



## INDUCTION TRAINING REPORT OF THE NEWLY APPOINTED AG. JUDGES

IMPERIAL GOLF VIEW HOTEL, ENTEBBE

12TH - 24TH NOVEMBER, 2023



The Acting New Judges: L-R Back row, the first seven standing (Hon. Justice Mwaka Phillip Willebrord; Hon. Justice Makumbi David Samson Lwakya; Hon. Lady Justice Naluzze Aisha Batala; Hon. Lady Justice Rubagumya Tumusiime Patience Emily; Hon. Justice Karemani Jameson Karemera; Hon. Justice Lubega Farouq; Hon. Lady Justice Dr Akello Echokit Christine; Hon. Lady Justice Kania Rosette Comfort) and seated first starting from the right (Hon. Justice Karemani Jamson Karemera).

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## FOREWORD

This extensive report outlines the induction training program for the recently appointed Ag. judges of the High Court. It encapsulates the key activities, highlights, and valuable insights gathered from the training that was organised by the Judicial Training Institute (JTI) at the Imperial Golf View Hotel in Entebbe during the second quarter of the financial year 2023/2024. As the Executive Director of the Institute, I take immense pride in the unwavering dedication and commitment exhibited by the new Judges during the two-week residential training aimed at equipping them with the skills and ethos required to fulfil their judicial roles effectively.



JTI recognises the importance of strengthening judicial capacity not only through feedback from national surveys and evaluation forms to achieve excellence but also by inducting new officers into the judicial administrative culture. On behalf of the entire judiciary, JTI, therefore believes that the newly inducted judges have been thoroughly prepared to fulfil their judicial roles. The combination of different voices, practical experiences, expert knowledge, and interactive sessions have laid a solid foundation for their judicial career.

I am indebted to the Judiciary's top management for the support rendered towards the organisation of this training, all the inductees for their active engagement, the presenters for their invaluable contributions, and the Imperial Golf Hotel for the training venue, which offered an environment of learning, collaboration, and professional growth. My special appreciation also goes to the entire JTI staff for your diverse but integral contribution, dedication and hard work that made this induction training a resounding success. Thank you, my teammates.

As we navigate the dynamic jurisprudence and judicial practice landscape, JTI will remain steadfast in our commitment to providing top-notch judicial training. I look forward to witnessing the positive impact that the inducted judges of the High Court 2023 Cohort will undoubtedly make within the judiciary. Hope you find the report resourceful enough.

Damalie N. Lwanga  
Judge / Executive Director - Judicial Training Institute

## **1.0. INTRODUCTION**

This report is an overview of a ten-day induction training of Acting Judges of the High Court, newly appointed by His Excellence the President of Uganda, Yoweri Kaguta Museveni on August 11, 2023. The Judicial Training Institute (JTI) on behalf of the Judiciary Uganda organised the induction training, which took place at the Imperial Gold View Hotel, Entebbe from the 12<sup>th</sup> to 24<sup>th</sup> of November 2023. This period was in the 2nd quarter of the FY 2023/2024. The Acting Judges were prepared to embark on their new judicial journey, as detailed in the body of the report.

## **2.0. JUSTIFICATION FOR THE TRAINING**

Judges are appointed from diverse areas of legal practice in Uganda's legal fraternity. Despite their rich legal experiences, the court users' expectations of due justice under Article 126 of the *Constitution of the Republic of Uganda, 1995* is high. The terminology 'Justice', however, is a dynamic phenomenon. Its progressive formations overtime demand constant judicial officers' capacity development to march its evolving jurisprudential trends. Thus, the Judiciary's top management resolved to only deploy newly recruited officers after inductions. Hence, this induction training.

## **3.0. METHODOLOGY**

The training module included practical experiences and impacting of expert knowledge in key pertinent areas, primarily court processes. Lecture method by way of illustrative presentations by selected trainers, while using mostly power points, was one of the key training tools that was used. Presentation paper-copies were printed out and given to the participants after the training sessions. Some presenters read out their papers, others made oral presentations, while, a few video-conferenced with the participants.

Given this inconsistency, JTI undertakes to ensure that the selected presenters avail copies of their presentations, most desirably before the training day, or immediately after the sessions. Positively, the inductees made salient recommendations after the training. The participants also evaluated the training as indicated later in this report, which will inform JTI will pick lessons for other related programs in the future. The expected key output from the training was that the inductees would be in a better position to deliver justice to Ugandans effectively and efficiently.

## DAY ONE

Participants checked in the Imperial Gold View Hotel, Entebbe on the evening of the 12th November, 2023.

## DAY TWO

### 4.0. OPENING CEREMONY



HW Sarah Langa, the Chief Registrar

#### Moderator

The Chief Registrar moderated the opening ceremony, which was started with a prayer by Justice Makumbi. The participants introduced themselves to the Hon. the Chief Justice.



The Executive Director JTI, Justice Damalie N. Lwanga

#### 4.1. WELCOME REMARKS BY THE EXECUTIVE DIRECTOR, JTI

The Director thanked the Chief Justice for accepting to officiate the opening ceremony underlining the importance of the induction. She welcomed the participants to the training. She pointed out to them the objective of the induction course, which is to equip them with basic knowledge and skills

necessary for their job. She expressed regret on behalf of the Judiciary for having deployed them to their respective stations before their induction, a financial challenge beyond JTI's control.

On a positive note, she reported that all the future induction trainings till the end of the year had been cleared. She applauded the facilitators, the top management and the JTI staff for their contribution towards the set-off of the induction training. She thanked the participants for honoring the invitation and wished them fruitful deliberations throughout the training.



## 4.2 OPENING REMARKS BY THE HON. THE CHIEF JUSTICE



The Hon. The Chief Justice of Uganda, Justice *Alfonse Chigamoy Owiny-Dollo* (captioned left) congratulated the new judges upon joining the Judiciary and implored them to make it their fruitful home. He reminded them of their core constitutional mandate of adjudication of criminal and civil disputes in the interest of the aspirations of the people in line with Article 126 of the *Constitution of the Republic of Uganda*, 1995. He urged them to acquaint themselves fully

with the relevant law and jurisprudence while sensitive to the litigants' socio economic settings. This approach would help them hand down appropriate orders to the society. He regretted the inordinate trial delays, despite the judiciary's efforts to address them, which culminate into the case backlog that has caused the public to occasionally hold the Judiciary in disrepute. He however explained to the new judges the Judiciary Transformation Agenda, which aims to strengthen efforts to improve access to justice across Uganda. In that regard, its key targets are: improving judicial human resources; establishing more courts; strengthening the JTI's training role; reinforcing the Inspectorate of the Courts; and promoting judicial innovations in accordance with the strategic objectives of the Judiciary Strategic Plan V FY 2020/21 - 2024/25.

The Hon. The Chief Justice encouraged the new judges to revise the civil procedure law and the common principles of criminal law such as those on identification evidence, circumstantial evidence and the jurisprudence demonstrating an accused's 'no case to answer.' He reminded the incoming judges that, while the Principal Judge was their initial point of contact, they may always seek advice from him. He recommended them to adopt best practices and to confer with their senior judges on a regular basis, but to do so without jeopardising the principles of judicial independence and accountability in their decisions. They should embrace alternative dispute resolution mechanisms such as mediation and plea bargaining, as well as other judicial innovations that include sentencing guidelines and *ECCMIS*, in order to achieve judicial dispensation in a more accessible and timely manner. He encouraged hard work, reminding them that they are courts of

record whose decisions have far-reaching consequences. As a result, they must pay special attention to the fate of prisoners, situations that have a direct impact on the country's economic growth, issues affecting people's socioeconomic livelihoods, and offering a corrupt free service (a biblical command in Deuteronomy 16:18-20).

In conclusion, the Hon. The Chief Justice implored the new judges to be guided by the *Uganda Code of Judicial Conduct*, © Judicial Integrity Committee 2003, to serve with humility and integrity, and to make upright decisions while conscious of the Judicial Oath they took to administer justice without fear, favour, or ill will. In emphasis he cited Socrates' reference that a judge should hear courteously, answer wisely, consider soberly, and decide impartially.

## Plenary

*The following issues arose during the discussions:*

- Dilemmas as to what extent alternative dispute resolutions ought to be embraced in the Judiciary, and in regard to the abatement of suits introduced under the revised Civil Procedure Rules' *summons for directions*' process.

*Responses:*

- While Application of alternative dispute resolutions is at the instance of the parties, but subject to judicial discretion, it has robust positive. The Judiciary nevertheless is working towards further streamlining its processes within the law.
- On clarity on abatement of suits, the Chief Justice explained that the rule on *summons for directions* was introduced in the law with a timeline of the 28 days' preparation of the suit by the Registrar from the time it is filed until when tabled before the Judge for action. This timeline was meant to be automated in the court's system. However, while the rule was intended to be applicable to all courts, including lower courts, in practice it is only meaningful to the High Court and Appellate Courts that have Registrars. Second, judges should be liberal in applying this rule so as not to unreasonably abate suits, stifling justice and causing unintended consequences. Third, there is a need to urgently revise the Civil Procedure Amendment Rules to address the concerns such as those on the *summons of directions*.

## 5.0. PRESENTATIONS

### 5.1. CRIMINAL TRIAL PROCEDURE AND PRACTICE IN THE HIGH COURT

**1<sup>st</sup> Session Chair:** Hon. Justice Amos Kwizera    **Presenter:** Hon. Justice Micheal Elubu



Justice *Micheal Elubu* congratulated the new judges for their assumption of their High Court judicial office. As a way of background, he recalled the basic five principles of criminal justice adjudication under Article 126 (2) of the *Constitution of the Republic of Uganda, 1995*. These are: 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. The High Court has unlimited jurisdiction to entertain any matter of a criminal nature that is properly brought before it. However, he opined that there are 652 people on remand for the most egregious crimes. Trial delays can be explained, *inter alia*, by s. 4(1) of the *Trial on Indictments Act, 1971. (Revised 2020). Cap 23, Vol.2. Laws of Uganda 2000* (hereinafter TIA) that mandates hearing criminal cases under the session system. Notably, ‘justice is wettest when it is fastest’ [Benjamin Odoki, CJ Emeritus]. The judge’s presentation was divided into 5 sections; the pre – trial stage, the trial process, summing up of assessors, judgement writing, and sentencing.

#### 1. Pre – trial Stage

##### (i) Cause Listing Process

The judge argued that pre-trial process is the bedrock of a successful session where all the initial session planning is mapped out. First, the judge has to participate in the causing listing process’

activities. In essence, exact the court case load, identify equitably and fairly the cases to be listed while following the first in- out principle, ensure that all the court files for the listed cases are available, coordinate with all stakeholders about the files and status of the accused (whether the police files are in the custody of the prosecuting attorneys, the holding centers where the accused in custody can be located), and find out from the attorneys if the suspects who have jumped bail can be traced. This informal meeting with the actors and the registry staff offers an opportunity to weed out matters that have no merit and cannot be prosecuted successfully. A cleaned final cause list is drawn and pinned on the notice board.

#### *(ii) Pre – Session Meeting*

The judge was emphatic that before the trials commence, a pre - session meeting ought to be convened, involving all pertinent session stakeholders or their representatives (prosecution, defence counsel, prisons, assessors, court clerks, probation officers, process servers, police commanders, local government, etcetera). Each stakeholder ought to make a presentation to the meeting on their level of preparedness in order to resolve pre-trial critical issues to allow a successful session. The judge uses the occasion to ascertain that disclosures have been made (see: *Soon Yeon Kong Kim & Anor v Attorney General* (Constitutional Reference 6 of 2007) [2008] UGSC 72 (6 March 2008)).

## **2. The Trial Process**

#### *(i) Preliminary Matters*

##### *(a) The Indictment*

The judge guided that it is important that before the accused is called at trial hearing to plead to his or her indictment, the judge resolves by a written order under s.50 of the TIA all questions relating to the indictment. The judge is expected under s. 50(3) of the Act to note any alteration or amendment to the indictment on the court record. It is a good practice to counter sign the changes made on the indictment. It is only after all alterations that the accused can plead to the indictment under s.51 of the Act. Where an accused person has died, escaped, or for any other reason failed to report for trial, the DPP should drop the charges against him or her, amend the indictment accordingly where there are co-accused persons, or enter a *nolle prosequi* where there are not.

### (b) *The Plea*

When the accused person is invited to plead to the charge(s), his or her answers (and not of his counsel or representative- even if the accused is a juvenile) should, as much as possible, be recorded verbatim in the words the accused uses. A plea of ‘Not Guilty’ is entered where the accused denies the charges, stands mute, or gives a detailed explanation. In case the accused admits the charge(s), the court must outline to him or her all the elements of the offence (see: *Adan v Republic* [1973] EA 445). It is only after the accused has confirmed them that the Court enters a ‘Plea of Guilty’. The facts of the charges are then read out to the accused, for the accused to confirm them true or not. If the accused confirms them correct, the Court proceeds to convict him or her. It is important that the court enters the conviction on record, otherwise the proceedings are a nullity. Court proceeds with the sentence hearing. The judge warned the participants that failure to follow the above elaborate process would invalidate the plea and is appealable.

The judge observed that there are other pleas that include; a pardon (for example, a presidential pardon), an *autrefois acquit*—previously acquitted and an *autrefois convict*—previously convicted an *autrefois acquit* or *autrefois convict* under s. 61 of the TIA, and an amnesty plea under the *Amnesty Act*, Cap 294 Laws of Uganda 2000 for defined acts during a specified period. He pointed out that, for whatever plea, an accused person may at any time during trial change it, or offer to plead to a lesser offence (such as from murder to manslaughter). In the latter scenario the court asks the prosecuting attorney if a plea to a lesser offence is acceptable to the state. The indictment is amended, if the prosecution accepts the change of plea to reflect the lesser offence, it is endorsed by the Court, and the accused is invited to take a fresh plea on the lesser offence. The procedure laid out earlier for entering a plea of guilt follows.

### (c) *Post ‘Plea of not Guilty’ Preliminary Hearing*

The Court may hold a preliminary hearing after plea to consider matters that will promote an expeditious/speedy trial. These can include; admission in evidence of uncontested matters, such as, post mortem reports, other medical evidence, and evidence of arrest. The trial judge after properly explaining this admitted evidence to the accused person(s) in the language they understand. The trial judge prepares a memorandum detailing all the admitted evidence and the Judge together with all the parties (both attorneys in the case) append their signatures onto the memorandum. All facts admitted at this stage are considered proved. The memorandum should be

recorded in the absence of the assessors and read to them after they have been sworn in at the beginning of the trial. Justice Elubu, however warned that while this pretrial admission of evidence is a good case management tool, it is better to accept the expert reports as identified exhibits pending confirmation by the experts' testimonies in Court to explain their findings.

#### (d) *Swearing in of Assessors*

The Court ought to choose assessors from the court assessors roster after the preliminary hearing. According to the Assessors regulations, the selected assessors should be persons who are proficient in English, aged between 21 and 60 years, not persons actively discharging the duties of priests or ministers of their respective religions, medical practitioners, dentists and pharmacists in active practice. They should not be legal practitioners in active practice, members of the armed forces on full pay, members of the police forces or of the prison services, or persons exempted from personal appearance in court under the provisions of any written law in force, relating to civil procedure. They should also not be persons disabled by mental or bodily infirmity.

Any of the parties to the case can challenge an assessor for good cause under S. 68 of TIA. The selected assessors take oath and the trial is a nullity where the assessor does not take oath. On being sworn in, assessors must attend throughout the trial. It is advisable where a particular case may take long, such as cases from the International Criminal Division the Court uses three assessors so that in the event any one of them gets indisposed, trial would continue without halt. However, an assessor who is indisposed is discharged and cannot re-join the hearing at a later stage. If all assessors get indisposed the matter should be heard *de novo*.

#### (ii) *The Trial Hearing*

The trial opens with the prosecution calling its evidence, which is recorded in first person narrative. Court, however, should first ensure that the witnesses are put on oath before each of them testifies. All persons are competent to testify unless a court determines that an expected witness would not be in position to answer questions put to him or her or give rational responses, for diverse causes that include; tender years, infirmity of mind, and extreme old age. Notably, s. 117 of the *Evidence Act. 1909*. Cap 6. Vol. 2, Laws of Uganda 2000 recognizes a mentally challenged person as a competent witness, unless he or she is prevented by disease of mind from understanding the questions put to him or her, and giving rational answers to them. Section 118 of



the *Evidence Act* allows the Court to receive the evidence of the dumb and deaf witnesses either in writing or sign language. The challenge is that many of them are illiterate in international sign language. They can only be understood by close relatives who may also be witnesses and interested parties, which prejudices the sanctity of the whole trial process.

In some cases, a question of a child of tender years (approx. 14 and below), can arise at the trial hearing. The court must conduct a *voire dire* in case of such children witnesses. A *voire dire* is a process where the trial judge in effort to assess the sufficiency of the intelligence of the child to testify, understand the duty to tell the truth, and appreciates the nature of an oath, records questions and answers given by the child, or only record the answers that the child gives to the questions it is asked. Whatever mode of recording, the court is expected to make a finding. On failure to pass the above tests, the court can receive the child's evidence not on oath, however, s. 40 (3) TIA requires that such evidence must be corroborated by other cogent evidence to inform the court's final judgement. Justice Elubu warned that failure to conduct a *voire dire* may be determined by the appellate courts to cause a miscarriage of justice.

The above notwithstanding, the accused can challenge the admissibility of some pieces of prosecution evidence, such as 'Extra Judicial Statements', mostly through repudiation or retraction of the confession statement they make after arrest. The accused can argue that such statements were extracted by use of violence, force, threat, and inducement. It is advisable that the defence informs the prosecution of the intention to contest the statement. Court should be mindful not to record or admit this evidence before conducting a trial within a trial (See: *Rashidi v Republic* [1969] EA 138; *Ezekia v Republic* [1972] EA 427). This denial of the confessions necessitates the court to conduct a 'trial within a trial' (TWT) to determine the question of the statements' admissibility. Both sides call evidence before the court and court makes a ruling on whether it finds or not if the extra judicial statement was made voluntarily. If found in the affirmative, the witness exhibits the confession. The assessors need not withdraw during TWT.

At the end of the prosecution's led evidence, the prosecution must close their case. Section 17 (2) of the *Judicature Act, 1996*. Cap 13. Vol. I, Laws of Uganda of 2000, may be invoked where the Court wishes to close a case or dismiss proceedings but the Office of the DPP is reluctant to take action. In matters requiring a Ministers Order, the trial judge can take a proactive approach, as was done in case of *Bushoborozi v Uganda* (HCT-01-CV-MC 11 of 2015) [2015] UGHCCRD 14 (10 July 2015), and make the necessary orders to avoid the long delays accused persons face

when the Court refers a case for the Minister's order. The judge guided that at the close of the prosecution case the Defence makes a submission on a 'No Case to Answer' and the trial judge determines briefly in not more than a paragraph whether there is a case to answer or not. The gist of the ruling is to assert *if a reasonable tribunal properly directing its mind to the law and the evidence can convict the accused if no explanation is offered by the defence* (See *Ramanlal Trambaklal Bhatt v R* [1957] EA 332). If the Court determines that there is no case to answer, it will acquit the accused at this stage. He cautioned participants to be wary of unscrupulous lawyers that make frivolous and vexatious complaints whenever trial judges make rulings confirming a case to answer.

The judge underlined that a trial court has a duty to protect the fair trial rights of the accused that are enshrined in Article 28 (3) of the Constitution, among which rights is that of legal representation. It is a good precaution for a fair trial that a trial judge explores if the accused has met with and properly instructed his or her defence counsel, especially counsel on state brief. If the accused is placed on his defence, the trial judge must explain to the accused the available options that are open to the accused to state his or her case. These are; to give unsworn evidence where the accused will not be open for cross-examination, to give sworn evidence and the accused will be open for cross-examination, or keep quiet and court assesses his or liability as charged on the basis of only the prosecution's evidence. The trial judge should make a record of the choice made by the accused, and whichever option the accused takes he or she may call witnesses.

Justice *Elubu* also cited s.73 (2) TIA that enjoins a trial judge to step in and avail facilitation for the witnesses that the accused persons wish to call, especially where it is established that the accused is indigent. It is prudent that the defence witnesses are also properly served with the summons calling them to court. A trial judge is expected at this stage to have ensured full disclosure of evidence inter-parties before the trial opens.

### (iii) *Summing Up of Assessors*

Justice *Elubu* elaborated that at the close of the defence case, the court is obligated to sum up both the law and evidence to the assessors. Section 82 of TIA obligates the trial judge to keep a record of summing up notes on the court file. Failure to do so may lead to the trial to be nullified on appeal when a miscarriage of justice is found to have occurred. The record establishes the trail of events, for example, if the trial judge warned himself and the assessors of the need for

corroboration of the evidence of a child. Each individual assessor must render his or her opinion orally on each count, and the court must record that opinion. The assessor should state whether he or she considers the accused guilty or not. In most cases assessors give a joint opinion that is read out by one of them. In such cases, courts must note that the opinion is joint and the name of the assessor who read the opinion. A trial court is not bound by the opinion of the assessors, but must give reasons why it has departed from the opinion. After noting the opinion, it can grant the assessors leave to retire or adjourn the matter to another date to consider the opinion.

#### *(iv) Judgement*

The judge walked the participants through the judgement writing process. He emphasized that the judgment must be in writing. It should include the description of the parties, the questions or matters for adjudication, such as the elements of the offences, a summary of the evidence adduced by both sides, a discussion of the relevant law, the application of the law to the facts and issues raised, the findings, and the decision of the court. The trial judge must read his or her judgment in open court, give reasons for its findings, and date it with the date of its pronouncement after delivering it. Where the trial judge arrives at a finding of ‘Not Guilty’, he or she must declare so and acquit the accused. He or she can convict an accused of a minor or cognate offence, or an attempt to commit the offence, or of being an accessory to the fact of the offence. The trial judge should properly explain the right of appeal to the accused.

#### *(v) Sentencing*

Justice *Elubu* defined sentencing as the imposition of punishment on the accused following conviction for a criminal offence. He explained the sentence functions as; retributive (to punish offenders), deterrent (to reduce similar crimes and protect the public), reformation or rehabilitation of offenders, and reconciliation in communities through of reparations of victims by the offenders. He cited several sentencing options that include; the death penalty, imprisonment for life, imprisonment for a specified period of time, community service, a fine, probation, a caution, discharge without punishment (which may be conditional or unconditional), and any other lawful sentencing option.

There are several factors that must be considered when sentencing. These include; the character and antecedents of the offender, particularly whether the offender is a habitual or first offender, gravity, circumstances, nature of the crime committed, and duration of the offence.

Further considerations include whether the offender deliberately caused or intended to cause more harm than was necessary for the commission of the offence, the motivation of the offender, health and mental state of the offender. It is important to put into consideration the values, norms and aspirations of the people within the community. Other factors include, age of the offender, remorsefulness, role, and if a group activity, whether a weapon was used. Duration of time spent on remand, prevalence of the offence in the community for which the offender is to be sentenced can also be factored. The intention or motive particularly whether the offence is racially or religiously aggravated or otherwise motivated by hostility towards the victim based on perceived disability or sexual orientation influences sentencing. So does whether the offender may be a danger to the community, the views of the victim's family or community matter too. Court takes into account the cost of incarceration to the state, can give credit for a guilty plea and considers the complexity and sophistication of the offence. Any other matters the court considers relevant can influence sentencing too. The above factors are categorized and weighed all as mitigating and aggravating factors before sentencing.

Aggravating factors can comprise several scenarios. For example; if the offence was committed while the accused was on bail or serving a sentence. Where the offending behaviour was sustained, repeated or took place over a long period of time. Where an offence involved a high degree of planning in the context of the offence. Where the offender intended to cause more harm than actually resulted, acted as part of a group or gang, or, played a leading role in any group or gang. It is an aggravating factor too if the convict committed the offence for financial gain, attempted to conceal or dispose of evidence, falsely placed the blame on another, or hindered the investigation or prosecution. Further, the convict is at a disadvantage if he or she committed the offence under the influence of alcohol or drugs, was motivated by or displayed hostility towards the victim's age, gender, ethnicity or disability, acted in abuse of power or abuse of a position of trust. Other aggravating factors are; where the offender has relevant previous convictions, the offence produced multiple victims, or where the victim was particularly vulnerable, including but not limited to age, mental or physical disability, gender, religion, social position or physical isolation. It is also to the prejudice of the convict if the offence had a negative effect on the victim, his or her family or the community, was committed in the presence of children, or, the offence is particularly prevalent in the community in which it was committed.

Mitigating factors that influence lenience in sentencing are several too. These include; the fact that the accused was convicted on his or her own guilty plea, lack of previous convictions, previous good character, genuine show of remorse, youthful age, an admission made to the police during the investigation, cooperation with the authorities in the investigation or prosecution of the offence, and family responsibilities of the offender. Court can also consider the fact that the offender played only a subordinate or minor role in the commission of the offence, and any mental or physical disability of the offender that is linked to the commission of the offence.

Notably, the appellate court can uphold a ground challenging a blanket statement that the mitigating and aggravating factors have been considered (discretion). So, the trial judge must always give clear reasons for the sentence verdict, indicating the balancing act of the identified aggravating and mitigating factors considered. The period spent on remand has to be deducted off the final sentence period under Article 23(8) of the *Constitution of the Republic of Uganda, 1995* (See *Rwabugande v Uganda* (Criminal Appeal No. 25 of 2014) [2017] UGSC 8 (3 March 2017)).

Justice *Elubu* cautioned that the Sentencing guidelines stipulate that a death sentence is passed only in the rarest of the rare circumstances, and never on a person aged below 18 years or a pregnant woman. Where a child is tried with an adult, the High Court shall make the appropriate orders under the Children Act and a juvenile cannot be sentenced beyond three years. After announcing the court sentence, the sentencing judge has to endorse this sentence term on the commitment warrant that forwards the convict to serve the sentence. The warrant should clearly state the charges, the sentence per charge, whether the sentences would run concurrently or consecutively and clearly state if it is a life sentence. He noted that lack of sentence consistence and clarity is still a problem for Uganda Prisons to manage. He concluded that the procedural aspects of a trial process are much broader than those captured in his presentation, but more can be learned by their lordships during the practice of their judicial careers.

## **Plenary**

*The following issues arose during the discussions:*

- Probable exceptions to the first in first out rule
- Discrepancies in committal papers,
- Who ought to read out the indictment to the accused (the Trial Judge or Clerk?),
- At what point is counsel on state brief supposed to be in court and on record?

- amendment of charges,
- The predicament of the inordinate orders of the minister in mental health matters.
- There was a debate on the law on assessors, some judges calling for its review arguing that occasionally it causes delay in case hearings, while others found assessors relevant because they can help trial-judges to appreciate the socio-cultural contexts in which offences occur.

*Responses:*

- There are exceptions to the first in first out rule. In particular, matters that generate a lot of public attention, such as juvenile cases; care givers' cases (e.g. lactating mothers); the elderly, accused suffering acute ailments; among other special cases.
- Making denial of bail more can be humane, the court may order that the case be fixed in the next convenient session though this comfort is also hard to implement. Notably too, according to the new Bail Guidelines, it is only the High Court that can release the accused who have clocked the mandatory bail time. This limited jurisdiction clogs the High Court with matters that would ordinarily be handled by Magistrates Courts. The guidelines therefore call for review, given the right of presumption of innocence, the non-cash bail requisite and the need for the Bailee to come back for trial.
- The quality of the committal papers has deteriorated to the point where there are too many contradictions between the facts in the summary of the case and those in the indictment. The Judges must always keep this in mind.
- Clerks most often read the indictment, but under the trial court's supervision.
- The court should record the presence of the state brief counsel at the point of introducing parties in court and reading out the indictment. There is also the need for recording the accused's presence.
- Elements of the offence(s) have to be explained in detail when the accused has pleaded guilty so they can answer each of them. The knowledge or ignorance about the age of the victim is not a defense in defilement cases.
- The procedure on amendment of charges is governed by S.50 of the TIA.
- The issue of orders from the minister on matters concerning the accused with mental disabilities occasions times delays. Justice Batema's proactive approach of releasing them as he did in case of *Bushoborozi v Uganda* is commendable but there is a need for amending the law.



## 5.2. CIVIL PROCEDURE AND PRACTICE IN HIGH COURT

### 2<sup>nd</sup> Session Chair:



Hon. Justice *Jamson Karemani Karemera*

### Presenter:



Hon. Justice *Musa Ssekaana*

Justice *Ssekaana* gave an oral presentation after congratulating the participants. Specifically, he outlined the primary sources of the Civil Procedure, such as the *Constitution of the Republic of Uganda 1995*; the *Judicature Act. 1996. Cap 13*; the *Civil Procedure Act, Cap 71*; the *Civil Procedure Rules, SI 71—1*; and the *Judicature Act's* diverse Rules. He expounded that jurisdiction refers to the power or authority of a court of law to hear and determine a cause or matter. The trial court must be satisfied that it has jurisdiction, legal authority or power to hear the matter. He added that High Court has unlimited jurisdiction and that it can transfer a matter to the lower court but the reverse is not true. He emphasised that civil suits must be initiated by proper parties with *locus standi* (either natural or non-natural persons such as partnerships, companies, incorporated statutory bodies, etcetera). It should be a living natural person who should present a national identity card or a National Identification Number (NIN). He or she must have a cause of action, which can only develop when relevant facts exist. The primary determinant of a cause of action would be that the plaintiff had a right, that right was violated, and that the defendant is liable. This is determined by the plaint and its annexures (See *Auto Garage v Motokov* (1971) EA392).

The learned judge took the participants through the modes of commencing a suit noting that every suit has to be instituted under the Civil Procedure Rules, SI 71—1, when commenced either by a Plaint, an Originating Summons, a Notice of Motion, a Petition, a Chamber Summons, or by a Complaint on Oaths. A suit is responded too by filing a Written Statement of Defence, an Affidavit in reply or an Answer to the Petition. When a suit has been filed, the defendant or

respondent must be served in the manner prescribed by the Rules. The courts may order substituted service within jurisdiction if summons cannot be served in the ordinary way. He also urged judges to explore new modes of service such as WhatsApp and Email.

Regarding the Summons for Directions, Justice Sekaana stated that they should be served within 28 days and that if they are not served, the suit abates. When a suit abates, the plaintiff must file a fresh suit, subject to the law of limitations, but the Judge stressed that this rule must be applied cautiously. He also walked the participants through the elements of a *scheduling conference*, such as reviewing the case pleadings and extracting case summaries for each party; identifying agreed facts, issues, and relevant documents; and exploring out-of-court settlement options such as mediation or reconciliation.

He underlined that the parties to the claim are bound by their pleadings at trial, and that all issues of fact must be tried based on evidence presented at trial. He went on to say that the burden of proof is on the party alleging the nature of the material facts. The purpose of cross-examining the opponent's lead evidence is to damage the opponent's argument as well as to harm the character's witness. The court may also question witnesses in order to seek clarification where appropriate.

He discussed the post-trial procedure, namely the judgment/ruling phase. He emphasised that a judgement must demonstrate a complete dispassionate assessment of the issues raised and heard during trial, as well as the consequences of such an exercise. Unless the court directs differently, the decision can be given in open court or by email and takes effect on the day it is pronounced or delivered by court.

He stressed that the execution of a judgement requires the Judge to use extraordinary due diligence. He guided the participants through the various modalities of execution under the Rules, which include the delivery of any specially declared property, the attachment and sale or sale without attachment of any property, the attachment of debts, the arrest and detention in prison of any person, and the appointment of a receiver. He proceeded to discuss the awarding of costs, noting that costs are governed by the provisions of S. 27 of the *Civil Procedure Act*, Cap 71 and that interest on costs may be given at any rate not exceeding 6% per annum.

He walked them through the recusal procedure, explaining that a judicial officer may recuse himself from any proceedings in which his or her impartiality will reasonably be called into question on the application of any of the parties or on his or her motion. He also went over several

specialised procedures, such as human rights enforcement, judicial review, election petition issues, and referrals to the Constitutional Court for interpretation. He wrapped up by noting that a Judicial Officer must be aware of the entire case process, beginning with the filing of the suit in court, as well as the court practices that aid in the expeditious disposal of cases.

## **Plenary**

*The following issues arose during plenary discussions;*

- jurisdiction created by the law as opposed to the general pecuniary jurisdiction,
- the estate administrators' roles in light of the new court of appeal jurisprudence,
- the intricacies of service of summons on social handles such as WhatsApp.

*Responses:*

- On special jurisdiction created by statute as opposed to pecuniary jurisdiction, for example Magistrates courts can handle divorce proceedings and customary land issues and in circumstances when the property involved is over and above 50m, the judge noted that the trial court need not delve into the resolution of issues on the pecuniary jurisdiction.
- Beneficiaries in a deceased's estate can deal in only their devised shares of the estate to them by the administrators of the estate, but not in the unshared property.
- Service of summons on WhatsApp is accommodated by the *Civil Procedure Rules*, SI 71— 1 allowance of any other manner of service that is practicable.
- Judges were encouraged to accommodate non-represented litigants, given the complexity of the Rules, and to schedule conference to narrow down the issues in the claims.

## DAY THREE

**1<sup>st</sup> Session Chair:** Hon. Justice *David L. Makumbi*



### 5.3 ADMINISTRATION, MANAGEMENT OF FINANCES, TERMS AND CONDITIONS OF SERVICE OF A HIGH COURT JUDGE

Ms. *Maureen Kasande*, the Judiciary's Under Secretary (captioned right below), presented Dr. (Hc) *Bigirimana Pius*, Secretary to the Judiciary's paper, whom she reported indisposed. She pointed out and expounded the several functions of the departments that support judicial functions. Among these departments are the Finance and Administration, Human Resources Management, Engineering and Technical Services, Policy and Planning



Unit (which is being elevated to the status of Department), Procurement and Disposal Unit, and Internal Audit Unit. They are all led by the Permanent Secretary, who also serves as the Accounting Officer (vide Articles 174 and 164 of the *Constitution of the Republic of Uganda*) and the Secretary to the Judiciary (as provided by S.17 of the *Administration of the Judiciary Act, 2020* (AJA)). This office is in charge of: the general Judiciary organisation; advising the Chief Justice on Judiciary administrative business; implementing policies of the Government of Uganda; implementing administrative activities in the Judiciary Strategic Plan; managing the Judiciary public funds expenditure; and entering into annual budget performance contracts with the Secretary to the Treasury.

*Kasande* highlighted the Judiciary's two Management levels: 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. The Permanent Secretary does not authorise any expenditure request unless it is included in the work plan and must be answerable for within 60 days of receipt. Registrars manage the judges' financial, physical, and human resources, as well as their planning, execution, and accountability. Assistant accountants and office supervisors assist them. As a result, the judges, as principals, should establish their priorities and goals, identify the resources needed, request them, and assess their accomplishments to permit reporting and, thus, accountability.

*Kasande* also informed the judges that human resource management requires them to ensure all the staff have schedules of duty, have set targets against which they will be assessed and are appraised at the end of the fiscal year. The Standing Orders 2010 outline disciplinary measures that judges can take as principals and those who are culpable for not taking them or reporting those they cannot control, in instances such as tardiness, absenteeism, abandonment of duty, are held accountable.

Furthermore, physical asset management is an integral aspect of financial management. Judges as principals must maintain a list of assets to mitigate the risk of undiscovered losses. Items, such as vehicles, motorbikes, ICT equipment, and furnishings that are no longer useful should be reported to the accounting officer for disposal. The court halls, chambers, offices, passageways, and premises should be kept clean at all times. Judges need to oversee the management of cash bail, filing of bail returns, bail refund and remittance of forfeited cash bail to the consolidated fund.

*Kasande* walked the judges through their terms and conditions of service (salary, transport, furniture allowance, housing allowance, security allowance, domestic servants allowance, leave from duty allowance, health insurance, terms of withdraw from service, and retirement benefits). However, payment of allowances is conditional on the availability of funds. In the event of death, the death gratuity and other terminal benefits are paid to the lawful personal representatives.

## **Plenary**

*The following issues arose during plenary discussions*

- deployment of office attendants,

- Security concerns,
- limited space at the divisions and circuits,
- need for clarity on filing of accountabilities,
- leave roasters,
- discrepancies in operational funds,
- lack of official vehicles and
- lack of sufficient fuel allowance.

*Responses:*

- In the case of insufficient fuel, a market study is required to determine due allocations. The Undersecretary promised to consider accordingly review of the judges' quarterly fuel allowances. Meanwhile, if they have not yet been assigned official vehicles or if their official vehicles have mechanical issues, they are entitled to mileage compensation for the use of their cars. The procurement process of their official vehicles was almost complete.
- Because the judge's office is sensitive, judges might outsource their office attendants and transmit their information to the human resource office for further official processing.
- The Undersecretary should require that the accounts department disclose information on the purpose of funds paid to the judges' accounts by way of payment slips.
- The weakness of the bodyguards to drop judges at court and remain seated in the judges' secretaries' offices without conducting comprehensive surveillance on the judge's security must be addressed. Most probably through conducting an in-house training programme for them to address their actions/behaviour.
- The Judge and their staff must complete a leave roaster, which is copied to the Principal Judge and handled by the Human Resources office.
- The Undersecretary to remind the Chief Registrar the need for the Judges' court attire.
- The Undersecretary highlighted the disparities in operational funds between judges and Deputy Registrars, emphasising that the latter had more challenges and personnel to deal with than the former. She did, however, promise to look into the distributions.
- She explained too that a settling allowance is granted to those who have recently started working in the public service, and this payment is based on the Ministry of Public Service Officer's record.



## 5.4 POWERS AND FUNCTIONS OF A REGISTRAR

The Registrar of the High Court, HW *Rosemary Bareebe* (captioned below) made a power point presentation on this topic. She emphasised the Judiciary's core mandate to adjudicate civil and criminal matters under Article 126 (2) of *the Constitution of the Republic of Uganda*, as well as interpret and defend the Constitution and Ugandan laws, promote the rule of law and human rights of individuals and groups, enrol and licence advocates, licence and discipline bailiffs, and receive government revenue accruing from the courts, among other roles (See: *Judiciary Client Charter*).

*Bareebe* explained that the Judiciary Macro Structure as at the time of the induction, provided for one Chief Registrar, twelve (12) Registrars, eighty (80) Deputy Registrars and forty-seven (47) Assistant Registrars. Registrars are officers of the Courts of Judicature as provided for by Art. 145 of the *Constitution*, s.43 of the *Judicature Act* and s.16 of the AJA, 2020. The position and responsibilities of the Chief Registrar are outlined in s.15 (2) of the AJA, 2020. Other responsibilities of the Chief Registrar include: Secretary to the Judiciary Council (s.4 of the AJA, 2020); deploying judicial officers of the lower bench; conducting research and delivering concept notes; developing regulations under the AJA, 2020; coordinating Judiciary activities such as the *New Law Year* and the *Benedicto Kiwanuka* Memorial; chairing the court bailiffs and licencing Committee (s.4 of the *Judicature (Court Bailiffs) Rules*. 'Full Registrars' are in charge of the following registries: The Supreme Court Registry; the Court of Appeal Registry; the High Court Registry; the Registry of Planning, Research and Development; and that of Human Resource Development and Training (currently at JTI). They are also in charge of Private Legal Secretaries to the Chief Justice, Deputy Chief Justice and Principal Judge; Mediation; Magistrates' Affairs and Data Management; and the Inspectorate of Courts (s.16 of the AJA).



*Bareebe* emphasised the Registrars' judicial responsibility, which includes considering interlocutory applications under Order 50 rule 3 of the CPR and applications deriving from summonses for directions (Order X1A rules 1 and 7 of the CPR (as amended in 2019)). Registrars

also have administrative duties such as general administration and management of the Court/Registry; supervision of staff (including appraisal of all registry staff); financial management as a sub-accounting officer; public relations and liaison between the Justices/Judges and Court users; and asset management. The deputy and assistant registrars' functions, on the other hand, may vary based on the division or assignment to which an officer is appointed. However, in general, their tasks and roles are as follows: Organising Court Sessions (such as Election Petitions Sessions, Criminal Sessions, Constitutional Petition Sessions, SGBV Sessions, and Land Case Sessions); hearing taxation and interlocutory applications, identification in Administration Causes, issuing Court processes (such as summons), extraction of decrees and orders, execution, locus visits; custody of the High Court Division/Circuit's seal; supervising staff at Court; heading Registries; preparing meetings of the Judge/Justice of the Divisions or Circuits and recording minutes; assisting the inspectorate in performing inspection functions; endorsing Court entries; sub-accounting officers at the Court; in charge of Court assets and properties; developing a schedule of duties and key performance indicators for Court administrators; supervising Court staff; and carrying out any other duties/duties as assigned by the Chief Registrar.

## **Plenary**

*Participants raised the following issues during plenary discussions:*

- Inconsistency in the functions of Deputy Registrars and Assistant Registrars,
- new circuits operating under old circuits,
- use of physical files vis a vis ECCMIS,
- need of Research assistants and clarity on their supervision, and
- Registrars locus visits.

## *Responses*

- There is no clear distinction in the functions of the office of the Deputy and Assistant Registrar, however, for supervisory roles, the Deputy Registrar is in charge of the registry.
- The four newly operationalised circuits are still sitting operating under the old circuits as because they were not gazetted as at the time of this report.
- Statutorily, Registrars should handle all the preliminary steps of a trial before a file is placed before the judge for a hearing or final disposal.

- The system of physical file registration is still in use in ECCMIS Courts. It has not been totally phased out because ECCMIS is still in development.
- Registrars visit loci at the point of handling interlocutory matters to ascertain the status quo or to clarify any issues that may arise.
- Research Magistrates, like other staff members at the station, are administratively overseen by the Registrars, but their real supervision of their professional duties is being discussed further by the Chief Registrar.

**2<sup>nd</sup> Session Chair:**

Hon. Lady Justice Dr. Christine Akello Echokit



**Presenter:**

Mr. Bulwaka Micheal. Counsellor  
Protocol Services



## 5.5 PROTOCOL AND ETIQUETTE - NATIONAL AND INTERNATIONAL STANDARDS

Counsellor *Bulwaka Micheal* emphasised that protocol is an essential component of diplomatic practice, serving as the glue that binds nations and people together to live and work in harmony while also establishing accepted norms in diplomatic discourse, dialogue, and negotiations. Protocol is a set of local, national, and international courteous rules that govern formalities, ceremonial events, and official occasions involving nations and their representatives, as well as formal procedures for organisations, enterprises, and businesses. In essence, ‘the customs or rules governing behavior regarded as correct or acceptable in social or official life’ that is based on common sense, respect and consideration for others. There are several types of protocols, including diplomatic protocol, national protocol, palace protocol, church protocol, court protocol, and flag protocol.

He traced the evolution of diplomatic etiquette, beginning with the 1815 *Congress of Vienna* (after the Napoleonic War), followed by the 1961 *Vienna Convention on Diplomatic Relations* and the 1963 *Vienna Convention on Consular Relations*. Ordinary etiquette was first introduced by the French King Louis XIV (1638 -1715) who set ceremonial rules and regulations for proper dress code, expected behavior and dining instructions within his palace. Labels or ‘etiquettes’ were used to warn royal guests to keep off the grass. Consular posts are classified as General or Honorary Consul.

The counsellor walked the participants through the key terms in protocol and enumerated the order of precedence: the hierarchy of national and international positions and determining the rank and status of a VIP among other dignitaries. This order also determines the treatment and privileges that come with that position (seating, motorcade, guard of honour, red carpet). The rationale is to protect the VIP’s image, status and reputation. At the national level, the order refers to a list of officials classified according to seniority, hierarchy, or function within government and society. The various branches of government (for example, Parliament, Army, Judiciary, and Police) have well-established orders of precedence. The international order of precedence depends on the order of the countries. Heads of states and governments, national flags, and people representing the state are arranged per specific laws or established practices. This varies depending on the organisation and gathering, such as the UN General Assembly versus the EAC Summit.

He listed the benefits of etiquette, which include making a good first impression, making others around you feel at ease, which strengthens relationships and friendships, creating additional chances for you as you receive favourable attention from others, extending due courtesies and respect to those we interact with and maintaining harmony and understanding within society. Etiquette is classified into several forms, including introduction, handshake, dining table, dress code, conversation, business card, speech, and public speaking. Protocol and Etiquette are dynamic and impact many elements of daily life encounters, necessitating the development of their new norms regularly.

## **Plenary**

*The following issues arose during the plenary discussion;*

- Weights of diplomatic and ordinary passports: Can one hold both passports?
- Adjusting to the VIP status: How much time is sufficient to adjust into the life of a judge?

- Need for time management when attending official functions ; Introduction Etiquette

### *Responses*

- When introducing protocols, avoid using broad terms like "all protocol observed." Rather, acknowledge all dignitaries in their respective capacities.
- Judicial decorum is essential, requiring a restraint from conduct that may bring disrepute to the office of a Judge.
- It is courteous to keep time
- Diplomatic passports come with privileges, especially when one is abroad

## **5.6 APPLICATION OF ICT IN THE JUDICIARY**

### **3<sup>rd</sup> Session Chair:**

Hon. Lady Justice *Jaqueline Mwendha*



### **Presenter:**

Mr. *David Sunday Kikabi*  
Principal Information Technology Officer



Mr. *Kikabi* noted the Fourth Industrial Revolution, which marks a fundamental shift in living, work, and interact with one another. It is a stage in human progress marked by enormous technological advancements comparable to those of the first, second, and third revolutions. The revolution informs today's digital age, in which various activities and information may be accessed with the push of a single button. The judiciary has embraced the digital age in its court services, with digital filing of forms and procedures resulting in fewer errors and faster processing. Lawyers save time by doing certain appearances remotely. Litigants can also view court schedules online. Nonetheless, justice institutions must make additional technological shifts such as digital participation notifications, digital participant identification, digital process service, automated

access and management of court files and records, connectivity, procedural education, and electronic document filing.

*Kikabi* observed that the use of ICT in the administration of justice provides a partial solution to the world's well-known major bottlenecks of trial delay and case backlogs in the justice delivery. It helps, particularly in the areas of text creation, storage, and retrieval, improved access to the law, recording of court proceedings, case management and data production for administrative purposes, continuing education, and communication. Uganda's several courts can be automated to help with court operations, member access, and other essential professions, as well as technologies that improve user access and links. Specifically, through the facilitation of computer devices, access to the internet, communication, and presence on the web and LAN/WAN infrastructure, Electronic Case Management, recording and transcription of proceedings, video conferencing systems / audio visual systems, and online legal research databases.

*Kikabi*, on the other hand, listed some of the challenges related to the use of e-justice tools, including the high cost of hardware and software, the high cost of bandwidth, infrastructure issues, behavioural changes in IT use, lengthy procurement procedures, and a shortage of ICT staff. Despite the limitations, he concluded that the appropriate use of ICTs and e-tools in conflict resolution can make courts more modern, professional, and effective.

## **Plenary**

*The following issues arose during plenary discussions;*

- Insufficient video recording equipment at Commercial Court and Family Division
- Need to address the insufficient ICT staff,
- Possibility of conducting locus visits online?
- Challenges in using ECCMIS.

## **Responses**

- Video recording equipment would be procured by end of March 2024
- Recruitment of more ICT staff is ongoing.
- Civil Procedure Rules do not envisage online locus visits.
- Need for updated computers with the requisite accessories to handle efficient ECCMIS.



- There are lessons learned from the ECCMIS pilot and there is a need for further training of the community (court users) and advocates at large before the rolling out of the programme countrywide.

## 5.7 MANAGEMENT OF HIGH COURT CIRCUITS; PRACTICES AND CHALLENGES

### 4<sup>th</sup> Session Chair:

Hon. Lady Justice Aisha Naluzzi Batala



### Presenter:

Hon. Lady Justice Dr. Winfred N. Nabisinde



Dr. *Nabisinde* noted that decentralising services is necessary for better justice delivery, which explains why the High Court currently has seven (7) specialised divisions within the greater Kampala area, including the Anti-Corruption Division, Civil Division, Commercial Division, Criminal Division, Family Division, International Division, and Land Division. She traced the creation of High Court circuits by the Chief Justice under Art.138 of the *Constitution of the Republic of Uganda*, 1995 and ss.19 (2) and 21 of the *Judicature Act* Cap 13 since the *High Court (Circuits) Instrument*, SI 20/2004 that established 12 circuits of: Kampala, Masaka, Mbarara, Fort Portal, Masindi, Arua, Gulu, Soroti, Mbale, Jinja, and Kabale and later the *Judicature (Designation of High Court Circuits)* SI 55/2016 that created the 20 High Court Circuits of Arua, Fort Portal, Gulu, Hoima, Iganga, Jinja, Kabale, Lira, Luwero, Masaka, Masindi, Mbarara, Mbale, Moroto, Mpigi, Mubende, Mukono, Rukungiri, Soroti; and Tororo. A Circuit Court is a fully fledged High Court with all the departments that are required to run a Court and Judges who serve at Circuits are usually referred to as Resident Judges.

Dr. *Nabisinde* explained that a Circuit Judge's primary role is the same as that of other High Court Judges. As stated in the Judicial Oath, it is to dispense justice to all persons without fear, favour, or ill will. A Resident Judge handles any cases submitted in that court. His or her exposure provides excellent training due to the variety of legal encounters they face during the adjudication process, which includes hearing both criminal and civil cases, dealing with estate administration causes in most cases in a single sitting, and occasionally attending locus visits on the same day. Furthermore, a Resident Judge represents the Judiciary at all official functions in the circuit; conducts quarterly inspections of the circuit's courts; prepares reports to the top Judiciary administration with tangible recommendations for better service improvement; guides/supervises all judicial officers and staff in the circuit; is the chairperson/head of the Regional Coordination Committee (RCC); and also chairs all circuit management meetings (for example, the staff and the Bar/ Bench meetings). This extensive exposure allows a Judge to resolve some very unique cases.

Dr. *Nabisinde* did, however, discuss some challenges at circuits, such as working away from headquarters in remote and isolated locations; unreliable services (limited power supply, limited internet connection, lack of decent libraries, poor accommodation facilities, missing out on quality time with family, friends, and colleagues; and frequent travel over long distances on bad roads, which poses health and security risks. She gave a few tips for managing circuits, such as being present on the ground and accessible to answer any questions about the circuit at any given time and getting to know and comprehend the local environment and culture in which you operate. Being organised and adhering to the fixtures on your diary. Making certain that a hearing will take place unless unavoidable circumstances require an adjournment.

Dr. *Nabisinde* advised the participants to find a mentor they trust and feel comfortable with, to stay in touch with colleagues, to share experiences, and to refill their energy in challenging moments. She urged them to avoid over-socialisation with advocates, local leaders, religious leaders, and litigants and chose functions appropriate for a Judge to attend. Where necessary and for official duties, they should delegate some functions to the registrar, chief magistrate, or any other judicial officer who, if unable to attend, should provide information if they are out of the circuit, so that people are not left guessing whether or not the officer will be available.

Dr. *Nabisinde* noted that while some of the material she presented was based on rules and administrative guidelines, the instances were her experience as a Circuit Judge during her ten-year

tenure as a High Court Judge, as well as that of her fellow judges. Serving as a Resident Judge was tremendously rewarding since it exposed her to the community realities.

## Plenary

*The following issue arose during plenary:*

- What is the difference between bar bench and court users meeting?
- What is likely to happen to the officer who rejects a deployment?

## Responses

- Court users meeting entails more users including litigants, local leaders, and other stakeholders, while that of the bar bench is strictly between the court and advocates.
- If there are serious reasons for rejecting a transfer or deployment, explain them to the Principal Judge.

## DAY FOUR

### 5.8. ALTERNATIVE DISPUTE RESOLUTION

#### 1<sup>st</sup> Session Chair:

Hon. Justice Kania Rosette Comfort



#### Presenter:

Justice Harriet Magala



Congratulating the participants on their appointment, Justice *Magala* referenced Matthew 5:25, which encourages alternative dispute resolution (ADR). The verse reads:

Agree with thine adversary quickly, whiles thou art in the way with him; lest at any time the adversary deliver thee to the judge, and the judge deliver thee to the officer, and thou be cast into prison

She pointed out that ADR covers negotiation, mediation, arbitration, and conciliation. Negotiation solely includes the parties, whereas conciliation is an unstructured kind of ADR. On the other hand, mediation is a voluntary, informal, private party-centered structured negotiating process in which a neutral third party supports the disputing parties in reaching an amicable resolution of their issues.

*Magala* clarified that mediation settlements can be made either before or during the litigation. The process includes setting up the room, making an opening statement, identifying issues, having a structural discussion of topics, moving the parties to an agreement, and closing. The credibility of the mediator is critical. He or she should possess excellent qualities such as an institutional reputation, a procedural belief that mediation has a high chance of success, specific knowledge, experience, and expertise in the field of disagreement, and the ability to build rapport through his or her manner of speech, personal style, dress, level of comfort, degree of precision, and quality of human contact. She urged the incoming judges to encourage litigants and counsel before them to use mediation.

## **Plenary**

*The following issues arose during plenary discussions:*

- Circumstances under which mediation agreements can be set aside;
- Payment of mediators;
- Duties of a mediator;
- Customary ADR;
- Choice of mediators.

## *Responses*

- Mediation agreements can be varied, setting aside consents is common with consents entered in court.
- Circuit judges should limit their role as mediators to save the cost of bringing in another judge to handle a failed mediation.
- Where disputes are partially settled through mediation, the unresolved part of the dispute should be indicated in the agreement and in the extracted order. The order should be placed on file so that the trial court determines the remaining portion of the dispute.

- Mediators are not graded; nevertheless, for sensitive cases, confer with the head of division/circuit for guidance on the best person to handle.
- To guide the resolutions under customary practices such as mato- oput, the judiciary needs to establish rules/policies to aid customary resolution of disputes
- Mediators under the court annexed mediation should be paid for under the Judiciary vote.

## 5.9. THE LAW AND PROCEDURE IN JUVENILE JUSTICE (CHILDREN IN CONFLICT WITH THE LAW)

### 2<sup>nd</sup> Session Chair:

Hon. Lady Justice *Rubagumya Tumusiime Patience*



### Presenter:

Hon. Lady Justice *Margaret Mutonyi*



Justice *Mutonyi* described juvenile justice as the system or method of dealing with matters involving children in conflict and contact with the law. The rationale for juvenile legal protection varies depending on the child's age, immature reasoning capacity, vulnerability, the need to reform, the various causes of juvenile delinquency (poverty, broken homes, absent parents), the need to identify the problem and rehabilitate the child, to restore the child to what and where he or she should be, and to protect the child from abuse or harm. Justice for children entails application of restorative justice approaches and development of child-friendly procedures, such as the specialisation of judges/magistrates, advocates, state prosecutors, and police officers who handle children's cases, as well as specific legal provisions to protect children in contact with the law, children who are victims of the law, and witnesses to crimes taking into account their best interests.

*Mutonyi* categorised 'children in conflict with the law' as persons under the age of 18 years who come into contact with the justice system as a result of being suspected or accused of committing crimes. Article 257 (1) of *the Constitution of the Republic of Uganda* 1995 and s.2 of the *Children Act* defines a child to be a person below the age of 18 years. Section 88 (1) of *the*

*Children Act* as amended provides the minimum age of criminal responsibility as twelve years. In determining criminal responsibility, the police, prosecutor or person presiding over the matter shall consider the age of the person at the time the offence was allegedly committed. She highlighted the case of *Uganda v Oketcho Bernard*, HCT-00-CR-JSC-0344-2020 (unreported), in which the juvenile was charged with Aggravated defilement under sections 129 (3) and (4) of the *Penal Code Act*. The defence presented a birth certificate as proof that the child was eleven years old at the time. The Court found that "apart from the discredited prosecution evidence that did not establish a sexual act or participation, his age below twelve years does absolve him from criminal responsibility."

Mutonyi noted that the Juvenile Justice legal framework encompasses the international standards spelt out in the *United Nations Convention on the Rights of the Child* 1989 (CRC), further explained by the guidelines that include the *UN Standard Minimum Rules for the Administration of Juvenile Justice* (1985) (*The "Beijing Rules"*), the *UN Guidelines on the Prevention of Juvenile Delinquency* (1990) (*"Riyadh Guidelines"*), specific regional standards laid out in instruments such as the *African Charter on the Rights and Welfare of the Child* (1990). Uganda domesticated these standards in the *Constitution of the Republic of Uganda*, 1995, and in the *Children Act*, Cap 59 as amended by Act 9 of 2016. Section 10 of the *Act* addresses how to treat 'children in confrontation with the law' charged with offences under sections 88 to 105.

Mutonyi underlined that just like in all criminal cases, the police play a key role when it comes to a child's first point of contact when a child is believed to have offended the penal laws. They decide first whether or not to the juvenile goes through a formal or an informal justice system. If they opt for a formal justice system, the police should, as soon as possible after a child's arrest, inform the child's parents/guardians and the secretary for children affairs of the area where the child comes from (s.89 (3) of the Act). The police need to ensure the parent or guardian's presence during the child's interview, except where it is not in the best interest of the child or in the alternative the attendance of a probation and social welfare officer (PSWO) should attend the interview (Sections 89 (4) & (5)). Section 89(1) of the Act obligates the police where a child is arrested, under justifiable circumstances, to caution and release the child. Section 89(2) of the Act, empowers the Police to dispose of juvenile cases at their discretion without recourse to the formal court hearings. The informal criminal justice system looks at processes of diversion, mediation and conciliation of the parties involved. As of the date of this report, diversion guidelines are being

rolled out. They list the types of offences (mostly non-capital offences) that a police officer can divert from the formal justice system. The judge emphasised that where not diverted, a child should not be detained in police custody for more than 24 hours.

Judge *Mutonyi* noted that the nature of the child's trial must be informal and inquisitorial rather than adversarial. Local Council Court is the first court of instance with criminal jurisdiction provided for under Section 92 (2) & (3) of the *Children Act* regarding the following offences: Affray (s.79 of the *Penal Code Act*); all offences stipulated under section 197 except section 197(b) of the *Penal Code Act*; Common assault (s.235 of the *Penal Code Act*); Actual bodily harm (s.236 of the *Penal Code Act*); Theft (s. 254 of the *Penal Code Act*); Criminal trespass (s.302 of the *Penal Code Act*); and malicious damage to property (s.335 of the *Penal Code Act*). If the offence is proven against the child, the LC Court may issue the following orders: reconciliation, compensation, restitution, community service, apology, or caution. An LC court cannot issue an order to remand a child in custody.

However, s.93 of the *Children Act* as amended provides for the *Family and Children court* (a magistrate court sitting in that capacity) with jurisdiction to hear and determine all criminal cases against a child except; any offence punishable by death and an offence for which a child is jointly charged with an adult. Section 103 of the *Act*, provides that the Magistrate's court may try a child jointly charged with a person over eighteen years. Children have a right to participate fully in proceedings against them and s.4(1)(k) of the *Act*, legislates child's right to effective legal representation in all criminal proceedings. When a child appears in court charged with any offence, the court must inquire into the case, and unless there is a serious danger of the life of the child, release the child on bail (that is, 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- without payment of any cash to court). In any case, the child's pretrial detention must not exceed 3 months for offences punishable by death; and 45 days in case of any other offence. Under Ugandan law, as of date, Uganda has only eight remand homes in *Arua, Gulu, Naguru, Mbale, Kabale, Masindi, and Fort Portal*. Incarceration should therefore be the last resort. Uganda has one national Rehabilitation Center, situated at *Kampiringisa*.

Section 101 of the *Children Act* legislates the use of child-friendly phrases such as "proof of an offence against a child" or "order" instead of "conviction" and "sentence" where a child is convicted for an offence. The Court of Appeal found in *BN v Uganda*, Court of Appeal

Criminal Appeal No 381/2016 (unreported), that a trial court is obliged to adopt the nomenclature provided by s.101 of the Act. Relatedly, section 102 of the Act protects the juvenile privacy restricting publications regarding their matters. It reads:

[T]he children's right to privacy throughout the court proceedings shall be respected to avoid harm being caused owing to undue publicity...any person who publishes the name, address, school of the child; ...or any photograph or matter likely to lead to identification of the child commits an offence.

In the above vein, pseudo names should be used in the proceedings and judgment. The judge also shared some good practices such as making the court proceedings informal and child friendly, not wearing robes, camera proceedings rather than open court, encouraging guardians/parents to accompany the child in court, and following the Family and Children Court Rules. Section 95 of the Act specifically requires that if a child admits to the offence for which he has been charged and the court is considering making a detention or probation order, the probation and social welfare officer must prepare a written social background report, which the court must consider before making any order. The report must include the child's socioeconomic and family background, the conditions in which the act was committed, and the wider community's views regarding the incident and its implications to both the community and the child. Nonetheless, facilitating the PSWO's ability to carry out these statutory tasks remains a significant difficulty, affecting the appropriate implementation of the orders. Sections 94(1) (a) to (g) of the Act specify the orders that a trial court may issue, if a child is found guilty of the offence either on admission or after a complete trial. These are absolute discharge; caution; conditional discharge for no more than twelve months; binding the child over to be of good behavior for a maximum of 12 months; compensation, restitution, or fine, taking into consideration the child's means (no order of detention should be given in lieu of payment of a fine); probation order as guided by the Probation Act, which does not require the child to be detained in the remand home; a detention for a maximum of three months for a child below 16 years and a maximum of 12 months for a child above 16 years; and a maximum of three years for an offence punishable by death. In making these orders, the Court is guided by the welfare principle taking into consideration: the degree of participation of the child, the best interests of the child, protection of the community from harm and ensuring people's personal safety, and rehabilitation of the child, non-custodial option. Detention should only be resorted to as a matter of last resort and for the shortest possible period, the court cautious



of the effects of custodial order on the child ensuring the least damage to the interests of the child offender.

Section 104 of the *Children Act 59* (as amended by Act 9 of 2016) regulates Children trials before the High Court, thus:

- (1) A child shall be tried in the High Court for an offence with which the child is jointly charged with a person over eighteen years of age and for which only the High Court has jurisdiction.
- (2) Where a child is tried jointly with an adult in the High Court, the High Court shall make an appropriate order under this Act.
- (3) In any proceedings before the High Court in which a child is involved, the High Court shall have due regard to the child's age and to the provisions of the law relating to the procedure of trials involving children.
- (4) A child shall not be sentenced to death

Section 100(3) provides that where a child is tried alone or jointly with an adult in an ordinary court, the child shall be remitted to the FCC court for an appropriate order if the offence is proved against him or her. Section 104 (2) of the Act provides that if a child is tried jointly with an adult in the High court, the High court shall make an appropriate order under the Act. Remission of juvenile cases has been however explained in the case of *BN V Ug*, 381/2016 cited earlier.

Briefly; BN was charged with the offence of murder, and the offence was proved against her upon her own admission and she was given 5 years' custodial order that she appealed. The Court clarified that the *Children's Act* cannot be taken to have impliedly taken away the unlimited jurisdiction of the High court as provided under Article 139(1) of the Constitution. The High Court in its original jurisdiction, can pass orders in respect of cases involving child offenders where it has tried such offenders for offences for which it is the only court with jurisdiction to do so, but the orders must comply with the children Act when it comes to imposing punishment upon child offenders. A child offender cannot therefore be sentenced to more than three years even if he or she is having several counts.

Legally, the child is a human being aged below 18 and Uganda's criminal liability age is 12 years. In practice, however, the ascertainment of the child's age is a key challenge that is compounded by the poor birth registration culture in Uganda. However, sections 88 (2) and Section 107 (1) & (2) of the Act guide that where it appears to a trial judge that the person appearing before court is below 18 years, the court should make an inquiry into the age. Specifically, s. 88 (3) of the Children Act guides that a 'court shall determine the age based on full assessment of all

available information, giving due consideration to official documentation including a birth certificate, school records health records, statements certifying age from parent or child or medical evidence.’ The Supreme Court affirmed this position in the case of *Otim Moses v Uganda Criminal Application No 14/2018* (arising from Criminal Appeal No 6/2016, at 20 –24.

Justice *Mutonyi* also explained scenarios where the children appear as witnesses. Being vulnerable, international law requires their special protection taking into consideration their age, level of maturity or development and individual special needs. For example, the *United Nations Economic and Social Council Resolution 20 of 2015* underlines that:

Every child has, subject to national procedural law, the right to express his/her views, opinions, and beliefs freely, in his/her own words and to contribute to the decision affecting his/her life, including those taken in any judicial process, and to have those views taken into consideration according to his/her abilities, age, intellectual maturity and evolving capacity. The best interest of the child shall be primary consideration in all matters involving or affecting them.

Para 18 of the Guidelines further provides that:

Age should not be a barrier to a child’s right to participate fully in the justice process. Every child should be treated as a capable witness subject to examination, and his/her testimony should not be presumed invalid or untrustworthy by reason of the child’s age alone, as long as his/her age and maturity allow the giving of intelligible and credible testimony, with or without testimony aids and other assistance

Uganda’s 1995 Constitution Art. 44(c) entrenches the above guidance which is within the realm of the child’s right to a fair hearing. Thus, a child witness/victim should not be denied a right to be heard by virtue of his age. This requisite points to the inconsistent law with the above Article 44 that seems to underplay it. In particular: s. 40(3) of the *Trial on Indictments Act*. 1971. Cap 23, Vol.2, Laws of Uganda 2000, s. 10 of the *Oaths Act*, 1963. Cap 19 and s.101(4) of the *Magistrates Courts Act*. 1971. Cap 16, Vol.2, Laws of Uganda 2000. See also; *Uganda v Ngaswireki & Anor* (Criminal Appeal Number 3/2017) [2018] UGHCCRD 182 (9 November 2018).

## Plenary

*The following issues arose during plenary*

- Availability of rehabilitation centres;
- Call onto the responsible justice actors, i.e. the local government to put in place children's rehabilitation facilities in every region;
- Child recidivism in grave offences;

- Children being used by adults to commit crime;
- Pseudo names and their impact on future records.

*Responses:*

- There is need to engage those responsible to secure remand homes at the district levels.
- Rehabilitation programmes including skilling need to be enhanced to help address juvenile recidivism. Involve victims of crime and parents of the juvenile offenders, this promotes restorative justice if all parties are involved.
- Employing the doctrine of common intention and jointly charge adults who use the children to commit crimes with these children where the child cooperates and discloses information on the adult can perhaps help address the mischief of adults using children to commit crimes.

## 5.10. HANDLING OF MARRIAGE AND DIVORCE MATTERS BY THE HIGH COURT

**3<sup>rd</sup> Session Chair:**

Hon. Justice *Lubega Farouk* (J)



**Presenter:**

Hon. Justice *Eva Luswata* (JJ)



Justice *Luswata* defined marriage as the legal union of a couple as spouses. She discussed the Marriage legalities: An actual contract in the form prescribed by law. Parties must have the capacity to contract. In other words, be of a marital age, and consent to marry. The High Court clarified further in *Kintu Muwanga v Myllios G. Kintu* High Court Divorce Appeal No. 135 of 1997 that proof of a marriage is by way of a marriage certificate. This can be corroborated by proof

of a ceremony and the cohabitation of parties. Nonetheless, marriage can occur celebrated according to the rites and observances of the religion or custom, given Uganda's diverse legally recognised marriages. These include: Customary Marriage, Mohammedans Marriage, Hindu Marriage, Civil Marriage under Chapter 251, the Christian and Mohammedans Africans under Chapter 253, other religious based marriages like the Bahai Faith and state-based marriages, such as those undergone under Chinese law. Other than the Civil and Church Marriages that are monogamous, most of the recognized marriages, such as the Mohammedans and Customary marriages are potentially polygamous. All the legitimate marriages should be heterosexual. Marriage is a lifetime commitment, with the exception of divorce and death. Under the Ugandan law, the parties to a marriage have legal and quasi-legal obligations to each other within the marriage and outside their marriage legal and quasi-legal to third parties. Third parties can bring actions under both civil (such as. evidence, debts, property and contracts) and criminal law.

*Luswata* underlined the legal framework governing the recognized marriages are diverse. Under section 3 of the *Divorce Act*. 1904. Cap 249 (as amended) the Magistrate Court (Chief Magistrate/ Magistrate Grade One Court) regulate issues including divorce concerning Africans. *The Marriage and Divorce of Mohammedans Act*. 1906. Cap 252 (as amended) governs the Mohammedan marriages. Legally, the characteristics that govern these marriages when not complied with render the marriages automatically void *ipso jure*. A void marriage does not require a decree of annulment, but it is ideal that one is obtained. Voidable marriages (example subsisting marriages require a court of competent decree to vitiate or annul them. However, voidable marriages become unimpeachable on the death of one the spouses.

*Luswata* noted the cardinal areas in the adjudication of marital related matters with specific socio-legal connotations. For example, legally 'cohabitation' refers to the fact, status or condition of the parties living together, as husband and wife during the tenancy of their relationship, which is not binding the parties, except where a prenuptial agreement exists. This agreement may be signed between the two parties at the time of marriage, stating the regime of ownership of their property. 'Divorce' means a dissolution of a marriage by a Court and the instance of one of the parties who file when bringing a divorce petition. No 'condonation', 'collusion' or 'connivance' should exist. The grounds of divorce are laid out in the law. The standard of proof which is to the satisfaction of the Court, is slightly higher than in ordinary civil proceedings but not as high as in criminal cases (*Frank Othembi v Adong G. Choda* Divorce Cause No. 12/98). Matrimonial

property refers to property that the spouses chose to call home and to which they(substantially) jointly contributed. The contribution can be monetary or non-monetary citing the current trend which is to award according to the contribution made (*Lawrence Mtefu v Germana Mtefu* Civil Appeal 214/2000). In that case, the court rejected submissions that the wife's contribution was 'conjugal obligations' and considered them services that required compensation. Some of these services stabilises marriages and ensure family developments. However, case law still provides that the party laying a claim to a share in the property should adduce evidence of joint contribution whether direct or indirect and on the standard of proof mentioned earlier (see also *Ambayo v Aserua* (Civil Appeal No. 100 of 2015) [2022] UGCA 272 (15 November 2022)). Indirect contribution is invariably circumstantial and where unascertainable but substantial, it may be equitable to apply the maxim of equality is equity

## Plenary

*The following issues arose during plenary*

- What would happen if the parties seeking divorce mutually agree on the separation but vehemently deny committing any grounds for divorce?

## Responses

- Justice *Luswata* emphasized the imperative of delivering justice aligned with the people's aspirations, cautioning against relying solely on technicalities such as condonation and connivance.
- She underscored the recognition of nonmonetary contributions, particularly the significant role of women in marriages as articulated in Articles 31 and 33 of the Constitution of Uganda 1995. This need to respect diverse spousal contributions indicates acknowledging that love and affection are not exclusive to gender.
- The *Divorce Act* that does not apply to customary marriages. The nature of the marriage, as indicated in the pleadings of the party applying for dissolution determines the applicable law to the sought prayers.
- It is a legal fact that marriages celebrated in unlicensed churches or places are *void ab initio*.
- Bride price is acceptable under customary marriages in accordance with the sociality norms (*Mifumi (U) Ltd & 12 Ors v Attorney General, Kenneth Kakuru* (Constitutional Petition No. 12 of 2007) [2010] UGSC 2 (26 March 2010)).

## 5.11. SENTENCING

### 4<sup>th</sup> Session Chair:

Hon. Justice *Amos Kwizera* (J)  
(captioned earlier).

### Presenter:

Hon. Justice *Eva Luswata* (JJ)  
(captioned earlier)

Justice *Luswata* defined sentencing as the judicial determination of the penalty for a crime, without ambiguity (*See Kabwiso Issa v Uganda (Criminal Appeal No. 7 of 2002) [2003] UGSC 36 (26 October 2003)*). It is the preserve of judicial discretion, each case measured in accordance with its facts. Sentencing demonstrates one of the ways through which courts are accountable to the people on whose behalf they exercise judicial power Article 126 of the Constitution of the Republic of Uganda. Thus sentences ought to be both in conformity with the law and while cognizant with the values, norms and aspirations of the people. A sentence is the import of a dispute settlement in criminal matters between all the parties involved: the accused and victim. Generally, the actors in sentencing include: the court, the accused, the prosecution, the bar/defence, the victim/ complainant, the probation and social welfare officer (PSWO), investigating officers and witnesses.

The Uganda. 2013. "*Constitution (Sentencing Guidelines for Courts of Judicature) (Practice) Directions*." Legal Notice 8/2013 provide sentencing ranges for particular crimes, to foster transparent, effective, proportionate and consistent sentences. Guidelines consider too the nature and gravity of the offence, culpability of the offender, antecedents, consistency with appropriate sentencing levels, victim and community impact assessment reports, offender's personal, family or cultural background, impact of restorative justice if any, relevant prevailing circumstances between commission and sentencing, and aggravating and mitigating factors that gravitate the final sentence. During sentencing in defilement cases, trial courts consider when sentencing primary caregivers and child offenders, gender-sensitive sentencing principles, and vulnerability of victim rights.

Sentences can be custodial (imprisonment terms) with or without compensation, fines, cautions, discharge, probation, community service, life imprisonment, and the death penalty. The guidelines caution that a death sentence should only be given in the rarest of the rare circumstances. They can be accompanied with orders such as conditional discharge, Inter disciplinary and inter-sectoral efforts: prison, police, community NGOs, court supervision, victim participation, teaching

non-violent behaviour in interpersonal relationships, psychiatric evaluation, reparations, restitution, protection orders (DVA), costs of seeking justice in terms of time, cost, dignity, compensation for lost opportunities including employment and education (courts inquire, for example, into employment, earnings and property of offender then and in future), for pain and suffering, loss of reputation, lost unremunerated domestic and caring activities, forfeiture, etcetera. The appellate courts do not interfere with sentences unless discretion is wrongly exercised. The facilitator stated that if a judge is sentenced to death, it should be. However, informally alternative dispute resolutions in terms of customary justice practiced in diverse communities. For example, in Northeastern Ugandan - *Mato Put* in Acholi, *Culo Kwor* in Lira and *Culo Remo* in Iteso.

*Luswata* highlighted challenges in sentencing in the country today. These include: disparity in sentences at different circuits, disparities between the High Court and Appeal Court revised sentences, absence of sentencing guidelines for a plea bargain, differentiating life imprisonment from imprisonment for life, failing to consider aggravating and mitigating factors concurrently, failure of some trial courts to deduct period spent on remand, failure of trial courts to advise convicts of right to appeal, prosecution of deaf, mute offenders and victims, interference with judicial independence and abuse of constitutional rights, absence of pre-sentencing reports, non-prioritization of juvenile offenders, case backlog and volume of work per session.

## Plenary

*The following issues arose during plenary*

- Distinction between life imprisonment and imprisonment for life
- Age as mitigating factor during sentencing.

## Responses

- U/ s. 86 (3) of the *Prisons Act, 2006*. (Act 17, 2006), '[f]or the purpose of calculating remission of sentence, imprisonment for life [is] deemed to be twenty years.' However, the Supreme Court ordered in *Attorney General v Susan Kigula & 417 Ors* (Constitutional Appeal 3 of 2006) [2009] UGSC 6 (21 January 2009) that '*the commuted sentence of death to life imprisonment [of the Respondents in that case] shall be served without remission.*' The Court further held in *Tigo Stephen v Uganda* ((Criminal Appeal No. 08 of 2009))

[2011] UGSC 7 (10 May 2011) that ‘*life imprisonment means imprisonment for the remainder of the convict's life*’. These two decisions informed the enactment of *The Law Revision (Penalties in Criminal Matters) Miscellaneous (Amendment) Act, 2019*, (October). Section 4 of the Act reads:

**4. Treatment of life imprisonment or imprisonment for life in any enactment.**

(1) For purposes of any enactment prescribing life imprisonment or imprisonment for life, life imprisonment or imprisonment for life means imprisonment for the natural life of a person without the possibility of being released.

(2) Notwithstanding subsection (1), a person liable to imprisonment for life or life imprisonment may be sentenced for any shorter term of imprisonment not exceeding fifty years.

The constitutionality of the *Tigo* and *Kigula* decisions was challenged in *Sundya Muhamudu and Others v Attorney General* (Constitutional Petition 24 of 2019) [2022] UGCC 7 (2 December 2022). *Sundya* aged 92 years, was among the 184 appellants serving life imprisonment. The remaining 385 appellants were serving sentences ranging from 21 years to 73 years. The Court held that any order by a court of law that imprisonment would be served without the prisoner earning remission interferes with the doctrine of separation of powers and is without jurisdiction. The Court noted that imposing a sentence under the enabling laws of Uganda is the preserve of the Judiciary, but its enforcement is the preserve of the Executive under laws enacted by Parliament. Since deeming life imprisonment to be twenty years' imprisonment is for purposes of enforcement by the Executive and cannot be part of a Judicial sentence, the Court found that the order in the *Tigo* decision that “*life imprisonment shall be served without remission*” violated the principle of legality. The Court declared it null and void to the extent of the inconsistency of barring application of *section 86 (3) of the Prisons Act, 2006*. The Court also ordered all the petitioners' sentences between 21 years and 73 years' imprisonment imposed severally on the petitioners by the courts which sentenced them to be deemed to be sentences of 20 years' imprisonment.

- Accused persons or offenders who commit offences shortly after turning 18 should be tried as adults. Defense lawyers need to lead evidence on the age of the accused. It is also important to pass sentences that are considerate of the age of the accused.



## DAY FIVE

### 5.12. COURT RECEPTION AND MANAGEMENT OF FORENSIC EVIDENCE, ELECTRONIC EVIDENCE AND OTHER EXHIBITS

#### **1<sup>st</sup> Session Chair:**

Hon. Justice *Micheal Elubu*  
(captioned earlier).

#### **Presenter:**

Hon. Justice *Jamson Karemani Karemera*  
(captioned earlier)

Justice *Elubu* discussed principles governing the tendering of exhibits and the associated procedures and the importance of authenticating exhibits, ensuring their relevance, and adhering to meticulous procedures in the courtroom while exhibiting them. He emphasized that the witness testifying about the exhibit should be an independent witness (who may include the author of the document, the person retrieving it from a crime scene, or the rightful owner) must possess firsthand knowledge, be competent, and have the capacity to establish the exhibit's authenticity. The exhibit must be relevant, directly related to proving or disproving facts that are in issue in the matter before the court. The party presenting the exhibit should let the opposing party inspect and submit on it, as well as the court. In cases of objections, the judge makes a ruling on admissibility, rejecting or accepting the exhibit.

Relatedly, *Elubu* emphasized other forms of exhibit evidence, such as forensic evidence, electronic evidence, DNA-related evidence, and unexpected evidence like that from sniff dogs. Whatever the form of the exhibit, it should be authenticated and its reliability scrutinized. In assessing electronic evidence, for example, the court should consider factors such as reliability and the identification of the originator. When it comes to the sniff dog evidence, every link in the chain of evidence, including the handling, training, and movements of the dog is crucial for evaluation. Therefore, all nature of exhibit evidence presented to court must undergo rigorous evaluation. If the evaluation reveals that the exhibit lacks credibility, the court, as the expert of experts, has the authority to overlook such evidence.

Where admitted, the court evaluates their weight during the final determination. The chain of custody of the exhibit is an essential aspect of preserving the integrity of exhibits and as not create a gap in the chain of evidence (see *Uganda v Musisi* (1977) HCB). The trial court should,

therefore, maintain the records on the transfer and custody of exhibits, ensuring proper labeling or sealing.

To summarize, this presentation was a valuable resource for legal practitioners, scholars, and other justice actors that provided a comprehensive overview of the principles and procedures, governing exhibit evidence.

## **Plenary**

*The following issues arose during plenary*

- How to deal with intended documentary exhibits, where all parties or signatories are deceased?
- How to deal with immovable exhibits?
- Contextualising exhibits before their admission.

## *Responses*

- Non authenticated exhibits can only be received as as secondary evidence
- It is significant to lay a foundation or context for the exhibit before its admission. Without this essential step, the exhibit should not be admitted.
- The person authorized to admit the document should be properly identified.
- Contrary to common belief, the investigating officer is not always the sole authority to admit the document. Any member of the investigative team, following a proper foundation, can perform this task.
- Regarding immovable exhibits, such as a car within the court compound, he emphasized that the owner of the exhibit is required to provide details of ownership. The Registrar should inspect it and file an exhibit report.
- For perishable exhibits, which might not be available during the trial, pictures should be taken for exhibition in court.

### 5.13. PLEA BARGAINING

#### **2<sup>nd</sup> Session Chair:**

Hon. Justice *Mwaka Phillip Willebrord*



#### **Presenter:**

Hon. Justice *Jane Okuo Kajuga*



Justice *Okuo* stated that plea bargaining (PB) was introduced in 2016. She emphasised the presumption of innocence enshrined in Article 28 (3) (a) of Uganda's Constitution. She referred the participants to the case of *Agaba and 2 Others v Uganda* (Criminal Appeal 139 of 2017) [2020] UGCA 2143 (October 13, 2020), where court defined a plea bargain. 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) of the *Magistrates Courts Act*. 1971. Cap 16, Vol.2, Laws of Uganda 2000 and in *Adan v Republic* [1973] EA 445. She underlined the objective of plea bargaining under Rule 3 of *The Judicature (Plea bargain) Rules*. SI 43 2016, which is to enhance the efficiency of the criminal justice system. She implored the participants to sensitise the accused persons about plea bargaining implications, their right to legal representation before the plea offers and cautioned that they should guard against the innocent accused to plea bargain.

*Okuo* explained that under Rule 5 of the Plea Bargaining Rules, a plea bargain is initiated by either the prosecutor or accused orally or in writing at any stage of proceedings before the sentence is passed. The court plays an oversight role (*Inensko Adams v Uganda* (Criminal Appeal 4 of 2017) [2018] UGHCCRD 153 (24 August 2018)). For example, Rule 7 underlines the need for the court to ensure the disclosure of the prosecution evidence except for cases that may involve state security. The Constitutional decision of *Soon Yeon Kong Kim & Anor v Attorney General*

(Constitutional Reference 6 of 2007) [2008] UGSC 72 (March 06 2008), discussed this disclosure concept in depth. Disclosure should be done whether there is legal representation or not. Under Rule 6, where there are more than one accused, one of them can plea bargain, like it happened in the *Uganda v Hassan Hussein Agad & 11 Others* (Criminal Session Case No. 0001 of 2010) [2011] UGHICD 1 (18 November 2011) — the July 2010 bombing case. She implored the participants to maintain a proper file record of proceedings and the parity principle on sentences imposed on offenders for similar offences committed in similar circumstances.

*Okuo* added that it is important to incorporate a victim-centred approach that is reflected by Rule 11 of the Plea Bargaining Rules that underscores *The United Nations Declaration of the Basic Principles of Justice for Victims of Crime and Abuse of Power*. (November). 1985, A/RES/40/34. Involvement of the victims in the bargaining process helps the court to come up with a just sentence for the victims. She alluded to the traditional reconciliatory mechanisms such as the *Mato- oput* practiced in Gulu Uganda. She also drew the trainees ‘attention to the compensation orders stipulated by section 197 of the *Magistrates Act* in cases of material loss or injury and advised that these can be ascertained from Victim or community impact statements.

*Okuo* emphasised Rule 15 of the Rules, which governs plea bargaining sentences. She contended that plea bargaining does not relieve the court's responsibility to ensure an appropriate sentencing in each case. The court may reject a sentence if it believes that a more severe punishment than the one proposed under the plea agreement is warranted. However, it is illegal for the court to impose a punishment that exceeds the one specified in the agreement.

*Okuo* cautioned that while the court may in exercise of its oversight role engage in the plea bargain meeting as provided for by Rule 8, a judicial officer who participates in a failed plea bargain cannot preside over a trial concerning the same. This requirement guards against likelihood of bias given his or her previous knowledge about the accused attempted guilty plea. That noted, the judge should during the pre-session plea bargain meeting record negotiations, consultation and recommendations concerning possible sentences before the agreement is filed for plea hearing. Rule 12 and schedule Two to the Rules, the trial court should during the plea hearing consider the agreed facts, the aggravating and mitigating factors, the additional factors such as illness, the victim's forgiveness of the accused and other interests. Failure to adhere to the procedure in Schedule 2, above, failure to record a plea of guilt as governed by Rule 12 that the Court of appeal

duly explained in line with the *Adan* case mentioned earlier, sentencing outside the plea agreement, failure to exercise the accused's constitutional guarantee of reduction of the time spent on remand from a custodial sentence mandated by Article 23(8) of Uganda's Constitution and failure to inform the accused of their constitutional rights that they waive on plea bargaining are some of the common grounds for appeals. To that end, she recapped the plea bargaining recording process under Rule 12 and the Schedule 2 to the effect that:

The party is called. Representatives are introduced. The State(Prosecution) introduces the Plea Agreement that the Defence confirms. The Judge informs the accused of his or her fair trial rights in a criminal trial and that he or she waives them on contracting a plea agreement. The Judge finds out if the accused understands the nature of the charge he or she is pleading to. The Judge informs the accused of the possible penalties on plea bargaining including imprisonment, fines, community service orders, forfeiture and compensation or restitution orders, and the right to appeal against the legality or severity of the sentence or sentence outside the agreement. If the court accepts the agreement, it is received on record. The agreement is void and inadmissible in any subsequent trial or trial of any matter on similar facts. The charge is read and explained to the accused in the language the accused understands. If the accused confirms understanding it, the accused is invited to take a plea. The plea is recorded. If the accused pleads guilty the prosecution/State puts the summarised facts to the accused. When the accused accepts them as true, the judge enters a conviction of a guilty plea. The state presents the aggravating facts of the accused case, the Defence counsel presents the mitigating factors of their case and the convict is heard in allocutus. The court proceeds to record the Victim or complainant's views on the proposed sentence. The court sentences the convict accordingly.

Justice *Okuo* highlighted Rule 9, which stipulates that in cases involving children, the agreement is executed by the parent, guardian, probation officers, and the legal representatives of the child. She invited the participants to always ensure the best interest of a child.

She underlined the following references

1. *Agaba and 2 Others v Uganda* (Criminal Appeal 139 of 2017) [2020] UGCA 2143 (October 13, 2020)

2. *Katumba v Uganda* (Criminal Appeal No. 540 of 2015) [2022] UGCA 188 (19 July 2022) —the court cannot substitute an agreement, the only option is to reject it
3. *Aria Angelo v Uganda* (Criminal Appeal No. 439 of 2015) [2022] UGCA 15 (11 February 2022) —accused must make an informed decision in the plea bargain
4. *Lwere Bosco v Uganda* (Criminal Appeal No. 531 of 2016) [2020] UGCA 2112 (15 September 2020)—mitigating factors are part of the negotiations, —appellant after a plea bargain sentence should not fault court for the severity of the sentence—the importance of court consultation.
5. *Kayongo Sadam v Uganda* (Criminal Appeal No. 524 of 2016) [2020] UGCA 2114 (15 September 2020)
6. *Swaliki Gguta v Uganda* (Criminal Appeal No. 231 of 2016) [2020] UGCA 2101 (15 September 2020) UGCA No 231/2016
7. *Luwaga Suleman aka Katongole v Uganda* (Criminal Appeal No. 858 of 2014) [2019] UGCA 202 (17 July 2019)

## Plenary

### *The following issues arose*

- Abuse of plea bargain by accused,
- Sentence differential in full and plea bargain trials,
- To what extent should a judge get involved in a plea bargain arrangement?

### *Responses*

- Sentencing is governed by judicial discretion, guided by the law and sentencing guidelines.
- The Court must take charge and guide the plea bargain process to avoid abuse of the plea bargain process, where the bargain fails the matter ought to be remanded for trial before another judge.

## 5.14. THE PRACTICE AND CHALLENGES IN HANDLING INTERNATIONAL CRIMINAL DIVISION (ICD) MATTERS

**3<sup>rd</sup> Session Chair:**

Hon. Justice *David L. Makumbi* (captioned earlier).

**Presenter:**

Hon. Justice *Suzan Okalany*



Judge *Okalany* stated that Uganda formed the ICD in July 2008 to prosecute persons for international crimes committed during the 20-year conflict in northern Uganda. The ICD's vision is to end impunity and promote human rights, peace, and justice. The division domesticated the International Criminal Court (ICC). Its jurisdiction is defined by the *International Criminal Court Act, 2010* (Act 11, 2010) and other normative laws and is based on the complementarity principle. She emphasized the importance of specialized units that support the court. These include the Special Criminal Investigation Department (CID) Unit and the ODPP, in investigating and prosecuting international crimes.

*Okalany* acknowledged the ICD's court user's guide, the court users' committee, and the laws applicable to its proceedings. She walked the trainees through the court's pre-trial stage, trial process, judgment, sentencing, and victim reparations processes. She outlined the court's challenges, such as the lack of substantive legislation for victim participation and witness protection, application of the *Amnesty Act, 2000*. Cap 294 and the structural and operational setbacks. She suggested a way forward, to include capacity building, adequate resources, and incorporation of international crimes into educational curricula. She emphasised the importance of the Ugandan Judiciary's pride in establishing the ICD as Africa's first permanent International Criminal Court.

**Plenary**

*The following issues arose during plenary discussions;*

- concerns regarding the sustainability of the ICD ,

- the need to probably bypass international procedural steps that often contribute to delays in the court process.

### *Responses*

- Justice *Okalany* reported that trials like the *Kwoyelo* matter are hardly sustainable. There has been an ongoing effort to sensitize stakeholders on the importance of understanding and supporting such cases. She expressed the belief that it is feasible to reduce costs and ensure value for money in the process.

## 5.15. JUDICIAL DECORUM, ETIQUETTE AND PROTOCOL

### **Session Chair:**

Hon. Justice *Christine Akello Echookit*  
(Captioned Earlier)

### **Presenter:**

Hon. Justice *Elizabeth Musoke* – JSC



Justice *Musoke* made an interactive presentation, posing frequently asked questions to the participants within and outside the court and formal settings. She examined judicial decorum through the lens of upholding propriety and etiquette as polite behaviour in society or among colleagues. She added, for example, that the connection with the court registrar should be courteous and work closely together with the judge. She remarked that collegiality among judicial officers as a family is essential. For certainty in the judiciary, the common law doctrine of *stare decisis* requires respect for precedents (a hierarchy of decisions of courts of record that are binding on courts lower than them). She cautioned, however, that in implementing collegiality, judges ought to be cautious with how they interact with each other so as not to present as influencing



them. Accepting presents from plaintiffs is also unacceptable, and judicial officers should exercise caution while participating in social functions that have potential corruption implications, such as fundraising for weddings or any other occasion. Of course, this constraint does not preclude them from fulfilling their social obligation following their conscience and the judicial oath, while maintaining the propriety and integrity outlined in *Uganda Code of Judicial Conduct* for a smooth and successful judicial career. She urged the incoming judges to build positive relationships with their senior colleagues, develop diplomatic ways to communicate with administrators and registrars, and treat support staff with dignity. She displayed various judicial formal dress and demonstrated how judges put on these robes, which are suitable for civil and criminal procedures as well as official ceremonies.

## **Plenary**

*The following concern arose during plenary discussions;*

- Protocol within Judiciary and amongst colleagues

## *Response*

- Justice *Musoke* emphasised that protocol entails that seniority should be considered at all times even for the Bar. Advocates, in the plenary were advised that more senior advocates should be called first in court during a hearing session.

## **DAY SIX**

## 5.16. DAMAGES AND OTHER ORDERS IN CIVIL SUITS

### **1<sup>st</sup> Session Chair:**

Hon. Lady Justice *Jaqueline Mwendha*  
(captioned earlier)

### **Presenter:**

Hon. Justice *Wamala Boniface*



Justice *Wamala* congratulated the new judges on their appointment and urged them to be dedicated to their calling in order to provide efficient justice. He stressed that the epitome of any civil action is a clear final order in the form of an award, which may or may not be by way of damages. The primary function of damages is to place the plaintiff in as good a position as he or she was in before litigation. Thus, damages constitute a monetary award by a court as compensation for a tort or breach of contract, and not a punishment to the party for the breach, except in a few cases. Damages are classified into three categories: special, general and nominal damages.

Special damages are ascertainable and quantifiable before the action. They must be specifically pleaded and strictly proved by documentary or oral evidence. General damages arise from the direct natural or probable consequence of the act complained of. They are implied in every breach of contract and infringement of a given right. For example, in a personal injuries claim, general damages can include anticipated future loss, damages for pain and suffering, inconvenience and loss of amenity. 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 despite a verifiable claim, the plaintiff has not sustained any actual damage 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 or her claim of right. Courts can

occasionally grant ancillary/supplementary damages. These damages flow from the other three major categories, mentioned earlier.

Specifically, exemplary damages are awarded as punitive remedies for the loss or suffering occasioned by a defendant. They are not compensatory, but aim at punishing the defendant to deter him or her from repeating the wrongful act that was oppressive, arbitral, or unconstitutional. Such wrongful action could have been done by the government or public servant; or where the defendant's conduct was calculated by him or her to make a profit which may well exceed the compensation payable to the plaintiff; and where the award of exemplary damages is a matter of law. A plaintiff cannot recover exemplary damages unless when the plaintiff was a victim of punishable behavior. However, courts should impose exemplary damages with caution, taking into account the parties' ability to pay them. Related to exemplary damages are aggravated damages, which are awarded as "*extra compensation*" to a plaintiff for emotional and moral harm caused by the defendant's behaviour. Justice *Wamala* noted a thin line between exemplary damages and aggravated damages, however with succinct distinction as pointed out by SPRY, V.P in the decision of *Obong v Kisumu Council of Kisumu* [1971] EA 91.

*Wamala* also discussed liquidated damages that ordinarily arise where the parties to the suit might have agreed in their contract that a particular sum is payable upon the default of the contract by one of them. These court awards extend to monies statutory damages. On the other hand, courts can also award 'unliquidated' damages. In this case, the court has to quantify or assess the damages or loss, whether pecuniary or non-pecuniary.

He highlighted the general principles for the assessment of damages, including:

- 1) Loss or damage. Generally, 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. Nonetheless, there are exceptions to this rule, such as when a corporation alleges defamation and in product liability claims.
- 2) The *Restituto in Integrum* principle. The courts must award damages only to compensate the plaintiff's loss. For example, in contract-related claims, courts should restore the plaintiffs to the position they would have been in had the contract been fully executed. In contrast, in tort-related suits, damages should restore the injured parties' status before the wrong or injury. Various court precedents clarify this principle.

- 3) Causation and Remoteness. Recoverable damages as alleged material loss must be limited to losses that are the proximate, probable and when the likely consequences of the breach, or such as may be taken to construe losses were fairly 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.
- 4) Aggravation. The court can look at some aggravating factors, whether in contractual or tortious causes of action, which raise the quantum of damages.
- 5) Mitigation. Generally, under common law, the plaintiff in contractual actions must mitigate damages and cannot claim damages incurred as a result of his or her failure to take steps that would have reduced the loss.
- 6) Assessment of Damages on Appeal. This is principally the duty of the trial court. This role was articulated by the dicta of Greer, LJ in *Flint v Lovell* [1935] 1 KB. 354; [1934] All ER. Rep 200.

Justice *Wamala* noted other common courts' orders regarding costs and incidentals including:

- 1) Award of interest. Section 26 of the *Civil Procedure Act*. 1929. Cap 71 governs awards of interest in civil cases. Awarding interest is subject to judicial discretion. Interest on personal injury damages is exempt from income tax. The guidelines for the calculation of interest that are laid out in *Wright v British Railways Board* [1983] UKHL J0623-2
- 2) Costs of the Suit. Section 27 of the *Civil Procedure Act* governs costs and provides for interest on costs at any rate not exceeding 6% per annum.
- 3) Advocates' costs. Courts award costs to advocates as remuneration for the exercise of their professional skill, and litigants for work and disbursements.
- 4) Execution Orders. Courts issue execution orders for enforcement of domestic and foreign court judgments' decrees and orders (see Civil Bench Book for a detailed discussion on executions)
- 5) Permanent Injunctions. These orders 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.

- 6) Prerogative Remedies. These range from certiorari, prohibition, mandamus, declarations, injunctions and habeas corpus issued through applications of judicial review to the High court. These are issued in public and not private law matters.
- 7) Election Petition Remedies. They include declarations on the viability of the elections and candidates, annulling and setting aside elections, ordering for fresh elections, and any other order relevant to the election process.
- 8) Specific Performance. This is an equitable remedy in the law of contract. A court can order a party to perform a specific action, such as to complete the performance of the contract. Section 64 of the *Contracts Act, 2010. (Act 7 of 2010)* Contracts incorporated this equitable remedy into statutory law. The provision legislates the circumstances under which the court may make an order for specific performance.
- 9) Order of Reinstatement. This remedy can be available through judicial review. Sections 71 (5)(a) and (6) of the *Employment Act, 2006. Act 6 of 2006* also provides for this order in labour disputes.
- 10) Interlocutory orders. An interlocutory order should be clear in terms of when, how and where as there is a lot of controversy around this area.

In closing, *Wamala* advised the new justices to read extensively on civil remedies in order to broaden their knowledge beyond his presentation, which was designed to pique their interest in the subject. He emphasised that a judicial officer should be aware of the rules controlling the assessment of civil orders. Courts should keep in mind that ambiguous directives are ineffective and largely unenforceable.

## **Plenary**

*The following issue arose during plenary discussions;*

— Violation of human rights in election petition cases.

## **Response**

The questions that need to be addressed are as to when and how the court arrives at compensation, considering the principles governing the circumstances of the case.

## 5.17. RECORDING, REGISTRATION AND THE LAND MANAGEMENT SYSTEM

### **2<sup>nd</sup> Session Chair:**

Hon. Lady Justice *Aisha Naluzze Batala*  
(captioned earlier).

### **Presenter:**

Mr. *Baker Mugaino*,  
Ag. Commissioner Ministry of Lands



Mr. *Mugaino* recalled Uganda's legislative framework for land recording, registration, and management, which comprises the Constitution, Land Act, Registration of Titles Act, Mortgage Act, and Land Regulations 2004. He also took the new judges through the land policy and institutional framework. He emphasised the key land jurisprudence principles: the presumption of validity of the certificate of title; fraud must be strictly proven; bona fide purchasers without notice; the registrar's powers to investigate and cancel certificates of land titles; the propriety of customary land rights; and fair and prompt compensation for land acquisition. He also highlighted Uganda's four principal tenure systems (customary, freehold, leasehold, and mailo tenure).

*Mugaino* presented an overview of the land management system, including the Uganda Land Information System (ULIS), land surveying and mapping, land valuation, physical planning, and land usage. Under the LIS, all Land Departments function like conveyor belt as a chain of checks and balances. For example, the Surveys and Mapping Department initiates a sub-division transaction, which is then forwarded to the Physical Planning Unit, Valuation (if necessary), Land Administration, and ultimately the Land Registry, with the outcome being a certificate of title. This tracking reduces the rampant forgeries and issues of double titling (such as titling in forest reserves and protected areas among others). The Ministry of Land operates LIS through 21 Ministerial Zonal Offices (MZOs), under which it has decentralised all land transactions. Except for some non-delegable operations, which are handled directly by the Commissioner Land Registration, MZO Registrars of Titles have been trained to manage these transactions.

He underscored the Commissioner of Land Registration's primary responsibility to ensure that the Register is free of flaws and accurately reflects the genuine owners. Registrars, on the other hand, investigate, endorse, amending, or cancelling certificates of title; requiring explanation; and The Registrars on the other hand investigate, endorse, alter or cancel certificates of title; requiring explanations, demand production of documents (see *Registration of Titles Act* (RTA). 1924, Caps.230 (as amended); implement High Court orders of cancellation of fraudulent titles (s. 177 RTA); register and issue titles for leaseholds, freeholds, Mailo land, and customary tenure (Land Act. 1998. Cap 227, ss 4-8). Registrars also cancel fraudulent certificates and rectify the registers at the order of court (ss 73, 91, 177 RTA; s.91(4) Land Act. 1998. Cap 227(as amended); ascertain the rights of the parties vis-à-vis the land in question; make vesting orders (Section 167 RTA); allow lodging of caveats (Section 170 RTA); remove caveats that are no longer affecting the land (s.145 RTA) and produce title deeds in support of applications to bring land under the Act (s. 23 RTA) among others.

*Mugaino*, however, highlighted challenges that the Ministry of Lands faces, including forgery of letters of administration and false death declarations to obtain land under letters of administration, suits against the Commissioner of Land Registration, claims beyond first lineal descendants, court judgments and orders issued without ascertaining with the Land Registers, court orders that cannot be implemented (for example, an order to register forfeiture and then transfer the land). He implored the participants to work hand in hand with the office of the commissioner of land registration.

*Mugaino* mentioned some of the ongoing reforms in the Ministry of Land such as the Integration of records via the National Land Information System; Digitization of cadastral maps and the land registry; Automation of work processes for efficient service delivery; Establishment of a Land Fraud Investigation Unit; and Mediation desks at District Land Offices for dispute resolution. The Land (Amendment) Act, 2010 strengthened mortgage provisions and coordination between institutions as well as women's land rights. By 2004, the Land Regulations elaborated procedures for land registration and the transactions, management and dispute resolution. Administration reforms are: the merger of land administration agencies into the Ministry of Lands; Creation of the Uganda Land Commission as the centralized holding agency for public land; Empowering the Office of the Registrar of Titles and District Land Offices to improve services; and pending establishment of a Land and Environment Court to handle complex cases. The

ministry also came up with some Digitalization Initiatives such as the Automated Workflow Management Systems to track files and cases digitally; Online land transaction payments via Land Information System portal; Electronic Document Management Systems that store records digitally for integrity and transparency; Digitized Registry Index Maps providing geospatial information on the cadaster and phased digitization of paper land records converting them into electronic formats.

## **Plenary**

*The following issues were raised;*

- clarity on MZO;
- Clarification on defective orders, how is the process handled;
- The different rates for stamp duty for properties in the same area;
- Double titling and increased fraud and
- Non-attendance to court by land officers when summoned.

## *Responses*

- There are different methods of valuation that the Government valuers use which creates these disparities. Standards have been proposed in the valuation bill.
- Registrars do not appeal defective court orders, but write to the judge through ordinary letters about the anomalies.
- An MZO is a decentralised land office, mostly at the district level. The Registrar performs most of the roles save the non-delegable ones, which are performed by the commissioner (explained earlier).
- There is a narrow line between illegality and fraud. These incidents are caused by historical problems and few instances of connivance when some processes are bypassed deliberately during the implementation of LIS. This challenge is being addressed.
- Issuing orders of injunctions stalls operations which violates the commission's statutory mandate.
- Undertake to inform the head litigation to ensure that the Registrars attend to court where necessary.
- Land subdivisions are only made on requests by the registered proprietor or on the order of court.
- Explained the difference between duplicate, original and special certificate of title.



## 5.18. THE PRACTICE AND CHALLENGES IN HANDLING LAND MATTERS

### 3<sup>rd</sup> Session Chair:

Hon. Lady Justice *Kania Rosette Comfort*  
(captioned earlier).

### Presenter:

Hon. Lady Justice *Alexandra Nkonge Rugadya*



Justice *Nkonge* explained the jurisdiction of the land division, its administrative structure, (court users) and the challenges that the Division faces. She cited, for example the numerous cases involving vast tracts of land in the cattle corridor of Nakasongola, Luwero, Nakaseke districts that the division was handling, which represented a never-ending battle between the squatters, the holders of small bibanja and the wealthy cattle owners in that region. She warned the incoming justices that during land adjudication, they must exercise prudence and restraint to protect fragile rights and balance the interests of tenures that have long coexisted. She bemoaned the Division's massive workload and backlog. Thus, she supports the proposal to expand Chief Magistrates' pecuniary jurisdiction in order to lessen the backlog.

*Nkonge* discussed compulsory acquisition of land alongside other competing state policy priorities such as the high cost of making roads in Uganda, which trial judges should consider while handling compulsion acquisition of land related cases. She also urged the judges to always reconcile two opposing decisions before relying on any of them. She guided the judges through the recusal procedure, emphasising the importance of moderation and courtesy while dealing with recusal applications and situations. She advised them to act with integrity while exercising their discretion when deciding whether or not to recuse themselves. She warned the new justices

about corruption, which is deeply embedded in the judicial system, and urged them to supervise the staff under them to avoid corrupt practices such as fixing hearing dates for money, selling transcribed proceedings, and removing important evidence from the case's transcripts.

*Nkonge* noted that ordinarily the case's trial time extends from the pretrial stage; trial stage; locus visit; to the final stage which includes evidence analysis and judgment writing. To that end, the trial in a civil dispute or matter takes an average time of three to four weeks. The first two weeks are spent on the completion of summons for direction, attending pretrial locus to determine status quo, hearing the case and visiting the locus after trial, with the remaining two weeks spent analysing evidence and writing a judgment. In conclusion, she stated that property disputes are the primary source of criminality; facilitation and expediency should focus on this cause rather than the aftermath of crimes.

## Plenary Discussion

The meeting advocated for embracing mediation and use of experts for clarity where need be.

### 5.19. HANDLING OF CIVIL AND CRIMINAL APPEALS BY THE HIGH COURT

#### 4<sup>th</sup> Session Chair:

Lady Justice *Patience Rubagumya Tumusiime*  
(captioned earlier)

#### Presenter:

Lady Justice *Catherine K. Bamugemereire* (JJ)



Justice *Bamugemereire* congratulated the newly appointed judges. She referred them to the Latimer House principles of the Commonwealth to guide them in their judicial journey. She defined an appeal as a proceeding filed to correct an error made by the lower court. She expounded that statutory to appeal is not an inherent right except in a matter where one has been

sentenced to death or in criminal matters where ODPP must appeal. In any case, the court cannot in its own right hear appeals to change sentences however grave the matter is.

*Bamugemereire* explained that by way of hierarchy, first appeals arise of trial court decisions that are based on factual evidence. The Chief Magistrate Courts handle appeals from the Local Council Courts and Magistrate Grade II Courts under S.16 of the Judicature Act. The High Court handles appeals from orders of Registrars and also when the court sits as a first appellate court regarding appeals from Magistrates Grade I and Chief Magistrates decisions. She underlined that with the exception of suits under the Children's Act, it is procedurally wrong for a Chief Magistrate to entertain an appeal against the decision of a Magistrates Grade I. She explained further that the High Court sits as a 2<sup>nd</sup> appellate court from the 1<sup>st</sup> appeals from High court that lie against the Magistrate Grade Ones and Chief Magistrate's decisions. She guided that the duty of the High Court as the first appellate court is to review the evidence of the case and to reconsider the materials before the trial court. The Court should carefully weigh and consider the lower court evidence on record, noting the credibility of witnesses, among other factors, which may call into a different new perspective on appeal, and the trial court's position on their demeanor.

Procedurally, *Bamugemereire* underlined that civil appeals lie from an extracted decree or order of the trial court from a concluded judgment. An intending appellant writes a letter to the respondent, which serves as a notice of appeal within 30 days from the date the judgment or ruling delivery; however, the time for lodgment of appeal runs from the time the intending appellant received the record of proceedings. Each appeal is filed as a memorandum of appeal. It should have grounds of appeal that are succinct, explicit, not contentious or verbose, not too long, and numbered, with the grounds indicating the impugned legislation by the trial court. Appellants can amend their memorandums of appeal. Parties to an appeal may not provide additional evidence unless when the court orders so on request by the appellant on the ground that the trial court unreasonably refused to admit that evidence. In such cases, the petitioner must demonstrate that the evidence is material with a significant impact on the appeal judgement. Appeal timelines are rigorous, and any delay must be proven as not to have been occasioned outside the appellant's control. Some appeals from the High Court require leave of court to appeal, as outlined in Order 44 of the Civil Procedure Rules, however judges should not be overly critical and should allow the process to unfold. Where the decision is contrary to the law and there are substantial defects in the procedure, an appeal may lie as of right. Regarding criminal appeals, she outlined the necessary

documents for commencing an appeal. These include: a notice of appeal to be filed in the appellate court within 14 days from the date of conviction; a memorandum of appeal; the Judgment being appealed against; record of proceedings, as well as in practice, the written submissions and legal authorities to be relied upon.

*Bamugemereire* noted some of the problems in the appeal process, with the most common being record loss, retrial orders, advocate changes, and judicial officer transfers. In conclusion, she urged the new judges to be sober and reasonable while reevaluating the trial court's evidence, keeping in mind that they rely on trial court records because they have never heard the trial evidence or interacted with the witnesses.

## **Plenary**

*The following issues arose during plenary discussions;*

- How to relate with unrepresented litigants/appellants?
- Is it allowed to use a non-typed record?

## *Responses*

- Courts need not be rigid on processes when it comes to unrepresented appellants; even a letter of intention to appeal is enough for the reasonable judge to hear the appeal.
- The appeal court can cause the lower court record to be typed and certified at the high court level.

## **DAYS SEVEN AND EIGHT (WEEKEND BREAK)**

## DAY NINE

### 5.20. THE LAW AND PRACTICE ON MATTERS OF CUSTODY, GUARDIANSHIP AND ADOPTION OF CHILDREN

**1<sup>st</sup> Session Chair:**

Hon. Justice *Lubega Farouq*  
(captioned earlier)

**Presenter:**

Hon. Justice *Olive Kazaarwe Mukwaya*



Justice *Kazaarwe* referenced Article 34 of the *Constitution of the Republic of Uganda* 1995 on the Rights of children that was operationalised by the *Children Act* 2016, in particular, section 4 that details children's rights. She implored them to use the 1989 UN "Convention on the Rights of the Child." *Treaty Series* 1577 (November): 3, [CRC] and the African Charter on the Rights and Welfare of the Child with appropriate modifications to suit Uganda's circumstances. She added that under Article 40 (c) of the CRC, a child is a person below the age of eighteen years. The application of child rights should be handled subject to the children's welfare and guiding principles.

*Kazaarwe* walked the judges through the Guardianship process. She explained that according to the Oxford English Dictionary, guardianship is a situation or position of someone being responsible for some other person or something. Guardianship takes several forms: legal guardianship, Customary guardianship, and joint guardianship. She discussed the conditions for guardianship. She noted that legally, guardianship of children in Uganda is provided for under the *Children Act* 2016, Part VIA, sections 43A to 43M. The Magistrates Courts have jurisdiction to handle the two criminal offences in regard to guardianship, that is, the misappropriation of a child's property (section 43C (3)) and offences by the administrator of the estate of a child whose penalties

do not exceed 5 years' imprisonment and 120 currency points or both (section 43M). Section 43(k) stipulates the grounds for revocation of guardianship. These include fraud, misrepresentation, failure to comply with court conditions, and neglect of the child. On revocation, the child is placed under alternative care after consideration of submissions by the Minister responsible for children's affairs (section 43L). The revocation order is appealable to the Court of Appeal.

*Kazaarwe* also explained the adoption process provided for by Section 44 of the *Children Act* Cap 59. She embraced the Black's Law Dictionary' definition of the child adoption as the act of one who takes another's child into his own family, treating the child as own child, while according all the rights and duties to this child. She differentiated between the national and intercountry adoption: the former by Ugandan citizens under section 44(1)(a) under the jurisdiction of Chief Magistrates while the latter is secured by the non-nationals under sections 44(1)(b), 45, 46 and 46A before the High Court. She described situations that are entertained by the Alternative care panel

She elaborated situations child custody. First she defined custody as a court order regarding the care and control of minors that is awarded to one parent during separation or divorce proceedings. Part IX of the Children Act: sections 73, 73A and 73B, 76, 79,80, 85 and 87 governs custodial orders. The court can revoke the custodial grant to a person, institution or organization (section 73). In conclusion, Justice *Kazaarwe* cited *Kofi Anan* thus:

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, that their welfare is protected, that their lives are free from fear and want and that they can grow up in peace. [ Forward. *The State of the World's Children*, 2000, at 4-4, available at <https://www.un-ilibrary.org/content/books/9789210597463>, accessed March 19,2024)

## Plenary

*The following issues arose during plenary discussions;*

- How does court ensure the minor's voice/opinion is heard?
- How far can the court engage in the customary guardianship process; and guardianship for purposes of selling property?
- Are decisions of alternative care committees binding?
- How legitimate is a putative father's maintenance order during the complainant's pregnancy?

## *Responses*

- The guiding principles under section 3 of the *Children Act* when applied holistically can implement the child's participation, which is a cardinal principle that should be observed during hearing of the child's related matters.
- The area Local Council and the Probation officers' reports are crucial to foster due inquiries during the implementation of customary guardianship.
- Maintenance during pregnancy is usually made along with parentage orders.
- Decisions of the alternative care committees are binding.

### **5.21. HANDLING OF CHILD VICTIMS AND WITNESSES**

#### **2<sup>nd</sup> Session Chair:**

Hon. Justice *Amos Kwizera*

#### **Presenter:**

Hon. Justice *Damalie N. Lwanga*, ED JTI  
(Both captioned earlier)

The Executive Director outlined the critical criminal trial processes including an identification parade, identification evidence, confessions and charge and caution statements, and circumstantial evidence. She reiterated the Ugandan law that a child is someone below the age of 18 years. She highlighted the international and national legal framework for child victims and witnesses. She discussed the various circumstances that can bring a child to court. She emphasized the children's vulnerability since they depend on adults for their welfare; their brains are not fully developed and have needs. In that vein, child victims and witnesses in criminal cases are vulnerable witnesses because of the nature, effects and circumstances of the offences or evidence involved alongside the intricate justice delivery process. Such children occasionally experience trauma manifesting as long-term fear, low self-esteem, loss of trust, anger, depression, shame, powerlessness, dissociation and embarrassment. In other cases, a child might develop guilt even if they are the victim of crime, for example in offences that feature as sexual abuse.

Justice *Lwanga*, therefore, cautioned that it is critical for all justice actors in cases where children are involved to have a positive attitude, though each case should be handled on its own merits. A traumatised child victim or witness might not behave or conduct themselves as expected. Such a victim might fear reporting in time due to fear of the perpetrator or the reaction of the parents, community or law enforcement. Children must be protected from exposure to sexual

matters for moral protection. She underlined the legal framework that governs the privacy of children - excluding the public from the trial (Article 28(2) of the Constitution); use of the Judiciary ICT Innovations including the Judicature (Visual –Audio Link) Rules; examination through an intermediary and examination in a manner appropriate for the age or mental ability of the child. She shared some best child-friendly practices by the court. These are:

- Always keep the child in a child-friendly environment or waiting room, depending on their age.
- Do not keep the child waiting for long before taking their testimony.
- Ensure that the child has eaten before giving their testimony.
- Conduct court in a child friendly/ordinary attire for a conducive court environment: do away with court robes.
- The child's attention span and pace should be taken into account. Some children lose it if you take a long while hearing their case.
- Some children feel uncomfortable testifying when their parents or siblings are in court. Please choose the best position for the child in court for them to feel safe and protected. Find out who should accompany the child to court.
- 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 their 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 their trust/confidence in the court, for example, during the *voire dire* process.
- Protect the child from unfair, embarrassing and blaming questions and ensure the use of age-appropriate language and questions in court, including during the *voire dire*. Avoid asking questions such as ‘Do you know God?’, ‘You went to the perpetrator's house yourself?’

*Lwanga* concluded that addressing the child victims and witnesses’ unique needs and ensuring the protection of their rights plays a vital role in the success of the cases in which they are involved. The available legal framework does not provide adequate guidance on handling child victims and witnesses. She reported that the development of guidelines for handling children in conflict with the law is ongoing. In any case, a judicial officer must endeavor to apply the best practices amidst the available resources peculiar to the circumstances of each case.



## 5.22. THE LAW AND PRACTICE ON SUCCESSION AND ESTATES MANAGEMENT (3<sup>rd</sup> Session: Panel Discussion)



Mr. Charles Kasibayo  
(Administrator General's Office).



Hon. Justice John Keitirima  
(Head High Court Family Division)

### i) *Perspectives from the Administrator General*

Mr. Charles Kasibayo explained that the Office of Administrator General is created under the *Administrator-General's Act*. 1933. Cap 157 (as amended by 31 December 2000). Under the Act, the Administrator General (AG) is given the mandate to administer estates, issues certificates of no objections and verifies beneficiaries, among other matters. The AG's Office is a body corporate with perpetual succession and an official seal. It is capable of suing and being sued in all legal proceedings although, as the government body it is represented by the Attorney General, who is vicariously liable for all the AG's acts and/or omissions like any other Government department. The office is headed by the AG who doubles as a Public Trustee, and is assisted by the Deputy and Assistant AGs.

*Kasibayo* recalled the legal jurisprudence that governs the office of the AG, emphasizing, for example, the Constitutional Court in *Law Advocacy for Women in Uganda v. Attorney General*, *Const. Petition No s 13/2005 & 05/2006* declared several provisions of the Succession Act Cap. 162: sections 2(n)(i) and (ii), 14, 15, 26, 27, 29, 43, and 44 and rules 1, 7, 8, and 9 of the Second Schedule of the same as unconstitutional. They were inconsistent with and contravened Articles 21(1), (2), (3), 31, and 33(6) of the *Constitution of the Republic of Uganda* in as far as they discriminated based on sex and did not accord equal treatment in the division of property between

male and female. Thus, the Act necessitated amendments to address this gap to accord equal rights between men and women in conformity with the Constitution.

*Kasibayo* discussed the major highlights of the key Succession Law amendments that creates key offences. He underscored estate management where the law now defines 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 law elucidates how this property is governed or managed. He stated that estate management is divided into two broad categories: testate succession and intestate succession. The former relates to the scenario where a deceased person left a valid Will before his death and the latter refers to the scenario where the deceased person did not leave a valid Will. He noted that there are three main types of grants that the Court can issue in respect of an estate of a deceased person, that is, a Probate (this operates in cases where the deceased left a valid Will with a mentioned executor/executrix; second is a Letters of Administration with the Will annexed. This one operates in cases where despite the deceased living a Will, there are peculiar circumstances, for instance, where the Will did not appoint an executor/executrix, or where the executor does not apply for probate within the specified time. Third is the Letters of administration (for intestate estates).

According to the *Succession (Amendment) Act No. 3 Of 2022*, sections 182-183, the court during probate sealing validates the Will if the testator signed it, when the testator's particulars are clear: name, address, and signature on each page. Provided; when the executor/executrix is not a minor or a person suffering mental illness or disability ( section 184(1) of the *Succession Act*). The Will should have been attested at least by two witnesses, indicating their names, addresses and signatures of on each page. The Court proceeds to grant probate to the executors/executrix appointed in the Will. Under section 5 of the *Administrator General's Act*, the executor/executrix applies directly to Court without first obtaining a certificate of no objection. However, where the testator is survived by a child only and the testator did not expressly appoint an executor/executrix in the Will, section 183(2) of the *Succession Act* allows the guardian to apply for probate. *Kasibayo* urged the new judges to be cautious while dealing with probate given the fraud sometimes during related applications. He recommended that probably trial courts could request identification of the applicants and interrogate the whole application process.

*Kasibayo* listed the eligible applicants for letters of administration. He underlined the circumstances under which the Administrator General may apply for the administration of estates.

He noted that the probate and letters of administration span for two years, although the Court can extend this period for another two years or for such other period as the Court may deem fit. Provided; the Court is satisfied that such extension is in the best interest of the beneficiaries; when the beneficiaries have consented in writing; and where the administrator/executor has complied with the prior conditions upon which the grant was issued by the Court. He implored judicial officers to always acquaint themselves with the dynamic the succession laws.

## ii). *Perspective from the Bench (Family Division)*

Justice *John Keitirima* underlined that the Succession Law in Uganda deals with the management, administration, distribution and acquisition of property and rights of a deceased person in accordance with either the deceased person's wishes which are usually expressed in a Will or in accordance with statutory laws enacted by parliament. He pointed out that section 4 (1-2) of the *Succession Act* legislates that succession to movable property of a deceased person is regulated by the laws of the country of domicile of the deceased at the time of death regardless of where the deceased met his or her death. Under section 36 (1) of the *Succession Act* every person of sound mind who is not a minor may dispose of property by a Will. However, the court may, under section 38 of the *Act* order payment out of the estate of the deceased for maintenance of the dependents if the testator does not make a reasonable provision for the maintenance of his or her dependent relatives.

*Keitirima* highlighted the process of Will authentication. Recalling section 50(1) of the *Succession Act*, he underlined that with the exception of deployed armed forces, a testator must sign a will in a place where it shall appear that it was intended to give effect to the writing as a Will, when witnessed by two or more witnesses, each of whom must have seen the testator sign the Will, or saw some other people sign the will in the presence and direction of the testator, or have received from the testator a personal acknowledgement of his or her signature or mark, or of the signature of that other person. Each of the witnesses must sign the Will in the presence of the testator. The witness must also sign, and write his or her name and address on every page of the Will. More than one witness doesn't need to be present at the same time, and no particular form of attestation is necessary.

*Keitirima* stated that section 201 of the *Act* governs the administration of the deceased's estates, emphasising that if the deceased died intestate, only those related to him or her by marriage

or consanguinity are eligible to apply for the letters of administration regarding his or her estate. Under section 201A of the *Act*, the surviving spouse has precedence over any other person in the administration of a deceased intestate's estate, but the AG may disregard the spouse under section 201(1). In such cases, section 4 of the *Administrator General's Act*, mandates the AG to consider the person with the strongest interest in the estate to administer it. According to section 25 *Administrator General's Act* all property of the deceased intestate devolves on the legal representative upon trust for those lawfully entitled.

He explained that section 27 of the *Succession Act* lists different kinds of distributions to the beneficiaries. Section 27(2) reserves twenty per cent of the estate for the education, maintenance and welfare of a minor child or lineal descendants. This percentage is deducted from the gross estate before the distribution of the estate. Section 29 of the *Succession Act* preserves the principal and other residential properties from distribution. Section 30 excludes a spouse from taking any interest in the estate if, at the death of the intestate, the spouse was separated from the intestate as a member of the same household; except where the surviving spouse has been absent on an approved course of study in an educational institution; the intestate was, at the time of his or her death, the one who had separated from the surviving spouse as a member of the same household; or the intestate is the one who caused the separation.

*Keitirima* stated that section 37 of the *Succession Act* underpins the need to take care of the maintenance of spouse, children, lineal descendants and dependent relatives in a Will. Like *Kasibayo*, *Keitirima* recalled the legal position that letters of probate and administration lapse after two years but the same can be extended for a further period of two years or any other reasonable time as determined by the court where the court is satisfied that: It is in the best interest of the beneficiaries to extend the period; and the person to whom letters of administration were granted. Any disagreements between executors, administrators, and beneficiaries should be arbitrated by the registrar of the High Court or a Chief Magistrate.

*Keitirima* guided how an estate can be administered when it involves minor children. He cautioned the plenary on the need for executors and administrators to file an inventory and account within six months from the grant of probate or letters of administration. He recommended that the AG be given a desk to handle criminal prosecution for offenders and that grants be provided on the same day the application is submitted to court.

**Joint plenary:**

*The following issues arose.*

- What is the difference between a residential holding and matrimonial home?
- Under what circumstances can a Will be severed?
- The legality of an electronic Will through video recording, communicating where one wishes to be buried,
- Dealing with the distribution of customary land.

*Responses*

- A matrimonial home is where a couple lives and derives sustenance whereas a residential holding is where one ordinarily resides with their children whether married or not.
- Regarding burial grounds, the testator would have expressly informed two or three people on the related wishes in addition to including his or her related wish in the Will.
- Videos are good evidence to express ones' final wishes however the rules of making a will require a physical signed and duly witnessed Will.

## **5.23. OVERVIEW OF EAST AFRICAN COMMUNITY AND EAST AFRICAN COURT OF JUSTICE**

**4<sup>th</sup> Session Chair:**

Hon. Justice *Mwaka Phillip Willebrord*  
(captioned earlier)

**Presenter:**

Hon. Justice *Wabwire Wejuli Richard*



Justice *Wabwire*, a High Court Judge who also doubles as a Judge of the East African Court of Justice(EACJ) recalled the Vision of the EACJ: ‘*A World Class Court Dispensing Quality Justice for A Prosperous Community*’. He explained that the EACJ was established under Article 9 (1)(e)

of *The Treaty for The Establishment of the East African Community* 1999 (Arusha. EAC: 2002 xiv, 111p.: 230mm (EAC Publication, No.1) ISBN: 9987 - 666-01-9). It is the Judicial arm of the EAC, mandated under Article 23 of the Treaty to ensure adherence to law on the interpretation and application of and compliance with the Treaty. The EACJ's structure comprises: The Registry (main registry at Arusha and sub-registries with partner states) under the registrar who is responsible for all administrative functions; the First Instance division and the Appellate division.

Regarding EACJ jurisdiction, generally, Article 27(1-2) of the Treaty clothes the Court with the original jurisdiction on the interpretation and application of this Treaty and such other extended original, appellate, human rights and any other jurisdiction determinable by the Council at a suitable subsequent date. Partner states are yet to conclude a protocol to operationalize the extended jurisdiction. The Court has no jurisdiction where an Act, regulation directive, decision or action has been reserved under the Treaty to an institution of a Partner State.

Specifically, the court parties where disputes brought between the Partner States to the Treaty as spelt out by Article 28 of the Treaty; the EAC organ or institution regarding the legality of any Act of Parliament, regulation, directive, decision or action that is ultra vires the Treaty; the EAC Secretary General can, through the Council under Article 29 of the Treaty refer a matter against a Partner State (Article 29 has been provoked before); Legal and natural persons resident in EAC can also sue on infringement or violation of Treaty under Article 30; Employees of the Community can under Article 31, bring actions on the interpretation & application of staff rules, terms & conditions of service; and National courts and tribunals can seek the Court's intervention by way of request for preliminary ruling concerning interpretation or application of the Treaty. Notably, the litigants do not need to exhaust domestic remedies prior to filing a claim with the Court. The Court can take up references concerning matters pending in municipal/national courts.

*Wabwire* expounded the Treaty interpretation that is informed by the *Vienna Convention on the Law of Treaties, 1969*, the primary source of rules for treaty interpretation under international law. National laws are also handy in interpreting the Treaty, for example, in *Kyarimpa v A.G. of Uganda* (Appeal 6 of 2014) [2014] EACJ 109 (28 November 2014), where the Court held that the "Court has the power and indeed a duty to interpret and consider the national laws of partner states and to apply its own appreciation thereof when considering allegations of the breach of the provisions of the Treaty". The EACJ interpreted the Procurement Law of Uganda and found that the procurement was not in breach of Uganda's internal laws and did not offend the

Treaty. When international and national laws conflict, international law takes precedence. Under Article 36 of the Treaty, the summit, the Council, or a partner state may request an advisory opinion from the Court on a legal challenge arising from the Treaty and affecting the Community. Article 34 of the Treaty mandates national courts to seek a preliminary ruling from the EACJ on: The interpretation of the Treaty's provisions; application of the Treaty's provisions; and the validity of the Community's regulations, directives, decisions, or actions. Such a preliminary ruling is binding *erga omnes*. In any case, however, the EACJ's interpretation of the Treaty takes precedence over the interpretation by national courts.

In arbitration situations, Article 32 of the Treaty mandates Court to hear and determine arbitration disputes arising from: agreements in contracts to which the community or its institutions is a party; disputes between partner states submitted under special agreement by the states concerned; commercial agreements in which the parties have conferred jurisdiction on the Court. However the EACJ *Arbitration Rules, 2002* and the EACJ *Rules of Court, 2019*, Rule 64 regarding Court Annexed Mediation provides that if the case has prospects of settlement, the Court can refer the matter for mediation or other form of settlement.

When it comes to the available Court remedies, such as awarding damages and enforcement of the Treaty *Wabwire* referred to the Court decision in *Hon. Margaret Zziwa v The Secretary General of the East African Community*, (Reference 17 of 2014) [2017] EACJ, First Instance Division (3 February 2017), where the Court in awarding damages held that:

the legal consequences to be visited upon the Community in consequence of a breach of its international obligation to a person resident in a Partner State may, in appropriate cases, include cessation (usually known as injunction in international law), reparation (which may take the form of restitution or compensation), satisfaction, or similar, or other remedies.

Under Article 38, a partner state or Council should take, without delay, the measures required to implement a judgment of the Court. Article 44 of the Treaty, guides further that the execution of the EACJ decisions is governed by the partner state's rules of civil procedure in force in which the execution is to take place.

## **Plenary**

### *Key issues that arose from the presentation*

— Why the EACJ does not entertain trade disputes yet EAC has a lot to do with trade;

- How the advisory opinion of EAC play out in international law?
- Challenges in enforcing EACJ decisions

### *Responses*

- The EACJ can hear trade disputes in the context of contravention of the Treaty but not the merit of the matter.
- Advisory opinions are out of directions or anything done from a committee / summit
- EACJ decisions are enforced by the domestic/national High Court Registrars
- EACJ applies mostly the common law.

## 5.24. GENDER PERSPECTIVE IN THE ADMINISTRATION OF JUSTICE

### **5<sup>th</sup> Session Chair:**

Hon. Justice *Lawrence Gidudu*.

### **Presenter:**

Hon. Justice *Susan Okalany*  
(captioned earlier)



Justice *Okalany* (Deputy Head ICD) underlined the importance of improving access to justice through a gender-responsive perspective during the administration of justice to protect all gender rights. She referred to Article 126(2) of the *Constitution of the Republic of Uganda* on the principles to consider when administering justice. These principles are: justice shall be done to all irrespective of their social or economic backgrounds; justice shall not be delayed; Judiciary to promote reconciliation, award adequate compensation and administer justice without undue regard to technicalities.

She underlined that the court as a cardinal justice actor must implement not only national laws but also regional and international laws such as the 1988. "*Convention on the Elimination of*



*All Forms of Discrimination against Women.*" Treaty Series 1249: 13, [CEDAW] and the African Union. 2003. "*Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa*" (Maputo Protocol), among others. Uganda has ratified these instruments that enshrine the normative international principles that help resolve ambiguity in domestic laws.

*Okalany* lamented Uganda's adversarial court system, which sometimes impedes the proper resolution of disputes between parties. She recalled her experience as a state attorney when she used to prosecute sexual and gender-based violence charges such as defilement. She reported how court officials could sometimes be insensitive to victims by not giving them special care. Some court administrators often failed to design courtrooms that could accommodate the victims' special needs. Lack of sensitivity coupled with inordinate trial processes' delays revictimise them.

*Okalany* defined gender as the identity that one adopts from the society's ascriptions. Thus, gender means different things to different people. While people are born female or male, they identify themselves and define their relationship with other people from the context of their socio-ascribed gender roles. In any case, *Okalany* emphasised the need for affirmation of equal rights despite sexual characteristics and irrespective of gender. Women and men have specific responsibilities and should be given equal opportunities. It was in that vein that she discussed the basic gender jurisprudential contexts: gender equity, gender neutrality, gender-based violence, gender sensitivity, gender blind, and gender lenses, which all encompass a "gender-sensitive approach." Understanding the effect of these dynamics can help the justice actors to address gender inequalities by taking into account the specificities of women's and men's experiences and needs.

In conclusion *Okalany* advocated for gender-responsive adjudication: a process where a judicial officer ought to recognise how gender can result in different privileges and opportunities (and disadvantages) for women and men. That way courts need to use various courtroom strategies to redress existing gender inequalities in their decisions. She implored the new judges to get more knowledgeable with gender jurisprudence to help them adopt and apply gender-sensitive and gender-specific approaches in adjudicating the cases that will come before them.

## Plenary

- A big section of the plenary appreciated Uganda's progressive application of International gender related laws.

## DAY TEN

### 5.25. THE PRACTICE AND CHALLENGES IN HANDLING CASES AT THE ANTI-CORRUPTION COURT.

**1<sup>st</sup> Session Chair:**

Hon. Lady Justice *Dr. Akello Christine*

**Presenter:**

Hon. Justice *Lawrence Gidudu*

*(both their pictures captioned earlier)*

Justice *Gidudu* (the head of the Anti-Corruption Court) gave a background of the court. He stated that the court was first established administratively in July 2008 by the *Principal Judge of the High Court of Uganda* and commenced hearing cases in December 2008. It was later formalised by *Legal Notice No. 9/2009* that conferred on the court jurisdiction over corruption related disputes. He did, however, point out that the intrinsic nature of corruption makes cases before the court highly complex, since the majority of them need the investigation of an extensive web of accounting, auditing, and information technology issues. There are few qualified legal professionals in these fields. This gap makes it harder for judges to evaluate the evidence presented, elongating trials.

*Gidudu* decried the court's typical practice of presenting multiple counts or accusations against accused persons. While this prosecution strategy is meant to make the charge sheet as thorough as possible, it complicates the trial and diverts the judiciary's attention away from what should have been the primary offence(s). This challenge is exacerbated by the numerous applications filed by both the prosecution and the defence during the trial, which delays further the merit-based decision of cases.

He also reported the perennial contest between the defence and the prosecution over the disclosure of the prosecution evidence. The prosecution tends to hold some of its key cards to its chest as total disclosure can destroy or weaken its case yet the defense wants total disclosure as by law required. Relatedly, corruption cases are characterised by mistrust. Any interaction between the prosecution and defense is perceived by the primary litigants (complainants and victims) as a compromise. Courts are constrained to stand over matters to give the parties time to understand the disclosure processes. Limited disclosure has led to failure to plea bargain, more so that a conviction comes with an automatic disqualification from holding public office for ten years.

## Plenary

*The following issues were raised:*

- Handling of further disclosures on information discovered after the initial disclosure process?
- too much emphasis on numbers and statistics hence going for the easy catch;
- How do you balance cases that have issues raised under *Human Rights Enforcement Act*?
- How to handle political interference and pressure?
- Use of audio visual for witnesses not bold enough to face their assailants in the dock.

## Responses

- Any information brought after disclosure is accepted on condition it was not available at that point, they give defense opportunity to study the evidence.
- Government needs to establish a witness protection system to curb syndicate crimes.
- The Human Rights Enforcement Act is being implemented, though it has brought more confusion since the accused persons get scot free when the courts nullify their trials on grounds of abuse of the suspect accused's human rights.
- The Court uses audio visual mostly when dealing with extra jurisdictional witnesses.

## 5.26. INTRODUCTION TO JUDGMENT WRITING

### 2nd Session Chair:

Hon. Lady Justice *Aisha Naluzze*

### Presenter:

Hon. Justice *Lawrence Gidudu*

*(both their pictures captioned earlier)*

### *Meaning of a Judgement*

Justice *Gidudu* defined a judgment in several ways. First, as a judicial act of a court by which it accomplishes the purpose of its creation. Second, 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, 3). Third, that judgment is the mental ability to understand something, form an opinion and reach a decision. (Conscious decision). Fourth, it is

a reasoned account and analysis of the evidence, findings of fact thereon, an exposition of the principles of the law applicable to such facts, and the decisions as to the rights and liabilities of the parties (B.D Chipeta. *Civil Procedure in Tanzania. A students Manual*. African books collective. 2002,<https://www.africanbookscollective.com/books/civil-procedure-in-tanzania> He highlighted Uganda's judgement writing legal framework enshrined in sections 133 MCA and 82(2) TIA and CPR's Order 21(1).

### *Concept of Judgement Writing*

*Gidudu* underlined that crafting, composing and writing a good judgment is both an art and science which is learned and the skill mastered with time. He underscored the main function of a judicial officer is hearing cases and writing judgments. The importance of judgement writing includes determining an accused person's guilt or innocence, resolving matters in controversy, communicating reasons to the parties for the decision, providing accountability by judicial officers, serving as precedents, developing jurisprudence, promoting checks and balances under the rule of law, and guiding lower courts. However, judgment writing is the most difficult role of any judicial officer. It is different from writing a legal opinion since it involves making sense of the truth after hearing both sides. A judicial officer, therefore, needs the skill acquired overtime to sieve out lies, truths, and exaggerations. The expertise explains the speech of King James 1 of England to the Chief Justice Edward Coke after the King failed to deliver a judgement that: *"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."* Research shows that delayed writing and delivery of judgments or rulings is partly due to a lack of judgment writing skills. To that end, *Gidudu* implored judges to avoid adjourning judgments' delivery on notice without specific dates.

He emphasised that a judgment should exhibit qualities for effective communication. *"A judgment must be clear, precise, and say everything that needs to be said as to why a decision was reached and no more"* (Justice Roslyn Atkinson. "Judgment writing paper presentation Magistrates Conference", Gold Coast, March 21, 2002 (<https://www.fja.gov.pk/files/articles/JudgmentWriting.pdf> ) ). The parties are not interested in one's legal writing skills but to know who is right and who is wrong. It must persuade the parties. Before writing a judgment, it is very important to read both sides' evidence and, hitherto, summarise the facts while avoiding re-writing the entire record of proceedings.

The judgment must have a structure that include a caption, an introduction, findings of fact, a statement of issues, a legal analysis and a conclusion. It must be written in the language of the Court (English). The trial judge should also note the demeanor of the witness at the trial and record the observations as part of the evidence on record. The demeanor is suggested by the body language, audibility, presentation, and coherency among other indications (See O.18 r.. 10 CPR). It points to the credibility of witnesses. *Gidudu* discussed the contents of a written judgment spelt out in procedural and substantive law. In essence a judgement must be written, in the language of the court, with spelt out points for determination, a decision or finding and the reasons for it.

In conclusion, he warned judges to desist from practicing any form of corruption to avoid biased judgments. He advised them to avoid delaying judgements since it makes the public perceive that a judgment will be delivered after bribing the judge. Judges should also avoid giving opinions to people before hearing from the other side.

## **Plenary**

The main discussion revolved on the extent should you consider the submissions in your judgment

### *Response*

It is unacceptable to reproduce the entire written submissions, only apply what is appropriate to the resolution of your case.

## **5.27. EVALUATION OF EVIDENCE DURING JUDGEMENT WRITING**

### **3<sup>rd</sup> Session Chair:**

Hon. Justice *Jacqueline Mwondha*

### **Presenter:**

Hon. Justice *Lawrence Gidudu*

*(both their pictures captioned earlier)*

Justice *Gidudu* emphasised that the evaluation of evidence is one of the cardinal stages of judgment writing. It is based on identified issues, hence the investigation process begins by defining issues as prepositions of the law or fact made by one party but opposed by the other (Order 15 rule 1 and Order 12 CPR). Issues are in most cases framed at the conferencing trial stage (O.12 CPR) but can also arise during or after evidence hearing (O.15 rules 3-4 CPR). Identifying issues aids in

distinguishing relevant facts and arguments from unnecessary digressions on the specific questions before the court. Each issue for resolution should be stated clearly to aid in distinguishing relevant facts and arguments from irrelevant digressions, as well as providing direction for the decision. Issues of law should be investigated first because they may dispose of the case; occasionally these arise as preliminary objections.

*Gidudu* warned that questions, in essence similar to issues, might also arise after the evidence hearing. These are framed during judgment writing as sub-issues. They are common in applications supported by affidavits. In criminal cases, they arise from the evidence that the prosecution adduces which the accused denies. Contradictions in evidence also raise questions for resolution. The salient difference between questions and issues is that in most of the cases, questions relate to facts, while issues involve the law.

*Gidudu* underscored that evidence interrogation necessitates a thorough understanding of the elements of the offence in question too. The ingredients of the offence are the basic factors that make up a criminal charge. They should be expressed clearly. To guarantee that the judgement flows, the court should resolve them one at a time, in logical order. Each issue or crime ingredient should be dealt with separately, nonetheless in civil cases, two or more issues may overlap and so be dealt with jointly. In both criminal and civil trials, it is critical to specify clearly and precisely who bears the burden of proving the case or problem raised, as well as to what standard.

Applying the law to the facts is the crux of judgment writing because this constitutes the actual evidence evaluation. It is in this process that the judgement author states the ratio *decidendi* that informs the final decision. At this stage, he or she also assesses the witness's demeanor informed by the notes already recorded. The judgement should provide adequate evidence that was led on each issue to demonstrate its nature or character, what it seeks to establish, and its credibility. Its author should provide concise justifications for the final decision, indicating consideration of the propositions made by both sides during the litigation and focusing primarily on the issues that resolve the case. The author should apply the law objectively and reach a decision on each issue.

*Gidudu* further advised the new judges that in case an alibi was raised, the prosecution evidence should be assessed against the defence denial before they conclude. It is not, for example, enough to conclude that the evidence places the accused at the crime scene without comparing that

evidence against the accused with the defence evidence on the alibi (*Bogere Moses v Uganda* (Criminal Appeal No. 1 of 1997) [1998] UGSC 22 (6 July 1998)).

He implored them to always be alive to the following legal principles and situations: the admissibility of evidence, the hearsay rule, discrepancies, contradictions, credibility and demeanor of a witness, identification by a single witness, circumstantial evidence, and corroboration (*Kato Sula v Uganda* (Criminal Appeal No. 30 of 1999) [2000] UGCA 24 (22 May 2000)), shared common intention, insanity, intoxication, mistake, provocation, a claim of right, duress, self-defence, and alibi. *Gidudu* also discussed the different species of circumstantial evidence including conduct, science and technology, digital devices, and doctrines like recent possession. Finally, he warned the new judges to ensure that in criminal cases they make a finding on each count or charge to avoid omnibus convictions.

## Plenary

Concern was raised on specifying specific roles of research assistants and refraining them from writing draft judgments.

## Response

Principally, it is not palatable to dictate how judges utilise their research assistants, but the Judicial Training Institute needs to train Research assistants in Legal Opinion writing to improve on the drafts they make for their principles.

## 5.28. WRITING A JUDGMENT SCRIPT

### 4<sup>th</sup> Session Chair:

Hon. Justice *Patricia Rubagumya*

### Presenter:

Hon. Justice *Lawrence Gidudu*

*(both their pictures captioned earlier)*

Justice *Gidudu* reiterated that judgements are intended to express the Court's decision in the dispute to the parties and all stakeholders involved. Judgements outlive their authors since they serve as precedents and should be understandable to anybody, including those who lost a case. He reemphasised that in preparation for writing a judgement, one should read the file and understand the case for both sides. Reference based only on memory is unreliable since the author judge's

thinking may be cloudy as a result of other similar cases handled concurrently. He also urged that one should write to complete the judgment, with less breaks, otherwise, the judgment will be fragmented or disjointed.

*Gidudu* offered judgement writing-prose tips to the new the judges. First 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. Second, avoid long, winding and boring sentences but write in a style that you are comfortable with. Use clear sentence structures and organisation. Third, identify characters before telling what they did, use spot citations like exact pages and must be formal, clear, simple and free of jargon. Fifth, use plain English, sparingly using the legal Latin jargon only where necessary and inevitable. Lord *Denning* guides, thus:

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. (Denning, Alfred Thompson Denning. *The Closing Chapter*. Butterworths (1983) at 64).

Sixth, *Gidudu* warned against repetitions, overlaps, and quotes except if they add colour to the style. Furthermore, he called upon the judges to be gender sensitive, avoid prejudices, and be respectful to the suit parties and other readers. Where possible they should paraphrase the law or use short quotes and limit the use of italics for emphasis.

He also advised them that they can use headings in a very involved long trial. They can make dramatic statements in introducing the story to add colour and attract curiosity. For example, the Lord *Denning's* style such as “*In 1972 a sword fell on the Asians living in Uganda. It was the sword of the President General Amin*” (*Thakkar v. Secretary of State* (1974) 2 All E R. 261, Lord *Denning*). *Gidudu* applauded Lord *Denning's* approach and writing style as instructive in writing in plain judicial language. As such, judges should avoid the straight narrative style, which never really poses the question to be answered until the end.

He cautioned judges not to summarise the evidence of every witness who testified, instead they should adopt discussing that evidence and decide if they accept it or not. Hitherto, they should give their reasons and state their findings. Paragraphing gives readers a break, and proper use of grammar and punctuation show professionalism and make writing easier to understand. *Gidudu*



advised the judges to read judgments of their senior judges to appreciate the use of style and language in making judgments more professional.

*Gidudu* observed that regular judgment writing is a way of practicing and perfecting the science and art of writing understandable judgments. Timely judgement delivery is of essence (Articles 28 and 126 *Constitution of the Republic of Uganda, 1995*). Delay in handing down the decision increases the litigants' agony and frustration. He stated that in Uganda a judicial officer should deliver a judgment within 60 days after trial hearing (*The Uganda Code of Judicial Conduct*). Comparably, in other countries such as Australia, the Philippines, Guyana, and Nigeria the judgment timeline is 90 days. Delay attracts a disciplinary action, for example: in Australia 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; while in Nigeria, a judgment delivered after the set time is null and void.



## Plenary

- To what extent can textbook references be made in a judgement script?

## Response

- Literature review is pertinent, especially in areas that lack specific judicial precedents and much litigation, for example, human rights issues, and environmental and commercial issues.

## 5.29. CASE FLOW MANAGEMENT IN THE HIGH COURT

### 5<sup>th</sup> Session Chair:

Hon. Justice *Kania Comfort Rosette* (captioned earlier)

### Presenter:

Hon. Justice *Immaculate Busingye*

Justice *Busingye* defined a Case Management system as a process through which a case passes from the date it is commenced or filed to its final disposition. She argued that ideal case flow management ensures that a case file moves efficiently and effectively through the court system.

With this background, she described the Electronic Case Management Information System (ECCMIS) as an automated system that monitors all case file data from filing, disposition, taxation, execution, and appeal.

*Busingye* outlined the benefits of effective case flow management, noting that it guarantees fair treatment of court users, prompt case resolution, curbs corruption, improves attendance of parties and their witnesses in court, monitors caseloads, ensures hearing certainty, and encourages Alternative Dispute Resolution, among others. Poor case flow management causes case backlog. She identified the cardinal stakeholders in case management as including litigants, lawyers, registrars, registry staff, court clerks, magistrates and judges.

She discussed the elements of case management that ensure proper case flow management. These are: procedural planning; document and evidence management; management of exhibits (must be signed, dated, and marked) and determination of whether or not the evidence contained therein is admissible or not; case directions such as summons for directions; prompt resolution; and case monitoring. She urged the new judges to weed out cases that have been in the court system for two years with no recourse to trial. A court case is considered closed after the bill of costs is taxed and a certificate of taxation issued. She noted costs are at the court's discretion (the *Advocates Act*. 2002. Cap 267; *Civil Procedure Act*. 1929 (as amended by 2000) Cap 71(CPA) s.27).

In conclusion, *Busingye* underlined that case management is an important feature of the legal process, particularly in complicated cases, because it ensures that cases are managed efficiently, resources are distributed effectively, and all parties' rights are respected and protected.

## **Plenary**

— The dilemma of non-response to served summons to the parties.

### *Response*

Explore CPR Order 5 for the legal response.

### 5.30. THE BAR - BENCH RELATIONSHIP (6<sup>th</sup> Session: Panel Discussion)



Hon. Justice *Tadeo Asiimwe*  
President UJOA



Counsel *Anthony Asiimwe*  
Rep. of the President Uganda Law Society

#### i) *A View from the Bench*

Justice *Asiimwe* defined the term “*Bar bench relationship*” as one between judicial officers and Advocates where both supplement each other, understanding each other’s role, during the administration of justice. Mutual respect is key for the maintenance of cordial relations between the two parties. Both parties should appreciate the duties of each other to ensure the proper administration of justice.

Justice *Asiimwe* listed, in his view, the duties of the Bar below -

- Maintenance of respect and confidence in the judicial office. This includes politeness to the court and protection of the court from unfair criticism.
- Not to provide undue attention and hospitality to the judicial officers in expectation of favours.
- A lawyer should be honest and fair even if the judgment is against their client. This involves dealing with the facts and the law honestly.
- Competence and diligence

*Asiimwe* also listed, in his view, the duties of members of the Bench, including:

- Judicial Respect
- Patience and Listening

- Avoidance of interruptions. Some people are disrupted by newspapers and social media while in court.
- Fairness to both parties
- Avoid unnecessary adjournments. It is important to go on with day- to-day hearings.
- Quick Disposal of cases. Judicial officers should readily be able to write judgements.
- Grounded in the Law. This increases the confidence that people have in the judiciary.
- Good appearance and conduct. Professional dressing improves the image of the judiciary.

Participants to be each other 's keepers.

The above roles cement a good symbiotic relationship between the Bar and the Bench, promote the independence of the judiciary and leads to the effective administration of justice.

*Asiimwe* implored the judges to adhere to the core values of judicial conduct as contained in the *Uganda Judicial Code of Conduct* which includes: - Independence, Impartiality, Integrity, Propriety, Equality, Accountability and Transparency. He implored the new judges to look out for mentors some of whom are their senior judges. He emphasised in conclusion that a strong relationship between the Bar and the Bench cannot be underestimated in the administration of justice for the benefit of access to justice for all.

## ii) *A View from the Bar*

Counsel *Anthony Asiimwe* who represented the President of the Uganda Law Society quoted Stephen Breyer, a Former Associate Justice of the Supreme Court of the United States, thus:

We can speak about the institution but ultimately the Bar is both the group that is in touch with the public on one hand and understands the judicial institution on the other (Stephen Breyer Quotes. BrainyQuote.com, BrainyMedia Inc, 2024.

Available at [https://www.brainyquote.com/quotes/stephen\\_breyer\\_218445](https://www.brainyquote.com/quotes/stephen_breyer_218445), accessed March 16, 2024.)

*Anthony* highlighted that the main duty of the judiciary is dispensing justice, which process involves the functioning of two wheels: The Bar and Bench that act like two wheels of the bicycle. They are supplementary and complementary to each other. Thus, mutual respect for each other is mandatory to maintain their cordial relations. Effectively administering justice in courts requires the operation of harmony between the Bar and the Bench.

*Anthony* defined the term 'Bar' as licensed attorneys or advocates who practice in courts or a court of any state while the 'Bench' contains judicial officers. The official capacity of the

court includes members of the legal profession. Counsel *Anthony* also highlighted, in his view, the duties of the *Bar* in maintaining the *Bar-Bench* relationship below:

- To preserve respect for the court. This is not just for the temporary judicial office holder but also for the court's paramount significance.
- Judicial officers unable to defend themselves are entitled to the Bar's protection against unfair criticism and uproar in and out of the media. The challenge is social media poses in upholding this duty.
- An advocate should never provide a judicial officer undue attention or hospitality that is uncalled for by the parties. For example, offering car lifts to and from the court.
- On personal connections, an advocate should avoid doing anything to seek or appear to obtain a judicial officer's particular personal regard or favor. For example, communicating on phone to a favored officer in court.
- To maintain confidence in the judicial office.
- To always conduct him or herself in a polite and courteous manner towards the judicial officer. He implored the new judges against getting into unnecessary fights.
- An advocate should not discuss a pending case with a judicial officer unless the opposite advocate is present
- An advocate should be honest and fair before the court and the sitting judicial officer even if the judgment is against their client.

Counsel *Anthony* also highlighted, in his view, the duties of the *Bench*, including:

- Mutual interparty respect by advocates and judicial officers.
- Just and progressive interpretation (The objective should be to treat all parties fairly)
- Avoidance of unnecessary adjournments.
- Speedy disposal of cases
- Legal Knowledge (Judicial officers should avoid citing outdated law)
- Industriousness (consistent and methodical effort and research in procedure and judgment).

*Anthony* reported how some lawyers cite particular judicial officers and not necessarily the court. The independence of the court and the legal profession is founded on a free and independent judiciary. The Bench is responsible for nurturing the Bar's ideals. Consequently, only maximum collaboration between the Bar and the Bench can achieve the judiciary's constitutionally mandated

aims. These two polar opposites reflect two separate aspects of daily existence. Justice cannot be achieved in court administration without their agreement.

*Anthony* also underlined the Bar's expectations from the Bench. Some of them are:

- Independence (The rule of law guarantees a judicial officer judicial independence)
- Impartiality (It doesn't matter who's making a decision as long as it is made on an impartial basis)
- Integrity (It is necessary for an individual to maintain integrity in order to execute judicial duties correctly)
- Propriety (Without propriety, all operations of the judicial officer are undermined)
- Equality (Ensuring that everyone receives equal treatment in court is crucial to proper judicial performance).

He cautioned that the Bar and Bench relationship, occasionally suffer conflicts. He recommended dialogue whenever they conflict. He concluded that considering the duty of the Bar and the Bench to the public generally, what is required is an amicable and mutually respected Bar and Bench with lofty aims for the public good and protection of aggrieved people, citizens and other constitutional and basic rights. The Bench should not lose sight of their own integrity or the dignity of the tiniest court user.

## **Joint Plenary**

*The following issues were raised:*

- Attack on Judicial Officers by members of the Bar
- Legal aid service.

## *Responses*

- The ULS President has continually condemned attacks of Judicial Officers
- A trial judge can refer unrepresented litigants legal aid service providers. The providers use the indigent test under the Rules to accept litigants who qualify for the aid. There is however a need to pass both the legal aid policy and the National Legal Aid Bill.

## DAY ELEVEN

### 5.31. INDEPENDENCE OF THE JUDICIARY AND JUDICIAL ACCOUNTABILITY

#### **1<sup>st</sup> Session Chair:**

The Executive Director, JTI  
Justice *Damalie Lwanga*  
(captioned earlier)

#### **Presenter:**

The Chairperson, Judicial Service Commission  
Justice *Benjamin Kabiito* (captioned below)

Justice *Kabiito* emphasised the importance of having mentors in the judiciary who can offer guidance wherever consulted. He underlined the need to adhere to the Judicial Oath, in essence administering justice to all without fear, favor, affection or ill will.

He warned them against the danger of external interference that may emanate from senior judicial managers, former classmates, colleagues, political leaders or security forces. He advised them to remain steadfast and to always do the right thing, and in most particular to desist from favoring friends and relatives during adjudication of cases. It is cardinal to recuse from such cases and to also avoid rendering justice with ill will or vengeance. For example, due to a failed sexual or other personal relationships.

*Kabiito* underscored the cardinal principle of judicial independence (*Constitution of the Republic of Uganda*, 1995, Art 128), which is further explained by the *Uganda Code of Judicial Conduct*, 2003 that differentiates between Institutional independence and individual independence. He called upon the judges to maintain a character that is beyond reproach, always prepare before conducting a hearing and reemphasised the need for consultation whenever one is stuck. He implored them to be accountable during their decision making since some lawyers can be dishonest even in their pleadings.

He walked the judges through the operation of the disciplinary committee, a process he described as transparent and inquisitorial aimed at truth finding. He, however, decried the new wave of challenges that the Judicial service commission is facing, which include abuse by social



media, publications that flaw the *sub judice* rule and donor pressure on how to perform their work. To this end, He implored the new judges to desist discussing issues that may end up in their courts on social media, cautiously use of social media, to respect the *sub judice* rule. He advised them to be hardworking and to avoid asking their research assistants for draft judgments. Researchers should only give them legal opinions subject to the judge's oversight. He called onto the need to come up with Researchers Office guidelines.

Encouraging them further, *Kabiito* recalled the legal maxim of *Paul Finkelman* that states that 'let justice be done, though the heavens may fall' (*R v Wilkes* (1770) 4 Burr 2527, Lord Mansfield; cited too by Paul Finkelman, *Let Justice Be Done, Though the Heavens May Fall: The Law of Freedom*, 70 Chi.-Kent L. Rev. 325 (1994)). However, *Kabiito* contended that the above maxim should be contextualised in the prevailing social circumstances, for example, while justice should prevail, it is socially inconceivable to evict a whole village for the justice of one person.

He recalled the roles of the Commission, in essence: appointment and disciplining judicial officers; reviewing and making recommendations on the terms and conditions of service of judicial staff; educating the public because an empowered citizenry empowers the process of administration of justice; receiving and processing recommendations and complaints from the public; bridging the gap between the people and the judiciary; and advising the government on ways to improve the the administration of justice. He also highlighted the common disciplinary offenses such as indecent dressing, absenteeism, nepotism, corruption, and insubordination among others. He pointed out some of the sanctions imposed by the Commission. These include dismissal, suspension, rank reduction, order for a written undertaking from the officer not to repeat the offence, salary reduction, stoppage of increments, deferment of increments, severe reprimand, order of payment of compensation, and recovery of the cost or part of the cost of any loss or damage caused by default or negligence, whether by deduction from salary or gratuity or otherwise. In illustration he referred to a situation where a judge was dismissed from service for among other things, for failing to properly handle a one Rwakasisi's bail application and irregularly acquitted an accused (*unreferenced*).

Finally, *Kabiito* urged the new judges to ensure that they had jurisdiction over the case they entertain, to assert individual and institutional independence, to hold themselves accountable for their decisions, and to embrace technology while remaining cautious and alert.



## Plenary

*The following issues were raised:*

- How to address realising self-errors?
- Addressing misconduct,
- Modus of consulting colleagues or seniors and mentorship of Judicial Officers.

## *Response*

- Self-reporting has not happened before however it can happen in instances when one is seeking forgiveness or empathy. The Commission will then investigate it like any other disciplinary matter and make a decision accordingly.
- Consultation is encouraged, seeking guidance but make a decision as to ensure judicial independence.
- Organisational Mentorship is not provided for; one has to identify a mentor. There was an old practice, for example, where new judges would be attached to divisions such as the Commercial Division for two months before induction. There is therefore a need to consider developing a mentorship program for new judges.

## 5.32. THE PRACTICE AND CHALLENGES IN HANDLING COMMERCIAL MATTERS

### **2<sup>nd</sup> Session Chair:**

Hon. Justice *Lubega Farouq*  
(captioned earlier).

### **Presenter:**

Hon. Justice *Stephen Mubiru*  
(captioned below)

Justice *Mubiru* (the *Head Commercial Court*) shared his personal drivers of steadfast performance that range from seeking divine guidance and inspiration; taking stock of personal attributes; securing family backing and understanding; knowing your core team; adopting an impact rather than a conservative approach; problem-solving rather than declarant of law; and balancing duties and responsibilities.



He recalled the general position of the High Court, stating that the Court was established by Article 139 (1) of *The Constitution, 1995* with unlimited original jurisdiction in all matters and also with the Appellate jurisdiction conferred by statute. He noted that the Uganda High Court is divided into seven divisions and 20 circuits; with an average of seven judges per division and one judge in a circuit. The Principal Judge is the administrative head of the High Court of Uganda.

*Mubiru* proceeded to explain the nature of commercial disputes that the High Court entertains. He noted that Ugandan law defines commercial disputes as:

All actions arising out of or connected with any relationship of a Commercial or business nature, whether contractual or not, including, but not be limited to; (i) the supply or exchange of goods and services; (ii) banking, negotiable instruments, international credit and similar financial services; (iii) insurance, reinsurance; (iv) the operation of stock and foreign exchange markets; (v) the carriage of goods (by water, land and air); and (vi) foreign judgments and commercial arbitration questions (*The Constitutional Commercial Court (Practice) Directions 1996*, SI Constitution No 6, Reg. 4 )

The above comprise the business over which the High Court Commercial Division has jurisdiction. However, *Mubiru* observed that in some of the cases this jurisdiction converges with that of the Land Division, Civil Division and the Industrial Court.

He highlighted the contextual characteristics of the Commercial Division, the most cardinal ones are: protecting the economy; contemporary state of the economy; business culture; litigation culture; frequency of expert testimony; effectiveness of the Alternative Dispute Resolution (ADR) mechanisms and its administrative and appellate intervention. Other court's litigation features include the complexity of commercial related laws alongside disputes that entail volumes of documentary evidence.

To achieve the Division's common pitfalls *Mubiru* recommends strategies such as docket management through goal setting, categorical and intentional cause-listing, setting standards on how to deal with advocates and litigants' occasioned trial delays; and guarding against judge forum shopping. Finally, he implored the judges to balance quality with quantitative case turnovers.

## Plenary

*Some of the issues raised:*

- Do central divisions link with circuits?
- Preliminary objections; *ex tempore* decisions,
- How to strike a balance between economy and sensitivity to business owners' concerns

## Responses

- As at the reporting time, there was no formal linkages in place between circuits and divisions. However, the commercial Division had plans of opening a website specifically for commercial decisions which the circuits can easily access. *Mubiru* proposed creation of forums for interactions between circuits and divisions.
- Preliminary Objections are ordinarily raised under two categories: urgent ones which cannot be differed and the ordinary ones that can be resolved in the decision. Depending on the trial judge's style, you can penalise them to reduce on them being raised, or advise them to raise them as issues.
- *Ex compare* decisions are those that the court makes immediately after hearing a matter, they are usually made in respect of interlocutory applications. It is a good practice to come up with decision templates for *Ex compare* acceptance and rejections.
- To strike a balance between the litigants' business interests and economy, it is ideal to apply best principles that can for example help sustain struggling small enterprises while at the same time ensuring that they meet their obligations, such bank debts. For example freezing the interest if they pay the principal owed sums.

### 5.33. HUMAN RIGHTS AND FREEDOMS IN CHAPTER FOUR OF THE CONSTITUTION; AND RELATED LEGISLATION

#### 3<sup>rd</sup> Session Chair:

Hon. Justice *Amos Kwizera*  
(captioned earlier).

#### Presenter:

Dr. *Harriet Diana Musoke*  
(captioned below)

Senior Counsel, Dr. *Musoke* defined human rights as a person's entitlement simply because they are human beings. These rights are exercised inherent, irrespective of one's citizenship, nationality, race, ethnicity, language, sex, sexuality or abilities.

She underscored that they are normative international laws that are codified as Covenants, Conventions or Treaties; or if they are recognized as



customary international law. They can be categorized as Civil and Political Rights, Cultural Rights, Economic Rights, and Social and Economic Rights.

*Musoke* discusses the diverse Human rights identities that are not limited to their universality, indivisibility, interdependence, inalienability, equality and non-discriminatory characteristics. She highlighted the Rights and freedoms enshrined in Chapter four of the *Constitution of the Republic of Uganda, 1995* in Articles 20 - 44. To that end, she emphasized the the judiciary's role in promotion of the citizenry's human rights protection, that is the Judiciary's mandate to enforce the rights and freedoms provided in the Constitution (*Constitution of the Republic of Uganda, 1995* Art 50). Hence, the Judiciary influences the understanding of human rights in the domestic setting, addresses gaps in legislative guarantees of human rights and ensures accountability for violations of human rights.

*Musoke* urged the new judges to use a human rights approach in dispensing justice; following the human rights' normative principles of participation, accountability, non-discrimination, indivisibility and rule of law, and the best interest of the child where matters involve children. She implored them to implement the *Human Rights (Enforcement) Act 2019* and the *Judicature (Fundamental and other Human rights and Freedoms) (Enforcement Procedure) Rules of 2019* in order to give effect the Human Rights Protection guarantee under Chapter Four, Art. 50(4) of Uganda's Constitution. This adds to the pool of jurisprudence on courts protection against human rights violations, and encourages related constitutional and public interest litigation on human rights protection issues.

Specifically, *Musoke* discussed the right to Fair Hearing underscoring its guarantee of the presumption of innocence (*Universal Declaration of Human Rights (UDHR)*. New York: United Nations General Assembly (10 December 1948.) 217 A (III), Art. 11(1); "International Covenant on Civil and Political Rights." *Treaty Series* 999 (December): 171 [ICCPR], Art.14(2); *Constitution of the Republic of Uganda*.,1995, Art. 28(3)(a)). She highlighted the challenges where rights are violated through the court process for example through the non- interpretation of the language of the Court which is English to local dialects that the accused understand or speak; complicated and lengthy court procedures; lack of interpretation of the social and economic rights; dependence on other organs of the State such as the police without holding such government entities accountable and as a result degenerating the judicial institutional independence.

*Musoke* concluded by imploring judicial activism where there are gaps within the domestic law. This calls for references to the international human rights instruments in judgements, and ultra- jurisdictional or other states and regional relevant decisions. For example, the European Court of Human Rights; the East African Court of Human Rights cases.

## Plenary

### *Salient issues raised:*

- orders for enforcement of progressive rights; judicial activism; 10-year limitation rule.

### *Responses*

- Progressive rights are enforceable when government has the resources to avail them.
- Through judicial activism, trial judges can call experts on cardinal human rights violations and use the expert reports to inform their decisions.
- The 10-year limitation principle does not apply to the non-derogable rights.

## 5.34. ETHICS, INTEGRITY, AND THE CODE OF JUDICIAL CONDUCT

### **4<sup>th</sup> Session Chair:**

Hon. Justice *Jamson Karemani Karemera*  
(captioned  
(captioned below)

### **Presenter:**

Ms. *Ruth Sebatindira* (Commissioner JSC  
*earlier*).

*Commissioner and Senior Counsel Ms. Sebatindira* defined the term *ethics* as moral norms or standards of professional conduct (Garner, Bryan A. *Black's Law Dictionary*. Standard Ninth edition. West; 9th edition, 2009). She noted that Judicial ethics consists of the standards and norms that bear on judges and covers such matters as how to maintain independence, impartiality

and propriety. The judiciary cannot exist without the trust and confidence of the people. Judges must therefore be accountable to the people to whom they owe their allegiance through observing the legal and ethical standard.



*Sebantindira* emphasised the Judicial Constitutional mandate legislated by Article 126 (1-2) requiring impartial justice, promotion of reconciliation, awarding due compensation, non-delayed justice, administered without undue regard to technicalities. She recalled Uganda's constitution's objective XXVI under the national objectives and directives principle of state policy, Article 149 and Fourth schedule on Judicial Oath, which all require non-discriminatory administration of justice to all people without fear or favour, affection or ill will.

She referred to the Uganda *Judicial Service Act*.1997, Cap 14, *Laws of Uganda*, s. 28, which empowers the Commission to make regulations providing for the organisation of the work of the Commission and regulating how it shall exercise its functions. She discussed the judicial ethical principles: the independence, impartiality, integrity, propriety, equality, competence, and diligence stipulated in the *Uganda Code of Judicial Conduct* and she also emphasised "The Judicial Service Commission Regulations" S.I 87/2005, reg. 23 that spells out the offences that constitute acts of violation of the above judicial principles. She highlighted the common ethical issues or complaints such as corruption, laziness, and poor timekeeping against the judicial officers and urged new judges to desist from them.

*Sebantindira* advised the inductees that upholding judicial ethics promotes competence, guides the judge's execution of independent, impartial, and proprietary judicial duties that garner public confidence. Finally, she reechoed the quotes of *Albert Camus: A man without Ethics is a wild beast loosed upon this world* (Albert Camus Quotes. BrainyQuote.com, BrainyMedia Inc, 2024. [https://www.brainyquote.com/quotes/albert\\_camus\\_118026](https://www.brainyquote.com/quotes/albert_camus_118026), accessed March 18, 2024) and *Mahatma Gandhi: I will not let any one walk through my mind with their dirty feet* (Mahatma Gandhi >Quotes>Quotable Quote, <https://www.goodreads.com/quotes/2450-i-will-not-let-anyone-walk-through-my-mind-with#>, accessed March 18, 2024).

## Plenary

### *Cardinal raised Concerns:*

- bribes in the names of judges; delineation of the socializing limits; high corruption levels.

### *Responses*

- To guard against people taking bribes in your name, make it clear to all people before your court that you do not accept any bribes,
- Walk the talk: Do not insinuate taking them, or take them at all

## DAY TWELVE

### 5.35. THE STRUCTURE AND FUNCTIONS OF THE JUDICIARY; AND THE ADMINISTRATION OF THE JUDICIARY ACT

**1<sup>st</sup> Session Chair:**

Hon. Justice *David L. Makumbi*

**Presenter:**

HW *Sarah Langa Siu* - the Chief Registrar



HW *Langa* recalled the people's power-centred constitutional tenet that Uganda's judicial power is derived from the people (*Constitution of the Republic of Uganda*, 1995, Art. 126(1)). She emphasised the constitutional Judiciary's independence pillar and mandate which the new judges should uphold (*Constitution of the Republic of Uganda*, 1995, Arts. 126(2) and 128). Specifically, the mandate calling for justice to all irrespective of social or economic status, expedited, award of adequate compensation to victims of wrongs, promoting interparty reconciliation and substantive justice without undue regard to technicalities. She noted that the judiciary's mandate is enabled further by Chapter 8 of Uganda's Constitution and the *Administration of the Judiciary Act*, 2020 (AJA)) that operationalized this Chapter.

She underlined the judiciary's role to contribute to economic transformation through revenue collection by way of court fees and fines; creation of peaceful societies (for example, incarcerating murderers, terrorists, robbers, embezzlers and all other criminals) and resolution of commercial and land disputes in order to free back the money alongside other factors of production. She reiterated the vision and mission of the Judiciary in the context of the Sustainable Development Goal (SDG)16: promoting peace, justice and strong institutions. She underlined the Judiciary's guiding values of independence and impartiality, transparency, professionalism, integrity, accountability, equality and respect. She explained integrity as the foundation for the works of judicial officers and that equality and respect of litigants is cardinal.

*Langa* highlighted the structure of the Judiciary as stipulated under Article 129 (1) of Uganda's Constitution, that is, the Supreme Court, Court of Appeal, High Court (Divisions and Circuits) and Magistrates Courts. She also explained the Judiciary's managerial operation structure: the top management (headed by the Hon. the Chief Justice, assisted by the Deputy Chief Justice, the Principal Judge, the Chief Registrar and the Permanent Secretary/ Secretary to the Judiciary; The Chief Registrar and the Permanent Secretary are at the same level). The judicial officers are categorised as justices of the Supreme Court and Court of Appeal, judges of the High Court, registrars, and magistrates. The non-judicial officers' categories include managers (such as the permanent secretary, undersecretary, accountants, and commissioners) and other support staff (court clerks, process servers, secretaries, drivers, and security officers, among others).

Procedurally, she clarified that the Supreme Court and Court of Appeal Justices sit in uneven-numbered panels of justices; the judges of the High Court sit singly in circuits across the country. 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. The Magistrate courts are at the helm of the administration of justice. She reported the increased staffing in the Judiciary with 82 out of the 160 operational Chief Magisterial areas and 126 out of the 369 operational Magistrates Courts. The Judiciary hopes to have a magistrate grade one in every constituency and a chief magistrate in all the 146 districts in the country.

*Langa* highlighted the reporting line of the lower bench that is headed by the Chief Registrar. She referred to the schedule of duties and key performance indicators for the Registrars and Magistrates, 2016. Chief Magistrates are in charge of the magisterial areas 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; organising 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). They report to the district / circuit registrars. However, this schedule is under review for the development of a more comprehensive scheme of service that unpacks person specifications of the judicial officers and non-judicial officers.



*Langa* further reported that the judiciary has an inspectorate of court mandated to ensure quality assurance in the delivery of justice. This department is provided for by the AJA. It investigates public complaints against the judicial officers and its Judiciary Disciplinary Committee prosecutes the prima facie/ probable complaints as cases. She lamented that the inspectorate is understaffed, for it is supposed to have ten deputy registrars to help its implementations. She also highlighted the role of the Judicial Training Institute (JTI). She reported plans of constructing its state-of-the-art modern training facility out of Kampala; developing a training curriculum and training 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).

*Langa* enumerated the key functions of the Judiciary, as: the 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; licencing and disciplining court bailiffs; keeping custody of laws enacted as well as disseminating legal literature; receiving government revenue accruing from courts; and introducing modalities for alternative dispute resolution to reduce court case backlogs. She recognised too the Judiciary's human resource support that includes five departments and two units namely, the Finance and Administration, Human Resource Management, Engineering and Technical Services, Information, Communication and Technology, Policy and Planning, Internal Audit, and Procurement and Disposal Unit. She highlighted how the judiciary administration will manage the staff' performance during the year under review. For instance; the judicial officer will be rated through a self-appraisal (15%), supervisor (35%), subordinate (10%), peers (20%), lawyers who frequent the court (5%), prosecutors (5%) and members of the public (10%).

*Langa* underscored the objectives of the current judiciary strategic plan, including: 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; improving public awareness and the image of the Judiciary; and enhancing resource mobilization and management. She mentioned also the Judiciary other plans to improve its physical infrastructure, emphasising: the construction of court buildings and institutional

houses; renovation and rehabilitation of some existing structures; completing the Judiciary Archive centre; providing facilities for special needs and breastfeeding rooms; and getting regional courts of appeal in Mbale, Gulu, Arua, Jinja, Masaka, Mbarara, Fort Portal, and Soroti; and strengthening the use of ICT in the administration of justice through use of Electronic Court Case Management Information System (ECCMIS). As at the time of her report, ECCMIS was operational in seven cluster one courts (the Supreme Court, the Court of Appeal, the Civil Division, the Land Division, the Commercial Court, Anti-Corruption Division and Mengo Chief Magistrates Court). The second cluster was expected to commence by October 2022. She applauded ECCMIS because it ensures e-filing of court cases, reduces case backlog due to the easy access to case information and details, facilitates litigants or public to access online information about their cases, eliminates problems of loss of files and corruption tendencies. She communicated that plans were also underway to establish specialized Courts to cater for special interests such as gender-based violence (GBV), infrastructure and environment cases (wetland encroachment, hazardous waste disposal) and mobile Courts in refugee camps or settlements.

Langa highlighted some legal reforms initiative. She reported that the *Judiciary Law Reform Committee* that was working on coming up with new regulation proposals that included the *Court Bailiffs' Rules*, the *Court Bail Guidelines*, *state brief scheme regulations*, the reviewed *Court of Appeal Rules*, the reviewed *Court Fees Rules*, the *Appellate Mediation Rules*, the *Children Friendly Procedure Rules*, *Practice Directions on Persons with disabilities*, *Plea bargain law*, and the *Amicus Curiae Practice Directions*. The Judiciary administration was in the process of enhancing the Jurisdiction of Magistrates Courts. She underlined the new judges about their jurisdiction noting that respecting jurisdiction improves the image of the Judiciary. Public awareness and perception of the 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 commended the many hardworking and innovative officers despite tough working conditions and challenges like corruption (both perceived and actual). She cautioned the new judges to desist from all forms of - absenteeism, laxity, mediocrity, laziness (for example, failure to produce a judgement or ruling in a year, poor standard, or quality work/ 'shoddy' judgments and rulings, and poor character issues (some judicial officers can be rude, intolerant, angry and

bitter). In conclusion, she asked the Registrar of the Inspector of Courts to expound the Inspectorate Registry activities.

The Inspector of Courts, *HW Lamunu Patricia* (captioned right)

briefly walked the judges through the Inspectorate of Courts mandate, leadership, and processes. She stated that the Inspectorate is established under S.8 of the AJA with functions to receive and process complaints against staff, investigate cases of maladministration, recommend remedial actions as appropriate, interface and sensitising stakeholders, and to enforce the Judicial and the Public service of conduct among others. *Lamunu* discussed the powers of Inspectorate under section 11 of AJA, which is in the



context of the mandate of the Judiciary under Article 126 of the *Constitution of the Republic of Uganda*, discussed earlier. She cited the *Judiciary Service Charter, 2023* which sets the judicial service delivery standards to improve the administration of justice, such as making just decisions to all manner of people, treat court users with dignity, provide quality judicial services, provide services in an honest and transparent manner. Others are; providing safe, accessible and convenient working environment, maintaining office hours of 8.00 a.m. to 5.00 pm, courtesy, safeguard of files, timely response to inquiries and complaints, provide reasonable assistance to people with special needs, meet targets and work load, clear supervision, management of the registry and to be creative.

## Plenary

### *Cardinal Issues that Arose:*

- When would the operationalised circuits be launched to commence work?
- Judge need to be informed about the disciplinary issues their staff are involved in;
- The need for security (home guards) for Judges, some of them have been recalled.
- lack of enough transcribers,
- guidance on the demands of support staff and extent to which the Judges can support them.

## Responses

- By the time of this report, the Uganda Public Publishers Corporation (UPPC) was yet to gazette the Instrument that operationalised the four new High Court Circuits. Hitherto, the new courts would fully operate.
- The Inspectorate has a duty to inform the Head of station in case of any disciplinary procedures against any of the staff at that station.
- Incompetent transcribers should be brought to the attention of the Registrar of the court to ensure their oversight to deliver.
- Judges need body guards and home guards and have to utilise them whether they are comfortable having them or not.

### 5.36. TRANSFORMATIONAL LEADERSHIP

#### 2<sup>nd</sup> Session Chair:

Hon. Justice *Mwaka Phillip Willebrord*  
(captioned earlier).

Justice *Chibita* described leadership to mean influence over people; a great leader influences others towards a common goal, sets out the visions and influences others towards that vision. To him:

*A great leader's courage to fulfill his vision comes from passion not positions. Leadership is not about titles or positions. Leadership is influencing people positively towards a common vision (John C. Maxwell, Author and Speaker., Quotes available at <https://www.inc.com/peter-economy/44-inspiring-john-c-maxwell-quotes-that-will-take-you-to-leadership-success.html> ,accessed March 18, 2024)*

#### Presenter:

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



*Chibita* informed the inductees that they are all leaders in their various capacities and at their different levels. As such, a transformational leader encourages, motivates and inspires. The characteristics of a good leader include being a good listener, adaptable, inspiring, accountable and integrity. Patience, professionalism, social skills, economic and spiritual discipline, and emotional intelligence are other virtues every leader must possess. A competent leader must be disciplined in time management, practice work ethics, manage stakeholders, and be presentable.

Furthermore, transformational leadership and transactional leadership differ. Nonetheless, when all is said and done, a judge should balance what they believe, with the law says, the executive needs, and the prevailing social and economic circumstances to reach a decision.

## Plenary

The salient inductees concern that arose from this session was how to strike a balance between the law says and what the Executive wants?

## Response

They were advised to be wise in determining complicated matters.

### 5.37. EXPERIENCE SHARING AND EXPECTATIONS FROM A PRINCIPAL JUDGE

**3<sup>rd</sup> Session Chair:** *HW Sarah Langa*  
The Chief Registrar (*left*).

**Presenter:**  
Hon. Justice *Dr. Flavian Zeija*, Principal Judge (*Right*)



*Dr. Zeija*, the Principal Judge congratulated the new judges. He also thanked the Chairperson of the Governing Council of the JTI and the JTI team for organising and conducting the induction training. He informed the inductees that their collective prime responsibility was to dispense the justice needs of the people in the Judiciary's respective boundaries of service, in accordance with the law. Exercise of judicial power is both



an opportunity and a privilege, which comes with an overwhelming great responsibility and commitment. He implored them to endeavor to always avoid unnecessary errors because the survival of litigants and their sources of livelihood depend on how they brandish the trust that has been handed to them as judges.

*Dr. Zeija* emphasised a judge's duty to restore and ensure sustainability of public confidence in the judicial system. Hence the burden is to perform effectively, while willing to count the cost and obedience of the public trust in full. He observed that more often than not, their sobriety as judges will be tried. They may find themselves mingled in the frustrations of an exasperating litigant, advocate or witness and when that stormy moment rages, self – restraint and soberness will often be the definitive mark of their maturity in decision making.

As a principal Judge, *Dr. Zeija* shared his experience of the many complaints of bias that he receives. He tipped them to always keep calm until the judgment or ruling is written and delivered even when they have formed an opinion that a party has a worthless claim. He appealed to them to take full charge of their courts, be good time keepers to garner the moral authority to enforce the same on other court users, deliver judgments on time, and exercise customer care. They should perform additional administrative duties including supervising subordinate staff within the respective stations, safeguarding and taking good care of Judiciary properties and facilities entrusted to them.

*Dr. Zeija* highlighted some of the challenges in the High Court such as staffing gaps, lack of enough physical infrastructure, limited/ waning furniture, ICT usage, wanting transport and other justice law and order related challenges. He promised that the Judiciary administration would continue to do what was realistically possible to remedy these challenges in the short, medium and long terms. However, some of the challenges could be addressed by the judges without waiting for intervention from Judiciary headquarters. For example, mending broken chairs, torn cushions, spoilt locks, register books with torn covers etcetera. Registrars at those stations should use operational funds and take initiative to solve such problems.

In conclusion, *Dr. Zeija* appealed to the inductees to be mindful of the principles of independence, impartiality, integrity, propriety, equality, competence and diligence as enshrined in the *Uganda Code of Judicial Conduct*. If these pillars guide them in the performance of all their duties, everything else regarding their new judicial office would go well.

## **Plenary**

The itchiest issue that arose from the Principal Judge's shared experiences was how to deal with files that are inherited while in advanced stages.

## *Response*

- Cases in advanced stages should not be transferred to incoming judges, rather judges on transfer should complete their files and deliver judgments in them.

## 6.0. RESOLUTIONS AND RECOMMENDATIONS

**4<sup>th</sup> Session:** Presentation of the Training Outcomes by the Rapporteur Team

### RECOMMENDATIONS

<b>1. Review of the Rules of Procedure</b>		
1.1	<b>Civil Procedural Rules</b> <i>The Civil Procedure (Amendment) Rules</i> , 2019, SI 33/2019 need to be reviewed because some envisage implementation challenges, e.g.: — the rule on the Summons for directions that seems to prolong rather than shorten the proceedings; — abatement of suits for non-represented litigants.	Rules Committee
1.2.	<b>Criminal Procedural Rules</b> <i>The Constitution (Bail Guidelines for Courts of Judicature) (Practice) Directions</i> , 2022 need to be reviewed to harmonise their requirements with the <i>Constitution of the Republic of Uganda</i> (1995) and its enabling primary trial laws that legislate for bail, such as the <i>Trial on Indictments Act</i> and the <i>Magistrates Courts Act</i> . — These particular provisions of the Laws should be cross-referenced as margin notes in the Rules.	Rules Committee
2.	<b>Accommodate Traditional Justice Mechanisms (TJMs)</b> There is a need for a regulatory framework that can accommodate TJMs' implementation alongside the formal justice system, in line with Article 126(1) and 2 of <i>the Constitution of the Republic of Uganda</i> (1995).	Judiciary                      Top Management / Rules Committee
3.	<b>Remuneration of Mediators</b> There is a need for the Rules to provide for the remuneration system for mediators within the Judiciary.	Rules Committee
4	<b>Juvenile Justice</b> There is a need to put in place more remand homes and rehabilitation centres nationwide with effective curricula that can offer meaningful rehabilitation programs to children found to be in conflict with the law.	Government of Uganda; Local Governments; Justice Actors



5	<b>Legal Research</b>  Like in other contemporary jurisdictions, the Ugandan Judiciary should: <ul style="list-style-type: none"> <li>— create a clear job description for research magistrates;</li> <li>—develop comprehensive manuals and a code of conduct that outlines their role as researchers</li> <li>—Underline Judges' (superior)'s oversight over their work</li> </ul>	Judiciary Top Management;  Rules Committee
6	<b>Training and Sensitisation</b>  There should be more scheduled comprehensive trainings of the judges in the new emerging legal frame work such as new Rules, for uniformity in practice and to inform the Rules' repositioning or review, where necessary.	JTI The PS/ SJ Development Partners
<b>Resolutions-</b> Nil		

## 7.0. CLOSING CEREMONY



**Left to Right:** The Chief Registrar (*Session Chair*); the Principal Judge; The Deputy Chief Justice, The Chairperson Governing Council; The Judiciary's Public Relations Officer (HW *Ereemye James JM* (*Session Moderator*))

### ***7.1. Remarks by the Chairperson Governing Council of JTI, Justice Mike Chibita***

The Chief Registrar, HW Sarah Langa invited Justice *Chibita* to give his remarks in his capacity as the governor of the Judiciary's training faculty. *Chibita* thanked the Judiciary's top management for availing the funds to conduct the induction training. He lauded the Executive Director and her team at JTI for successfully organising this training. He also thanked all the inductee judges for attending the training. He informed the new judges that the job they swore to do requires discipline in a number of areas, most pertinent being timeliness; work ethics; relating well with various stakeholders; and courteousness. He strongly believed that their appointment would help improve the administration of justice and reduce backlog. He wished them a successful judicial career.

### ***7.2. Remarks by the Principal Judge; Justice Dr. Flavian Zeija***

Dr. *Zeija* referred to his earlier reported remarks, urging the newly inducted judges to serve the people as mandated by Uganda's Constitution. He cautioned that their private life impacts the judiciary's public image. They should work hard and serve the community with integrity. He invited the Deputy Chief Justice to officially close the training.

### ***7.3. The Official Closing by the Deputy Chief Justice; Justice Richard Butera***

Justice *Butera* appreciated the honor to close the induction training. He congratulated the new judges for their appointment and welcomed them into the judicial family as fresh building blocks on the Judiciary's transformation journey. Like the earlier speakers he lauded the JTI Executive Director and her staff for organising the training. He promised to engage the senior management to fund further induction trainings of the Judiciary service staff. He had high expectations that the inductees were in a better position to serve the population efficiently after the training. He appreciated the increased number of judges, but noted that there was still a lot of work. Thus, called onto them to work hard, with integrity, and professionalism in order to realise the institutional vision and mission in the delivery of justice.

Justice *Butera* shared that as the Deputy Chief Justice, he visited various courts across the country and officiated at their open days. The public and judiciary had high expectations, including, timely delivery of judgements, zero tolerance for corruption, certainty of hearing dates,

good customer care service, work-plans, and respect and courtesy, particularly with the staff under the judges. He deplored the weakness of missing files, mismanagement bail funds and their reimbursement, poor time management, management of archives and exhibit stores, lack of accountability, poor staff monitoring, absenteeism, and failure to visit locus, among other things.

Justice *Butera* expressed excitement over the AJA's enactment, stating that judges now hold a crucial role in the justice delivery chain. They should intensely supervise their registrars and support staff. He applauded the judicial officers' improved terms of service. He urged them to embrace the Judiciary's core values during adjudication. He discouraged them from relying on advocates' submissions and called for research and quality work to meet the public expectations. He cautioned them against reliance on technicalities urged them to promote reconciliation and promote fairness. He also warned them against situations that ignite complaints during the performance of their jobs and underlined the need for competence and diligence. He advised them to consult whenever they encounter difficulties to help them learn and avoid mistakes. '*You don't understand anything until you learn it more than any one.*' (Marvin Minsky, American Scientist (1927-2016), Marvin Minsky Quotes. BrainyQuote.com, BrainyMedia Inc, 2024. [https://www.brainyquote.com/quotes/marvin\\_minsky\\_106398](https://www.brainyquote.com/quotes/marvin_minsky_106398) , accessed March 18, 2024.). The induction provided an opportunity for them to discuss strategies for improving justice delivery.

Justice *Butera* implored the judges to take what they have learnt at the induction seriously and to use it as a platform to better themselves and the institution they serve; to always serve with humility and be great managers; to do the best with whatever they have at their disposal; as they each strive towards achieving the vision, justice for all. He awarded training certificates to them.



Justice *Butera* awarding certificates to justices *Kania Rosette Comfort* and *Lubega Farouq*

The closing ceremony was crowned with a grand cocktail.

## LIST OF APPENDICES

### i) List of Participants

1. Hon. Justice Amos Kwizera – Ag. Judge Bushenyi High Court Circuit
2. Hon. Justice Jamson Karemani Karemera – Ag. Judge Kiboga High Court Circuit
3. Hon. Justice Phillip Willebrord Mwaka – Ag. Judge Gulu High Court Circuit
4. Hon. Justice David L. Makumbi – Ag. Judge Fort Portal High Court Circuit
5. Hon. Lady Justice Dr. Christine Akello Echokit – Ag. Judge Family Division
6. Hon. Lady Justice Aisha Naluzze Batala – Ag. Judge Land Division
7. Hon. Lady Justice Kania Rosette Comfort – Ag. Judge Criminal Division
8. Hon. Lady Justice Rubagumya Tumusiime Patience Emily – Ag. Judge Commercial Division
9. Hon. Justice Lubega Farouq – Ag. Judge Mbale High Court Circuit
10. Hon. Lady Justice Jaqueline Mwondha – Ag. Judge Mukono High Court Circuit

ii) Programme



**THE JUDICIAL TRAINING INSTITUTE**

**PROGRAMME FOR ORIENTATION / INDUCTION OF THE NEWLY APPOINTED  
ACTING JUDGES OF THE HIGH COURT**

**VENUE: IMPERIAL GOLF VIEW HOTEL, ENTEBBE**

**DATES: 12<sup>TH</sup> TO 24<sup>TH</sup> OF NOVEMBER 2023**

<b>DAY 1 — SUNDAY 12<sup>TH</sup> NOVEMBER 2023</b>		
<b>CHECK-IN AT THE HOTEL</b>		
<b>DAY 2—MONDAY 13<sup>TH</sup> OF NOVEMBER, 2023</b>		<b>RESPONSIBLE/ACTION PERSON</b>
8:30 - 9:00 am	<b>Registration</b>	Secretariat
	Administrative Announcements	Registrar, HR Development & Training, JTI
9:00 -11:00 am	<b>OPENING CEREMONY</b> - Prayer -Welcome Remarks by The Executive Director, JTI -Remarks by the Hon. The Principal Judge -Official Opening by the Hon. The Chief Justice  <b>Session Chair:</b> The Chief Registrar	
11:00 -11:30 am	<b>GROUP PHOTO AND HEALTH BREAK</b>	
11:30 -1:00 pm	<b>Topic: CRIMINAL TRIAL PROCEDURE AND PRACTICE IN THE HIGH COURT (Pre-trial, Plea Taking, Trial Process up to Conviction/Acquittal)</b>  <b>Presenter:</b> Hon. Justice Michael Elubu – JHC, Head Criminal Division  <b>Session Chair:</b> Hon. Justice Amos Kwizera – Ag. Judge Bushenyi High Court Circuit  <b>Plenary</b>	
1:00 - 1:30 pm		
1:30 - 2: 30 pm	<b>LUNCH BREAK</b>	
	<b>Topic: CIVIL TRIAL PROCEDURE AND PRACTICE IN HIGH COURT</b>	

2:30 - 4:30 pm	<p><b>Presenter:</b> Hon. Justice Musa Ssekaana – JHC/Head Civil Division</p> <p><b>Session Chair:</b> Hon. Justice Jamson Karemani Karemera – Ag. Judge Kiboga High Court Circuit</p> <p><b>Plenary</b></p>
4:30 - 5:00 pm	
5:00 pm	<b>EVENING TEA/COFFEE</b>
<p align="center"><b>DAY 3: TUESDAY 14<sup>TH</sup> NOVEMBER, 2023</b></p>	
8:30 – 9:00 am	<b>Registration</b>
9:00 – 10:00 am	<p><b>Topic: ADMINISTRATION AND MANAGEMENT OF FINANCES; AND THE TERMS AND CONDITIONS OF SERVICE OF A HIGH COURT JUDGE</b></p> <p><b>Presenter:</b> Permanent Secretary/Secretary to Judiciary</p> <p><b>Session Chair:</b> Hon. Justice Phillip Willebrord Mwaka – Ag. Judge Gulu High Court Circuit</p>
10:00 - 10:30 am	<b>Plenary</b>
10:30 - 11:00 am	<b>HEALTH BREAK</b>
11:00 -12:00 pm	<p><b>Topic: THE STRUCTURE AND FUNCTIONS OF THE JUDICIARY; AND THE ADMINISTRATION OF THE JUDICIARY ACT</b></p> <p><b>Presenter:</b> The Chief Registrar</p> <p><b>Session Chair:</b> Hon. Justice David L. Makumbi – Ag. Judge Fort Portal High Court Circuit</p>
12:00 - 12:30 pm	<b>Plenary</b>
12:30- 1:30 pm	<b>LUNCH BREAK</b>
1:30 - 2:30 pm	<p><b>Topic: PROTOCOL AND ETIQUETTE – NATIONAL AND INTERNATIONAL STANDARDS</b></p> <p><b>Presenter:</b> Department of Protocol, Ministry of Foreign Affairs</p> <p><b>Session Chair:</b> Hon. Lady Justice Dr. Christine Akello Echokit – Ag. Judge Family Division</p>

2:30 - 2:50 pm	<b>Plenary</b>
2:50 - 3:50 pm	<b>Topic: APPLICATION OF ICT IN THE JUDICIARY</b>  <b>Presenter:</b> Mr. David Sunday Kikabi – Principal Information Technology Officer  <b>Session Chair:</b> Hon. Lady Justice Jaqueline Mwendha – Ag. Judge Mukono High Court Circuit  <b>Plenary</b>
3:50 - 4:15 pm	
4:15 - 5:15 pm	<b>Topic: MANAGEMENT OF HIGH COURT CIRCUITS; PRACTICES AND CHALLENGES</b>  <b>Presenter:</b> Justice Dr. Winfred N. Nabisinde – JHC/Resident Judge Jinja  <b>Session Chair:</b> Hon. Lady Justice Aisha Naluzze Batala – Ag. Judge Land Division  <b>Plenary</b>
5:15 - 5:40 pm	
5:40 pm	<b>EVENING TEA/COFFEE</b>
<p style="text-align: center;"><b>DAY 4: WEDNESDAY 15<sup>TH</sup> NOVEMBER, 2023</b></p>	
8:30 - 9:00 am	<b>Registration</b>
9:00 - 10:00 am	<b>Topic: THE PRACTICE AND CHALLENGES IN HANDLING CASES AT THE ANTI-CORRUPTION COURT</b>  <b>Presenter:</b> Hon. Justice Lawrence Gidudu – JHC/Head Anti-Corruption Division.  <b>Session Chair:</b> Hon. Lady Justice Kania Rosette Comfort – Ag. Judge Criminal Division
10:00 -10:30 am	<b>Plenary</b>
10:30 - 11:00 am	<b>HEALTH BREAK</b>
11:00 - 12:00 pm	<b>Topic: THE LAW AND PROCEDURE IN JUVENILE JUSTICE (CHILDREN IN CONFLICT WITH THE LAW)</b>  <b>Presenter:</b> Hon. Justice Margaret Mutonyi – JHC Criminal Division.  <b>Session Chair:</b> Hon. Lady Justice Rubagumya Tumusiime Patience Emily – Ag. Judge Commercial Division
12.00 -12:30 pm	<b>Plenary</b>
12.30 - 1.30 pm	<b>LUNCH BREAK</b>

1.30 - 2:30 pm	<b>Topic: HANDLING OF MARRIAGE AND DIVORCE MATTERS BY THE HIGH COURT</b>
	<b>Presenter:</b> Hon. Justice Eva Luswata – Justice of the Court of Appeal
2:30 - 3:00 pm	<b>Session Chair:</b> Hon. Justice Lubega Farouq – Ag. Judge Mbale High Court Circuit
	<b>Plenary</b>
3:00 - 4:00 pm	<b>Topic: SENTENCING</b>
	<b>Presenter:</b> Hon. Justice Eva Luswata – Justice of the Court of Appeal
	<b>Session Chair:</b> Hon. Justice Amos Kwizera – Ag. Judge Bushenyi High Court Circuit
4:00 - 4:30 pm	<b>Plenary</b>
4:30 pm	<b>EVENING TEA/COFFEE</b>
<b>DAY 5: THURSDAY 16<sup>TH</sup> NOVEMBER 2023</b>	
8:30 - 9:00 am	<b>Registration</b>
9:00 - 10:00 am	<b>Topic: COURT RECEPTION AND MANAGEMENT OF FORENSIC EVIDENCE, ELECTRONIC EVIDENCE AND OTHER EXHIBITS</b>
	<b>Presenter:</b> Hon. Justice Michael Elubu – JHC/Head Criminal Division
	<b>Session Chair:</b> Hon. Justice Jamson Karemani Karemera – Ag. Judge Kiboga High Court Circuit
	<b>Plenary</b>
10:00 -10:30 am	
10:30 -11:00 am	<b>HEALTH BREAK</b>
11:00 -12:00 pm	<b>Topic: PLEA BARGAINING</b>
	<b>Presenter:</b> Hon. Justice Jane Okuo Kajuga – JHC Anti-Corruption Division
	<b>Session Chair:</b> Hon. Justice Phillip Willebrord Mwaka – Ag. Judge Gulu High Court Circuit
12.00 -12:30 pm	<b>Plenary</b>
12:30 - 1:30 pm	<b>LUNCH</b>



1.30 - 2:30 pm	<b>THE PRACTICE AND CHALLENGES IN HANDLING ICD MATTERS</b>  <b>Presenter:</b> Hon. Justice Andrew K. Bashaija – JHC/Head International Crimes Division  <b>Session Chair:</b> Hon. Justice David L. Makumbi – Ag. Judge Fort Portal High Court Circuit
2:30 - 3:00 pm	<b>Plenary</b>
3:00 - 4:00 pm	<b>Topic: JUDICIAL DECORUM, ETIQUETTE AND PROTOCOL</b>  <b>Presenter:</b> Hon. Justice Elizabeth Musoke – Justice of the Supreme Court  <b>Session Chair:</b> Hon. Lady Justice Dr. Christine Akello Echokit – Ag. Judge Family Division
4:00 - 4:30 pm	<b>Plenary</b>
4:30	<b>EVENING TEA/COFFEE</b>
6:00 pm	<b>COCKTAIL</b>
<p style="text-align: center;"><b>DAY 6 FRIDAY 17<sup>TH</sup> NOVEMBER 2023</b></p>	
8: 30 - 9: 00 am	<b>Registration</b>
9:00 - 10:00 am	<b>Topic: DAMAGES AND OTHER ORDERS IN CIVIL SUITS</b>  <b>Presenter:</b> Hon. Justice Boniface Wamala – JHC Civil Division  <b>Session Chair:</b> Hon. Lady Justice Jaqueline Mwondha – Ag. Judge Mukono High Court Circuit
10:00 -10:30am	<b>Plenary</b>
10: 30 -11:00 am	<b>HEALTH BREAK</b>
11:00 -12:00 pm	<b>Topic: RECORDING, REGISTRATION AND THE LAND MANAGEMENT SYSTEM</b>  <b>Presenter:</b> Commissioner Land Registration  <b>Session Chair:</b> Hon. Lady Justice Aisha Naluzze Batala – Ag. Judge Land Division  <b>Plenary</b>
12:00 -12:30 pm	
12:30 -1.30 pm	<b>LUNCH BREAK</b>

1:30 - 2:30 pm	<b>Topic: THE PRACTICE AND CHALLENGES IN HANDLING LAND MATTERS</b>  <b>Presenter:</b> Hon. Justice Alexandra Nkonge Rugadya – JHC/Head Land Division  <b>Session Chair:</b> Hon. Lady Justice Kania Rosette Comfort – Ag. Judge Criminal Division
2:30 - 3:00 pm	<b>Plenary</b>
3:00 - 4:00pm	<b>Topic: HANDLING OF CIVIL AND CRIMINAL APPEALS BY THE HIGH COURT</b>  <b>Presenter:</b> Hon. Lady Justice Catherine K. Bamugemereire, JCOA  <b>Session Chair:</b> Hon. Lady Justice Rubagumya Tumusiime Patience Emily – Ag. Judge Commercial Division
4:00 - 4:30 pm	<b>Plenary</b>
4:30 pm	<b>EVENING TEA/COFFEE</b>
<b>DAYS 7 &amp; 8 – SATURDAY 18<sup>th</sup> NOVEMBER &amp; SUNDAY 19<sup>th</sup> NOVEMBER 2023</b> <b>REST DAYS</b>	
<b>DAY 9 – MONDAY 20<sup>th</sup> November, 2023</b>	
8:30 -8:50 am	<b>Registration</b>
9.00 -10:00 am	<b>Topic: THE LAW AND PRACTICE ON MATTERS OF CUSTODY, GUARDIANSHIP AND ADOPTION OF CHILDREN</b>  <b>Presenter:</b> Hon. Justice Olive Kazaarwe Mukwaya – JHC Land Division  <b>Session Chair:</b> Hon. Justice Lubega Farouq – Ag. Judge Mbale High Court Circuit
10:00-10:30 am	<b>Plenary</b>
10.30-11:10 am	<b>Topic: HANDLING OF CHILD VICTIMS AND WITNESSES</b>  <b>Presenter:</b> Hon. Justice Damalie N. Lwanga – JHC, ED/JTI

11:10 -11:30 am	<p><b>Session Chair:</b> Hon. Justice Amos Kwizera – Ag. Judge Bushenyi High Court Circuit</p> <p><b>Plenary</b></p>
11:30 -12:00 pm	<b>HEALTH BREAK</b>
12.00 - 1:20 pm	<p><b>Topic: THE LAW AND PRACTICE ON SUCCESSION AND ESTATES MANAGEMENT</b></p> <p><b>PRESENTATION(S):</b></p> <ol style="list-style-type: none"> <li>1. Perspective from the Administrator General – Administrator General (40 minutes)</li> <li>2. Perspective from the Bench – Hon. Justice John Keitirima – JHC/Head Family Division. (40 minutes)</li> </ol>
1:20 - 1:50 pm	<p><b>Session Chair:</b> Hon. Justice Jamson Karemani Karemera – Ag. Judge Kiboga High Court Circuit</p> <p><b>Joint Plenary</b></p>
1:50 - 2:50 pm	<b>LUNCH BREAK</b>
2:50 - 3:30 pm	<p><b>Topic: OVERVIEW OF EAST AFRICAN COMMUNITY AND EAST AFRICAN COURT OF JUSTICE</b></p> <p><b>Presenter:</b> Hon. Justice Richard Wabwire Wejuli – JHC/EACJ</p> <p><b>Session Chair:</b> Hon. Justice Phillip Willebrord Mwaka – Ag. Judge Gulu High Court Circuit</p>
3:30 - 4:00 pm	<b>Plenary</b>
4:00 - 5:00 pm	<p><b>Topic: GENDER PERSPECTIVE IN THE ADMINISTRATION OF JUSTICE</b></p> <p><b>Presenter:</b> Hon. Justice Susan Okalany – Judge International Crimes Division</p> <p><b>Session Chair:</b> Hon. Justice David L. Makumbi – Ag. Judge Fort Portal High Court Circuit</p>
5:00 - 5:30 pm	

	<b>Plenary</b>
5.30 pm	<b>EVENING TEA/COFFEE</b>
<b>DAY 10 – TUESDAY 21<sup>ST</sup> NOVEMBER 2023</b>	
8:30 -9:00am	<b>Registration</b>
9:00 -10:00am	<b>Topic: INTRODUCTION TO JUDGEMENT WRITING</b>
10:00-10:30 am	<p><b>Presenter:</b> Hon. Justice Lawrence Gidudu – JHC/Head Anti-Corruption Division</p> <p><b>Session Chair:</b> Hon. Lady Justice Dr. Christine Akello Echokit – Ag. Judge Family Division</p> <p><b>Plenary</b></p>
10:30 -11:00 am	<b>HEALTH BREAK</b>
11:00 -12:00am	<p><b>Topic: EVALUATION OF EVIDENCE</b></p> <p><b>Presenter:</b> Hon. Justice Lawrence Gidudu – JHC/Head Anti-Corruption Division</p> <p><b>Chair:</b> Hon. Lady Justice Jaqueline Mwendha – Ag. Judge Mukono High Court Circuit</p>
12:00 -12:30 pm	<b>Plenary</b>
12:30 -1:30 pm	<b>LUNCH BREAK</b>
1:30 - 2:30 pm	<b>Topic: WRITING A JUDGMENT</b>

2:30 - 3:00 pm	<b>Presenter:</b> Hon. Justice Lawrence Gidudu – JHC/Head Anti-Corruption Division <b>Session Chair:</b> Hon. Lady Justice Aisha Naluzze Batala – Ag. Judge Land Division
3:00 - 4:00 pm	<b>Topic: CASE FLOW MANAGEMENT IN THE HIGH COURT</b>  <b>Presenter:</b> Hon. Justice Immaculate Busingye – JHC Land Division <b>Session Chair:</b> Hon. Lady Justice Kania Rosette Comfort – Ag. Judge Criminal Division
4:00 - 4:30 pm	<b>Plenary:</b>
4:30 - 5:30 pm	<b>Topic: THE BAR/BENCH RELATIONSHIP</b> <b>Panel Presentation:</b> <ol style="list-style-type: none"> <li>Hon. Justice Tadeo Asiimwe – JHC/President UJOA - <b>A view from the Bench (30 minutes)</b></li> <li>President Uganda Law Society - <b>A View from the Bar (30 minutes)</b></li> </ol> <b>Session Chair:</b> Hon. Lady Justice Rubagumya Tumusiime Patience Emily – Ag. Judge Commercial Division
5:30 - 6:00 pm	<b>Joint Plenary</b>
6: 00 pm	<b>EVENING TEA/COFFEE</b>
<b>DAY 11 – WEDNESDAY 22<sup>nd</sup> NOVEMBER 2023</b>	
08:30-08:90 am	<b>Registration</b>
9:00 -10:30am	<b>Topic: INDEPENDENCE OF THE JUDICIARY AND JUDICIAL ACCOUNTABILITY</b>  <b>Presenter:</b> The Chairperson, Judicial Service Commission  <b>Session Chair:</b> The Executive Director, JTI
10:30 -11:00 am	<b>Plenary</b>
11:00 -11:30 am	<b>HEALTH BREAK</b>
11:30 -12:30 pm	<b>Topic: THE PRACTICE AND CHALLENGES IN HANDLING COMMERCIAL MATTERS</b>  <b>Presenter:</b> Hon. Justice Stephen Mubiru – JHC/Head Commercial Division  <b>Session Chair:</b> Hon. Justice Lubega Farouq – Ag. Judge Mbale High Court Circuit
12:30 - 1:00 pm	<b>Plenary</b>
1:00 - 2:00 pm	<b>LUNCH BREAK</b>

2:00 - 3:00 pm	<b>Topic: HUMAN RIGHTS AND FREEDOMS IN CHAPTER FOUR OF THE CONSTITUTION; AND RELATED LEGISLATION</b>  <b>Presenter:</b> Dr. Harriet Diana Musoke, Senior Counsel  <b>Session Chair:</b> Hon. Justice Amos Kwizera – Ag. Judge Bushenyi High Court Circuit
3:00 - 3:30 pm	<b>Plenary</b>
3:30 - 4:30 pm	<b>Topic: ETHICS, INTEGRITY, AND THE CODE OF JUDICIAL CONDUCT</b>  <b>Presenter:</b> Mrs. Ruth Sebatindira – Senior Counsel/Commissioner Judicial Service Commission  <b>Session Chair:</b> Hon. Justice Jamson Karemani Karemera – Ag. Judge Kiboga High Court Circuit
4:30 - 5:00 pm	<b>Plenary</b>
5:00	<b>EVENING TEA/COFFEE</b>
<b>DAY 12 – THURSDAY 23<sup>rd</sup> NOVEMBER 2023</b>	
8:30 - 9:00am	<b>Registration</b>
9:00 - 10:00am	<b>Topic: POWERS AND FUNCTIONS OF A REGISTRAR</b>  <b>Presenter:</b> HW Rosemary Bareebe Ngabirano – Registrar High Court  <b>Session Chair:</b> Hon. Justice Phillip Willebrord Mwaka – Ag. Judge Gulu High Court Circuit
10:00 - 10:30 am	<b>Plenary</b>
10:30 -10:50 am	<b>HEALTH BREAK</b>
10:50 -11:50am	<b>Topic: TRANSFORMATIONAL LEADERSHIP</b>  <b>Presenter:</b> Hon. Justice Mike Chibita – JSC/ Chairperson Governing Council, JTI  <b>Session Chair:</b> Hon. Justice David L. Makumbi – Ag. Judge Fort Portal High Court Circuit
11:50 -12:10 pm	<b>Plenary</b>
12:10 - 12:40pm	<b>EVALUATION AND RESOLUTIONS/RECOMMENDATIONS</b>

1:00 - 2:30pm	<b>OFFICIAL CLOSING CEREMONY</b> <ul style="list-style-type: none"> <li>- Remarks by the Chairperson Governing Council, JTI</li> <li>- Closing Remarks by the Hon. The Deputy Chief Justice</li> </ul>
2:30pm	<b>LUNCH AND END OF INDUCTION PROGRAMME</b>
<b>DAY 13— FRIDAY 24<sup>th</sup> NOVEMBER, 2023</b> <b>DEPARTURE</b>	

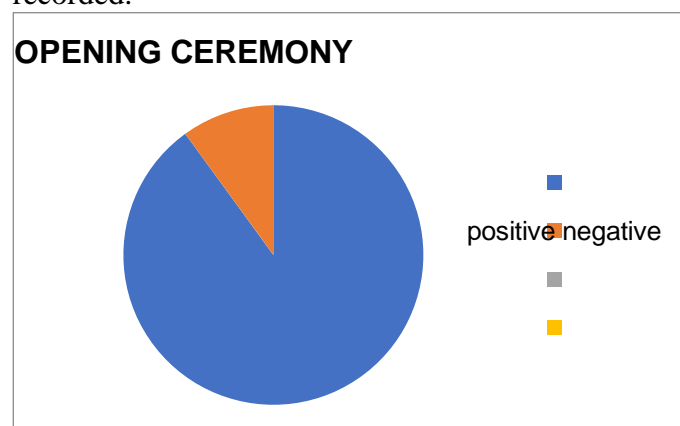
### iii) INDEPENDENT EVALUATION REPORT

This evaluation delves into a detailed assessment of each presenter's performance, gauging their effectiveness in delivering content, engaging participants, and contributing to the overall success of the orientation/induction program. The insights from this evaluation will undoubtedly inform our ongoing commitment to excellence in judicial education.

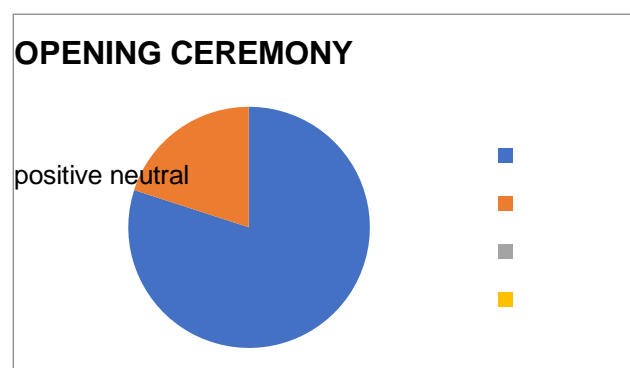
#### Opening ceremony

The Opening Ceremony of the Programme for Orientation/Induction of the Newly Appointed Acting Judges of the High Court was evaluated based on the responses of 10 participants who completed the questionnaires.

The inclusion of a prayer in the opening ceremony was well-received, with 90% of participants expressing an optimistic viewpoint, acknowledging its cultural and ceremonial significance. There was a minor neutral sentiment from 10% of participants, with no negative responses recorded.

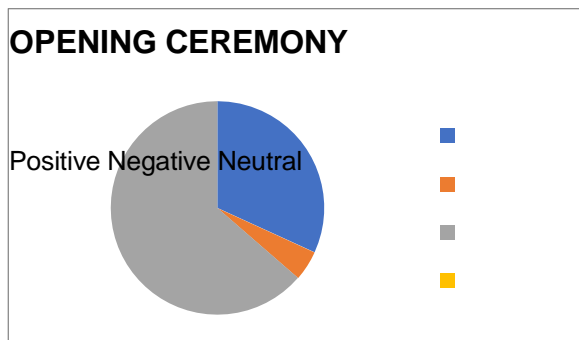


The welcome remarks delivered by The Executive Director of the Judicial Training Institute (JTI) garnered an 80% positive response, setting an informative and positive tone for the event. A 20% neutral response was noted, with no negative feedback received.



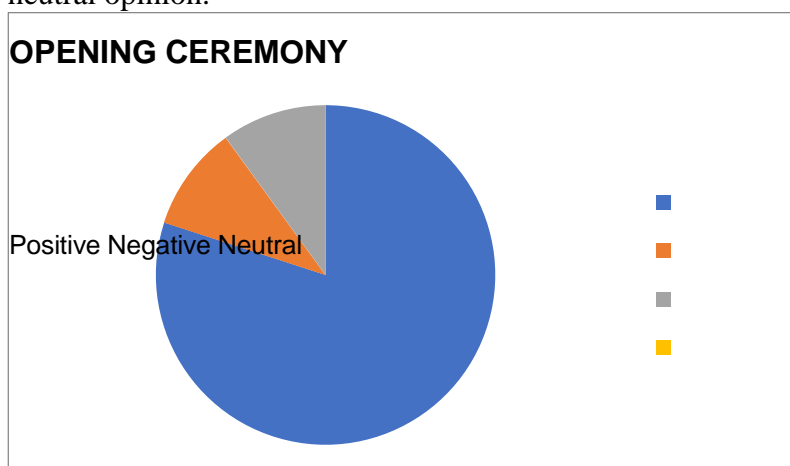
The Hon. The Principal Judge's remarks received a 70% positive response, indicating that participants appreciated the insights shared. However, 10% of negative and 20% of neutral responses suggested varied opinions on this ceremony segment.



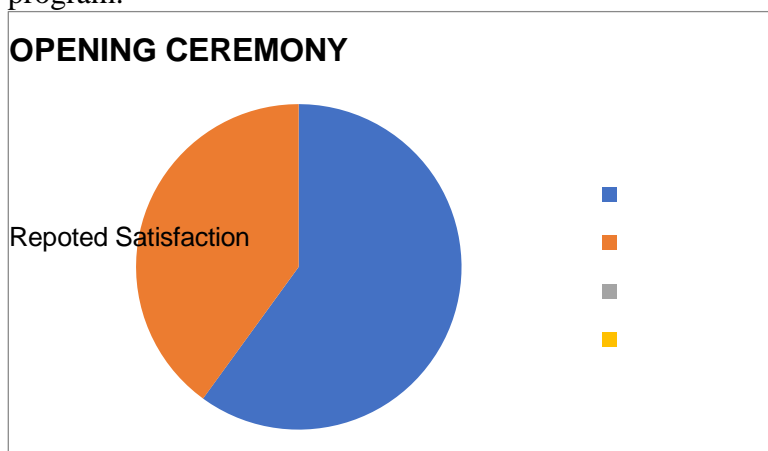


The official opening by the Hon. The Chief Justice was overwhelmingly positively received, with 90% of participants expressing satisfaction and no negative responses. Participants appreciated the significance and authority that the Chief Justice's presence added to the event.

The role of the Session Chair, The Chief Registrar, received an 80% positive response for maintaining the flow of the ceremony. However, a 10% negative response indicated room for improvement, according to one participant. Additionally, 10% of participants expressed a neutral opinion.



Of the overall satisfaction with the Opening Ceremony, 60% of participants reported being very satisfied, while the remaining 40% expressed satisfaction. Notably, no participants reported dissatisfaction, indicating a successful and well-received start to the orientation/induction program.



In conclusion, the Opening Ceremony received positive feedback, highlighting the effectiveness of the prayer, welcome remarks, and speeches by key dignitaries. While some participants expressed neutral opinions and identified areas for improvement, no widespread

dissatisfaction was reported. The overall sentiment indicates a successful launch of the event, setting a positive tone for the subsequent sessions.

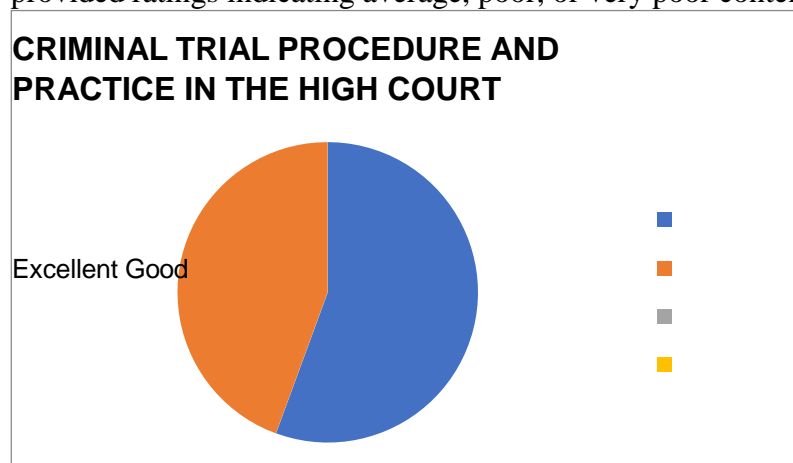
**Topic: CRIMINAL TRIAL PROCEDURE AND PRACTICE IN THE HIGH COURT (Pre-trial, Plea Taking, Trial Process up to Conviction/Acquittal)**

**Presenter:** Hon. Justice Michael Elubu – JHC, Head Criminal Division

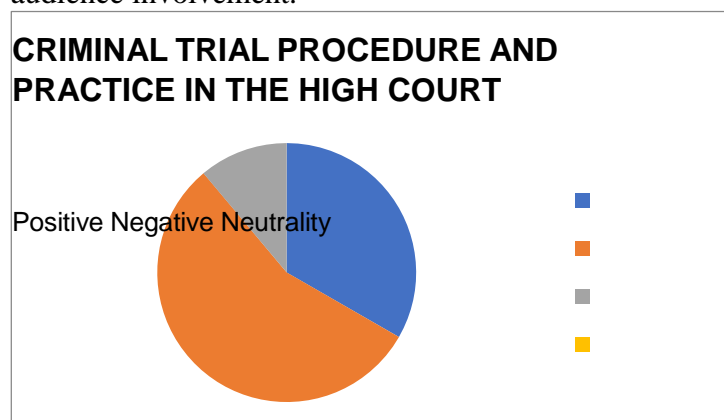
**Session Chair:** Hon. Justice Amos Kwizera – Ag. Judge Bushenyi High Court Circuit

The presentation on "Criminal Trial Procedure and Practice in the High Court," delivered by Hon. Justice Michael Elubu, Head of the Criminal Division, was evaluated by 9 out of 10 participants. The assessment encompassed vital aspects such as the clarity of pre-trial procedures, plea-taking, and the trial process leading to conviction or acquittal.

Regarding content clarity and depth, 55.6% of participants (5 individuals) rated the presentation as excellent, while the remaining 44.4% (4 participants) regarded it as good. No participants provided ratings indicating average, poor, or very poor content quality.

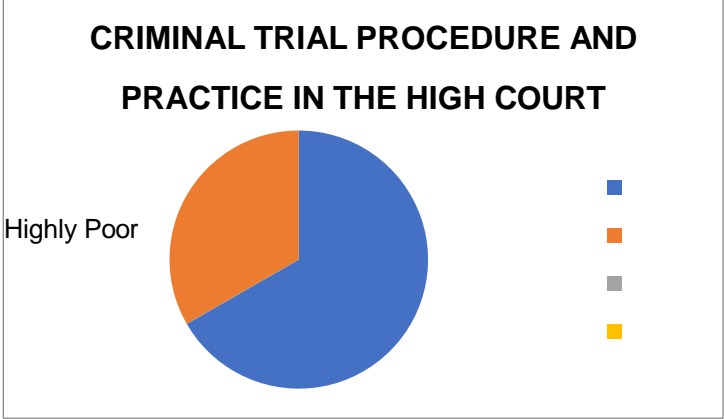


Participants expressed high levels of engagement with the material, with 33.3% (3 participants) finding the presentation engaging and 55.6% (5 participants) considering it engaging. A minor percentage (11.1%) expressed neutrality, suggesting an overall positive reception regarding audience involvement.

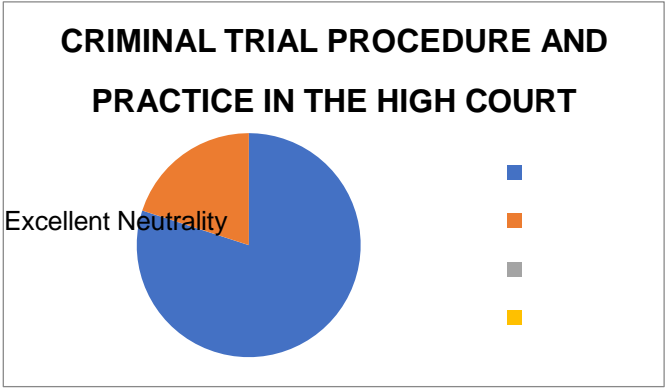


The presenter's expertise and delivery received commendable reviews, with 66.7% (6 participants) rating Hon. Justice Michael Elubu as highly expert and

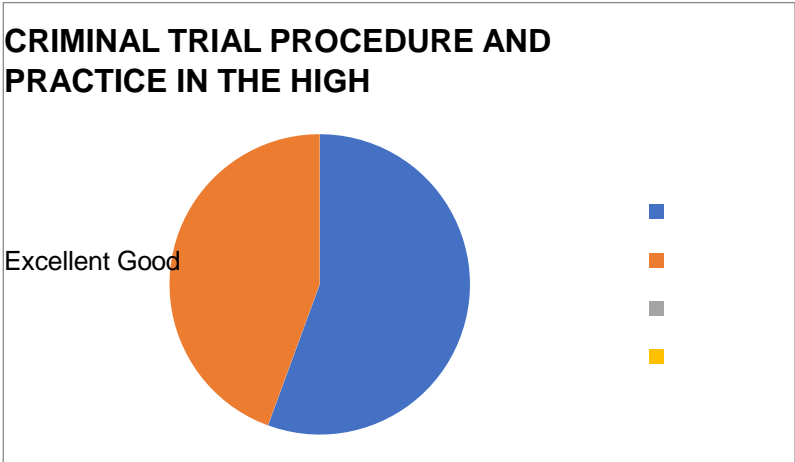
the remaining 33.3% (3 participants) acknowledging his expertise. No participants considered the presenter’s performance average poor.



Regarding the moderation by Hon. Justice Amos Kwizera, opinions were generally positive. 44.4% (4 participants) rated the moderation as excellent, while an equal percentage found it good. A small percentage (11.1%) expressed neutrality, indicating a favourable view of the session chair's role.



In the overall program evaluation, 55.6% (5 participants) rated the program as excellent, and the remaining 44.4% (4 participants) assessed it as good. Importantly, no participants provided ratings suggesting an average, poor, or poor overall program experience.



In conclusion, the presentation on Criminal Trial Procedure and Practice in the High Court and the moderation by Hon. Justice Amos Kwizera garnered highly favourable evaluations from participants. The majority commended the content, engagement, and expertise of the presenter and the overall program, signifying the success of this specific session within the broader

orientation/induction program. The positive responses underscore the effectiveness of both the presenter and the session in delivering valuable insights into criminal trial procedures and practices.

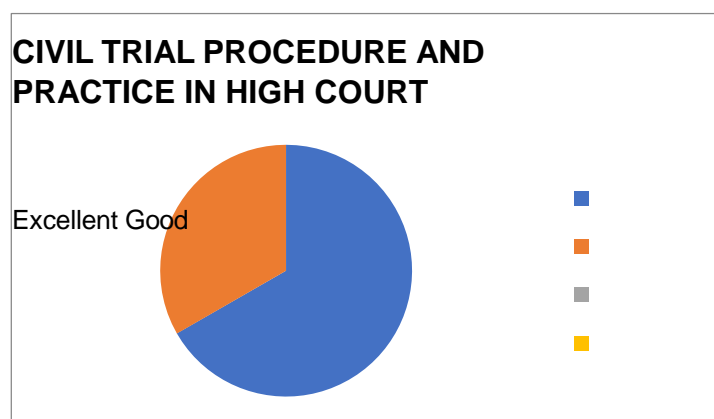
### **Topic: CIVIL TRIAL PROCEDURE AND PRACTICE IN HIGH COURT**

**Presenter:** Hon. Justice Musa Ssekaana – JHC/Head Civil Division

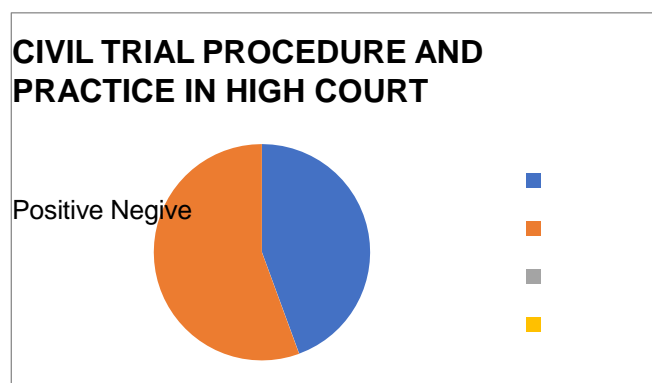
**Session Chair:** Hon. Justice Jamson Karemani Karemera – Ag. Judge Kiboga High Court Circuit

The presentation on "Civil Trial Procedure and Practice in High Court," delivered by Hon. Justice Musa Ssekaana, Head of the Civil Division, was evaluated by 9 out of 10 participants. The assessment covered critical aspects such as the clarity of civil trial procedures, practice intricacies, and the overall conduct of the session.

Regarding content clarity and depth, 66.7% of participants (6 individuals) rated the presentation as excellent, indicating high satisfaction. Another 33.3% (3 participants) regarded it as good. Similar to the previous evaluation, no participants provided ratings suggesting an average, poor, or very poor quality of content.

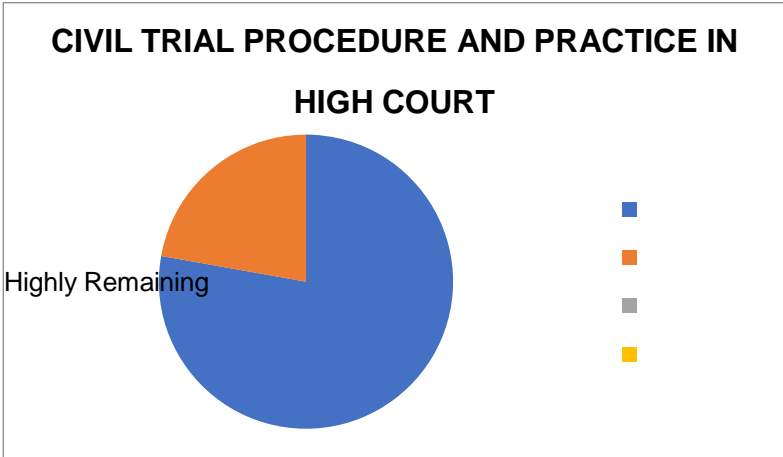


Participants reported a commendable level of engagement with the material, with 44.4% (4 participants) finding the presentation engaging and an additional 55.6% (5 participants) considering it engaging. No participants expressed neutrality, indicating a consistently positive perception of audience involvement.

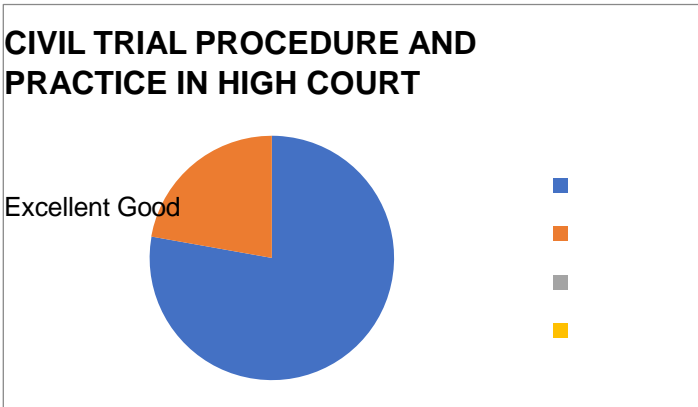


The presenter, Hon. Justice Musa Ssekaana, received notable accolades for expertise and

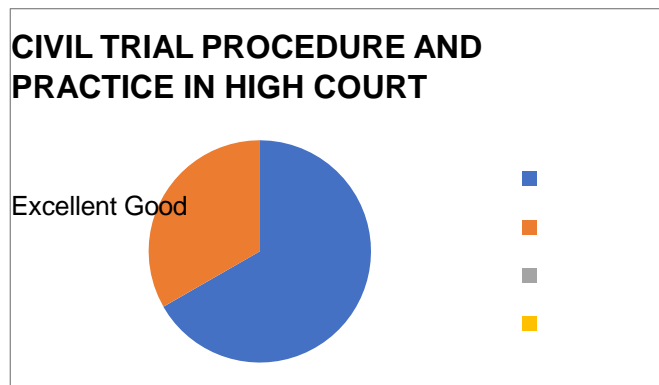
delivery. 77.8% (7 participants) rated him highly expert, while the remaining 22.2% (2) acknowledged his expertise. As in the previous assessment, no participants deemed the presenter's performance average or very poor.



Regarding the moderation by Hon. Justice Jameson Karemani Karemera, opinions were overwhelmingly positive. An impressive 77.8% (7 participants) rated the moderation as excellent, while 22.2% (2 participants) found it good. Importantly, no participants expressed neutrality or dissatisfaction, underlining the successful facilitation of the session chair.



In the overall program evaluation, an even higher percentage, 66.7% (6 participants), rated the program as excellent, and the remaining 33.3% (3 participants) assessed it as good. Once again, participants did not provide ratings suggesting an average, poor, or poor overall program experience.



In conclusion, the presentation on Civil Trial Procedure and Practice in the High Court and the moderation by Hon. Justice Jameson Karemani Karemera received even more favourable evaluations than the previous assessment. The majority expressed high satisfaction with the content, engagement, and expertise of the presenter and the overall program, emphasizing the success of this specific session within the broader orientation/induction program. The consistently positive responses underscore the effectiveness of both the presenter and the session chair in delivering valuable insights into civil trial procedures and practices.

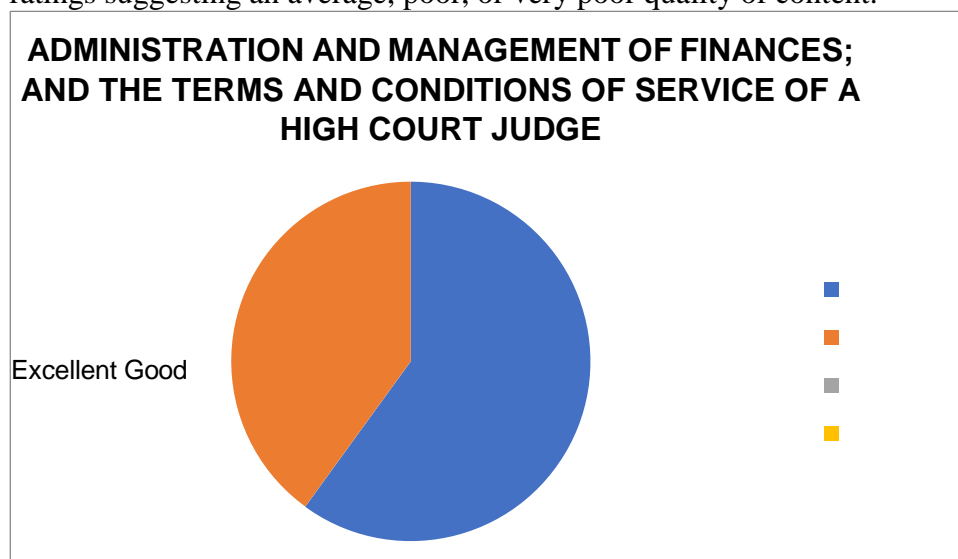
**Topic: ADMINISTRATION AND MANAGEMENT OF FINANCES; AND THE TERMS AND CONDITIONS OF SERVICE OF A HIGH COURT JUDGE**

**Presenter:** Permanent Secretary/Secretary to Judiciary

**Session Chair:** Hon. Justice Phillip Willebrord Mwaka – Ag. Judge Gulu High Court Circuit

The presentation on "Administration and Management of Finances; and the Terms and Conditions of Service of a High Court Judge," delivered by the Permanent Secretary/Secretary to Judiciary, was appraised by all 10 participants, and the evaluation covered vital aspects such as content clarity and engagement.

Regarding content clarity and depth, 60% of participants (6 individuals) rated the presentation as excellent. These participants expressed high satisfaction with the clear and comprehensive delivery of information. Additionally, 40% of participants (4 individuals) regarded the content as good, indicating a positive overall assessment. Notably, none of the participants provided ratings suggesting an average, poor, or very poor quality of content.



Regarding engagement and interactivity, 50% of participants (5 individuals) found the presentation engaging, highlighting the presenter's success in maintaining participant interest and involvement. Another 40% (4 individuals) rated the engagement level as reasonable, indicating a uniformly positive perception. No participants expressed neutrality or dissatisfaction, reinforcing the overall positive reception of the presentation's engagement.

In conclusion, the presentation on the administration and management of finances and the terms and conditions of service for a High Court Judge received commendable feedback from all participants. The majority expressed high satisfaction with the clarity of the content, and a significant portion of the audience rated the engagement levels positively. The absence of negative ratings indicates a successful presentation, effectively conveying valuable information to the participants.

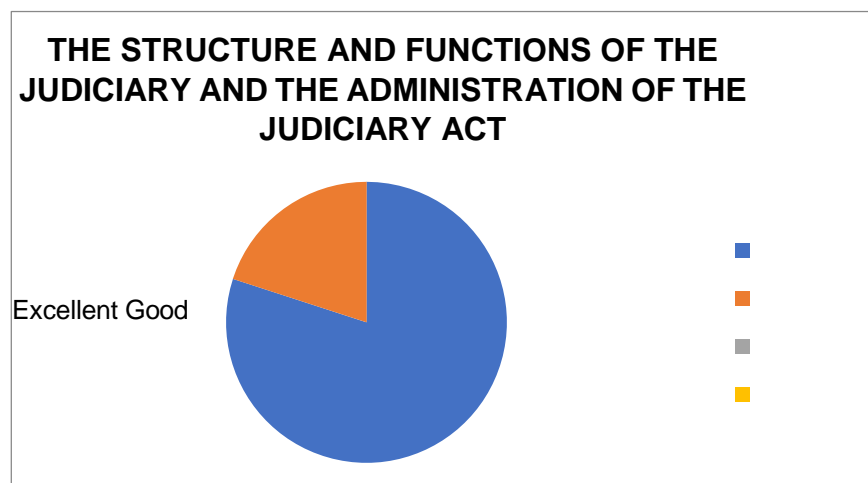
### **Topic: THE STRUCTURE AND FUNCTIONS OF THE JUDICIARY AND THE ADMINISTRATION OF THE JUDICIARY ACT**

**Presenter:** The Chief Registrar

**Session Chair:** Hon. Justice David L. Makumbi – Ag. Judge Fort Portal High Court Circuit

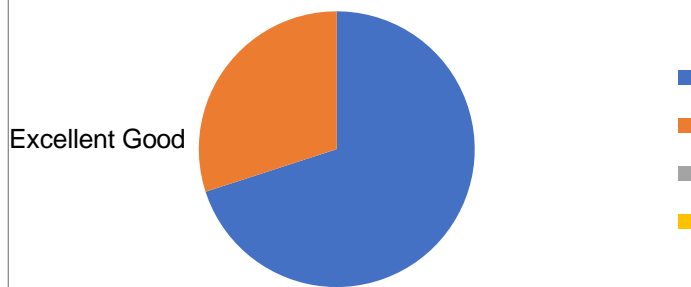
The presentation on "The Structure and Functions of the Judiciary and the Administration of the Judiciary Act," delivered by the Chief Registrar, received an exceptionally positive appraisal from all ten judges who participated in the evaluation.

Regarding content clarity and depth, 80% of judges, comprising eight individuals, rated the presentation as excellent. They acknowledged the presenter's success in providing clear and comprehensive information regarding the judiciary's structure and functions, along with the administration of the Judiciary Act. Furthermore, 20% of judges (2 individuals) found the content good. Notably, no judges rated the content as average, poor, or very poor, highlighting the high quality and effectiveness of the presentation.



Regarding engagement and interactivity, most judges, accounting for 70%, found the presentation very engaging. This positive feedback underscores the presenter's ability to captivate and involve the audience effectively. An additional 30% of judges (3 individuals) rated the engagement level as good. The absence of neutrality or dissatisfaction further emphasizes the presentation's success in maintaining participant interest and involvement.

### THE STRUCTURE AND FUNCTIONS OF THE JUDICIARY AND THE ADMINISTRATION OF THE JUDICIARY ACT



In conclusion, the Chief Registrar's presentation received overwhelmingly positive feedback from the judges. The high percentages of excellent ratings for content clarity and engagement demonstrate the presenter's effectiveness in conveying crucial information about the judiciary's structure, functions, and administration of the Judiciary Act. The absence of any negative ratings signifies a well-received and successful presentation.

### **Topic: PROTOCOL AND ETIQUETTE – NATIONAL AND INTERNATIONAL STANDARDS**

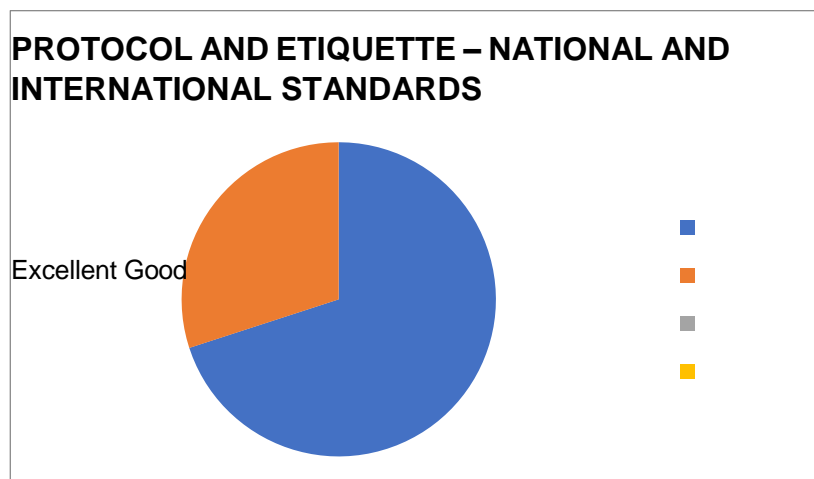
**Presenter:** Department of Protocol, Ministry of Foreign Affairs

**Session Chair:** Hon. Lady Justice Dr. Christine Akello Echokit – Ag. Judge Family Division

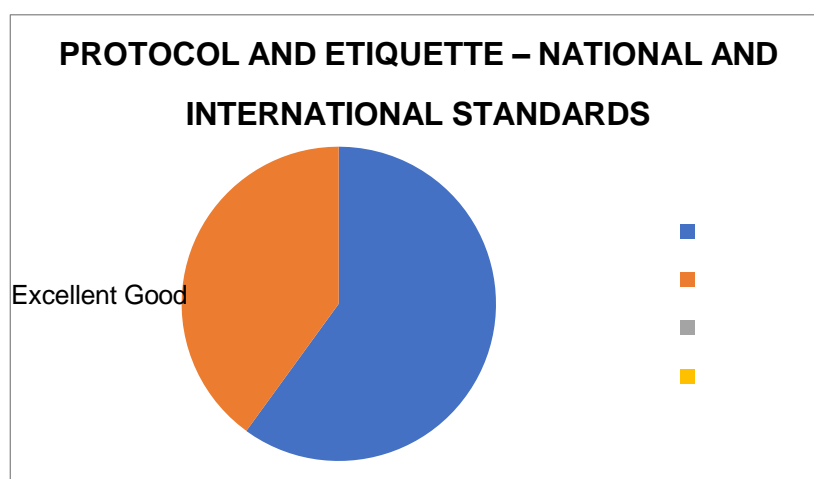
The presentation on "Protocol and Etiquette – National and International Standards," delivered by the Department of Protocol, Ministry of Foreign Affairs, was evaluated by ten judges. The assessment covered vital aspects, including the clarity of information on national and international protocol standards.

Regarding content clarity and depth, a significant majority of judges, accounting for 70% (7 judges), rated the presentation as excellent. They commended the Department of Protocol for providing clear and comprehensive information on national and international protocol and etiquette standards. Additionally, 30% of judges (3 individuals) found the content good, indicating a positive overall assessment. Importantly, none of the judges rated the content as average, poor, or very poor.





The engagement and interactivity of the presentation were well-received by the judges. The majority, constituting 60% (6 judges), found the presentation very engaging, reflecting the presenter's effectiveness in keeping the audience involved. Another 40% of judges (4 individuals) rated the engagement level as good. This positive feedback suggests a well-structured and engaging presentation. No judges expressed neutrality or dissatisfaction.



In conclusion, the Department of Protocol's presentation on national and international standards of protocol and etiquette received high praise from the judges. Most expressed satisfaction with the content clarity and engagement levels, highlighting the presenter's success in delivering valuable insights. The absence of negative ratings indicates a well-received and effective presentation that effectively conveys information on protocol and etiquette standards.

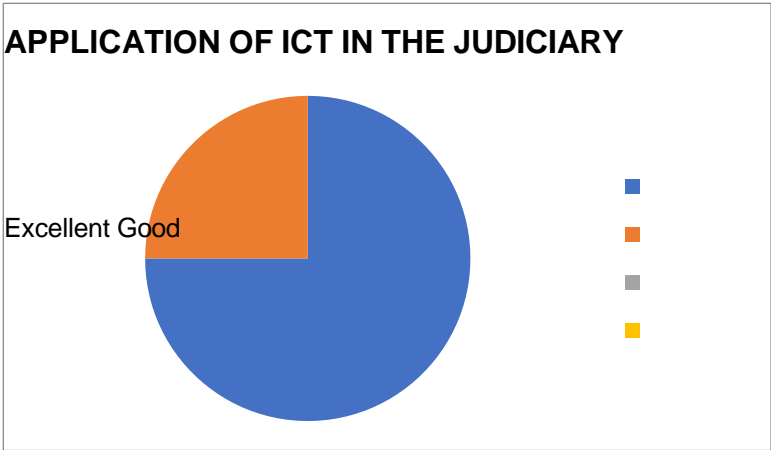
### **Topic: APPLICATION OF ICT IN THE JUDICIARY**

**Presenter:** Mr. David Sunday Kikabi – Principal Information Technology Officer

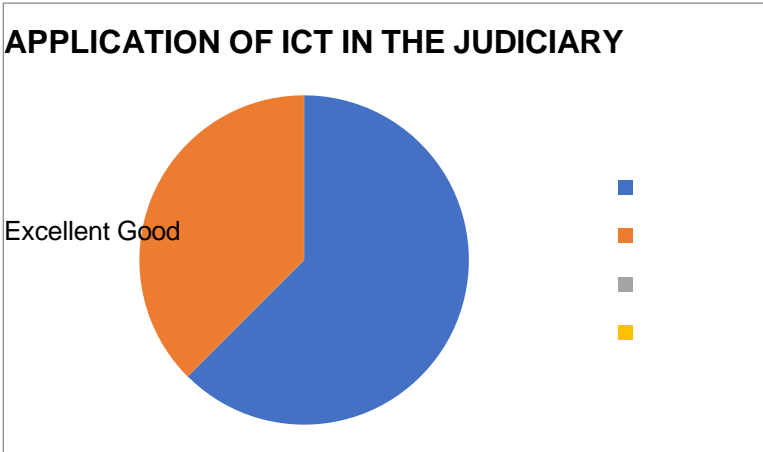
**Session Chair:** Hon. Lady Justice Jaqueline Mwendha – Ag. Judge Mukono High Court Circuit

The presentation on the "Application of ICT in the Judiciary," delivered by Mr. David Sunday Kikabi, Principal Information Technology Officer, was assessed by 8 out of the 10 judges. The evaluation covered various aspects, including the clarity of information, the effectiveness of ICT application insights, and overall engagement.

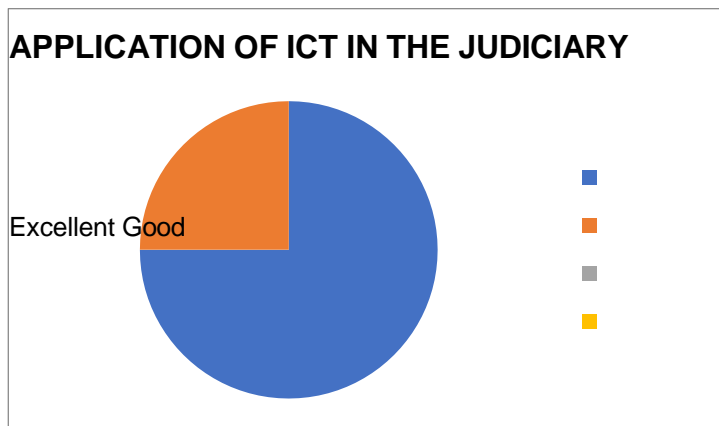
Regarding content clarity and depth, 75% of judges (6 individuals) rated the presentation as excellent. These judges commended Mr. Kikabi for providing clear and in-depth information on applying ICT in the judiciary. An additional 25% of judges (2 individuals) found the content good, indicating a positive overall assessment. None of the judges rated the content as average, poor, or very poor.



The presentation’s engagement and interactivity were well-received by most judges. A substantial 62.5% (5 judges) found the presentation engaging, highlighting the presenter's effectiveness in keeping the audience involved. Another 37.5% of judges (3 individuals) rated the engagement level as good. This positive feedback suggests an overall well-structured and engaging presentation. No judges expressed neutrality or dissatisfaction.



Regarding the application of ICT insights, 75% of judges (6 individuals) found the information to be very insightful, showcasing the importance of ICT in the judiciary. An additional 25% of judges (2 individuals) rated the insights as insightful, contributing to a positive overall evaluation. No judges deemed the insights to be average, poor, or very poor.

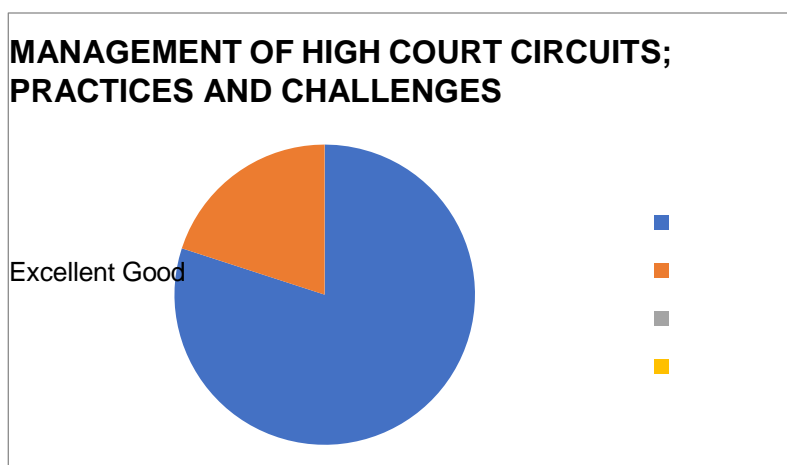


In conclusion, Mr. David Sunday Kikabi's presentation on the Application of ICT in the Judiciary received high praise from the judges. The majority expressed satisfaction with the content clarity, engagement levels, and the insightful nature of the information provided. The absence of negative ratings underscores the success of the presentation in effectively conveying the significance of ICT in the judiciary.

### **Topic: MANAGEMENT OF HIGH COURT CIRCUITS; PRACTICES AND CHALLENGES**

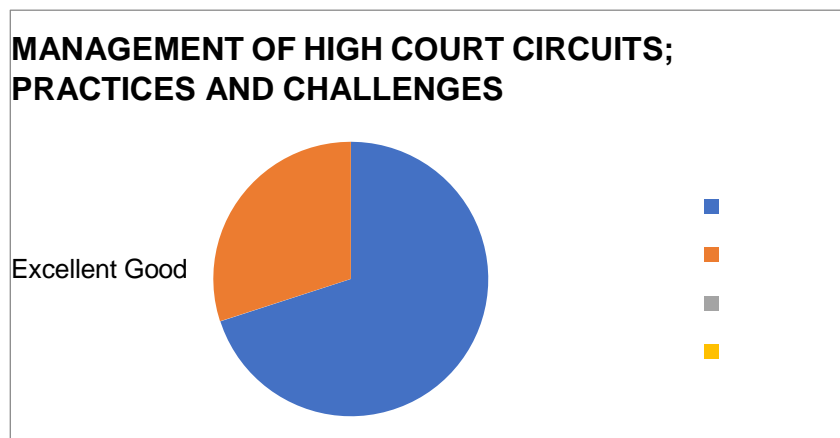
**Presenter:** Justice Dr. Winfred N. Nabisinde – JHC/Resident Judge Jinja

**Session Chair:** Hon. Lady Justice Aisha Naluzzi Batala – Ag. Judge Land Division  
The presentation on "Management of High Court Circuits; Practices and Challenges," delivered by Justice Dr. Winfred N. Nabisinde, the Resident Judge in Jinja, was facilitated under the session chairmanship of Hon. Lady Justice Aisha Naluzzi Batala, Acting Judge of the Land Division. Justice Dr. Winfred N. Nabisinde's presentation was evaluated positively by the participants. Most judges expressed satisfaction with the content's clarity and depth, with 80% (8 judges) rating the presentation as excellent. The presenter was commended for providing clear insights into the practices and challenges of managing High Court Circuits. The remaining 20% of judges (2 individuals) found the content good, contributing to an overall positive presentation assessment.

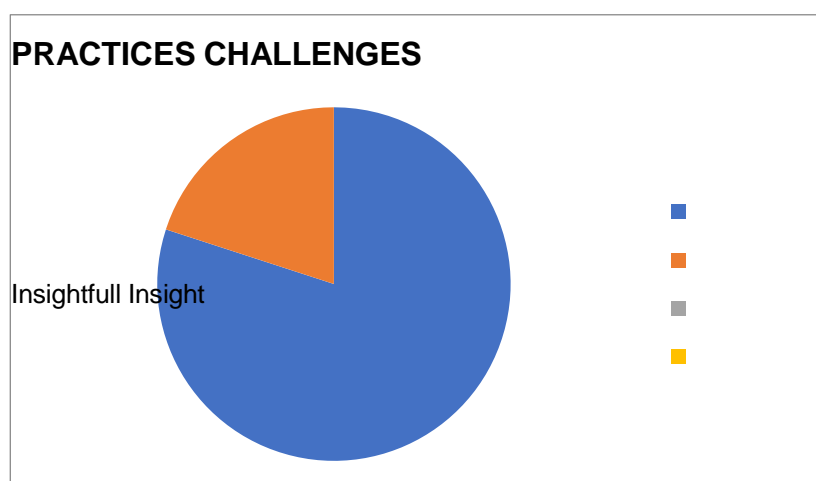


The engagement and interactivity of the session were well-received, with 70% of judges (7 individuals) finding it very engaging. Justice Dr. Winfred N. Nabisinde effectively maintained audience involvement, providing an interactive and informative session. An additional 30% of

judges (3 individuals) rated the engagement level as good, further supporting the positive reception of the presentation. Importantly, no judges expressed neutrality or dissatisfaction in this aspect.



Regarding the management practices and challenges discussed, 80% of judges (8 individuals) found the information very insightful. Justice Dr Winfred N. Nabisinde was acknowledged for providing valuable insights into the intricacies of managing High Court Circuits. The remaining 20% of judges (2 individuals) rated the insights as insightful, contributing to an overall positive evaluation.



In conclusion, Justice Dr Winfred N. Nabisinde's presentation on the Management of High Court Circuits received widespread acclaim. The positive ratings for content clarity, engagement, and insightful information demonstrated the effectiveness of the presentation. The session chair, Hon. Lady Justice Aisha Naluzze Batala, also played a crucial role in ensuring the smooth flow of the session. The absence of negative ratings underscores the presentation's success in addressing the practices and challenges of managing High Court Circuits.

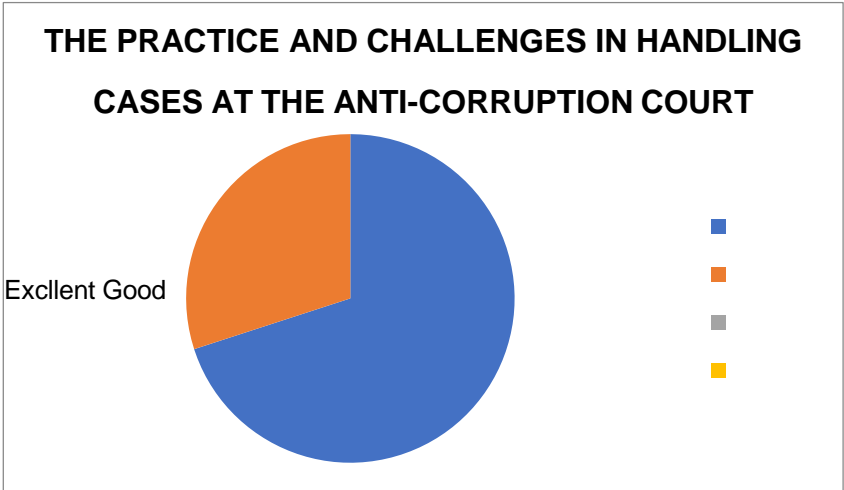
**Topic: THE PRACTICE AND CHALLENGES IN HANDLING CASES AT THE ANTI-CORRUPTION COURT**

**Presenter:** Hon. Justice Lawrence Gidudu – JHC/Head Anti-Corruption Division.

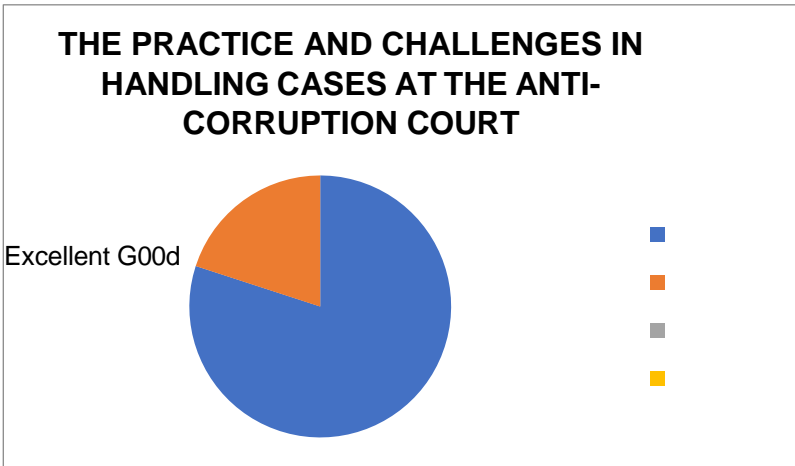
**Session Chair:** Hon. Lady Justice Kania Rosette Comfort – Ag. Judge Criminal Division

The presentation on "The Practice and Challenges in Handling Cases at the Anti-Corruption Court," delivered by Hon. Justice Lawrence Gidudu, the Head of the Anti-Corruption Division, received a commendable evaluation from the 10 participants.

Regarding content clarity and depth, most participants rated the presentation as excellent, comprising 70% (7 judges). They commended Hon. Justice Lawrence Gidudu for providing clear insights into the practices and challenges of handling cases at the Anti-Corruption Court. An additional 30% of participants (3 judges) found the content good, contributing to a positive overall assessment. Importantly, none of the participants rated the content as average, poor, or very poor.

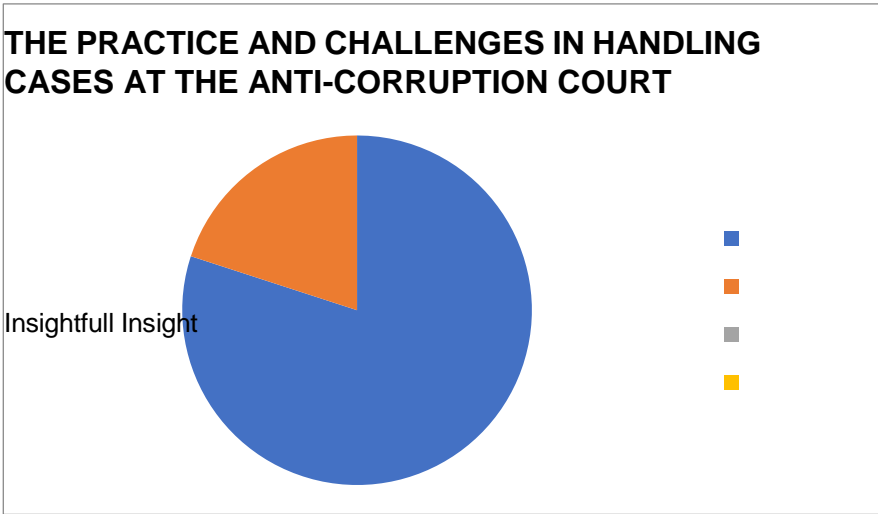


The engagement and interactivity of the session were well-received by the participants. A significant 80% of judges (8 individuals) found the presentation very engaging, highlighting Hon. Justice Lawrence Gidudu's effectiveness in maintaining audience involvement. An additional 20% of judges (2 individuals) rated the engagement level as good, further supporting the positive reception of the presentation. No judges expressed neutrality or dissatisfaction in this aspect.



Regarding the insights into the practice and challenges of handling cases at the Anti-Corruption Court, 80% of participants (8 judges) found the information very insightful. Hon. Justice Lawrence Gidudu was acknowledged for providing valuable perspectives into the complexities of handling corruption cases. The remaining 20% of participants (2 judges) rated the insights as

insightful, contributing to an overall positive evaluation.



In conclusion, the presentation by Hon. Justice Lawrence Gidudu on the Practice and Challenges in Handling Cases at the Anti-Corruption Court received widespread acclaim. The positive ratings for content clarity, engagement, and insightful information demonstrated the effectiveness of the presentation. The session chair, Hon. Lady Justice Kania Rosette Comfort, also played a vital role in ensuring the success of the session. The absence of negative ratings underscores the success of the presentation in addressing the intricacies of handling cases at the Anti-Corruption Court.

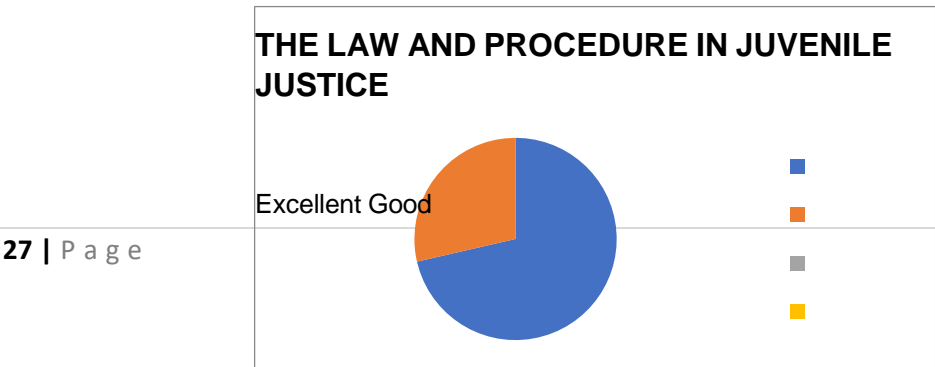
**Topic: THE LAW AND PROCEDURE IN JUVENILE JUSTICE (CHILDREN IN CONFLICT WITH THE LAW)**

**Presenter:** Hon. Justice Margaret Mutonyi – JHC Criminal Division.

**Session Chair:** Hon. Lady Justice Rubagumya Tumusiime Patience Emily – Ag. Judge Commercial Division

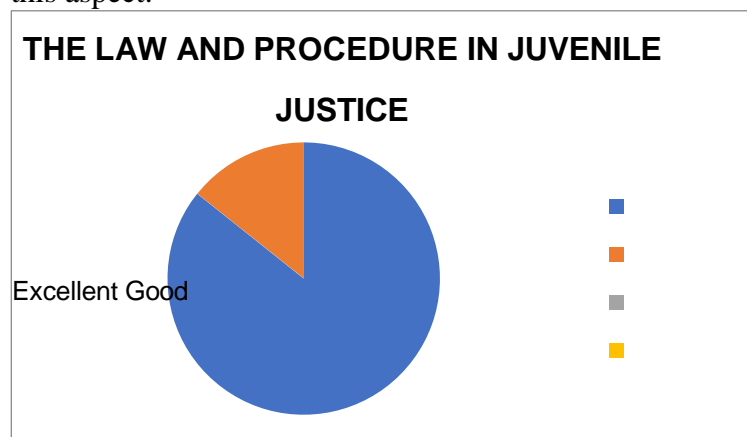
The presentation on "The Law and Procedure in Juvenile Justice (Children in Conflict with the Law)," delivered by Hon. Justice Margaret Mutonyi, a member of the Criminal Division, received a positive evaluation from the 7 judges who actively participated in the session, with notable acclaim for content, engagement, and insights.

Regarding content clarity and depth, 71.4% of participants (5 judges) rated the presentation as excellent. Hon. Justice Margaret Mutonyi was praised for providing a clear and comprehensive understanding of the law and procedures in juvenile justice. An additional 28.6% of participants (2 judges) found the content good, contributing to an overall positive assessment. Importantly, none of the participants rated the content as average, poor, or

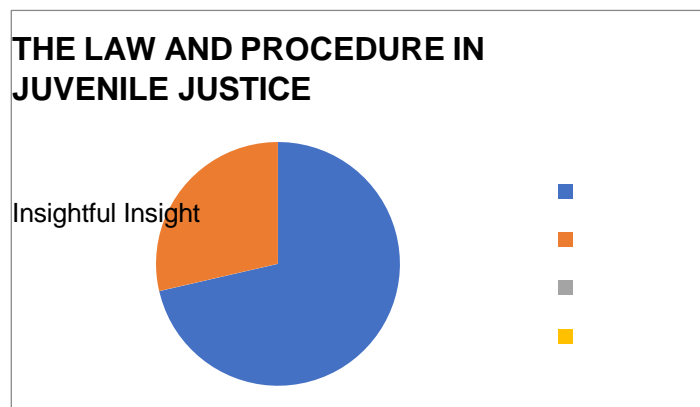


very poor.

The engagement and interactivity of the session were well-received by the participants. A substantial 85.7% of judges (6 individuals) found the presentation very engaging, highlighting Hon. Justice Margaret Mutonyi's effectiveness in maintaining audience involvement. An additional 14.3% of judges (1 individual) rated the engagement level as good, further supporting the positive reception of the presentation. No judges expressed neutrality or dissatisfaction in this aspect.



Regarding the insights into the law and procedures in juvenile justice, 71.4% of participants (5 judges) found the information very insightful. Hon. Justice Margaret Mutonyi was acknowledged for providing valuable perspectives on dealing with children in conflict with the law. The remaining 28.6% of participants (2 judges) rated the insights as insightful, contributing to an overall positive evaluation.



In conclusion, Hon. Justice Margaret Mutonyi's presentation on the Law and Procedure in Juvenile Justice received widespread acclaim. The positive ratings for content clarity, engagement, and insightful information demonstrated the effectiveness of the presentation. The session chair, Hon. Lady Justice Rubagumya Tumusiime Patience Emily, also played a crucial role in ensuring the session's success. The absence of negative ratings underscores the presentation's success in addressing the intricacies of juvenile justice and the legal procedures involving children in conflict with the law.

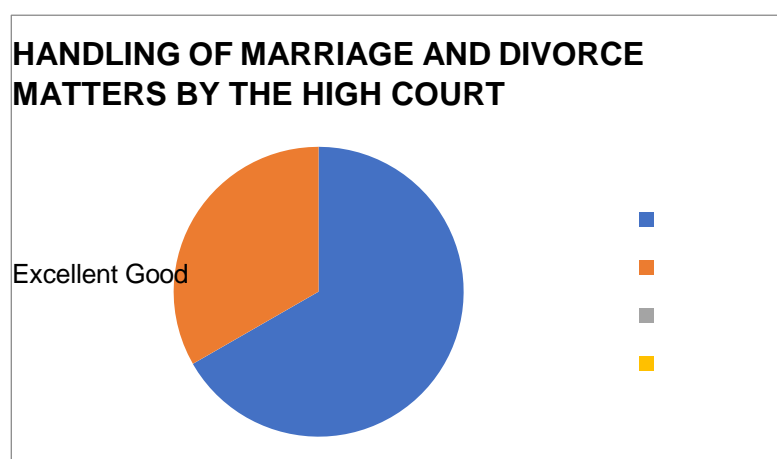
## **Topic: HANDLING OF MARRIAGE AND DIVORCE MATTERS BY THE HIGH COURT**

**Presenter:** Hon. Justice Eva Luswata – Justice of the Court of Appeal

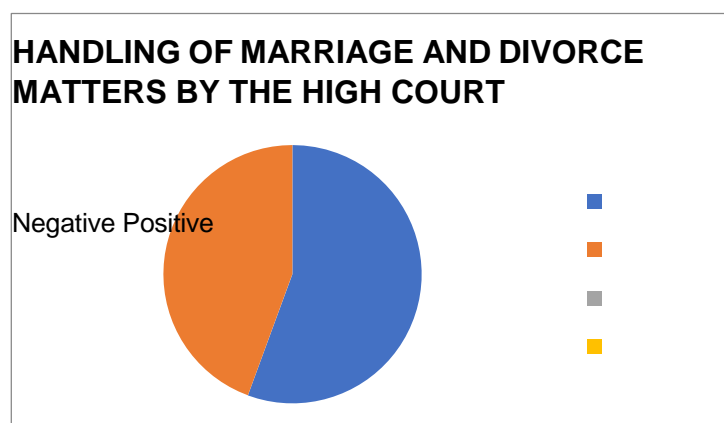
**Session Chair:** Hon. Justice Lubega Farouq – Ag. Judge Mbale High Court Circuit

The presentation on the "Handling of Marriage and Divorce Matters by the High Court," delivered by Hon. Justice Eva Luswata, a Justice of the Court of Appeal, received a comprehensive evaluation from 9 of the 10 judges present. The breakdown of the assessment reveals a positive reception of the session.

Regarding content clarity and depth, a significant majority of 66.7% (6 judges) commended the presentation as excellent, recognizing Justice Eva Luswata's ability to provide a clear and in-depth understanding of the intricate matters of marriage and divorce. An additional 33.3% (3 judges) found the content good, contributing to an overall positive assessment. Importantly, none of the judges deemed the content as average, poor, or very poor.



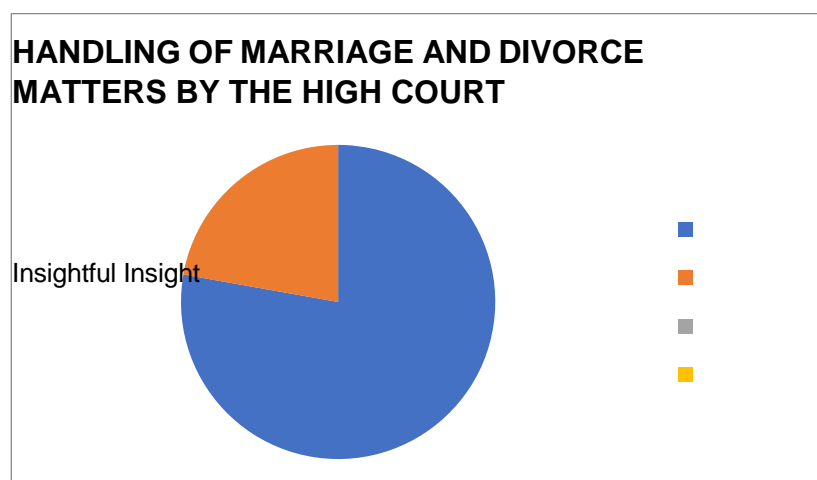
The engagement and interactivity aspect was well-received, with 55.6% (5 judges) expressing that the presentation was very engaging. This underscores Justice Eva Luswata's effectiveness in maintaining audience involvement. Another 44.4% (4 judges) rated the engagement level as engaging, further solidifying the positive reception. No judges reported neutrality or dissatisfaction in this regard.



Regarding insights into handling marriage and divorce matters, a significant majority of 77.8% (7 judges) found the information to be very insightful. Justice Eva Luswata was recognized for



providing valuable perspectives on dealing with the complexities of family law. Additionally, 22.2% (2 judges) rated the insights as insightful, contributing to an overall positive evaluation.



In conclusion, the evaluation of Justice Eva Luswata's presentation on the Handling of Marriage and Divorce Matters by the High Court affirms the positive reception of the session. The judges' positive ratings and the absence of negative assessments underscore the presentation's success in effectively addressing the legal complexities related to marriage and divorce matters.

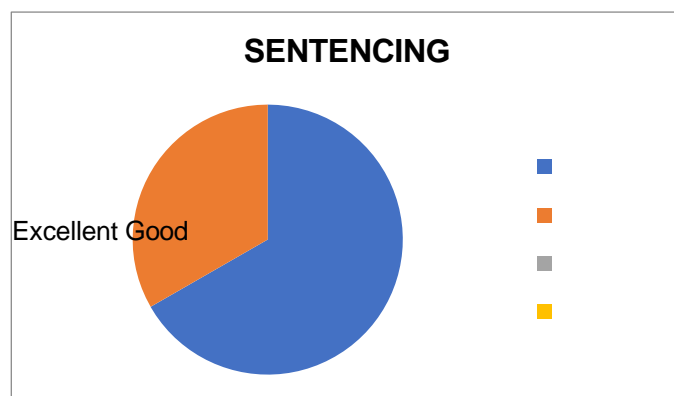
### **Topic: SENTENCING**

**Presenter:** Hon. Justice Eva Luswata – Justice of the Court of Appeal

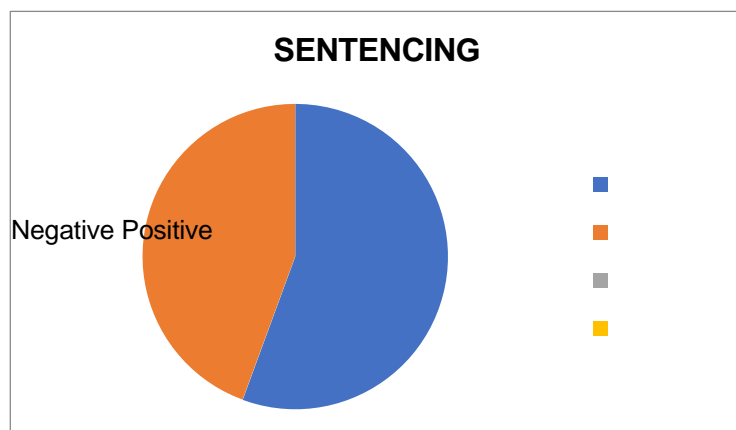
**Session Chair:** Hon. Justice Amos Kwizera – Ag. Judge Bushenyi High Court Circuit

The presentation on "Sentencing" delivered by Hon. Justice Eva Luswata, a distinguished Justice of the Court of Appeal, was subject to a thorough evaluation with active participation from 9 out of the 10 judges present. The assessment provided valuable insights into the effectiveness of the session.

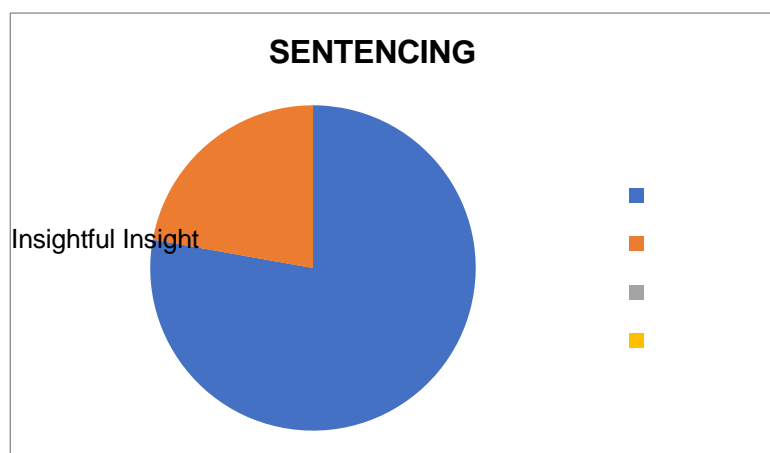
In terms of content clarity and depth, a significant majority of 66.7% (6 judges) lauded the presentation as excellent, highlighting Justice Eva Luswata's ability to provide a clear and in-depth understanding of the nuanced aspects of sentencing. An additional 33.3% (3 judges) rated the content as good, contributing to an overall positive assessment. Importantly, none of the judges found the content average, poor, or very poor.



The engagement and interactivity of the session received positive feedback, with 55.6% (5 judges) expressing that the presentation was engaging. This underscores Justice Eva Luswata's proficiency in maintaining audience involvement. Another 44.4% (4 judges) rated the engagement level as engaging, affirming the positive reception. Notably, no judges reported neutrality or dissatisfaction in this aspect.



Regarding insights into sentencing practices, 77.8% (7 judges) found the information very insightful. Justice Eva Luswata was duly acknowledged for providing valuable perspectives on the intricacies of the sentencing process. Additionally, 22.2% (2 judges) rated the insights as insightful, contributing to an overall positive evaluation.



In conclusion, the evaluation of Hon. Justice Eva Luswata's presentation on Sentencing reflects a highly positive reception from the participating judges. The robust percentages for content clarity, engagement, and insightful information affirm the session's effectiveness. The absence of negative assessments underscores the presentation's success in comprehensively addressing the complexities of sentencing.

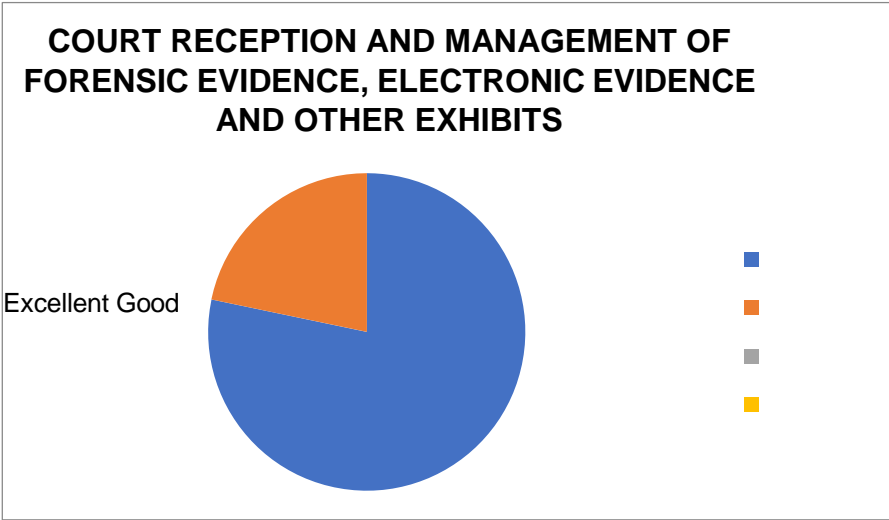
**Topic: COURT RECEPTION AND MANAGEMENT OF FORENSIC EVIDENCE, ELECTRONIC EVIDENCE AND OTHER EXHIBITS**

**Presenter:** Hon. Justice Michael Elubu – JHC/Head Criminal Division

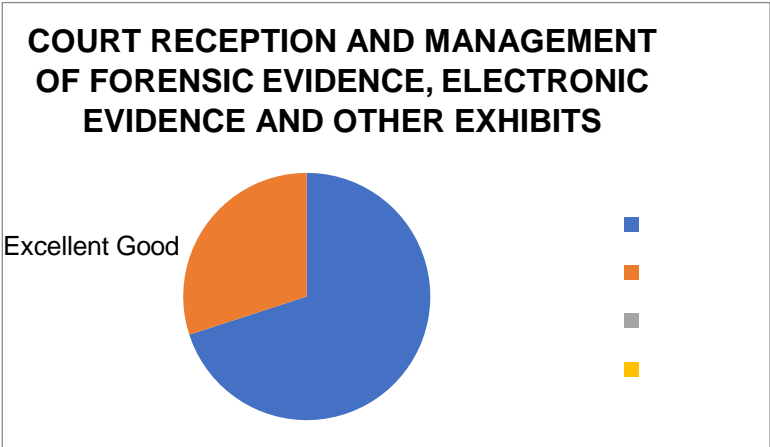
**Session Chair:** Hon. Justice Jamson Karemani Karemera – Ag. Judge Kiboga High Court Circuit

The presentation on "Court Reception and Management of Forensic Evidence, Electronic Evidence, and Other Exhibits," conducted by Hon. Justice Michael Elubu, the Head of the Criminal Division, underwent a comprehensive evaluation from all 10 judges. The breakdown of percentages for different aspects of the presentation is as follows:

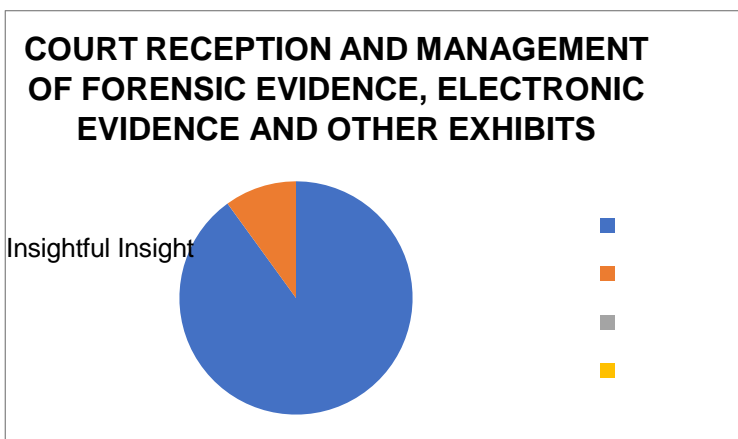
Regarding **Content Clarity and Depth**, an overwhelming 80% of judges found the presentation to be excellent. Justice Michael Elubu was highly praised for providing a clear and in-depth understanding of the reception and management of forensic, electronic, and other exhibits. The remaining 20% rated the content as good, contributing to a uniformly positive assessment. Importantly, no judges rated the content as average, poor, or very poor.



Regarding **Engagement and Interactivity**, 70% of judges considered the session very engaging. This underscored Justice Michael Elubu's success in maintaining audience involvement. Another 30% rated the engagement level as good, reinforcing the positive reception. No judges expressed neutrality or dissatisfaction with the session's engagement.



Regarding **Insights into Evidence Management**, an impressive 90% of judges found the information very insightful. Justice Michael Elubu was duly acknowledged for providing valuable perspectives on the reception and management of various forms of evidence. The remaining 10% rated the insights as insightful, contributing to an overwhelmingly positive evaluation.



In conclusion, the evaluation of Hon. Justice Michael Elubu's presentation on Court Reception and Management of Forensic Evidence, Electronic Evidence, and Other Exhibits reflects an overwhelmingly positive reception from the entire audience of judges. The robust percentages for content clarity, engagement, and insightful information underscore the presentation's success in comprehensively addressing the intricate aspects of evidence management.

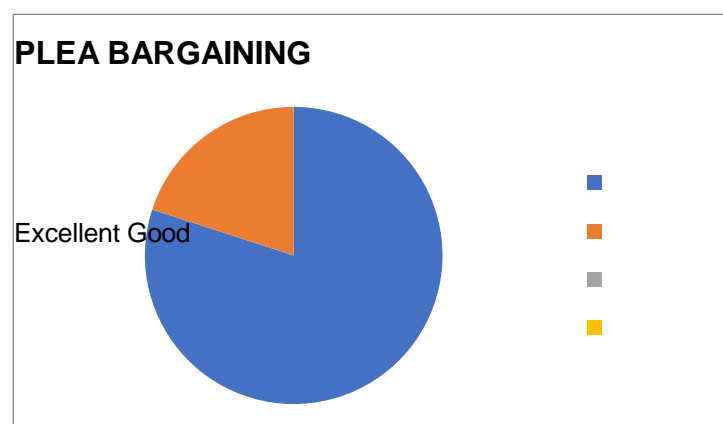
### **Topic: PLEA BARGAINING**

**Presenter:** Hon. Justice Jane Okuo Kajuga – JHC Anti-Corruption Division

**Session Chair:** Hon. Justice Phillip Willebrord Mwaka – Ag. Judge Gulu High Court Circuit

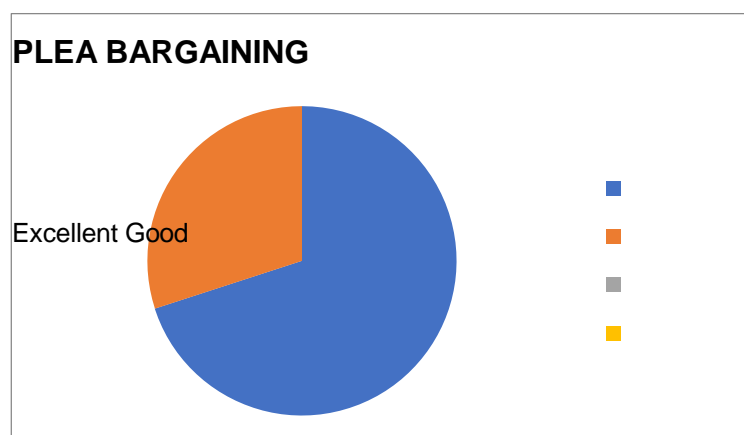
The presentation on "Plea Bargaining," delivered by Hon. Justice Jane Okuo Kajuga of the Anti-Corruption Division, received a thorough evaluation from all 10 judges. The breakdown of percentages and the corresponding number of judges for various aspects of the presentation is as follows:

Regarding **Content Clarity and Depth**, an impressive 80% (8 judges) rated the presentation as excellent. Hon. Justice Jane Okuo Kajuga received widespread praise for providing a clear and profound understanding of plea bargaining intricacies. An additional 20% (2 judges) found the content good, contributing to a unanimously positive assessment. Importantly, all 10 judges unanimously agreed that the content exceeded expectations, with none rating it as average, poor, or very poor.

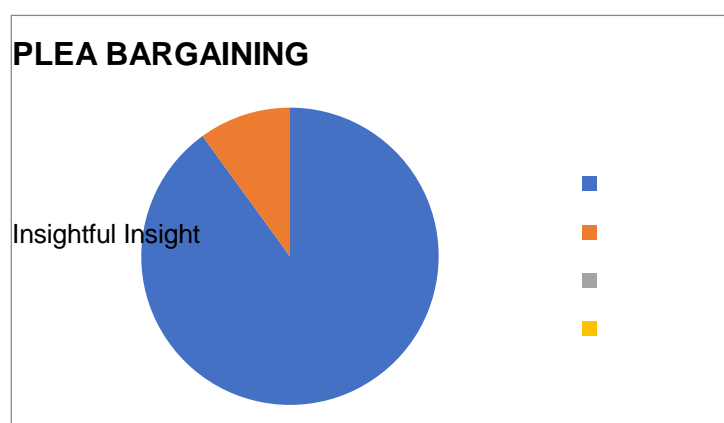


Regarding **Engagement and Interactivity**, 70% (7 judges) considered the session very engaging. Justice Jane Okuo Kajuga's ability to maintain audience involvement received high commendation. Another 30% (3 judges) rated the engagement level as good, reinforcing the

positive reception. Notably, none of the judges expressed neutrality or dissatisfaction with the level of engagement during the presentation.



Regarding Insights into Plea Bargaining Practices, a resounding 90% (9 judges) found the information very insightful. Justice Jane Okuo Kajuga was widely acknowledged for providing valuable perspectives on the practical aspects of plea bargaining. The remaining 10% (1 judge) rated the insights as insightful, contributing to a unanimously positive evaluation.



In conclusion, the evaluation of Hon. Justice Jane Okuo Kajuga's presentation on Plea Bargaining reflects unanimous and overwhelmingly positive feedback from all 10 judges in attendance. The robust percentages alongside the corresponding numbers for content clarity, engagement, and insightful information underscore the presentation's success in addressing the intricacies of plea bargaining comprehensively.

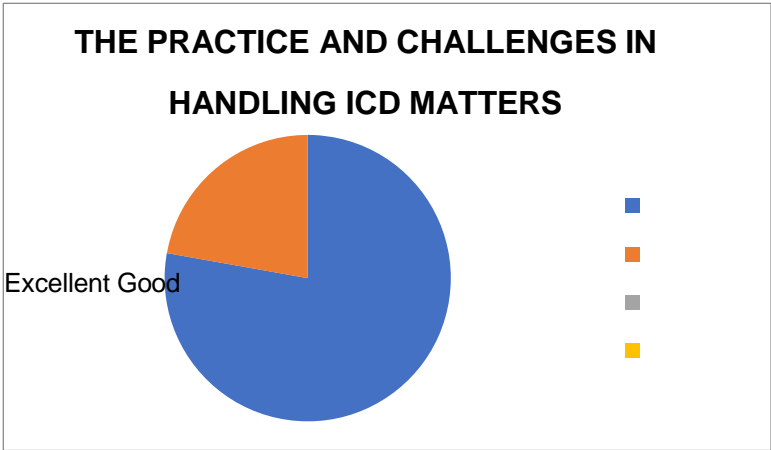
## **THE PRACTICE AND CHALLENGES IN HANDLING ICD MATTERS**

**Presenter:** Hon. Justice Andrew K. Bashaija – JHC/Head International Crimes Division

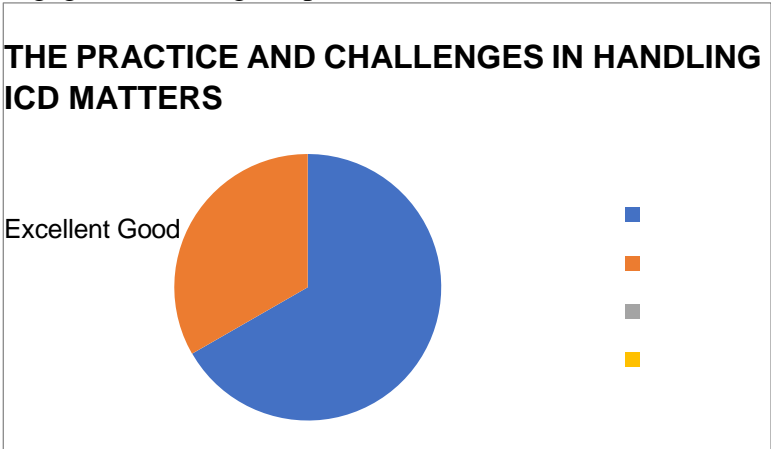
**Session Chair:** Hon. Justice David L. Makumbi – Ag. Judge Fort Portal High Court Circuit

The presentation on "The Practice and Challenges in Handling ICD Matters," delivered by Hon. Justice Andrew K. Bashaija, the Head of the International Crimes Division, received a comprehensive evaluation from 9 out of 10 judges present. The breakdown of percentages and corresponding numbers for different aspects of the presentation is detailed below:

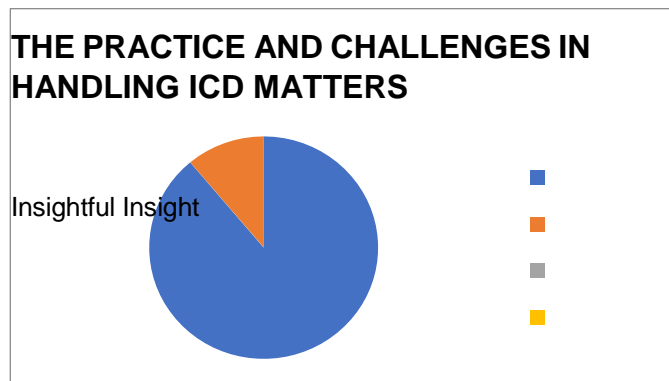
Regarding Content Clarity and Depth, an overwhelming 77.8% (7 judges) found the presentation excellent. Hon. Justice Andrew K. Bashaija was widely praised for providing an in-depth understanding of the practice and challenges associated with International Crimes Division matters. Additionally, 22.2% (2 judges) rated the content as good, contributing to a predominantly positive assessment. Importantly, none of the judges rated the content as average, poor, or very poor.



Regarding **Engagement and Interactivity**, 66.7% (6 judges) considered the session very engaging. Justice Andrew K. Bashaija's ability to maintain audience involvement was commended. Another 33.3% (3 judges) rated the engagement level as good, reinforcing the positive reception. Notably, no judges expressed neutrality or dissatisfaction with the level of engagement during the presentation.



Regarding Insights into Handling ICD Matters, a notable 88.9% (8 judges) found the information very insightful. Justice Andrew K. Bashaija was acknowledged for providing valuable perspectives on the intricacies of handling International Crimes Division matters. The remaining 11.1% (1 judge) rated the insights as insightful, contributing to an overwhelming



positive evaluation.

In conclusion, the evaluation of Hon. Justice Andrew K. Bashaija's presentation on "The Practice and Challenges in Handling ICD Matters" reflects a predominantly positive reception from the participating judges. The robust percentages and corresponding numbers for content clarity, engagement, and insightful information underscore the presentation's success in comprehensively addressing the unique challenges and practices associated with International Crimes Division matters.

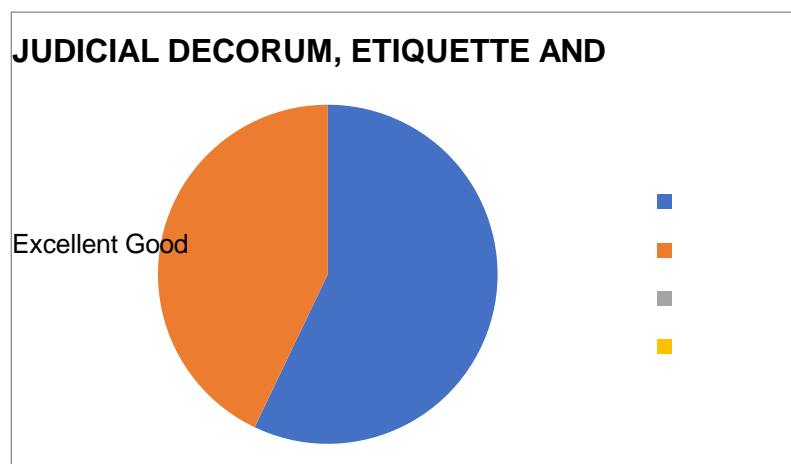
### **Topic: JUDICIAL DECORUM, ETIQUETTE AND PROTOCOL**

**Presenter:** Hon. Justice Elizabeth Musoke – Justice of the Supreme Court

**Session Chair:** Hon. Lady Justice Dr. Christine Akello Echokit – Ag. Judge Family Division

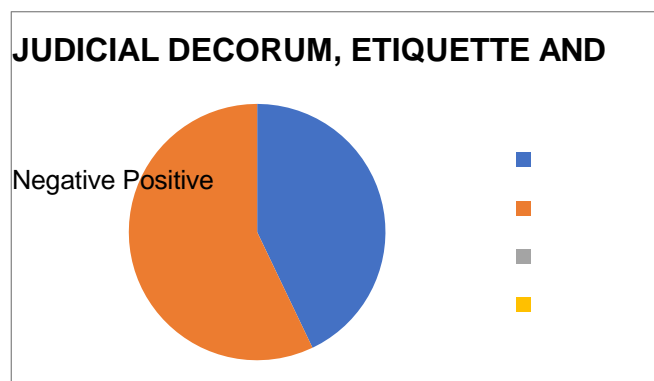
The presentation on "Judicial Decorum, Etiquette, and Protocol," conducted by Hon. Justice Elizabeth Musoke, a distinguished Justice of the Supreme Court, received a detailed evaluation from 7 out of 10 judges present. Here's a breakdown of percentages and corresponding numbers for different aspects of the presentation:

A majority of 57.1% (4 judges) found the content, clarity, and depth of Justice Elizabeth Musoke's presentation excellent, praising her for providing a thorough understanding of judicial decorum, etiquette, and protocol. Another 42.9% (3 judges) rated the content as good, contributing to an overall positive assessment. Importantly, none of the judges found the content to be average, poor, or very poor.

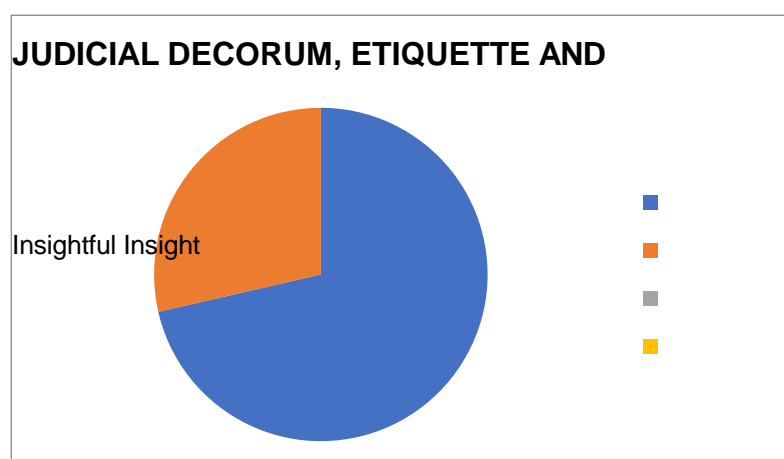


The engagement and interactivity of the session received positive feedback, with 42.9% (3 judges) expressing that the presentation was very engaging. This indicates Justice Elizabeth Musoke's success in maintaining audience involvement. Another 57.1% (4 judges) rated the

engagement level as engaging, further reinforcing the positive reception. No judges reported neutrality or dissatisfaction with the level of engagement during the presentation.



A significant majority of 71.4% (5 judges) found the information to be very insightful. Justice Elizabeth Musoke was acknowledged for providing valuable perspectives on judicial decorum, etiquette, and protocol. The remaining 28.6% (2 judges) rated the insights as insightful, contributing to an overall positive evaluation.



In conclusion, the evaluation of Hon. Justice Elizabeth Musoke's presentation on "Judicial Decorum, Etiquette, and Protocol" reflects a positive reception from the participating judges. The percentages alongside the corresponding numbers for content clarity, engagement, and insightful information underscore the presentation's success in addressing the essential aspects of maintaining decorum, etiquette, and protocol in the judiciary.

### **Topic: DAMAGES AND OTHER ORDERS IN CIVIL SUITS**

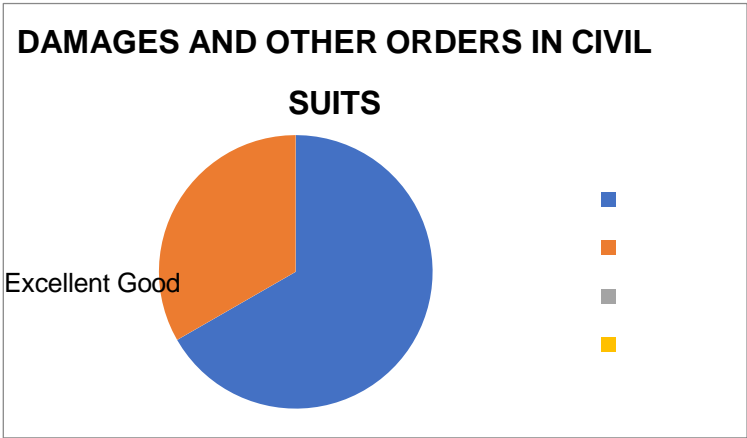
**Presenter:** Hon. Justice Boniface Wamala – JHC Civil Division

**Session Chair:** Hon. Lady Justice Jaqueline Mwendha – Ag. Judge Mukono High Court Circuit

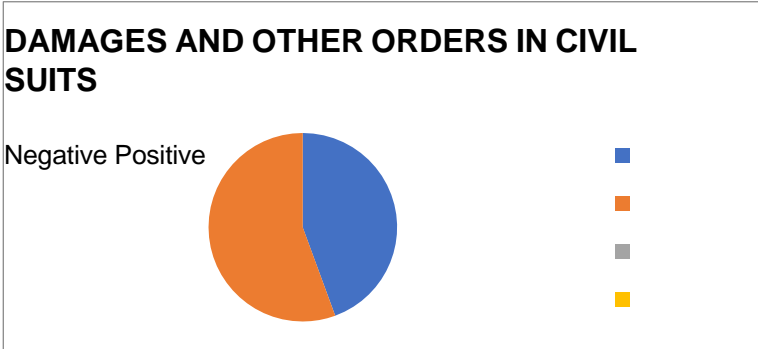
The presentation on "Damages and Other Orders in Civil Suits," delivered by Hon. Justice Boniface Wamala, a distinguished member of the Civil Division, received a detailed evaluation from 9 out of 10 judges present. Here's a breakdown of percentages and corresponding numbers for different aspects of the presentation:



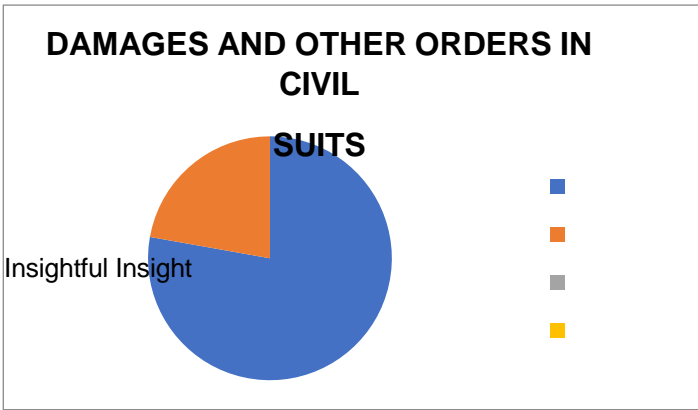
A significant majority of 66.7% (6 judges) found the content clarity and depth of Justice Boniface Wamala's presentation excellent, praising his ability to understand damages and other orders in civil suits comprehensively. Another 33.3% (3 judges) rated the content as good, contributing to an overall positive assessment. Importantly, none of the judges found the content average, poor, or very poor.



The engagement and interactivity of the session received positive feedback, with 44.4% (4 judges) expressing that the presentation was very engaging. This indicates Justice Boniface Wamala's success in maintaining audience involvement. Another 55.6% (5 judges) rated the engagement level as engaging, reinforcing the positive reception. No judges reported neutrality or dissatisfaction with the level of engagement during the presentation.



A substantial majority of 77.8% (7 judges) found the information to be very insightful. Justice Boniface Wamala was acknowledged for providing valuable perspectives on the intricacies of damages and other orders in civil suits. The remaining 22.2% (2 judges) rated the insights as insightful, contributing to an overall positive evaluation.



In conclusion, the evaluation of Hon. Justice Boniface Wamala's presentation on "Damages and Other Orders in Civil Suits" reflects a predominantly positive reception from the participating judges. The percentages alongside the corresponding numbers for content clarity, engagement, and insightful information underscore the presentation's success in comprehensively addressing the complexities of civil suits.

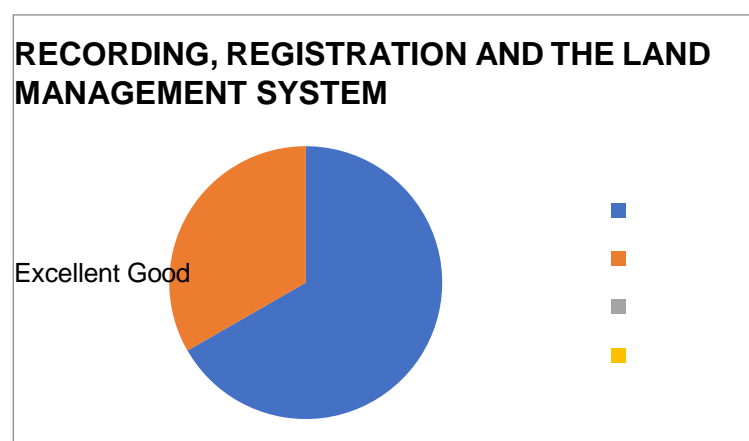
**Topic: RECORDING, REGISTRATION AND THE LAND MANAGEMENT SYSTEM**

**Presenter:** Commissioner Land Registration

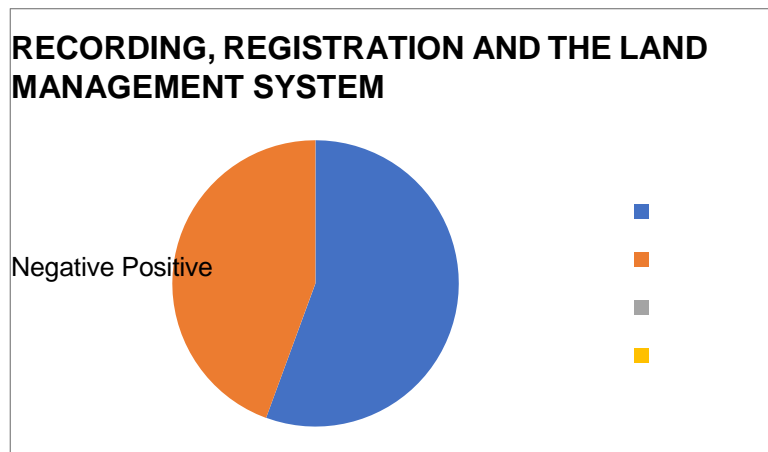
**Session Chair:** Hon. Lady Justice Aisha Naluzze Batala – Ag. Judge Land Division

The presentation on "Recording, Registration, and the Land Management System," delivered by the Commissioner of Land Registration, underwent a detailed evaluation from 9 out of 10 judges present. Here's a breakdown of percentages and corresponding numbers for different aspects of the presentation:

A significant majority of 66.7% (6 judges) found the content clarity and depth of the presentation to be excellent, commending the Commissioner for providing a thorough understanding of recording, registration, and the Land Management System. Another 33.3% (3 judges) rated the content as good, contributing to an overall positive assessment. Importantly, none of the judges found the content to be average, poor, or very poor.



The engagement and interactivity of the session received positive feedback, with 55.6% (5 judges) expressing that the presentation was very engaging. This indicates the Commissioner's success in maintaining audience involvement. Another 44.4% (4 judges) rated the engagement level as engaging, further reinforcing the positive reception. No judges reported neutrality or dissatisfaction with the level of engagement during the presentation.



A substantial majority of 77.8% (7 judges) found the information to be very insightful. The Commissioner of Land Registration was acknowledged for providing valuable perspectives on the intricacies of the Land Management System. The remaining 22.2% (2 judges) rated the insights as insightful, contributing to an overall positive evaluation.

In conclusion, the evaluation of the “Recording, Registration, and the Land Management System” presentation reflects a predominantly positive reception from the participating judges. The percentages alongside the corresponding numbers for content clarity, engagement, and insightful information underscore the presentation’s success in comprehensively addressing the complexities of land management.

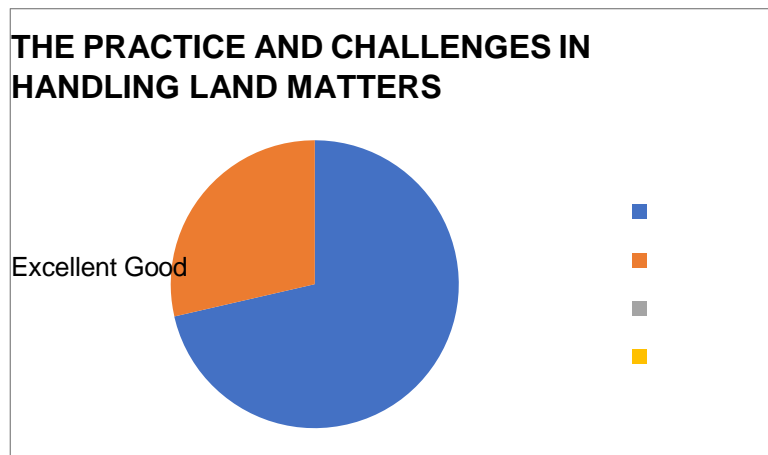
### **Topic: THE PRACTICE AND CHALLENGES IN HANDLING LAND MATTERS**

**Presenter:** Hon. Justice Alexandra Nkonge Rugadya – JHC/Head Land Division

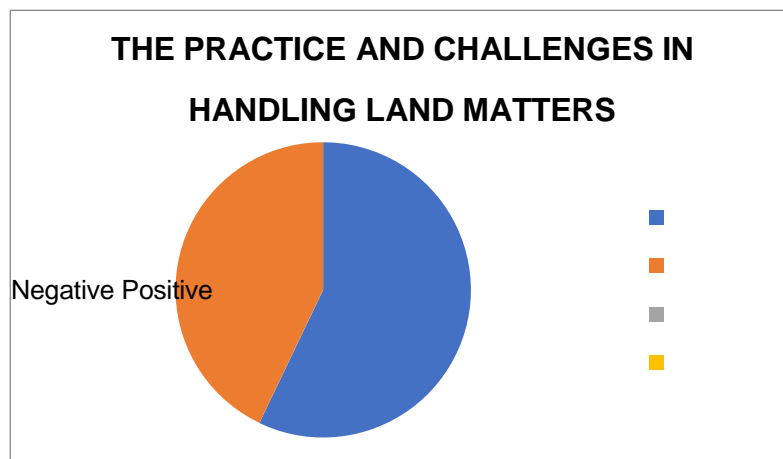
**Session Chair:** Hon. Lady Justice Kania Rosette Comfort – Ag. Judge Criminal Division

The presentation on "The Practice and Challenges in Handling Land Matters," led by Hon. Justice Alexandra Nkonge Rugadya, the Head of the Land Division, underwent a detailed evaluation from 7 out of 10 judges present. Here's a breakdown of percentages and corresponding numbers for different aspects of the presentation:

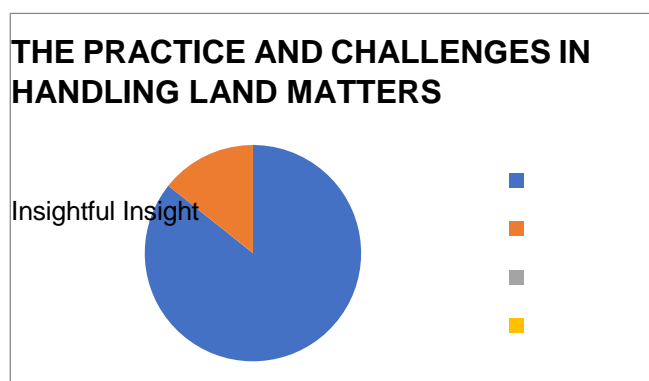
A substantial majority of 71.4% (5 judges) found the content clarity and depth of Justice Alexandra Nkonge Rugadya's presentation to be excellent, praising her for providing a thorough understanding of the practice and challenges in handling land matters. Another 28.6% (2 judges) rated the content as good, contributing to an overall positive assessment. Importantly, none of the judges found the content to be average, poor, or very poor.



The engagement and interactivity of the session received positive feedback, with 57.1% (4 judges) expressing that the presentation was very engaging. This indicates Justice Alexandra Nkonge Rugadya's success in maintaining audience involvement. Another 42.9% (3 judges) rated the engagement level as engaging, further reinforcing the positive reception. No judges reported neutrality or dissatisfaction with the level of engagement during the presentation.



A significant majority of 85.7% (6 judges) found the information to be very insightful. Justice Alexandra Nkonge Rugadya was acknowledged for providing valuable perspectives on the practice and challenges associated with land matters. The remaining 14.3% (1 judge) rated the insights as insightful, contributing to an overwhelmingly positive evaluation.



In conclusion, the evaluation of Hon. Justice Alexandra Nkonge Rugadya's presentation on "The

Practice and Challenges in Handling Land Matters" reflects a predominantly positive reception from the participating judges. The percentages alongside the corresponding numbers for content clarity, engagement, and insightful information underscore the success of the presentation in comprehensively addressing the complexities of land matters.

### **Topic: HANDLING OF CIVIL AND CRIMINAL APPEALS BY THE HIGH COURT**

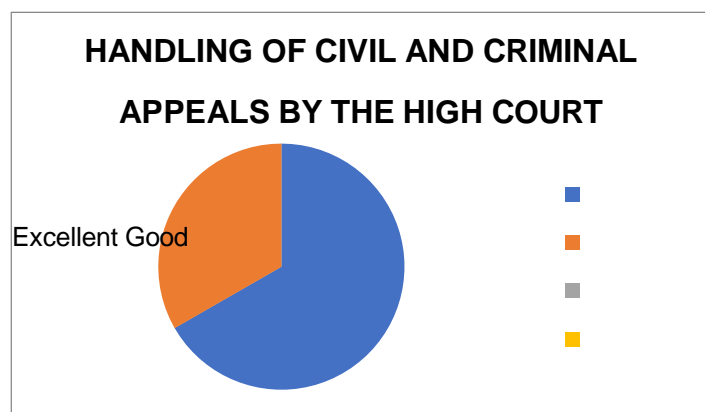
**Presenter:** Hon. Lady Justice Catherine K. Bamugemereire, JCOA

**Session Chair:** Hon. Lady Justice Rubagumya Tumusiime Patience Emily – Ag. Judge Commercial Division

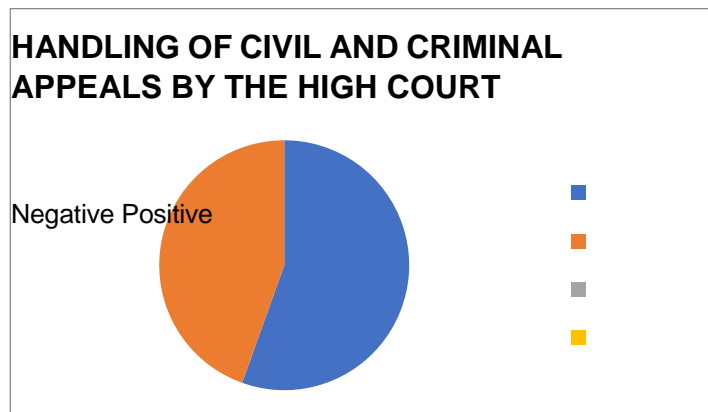
The presentation on "Handling of Civil and Criminal Appeals by the High Court," led by Hon. Lady Justice Catherine K. Bamugemereire from the Court of Appeal, underwent a detailed evaluation from 9 out of 10 judges present. Here's a breakdown of percentages and corresponding numbers for different aspects of the presentation:

A significant majority of 66.7% (6 judges) found the content clarity and depth of Justice Catherine K. Bamugemereire's presentation to be excellent, commending her for providing a thorough understanding of the handling of civil and criminal appeals by the High Court. Another 33.3% (3 judges) rated the content as good, contributing to an overall positive assessment.

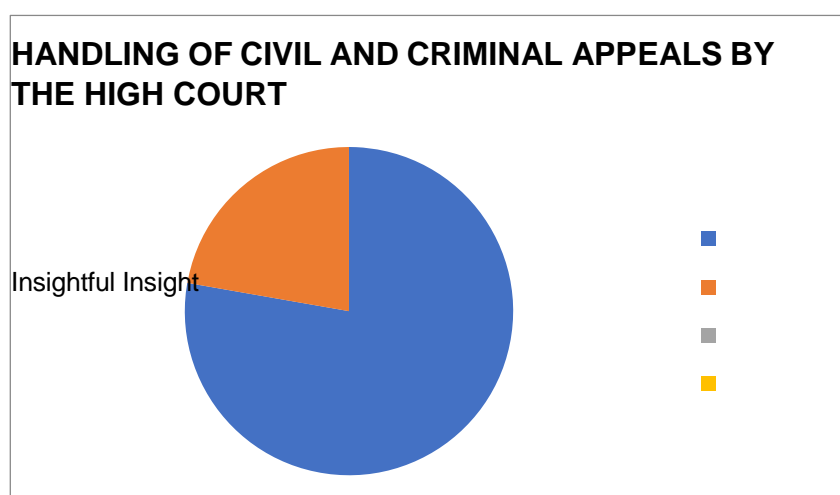
Importantly, none of the judges found the content to be average, poor, or very poor.



The engagement and interactivity of the session received positive feedback, with 55.6% (5 judges) expressing that the presentation was very engaging. This indicates Justice Catherine K. Bamugemereire's success in maintaining audience involvement. Another 44.4% (4 judges) rated the engagement level as engaging, further reinforcing the positive reception. No judges reported neutrality or dissatisfaction with the level of engagement during the presentation.



A substantial majority of 77.8% (7 judges) found the information to be very insightful. Justice Catherine K. Bamugemereire was acknowledged for providing valuable perspectives on the handling of civil and criminal appeals by the High Court. The remaining 22.2% (2 judges) rated the insights as insightful, contributing to an overall positive evaluation.



In conclusion, the evaluation of Hon. Lady Justice Catherine K. Bamugemereire's presentation on "Handling of Civil and Criminal Appeals by the High Court" reflects a predominantly positive reception from the participating judges. The percentages alongside the corresponding numbers for content clarity, engagement, and insightful information underscore the success of the presentation in comprehensively addressing the complexities of appeals handling at the High Court.

**Topic: THE LAW AND PRACTICE ON MATTERS OF CUSTODY, GUARDIANSHIP AND ADOPTION OF CHILDREN**

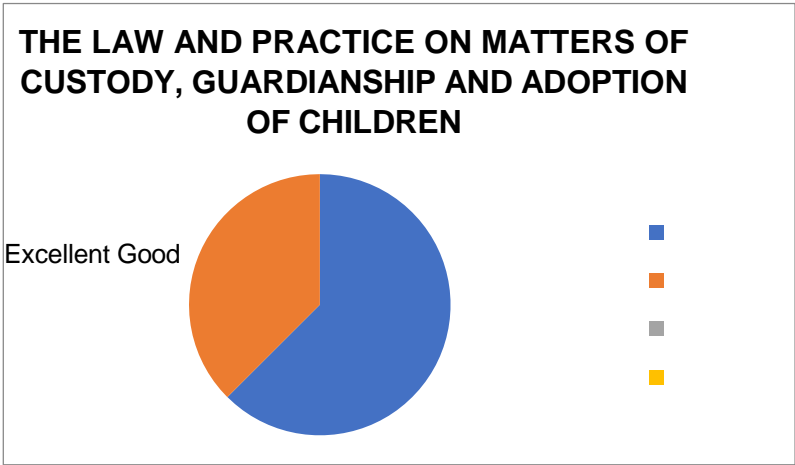
**Presenter: Hon. Justice Olive Kazaarwe Mukwaya – JHC Land Division**

**Session Chair: Hon. Justice Lubega Farouq – Ag. Judge Mbale High Court Circuit**

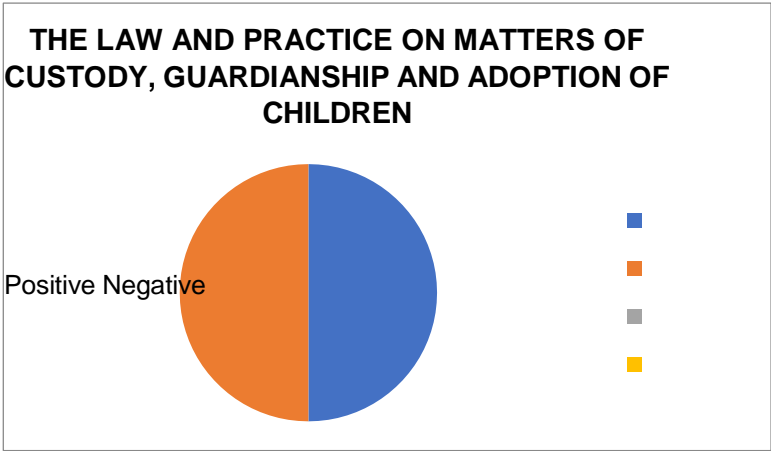
The presentation on "The Law and Practice on Matters of Custody, Guardianship, and Adoption of Children," delivered by Hon. Justice Olive Kazaarwe Mukwaya of the Land Division, received a detailed evaluation from

8 out of 10 judges present. Here's a breakdown of percentages and corresponding numbers for different aspects of the presentation:

A significant majority of 62.5% (5 judges) found the content clarity and depth of Justice Olive Kazaarwe Mukwaya's presentation to be excellent, praising her for providing a thorough understanding of custody, guardianship, and adoption matters. Another 37.5% (3 judges) rated the content as good, contributing to an overall positive assessment. Importantly, none of the judges found the content to be average, poor, or very poor.

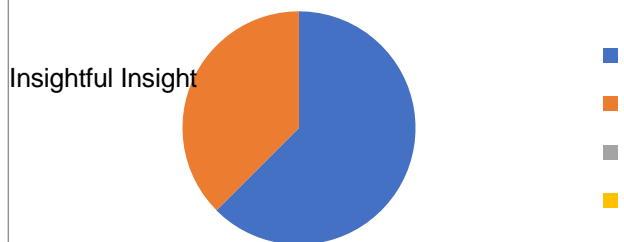


The engagement and interactivity of the session received positive feedback, with 50% (4 judges) expressing that the presentation was very engaging. This indicates Justice Olive Kazaarwe Mukwaya's success in maintaining audience involvement. Another 50% (4 judges) rated the engagement level as engaging, further reinforcing the positive reception. No judges reported neutrality or dissatisfaction with the level of engagement during the presentation.



A significant majority of 62.5% (5 judges) found the information to be very insightful. Justice Olive Kazaarwe Mukwaya was acknowledged for providing valuable perspectives on the law and practice regarding custody, guardianship, and adoption of children. The remaining 37.5% (3 judges) rated the insights as insightful, contributing to an overall positive evaluation.

### THE LAW AND PRACTICE ON MATTERS OF CUSTODY, GUARDIANSHIP AND ADOPTION OF CHILDREN



In conclusion, the evaluation of Hon. Justice Olive Kazaarwe Mukwaya's presentation on "The Law and Practice on Matters of Custody, Guardianship, and Adoption of Children" reflects a predominantly positive reception from the participating judges. The percentages alongside the corresponding numbers for content clarity, engagement, and insightful information underscore the presentation's success in comprehensively addressing the legal intricacies in matters related to children.

### Topic: HANDLING OF CHILD VICTIMS AND WITNESSES

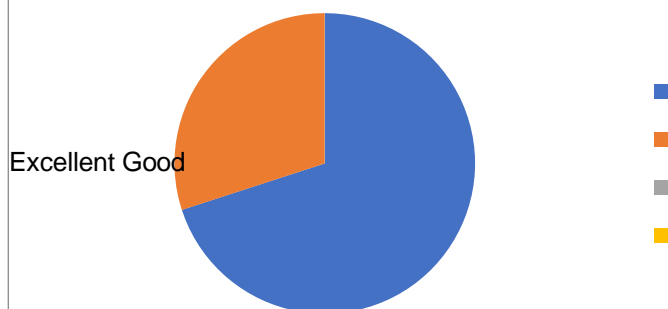
**Presenter:** Hon. Justice Damalie N. Lwanga – JHC, ED/JTI

**Session Chair:** Hon. Justice Amos Kwizera – Ag. Judge Bushenyi High Court Circuit

The presentation on "Handling of Child Victims and Witnesses," delivered by Hon. Justice Damalie N. Lwanga, the Executive Director of the Judicial Training Institute (JTI), received a comprehensive evaluation from all 10 judges present. Here's a detailed breakdown of percentages and corresponding numbers for different aspects of the presentation:

A substantial majority of 70% (7 judges) found the content clarity and depth of Justice Damalie N. Lwanga's presentation to be excellent, commending her for providing a thorough understanding of handling child victims and witnesses. Another 30% (3 judges) rated the content as good, contributing to an overall positive assessment. Importantly, none of the judges found the content to be average, poor, or very poor.

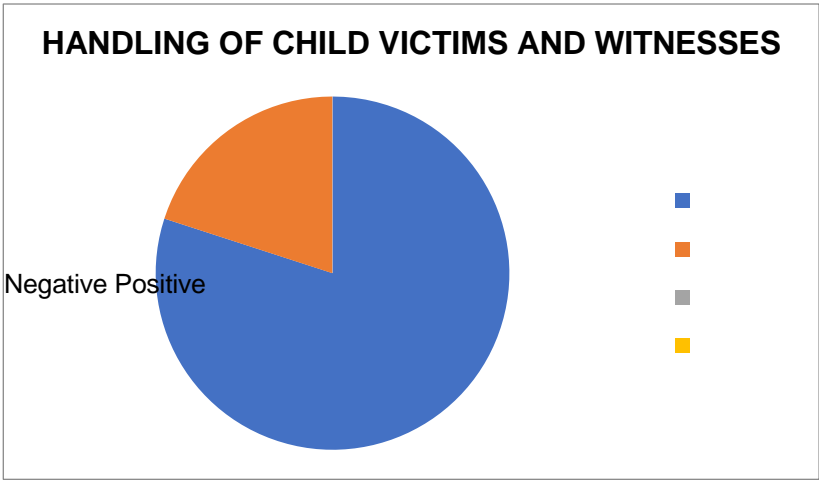
### HANDLING OF CHILD VICTIMS AND WITNESSES



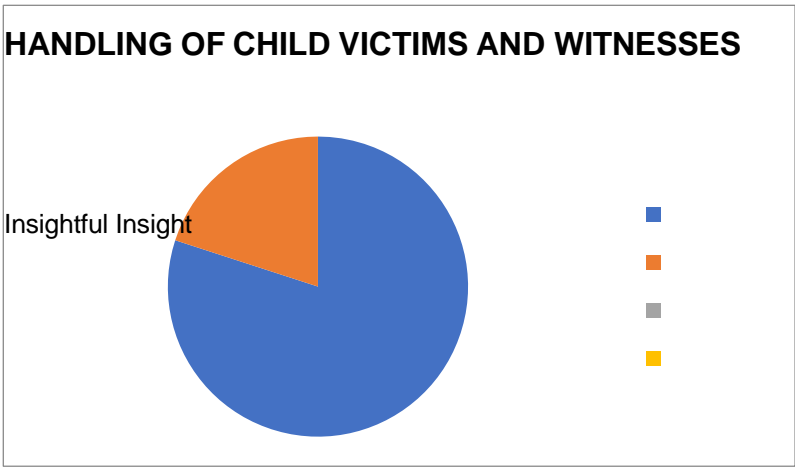
The engagement and interactivity of the session received highly positive feedback, with 80% (8



judges) expressing that the presentation was very engaging. This indicates Justice Damalie N. Lwanga's success in maintaining a high level of audience involvement. Another 20% (2 judges) rated the engagement level as engaging, further reinforcing the positive reception. No judges reported neutrality or dissatisfaction with the level of engagement during the presentation.



A significant majority of 80% (8 judges) found the information to be very insightful. Justice Damalie N. Lwanga was acknowledged for providing valuable perspectives on the sensitive and critical topic of handling child victims and witnesses. The remaining 20% (2 judges) rated the insights as insightful, contributing to an overall positive evaluation.



In conclusion, the evaluation of Hon. Justice Damalie N. Lwanga's presentation on the "Handling of Child Victims and Witnesses" reflects an overwhelmingly positive reception from all 10 judges. The percentages, alongside the corresponding numbers for content clarity, engagement, and insightful information, underscore the presentation's success in addressing the complexities and sensitivities associated with handling child victims and witnesses in the legal context.

**Topic: THE LAW AND PRACTICE ON SUCCESSION AND ESTATES MANAGEMENT**  
**PRESENTATION(S):**

Perspective from the Administrator General – Administrator General (40 minutes)

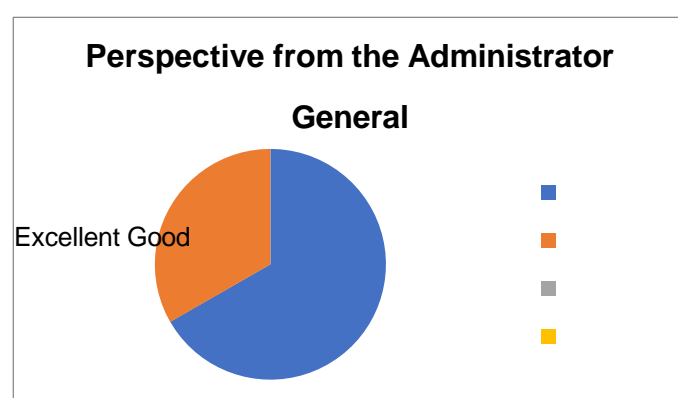
Perspective from the Bench – Hon. Justice John Keitirima – JHC/Head Family Division. (40 minutes)

**Session Chair:** Hon. Justice Jamson Karemani Karemera – Ag. Judge Kiboga High Court Circuit

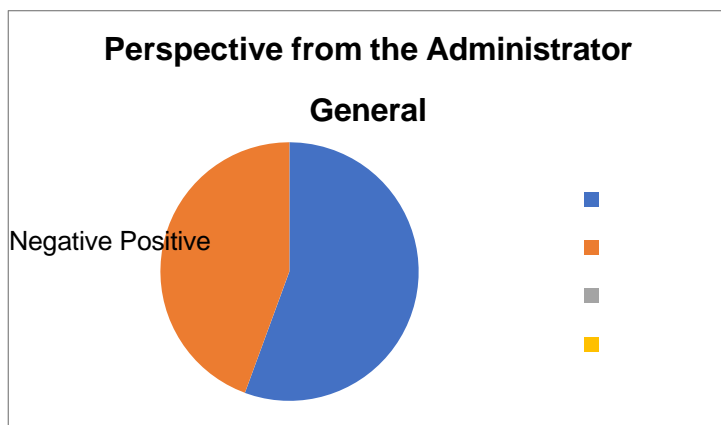
The presentation on "The Law and Practice on Succession and Estates Management" featured perspectives from the Administrator General and Hon. Justice John Keitirima, the Head of the Family Division. The session was chaired by Hon. Justice Jamson Karemani Karemera. Here's a detailed breakdown of the evaluations from 9 out of 10 judges who responded:

**Perspective from the Administrator General (40 minutes):**

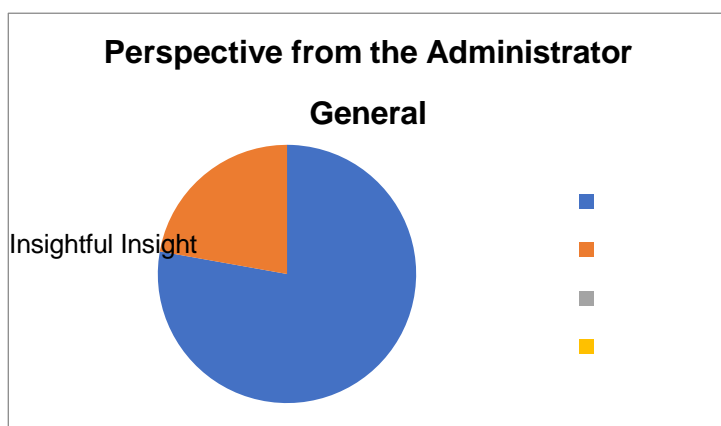
A majority of 66.7% (6 judges) found the content clarity and depth of the Administrator General's presentation to be excellent, praising the thorough understanding provided on succession and estates management. Another 33.3% (3 judges) rated the content as good, contributing to an overall positive assessment. Importantly, none of the judges found the content to be average, poor, or very poor.



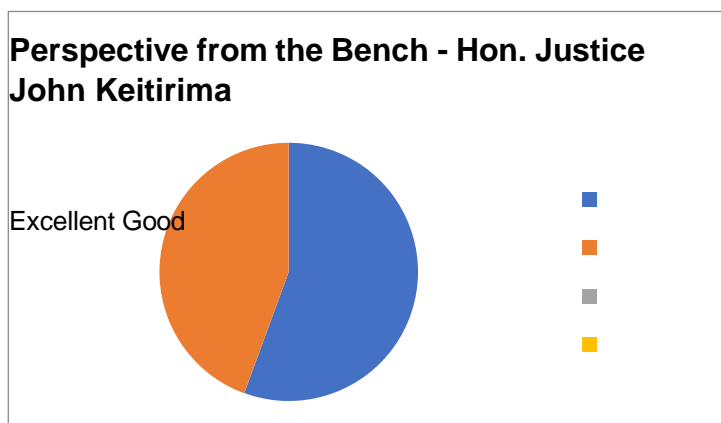
The engagement and interactivity of the Administrator General's session received positive feedback, with 55.6% (5 judges) expressing that the presentation was very engaging. This indicates the Administrator General's success in maintaining audience involvement. Another 44.4% (4 judges) rated the engagement level as engaging, further reinforcing the positive reception. No judges reported neutrality or dissatisfaction with the level of engagement during the presentation.



A significant majority of 77.8% (7 judges) found the information from the Administrator General to be very insightful. The Administrator General was acknowledged for providing valuable perspectives on the legal aspects of succession and estates management. The remaining 22.2% (2 judges) rated the insights as insightful, contributing to an overall positive evaluation.

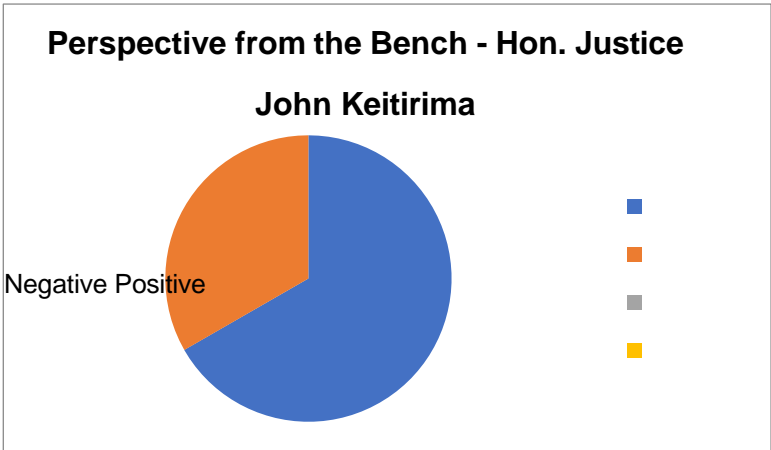


**Perspective from the Bench - Hon. Justice John Keitirima (40 minutes):** A majority of 55.6% (5 judges) found the content clarity and depth of Hon. Justice John Keitirima's presentation to be excellent, praising the detailed insights on succession and estates management from the bench perspective. Another 44.4% (4 judges) rated the content as good, contributing to an overall positive assessment. Importantly, none of the judges found the content to be average, poor, or very poor.

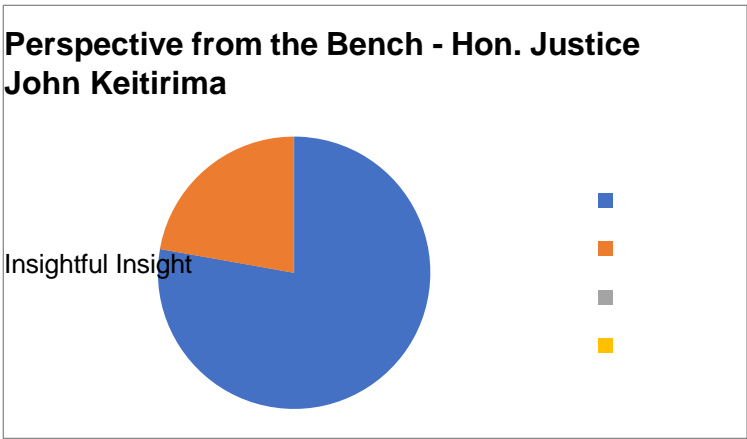


The engagement and interactivity of Hon. Justice John Keitirima's session received highly

positive feedback, with 66.7% (6 judges) expressing that the presentation was very engaging. This indicates Justice John Keitirima's success in maintaining a high level of audience involvement. Another 33.3% (3 judges) rated the engagement level as engaging, further reinforcing the positive reception. No judges reported neutrality or dissatisfaction with the level of engagement during the presentation.



A significant majority of 77.8% (7 judges) found the information from Hon. Justice John Keitirima to be very insightful. The Justice was acknowledged for providing valuable perspectives on the legal aspects of succession and estates management from the bench. The remaining 22.2% (2 judges) rated the insights as insightful, contributing to an overall positive evaluation.



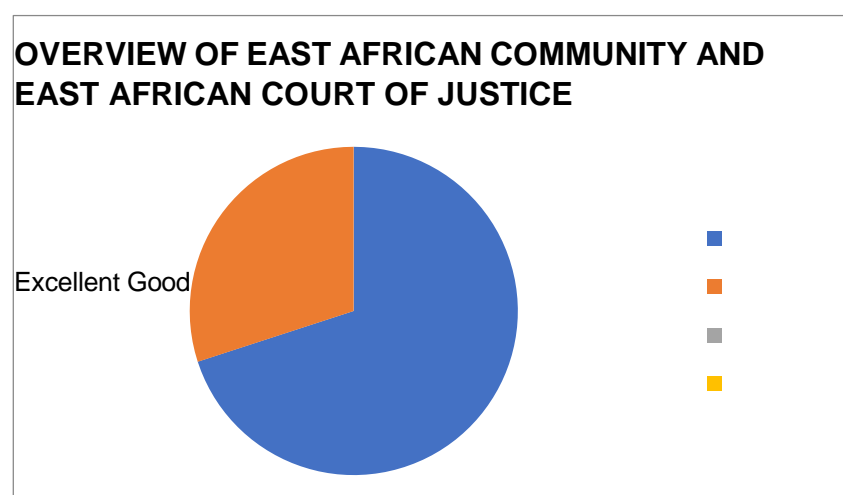
In conclusion, the evaluation of the presentations on "The Law and Practice on Succession and Estates Management" from both the Administrator General and Hon. Justice John Keitirima reflects an overwhelmingly positive reception from the participating judges. The percentages alongside the corresponding numbers for content clarity, engagement, and insightful information underscore the success of the presentations in comprehensively addressing the legal complexities associated with succession and estates management.

## **Topic: OVERVIEW OF EAST AFRICAN COMMUNITY AND EAST AFRICAN COURT OF JUSTICE**

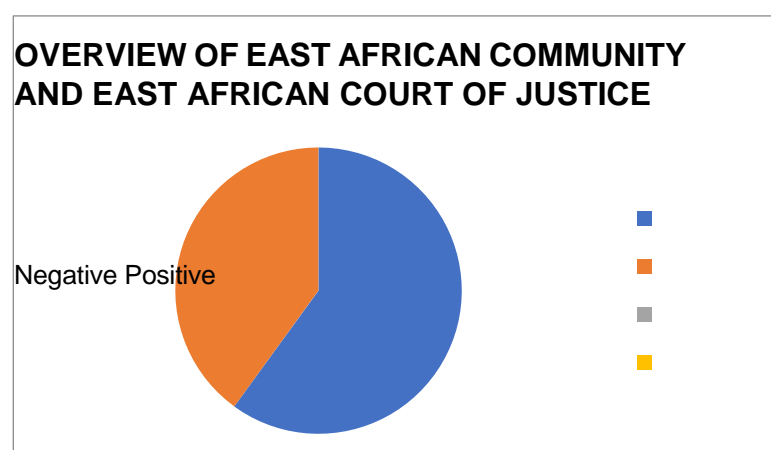
**Presenter:** Hon. Justice Richard Wabwire Wejuli – JHC/EACJ

**Session Chair:** Hon. Justice Phillip Willebrord Mwaka – Ag. Judge Gulu High Court Circuit  
The presentation on the "Overview of East African Community (EAC) and East African Court of Justice (EACJ)," delivered by Hon. Justice Richard Wabwire Wejuli, a distinguished member from the judiciary, received a detailed evaluation from all 10 judges present. Here's a breakdown of percentages and corresponding numbers for different aspects of the presentation: Overview of East African Community and East African Court of Justice:

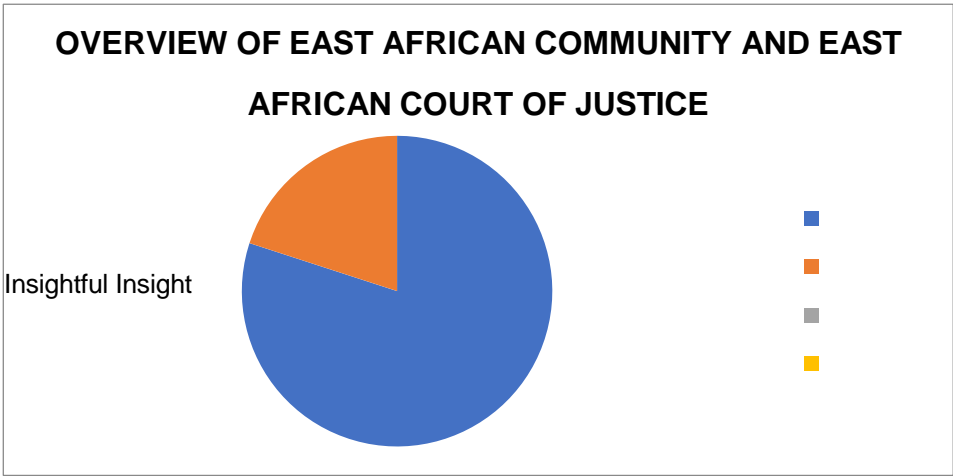
A significant majority of 70% (7 judges) found the content clarity and depth of Justice Richard Wabwire Wejuli's presentation to be excellent, praising the thorough understanding provided on the East African Community and the East African Court of Justice. Another 30% (3 judges) rated the content as good, contributing to an overall positive assessment. Importantly, none of the judges found the content to be average, poor, or very poor.



The engagement and interactivity of the session received positive feedback, with 60% (6 judges) expressing that the presentation was very engaging. This indicates Justice Richard Wabwire Wejuli's success in maintaining audience involvement. Another 40% (4 judges) rated the engagement level as engaging, further reinforcing the positive reception. No judges reported neutrality or dissatisfaction with the level of engagement during the presentation.



A significant majority of 80% (8 judges) found the information to be very insightful. Justice Richard Wabwire Wejuli was acknowledged for providing valuable perspectives on the East African Community and the East African Court of Justice. The remaining 20% (2 judges) rated the insights as insightful, contributing to an overall positive evaluation.



In conclusion, the evaluation of Hon. Justice Richard Wabwire Wejuli's presentation on the "Overview of East African Community and East African Court of Justice" reflects an overwhelmingly positive reception from all 10 judges. The percentages alongside the corresponding numbers for content clarity, engagement, and insightful information underscore the success of the presentation in comprehensively addressing the intricacies of the East African legal landscape.

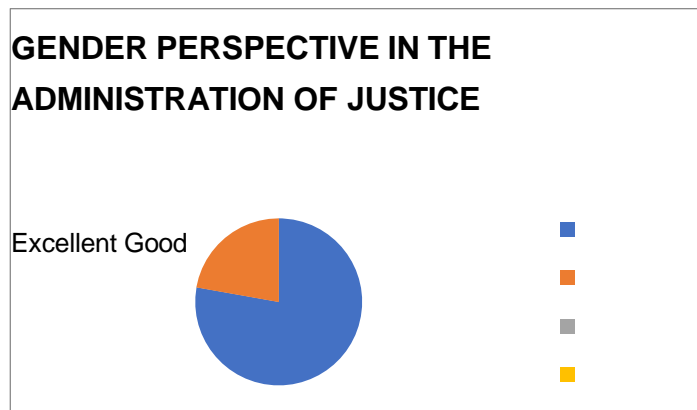
### **GENDER PERSPECTIVE IN THE ADMINISTRATION OF JUSTICE**

**Presenter:** Hon. Justice Susan Okalany – Judge International Crimes Division

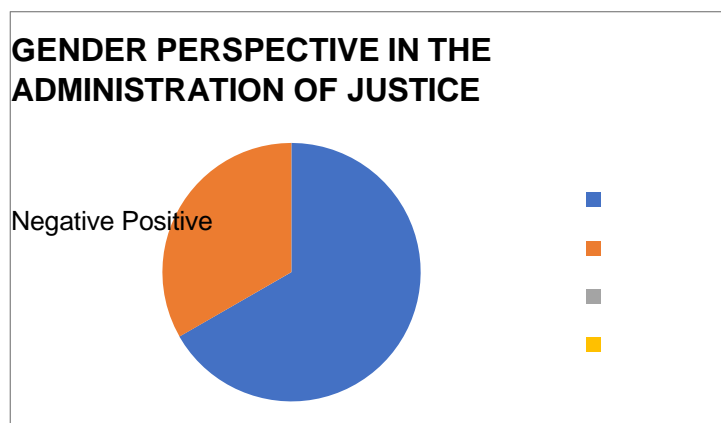
**Session Chair:** Hon. Justice David L. Makumbi – Ag. Judge Fort Portal High Court Circuit

The presentation on "Gender Perspective in the Administration of Justice," delivered by Hon. Justice Susan Okalany from the International Crimes Division, underwent a detailed evaluation from 9 out of 10 judges present. Here's a breakdown of percentages and corresponding numbers for different aspects of the presentation:

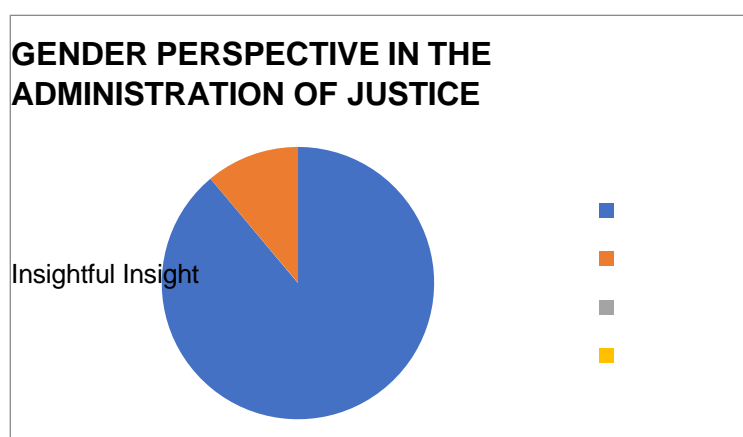
A substantial majority of 77.8% (7 judges) found the content clarity and depth of Justice Susan Okalany's presentation to be excellent, praising the comprehensive understanding provided on the gender perspective in the administration of justice. Another 22.2% (2 judges) rated the content as good, contributing to an overall positive assessment. Importantly, none of the judges found the content to be average, poor, or very poor.



The engagement and interactivity of the session received positive feedback, with 66.7% (6 judges) expressing that the presentation was very engaging. This indicates Justice Susan Okalany's success in maintaining audience involvement. Another 33.3% (3 judges) rated the engagement level as engaging, further reinforcing the positive reception. No judges reported neutrality or dissatisfaction with the level of engagement during the presentation.



An overwhelming majority of 88.9% (8 judges) found the information to be very insightful. Justice Susan Okalany was acknowledged for providing valuable perspectives on the gender dynamics within the administration of justice. The remaining 11.1% (1 judge) rated the insights as insightful, contributing to an overall positive evaluation.



In conclusion, the evaluation of Hon. Justice Susan Okalany's presentation on "Gender Perspective in the Administration of Justice" reflects an overwhelmingly positive reception from

the participating judges. The percentages alongside the corresponding numbers for content clarity, engagement, and insightful information underscore the presentation's success in addressing the critical aspects of gender within the judicial system.

### **Topic: INTRODUCTION TO JUDGEMENT WRITING**

**Presenter:** Hon. Justice Lawrence Gidudu – JHC/Head Anti-Corruption Division

**Session Chair:** Hon. Lady Justice Dr. Christine Akello Echokit – Ag. Judge Family Division

### **Topic: EVALUATION OF EVIDENCE**

**Presenter:** Hon. Justice Lawrence Gidudu – JHC/Head Anti-Corruption Division

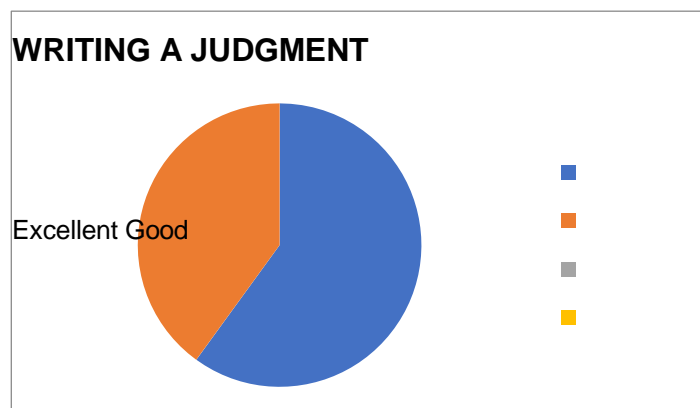
**Chair:** Hon. Lady Justice Jaqueline Mwondha – Ag. Judge Mukono High Court Circuit

### **Topic: WRITING A JUDGMENT**

**Presenter:** Hon. Justice Lawrence Gidudu – JHC/Head Anti-Corruption Division

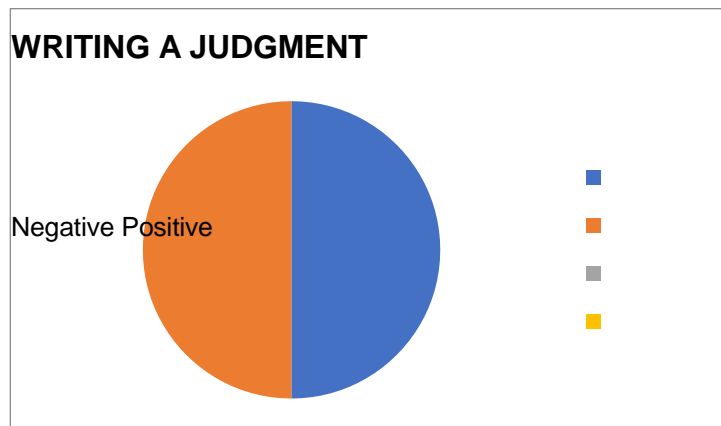
**Session Chair:** Hon. Lady Justice Aisha Naluzze Batala – Ag. Judge Land Division

The presentation by Hon. Justice Lawrence Gidudu on "Introduction to Judgment Writing" received positive feedback, with 60% (6 judges) finding the content clarity and depth to be excellent. Another 40% (4 judges) rated the content as good, contributing to an overall positive assessment. Importantly, none of the judges found the content to be average, poor, or very poor.

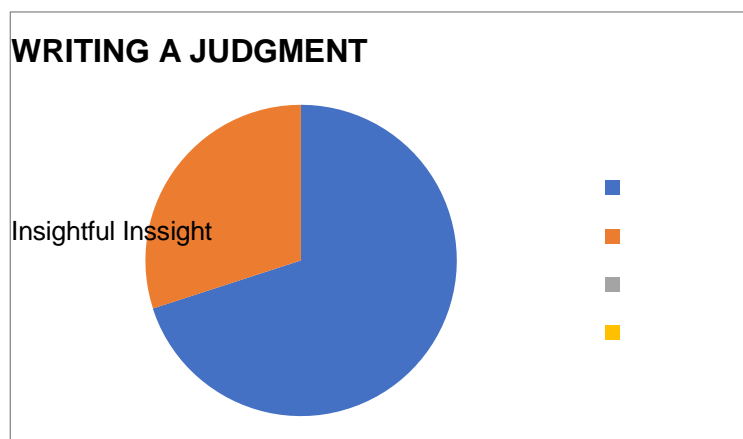


The engagement and interactivity of the session received positive and balanced feedback, with 50% (5 judges) expressing that the presentation was very engaging. Another 50% (5 judges) rated the engagement level as engaging, indicating that the audience found the session involving and interactive. No judges reported neutrality or dissatisfaction with the level of engagement during the presentation.

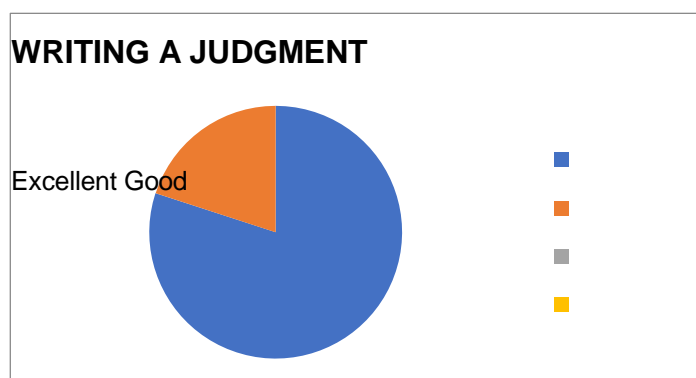




A significant majority of 70% (7 judges) found the judgment writing information very insightful. Justice Lawrence Gidudu was acknowledged for providing valuable perspectives on the foundational aspects of crafting a judgment. The remaining 30% (3 judges) rated the insights as insightful, contributing to an overall positive evaluation.

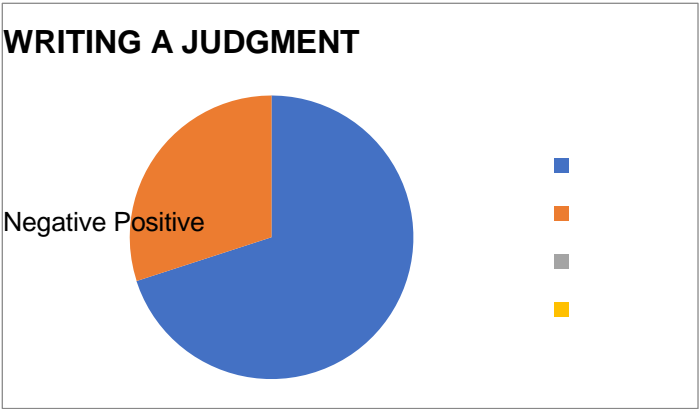


The presentation on the "Evaluation of Evidence" by Hon. Justice Lawrence Gidudu received overwhelmingly positive feedback, with 80% (8 judges) finding the content clarity and depth to be excellent. Another 20% (2 judges) rated the content as good, contributing to an overall highly positive assessment. Importantly, none of the judges found the content to be average, poor, or very poor.

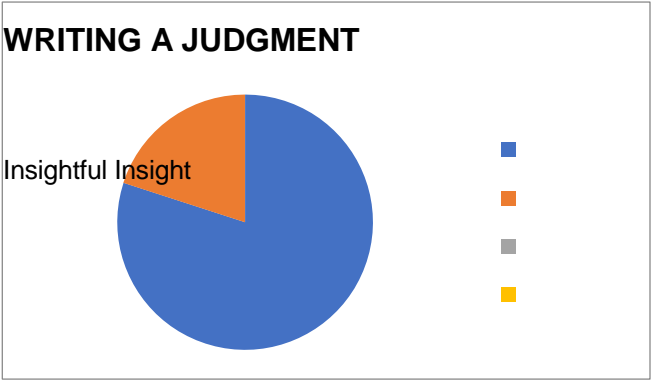


The engagement and interactivity of the session received highly positive feedback, with 70% (7 judges) expressing that the presentation was very engaging. This indicates Justice Lawrence Gidudu's success in maintaining audience involvement. Another 30% (3 judges) rated the engagement level as engaging, further reinforcing the positive reception. No judges reported

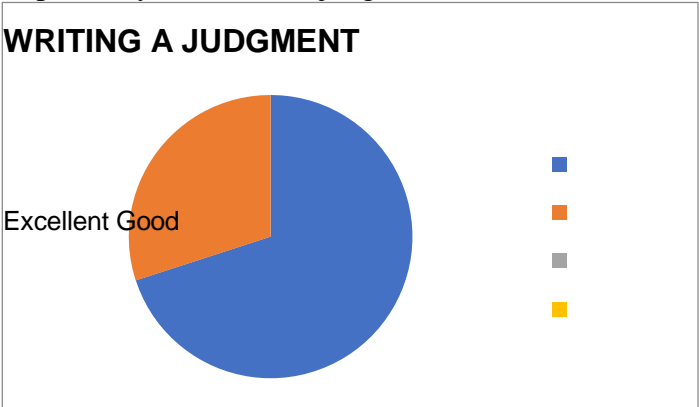
neutrality or dissatisfaction with the level of engagement during the presentation.



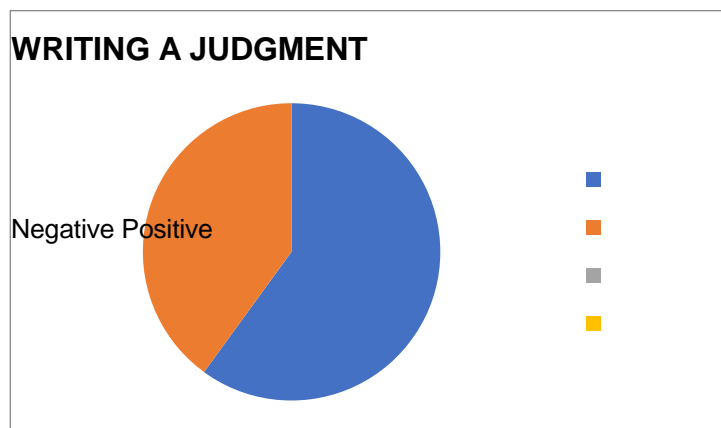
A significant majority of 80% (8 judges) found the information on evidence evaluation to be very insightful. Justice Lawrence Gidudu was acknowledged for providing valuable perspectives on the intricate process of evaluating evidence. The remaining 20% (2 judges) rated the insights as insightful, contributing to an overall positive evaluation.



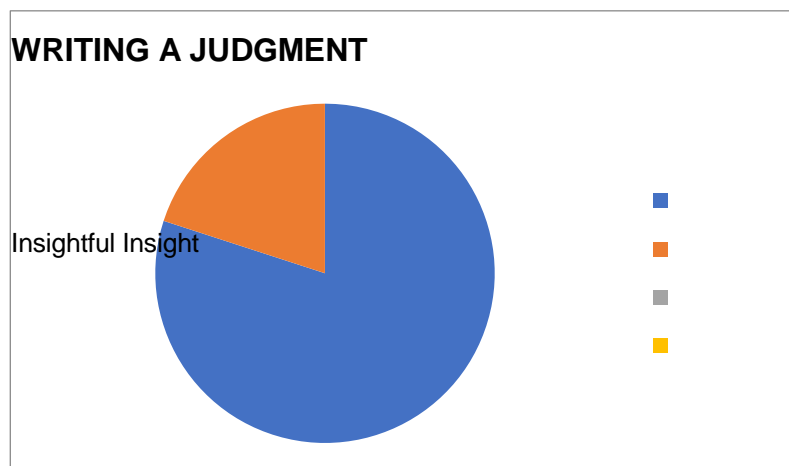
The presentation on "Writing a Judgment" by Hon. Justice Lawrence Gidudu received a positive response, with 70% (7 judges) finding the content clarity and depth to be excellent. Another 30% (3 judges) rated the content as good, contributing to an overall positive assessment. Importantly, none of the judges found the content to be average, poor, or very poor.



The engagement and interactivity of the session received positive feedback, with 60% (6 judges) expressing that the presentation was engaging. This indicates Justice Lawrence Gidudu's success in maintaining audience involvement. Another 40% (4 judges) rated the engagement level as engaging, reinforcing the positive reception. No judges reported neutrality or dissatisfaction with the level of engagement during the presentation.



A significant majority of 80% (8 judges) found the judgment writing information very insightful. Justice Lawrence Gidudu was acknowledged for providing valuable perspectives on the essential elements of crafting a judgment. The remaining 20% (2 judges) rated the insights as insightful, contributing to an overall positive evaluation.



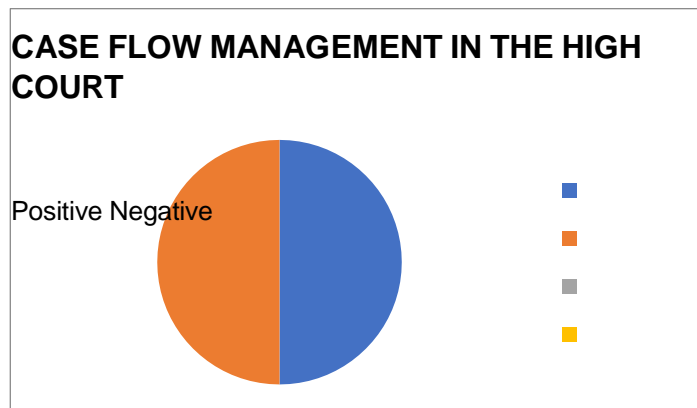
In conclusion, the evaluations for all three presentations by Hon. Justice Lawrence Gidudu on "Introduction to Judgment Writing," "Evaluation of Evidence," and "Writing a Judgment" reflect an overwhelmingly positive reception from the participating judges. The percentages, alongside the corresponding numbers for content clarity, engagement, and insightful information, underscore the success of the presentations in addressing crucial aspects of the judicial process.

### **Topic: CASE FLOW MANAGEMENT IN THE HIGH COURT**

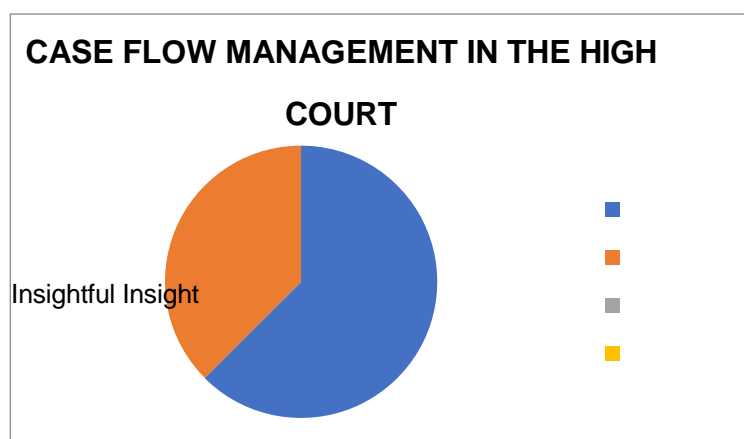
**Presenter:** Hon. Justice Immaculate Busingye – JHC Land Division

**Session Chair:** Hon. Lady Justice Kania Rosette Comfort – Ag. Judge Criminal Division

The engagement and interactivity of the session received positive and balanced feedback, with 50% (4 judges) expressing that the presentation was very engaging. Another 50% (4 judges) rated the engagement level as engaging, indicating that the audience found the session involving and interactive. No judges reported neutrality or dissatisfaction with the level of engagement during the presentation.



A substantial majority of 62.5% (5 judges) found the case flow management information very insightful. Justice Immaculate Busingye was acknowledged for providing valuable perspectives on effectively managing cases in the High Court. The remaining 37.5% (3 judges) rated the insights as insightful, contributing to an overall positive evaluation.



In conclusion, the evaluation of Hon. Justice Immaculate Busingye's presentation on "Case Flow Management in the High Court" reflects a positive reception from the participating judges. The percentages alongside the corresponding numbers for content clarity, engagement, and insightful information underscore the presentation's success in addressing the crucial aspect of managing case flow in the High Court.

### **Topic: THE BAR/BENCH RELATIONSHIP**

#### **Panel Presentation:**

Hon. Justice Tadeo Asiimwe – JHC/President UJOA - **A view from the Bench (30 minutes)**

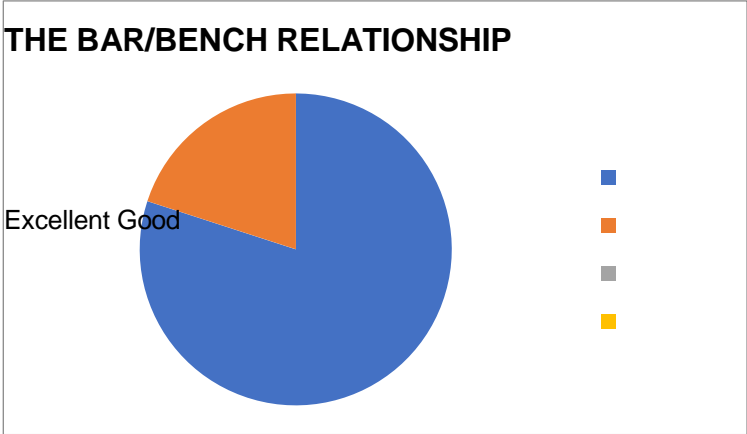
President Uganda Law Society - **A View from the Bar (30 minutes)**

**Session Chair:** Hon. Lady Justice Rubagumya Tumusiime Patience Emily – Ag. Judge Commercial Division

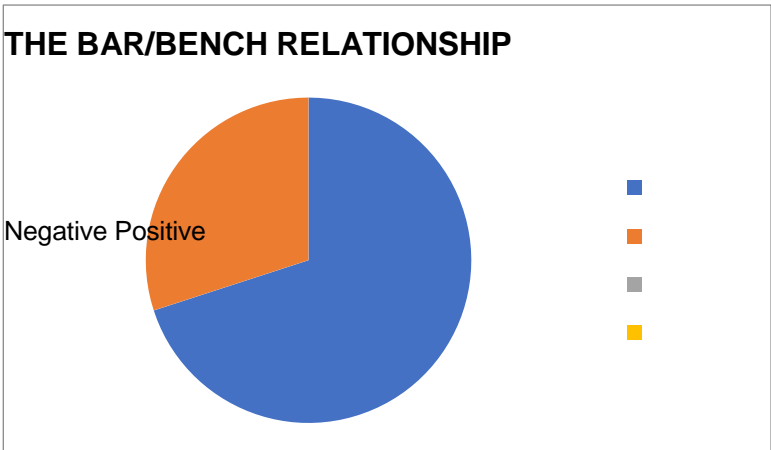
#### **Hon. Justice Tadeo Asiimwe – A View from the Bench (30 minutes):**

The presentation by Hon. Justice Tadeo Asiimwe received overwhelmingly positive feedback,

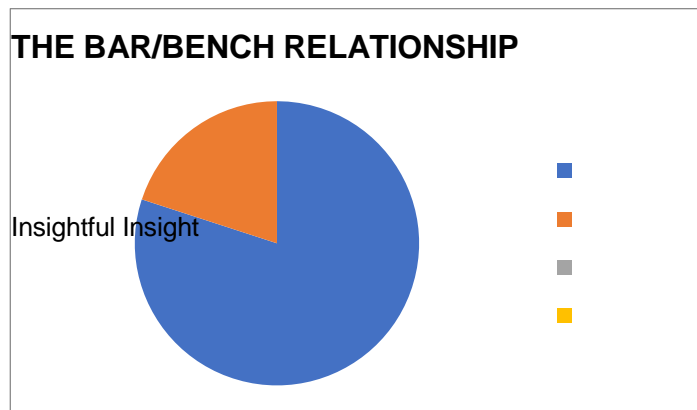
with 80% (8 judges) finding the content clarity and depth to be excellent. Another 20% (2 judges) rated the content as good, contributing to an overall highly positive assessment. Importantly, none of the judges found the content to be average, poor, or very poor.



The engagement and interactivity of Justice Tadeo Asiimwe's session received highly positive feedback, with 70% (7 judges) expressing that the presentation was very engaging. This indicates Justice Tadeo Asiimwe's success in maintaining audience involvement. Another 30% (3 judges) rated the engagement level as engaging, further reinforcing the positive reception. No judges reported neutrality or dissatisfaction with the level of engagement during the presentation.

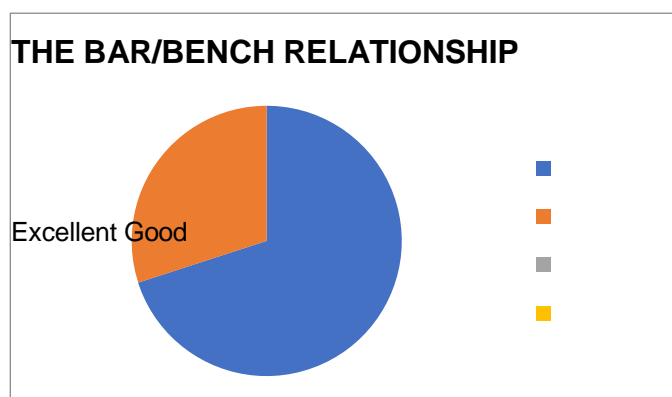


A significant majority of 80% (8 judges) found the insights into the bench perspective to be very insightful. Justice Tadeo Asiimwe was acknowledged for providing valuable perspectives from the bench. The remaining 20% (2 judges) rated the insights as insightful, contributing to an overall positive evaluation.

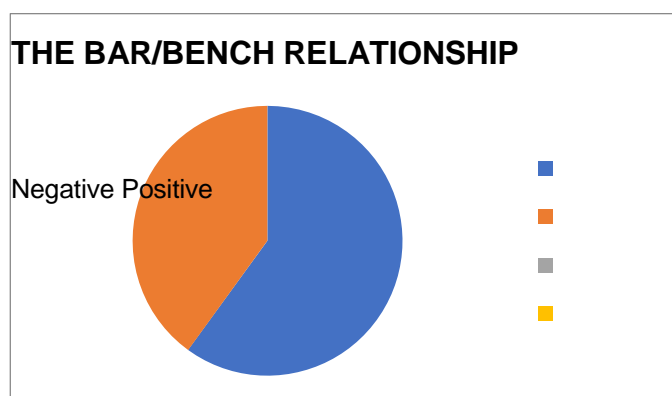


**President Uganda Law Society – A View from the Bar (30 minutes):**

The presentation by the President of Uganda Law Society received positive feedback, with 70% (7 judges) finding the content clarity and depth to be excellent. Another 30% (3 judges) rated the content as good, contributing to an overall positive assessment. Importantly, none of the judges found the content to be average, poor, or very poor.

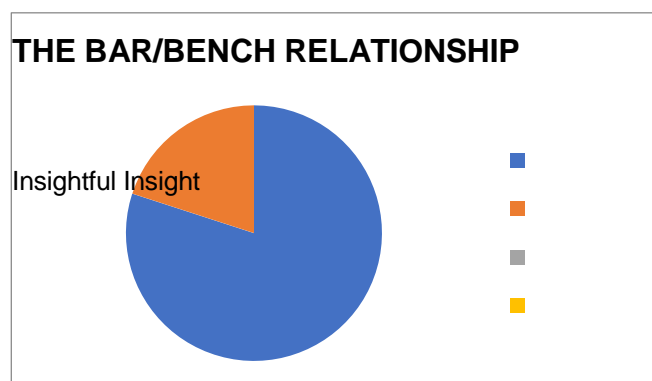


The engagement and interactivity of the Uganda Law Society President's session received positive feedback, with 60% (6 judges) expressing that the presentation was very engaging. This indicates the President's success in maintaining audience involvement. Another 40% (4 judges) rated the engagement level as engaging, further reinforcing the positive reception. No judges reported neutrality or dissatisfaction with the level of engagement during the presentation.



A significant majority of 80% (8 judges) found the insights into the bar perspective to be very insightful. The President of Uganda Law Society was acknowledged for providing valuable perspectives from the bar. The remaining 20% (2 judges) rated the insights as insightful,

contributing to an overall positive evaluation.



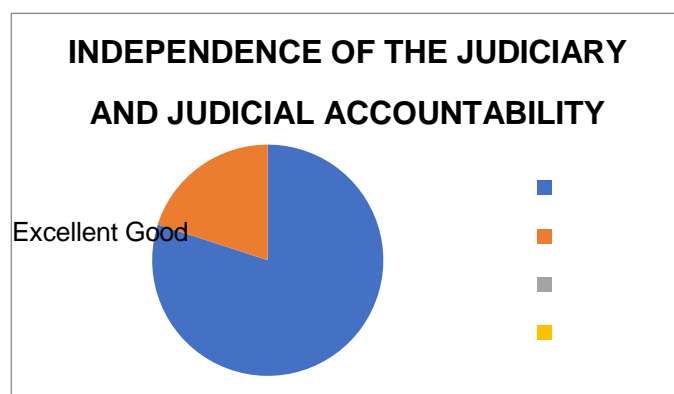
In conclusion, the evaluation of "The Bar/Bench Relationship" panel presentation reflects an overwhelmingly positive reception from all 10 judges. Justice Tadeo Asiimwe's insights from the bench and the President of Uganda Law Society's perspectives from the bar were highly appreciated. The percentages, alongside the corresponding numbers for content clarity, engagement, and insightful information, underscore the success of the panel presentation in fostering a deeper understanding of the dynamics between the bench and the bar.

### **Topic: INDEPENDENCE OF THE JUDICIARY AND JUDICIAL ACCOUNTABILITY**

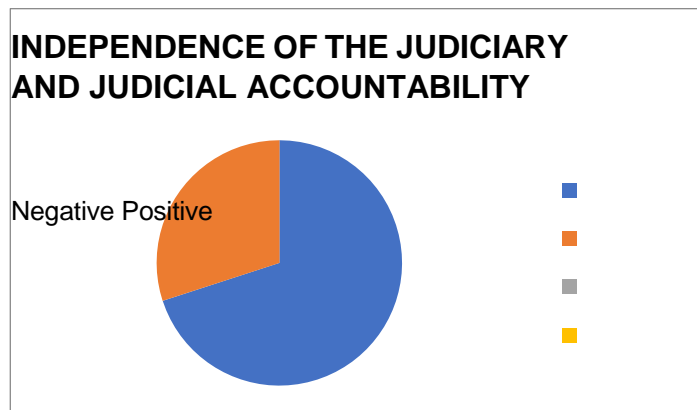
**Presenter:** The Chairperson, Judicial Service Commission

**Session Chair:** The Executive Director, JTI

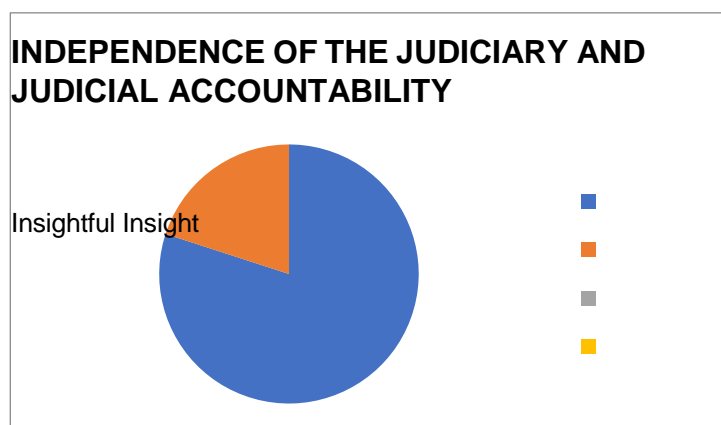
The presentation on the Independence of the Judiciary and Judicial Accountability delivered by the Chairperson of the Judicial Service Commission received overwhelmingly positive feedback regarding content clarity and depth. A substantial majority, 80% (8 judges), rated the content as excellent, highlighting the comprehensive understanding provided. Another 20% (2 judges) rated the content as good, contributing to an overall highly positive assessment. Importantly, none of the judges found the content to be average, poor, or very poor.



The engagement and interactivity of the session received highly positive feedback, with 70% (7 judges) expressing that the presentation was very engaging. This indicates the Chairperson's success in maintaining audience involvement. Another 30% (3 judges) rated the engagement level as engaging, reinforcing the positive reception. No judges reported neutrality or dissatisfaction with the level of engagement during the presentation.



A significant majority of 80% (8 judges) found the insights into the independence of the judiciary and judicial accountability to be very insightful. The Chairperson of the Judicial Service Commission was acknowledged for providing valuable perspectives on these critical aspects of the judicial system. The remaining 20% (2 judges) rated the insights as insightful, contributing to an overall positive evaluation.



In conclusion, the evaluation of the presentation on the Independence of the Judiciary and Judicial Accountability reflects an overwhelmingly positive reception from all 10 judges. The Chairperson's ability to deliver clear, insightful content while engaging the audience effectively contributed to the session's success. The percentages, alongside the corresponding numbers for content clarity, engagement, and insightful information, underscore the effectiveness of the presentation in addressing crucial aspects of judicial independence and accountability.

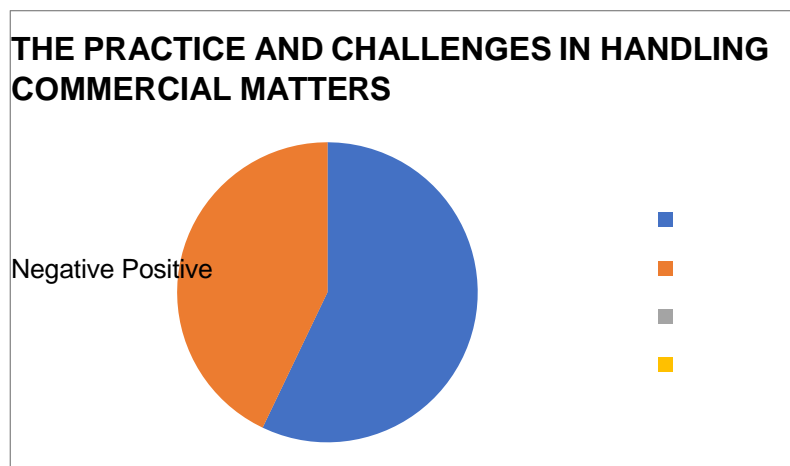
### **Topic: THE PRACTICE AND CHALLENGES IN HANDLING COMMERCIAL MATTERS**

**Presenter:** Hon. Justice Stephen Mubiru – JHC/Head Commercial Division

**Session Chair:** Hon. Justice Lubega Farouq – Ag. Judge Mbale High Court Circuit

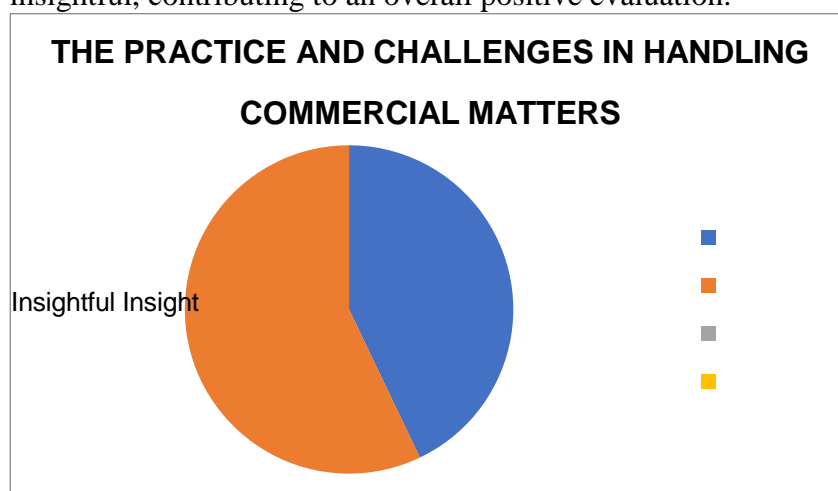
The presentation by Hon. Justice Stephen Mubiru received positive feedback regarding content clarity and depth. 57.1% (4 judges) found the content to be excellent, indicating a high level of understanding and clarity. Another 42.9% (3 judges) rated the content as good, contributing to an overall positive assessment. Importantly, none of the judges found the content to be average, poor, or very poor.





The engagement and interactivity of the session received positive feedback, with 42.9% (3 judges) expressing that the presentation was very engaging. Another 57.1% (4 judges) rated the engagement level as engaging, indicating that the audience found the session involving and interactive. No judges reported neutrality or dissatisfaction with the level of engagement during the presentation.

The insights into the operations of the Commercial Division were well- received, with 42.9% (3 judges) finding them to be very insightful. Another 57.1% (4 judges) rated the insights as insightful, contributing to an overall positive evaluation.



In conclusion, the evaluation of Hon. Justice Stephen Mubiru's presentation on reflects a positive reception from the responding 7 judges. The content clarity, engagement, and insights were generally well-received. The percentages and corresponding numbers for content clarity, engagement, and insightful information underscore the presentation's success in addressing these critical aspects.

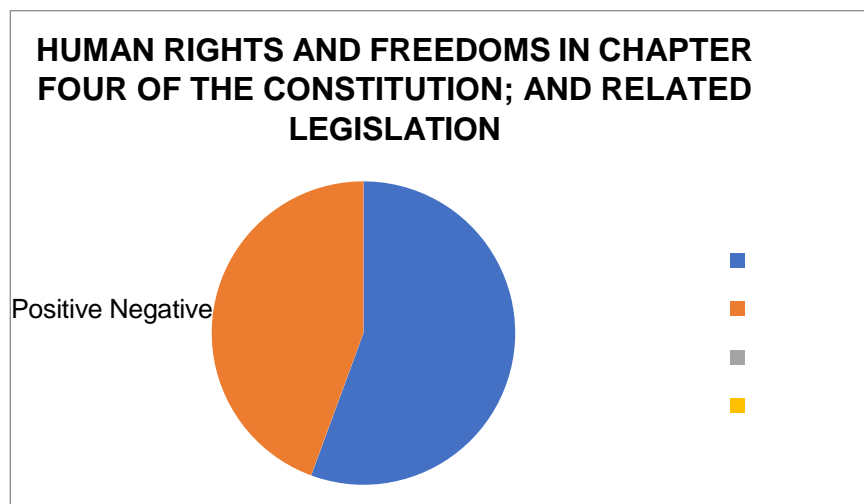
**Topic: HUMAN RIGHTS AND FREEDOMS IN CHAPTER FOUR OF THE CONSTITUTION; AND RELATED LEGISLATION**

**Presenter: Dr. Harriet Diana Musoke, Senior Counsel**

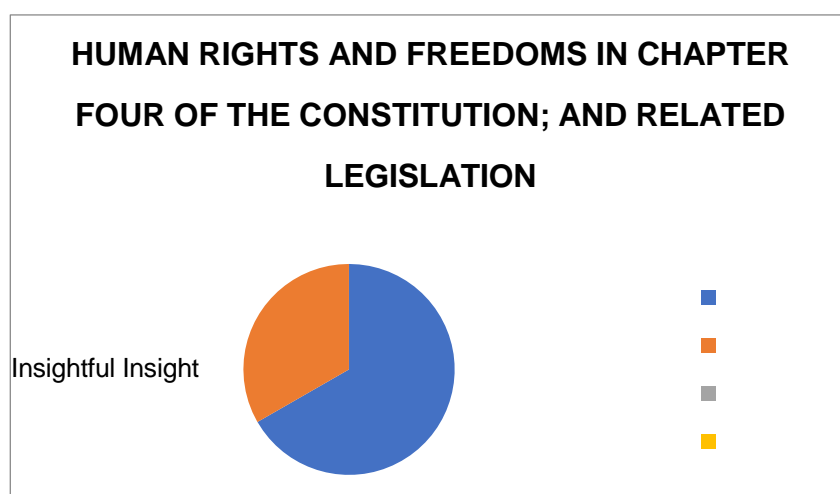
**Session Chair: Hon. Justice Amos Kwizera – Ag. Judge Bushenyi High Court Circuit**

The engagement and interactivity of the session received positive feedback, with 55.6% (5

judges) expressing that the presentation was very engaging. Another 44.4% (4 judges) rated the engagement level as engaging, indicating that the audience found the session involving and interactive. No judges reported neutrality or dissatisfaction with the level of engagement during the presentation.



The insights into human rights legislation were well-received, with 66.7% (6 judges) finding them to be very insightful. Another 33.3% (3 judges) rated the insights as insightful, contributing to an overall positive evaluation.



In conclusion, the evaluation of Dr. Harriet Diana Musoke's presentation on Human Rights and Freedoms in Chapter Four of the Constitution; and Related Legislation reflects a positive reception from the responding 9 judges. The content clarity, engagement, and insights into human rights legislation were generally well-received. The percentages alongside the corresponding numbers for content clarity, engagement, and insightful information underscore the presentation's success in addressing critical aspects of human rights and related legislation.

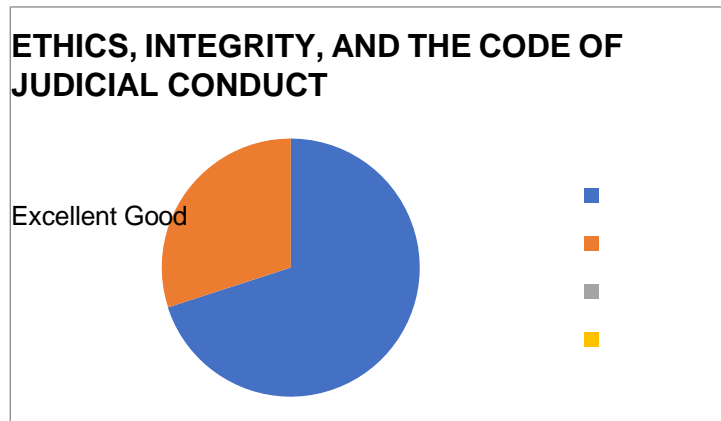
### **Topic: ETHICS, INTEGRITY, AND THE CODE OF JUDICIAL CONDUCT**

**Presenter: Mrs. Ruth Sebatindira – Senior Counsel/Commissioner Judicial Service Commission**

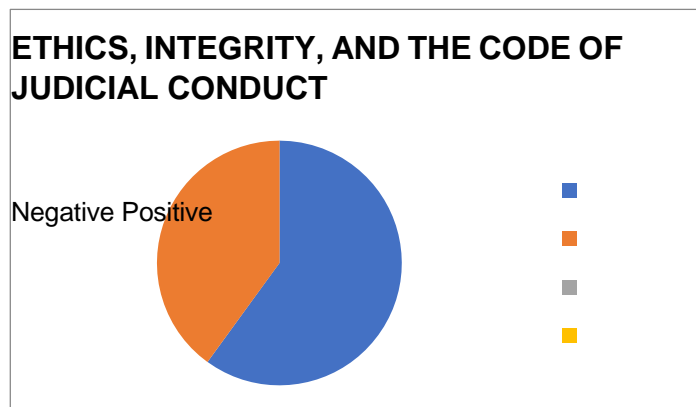
**Session Chair: Hon. Justice Jamson Karemani Karemera – Ag. Judge Kiboga High Court**

## Circuit

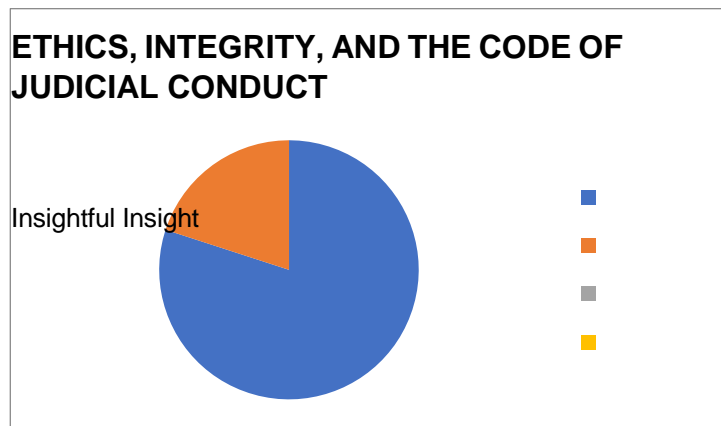
The presentation by Mrs. Ruth Sebatindira on Ethics, Integrity, and the Code of Judicial Conduct received overwhelmingly positive feedback regarding content clarity and depth. A substantial majority, 70% (7 judges), found the content to be excellent, indicating a high level of understanding and clarity. Another 30% (3 judges) rated the content as good, contributing to an overall highly positive assessment. Importantly, none of the judges found the content to be average, poor, or very poor.



The engagement and interactivity of the session received positive feedback, with 60% (6 judges) expressing that the presentation was very engaging. This indicates Mrs. Ruth Sebatindira's success in maintaining audience involvement. Another 40% (4 judges) rated the engagement level as engaging, further reinforcing the positive reception. No judges reported neutrality or dissatisfaction with the level of engagement during the presentation.



The insights into judicial ethics and integrity were highly appreciated, with 80% (8 judges) finding them to be very insightful. Mrs. Ruth Sebatindira was acknowledged for providing valuable perspectives on the importance of ethics and integrity in the judiciary. The remaining 20% (2 judges) rated the insights as insightful, contributing to an overall positive evaluation.



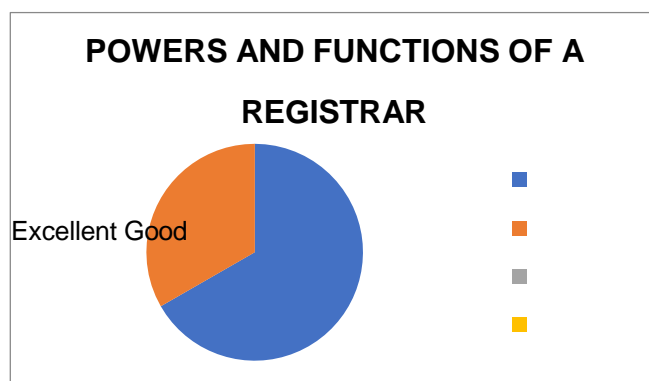
In conclusion, the evaluation of Mrs. Ruth Sebatindira's presentation on Ethics, Integrity, and the Code of Judicial Conduct reflects an overwhelmingly positive reception from all 10 judges. The content clarity, engagement, and insights into judicial ethics and integrity were highly commendable. The percentages, alongside the corresponding numbers for content clarity, engagement, and insightful information, underscore the presentation's success in addressing crucial aspects of ethical conduct within the judiciary.

### Topic: POWERS AND FUNCTIONS OF A REGISTRAR

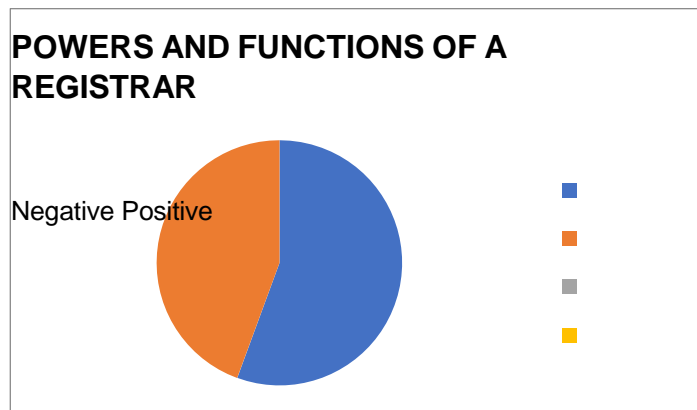
**Presenter:** HW Rosemary Bareebe Ngabirano – Registrar High Court

**Session Chair:** Hon. Justice Phillip Willebrord Mwaka – Ag. Judge Gulu High Court Circuit

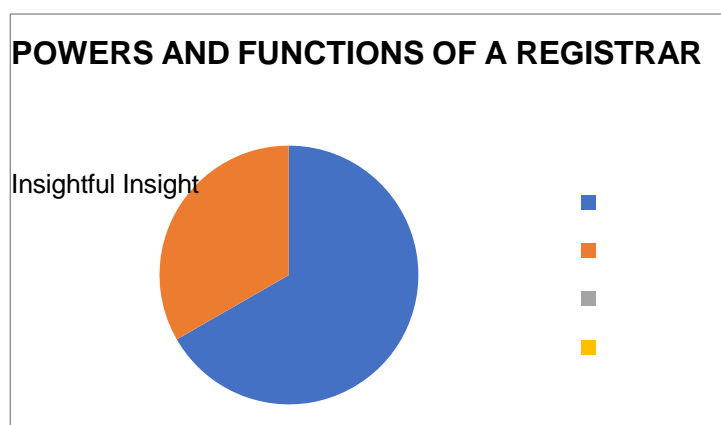
The presentation by HW Rosemary Bareebe Ngabirano on the Powers and Functions of a Registrar received positive feedback regarding content clarity and depth. A significant majority, 66.7% (6 judges), found the content to be excellent, indicating a high level of understanding and clarity. Another 33.3% (3 judges) rated the content as good, contributing to an overall positive assessment. Importantly, none of the judges found the content to be average, poor, or very poor.



The engagement and interactivity of the session received positive feedback, with 55.6% (5 judges) expressing that the presentation was very engaging. This indicates HW Rosemary Bareebe Ngabirano's success in maintaining audience involvement. Another 44.4% (4 judges) rated the engagement level as engaging, further reinforcing the positive reception. No judges reported neutrality or dissatisfaction with the level of engagement during the presentation.



The insights into the powers and functions of a Registrar were well-received, with 66.7% (6 judges) finding them to be very insightful. HW Rosemary Bareebe Ngabirano was acknowledged for providing valuable perspectives on the role of a Registrar. The remaining 33.3% (3 judges) rated the insights as insightful, contributing to an overall positive evaluation.



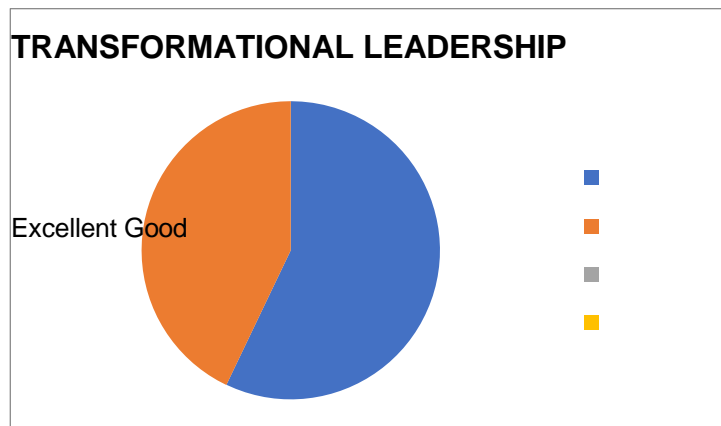
In conclusion, the evaluation of HW Rosemary Bareebe Ngabirano's presentation on the Powers and Functions of a Registrar reflects a positive reception from the responding 9 judges. The content clarity, engagement, and insights into the Registrar's powers and functions were generally well-received. The percentages alongside the corresponding numbers for content, clarity, engagement, and insightful information underscore the presentation's success in addressing critical aspects of the Registrar's role.

## **Topic: TRANSFORMATION LEADERSHIP**

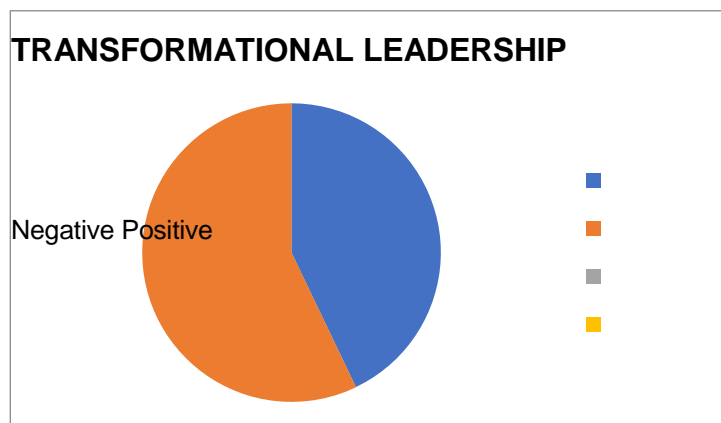
**Presenter:** Hon. Justice Mike Chibita – JSC/ Chairperson Governing Council, JTI

**Session Chair:** Hon. Justice David L. Makumbi – Ag. Judge Fort Portal High Court Circuit

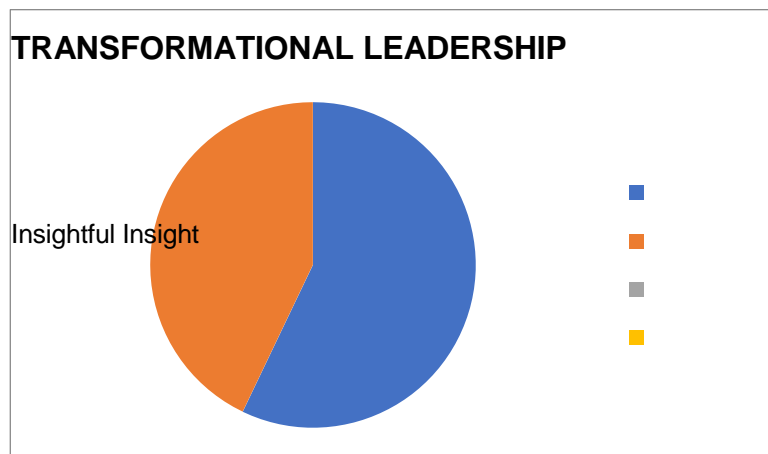
The presentation by Hon. Justice Mike Chibita on Transformational Leadership received positive feedback regarding content clarity and depth. A majority, 57.1% (4 judges), found the content to be excellent, indicating a high level of understanding and clarity. Another 42.9% (3 judges) rated the content as good, contributing to an overall positive assessment. Importantly, none of the judges found the content to be average, poor, or very poor.



The engagement and interactivity of the session received positive feedback, with 42.9% (3 judges) expressing that the presentation was very engaging. This indicates Hon. Justice Mike Chibita's success in maintaining audience involvement. Another 57.1% (4 judges) rated the engagement level as engaging, further reinforcing the positive reception. No judges reported neutrality or dissatisfaction with the level of engagement during the presentation.



The insights into transformational leadership were well-received, with 57.1% (4 judges) finding them to be very insightful. Hon. Justice Mike Chibita was acknowledged for providing valuable perspectives on the importance of transformational leadership. The remaining 42.9% (3 judges) rated the insights as insightful, contributing to an overall positive evaluation.



In conclusion, the evaluation of Hon. Justice Mike Chibita's presentation on Transformational Leadership reflects a positive reception from the responding 7 judges. The content clarity, engagement, and insights into transformational leadership were generally well-received. The percentages, alongside the corresponding numbers for content clarity, engagement, and insightful information, underscore the presentation's success in addressing critical aspects of leadership in the judiciary.

### **HOTEL SERVICES**

The Imperial Golf View Hotel in Entebbe hosted the Orientation/Induction Program for newly appointed Acting Judges of the High Court. Based on feedback from 10 judges, the evaluation of hotel services reveals a nuanced assessment across various aspects.

The lighting conditions in the conference hall were reported to be inadequate, receiving a rating of 40% for fair. Participants expressed concern about the impact of insufficient lighting on their engagement and overall experience.

The quality of meals provided during the induction ceremony was deemed poor, receiving a rating of 30%. This aspect significantly influenced the overall satisfaction and comfort of participants, indicating a need for immediate improvements in catering services.

The gym facilities at the hotel were reported to be below expectations, with a rating of 40%. For a holistic guest experience, the importance of a well-equipped fitness facility cannot be understated. The feedback from participants supports a suggested upgrade.

On a positive note, the accommodation provided by Imperial Golf View Hotel received a good rating of 70%. Satisfactory rooms played a significant role in contributing to the well-being of the rest of the participants during the induction event.

### **Recommendations:**

- i. Immediate attention should be given to improving the lighting conditions in the conference hall, considering the 40% fair rating.
- ii. The hotel management should promptly address the issues with the food quality provided during the event, given the 30% poor rating, to ensure a more pleasant dining experience for future guests.

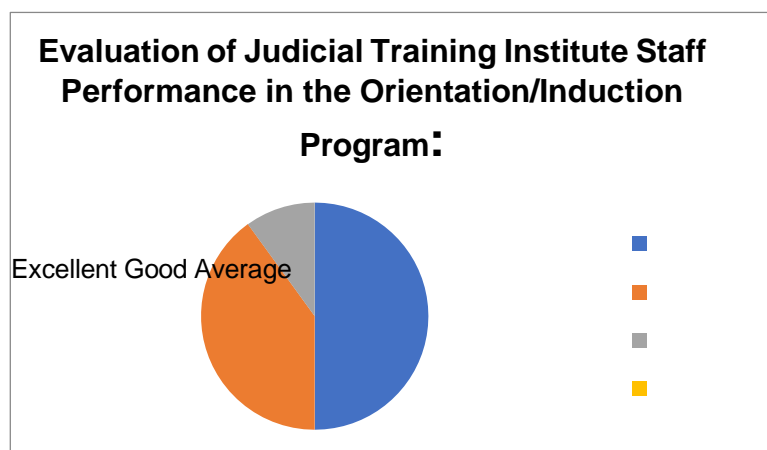
- iii. Consider upgrading and expanding the gym equipment, supported by the 40% rating, to provide guests with a more comprehensive fitness facility.

In conclusion, while the hotel excelled in providing good accommodation, critical areas, such as conference hall lighting and food quality, require attention to ensure a more positive and satisfactory experience for participants in future events. The percentages and corresponding numbers underscore the specific strengths and areas for improvement in the hotel services.

### **Evaluation of Judicial Training Institute Staff Performance in the Orientation/Induction Program:**

The Judicial Training Institute (JTI) played a pivotal role in organizing and conducting the Programme for Orientation/Induction of newly appointed Acting Judges of the High Court. The performance of the JTI staff during this induction was assessed by 10 judges, and the evaluation is presented below:

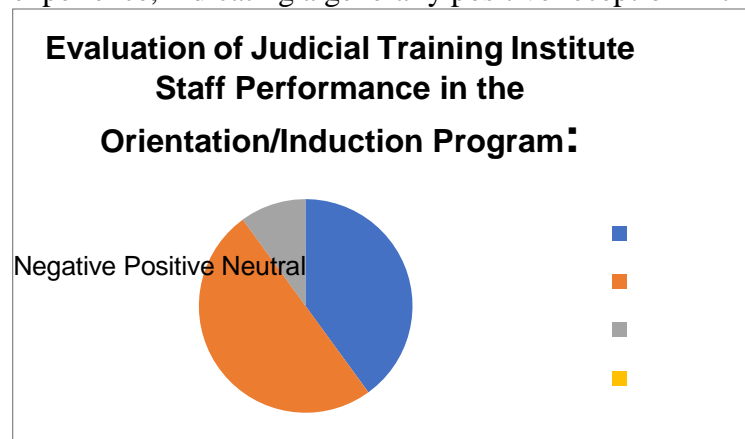
The majority of judges, constituting 50%, rated the organization and coordination of the program as excellent, highlighting the effective efforts of the JTI staff. Another 40% rated it as good, indicating a generally positive assessment. Only 10% found it average, signifying a room for improvement in this specific aspect.



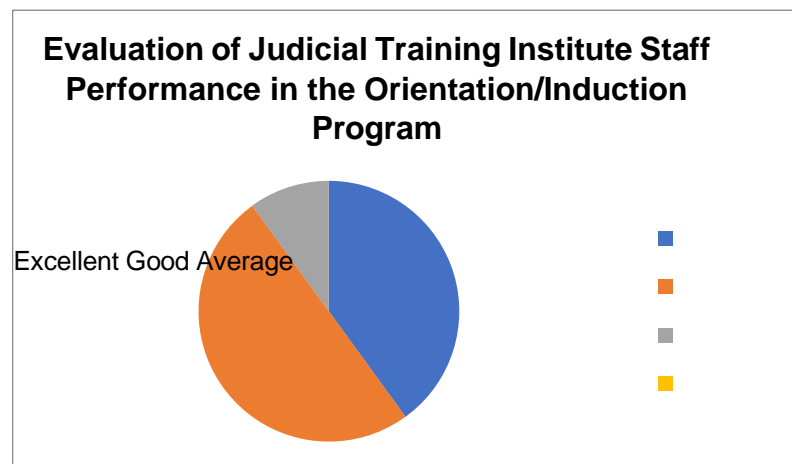
The content delivery and relevance of the program were highly praised, with 60% of judges rating it as excellent. Another 30% found it to be good, showcasing a strong overall performance in providing valuable content. A minimal 10% found it average, suggesting potential areas for refinement.



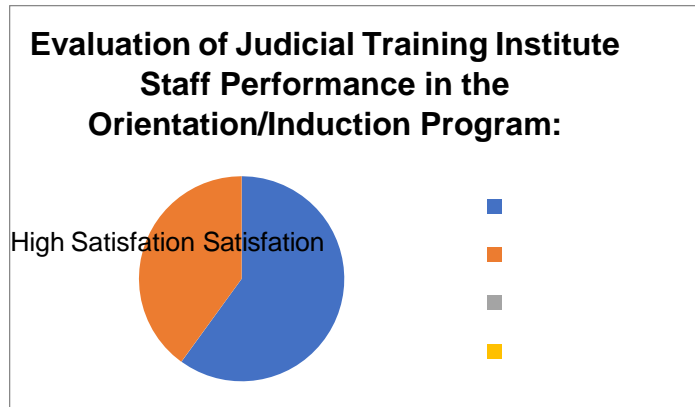
The interaction and engagement facilitated by the JTI staff received positive feedback, with 40% finding it very engaging and 50% rating it as engaging. A negligible 10% reported a neutral experience, indicating a generally positive reception in this category.



The logistics and administrative support provided by the JTI staff received commendable ratings, with 40% considering it excellent and 50% rating it as good. A minor 10% found it average, suggesting a satisfactory performance in managing logistics.



Regarding overall satisfaction, the JTI staff received positive feedback, with 60% expressing high satisfaction and 40% reporting satisfaction. No judges expressed dissatisfaction, reflecting a successful execution of the program.



**Recommendations:**

- iv. Continue the strong organizational efforts exhibited by the JTI staff.
- v. Build upon the success of content delivery while addressing potential areas for improvement.
- vi. Maintain the high levels of engagement and interaction during future programs.
- vii. Sustain the effective logistical and administrative support provided.

In conclusion, the JTI staff received positive evaluations across various aspects of their performance in organizing the Orientation/Induction Program, showcasing their commitment and effectiveness in delivering a successful event. The percentages alongside the corresponding numbers provide a comprehensive breakdown of the judges' assessments.

In conclusion, evaluating the Orientation/Induction Program for newly appointed Acting Judges of the High Court reflects a generally positive outcome. The Imperial Golf View Hotel in Entebbe received commendations for satisfactory accommodation but requires attention to conference hall lighting and food quality. The Judicial Training Institute (JTI) staff exhibited strong organizational skills, content delivery, and engagement during the program, contributing to high overall satisfaction among participants. Specific recommendations have been outlined for areas identified for improvement, ensuring future events meet the highest standards.

**HW Prossy Katushabe**

**Registrar, Human Resource Development & Training, JTI**