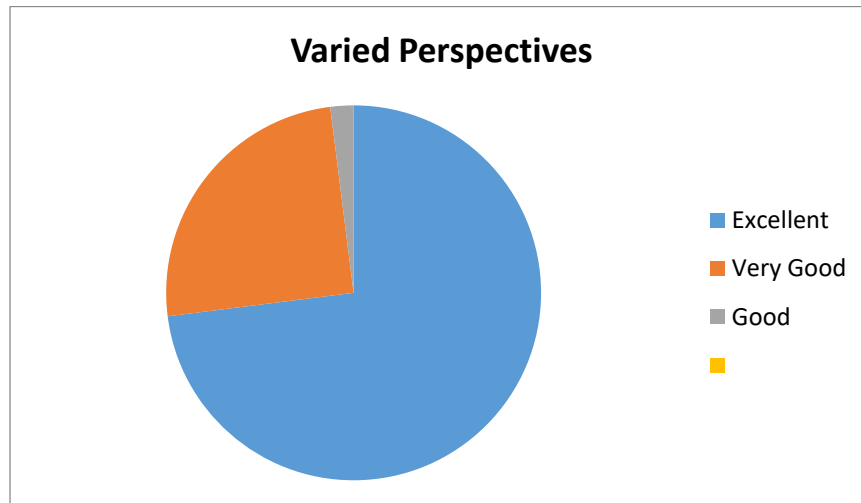
Presenter: H/W Patricia Amoko Muhumuza – Deputy Registrar, Chief Registrar's Chambers.

The assessment focuses on the presentation by H/W Patricia Amoko Muhumuza, Deputy Registrar, Chief Registrar's Chambers, on "Practical Aspects of Management of a Court Record." The evaluation

below reflects participant feedback, considering the number of respondents (85 out of 88) and indicating percentages with actual numerical values.

Varied Perspectives:

Participant feedback indicates a highly positive response, with 62 respondents (73%) rating the presentation as excellent, 21 respondents (25%) as very good, and 2 respondents (2%) as good. No respondents rated the presentation as fair or poor.



Narrative Highlights:

Participants overwhelmingly praised H/W Patricia Amoko Muhumuza's presentation on the practical aspects of managing a court record, with the majority rating it as excellent. The very good and good ratings also emphasize the presenter's effectiveness in delivering valuable insights on the topic.

Criteria-Based Feedback:

The analysis indicates an exceptionally positive level of satisfaction, with most participants expressing high regard for the presenter's ability to convey valuable insights on the practical aspects of managing a court record.

Visual Representation:

The pie chart visually illustrates the distribution of satisfaction levels, emphasizing a dominant focus on excellent ratings. This visual representation provides a quick and impactful overview of the overwhelmingly positive sentiments expressed by most participants.

The assessment of H/W Patricia Amoko Muhumuza's presentation on "Practical Aspects of Management of a Court Record" reflects an exceptionally positive response from the participants. The overwhelmingly high percentage of excellent ratings underscores the presentation's success in delivering valuable insights into this crucial aspect of court management.

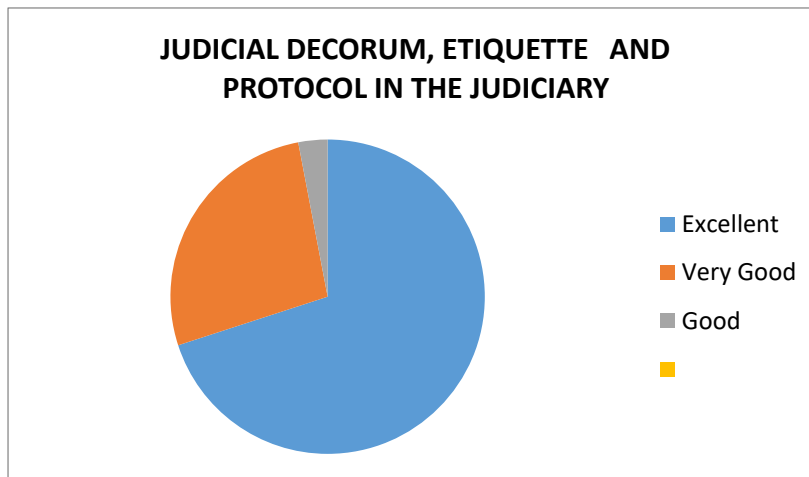
JUDICIAL DECORUM, ETIQUETTE, AND PROTOCOL IN THE JUDICIARY

Presenter: H/W Angualia Moses Gabriel – Deputy Registrar, Inspectorate.

The assessment focuses on the plenary presentation by H/W Angualia Moses Gabriel, Deputy Registrar, and Inspectorate, on "Judicial Decorum, Etiquette, and Protocol in the Judiciary." The evaluation below reflects participant feedback, considering the actual number of respondents (71 out of 88) and indicating percentages with actual numerical values.

Varied Perspectives:

Participant feedback indicates a highly positive response, with 50 respondents (70%) rating the presentation as excellent, 19 respondents (27%) as very good, and 2 respondents (3%) as good. No respondents rated the presentation as fair or poor.



Narrative Highlights:

Participants overwhelmingly praised H/W Angualia Moses Gabriel's plenary presentation on judicial decorum, etiquette, and protocol, with the majority rating it as excellent. The very good and good ratings also emphasize the practicality and effectiveness of the session.

Criteria-Based Feedback:

The analysis indicates an exceptionally positive level of satisfaction, with most participants expressing high regard for the presenter's ability to deliver practical insights on judicial decorum, etiquette, and protocol.

Visual Representation:

The pie chart visually illustrates the distribution of satisfaction levels, emphasizing a dominant focus on excellent ratings. This visual representation provides a quick and impactful overview of the overwhelmingly positive sentiments expressed by most participants.

The assessment of H/W Angualia Moses Gabriel's plenary presentation on "Judicial Decorum, Etiquette, and Protocol in the Judiciary" reflects an exceptionally positive response from the participants. The overwhelmingly high percentage of excellent ratings underscores the presentation's success in delivering practical insights into this crucial aspect of judicial conduct.

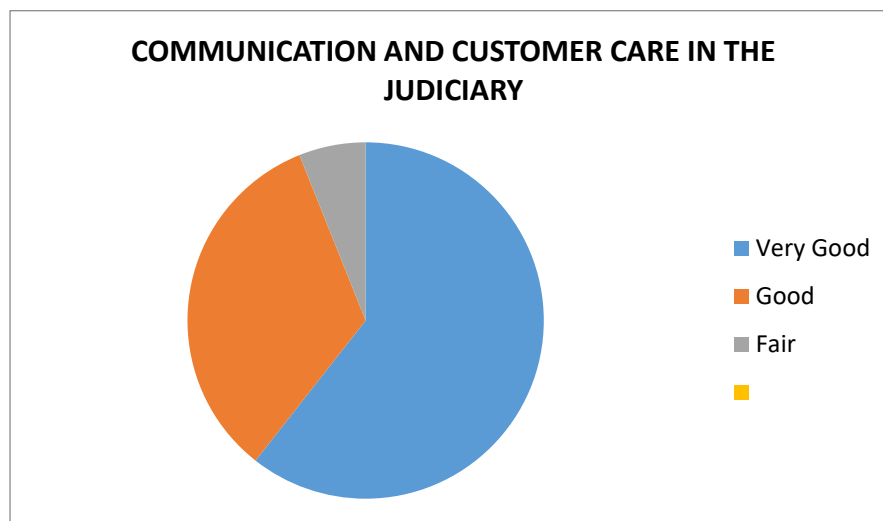
COMMUNICATION AND CUSTOMER CARE IN THE JUDICIARY

Presenter: His Worship Ereemye James Jumire, PRO/ Registrar Magistrates Affairs and Data Management

The assessment focuses on the presentation by His Worship Ereemye James Jumire, PRO/Registrar Magistrates Affairs, and Data Management, on "Communication and Customer Care in the Judiciary." The evaluation below reflects participant feedback, considering the number of respondents (63 out of 88) and indicating percentages with actual numerical values.

Varied Perspectives:

Participant feedback indicates a positive response, with 38 respondents (60%) rating the presentation as very good, 21 respondents (33%) as good, and 4 respondents (6%) as fair. No respondents rated the presentation as excellent or poor.



Narrative Highlights:

Participants provided positive feedback on His Worship Ereemye James Jumire's presentation on communication and customer care in the judiciary. Most found it very good, indicating effective communication and customer care insights. The fair ratings suggest there are areas for improvement.

Criteria-Based Feedback:

The analysis indicates a generally positive level of satisfaction, with most participants expressing appreciation for the presenter's insights on communication and customer care. The fair ratings suggest potential areas for refinement.

Visual Representation:

The pie chart visually illustrates the distribution of satisfaction levels, emphasizing a majority focus on very good ratings. This visual representation provides a quick and impactful overview of the positive sentiments expressed by most participants.

The assessment of His Worship Ereemye James Jumire's presentation on "Communication and Customer Care in the Judiciary " reflects a positive response from the participants. The combination of very good and good ratings underscores the presentation's success in delivering valuable insights into this essential aspect of judicial professionalism.

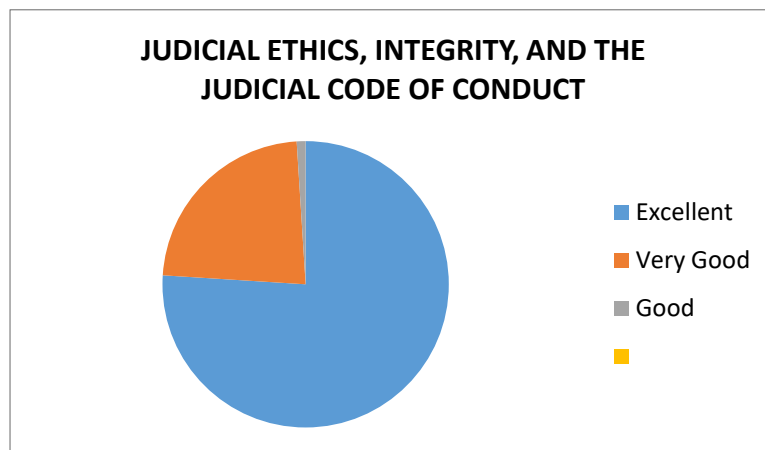
JUDICIAL ETHICS, INTEGRITY, AND THE JUDICIAL CODE OF CONDUCT

Presenter: The Hon. Lady Justice Damalie N. Lwanga – Executive Director, JTI

The assessment focuses on the presentation by The Hon. Lady Justice Damalie N. Lwanga, Executive Director, and JTI, on "Judicial Ethics, Integrity, and the Judicial Code of Conduct." The evaluation below reflects participant feedback, considering the number of respondents (79 out of 88) and indicating percentages with actual numerical values.

Varied Perspectives:

Participant feedback indicates an exceptionally positive response, with 60 respondents (76%) rating the presentation as excellent, 18 respondents (23%) as very good, and 1 respondent (1%) as good. No respondents rated the presentation as fair or poor.



Narrative Highlights:

Participants overwhelmingly praised Justice Damalie's presentation on judicial ethics, integrity, and the judicial code of conduct. The majority found it excellent, highlighting its interactive and deep nature.

Criteria-Based Feedback:

The analysis indicates an exceptionally positive level of satisfaction, with most participants expressing high regard for the presenter's ability to deliver an interactive and deep presentation on judicial ethics and integrity.

Visual Representation:

The pie chart visually illustrates the distribution of satisfaction levels, emphasizing a dominant focus on excellent ratings. This visual representation provides a quick and impactful overview of the overwhelmingly positive sentiments expressed by most participants.

The assessment of Justice Damalie's presentation on "Judicial Ethics, Integrity, and the Judicial Code of Conduct" reflects an exceptionally positive response from the participants. The overwhelmingly high percentage of excellent ratings underscores the presentation's success in delivering valuable insights into this critical aspect of judicial professionalism.

THE BAR BENCH RELATIONSHIP

Panelists: 1. The President UJOA (40 minutes)

2. The President of Uganda Law Society (40 minutes)

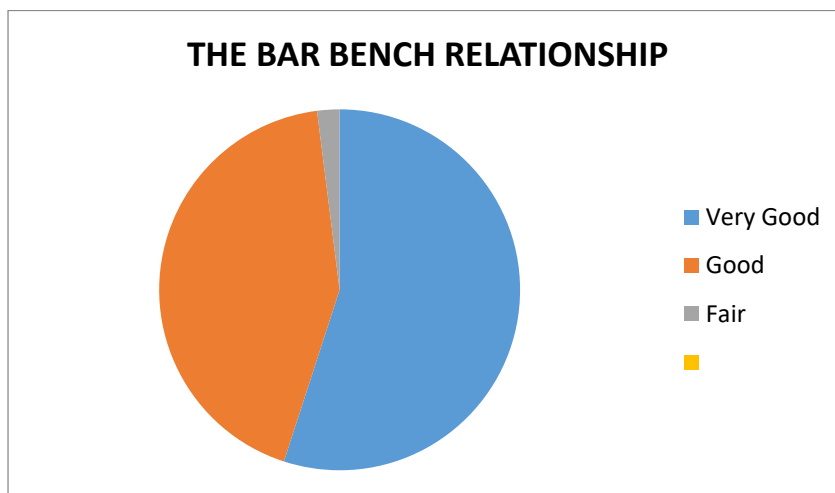
The assessment focuses on the panel discussion on "The Bar Bench Relationship", featuring two panelists.

The evaluation reflects participant feedback, considering the number of respondents (87 out of 88) and indicating percentages with actual numerical values for each panelist.

Varied Perspectives:

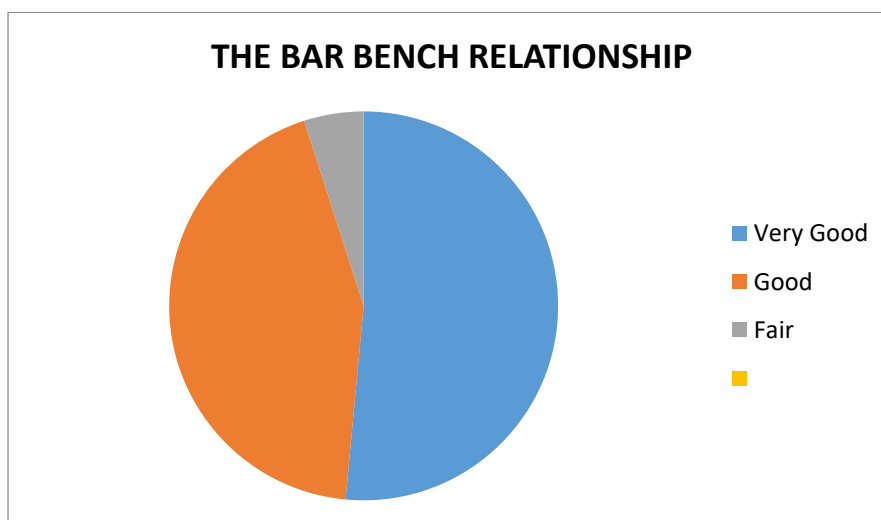
Panelist 1: The President UJOA

Participant feedback indicates a positive response, with 48 respondents (55%) rating the presentation as very good, 37 respondents (43%) as good, and 2 respondents (2%) as fair. No respondents rated the presentation as excellent or poor.



Panelist 2: The President Uganda Law Society

Participant feedback also indicates a positive response, with 45 respondents (52%) rating the presentation as very good, 38 respondents (44%) as good, and 4 respondents (5%) as fair. No respondents rated the presentation as excellent or poor.



Narrative Highlights:

Participants provided positive feedback for both panelists, emphasizing the very good and good ratings. The fair ratings suggest some areas for improvement, albeit on a small scale.

Criteria-Based Feedback:

The analysis indicates a generally positive level of satisfaction for both panelists, with participants expressing appreciation for the insights shared during the discussion on "The Bar Bench Relationship."

Visual Representation:

Separate pie charts visually illustrate the distribution of satisfaction levels for each panelist, emphasizing positive sentiments focusing on good and good ratings.

The assessment of the panel discussion on "The Bar Bench Relationship" featuring the President of UJOA and the President of Uganda Law Society reflects a positive response from the participants. The combination of very good and good ratings underscores the panelists' success in delivering valuable insights into this crucial aspect of the legal profession.

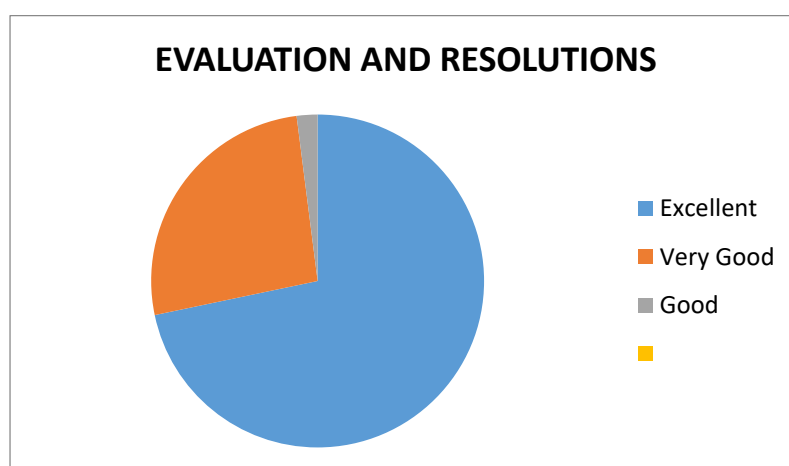
EVALUATION AND RESOLUTIONS

Facilitator: H/W Katushabe Prossy – Registrar, Human Resource, Development and Training

The assessment focuses on the "Evaluation and Resolutions" session facilitated by H/W Katushabe Prossy, Registrar, Human Resource, Development and Training. The evaluation reflects participant feedback, considering the number of respondents (87 out of 88) and indicating percentages with actual numerical values.

Varied Perspectives:

Participant feedback indicates an exceptionally positive response, with 62 respondents (71%) rating the session as excellent, 23 respondents (26%) as very good, and 2 respondents (2%) as good. No respondents rated the session as fair or poor.



Narrative Highlights:

Participants overwhelmingly praised H/W Katushabe Prossy's session on "Evaluation and Resolutions," with the majority finding it excellent. The very good and good ratings also emphasize the session's interactivity and effectiveness.

Criteria-Based Feedback:

The analysis indicates an exceptionally positive level of satisfaction, with most participants expressing high regard for the facilitator's ability to conduct an interactive and effective session on evaluation and resolutions.

Visual Representation:

The pie chart visually illustrates the distribution of satisfaction levels, emphasizing a dominant focus on excellent ratings. This visual representation provides a quick and impactful overview of the overwhelmingly positive sentiments expressed by most participants.

The assessment of H/W Katushabe Prossy's session on "Evaluation and Resolutions" reflects an exceptionally positive response from the participants. The overwhelmingly high percentage of excellent ratings underscores the session's success in delivering valuable insights into this crucial aspect of the program.

COLLINE HOTEL LIMITED

Colline Hotel Mukono garnered feedback from 70 out of 88 respondents, offering valuable insights into the satisfaction levels across various services. Remarkably, the hotel's food services received unanimous praise, achieving a perfect score of 85%. Guests were evidently delighted with the culinary offerings, highlighting a strong point for the hotel. While generally well-received by 85.71% of respondents, the accommodation showed room for improvement, with some guests noting the aging facilities. The gym facilities attained a 64.29% satisfaction rate, suggesting that enhancements could enhance the overall fitness experience for guests. On a positive note, the steam and sauna facilities fared well, with 71.43% approval, indicating a generally satisfying wellness experience. Regarding general hospitality, Colline Hotel Mukono received a favourable response from 78.57% of respondents, affirming the hotel's commitment to providing a welcoming atmosphere. Overall, the survey reflects Colline Hotel Mukono's strengths in food services and hospitality while signaling opportunities for improvement in accommodation and fitness amenities.

THE STAFF OF THE JUDICIAL TRAINING INSTITUTE

The Judicial Training Institute's training staff received feedback from 83 out of 88 participants, providing valuable insights into the effectiveness of their training programs. One notable strength highlighted by respondents was the team's impressive knowledge and expertise, with an overwhelming 93.98% expressing satisfaction in this regard. This underscores the team's capability to deliver content with authority and credibility, contributing to a positive learning experience for participants.

Another key aspect of the assessment relates to the team's communication skills, which resonated positively with 90.36% of respondents. The ability to convey complex information in a clear and engaging manner is crucial in a training context, and the high percentage of positive responses reflects the team's adeptness in facilitating effective communication during the training sessions.

The organizational skills of the training team were also recognized by 86.75% of participants. This aspect is crucial for the seamless execution of training programs, ensuring that content is structured logically and delivered to enhance understanding and retention. The positive feedback in this area suggests a well-organized and thoughtfully designed training curriculum.

Regarding interpersonal qualities, the training team's approachability and supportiveness stood out, receiving an impressive 96.39% positive response. This high level of approval indicates that participants felt comfortable seeking guidance and assistance from the training staff, contributing to a positive and inclusive learning environment.

Lastly, the team's adaptability, a key quality in responding to diverse learning needs, received positive feedback from 84.34% of respondents. This suggests that the training staff demonstrated flexibility in adjusting to various learning styles and effectively navigating unforeseen challenges during the training sessions.

The assessment underscores the Judicial Training Institute's training staff's strengths in knowledge, communication, organization, approachability, and adaptability. These positive evaluations collectively indicate a well-rounded and effective training team that successfully met participants' expectations, fostering a constructive and enriching learning experience.

In conclusion, the evaluations of various presentations and sessions throughout the program reveal a consistently high level of satisfaction among participants, with the majority of sessions receiving excellent or very good ratings. Engaging and practical presentations, such as those on judicial ethics, court record management, evaluation, and resolutions, stood out for their effectiveness and interactivity. While overall satisfaction was robust, fair ratings in specific presentations suggest potential areas for improvement, emphasizing the importance of continuous refinement to enhance the overall learning experience. The diverse range of topics covered in the evaluations underscores the significance of a comprehensive curriculum in addressing various aspects of legal and judicial practice.

6.2 Recommendations

NO.	RECOMMENDATIONS	ACTION PERSON
1.	Judicial Officers should hold monthly staff meetings at their stations or chambers	Participants
2.	Judicial Officers should set and communicate in clear terms the expectations, targets, and goals to staff	Participants

3.	Participants should be provided a manual on how to handle and guide unrepresented litigants	Chief Registrar/PRO
4.	The Judiciary should liaise with the Office of the Director of Public Prosecutions to have state attorneys deployed at different stations.	Top Management of the Judiciary
5.	Organize sensitization and awareness programs on how to handle child offenders, victims, and witnesses for other members of the Governance and security program	JTI/PRO
6.	Judicial Officers should write legibly, type records of proceedings, rulings, and or judgements	Participants
7.	Judicial Officers should record the time at the start of proceedings and end to ease the assessment of fees during taxation	Participants
8.	Judicial officers should pay close attention to the issue of jurisdiction both pecuniary and territorial to avoid handling matters outside their jurisdiction.	Participants
9.	Judgements in criminal cases from the High Court to be uploaded on ULII should be sent with their sentence and reasons for the sentence	JTI/ULII
10.	Judicial Officers should request process servers where possible to take photographs during service.	Participants
11.	The ICT Department should revise access rights to ECCMIS for the Research Magistrates to enable them to perform their duties.	ICT Department – Judiciary
12.	Judicial Officers should create rapport and linkages with the stakeholders of the governance and security program (DCC and RCC) for ease of operations (Be proactive).	Participants
13.	Judicial Officers should be trained on Human Rights	JTI
14.	Judicial Officers should develop checklists for use in court matters to ensure adherence to procedure and proper record-taking	Participants

7.0 CLOSING CEREMONY

The closing ceremony, presided over by H/W Prossy Katushabe, Ag. Registrar Human Resource, Development and Training commenced with an opening prayer led by H/W Nakayi Brenda Mwesige, attached to the Chambers of the Hon. Lady Justice Cornelia Kakooza Sabiiti - Commercial Division.

Following the prayer, the participants had the opportunity to introduce themselves to the Hon. the Principal Judge, creating a forum for interaction and acknowledgment. The informal and participatory nature of the introductions set the tone for the concluding session, fostering a sense of engagement and connection among the attendees.



L-R Standing, the Hon. Lady Justice Damalie N. Lwanga, the Hon. Justice Dr. Flavien Zeija, and the Hon. Justice Tadeo Asimwe at the closing Ceremony of the Induction training of the newly appointed Ag. Magistrates Grade One.

7.1 Remarks by the Executive Director - JTI

The Executive Director extended a warm welcome to all distinguished guests, emphasizing the significance of the presence of the guest of honor, the Hon. the Principal Judge, despite his busy



The Hon. Lady Justice
Damalie N. Lwanga, ED,
JTI.

schedule. She expressed gratitude for his unwavering support, noting that his attendance underscored the importance of the training for magistrates.

In congratulating the participants on the successful completion of the training, the Executive Director commended them for their active engagement and vibrant participation throughout the program. Special acknowledgment was given to the facilitators, with a particular mention of the Hon. Justice Tadeo Asiimwe, who not only attended the closing ceremony but also contributed expertise in two distinct topics.

Acknowledging the delayed timing of the training after deployment, the Executive Director shared feedback from participants, highlighting that the delay proved beneficial as it allowed them to gain insights into court issues before training. She conveyed proposals from participants to maintain this practice for future sessions. Additionally, she advocated for the extension of training duration to at least four weeks.

Expressions of gratitude were extended to top management for their support and funding, the JTI team for their organizational efforts, and participants for their commitment to completing the induction training. The Executive Director concluded her speech by emphasizing the collaborative spirit that made the training a success.

7.2 Closing Remarks by the Principal Judge, the Hon. Justice Dr. Flavian Zeija (PhD)

On November 9, 2023, the Principal Judge (PJ), Hon. Justice Dr. Flavian Zeija, delivered a closing speech at the Colline Hotel, Mukono, marking the conclusion of the induction training for newly appointed Ag. Magistrates Grade One. The speech covered various essential aspects aimed at guiding the newly appointed magistrates in their roles and responsibilities.

The PJ addressed the proposal for extending the training duration to four weeks. He began by expressing his support for the idea, recognising its potential benefits. However, he candidly acknowledged the limitation imposed by resource constraints.

The PJ informed the participants that efforts were already underway to address this challenge. He revealed that there is an ongoing initiative to relocate the Judicial Training Institute to its dedicated facility in Nakasongola. This development is seen as a significant step towards creating an environment that can support extended training periods.



The Hon. Justice Dr. Flavian Zeija
– The Hon. the Principal Judge.

The Principal Judge's response reflected a commitment to enhancing the training experience for judicial officers. While endorsing the notion of a four-week program, he also demonstrated transparency about the existing limitations and conveyed optimism about the ongoing efforts to overcome these constraints.

The Principal Judge expressed gratitude to the Chairperson Governing Council of the JTI, the Executive Director of JTI, and all JTI staff for organising the induction training. This acknowledgment set the tone for recognizing the efforts invested in preparing the new magistrates for their roles.

The Hon. Justice Zeija emphasised the importance of induction in instilling the ethos of the judicial office in the newly appointed magistrates. He urged them to take the training seriously, emphasising that it equipped them with the skills and knowledge needed to effectively administer justice in their respective areas of deployment.

Acknowledging the vast spread of Magistrate Grade One Courts across the country, the Principal Judge highlighted the magistrates as the foot soldiers and the common image of the judiciary. He stressed that their daily interactions with a diverse range of people would leave a lasting impression on the judiciary's overall perception.

Justice Zeija discussed the ongoing transformation within the judiciary, guided by the Judiciary Strategic Plan V, 2020 – 2025. He underscored the strategic objectives aimed at enhancing equitable access to judiciary services, improving court processes, strengthening the use of ICT, developing the judiciary workforce, and improving public awareness and image.

The Principal Judge addressed several bad practices that the judiciary administration and the public have raised concerns about, including corruption, poor customer care, absenteeism, delayed judgments, and uncertainty of hearing dates. He urged the magistrates to guard against these practices. Additionally, he encouraged the implementation of good practices such as encouraging ADR mechanisms, stakeholder engagements, community sensitization, effective court administration, and fighting case backlog.

Justice Zeija concluded the speech by extending his best wishes for a successful and fruitful career to each newly appointed magistrates. He officially declared the induction training closed, expressing gratitude for the participants' attention.



The Hon. Principal Judge making his remarks at the closing ceremony of the induction training.

7.3 Award of Certificates (Pictorial)





8.0. OTHER ACTIVITIES

COCK TAIL (Pictorial)



APPENDICES

APPENDIX ONE: PROGRAMME.



PROGRAMME FOR INDUCTION OF NEWLY APPOINTED ACTING MAGISTRATES GRADE ONE, 2023 COHORT

DATE: 29TH OCTOBER TO 10TH NOVEMBER 2023

VENUE: COLLINE HOTEL, MUKONO

MODE: RESIDENTIAL TRAINING

DAY ONE: SUNDAY 29 th OCTOBER 2023	
TIME	ACTIVITY
4:00 pm +	Arrival of the participants at the hotel, and check-in
DAY TWO: MONDAY 30 th OCTOBER 2023	
TIME	ACTIVITY
8:00 am – 8:30 am	Registration
8:30 am – 9:00 am	Administrative Announcements and Expectations - HW Katushabe Prossy, Registrar-Human Resource, Development & Training.
9:00am – 11:00am	OPENING CEREMONY <ul style="list-style-type: none">- Welcome Remarks by The Chairperson Governing Council, JTI- Remarks by The Hon. The Principal Judge- Official Opening by The Hon. The Chief Justice Chair: Chief Registrar
11:00 am – 11:45 am	GROUP PHOTO AND HEALTH BREAK
11: 45am – 12:30 am	Topic: THE STRUCTURE AND FUNCTIONS OF THE JUDICIARY; AND THE ADMINISTRATION OF THE JUDICIARY ACT

12:30am – 1:00pm	Presenter: HW Sarah Langa Siu – Chief Registrar. Plenary
1:00 pm – 2:30 pm	LUNCH BREAK
2:30 pm – 3:30 pm	Topic: MANAGEMENT OF COURT STATIONS; AND DATA MANAGEMENT Presenter: His Worship Ereemye James Jumire, PRO/ Registrar Magistrates Affairs and Data Management Plenary
3:30pm – 4:00pm	
4: 00 pm – 4:45 pm	Topic: EXPERIENCE SHARING Facilitator: HW. Prossy Katushabe, Registrar- Human Resource, Development & Training
4: 45pm – 5:00pm	Plenary
5:00 pm	EVENING TEA AND END OF DAY TWO
DAY THREE: TUESDAY 31st October 2023	
8:30 am – 9:00 am	Registration
9:00am – 10:00am	TOPIC: TERMS AND CONDITIONS OF SERVICE OF A MAGISTRATE GRADE ONE; AND THE ADMINISTRATION OF FINANCES IN JUDICIARY Presenter: Dr. Pius Bigirimana – Permanent Secretary/Secretary to the Judiciary
10:00 am – 10:40 am	Topic: MINDSET CHANGE Presenter: Rev. James Kim – Chairman International Youth Fellowship – Uganda.
10:40 am – 11:10pm	Joint Plenary
11:10 am – 11:45 am	BREAK TEA/HEALTH BREAK
11:45 am – 12:30 pm	Topic: JURISDICTION OF MAGISTRATES GRADE ONE IN CIVIL AND CRIMINAL MATTERS Presenter: HW. Mary Kaitesi Lukwago – Registrar Planning & Development
12:30am – 1:00pm	Plenary
1:00 pm – 2:30 pm	LUNCH BREAK
2:30pm – 3:30pm	Topic: CASE MANAGEMENT IN MAGISTRATES COURTS

3:30pm – 4:00pm	Presenter: HW Rosemary Bareebe- Registrar High Court. Plenary
4:00 pm – 5:00 pm	Topic: GENDER PERSPECTIVE IN THE ADMINISTRATION OF JUSTICE Presenter: Hon. Justice Susan Okalany – Judge ICD Plenary
5:00 – 5:15 pm	
5:15 pm – 5:30 pm	EVENING TEA AND END OF DAY THREE
DAY FOUR: WEDNESDAY 1ST NOVEMBER 2023	
8:00am – 9:00am	Registration
9:00am – 10:00am	Topic: INDEPENDENCE OF THE JUDICIARY AND JUDICIAL ACCOUNTABILITY Presenter: Chairperson - Judicial Service Commission
10:00 am - 10:30 am	Plenary
10:30am – 11:15am	BREAK TEA/HEALTH BREAK
11:15am – 12:45pm	Topic: CRIMINAL TRIAL PROCEDURE AND PRACTICE (Plea taking up to conviction/acquittal) Presenter: Hon. Justice Michael Elubu – Head, Criminal Division
12:45pm – 1:15pm	Plenary
1:15 pm – 2:45 pm	LUNCH
2:45 pm – 3:40 pm	Topic: HANDLING OF CHILD VICTIMS AND WITNESSES Presenter: Hon. Lady Justice Damalie Nantudde Lwanga –Executive Director JTI.
3:40 pm – 4:00 pm	Plenary
4:00 pm – 4:55 pm	Topic: JUVENILE JUSTICE LAW AND PRACTICE Presenter: Hon. Lady Justice Margaret Mutonyi – Judge - Criminal Division
4:55 pm – 5:15 pm	Plenary
5:00 pm	EVENING TEA AND END OF DAY FOUR
DAY FIVE: THURSDAY 2nd November 2023	
8:30 am – 9:00 am	Registration
9:00am – 10:30am	TOPIC: PRELIMINARY HEARINGS AND TRIALS IN CIVIL CASES (Summons for Directions up to Final submissions) Presenter: Hon. Justice Musa Ssekaana -Head Civil Division

10:30am – 11:00am	Plenary
11:00 – 11:30 am	BREAK TEA/HEALTH BREAK
11:30 am – 12:30 pm	Topic: DAMAGES, INTERLOCUTORY AND FINAL COURT ORDERS Presenter: Hon. Justice Boniface Wamala - Judge Civil Division Plenary
12:30pm – 1:00pm	
1:00 pm – 2:30 pm	LUNCH BREAK
2:30 pm – 3:30 pm	Topic: TAXATION OF COSTS & EXECUTION OF COURT ORDERS e.g. Distress for Rent Presenter: Hon. Justice Boniface Wamala - Judge Civil Division
3:30pm – 4:00pm	Plenary
4:00 pm – 4:40 pm	Topic: SMALL CLAIMS PROCEDURE Presenter: HW Mulondo Mastula - Asst. Registrar Small Claims
4:40 pm- 5:00 pm	Plenary
6:00 pm	COCKTAIL
DAY SIX: FRIDAY 3rd November 2023	
TIME	ACTIVITY
8:00 am – 9:00 am	Registration
09:00 am - 10:00 am	Topic: MEDIATION Presenter: HW Kisawuzi Erias Omar- Registrar – Mediation Registry.
10:00am – 10:30am	Plenary
10:30am – 11:15am	BREAK TEA/HEALTH BREAK
11:15 am – 12:30 pm	Topic: THE LAW AND PRACTICE ON CUSTODY AND MAINTENANCE OF CHILDREN Presenter: Justice Olive Kazaarwe Mukwaya – Judge Land Division
12:30pm – 1:00pm	Plenary
1:00 pm – 2:30 pm	LUNCH BREAK
2:30 pm – 3:30 pm	Topic: HANDLING OF MARRIAGE AND DIVORCE CASES Presenter: Hon. Justice Dr. Singiza K. Douglas – Judge, Civil Division
3:30 – 4:00 pm	Plenary
4:00 pm – 5:00 pm	Activity: Practical reflections on the areas learned in week one of the induction Facilitator: H/W Mulalira Faisal Umar - Ag. Deputy Registrar Training, JTI

DAY SEVEN: SATURDAY 4th November 2023	
DAY EIGHT: SUNDAY 5th November 2023	
RESTING DAYS	
DAY NINE: MONDAY 6th day November 2023	
8:00 am – 9:00 am	Registration
9:00– 10:40 am	TOPIC: THE LAW AND PRACTICE ON SUCCESSION AND ESTATE MANAGEMENT IN MAGISTRATES COURTS Presentation(s): <ol style="list-style-type: none"> 1. Perspective from Administrator General – Administrator General 2. Perspective from the Bench – Hon. Justice John Keitirima – Head, Family Division.
10:40 am – 11:00 am	Joint Plenary
11:00 am – 11:40 am	BREAK TEA/HEALTH BREAK
11:40 – 12:40 pm	Topic: THE APPLICATION OF ICT IN THE JUDICIARY Presenter: Mr. Kikabi David Sunday- Principal Information Technology Officer Plenary
12:40 – 1:00 pm	
1:00 pm – 2:30 pm	LUNCH BREAK
2:30 pm – 3:30 pm	Topic: THE PRACTICE AND CHALLENGES IN HANDLING LAND MATTERS IN MAGISTRATES COURTS Presenter: Hon. Justice Asimwe Tadeo – Deputy Head, Land Division Plenary
3:30pm – 4:00pm	
4:00 pm – 5:00 pm	Topic: PLEA BARGAINING Presenter: Hon. Lady Justice Jane Okuo – Judge ACD Plenary
5:00 pm – 5:30 pm	
5:15 pm	EVENING TEA AND END OF DAY NINE
DAY TEN: TUESDAY 7th November 2023	
8:30 am – 9:00 am	Registration
9:00 am – 10:30 am	Topic: INTRODUCTION TO JUDGMENT WRITING

	Presenter: Hon. Justice Lawrence Gidudu, Head Anti-Corruption Division
10:30am – 11:00am	BREAK TEA/HEALTH BREAK
11:00am – 1:00pm	Topic: EVALUATION OF EVIDENCE IN WRITING A COURT JUDGMENT Presenter: Hon. Justice Lawrence Gidudu, Head Anti-Corruption Division
1:00 pm – 2:00 pm	LUNCH BREAK
2:00 pm – 4:30 pm	Topic: PRACTICAL JUDGMENT WRITING AND DELIVERY Presenter: Hon. Justice Lawrence Gidudu, Head Anti-Corruption Division
4:30 pm – 5:00 pm	JOINT PLENARY
5:00 pm	EVENING TEA AND END OF DAY TEN
DAY ELEVEN:	WEDNESDAY 8th November 2023
8:30 am – 9:00 am	Registration of participants
9:00 am – 10:00 am	Topic: SENTENCING IN CRIMINAL CASES ` Presenter: Hon. Justice Eva Luswata – Justice, Court of Appeal
10:00 am – 10:30 am	Plenary
10:30am – 11:00am	BREAK TEA/HEALTH BREAK
11:00 am – 12:00 pm	Topic: HUMAN RIGHTS AND THE LAW. Presenter: H/W Gladys Nakibuule Kisekka – Deputy Registrar, Research -JTI Plenary
12:00pm – 12:30pm	
12:30 pm – 1:20 pm	Topic: PRACTICAL ASPECTS OF MANAGEMENT OF A COURT RECORD Presenter: H/W Patricia Amoko Muhumuza – Deputy Registrar, Chief Registrar’s Chambers. Plenary
1:20pm – 1:40pm	
1:40 pm – 3:00 pm	LUNCH BREAK
3:00 pm – 3:50 pm	Plenary Topic: - JUDICIAL DECORUM, ETIQUETTE, AND PROTOCOL IN THE JUDICIARY Presenter: H/W Angualia Moses Gabriel – Deputy Registrar, Inspectorate. Plenary
3:50pm – 4:10pm	

4:10 pm – 5:00 pm	Topic: COMMUNICATION AND CUSTOMER CARE IN THE JUDICIARY
5:00 pm – 5:53 pm	Presenter: His Worship Ereemye James Jumire, PRO/ Registrar Magistrates Affairs and Data Management
5:53	Plenary
5:53	EVENING TEA AND END OF DAY ELEVEN
DAY TWELVE:	THURSDAY 9th day of November 2023
8:00am – 9:00am	Registration
9:00 am – 10:00 am	Topic: JUDICIAL ETHICS, INTEGRITY, AND THE JUDICIAL CODE OF CONDUCT
9:40 am – 10:30 am	Presenter: Senior Counsel Ruth Sebatindira – Commissioner Judicial Service Commission
9:40 am – 10:30 am	Plenary
10:30 am – 11:00 pm	BREAK TEA/HEALTH BREAK
11:00 am – 12:20 pm	Topic: THE BAR BENCH RELATIONSHIP
12:20pm – 12:50pm	Panelists: 1. The President UJOA (40 minutes) 2. The President of Uganda Law Society (40 minutes)
12:50 pm – 2:00 pm	Plenary
12:50 pm – 2:00 pm	LUNCH BREAK
2:00 pm – 3:00 pm	EVALUATION AND RESOLUTIONS
3:00 pm – 4:00 pm	Facilitator: H/W Katushabe Prossy – Registrar- Human Resource Development & Research
3:00 pm – 4:00 pm	CLOSING CEREMONY Remarks by Hon. Lady Justice Damalie N. Lwanga – Executive Director, JTI
4:00 pm	Award of Certificates and Closing Remarks: The Deputy Chief Justice – Hon. Justice Richard Buteera
4:00 pm	EVENING TEA AND END OF INDUCTION
DAY TWELVE:	FRIDAY 10th day of November 2023
	CHECK-OUT AND DEPARTURE OF ALL PARTICIPANTS

APPENDIX TWO: LIST OF PARTICIPANTS AND THEIR RESPECTIVE STATIONS.

NO.	NAME	STATION
1	HW Rekyaraho Obed	Ndaija
2	HW Nassuna Yvonne Grace	ICD- Chambers of HL Susan Okalany
3	HW Kwagala Winnifred Sarah	Kira
4	HW Nagaddya Joanitah	Commercial Court- Chambers of HL Stephen Mubiru
5	HW Gonzaga Mbalangu	Rukungiri
6	HW Mukuru Joshua	Mbarara High Court- Chambers of HL Allan Nshimye
7	HW Pauline Martha Kamuli	Lira- Chambers of HL Duncan Gaswaga
8	HW Muzeyi Vincent	Family Division – Chambers of HL Elizabeth Kabanda
9	HW Nyombi Catherine	Family Division- Chambers of HL Celia Nagawa
10	HW Nanyanga Susan	Court of Appeal- Chambers of HL Oscar Kihika
11	HW Francis Okullu	Pakwach
12	HW Ogenrwot Michael	Mbale High Court – Chambers of HL Margaret Apiny
13	HW Nasasira Josephine	Land Division – Chambers of HL Susan Kanyange
14	HW Apaderet Marion	Land Division- Chambers of HL Benard Namanya
15	HW Kakoma Edgar	Mukono High Court- Chambers of HL Christine Kaahwa
16	HW Tamale Badru	Hima/Kisinga
17	HW Emwogu Gerald	Iganga High Court – Chambers of HL David Batema
18	HW Wangubo Enock Brighton	Supreme Court – Chambers of HL Elizabeth Musoke
19	HW Namara Caroline	Nwoya
20	HW Mutabaazi Fred	Ishongororo

21	HW Tendo Anne	Land Division – Chambers of HL Flavia N. Matovu
22	HW Prince Annan	Commercial Court – Chambers of HL Thomas Ocaya
23	HW Ojara Byron Paul	Moroto High Court- Chambers of HL Mary Ikit
24	HW Nakayenze Maureen	Arua City
25	HW Adong Gloria	Arua High Court- Chambers of HL Acellam
26	HW Tusabe Edith	Ibanda
27	HW Ola Gabriel	Gulu High Court – Chambers of HL George Okello
28	HW Baguma Aron	Buvuma
29	HW Odongoi Simon Peter	Baitambogwe
30	HW Kalondo Paul James	Commercial Court – Chambers of HL Patricia Mutesi
31	HW Riziki Nambuya	Bukedea
32	HW Twinokwesiga Michael	Commercial Court – Chambers of HL Magala
33	HW Akena Junior	Mulanda
34	HW Ochieng Augustine	Bubulo
35	HW Turyasingura Constance	Ruhama
36	HW Tendo Deogratiuous	Mitooma
37	HW Julian Natukunda	Jinja High Court – Chambers of HL Dr. Winfred Nabisinde
38	HW Wahab Amina	Butambala
39	HW Mushime Moses	Fort Portal High Court- Chambers of HL Vincent Mugabo
40	HW Mugisha Ruth	Sanga
41	HW Khalayi Moreen	ICD- Chambers of HL Andrew Bashaija
42	HW Buhungiro Benjamin	Moyo
43	HW Sulaiman Kawuzi	Kasanda
44	HW Namwanje Sarah	Jinja High Court – Chambers of HL Dr. Winfred Nabisinde Farida Bukirwa
45	HW Ssengendo Saad	Hakibale
46	HW Kibirige Apollo Kasujja	Soroti
47	HW Kalende Timothy	Karugutu

48	HW Akankwasa Dallen	Land Division – Chambers of HL Tadeo Asiimwe
49	HW Itogot Amy Amina	Commercial Court – Chambers of HL Patricia Kahigi Asiimwe
50	HW Akol Bonny	Omoro
51	HW Baagala Esther Luyiga	Mbarara
52	HW Mugizi Obed	Kakindu
53	HW Talemwa Johnson	Rukungiri High Court- Chambers of HL Tom Chemutai
54	HW Rwingabo Roger	Kapchrowa
55	HW Nakasiita Sarah	Kagango
56	HW Watzemba Vincent	Mbale High Court – Chambers of HL Godfrey Namundi
57	HW Nakimbugwe Faridah	Ngoma/Semuto
58	HW Lyagoba Frank	Masaka High Court- Chambers of HL Lawrence Tweyanze
59	HW Nabyangwe Annah	Supreme Court – Chambers of HL Faith Mwendha
60	HW Adeke Janet Ruth	Apac
61	HW Orishaba Isabella	Court of Appeal – Chambers of HL Cheborion Barishaki
62	HW Mukanza Brenda Apoffy	Court of Appeal – Chambers of HL Hellen Obura
63	HW Ssenyange Isaac Keith	Toroma
64	HW Bogere Racheal	Kigumba
65	HW Sserwadda Angella	Aboke/Kole
66	HW Kyembe Karim	Atiak
67	HW Mpirwe Isaac	Kabale High Court – Chambers of HL Samuel Emokor
68	HW Jjagwe Raymond	Amudat
69	HW Nakhumitsa Joan Napokoli	Lugazi
70	HW Nsubuga Anderson James	Kyangwali
71	HW Nelima Lucy	Criminal Division- Chambers of HL Margaret Mutonyi
72	HW Yiga Ronald	Tororo High Court – Chambers of HL Henry Kaweesa
73	HW Ariye Sharon	Commercial Court – Chambers of HL Anna Mugenyi Bitature
74	HW Nabuduwa Harriet	Kyankwanzi
75	HW Seyiga Abdullwaswabul	Kicheche/Nkoma

76	HW Nseko Samson	Gulu High Court- Chambers of HL Phillip Odoki
77	HW Okoto Charles Joram	Criminal Division – Chambers of HL Michael Elubu
78	HW Nansubuga Margaret	Makuutu/Busesa
79	HW Oonyu Vincent	Lamwo
80	HW Eyokia Gill Dawa	Nebbi
81	HW Kwagala Faith	Kyarusozi
82	HW Walutsyo Martin Shirara	Mbarara
83	HW Ajam Innocencia	Maracha/Nyadri
84	HW Musabi Comyn	Family Division – Chambers of HL John Eudes Keitirima
85	HW Mwanje Ibrahim	Koboko
86	HW Nakayi Brendah Mwesige	Commercial Division – Chambers of HL Cornelia Kakooza Sabiiti
87	HW. Nasasira Alison	To be confirmed
88	HW. Omara Joseph Sabiti	To be confirmed