

APPENDIX B

UGANDA CODE OF JUDICIAL CONDUCT

Preamble

RECOGNISING THAT the Uganda Courts of Judicature are established by the Constitution to exercise judicial power in the name of the people of Uganda in conformity with law and with the values, norms and aspirations of the people, and are enjoined to administer substantive justice impartially and expeditiously;

CONSCIOUS THAT in conformity with those values, norms, and aspirations, the Courts in exercising judicial authority must uphold the principles laid down in the Constitution, - as well as in Regional and International Conventions to which Uganda subscribes;

AWARE that the real effectiveness of judicial authority lies in the respect and acceptance the public accords to its exercise, which in turn ultimately depends on the proper manner in which the administration of justice is conducted;

RECOGNISING that in order to strengthen the rule of law, to protect human rights and freedoms and to properly administer justice, and in order to enhance and maintain public confidence in the Judiciary, it is imperative for it both at individual and at institutional level, to respect and honour the judicial office as a public trust and to strive to protect judicial independence; and

HAVING reviewed and modified the code known as "The Code of Conduct for Judges, Magistrates and other Judicial Officers 1989".

NOW WE THE JUDICIAL OFFICERS OF UGANDA DO HEREBY ADOPT the following principles and rules designed to provide guidance for regulating judicial conduct **AND** to be known as "The Uganda Code of Judicial Conduct".

1. Independence

Principle: *An independent Judiciary is indispensable to the proper administration of justice. A Judicial Officer therefore should uphold and exemplify the independence of the Judiciary in its individual and institutional aspects.*

1.1 A Judicial Officer shall exercise the judicial function independently on the basis of his or her assessment of the facts, and in accordance with conscientious understanding of the law, free of any direct or indirect extraneous influences, inducements, pressures, threats or interference, from any quarter or for any reason.

1.2 A Judicial Officer shall reject any attempt, arising from outside the proper judicial process, to influence the decision in any matter before the Judicial Officer for judicial decision.

1.3 A Judicial Officer shall be independent of judicial colleagues in respect of decisions which he or she is obliged to make independently, Proper professional consultation shall be excepted.

1.4 A Judicial Officer shall encourage and uphold safeguards for the discharge of judicial duties in order to maintain and enhance the institutional and operational independence of the judiciary.

2. Impartiality

Principle: *Impartiality is the essence of the judicial function and applies not only to the making of a decision but also to the process by*

which the decision is made. Justice must not merely be done but must also be seen to be done.

2.1 A Judicial Officer shall perform judicial duties without fear, favour, ill-will, bias, or prejudice.

2.2 A Judicial Officer shall ensure that his or her conduct, both in and out of court, maintains and enhances the confidence of the legal profession, the litigants and the public, in the impartiality of the Judicial Officer and of the judiciary.

2.3 A Judicial Officer shall avoid close personal association with individual members of the legal profession who practice in his or her court, where such association might reasonably give rise to suspicion or appearance of favouritism or partiality.

2.4 A Judicial Officer shall refrain from participating in any proceedings in which the impartiality of the Judicial Officer might reasonably be questioned.

Without limiting the generality of the foregoing a Judicial Officer shall disqualify himself or herself from participating in any proceedings in the following instances:-

2.4.1 Where the Judicial Officer has personal knowledge of the disputed facts concerning the proceedings;

2.4.2 Where a member of the Judicial Officer's family is representing a litigant, is a party, or has interest in the outcome of the matter in controversy, in the proceedings.

3. Integrity

Principle: *Integrity is central to the proper discharge of the judicial office. The behaviour and conduct of a Judicial Officer must re-affirm the peoples' faith in the integrity of the judiciary.*

3.1 A Judicial Officer shall respect and uphold the laws of the country.

3.2 A Judicial Officer shall at all time and in every respect be of an upright character and ensure that his or her conduct is above reproach in the view of a reasonable, fair-minded and informed person.

3.3 A Judicial Officer shall exhibit and promote high standards of judicial and personal integrity.

3.4 In addition to observing the standards of this Code personally, a Judicial Officer shall encourage, support and help other Judicial Officers to do the same.

4. Propriety

Principle: *Propriety and the appearance of propriety are essential to the performance of all the activities of a Judicial Officer. A Judicial Officer shall avoid impropriety and the appearance of impropriety in all judicial and personal activities.*

4.1 A Judicial Officer shall at all time conduct himself or herself in a manner consistent with the dignity of the judicial office, and for that purpose must freely and willingly accept appropriate personal restrictions.

4.2 A Judicial Officer shall exhibit and promote high standards of judicial conduct.

4.3 A Judicial Officer shall not use or lend the prestige of the judicial office to advance his or her private interests, or the private interests of a member of the family or of anyone else, nor shall a Judicial Officer convey or permit others to convey the impression that anyone is in a special position to improperly influence the Judicial Officer in the performance of judicial duties.

4.4 A Judicial Officer shall refrain from conduct and from associating with persons, groups of persons and organisations, which in the mind of a reasonable, fair-minded and informed person, might undermine confidence in the Judicial Officer's impartiality or otherwise with regard to any issue that may come before the Courts.

4.5 A Judicial Officer shall not, without authority of the law or the consent of the parties, carry out investigation of the facts of a case before him or her in the absence of any of the parties, nor communicate with any party to such a case in the absence of the other party.

4.6 A Judicial Officer shall refrain from all active political activity or involvement, and from conduct that, in the mind of a reasonable fair-minded and informed person, might give rise to the appearance that the judicial officer is engaged in political activity.

4.7 A Judicial Officer, by himself or herself or through a family member, or other person, shall neither ask for, nor accept, any gift, bequest, loan, hospitality, or favour, from any person with interest in any litigation before the courts, or from any person in relation to anything done or to be done or omitted to be done by the Judicial Officer in connection with the performance of judicial duties. Loans from banks and other financial institutions shall be excepted.

4.8 Save for holding and managing appropriate personal or family investments, a Judicial Officer shall refrain from being engaged in financial or business dealings which may interfere with the proper performance of judicial duties or reflect adversely on the image or impartiality of the Judicial Officer.

4.9 A Judicial Officer, whilst the holder of judicial office, may own and manage property and may be a dormant partner or shareholder in a firm or company but shall not serve as an officer, manager or employee of any business concern, and shall under no circumstances

practice law or be an active or dormant partner or associate in a firm practicing law.

4.10 Subject to the proper performance of judicial duties, a Judicial Officer may take part in civic and charitable activities that do not in the mind of a reasonable, fair-minded and informed person reflect 'adversely upon the Judicial Officer's impartiality or performance of judicial duty.

4.11 Subject to the proper performance of judicial duties, a Judicial Officer may engage in such activities as to write, lecture, teach and may participate in other activities concerning the law, the legal system, the administration of justice and related matters, and may serve as a member of a body devoted to the improvement of the said matters.

4.12 A Judicial Officer may receive reasonable remuneration and actual reimbursement of expenses for the extrajudicial activities permitted by this code, if such payments do not give the appearance of inducing the Judicial Officer in the performance of judicial duties or otherwise give the appearance of impropriety.

5. Equality

Principle: *All persons are entitled to equal protection of the law. A Judicial Officer shall accord equal treatment to all persons who appear in court, without distinction on unjust discrimination based on the grounds of sex, colour, race, ethnicity, religion, age, social or economic status, political opinion, or disability.*

5.1 A Judicial Officer shall not in the performance of judicial duties, by words or conduct manifest bias or prejudice towards any person or group on basis of unjust discrimination.

5.2 A Judicial Officer shall not be a member of, nor be associated with, any society or organisation that practices unjust discrimination

6. Competence and Diligence

Principle: *Competence and diligence are prerequisites to the performance of the judicial office. A Judicial Officer shall give judicial duty precedence over all other activities.*

6.1 A Judicial Officer shall endeavour to maintain and enhance knowledge, skill and personal qualities necessary for the proper and competent performance and discharge of judicial duties.

6.2 A Judicial Officer shall promptly dispose of the business of the court, but in so doing, must ensure that justice prevails. Protracted trial of a case must be avoided wherever possible. Where a judgement is reserved, it should be delivered within 60 days, unless for good reason, it is not possible to do so.

6.3 A Judicial Officer shall maintain order and decorum in court, and shall be patient and dignified in all proceedings, and shall require similar conduct of advocates, witnesses, court staff and other persons in attendance.

Promotion and Enforcement

The Judicial Integrity Committee, Peer Committees, and The Judiciary as a whole shall promote awareness of the principles and rules set out in this Code and shall encourage all judicial officers to comply with them. Enforcement of these principles and ensuring the compliance of Judicial Officers with them, are essential to the effective achievement of the objectives of this Code. The enforcement of this Code shall take into account the legitimate need of a Judicial Officer, by reason of the nature of judicial office, to be afforded protection from vexatious or unsubstantiated accusations, and to be accorded due process of law, in the resolution of complaints against him or her.

Definitions

In this Code, unless the context otherwise permits or requires, the following meanings shall be attributed to the words used:

"Judicial Officer" shall have the same definition as is in the Constitution.

"Judicial Officer's family" includes the Judicial Officer's spouse, son, daughter, son-in-law, daughter-in-law, parent and any other close relative or employee who lives in the Judicial Officer's household.

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