



SPEECH BY PRESIDENT FRANCIS GIMARA AT THE OPENING OF THE NEW LAW
YEAR ON JANUARY 29, 2018 AT HIGH COURT UGANDA

H.E the Vice President of Uganda;

The Rt. Hon Speaker of Parliament;

My Lord, the Chief Justice;

My Lord, the Deputy Chief Justice;

My Lord, the Principle Judge;

The Honorable Deputy Attorney General;

Honorable Justices of the Supreme Court;

Honorable Justices of the Court of Appeal and Constitutional Court;

Honorable Judges of the High Court;

The Honorable DPP

Commissioner General of Prisons;

Heads of Diplomatic Missions;

Heads of Constitutional Bodies Present;

All Judicial Officers present;

Distinguished Guests;

Ladies and Gentlemen,

Good morning.

Let me begin by expressing my gratitude for this invitation by His Lordship the Chief Justice, to the opening of the new law year and I bring you compliments from the Membership, Council and Secretariat of the Uganda Law Society.

Honorable Chief Justice, at the beginning of each year, a ceremony like this one is called for because it ushers in the new law year which acts as a time of new beginnings and to consolidate on past achievements and address past shortcomings as stakeholders in the justice sector.

This tradition is a good practice, worthy of being retained because it affords the leadership of the Judiciary and justice sector an opportunity to review the events of the past year and to lay a plan and the vision for the new law year.

Allow me start by appreciating some of the major gains made in the law year 2017. These include but are not limited to the following:

- The successful roll out of plea bargaining scheme
- The implementation of the sentencing guidelines
- The Backlog committee report and the work of case backlog monitoring committee in rolling back the ghost of the case backlog.
- Emphasis on ADR mechanisms like mediation

These initiatives were implanted against the backdrop of structural challenges that the institution of the Judiciary continues to face such as lack of adequate budgetary support, poor infrastructure etc. In forging ahead 2018, we should focus more on things that we can control.

What about if in 2018 we scored 100 % in the things that are within our control as the Bar and Bench? There are some things within us that we can do to oil the machinery of justice to make it work for Ugandans.

The big question then is what is it in our hands that we can use in 2018 to deal with some of the problems stalling the machinery of Justice?

Scripture exhorts us to always work with what is in our hands through the story the widow at Zerephath reported in the book of 1st Kings 17: 7-15.

“ Elijah went to Zarephath and when he came to the town gate he saw a widow gathering sticks. He called to her and asked, “Would you bring me a little water in a jar so that I may drink? 11- As she was going to get it, he called to her, “And bring me, please , a piece of bread. ”

12. As surely as the Lord your god lives, She replied, “I don’t have any bread – only a handful of flour in a jar and a little oil in the jug. I am gathering a few sticks to take home and make a meal for myself and my son, that we may eat it and die”

13. Elijah said to her, “ Don’t be afraid . Go home and do as you have said. But first make me a small cake of bread for me from what you have said and bring it to me, and then make something for yourself and your son.

14. For this is what the Lord, the God of Isreal says: “ The jar of flour will not be used up and the jug of oil will not run dry until the day the Lord gives rain on the land”.

15. She went away and did as Elijah had told her. So there was food every day for Elijah and the woman and her family. “

The key lesson of the story is that despite the challenges faced by the widow she still had faith to do what Elijah asked with what she had in her hands. This is the attitude we should adopt in the law year 2018. To do justice to the people of Uganda with what we have in our hands.

My Lords and Lawyers we can only fight the war with the army we have. The army of justice is here this morning and as we approach 2018 let us once again be reminded of the fact that Judicial power is derived from the people and shall be exercised in the name of the people and in conformity with the law, values, norms and aspirations of the people.

Let us also be reminded and guided at all times by the principles under Article 126 (2) of the Constitution - (a) justice shall be done to all irrespective of their social or economic status (b) justice shall not be delayed (c) adequate compensation to victims of wrong (d) reconciliation between parties and (e) substantive justice administered without undue regard to technicalities.

Therefore as we wait for the structural challenges to be resolved, let us use the power within us to handle the fight for the following:

1. The Power to stop Judicial Corruption

We need to fight the growing perception that Justice is a commodity on sale and it is purchasable. This is a perception we cannot ignore as it is being used to justify the rise in cases of mob justice and unresolved killings. Though of course we know that this is not entirely true.

The choice to go to the Bench and also to remain on the Bar is a conscious one. It is not taken just as a means of livelihood or as a last resort. It ought to be seen as a reverent calling. The Bar and the Bench should complement one another; together we stand as co-ministers in the sanctuary of justice. We destroy the sanctuary when we tolerate corrupt practices therein. We should all exhibit zero tolerance to issues of corruption in the judicial process. We are appealing to all of us here to sign the Judicial Compaq on corruption as a personal commitment for all us to take all the necessary measures to prevent corrupt practices impacting the Judiciary.

This profession is the only one that we have, it is vital that we deal decisively with the mafias who are no longer at the gate but are now firmly seated amongst us.

2. The power to Increase our Professional Ethics and Conduct Quotient

We should collectively practice professional courtesy to each other. Some members of the Bar have been humiliated and publicly embarrassed by judicial officers. This usually leads to unnecessary tension and delays in proceeding with cases as we all try to struggle to save face before our clients, the public and sometimes the media.

Mutual respect, professional corrections and self-control need to be exercised. There is no need to yell at one another. In instances where the issue is grave, a call to chambers (as is practiced internationally) is part of professional courtesy should be extended and the Judges who have used this approach will agree with me that it works.

To my colleagues there is no room similarly of being discourteous to the Judicial officers. We can all do better at being courteous.

3. The power to bring discipline and order in the profession.

Unnecessary adjournments and case of indiscipline should be brought to the Law Council. The invasion of the profession by quacks needs to be checked and ULS will be amongst others launching an app to enable one check if the person they are engaging is an enrolled and practicing Advocate.

I have already requested the Judicial Officers to make references to the Law Council of the cases of professional indiscipline to the Law Council so that they are dealt with decisively.

4. The power to Innovate and pioneer again

New ways of resolving disputes should be promoted. The recent HILL report has indicted the formal justice mechanism and we should all be working hard towards ensuring the roll out of informal justice mechanism. In our ULS Vision Casting Session last week we reiterated the need to develop our arbitration practice and mediation practice as a means of decongesting the courts so as to prevent backlog. We have held a meeting with Uganda Bankers Association and other key stakeholders to develop a workable alternative dispute resolution mechanism.

Let us embrace all the new initiatives that are being rolled out to ensure access to justice. The E Justice project needs to be supported. ULS is organizing members to sign up to embrace service by Email on a voluntary basis.

5. The power to collectively fight for the rule of law

We have of late noted some transgressions in the rule of law with unfortunate developments like interference in the execution of court orders, the attacks on the

courts by the goons e.t.c. The NRM Government your excellency should strive to maintain the legacy of respect for the rule of law.

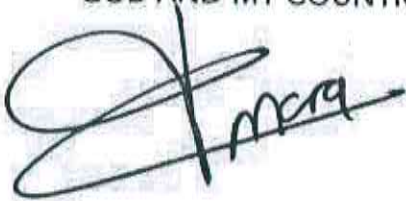
The Bar supports the Bench in all of endeavors to protect the rule of law. You do not always have the platform to defend yourselves when brought under unwarranted attack. We assure you that where we perceive that injustice is being done on any judge or court, we shall stand for what is right. We shall in our usual element defend the Rule of Law and the Independence of the Judiciary at whatever the cost and the price.

CONCLUSION

Today is also very special to me because this is the last time I stand here as the President of the Uganda Law Society. I would like to thank the Chief Justice and Justices for a very wonderful time and ask that the same level of cooperation be extended to my successor.

I pray that the Almighty God will bless you in all aspects spiritually, economically and financially in 2018.

GOD AND MY COUNTRY

A handwritten signature in black ink, appearing to read 'Francis Gimara', written over a light blue circular stamp.

Francis Gimara

PRESIDENT – ULS 29th January 2018