

## **JSC Investigations Get Teeth**

*Expert training from SUGAR-TAF on how to conduct investigations has strengthened the JSC's capacity to successfully gather evidence against judicial officers guilty of misconduct.*

The Judicial Service Commission (JSC) of Uganda oversees the operations of the country's Judiciary including hiring judges, magistrates and registrars. One of the JSC's main roles is to issue disciplinary action when judicial officers are found guilty of misconduct. However, prior to receiving support from SUGAR-TAF, it struggled to fulfil this function. As Mr. Julius Mwebembezi, Acting Registrar at JSC recalls, "We'd never trained in investigations." This meant that, when a complaint against a judge or other officer of the court was received by the JSC, investigations proceeded slowly and the accused party typically had plenty of opportunity to make sure that any incriminating evidence held in court files disappeared or was altered. This made it difficult to prove misconduct, and cases tended to drag in the system.

In December 2016, the JSC worked with technical experts from SUGAR-TAF to assess its disciplinary response and concluded that, amongst other actions, JSC's staff needed training in investigations. The JSC also worked with SUGAR-TAF to develop new forms and processes, as well as an investigations manual. Once a complaint is identified as requiring investigation, one member of JSC staff is assigned as the investigator, a second is assigned as the prosecutor from the start and the two collaborate and communicate on the case, to ensure that the evidence gathered through the investigation will support the prosecution, should it go ahead.

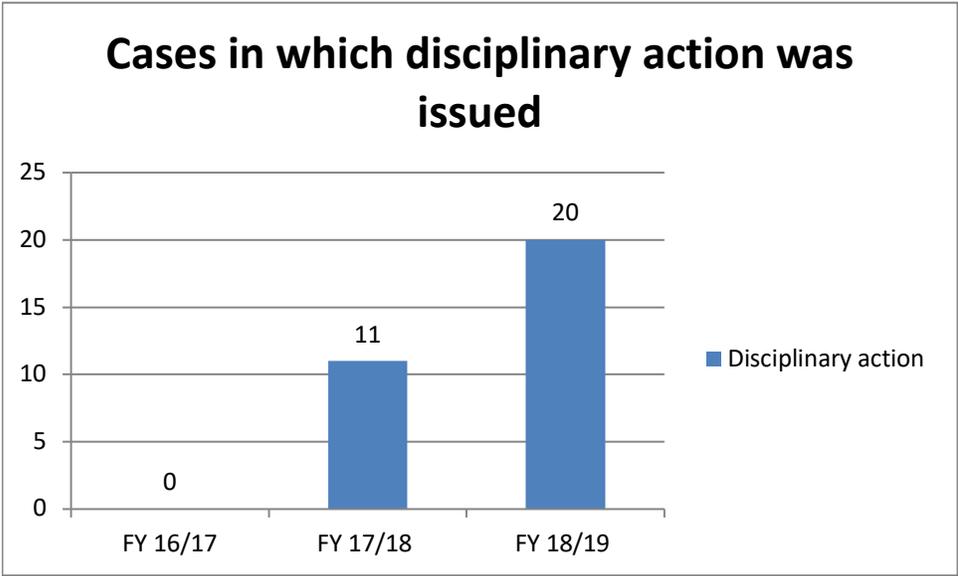
One example of a case recently addressed by the JSC involved a magistrate who reopened a case on family maintenance that had already been settled, although he had no authority to do so. He ordered the man to pass his vehicle to the court to hold until he paid his children's tuition. Then, despite the man having paid the children's tuition, the magistrate ordered the car to be sold. The car was sold by one of the parties to the case for less than half its assessed value. Due to these irregularities, the JSC seized the file. While the magistrate argued he had acted in the interests of the children, the file unambiguously showed he had acted against the law. The JSC charged him and disciplinary action is proceeding against him. In the past, Mr. Mwebembezi says, the JSC would not have been pro-active in seizing the file from the magistrate, and it might have 'disappeared'.

"This approach was a new way for us, because we got a complaint and we gathered the evidence. It is so chronic in our judicial system for records to disappear, and once the records have disappeared, you have no evidence. But when you move very fast, you find all the records are still intact. Before, we would first ask the person to explain the allegations - and that person would try to doctor the files or cause them to disappear.

These improved investigations help the team to obtain overwhelming evidence, leading many of the charged officers plead guilty. This in turn shortens the trial.”

Mr. Mwebembezi credits SUGAR-TAF for a night-and-day transformation in JSC’s investigative capacity. He also notes that he and his colleagues have worked hard to strengthen the JSC’s capacity more broadly, including increasing its number of

The JSC’s issuance of disciplinary action has improved substantially over the last three financial years, due in part to SUGAR-TAF’s support.



lawyers, and collaborating with police on serious investigations that require warrants of arrest. This has also helped them to address the investigation backlog. JSC continues to receive support from SUGAR-TAF on the utilisation of an automated case management system and on prosecutions, as well as other areas to strengthen their management of complaints.

Ultimately, Mr. Mwebembezi anticipates that these changes will have an impact on norms around judicial conduct, resulting in a more just court system.