



PARLIAMENT OF UGANDA

PARLIAMENTARY DEBATES

(HANSARD)

OFFICIAL REPORT

THIRD SESSION - FIRST MEETING

WEDNESDAY, 21 JUNE 2023



IN THE PARLIAMENT OF UGANDA

Official Report of the Proceedings of Parliament

THIRD SESSION - SPECIAL SITTING - FIRST MEETING

Tuesday, 21 June 2023

Parliament met at 2.07 p.m. in Parliament House, Kampala.

PRAYERS

(The Speaker, Ms Anita Annet Among, in the Chair.)

The House was called to order

COMMUNICATION FROM THE CHAIR

THE SPEAKER: Honourable members, I welcome you to this afternoon sitting, with a heavy heart. Again, today, we gather here to have a special sitting in honour of a distinguished daughter of this great country, the Supreme Court judge, Lady Justice Stella Arach-Amoko.

As I communicated yesterday, Justice Stella Arach-Amoko breathed her last on Saturday, 17 June 2023, in Nakasero Hospital. There are those who say that everybody dies out of the country; she breathed her last here.

Section 23(11) of Schedule 3 of the Administration of the Judiciary Act, 2022, requires Parliament to pay tribute to a fallen judge of a Supreme Court. Hence, we are not choosing who should be brought here but we are acting on the law and that is why we are having this special sitting.

Honourable members, as Ugandans, we have lost a distinguished and exemplary judge,

very humane and a judge who could easily be approached by anybody at any time.

At times, you would not believe that she is a judge because most judges keep to themselves, but Stella was always there for everybody. She was so welcoming and would give you advice and where she thought you do not have a case, she would advise you not to waste your time.

At a time when the Judiciary is undergoing tremendous improvement, it is so disheartening to lose such a person. Our condolences, as Parliament, go to the Judiciary. Within one year, we have lost two judges in the Supreme Court. Kindly accept our condolences; Parliament will always stand by you.

Justice Stella Arach-Amoko was an icon of a dedicated and professional selfless public servant, and we will dearly miss her. Some of us who knew her closely would not call her a judge, we called her Stella. We had that rapport amongst each other.

This nation has lost and we keep praying that the good Lord be with the family, the Judiciary and the whole nation because she was such a pillar that cannot easily be replaced. I know somebody will always be there to take over the seat, but she cannot be the Stella that is going to lie in front of us here.

Without pre-empting today's debate that the Prime Minister is about to bring, we want to condole with the family, the Judiciary, the legal

fraternity, the people of Nebbi, Adjumani and Uganda at large.

May the soul of Justice Stella Arach rest in perfect peace.

Much as we have this special sitting, we also have a few concerns. The concerns in the public are issues of robberies around mobile money kiosks. I ask the Prime Minister to request the relevant authorities to follow up and find out what is happening and how this can be controlled. Otherwise, there is a big outcry out there.

We are going to have a body here, but we have an issue with the blood bank. As of today, we do not have blood in the blood bank. Can we have a statement on the Floor tomorrow on the issue of the blood bank and lack of blood? Tomorrow, somebody will die and say that it was because there was no blood. We do not want another body here because of lack of blood.

Whereas the interns promised they are going to work, they need to be paid. Prime Minister, you made a commitment in the Budget Speech. Kindly, follow it up and ensure that the 1,900 interns are deployed and paid. We will be very grateful to receive a report from you on the payment of interns and their deployment.

Rt Hon. Prime Minister, after the 1,900 are paid, there is an accumulation of 4,000 interns yet to be deployed and paid. This would help us, as the Legislature, to plan better on how much money should always be given to health so that they can be able to save lives.

We are tired of having dead bodies here in the House. We would like to tell the good Lord that as the Legislature, we have had enough. May the good Lord help us and save people so we do not bring more bodies in the House. We cannot continue having special sittings and paying tribute to our colleagues. It is very disheartening. I want us to dedicate this House to prayer; that this should be the last. I know we serve a living God and this will come to an end. Let our people live and serve the nation.

Lady Justice Stella, we will dearly miss you and we pray for your family, the children, your husband and everybody.

Honourable members, under Rule 7 of our Rules of Procedure, I have admitted the Deputy Chief Justice, who is here standing in for the Chief Justice, by sitting in the Chamber and witnessing the proceedings while we pay tribute to our sister, daughter and friend. Since the deceased was a distinguished member of the Bench, kindly join me in receiving her into the Chamber.

Deputy Chief Justice, you are most welcome. This is the Parliament of Uganda; a people-centred Parliament. We thank you that we complement each other; we do not fight each other, but work together as arms of Government. Thank you.

(Entrance of the late Lady Justice Stella Arach-Amoko.)

The National Anthem.

The East African Community Anthem.

Laying of Wreaths

MOTION FOR A RESOLUTION OF
PARLIAMENT TO PAY TRIBUTE TO THE
LATE LADY JUSTICE STELLA ARACH-
AMOKO, JUSTICE OF THE SUPREME
COURT, PURSUANT TO SCHEDULE
3 OF THE ADMINISTRATION OF THE
JUDICIARY ACT, 2020

THE SPEAKER: Honourable members, before we move the motion, let me acknowledge the presence of the family. On the technical bench this afternoon, we have the immediate family members:

1. Ambassador James Amoko – the husband. Please, stand up for recognition. *(Applause)*
2. Her Worship Patricia Amoko – daughter.
3. Ms Annet Yossa – daughter.
4. Mr Emmanuel Komakech – son.
5. Ms Ivy Amoko – daughter.

6. Ms Christine Onyok – sister.
7. Mr Godfrey Picho – brother.
8. Mr Isaiah – brother-in-law.

In the public gallery, we also have other members of the family who are here to witness the proceedings. Kindly, stand up and wave. *(Applause)*

We also have:

1. Hon. Justice Christopher Gashirabake.
2. Hon. Justice Musa Ssekaana.
3. Hon. Lady Justice Susan Abinyo. Susan was even here when Justice Aweri was brought here. Thank you for always being there for your friends. *(Applause)*
4. Hon. Lady Justice Esta Nambayo.
5. Hon. Justice Lawrence Tweyanze.
6. Her Worship Sarah Langa – the Chief Registrar.
7. Hon. Lady Justice Wolayo.
8. Hon. Fred Jachan Omach – former minister.
9. Hon. Tete Chelengat – former MP.
10. Hon. Christine Achayo – former MP.
11. Hon. Lydia Wanyoto – former MP.

I have also seen my OG, Stella. You are welcome. *(Applause)*

You are all most welcome. I will announce more as we continue.

We have a condolence message from the NRM Party, signed by Hon. Lydia Wanyoto.

We also have a condolence message – I am reading only one message for all these Members of Parliament:

“The family of the late Justice Stella Arach-

Amoko, former Supreme Court Judge.

Re: CONDOLENCE MESSAGE TO THE FAMILY OF THE LATE JUSTICE STELLA ARACH-AMOKO

We have learnt, with deep sorrow, of the demise of the late Lady Justice Stella Arach-Amoko, Justice of the Supreme Court, who passed away on Saturday, 17 June 2023.

Lady Justice Stella Arach-Amoko was a jurist with a professional record and served the courts and this country with an unmatched degree of commitment, dedication and humility.

Uganda has lost a professional judge with selfless service, and an exemplary citizen of impeccable value, who was always professional in whatever she did. She actually saved a number of our Members in this House when there was a case before her.

May her soul rest in eternal peace.”

It is enclosed with Shs 20 million from the Parliament of Uganda and signed by the Rt Hon. Anita Among. *(Applause)*

Prime Minister?

2.45

PRIME MINISTER AND LEADER OF GOVERNMENT BUSINESS (Ms Robinah Nabbanja):

Madam Speaker, I move under Rule 56 of the Rules of Procedure to move a motion for a resolution of Parliament to pay tribute to the late Lady Justice Stella Arach-Amoko, Justice of the Supreme Court, and a former Judge of the East African Court of Justice, for her dedicated service to the Republic of Uganda.

Madam Speaker, *“WHEREAS Parliament of Uganda received, with deep sorrow, news of the untimely death of Hon. Lady Justice Stella Arach-Amoko, Justice of the Supreme Court of Uganda, which occurred on 17 June 2023;*

AWARE that Hon. Lady Justice Stella Arach-Amoko has had a distinguished and faultless career, serving in the public service of Uganda,

the Judiciary and the East African Community where she served with boundless dedication, utmost humility and commitment;

RECOGNISING that Hon. Lady Justice Stella Arach-Amoko was an extraordinary jurist and an icon of justice who was instrumental in mainstreaming alternative dispute resolution mechanisms in the Judiciary and has been a mentor to judicial officers and advocates, whose legal mind and dedication have left an indelible mark on the Judiciary;

APPRECIATING that Hon. Lady Justice Stella Arach-Amoko was a distinctively dedicated, poised and iconic leader who carefully served Uganda with devotion and her steadfast commitment to the judicial oath, greatly contributed to the strengthening of judicial independence and the Judiciary's adherence to the norms, values and aspirations of the people of Uganda;

COGNISANT that Section 23 and Schedule 3 of the Administration of Judiciary Act, 2020 requires Parliament to pay tribute to a Justice of the Supreme Court who dies while holding office;

NOW, THEREFORE, be it resolved that Parliament of Uganda:

- 1. Collectively conveys its deepest condolences to the bereaved family, the Judiciary, the legal fraternity, friends and the people of Uganda, for the loss of a distinguished and gallant citizen of this country.*
- 2. Appreciate the distinguished service rendered and contribution made by Hon. Lady Justice Stella Arach-Amoko to the people of Uganda."*

Madam Speaker, I beg to move.

THE SPEAKER: Thank you very much, Rt Hon. Prime Minister. *(Applause)* Is the motion seconded? *(Members rose)* It is seconded by Hon. Ogwang, Hon. Kwiycwiny, Tourism, Energy, Hon. Nandutu, the Government

Chief Whip, Hon. Mao, Hon. Kivumbi, Hon. Winfred, Hon. Katuntu, Hon. Tinkasiimire and the whole House. Would you like to speak to your motion?

MS NABBANJA: Madam Speaker, here is my justification. On Saturday, 17 June this year, we received the sad news of the death of Lady Justice Stella Arach-Amoko, Justice of the Supreme Court of Uganda and a former Judge of the East African Court of Justice:

Lady Justice Stella Arach-Amoko was born on 5 October 1954. She completed Ambalai Primary School, in Lira in 1968.

From 1969 to 1972, she attended Sacred Heart Senior Secondary School, Gulu for her O'level certificate. From 1973 to 1975, Lady Justice Stella Arach-Amoko attended Mt St Mary's College, Namagunga, Lugazi for Advanced Level Certificate of Education.

From 1975 to 1978, she studied Bachelor of Law from Makerere University, Kampala, and in 1979, she attained a Post-Graduate Diploma in Legal Practice from the Law Development Centre. Lady Justice Stella Arach-Amoko later attained a Master's Degree at the International Judges Academy from Haifa University, Israel.

Lady Justice Stella Arach-Amoko had a distinguished professional legal career, which spanned over 40 years:

- (a) In 1979, she was Pupil State Attorney;
- (b) From 1990 – 1993, she served as a Senior State Attorney;
- (c) From 1995 – 1997, she served as a Commissioner for Civil Litigation;
- (d) September 1997, she was appointed Judge of the High Court;
- (e) In November 2006, she was appointed Judge of the East African Court of Justice;
- (f) In February 2008, she was appointed Deputy Principal Judge to the East African Court of Justice;

- (g) In August 2010, she was appointed Justice of the Court of Appeal; July 2013, she was appointed Justice of the Supreme Court;
- (h) In June 2014, she was the Chairperson of the Law Development Centre Management Committee;
- (i) In August 2017, she served as Chairperson of Judicial Training Institute;
- (j) In March 2018, she served as Chairperson Senior Counsel committee;
- (k) In October 2018, she served as Chairperson of the Judiciary Monitoring Committee; and
- (l) In January 2021, she was a member of the Judicial Service Commission.

Madam Speaker, Lady Justice Stella Arach-Amoko, was married to Ambassador James Amoko and is survived with children and grandchildren. She was a mother of the chess player Claire Amoko, the first woman to become a Woman Fide Master in East Africa.

Despite her busy schedule on the Bench, Lady Justice Stella Arach-Amoko served the country and the region, in the other various positions as follows:

- (a) She was the President, National Association of the Women Judges;
- (b) She was a member of the Executive of the Uganda Magistrates and Judges Association;
- (c) She was a member of the Judicial Training Committee;
- (d) She was a member of the Federation of the Women Lawyers, FIDA;
- (e) She served as a regional representative, Uganda Judicial Officers Association;
- (f) She served as Executive Council Member and Vice Secretary of the East African Magistrates and Judges Association;

- (g) She was a member of the Law Council;
- (h) She was a board member of the Canadian Physicians for Aid and Relief;
- (i) She represented the Attorney-General on the National Medical Stores and Uganda Pharmacy Boards; and
- (j) She was the Chairperson of the Legal Aid Clinic Advisory Board, law Development Centre.

The late Lady Justice Stella Arach-Amoko was a true legal professional who dedicated her career life to the Judiciary. She was an extraordinary jurist and a champion of the justice whose career record was faultless.

Lady Justice Stella Arach-Amoko made her mark while at the Commercial Division of the High Court. It was during her tenure as Head of the Commercial Court that Alternative Dispute Resolution strategies such as mediation and arbitration were introduced. Lady Justice Stella Arach-Amoko instrumental in the framing of the Intellectual Property, Banking and Insurance laws. She was also the brain behind the licensing of many universities to teach law. The late Lady Justice was a mentor to many at the Bar and Bench.

I wish to extend my heartfelt sympathies and condolences to the family, the Chief Justice, friends and the entire Judiciary fraternity upon this great loss of a first-rate Judge. May the soul of Lady Justice Stella Arach-Amoko rest in perfect peace.

Madam Speaker, I beg to submit. (*Applause*)

THE SPEAKER: Thank you very much. You should learn one thing from there – Alternative dispute resolution; be it political. We should be able to do it and she will be remembered for that. Thank you.

Secunder?

2.58

THE CHIEF OPPOSITION WHIP (Mr John Baptist Nambeshe): Madam Speaker, I throw my full weight behind the mover of this motion, in its support. *(Laughter)*

I condole with the family of the late Mary Stella Arach-Amoko, the Judiciary and the entire country for the loss of a very astute judicial officer with an impeccable career, dedicated to service, accountability and most importantly, constitutionality and justice.

The late Lady Justice rose from State Attorney in the Attorney General's Chambers to Judge of the High Court and then Deputy Principal Judge of the First Instance Division of the East African Court of Justice, Justice of Appeal and finally Justice of the Supreme Court. Achieving this with no damaging blemish, per se, is no mean feat. We can only draw lessons from her life-long excellent commitment to justice and fairness.

Justice Arach-Amoko has been called to a higher service at such a critical time, when this country is in dire need of level-headed, benevolent jurists of her character. Her love for the law is matched only by her formidable contribution toward its improvement and constitutionalism.

Justice Arach's immaculate service in shaping Uganda's jurisprudence cannot be overstated. She headed the Commercial Division of the High Court and her service there was distinguished.

During her tenure, there was introduction of alternative dispute resolution mechanisms like mediation and arbitration. These are mechanisms intended to reduce case backlog, offer litigants cheaper and faster means of amicable resolution of disputes, thereby ensuring justice. As the saying goes, "Justice delayed is justice denied."

Madam Speaker, Justice Arach-Amoko established herself as a notable authority in election petitions. Her judgments, for instance, have since laid a very strong foundation for electoral jurisprudence in the country.

In the case of *Francis Babu v. Electoral Commission and Erias Lukwago*; Election Petition No.10 of 2006, Arach-Amoko, Judge of the High Court as she then was, held that the petitioner who had lost an election was stopped from challenging contents of a declaration of results form that was duly signed by that petitioner's agent at the polling station. This position is still resounding in current election petitions.

Her lead judgment in *Muyanja Mbabaali v. Mathias Nsubuga Birekeraawo and the Electoral Commission*; Election Petition Appeal No. 36 of 2011, fervently observed that the burden of proving the authenticity of impugned academic documents, which are relied on for nomination and election, rests on the owner of the documents and not the party that alleges forgery. These and more decisions have shaped jurisprudence to date.

We have lost a dedicated servant of the temple of justice, whose judicial service spanned for 25 years. She was part of the crop of judicial officers whose poise and character are beyond reproach generally.

Arach has been an officer of great diligence and immense dedication. She believed in constitutionalism and democracy. This is illustrated more specially in the Supreme Court's decision that salvaged our honourable colleagues' election in 2015.

Lady Justice Arach-Amoko was on the Bench when the Supreme Court held that a Member of Parliament cannot lose their seat in the House upon expulsion from their political party *-(Applause)-* in the infamous case of "Rebel MPs" *-(Laughter)- Wilfred Niwagaba and Others v. NRM, Attorney-General and Others; Constitutional Appeal No. 01 of 2015*. Others were of course Hon. Barnabas Tinkasiimire, Hon. Theodore Ssekikubo and Hon. Mohammad Nsereko.

This decision buttressed constitutionality, rule of law and democratic governance by holding that political parties cannot subvert the will of the people. Ugandans should have a right to join political parties of their choice,

and political parties ought to exercise internal democracy and good governance, as mandated by law.

Madam Speaker, joining and supporting a political party is not a crime. Many of our supporters, as we eulogise in this House, are languishing in prison and others are in illegal detention centres. Many are undergoing superfluously prolonged prosecution, some are answering trumped up charges, while others have neither been charged, nor their whereabouts known.

The Government has played Ping-Pong over the issue of abductions of Opposition supporters. On another day, we shall announce to this House our next course of action towards this impunity. *(Applause)*

I am –

THE SPEAKER: Honourable members, when paying tribute, we should do it with respect and love to the fallen person. Let us not talk about what we are planning to do next. Let us do it and see it being done. *(Applause)* Let us talk about Justice Stella Arach as a professional level-headed person. I want to put this on record that all the judges and persons we have in the legal fraternity in this country are level-headed. *(Applause)*

MR NAMBESHE: Much obliged, Madam Speaker.

I am cognisant of the personal virtues of the late - I am resuming from where I stopped - Justice Arach-Amoko; accountability, integrity and transparency reined high to her. In the famous decision of the Supreme Court-

THE SPEAKER: That is the Bududa man I know.

MR NAMBESHE: In the famous decision of the Supreme Court in *Gladys Nakibuule Kisekka v. The Attorney-General Constitutional Appeal No.02 of 2016*, Arach-Amoko stressed that the Judicial Service Commission ought to be allowed to carry out its own investigations

into allegations of judicial misconduct as far as possible. In this case, the Supreme Court was deciding a constitutional appeal where a judicial officer had protested the jurisdiction and constitutionality of the Judicial Service Commission to entertain complaints related to the exercise of judicial power.

Justice Arach-Amoko held that any decision made by the Commission could then be referred to court, but after the commission has conducted its investigations and made its findings on the allegations. Whereas the decision might have the effect of eroding judicial independence, the spirit of the judgement was that judicial officers ought to use the immunity judiciously and remain transparent at all times, an inspiration that is fast wearing away in our current judicial system.

Several times, judicial officers have been implicated in illegal mass evictions of people and soliciting and taking bribes, among other ills. I urge judicial officers to emulate the late Justice Arach's stance on accountability and transparency in order to dispense justice meaningfully.

The legacy of Lady Justice Stella Arach-Amoko was not only the dispensation of justice or judicial activism and shaping of jurisprudence, but also nurturing legal scholars. Throughout her tenure on the Bench, Justice Stella Arach-Amoko endeavoured to do justice as a jurist, striving not only to help those less fortunate than herself, but also to ensure quality training for those who thought to follow in her footsteps.

She worked relentlessly to open the doors of legal practice to many young lawyers when she served as chairperson of the management committee of the Law Development Centre. During her tenure, Madam Speaker, she successfully championed the following reforms:

- i) Decentralisation and offering all its courses at regional constituent colleges to overcome congestion of the Kampala main campus. The regional campuses in Mbarara and Lira were opened and are currently operational.

- ii) The Law Development Centre was able to expand staff thereby reducing the student to professional advisor ratio as well as enhancing staff welfare.
- iii) Divorcing teaching from examining. This was primarily intended to overcome high failure rates that were partly caused by alleged bias of examiners.
- iv) Introduction of the marks verification policy. This is where a student who has scored up to a given threshold, but below the 50 per cent pass mark can apply to verify their marks. The policy was intended to address increasing numbers of marks complaints, many of who ended up in the Courts of Law.

These and more achievements, Madam Speaker, are a testament to her exemplary leadership and dedication to transform the legal profession at different horizons. Despite these positive developments, the Law Development Centre continues to grapple with challenges of high failure rates and few full-time academic staff, among others.

I urge the Ministry of Justice and Constitutional Affairs to decisively attend to the structural challenges at the Law Development Centre by building on the efforts of the late Arach in order to holistically transform the training of the Bar course students in this country.

Finally, allow me to take the liberty as we celebrate Justice Arach's life to appraise the House and invite all of us to reflect upon the Courts of Law and their attendant mandate in the administration of Justice, which has been inhibited by all standards as below:

Independence of the Judiciary

The independence of the Judiciary is a pertinent pillar of democracy and constitutionalism. We need to fast-track the independence of the Judiciary and free it from the current intrusive tendencies of Executive interference in the exercise of their judicial function.

We are all alive to the cases when during broad daylight, courts have been stormed by the military with the view of overturning the findings of the Court. Without shame, suspects have been rearrested on the same set of facts after being released by Court on bail. We thank God -

THE SPEAKER: Is that what Justice Arach was doing? Let us pay tribute to Justice Arach. When we have time, bring issues of court and discuss issues of court.

MR JOHN BAPTIST NAMBESHE: Thank you. Respectfully, Madam Speaker, as I conclude, we thank God that our colleagues like Hon. Ssewanyana Allan and Hon. Ssegirinya Muhammad are finally out.

THE SPEAKER: Were they not released by the court that you are castigating?

MR JOHN BAPTIST NAMBESHE: The rest is history, Madam Speaker. State operatives have severally inhibited the performance of judicial duties. Let me once again re-echo one of the matters that were before the late Justice and that is the *Hon. Robert Kyagulanyi Sentamu v. His Excellency* - I am concluding with this – *Yoweri Kaguta Museveni Tibuhabura and two others, election petition No. 1 of 2021*.

In this petition, Madam Speaker, our party principal, Hon. Kyagulanyi Sentamu sought to challenge the outcome of the 2021 presidential elections. It should be recalled that at the time of filing this petition and adducing evidence, the regime subjected the Hon. Robert Kyagulanyi to illegal house arrest, seized and locked up the NUP party offices –

THE SPEAKER: Could the petition not be filed because he was under house arrest?

MR JOHN BAPTIST NAMBESHE: Let me conclude, Madam Speaker. He was seized and the office where the evidence was being kept was locked up. Key witnesses were also arrested. Among other reasons, it apparently became clear and impossible for the petitioner to pursue the petition thus withdrawing it.

This is an indictment on this arm of Government - the Judiciary - to always rise to the occasion and ward off human rights violations in the course of dispensation of justice. It is also a call on the regime to restrain itself from such conduct.

As much as people look to the courts for redress of conflicts and remedy, the dirt from the linen of internal conflict that currently bedevils the institution involving its own cadres has disfigured the expectation of the quality of justice.

As you will recall, recently, the media was awash with the confession of an employee of the Judiciary about his poor welfare and undesirable working conditions. Whereas I am aware that the matter is active in court, I can only call upon the Minister of Justice and Constitutional Affairs, who is before me here, to ensure justice for all persons who appear before the Judiciary even though they complain about the same institution -

THE SPEAKER: Honourable members, let us not castigate the Judiciary. I have a petition on my desk, where your drivers are complaining about you, the Members of Parliament. You are not paying your drivers and personal assistants and now you are trying to think that the Judiciary is the problem; all of you are a problem. So, you will not expect a judge to pick money from his or her pocket to pay a driver because those are civil servants.

Justice Stella was a very calm lady. Speak about Stella. If you have issues with the Government, come back another day. Let us have a day when we shall talk about Uganda.

MR NAMBESHE: Finally, Madam Speaker, Lady Justice Arach-Amoko was a steadfast servant to the temple of justice, who believed in fairness, accountability, transparency and constitutionalism.

It is my aggregate belief that an independent Judiciary is what she envisioned and aspired to when she sought to practice law and later adjudicate justice in Uganda and the region.

May we emulate and pass on her legacy for posterity.

May the soul of Hon. Lady Justice Mary Stella Arach-Amoko rest in eternal peace.

I beg to second the motion, Madam Speaker. *(Applause)*

THE SPEAKER: Thank you, Acting Leader of Opposition. He has ably seconded the motion. Judicial officers are bound by common values of transparency, accountability, objectivity, and honesty, and that is what the late Hon. Arach had. As well, that is what all the judicial officers out there stand for. I am not going to say there is corruption in the Judiciary because we have never got a report on it. I want to thank the Judiciary, led by my brother who is next to me here, for upholding the common values of the Judiciary.

The decisions that were made by Justice Stella - there was a panel of judges - were not a single person's decisions. We do not need to thank them when they are dead. We want to thank those judges, who were together with Justice Stella in making all these decisions that have been read. As an arm of Government - the Legislature - if there is anything said that will hurt the Judiciary, we want to say that we are sincerely sorry. Such a statement is not the position of Parliament, a personal position.

There are three arms of Government - the Executive, the Legislature and the Judiciary - and we have agreed to work together and respect each other. If we are to disagree, we do it respectfully. The decisions that will be made here are not for this House. We are here to pay tribute to our sister.

Can we now hear from the Dean of the Independents?

3.21

MR DAVID ZIJJAN (Independent, Butembe County, Jinja): Thank you, Madam Speaker. I also rise to second the motion as moved. As Independents, we pay tribute to an independent judicial officer.

Madam Speaker, the global corruption index ranked Uganda as the 142nd out of 180 countries in corruption ratings and that was an improvement of two places over a decade. There was a joint survey by the Inspector General of Government and the Uganda Bureau of Statistics in 128 districts to determine the most corrupt government institutions in the country. According to 53 per cent of the respondents in the 128 districts, the courts of law ranked fourth among the most corrupt government institutions.

According to the IGG's report, the police and Judiciary ranked among the most corrupt government institutions in the country. It can, therefore, be safe to state, generally, that the courts of law still have a long way to go in ridding themselves of that image.

The Basoga have a saying that "*Onte Omunyalali anyalalila lugo*" – when one cow passes loose stool in a kraal, it can be perceived that all the cattle in the kraal pass loose stool.

While the general perception is that corruption is highly prevalent in the Judiciary, Lady Justice Stella Arach-Amoko has been and leaves a legacy of having been the exception to the general perception – *(Interjections)* – it is called a tip, but not corruption. Lady Justice Stella Arach-Amoko has been an amiable judge -

THE SPEAKER: What have you put in your pocket? *(Laughter)* You have put there a tip yet you are saying that the Judiciary is corrupt! Then, you are the most corrupt. *(Laughter)* How can you get a tip when you are on the Floor? Can you, first, take back your tip? *(Laughter)*

MR ZIJJAN: Lady Justice Stella Arach-Amoko has been an amiable judge -

THE SPEAKER: Get your tip and take it back. Please, sit! When you talk about corruption, you must lead by example.

MR ZIJJAN: Most obliged, Madam Speaker. *(Laughter)* As I was saying, Lady Justice Stella

Arach-Amoko has been an amiable judge, who affirmed before rebuking litigants if there was a need to rebuke them.

She has been the mother's face of the supreme bench. She has been the personification of active listening. She would listen with interest and without interruption. This is a rare practice with the Judiciary and the bench. Very few judges will listen with interest and respect if they do not agree with your opinion.

The sum of it all is that Lady Justice Stella Arach-Amoko has been a God-fearing judicial officer who will be dearly missed by all; she knew that while she was an earthly judge, there is a judge higher than herself. *(Applause)*

As we commiserate with the nation and the bereaved family, we pray that her legacy endures many generations after her. May her soul rest in eternal peace. For God and my country.

THE SPEAKER: Thank you so much. May Stella's soul rest in eternal peace! Before I open up the debate, in the VIP gallery, we have Canon Christine Shimanya, the Reverend for the Anglican Church in Parliament, and Hon. Raphael Baku, the former Inspector General of Government.

We also have a big team from the Nebbi community, headed by *Mzee* Peter Ucanda. You are most welcome. *(Applause)*

Honourable members, we are going to have a debate to pay tribute to Lady Justice Stella. I request that when we talk about the person lying just in front of us here, let us talk about the good things she has done in this world and the legacy she has left behind. This is because while today it is Stella there and tomorrow it will be one of us.

The policy issues can be discussed later because you are the ones supposed to discuss those policy matters. Let us first pay tribute and leave our sister to rest in eternal peace. The issues of the Judiciary are for the judiciary; they are not for Stella.

Debate is now open, and let me start with Hon. Katuntu.

3.29

MR ABDU KATUNTU (Independent, Bugweri County, Bugweri): Thank you very much, Madam Speaker –

THE SPEAKER: I have started with Hon. Katuntu to start because he is going to provide guidance on how to debate this motion. *(Laughter)*

MR KATUNTU: Much obliged, Madam Speaker. Thank you very much. I have known Lady Justice Stella Arach since 1991 when I had just left law school and joined the Ministry of Justice as a state attorney. At that time, there were a few senior lady lawyers who actually mentored some of us - at that time, we used to be called “people state attorneys.” Notably, the late Jane Anywar, the late Hon. Justice Margaret Kireju, the late Caroline Okello, Mrs Masika - the sort of stories that those ladies tell is a story of success, perseverance, integrity, and patriotism.

The ministry, at that time, was not even paying emoluments or salaries worth talking about yet those ladies and many other gentlemen stayed and persevered to serve this country. No wonder many of them eventually shifted to the Judiciary and rose as the late Hon. Justice Stella Arach did.

Honourable colleagues, the lady lying in the box there was a lady of integrity. *(Applause)* She was a patriot. One of the things I am always about is that I was part and parcel of this House when we passed the Administration of the Judiciary Bill; those people needed that Bill, especially those who crossed from other departments of civil service and became judicial officers, or even those who rose from the magistrate’s courts to the High Court.

When I joined the Ministry of Justice and Constitutional Affairs, I am sure the Chief Justice in the Chamber was a magistrate. I have seen these people sacrificing everything to rise up to where they are.

What is the story, Madam Speaker? You can actually rise by doing the correct thing. *(Applause)* You do not have to do wrong things to rise. Of course, institutions will have those challenges of corruption – and our colleagues have talked about it - but which institution does not have those challenges? However, there are people within those institutions who work day and night to make sure that this country can be a better country. Justice Stella Arach deserves that name called “Justice.” When you read her judgments, you would just see justice in them.

There are judgments you can read and see legal engineering; there are judgments you read and see justice, even if the decision is against you. When you are alone in your bed, you say, “Well, I think the court was right.” That is one of the ladies sleeping right in that box.

We know her. All lawyers who appeared before Lady Justice Stella Arach will tell you a story. She was very calm, meticulous and amiable. Sometimes, judges can be bullies. For those who have appeared in the courts, you know. They are bullies, not even to the litigants alone, but even to lawyers. She was not one of them. You feel comfortable when you have a presiding judge, who even if she does not accept your argument, treats it with respect, including in the judgment itself.

Madam Speaker, the story of Justice Stella Arach is the story of a woman rising; it is a story of success. In America, they say, “It is possible.” To Stella Arach, it is possible, and indeed, it was possible.

I once had an opportunity to interact with Justice Stella Arach at a family level. We had just been elected as members of the Pan-African Parliament and our first station was in Addis Ababa in Ethiopia. Ambassador Amoko was the deputy chief of Mission at that time, I think. They invited us to his house. I did not know at that time that she was Ambassador Amoko’s wife. We were five Members of Parliament and when we arrived at their house, here was a lady not behaving like the judge you are thinking about. She was now a mother and a housewife, serving us and entertaining

us. I do not know whether Ambassador Amoko remembers that incident somewhere in Addis Ababa.

We left, and I remember Hon. Matembe saying that Justice Stella Arach does not behave like a judge. At that time, the air of the judges was not there. She was purely a mother and housewife. That is Stella lying in there.

Colleagues, I know there has been a little bit of controversy in the family. Let that controversy not overshadow the career of a great woman; the career of a very “tall” woman - *(Applause)* – because it was an honour for this country to have Justice Stella Arach as one of the judges. Justice Stella Arach, rest in peace till we meet again. *(Applause)*

THE SPEAKER: Thank you very much. Let us listen to Hon. Kivumbi. I would like to ask: how many of you remain wives and mothers, when you leave the Chambers? You like bullying your husbands. You should be wives and mothers when you leave the Chambers. *(Applause)*

3.37

MR MUHAMMAD MUWANGA KIVUMBI (NUP, Butambala County, Butambala): Thank you, Madam Speaker, for this opportunity. I rise to pay tribute and to say a testimony. This is because for all intents and purposes, there are chances I would not have been a Member of Parliament if it were not for the judgment of the late Lady Justice Stella Arach Amoko. And I am going to speak about that case and pay testimony to her level of integrity.

By the time some of us were trying to stand for election, this country was grappling with three unholy trinitities; massive vote rigging, fear and intimidation, and vote bribery.

I stood in an election and fairly won, but lost. And I had to petition court against the advice of my family because they never believed I had a chance in the judicial system. I think Hon. Dr Lulume Bayiga and I are the standard bearer of voter bribery. I petitioned the court purely on

voter bribery. I had 28 counts of voter bribery and the law required me to prove only one to overturn an election.

I was before Justice Kibuuka Musoke. He evaluated nine cases out of 28 and I won all. He said, since you required one, there was no need to evaluate the rest. However, onwards, there was an appeal to the Court of Appeal. On my bench was the Deputy Chief Justice then, His Lordship Steven Kavuma, Justice Arach Amoko and Justice Remmy Kasule.

I was represented by some of the most able lawyers, my comrade Hon. Asuman, the Hon. Medard Lubega Sseggon, the Lord Mayor, Erias Lukwago. On the Day of Judgment, the lead judge in my case was a deputy chief justice by rank. There was an 81-page judgment from the lead judge that Hon. Katuntu has talked about, which had been properly engineered. An attempt was being made to overturn the nine successful counts as judged by Justice Kibuuka Musoke; it was a tall order. This lady here dissented from the judgment of the lead judge *(Applause)*.

She wrote a leading 21-page judgment dissenting from the judgment of Justice Kavuma and those 21 pages overturned the 81 pages. Justice Remmy Kasule concurred with her 100 per cent. Therefore, the minority judgment now became the majority judgment courtesy of her integrity.

I had never known her, talked to her or even - there you are. Therefore, this lady lying here was beyond reproach. This is why I stand here to pay tribute and give a testimony. If we are to talk about standards, she set the gold standard in the Judiciary.

Therefore, let us make an appeal to all justices - there is nothing comforting to appear before a judge when you know you have appeared before a judge. There is nothing discomfoting to appear before someone in some gown, but you are sure that person may not be a judge. When you appeared before this lady, you appeared before a judge. This is the lady we are paying tribute to.

Madam Speaker, that was not the first time. When she was the Judge of the High Court in charge of the Civil Division, there were many cases then - I was a young boy here – in Kampala relating to property. She quickly resolved those cases and without any hint of bribery. By the way, bribery is given, but gets to be known. If I am going to give you a bribe, my family somehow will know. There are friends of mine from whom I will raise money, but you will never hear anyone raising money to go after Lady Justice Stella Arach Amoko.

In our Parliamentary prayer, we pray to God so that all matters that come before us are judged in so just and faithful a manner to promote the honour and glory of God. Can we all Ugandans, in whatever we endeavour to do, take a role model in the lady lying here to be true and affirm that notion? May her soul rest in eternal peace.

THE SPEAKER: Thank you very much. Even if no “Rebel MP” speaks now, somebody is going to speak on their behalf – no, that is an independent; he is not your NUP MP. You have two minutes.

3.44

MR BARNABAS TINKASIIMIRE (NRM, Buyaga West County, Kagadi): Madam Speaker, with your indulgence, I requested for more than two minutes.

THE SPEAKER: But all these people want to speak.

MR TINKASIIMIRE: Much obliged.

THE SPEAKER: Okay, start speaking; you are eating into your time.

MR TINKASIIMIRE: Thank you, Madam Speaker. It is a dark day -

THE SPEAKER: Let me first ask something before you speak. All of you are saying good things about Lady Justice Stella regarding what she did for you; she kept you in Parliament. But, who among you ever visited her? She was in hospital for eight months. Next time, when

someone has helped you, you should be able to look out for that them and say, “Thank you.” You can now speak because I do not expect a response to that.

MR TINKASIIMIRE: The lifestyle justices live largely excludes them from the public. We keep praying for them that in that seclusion, the Lord keeps them holy and steadfast.

I knew the lady before us in three capacities. One, as a seriously trained lawyer. Two, I, as a litigant before her and three, she was a member of the Uganda Catholic Lawyers Association.

For us, in those three capacities, we miss her because she is not going to be with us again.

Madam Speaker, Hon. Kivumbi and Hon. Katuntu have greatly eulogised the integrity of Lady Justice Stella. To just say that her integrity was unmatched is an understatement. I do not know what word we can use to describe her level of integrity.

Madam Speaker, we stood indicted from our own political party from 2013 to 2015 and our seats were threatened by our expulsion from the NRM Party. The Constitutional Court ruled against the Speaker – (*Member timed out.*)

THE SPEAKER: Switch on.

MR TINKASIIMIRE: Thank you. Ruled against the Speaker’s decision that had created special seats where the body of this great woman is lying. Those special seats, I think, were created with special guidance from the holy angels of God and I am glad that the holy angels who always keep this place are now guarding the place where the distinguished Justice is lying. They will guard you until you enter your grave and go to heaven.

Madam Speaker, when I talk about this great lady, I become emotional. When we were in the Supreme Court, the Constitutional Court had made five orders and 13 declarations. One of the orders was that we should vacate our Parliamentary seats and that the Electoral Commission should organise fresh elections immediately.

The other order was that the advice of the Attorney-General is binding on the Speaker. Every day would be a dark day because with that order, the Attorney-General would advise an arm of Government and bind it. It was the ruling that this great Justice participated in that removed those chains from an arm of Government to stick to the advice of the Attorney-General. I do not know how you would be conducting business, Madam Speaker, if it were not for this wonderful distinguished Lady Justice to overturn that Constitutional Court order.

For us who were before her as litigants, saw an administrator of justice in her. We did not see, anywhere in her, a merchant of justice. (*Laughter*) She detested merchants of justice from both the Bar and the Bench. If you appeared before her as a merchant of justice, she would rebuke you.

Madam Speaker, this country will miss this great lady. We thank God that she stood for a greater value. We will greatly miss you. Let us carry that banner; that you stood for integrity everywhere across the board and you have been challenging us here. For once, as Members of Parliament, let us also stand up for the cause of the people.

Madam Speaker, we believe that as we are in this world, all of us will have to answer the inevitable call from our creator. I am happy that today, angels of God are welcoming the great lady we are talking about. I want to state that when people of God are happy, God himself is very happy. The angels of God are dancing, welcoming this great lady. Ask yourself: "One day when I answer the inevitable call of my creator, what will happen on that particular day?"

My colleagues and I shall honour her greatly and we will travel to see where she is going to rest on Saturday because she is now included in the public life and we can visit her and the children.

We pray, honourable colleagues, that other than us paying tribute to her, we should go and see

where this great lady is going to live forever. May her soul rest in eternal peace.

THE SPEAKER: Thank you very much. Honourable Judges, do not exclude yourself too much from the public. We need each other, we need to interact, and as Hon. Tinkasiimire has said, ask yourself: tomorrow when you are no more, who will also pay tribute and say, "Tinka was a great man?" What will they say about you? Apart from your children and wife, what will the others say about you?

Therefore, it is time for us to do a reflection; let us reflect, correct ourselves and ask yourself: "What will people say about me? How many people will pay tribute and say that so and so was the best person?" Can I have one 'rebel' MP?

3.54

MR WILFRED NIWAGABA (Independent, Ndoorwa County East, Kabale): Thank you, Madam Speaker. I stand here to support the motion to pay tribute to one of the greatest jurists that Uganda has produced.

I first interacted with the late Justice Stella Arach-Amoko the very year I was enrolled in 1997. Appearing before her as a young lawyer, you would see a courteous judge, a motherly judge and a judge who wanted to dispense justice to its substantiality.

To my recollection, you would hardly raise a preliminary objection before Justice Stella Arach because she would first want to interface between herself and the lawyer to see whether it was necessary to have a preliminary objection or to go for substantive justice. No wonder when she subsequently joined the Commercial Division, which was just beginning, the alternative dispute mechanism began being in place, but through those initiatives.

She has made so many judgements that touch both the politics of this country, and the commercial area, including criminal justice; in all aspects. However, one of the things I would want you, Members of Parliament who are here to praise her, is the protection of your privileges as Members of Parliament.

People could have looked at the decision - our affair between I and my colleagues in the NRM - as personal, but the decision made by the Supreme Court on interpreting Article 83 of the Constitution was so important that it subsequently enabled this Parliament when Government foresaw a defeat and came up with a motion to amend the Constitution to include expulsion as a ground for ceasing to be a Member of Parliament and all Members of Parliament said: "To hell with this kind of motion."

This was because at that time, all political parties were yearning to expel Members; DP had "rebels", UPC had "rebels", NRM had "rebels" and FDC also had "rebels" whom they wanted to expel. So, that decision restored your privileges, Members of Parliament.

When you are here, please, speak for your people without fear or favour because Lady Justice Stella Arach-Amoko, together with her colleagues in the Supreme Court then, made that important decision.

There are many good things to talk about in regard to her, but the last thing I would like to mention is a call to our judicial officers: the current trend of the talk in town, especially among the legal fraternity, that we have judges and justices of the people *vis-à-vis* cadre judges ought to stop. If you are appointed a judge or justice of any court, please, be a judge or a justice for the people. The business of being "cadre judges" who are at times "merchant judges" ought to stop. And may I request them to emulate Justice Stella Arach-Amoko.

When we were passionately passing the Administration of the Judiciary Bill to help the Judiciary to be self-sustaining, we had in mind the need to reward people like Justice Stella Arach-Amoko. Of course, all judicial officers benefited, including those who should not have benefited, but at least the good ones benefited and we hope that this Parliament continues to support the Judiciary so that we nurture many more Justice Stella Arach-Amokos. May her soul rest in eternal peace.

THE SPEAKER: Thank you very much. As Parliament, we will continue supporting the Judiciary so that we do not have cadre judges. We want to make sure that they are comfortable in whatever they do. We do not know of any cadre judges yet. Yes, Minister of Justice and Constitutional Affairs, I thought you would speak last since that is your ministry.

Can we have the Minister of Defence and Veteran Affairs?

3.59

THE MINISTER OF DEFENCE AND VETERAN AFFAIRS (Mr Vincent Ssempijja): Thank you, Madam Speaker, for allowing me to eulogise our great sister, Justice Stella Arach-Amoko, the former Judge of the Supreme Court.

We have lost a jurist whose valuable contribution to the justice system is not doubted by anybody. Justice Stella Arach-Amoko –

THE SPEAKER: Honourable members, do not go; we are still paying tribute.

MR SSEMPIJJA: Lady Justice Stella Arach-Amoko moved through the ladders of human development until she became a Justice of the East African Court of Justice and, finally, to the Supreme Court.

When a girl child moves from a rural school in Lira and is admitted to a school like Namagunga, it shows that one, the parents and the family were gender-sensitive to support her all through, but, it also shows that Lady Justice Stella Arach-Amoko was – from the beginning – full of confidence that she would make it as a woman.

Allow me to salute the late Justice Stella Arach-Amoko for being a real model to the girl child. This should teach families not to let down the girl child when they are in school or –(Inaudible)– of life.

Philosopher Plato, in one of his writings, said that girls should be given equal education opportunities. He said: "I was teaching students

and I found out that some girls were better performers than the male counterparts.”

Madam Speaker, you remember that in those days they would not even count women during the population census. However, this man found out that women could even perform better.

Lady Justice Stella Arach-Amoko has not disproved the great philosopher; she has been, in fact, a proponent of this philosophy. She did not let down the NRM Government, which emphasises gender equality and has given opportunities to women by creating an enabling environment for women to establish their potential.

Congratulations to the late Justice Stella Arach-Amoko for a life well lived. Thank you, Madam Speaker.

4.03

THE MINISTER OF STATE FOR GENDER, LABOUR AND SOCIAL DEVELOPMENT (DISABILITY AFFAIRS) (Ms Hellen Asamo): Thank you, Madam Speaker. I stand to support the motion to pay tribute and pass my condolences to the family, especially to the retired Ambassador Amoko, who hosted us in Ethiopia, together with the late Justice Stella Arach-Amoko.

I have not been in court to know the late Justice Stella Arach-Amoko a little more, but I have known her as a woman leader. This was a woman who was a mentor. For some of us who have been in the workshops on women leadership, she is one of the people I pay tribute to. She was a woman who was down to earth despite her ranks. She was a woman of integrity and not corruptible.

Madam Speaker, in one of the meetings and workshops, Lady Justice Stella Arach-Amoko said: “Sometimes you look at us and think that we are different from you, but we even suffer more because people decide to leave us to suffer alone, but issues of the women are the same. The higher you go, the more you get delinked from the people.”

When she said that – I think we were in Serena – I said: “Oh my God! I think this is the situation; when you become a “big woman”, people fear you because of the security around you.” However, Lady Justice Stella Arach-Amoko said we have the same problems – family issues, relationships, and bringing up children, among others.

When I looked at Lady Justice Stella Arach-Amoko, I said: “Justice, does this happen – *(Member timed out.)*”

THE SPEAKER: Hon. Hellen Asamo, switch on the microphone.

MS ASAMO: Thank you, Madam Speaker. This lady talked and moved us. As ladies, we go through a lot. I am in the Ministry of Gender, Labour and Social Development, but we need to promote a women’s forum for “big ladies” – those who can mentor others because of the type of work we do.

Madam Speaker, I am a minister, but I feel I am not with the people because when I reach home, the gate is locked. When any visitor comes, they ask: “Whom do you want to see?”

There is power, but there is also relationship and Lady Justice Stella Arach-Amoko could have suffered some of these challenges.

Therefore, as women leaders, as we move up, let us remember that we have company and we need relationships.

I pay tribute and thank her for mentoring me because she is among the people who mentored some of us – the likes of Lady Justice Stella Arach-Amoko, the likes of Winnie Byanyima and the likes of Miria Matembe. I really pay tribute to these women.

God bless you and rest your soul in peace, my sister. Thank you.

THE SPEAKER: Thank you very much. Much as we go through a lot as women, men should also not make women go through a lot. We are all equal; we are human beings like

them. Assume that the person you are making to go through a lot is your daughter, sister or mother; they are all human beings who have feelings.

4.07

THE MINISTER OF STATE, OFFICE OF THE PRIME MINISTER (NORTHERN UGANDA AFFAIRS) (Ms Grace Kwiyuwiny): Madam Speaker, I thank you for this opportunity to pay tribute to Justice Stella Arach-Amoko, as a lady hailing from Nebbi District.

I want you to remember that in the last statistics from the Uganda Bureau of Statistics, the number of children who go from primary seven to secondary school is only 12 per cent in West Nile and eight per cent in Acholi.

I believe that Lady Justice Stella Amoko was a special one. If I take the Greater Nebbi, which comprises Pakwach, Nebbi and Zombo, we count her among the first five ladies who attained university education. (*Applause*) She did this without the 1.5 points, which she herself contributed to in discussing, to ensure that girls are promoted in education.

Members have talked about her profession. I do not want to go there because it is very clear how she grew in her profession and to this level, it is a clean record; a record, which speaks for itself. So, I want to speak about her as a special person with her intelligence, humility, passion, openness and beauty.

Many times, when we met in many places, people would ask, "Who is that? Who was she?" and I would proudly say, "You know, she is a lawyer, an attorney, a Judge and Justice". I would add, "She is from Nebbi" because she raised our flag up. As a woman of that calibre, we cannot take that for granted. She was a light and path for many of us.

When I later joined the university, they used to tell me, "Be like Stella Arach". I had not known her, but when I got to know her, I then thought, "This is a person I could be like if I work hard."

She was one of the first women leaders in the Nebbi community. She is, of course, the first Justice from the greater Nebbi. She has been there for women, children and girls. She is always out to help with advice, and even materially. She was an open-minded person. She would always like to be there for you.

I want to pay tribute and would like to, on behalf of the greater Nebbi community, to say that we have lost a person, but this should also open our eyes that we can work hard and be better citizens of this country. Thank you, Madam Speaker.

THE SPEAKER: Thank you very much. Chairman, West Nile Parliamentary Group?

4.10

MR LAWRENCE BIYIKA (NRM, Ora County, Zombo): Madam Speaker, first of all, I would like to take this opportunity, on behalf of the people of West Nile, especially West Nile Parliamentary Caucus, to send my condolences to the family of the late Honourable Lady Justice Stella Arach-Amoko.

I came to know this lady when I was at Makerere University. Occasionally, she would show up for some functions and always helped us, especially when I became the Chairperson of Nebbi Makerere Students' Association. She was a very humble lady. She would not show that she was a big person at that and you would not notice it unless you paid close attention.

From the testimonies we are getting from the people who knew her better, I think Lady Justice created a niche in her profession. In Latin, we would say she had a "*viva voca*" which means knowledge of the law.

This is a learning point to all of us that in our various professions, we should create a niche. Of course, you can speak about all topics, even in this Parliament, but there should be some areas where they say, "If you are looking for this issue, the person is so and so." And Lady Justice Stella Arach-Amoko created that niche.

Unfortunately, she has gone at a time when we really needed mentorship for the girl child. In greater Nebbi, it is a big challenge. During the COVID-19 pandemic, it was a very big challenge - the school dropout rates and teenage pregnancies. So, we needed a lady of this calibre to continue guiding the girl child. However, since it is the will of God, we continue to pray that God will give comfort and courage to the family so that they can overcome this.

Finally, I want to categorically state that she was a very intelligent lady, diligent, very loyal, very kind and such is the person we are escorting today. I pray that her legacy be emulated by all of us so that this country can be a better place to live in. May her soul rest in eternal peace.

THE SPEAKER: Thank you, chairperson. As leaders, how much have you contributed to the empowerment of the girl child? How many girls have you inspired?

4.14

MS JANE PACUTO (NRM, Woman Representative, Pakwach): Thank you very much, Madam Speaker. I stand to pay tribute to the late Lady Justice Stella Arach, who, back home, is my maternal aunt. The lady shared the same clan with my mother – the Ragem Clan from the Royal Clan.

I knew the late Lady Justice Stella Arach when I was a young girl in primary school; she visited us at home. On that day, she had come to see our only surviving aunt on my paternal side called Aunt Julia, deep in the village. I saw a beautiful woman, a relative that I had never met and I later asked Mom, “Who is this? She said this was her cousin brother’s daughter.

Later on, when I joined Kibuli Secondary School, I came to learn that Lady Justice Stella Arach was a lawyer and very close to my two late brothers who were raising me. My brother had a shop here at Dewinton Road and that was more or less the headquarters for the Nebbi community people in Kampala, then chaired by *Mzee Peter Ocanda* – (*Member timed out.*)

THE SPEAKER: Switch it on.

MS PACUTO: Thank you, Madam Speaker. Among the great men from Greater Nebbi, I would always see a lady among them driving a sunny vehicle and she engaged them.

When we were filling out the Joint Admissions Board (JAB) forms for senior six to join the university - I did History, Economics and Geography (HEG), but the director of studies told me; “No you should to study Social Work and Social Administration (SWASA) or education,” I relented and I did not apply for any of those. Because of Lady Justice Stella, I applied for a Bachelor of Laws (LLB), as my first choice because I was motivated by that young lady.

Later on, she became a judge. My aunt loved her relatives. Despite her position, she looked for us and invited us to her home. I want to agree with whoever said here that she lived a balanced life of an African woman.

I remember at home, she served her husband diligently on her knees and I could not believe it. I would like to implore the women leaders that despite our positions, let us copy the positive aspects of Africanism.

Lady Justice Stella was very generous. The crowd I saw at her home, I would not believe. Leave alone her biological children. Every time we went home, the number was 10 and above living with her.

She was an organizer; when her father died, that was the first time I saw a woman remain firm in living the legacy of her father. She helped her siblings and supported them in their education. This is the lady we are saying “bye-bye to” today here.

I would like to implore us here that when God puts us in a position where we can help and support others, let us do so. This is why we are all saying this about Lady Justice Stella Arach. Lady Justice Arach, you are our icon in the Greater Nebbi.

I am made to know that she was the first female graduate from the clan. All of us that strived to reach where we are, looked up to her.

I would like to conclude by thanking His Excellency, the President for identifying Lady Justice Stella and raising her to the position she lastly served in. We cannot take that for granted. We want to thank him and pray that more of our people and lawyers are identified because at least, that will wipe away our tears as the people of the region. Let us be raised to the level where Lady Justice Stella was. Auntie, rest in peace.

THE SPEAKER: Thank you very much, Hon. Avur. It is unfortunate you were not admitted for law; you missed out. I saw men clapping, but much as you want to be given that care, stop going around with house girls; respect women. *(Laughter)*

4.20

MS ROSE OBIGAH (NRM, Woman Representative, Terego): Thank you, Madam Speaker. On behalf of the West Nile community, I thank you so much. On such a day, and on behalf of Parliament, I want to acknowledge the contribution you have given to the sendoff of our dear beloved sister. We will not take this for granted. Thank you very much; we owe you.

Madam Speaker, I first came in touch with my big sister when I was pursuing a Diploma in Law before enrolling for a Bachelor of Laws and that was in Arua High Court. As a paralegal, after seeing a judge, you all want to crowd and move away from her, but she would say "No, come to me." She held my hand and I went with her to the office. She asked me why I decided to go for a diploma and not a degree. I told her I had lost my father while in senior two and that I had siblings to look after. She said, "No, it is possible, you have to come from far. I want to say, you should be the first lawyer in your village." Madam Speaker, for me, it has been a region.

I did not take that for granted. I went home, thought over it, and prayed to God - the rest

is history. Today, I am a lawyer because of her guidance. *(Applause)*

I am one proud girl who would text her and she would write back. We will dearly miss you; you were exemplary and you guided many of us. I pay special tribute to you, my sister. We love you. May the good Lord rest your soul in peace!

THE SPEAKER: Thank you. To all those who are claiming to love Stella when she is gone, the body is going to sleep here so let us sleep here with Stella. I want to see that love tonight.

4.23

MR YORKE ALIONI (NRM, Aringa South County, Yumbe): Thank you, Madam Speaker, for the opportunity -

THE SPEAKER: All the logistics have been provided by the Office of the Speaker. All I need is your presence here; everything has been provided for.

MR ALIONI: Thank you, Madam Speaker. As Members of Parliament from the West Nile Region, we want to say, "Thank you," for the love and support you have shown to our sister.

I have known the family of the great lady lying before us for more than 30 years. One of my elder brother happens to be her neighbour in Kinawataka, Mbuya where her home is. To know how honest and sincere this lady was, you needed to go to her house in Kinawataka, Mbuya. With all the positions she had, she never moved away from that village. She had been the only eye of West Nile Region.

When I saw my senior colleague, Hon. Mangusho trying to bring up a point about her contribution in the ruling of the electoral petition by NUP - even if you were an Opposition, you would appreciate it. She was a just person. Her contribution to the Amama Mbabazi v Kaguta Museveni & 2 Others (Presidential Election Petition No.1 of 2016) was very clear.

Without wasting time, we hope for the 44 years our sister served this Government, from 1989

to the time she passed - she had experience of 10 years in the Supreme Court. That means she served for 34 years in the legal fraternity. They say God gives and takes away. As West Nile, we believe that God has taken Lady Justice so early and our prayer is that even if you are in heaven, send your spirit to the Judiciary, especially to the human resource department. We have people like you from West Nile who have worked in the Judiciary and they have the same integrity like you, but they have been applying as judges, but when you come to the shortlist, they are not there. Send your Spirit to them.

THE SPEAKER: That is the Judicial Service Commission. Let the spirit go to the Judicial Service Commission. *(Laughter)*

MR ALIONI: Thank you, Madam Speaker. With those few words, I pray that her spirit rests in eternal peace. Thank you.

THE SPEAKER: The spirit should go to the Judicial Service Commission and not to the Judiciary.

4.27

MS JUDITH ALYEK (NRM, Woman Representative, Kole): Thank you, Madam Speaker. On behalf of the people of Lango sub-region and on my own behalf, I would like to convey my condolences to the family of the late Lady Justice Stella Arach-Amoko. As women, I have realised that we are doing very well in the Judiciary, just like you are doing very well in leading this Parliament.

Madam Speaker, imagine that in the United States of America, the Supreme Court has only 5 per cent women compared to the men in the Judiciary. When we were under the British protectorate up to this time that Uganda is independent, we have 55 per cent Lady Justices in the Supreme Court, but when you look at the United Kingdom right now, 80 per cent of men are dominating the Supreme Court leaving only two Lady Justices.

Uganda, as a country under the leadership of His Excellency President Yoweri Kaguta

Museveni, has risen through the ranks, because right now, we have 55 per cent lady justices out of the nine Justices of the Supreme Court. We shall continue rising in these positions, Madam Speaker.

We remember the late Lady Justice for her hard work in the Judiciary and for living by example. This person lying here was appointed to that position for her hard work, humility, for being a woman who is exemplary and I know that when we bury her, her replacement will also be a woman who is very hard-working and we want that done.

To the appointing authority, I have to say this. In Uganda, we have affirmative action for women in almost all the departments, but there are some departments that are not observing the affirmative action that has been given as a great chance to the women of this country.

Madam Speaker, as we remember our sister, the great Justice of the Supreme Court, I make an appeal to our honourable colleagues who are here that we pray for this family and for this nation. Thank you, Madam Speaker. May the soul of the Lady Justice Stella Arach-Amoko rest in eternal peace. Amen.

THE SPEAKER: Thank you. Women have risen in this country and they will continue rising. The Prime Minister here is a woman, everybody is a woman -*(Laughter)*

4.32

MS ROBINA RWAKOOJO (NRM, Gomba West County, Gomba): Thank you, Madam Speaker. I joined the Ministry of Justice and Constitutional Affairs on 15 January 1990 and we were sitting in the eastern wing. I found Justice Hon. Mary Stella Arach-Amoko as one of the staff members. She had joined in 1979 and she used to sit on the fourth floor with Justice Betty Musoke, Justice Cheborion Barishaki, Deus Byamugisha, Dennis Biryeye, O.M.J Ndaula, the SG and the AG, among others and she was a member of FIDA Uganda, which we were all members of.

I remember that we were taking mentoring from people like the late Justice Kikonyogo, the late Justice Mpagi Bahegeine, Justice Solomon Bbosa, Sarah Bagaalaliwo, Jennifer Muguma and others, and she was a strong member of FIDA

She was in the Civil Affairs Department as a senior State Attorney from 1990 to 1993 and then became Commissioner, Civil Litigation in 1995 to 1997. We were already told about how she became a judge of the High Court, East Africa Court of Justice, Court of Appeal, Supreme Court. She was also chairperson LDC Management Committee, President of National Association of Women Judges, Chairperson of Judicial Training Institute, Chairperson, Judiciary Monitoring Committee and member, Judicial Service Commission. She was soft-spoken, she was pleasant and she was a happy person. She dressed well and had a good sense of humour. She mentored young lawyers and insisted on proper presentation in court.

New lawyers get court fright sometimes, but she guided them. She never allowed you to feel intimidated and she was also a homemaker. She always told us to respect our spouses when we got married and to be down to earth.

I would like to thank God that I got to know her and that she was a friend. I thank you, Mr Amoko, for being her confidant and for the fact that she was able to express the qualities that one would see in Proverbs 31:10-31 before you.

I also want to thank God that she did observe Article 126 of the Constitution which talks about the exercise of judicial power because it is supposed to be done in conformity with law and with the values, norms and aspirations of the people. They talk about justice being done to all irrespective of their social or economic status, justice not being delayed, adequate compensation being awarded to victims of wrong, reconciliation between parties being promoted - you were talking of arbitration - and substantive justice being administered without undue regard to technicalities.

Rest in peace, Justice Stella Arach-Amoko. Thank you.

THE SPEAKER: Thank you, Chairperson, Legal.

4.35

MS AGNES ACIBU (NRM, Woman Representative, Nebbi): Thank you, Madam Speaker. I rise on behalf of the people of Nebbi District and on my own behalf to pay tribute to our fallen sister. There is not much that I am going to add; we have heard the qualities of our fallen sister, Justice Stella Arach-Amoko.

As leaders – all the leaders who have been called by God – it is my prayer that we follow the footprint of the fallen Justice Arach-Amoko.

As the people of the Greater Nebbi and Alur, we are all heartbroken. It is my prayer that the family members remain strong. This is the journey that all of us are going to take. May her soul rest in eternal peace.

4.36

MR YUSUF MUTEMBULI (NRM, Bunyole East County, Butaleja): Thank you very much, Madam Speaker. I join my colleagues in supporting the motion to pay tribute to Hon. Lady Justice Stella Arach-Amoko – (*Interjections*) – I am not from West Nile.

I have known Justice Stella in four aspects: first, as a neighbour in Mbuya; two, as chairperson of the management committee at Law Development Centre – at that time, I was a lecturer. Third, as a member of the Judicial Service Commission, she severally appeared before the Committee on Legal and Parliamentary Affairs. Lastly, and very importantly, in 2011, I represented Hon. Jenipher Namuyangu against Saleh Kamba in both the High Court and Court of Appeal. We had a very serious issue. We filed the petition on the last day. When we went to the bank to deposit court fees, there was no network and we paid court fees the following day. There was an issue as to whether our petition was competent or not.

We argued that issue before Justice Chibita, when he was in the High Court. He agreed with us that our petition was properly before court.

The other party was dissatisfied and we went to the Court of Appeal before a panel of three judges, including her. The two judges kept on asking me whether I had read the decisions of Amama Mbabazi and the one of Ali Ndaula.

The two Justices could not give me an opportunity to address the court. They said: “Why do you lawyers waste time on some of these issues? This is something that is very obvious. The two decisions settled this matter.” I asked them to give me time to address court.

Justice Arach-Amoko quoted Article 28 of the Constitution and said: “Why don’t we allow him to be heard on this particular issue?”

Madam Speaker, I quoted a 2001 decision of the Supreme Court. I told the judges that if the courts, in the cases of Amama Mbabazi and Ali Ndaula, were alive to that decision, they would not have decided the way they did. Directly or indirectly, the principle changed, now, court fees can be paid at any time and it cannot render a petition a nullity.

So, if it was not for her patience and tolerance, we would not have had that position. We would still be struggling, just like we are struggling with other principles. They made a decision and it is now a clear principle that even when you file your matter today and you do not pay school fees –(Interjections)- I have just been paying school fees, Madam Speaker. (Laughter)

I conclude by saying that we are not just talking for the sake of it, but she has contributed much as far as legal issues in this country are concerned.

May her soul rest in eternal peace.

4.41

MS SANTA ALUM (UPC, Woman Representative, Oyam): Thank you, Madam Speaker. On behalf of the people of Oyam

District and on my own behalf, I stand here to pay tribute to the late Lady Justice Stella Arach-Amoko.

Madam Speaker, if there is any institution which has benefited from the Lady Justice lying before us, it is Parliament. I remember in the Ninth Parliament, when we had just joined Parliament we were called by our party and requested to vacate our seats in Parliament because the elections were a sham. We had a very heated meeting, as Members of the Uganda People’s Congress.

Article 84 of the Constitution of Uganda, which talks about the recall of Members of Parliament, was read before us. We refused to vacate our seats in Parliament because we did not know how to go back and tell the electorates why we were vacating the seats.

Our only hope rested in the case that was before court as far as the “rebel” Members of Parliament were concerned. When the judgment was passed and the “rebel” Members of Parliament won, it was not only them, but also us, as Members of the UPC, whose party also wanted us to leave.

Therefore, I thank the lady lying before us for that wonderful independent decision. As UPC Members of Parliament in the Ninth Parliament, we also benefitted.

Secondly, as a woman, I stand here very proud of a fellow woman who worked with all the humility and raised the status and standards of women who have been given offices, especially in the Judiciary. You cannot find any history of corruption in her legacy as a judge of the Supreme Court.

Madam Speaker, as women in this country, we have a lot to emulate from her. Those in the Judiciary also have a lot to learn from the late Justice Stella Arach-Amoko. May the good Lord rest her soul in eternal peace. Thank you.

THE SPEAKER: Thank you. Teso Parliamentary Group?

4.44

MR BOSCO OKIROR (NRM, Usuk County, Katakwi): I sincerely thank you, Madam Speaker, for giving me the opportunity to pay tribute to the Lady Justice. Her career has been –

THE SPEAKER: Honourable members, wait and we put the question, to this motion. I also want to leave this Chair.

MR OKIROR: Thank you, Madam Speaker. It was very painful that on 17 June, 2023 we woke up to the sad news of the demise of the Lady Justice.

I am one of the beneficiaries of her kindness in court. I want to thank you, Madam Speaker, for putting the record straight before all my colleagues here that members of the legal fraternity are level-headed people -

THE SPEAKER: Yes, they are all level-headed.

MR OKIROR: We appreciate you for putting the record straight today.

Madam Speaker, Justice Arach-Amoko, even if she is lying lifeless here - judges can die, but a good judge does not die. She lives on with the decisions that she made.

She has left jurisprudence for our country that lives on beyond our time on earth, which will be referred to. It is very unfortunate, that in a very short period, this is the second Judge of the Supreme Court that we are paying to tribute in this House.

When you look at all she has done, what has been put in the motion and what has been talked about; you see a loss to a country. Even in her retirement, she would have been very fruitful.

She had experience in all corners; I tried to look at all the doors and windows, and realised that she had passed through all of them. She was an accomplished being.

Judicial officers and the Judges of this country are among the greatest contributors of peace; through the decisions that are made in court, they help to settle disputes.

She has been one of the greatest contributors of peace because she would give you a well-reasoned decision, that surely, you would not hate your opponent. May her soul rest in eternal peace.

THE SPEAKER: Thank you.

5.47

DR LULUME BAYIGA (DP, Buikwe County South, Buikwe): Thank you, Madam Speaker. I stand to second the motion, but to also mourn the death of Justice Stella. In all professions, there are certain icons we look to for mentorship. So that you know that if I take those steps, I will be a successful person.

For us in the medical profession, we had people we looked up to who would guide and mentor us. I sympathise with you people in the legal profession. At this time, when the legal profession needs a lot and such icons go.

I have never been before her, but I have been reading judgments that she made. Her and the late Justice Kibuuka Musoke were some of the icons that I had been following in election petitions because I have been in those subjects for quite some time.

We who have been seeking for justice, some of these were the most important people that we have been looking to. We do not want to despise those in the legal profession, but take it; there is a lot to do in your profession.

When you lose such people, it is at this time that we can speak to you and you reflect on what you do so that you test your integrity on whether it can match those that we are mourning today.

We mourn the death of Justice Stella because we have lost a person of integrity. Before her, you would see integrity and she would dispense

justice. Even if you lose, you know you have lost in good hands.

Just like, you can lose a life before a good surgeon. You knew the surgeon was not gambling, he tried his best, but I think God had to do His will.

We think that you people in such a privileged legal profession should emulate such icons so that our country benefits from you. May her soul rest in eternal peace.

THE SPEAKER: Thank you.

5.50

MR MILTON MUWUMA (NRM, Kigulu County South, Iganga): Thank you, Madam Speaker. On behalf of my people of Kigulu South and my family, I want to pay tribute to our fallen hero lying before us. If the fallen hero had not done a lot of mentorship, we would be lamenting a lot. I have to salute and commended her for mentoring so many people.

Since the Eight Parliament, we have been interacting with her in the Justice, Law and Order sector review meetings, where she was always invited to lecture, counsel and give guidance to most of the legal fraternity and many of them have kept referring to her.

A case in point is Lady Justice Abinyo Suzan - the one you introduced here and the Lady Justice Bamugemereire - if you look at their judgments; I think they have grasped very well the principles of their mentor. I thank God for her life. I want to thank everyone who has supported her during her tenure of service. May her soul rest in peace.

THE SPEAKER: Sue, at least, somebody is thanking you when you are still alive. Thank you. Sorry we call each other Sue and Anita so, do not worry.

5.52

MR FRANCIS KATABAAZI (NUP, Kalungu East County, Kalungu): Thank you, Madam Speaker. On behalf of the people of Kalungu East, including one of my constituents-

THE SPEAKER: He is the *Ssabakristo* of the Catholic Church and the person lying there was a Catholic.

MR KATABAAZI: On behalf of the Catholic community, in Parliament and the entire Uganda, we would like to convey our sincere condolences to the family, the Judiciary in particular, and the entire country for the loss of our beloved Lady Justice Stella, Arach-Amoko.

In the fallen hero we have here, we have a parent. We know very well as the church, what builds our church is the family - a family person with a husband and children. So, lying here was a mother, to some people, a wife to somebody who has been exemplary.

As parents, the best thing we can do is bring up our children very well so that they are assets to this nation, other than liabilities. This should teach us that being in a big position or a high position of - *(Member timed out.)*

4.54

PROF. ELIJAH MUSHHEMEZA (Independent, Sheema County South, Sheema): Thank you, Madam Speaker. I join honourable colleagues to mourn and honour Hon. Lady Justice Stella Arach Amoko. I register my condolences and the condolences from the people of Sheema.

I was a Member of the Constituent Assembly, that scrutinised, debated, enacted and promulgated the 1995 Constitution. At that time, we envisaged a country with an independent Judiciary, where the courts of Judicature were expected to dispense justice to all.

I am glad, that the late Hon. Lady Justice Amoko did not disappoint us. Previous speakers have made this point, but the question that lingers in my mind is that, what gift can we give to maintain her legacy?

In my view, if we appropriate more resources for the Judiciary, she would rest in eternal peace because when I look around, especially in the lower courts -

THE SPEAKER: Are you amending the prayers?

PROF. MUSHEMEZA: Yes. Let me first say this and then make a prayer. Madam Speaker, when you look at the lower courts like the Magistrates' Courts, you see congestion, stress of the magistrates who are handling the cases, and delayed justice, yet we can do better, if we appropriated more resources. Of course, I am aware of the scarcity of resources and –

THE SPEAKER: Honourable member, what I am saying is that if you want to make an amendment to the prayers of the motion, just move that you are making an amendment to include prayers a, b, c, d.

PROF. MUSHEMEZA: Thank you, Madam Speaker. I beg to amend the motion before us that the Government increases resources for the Judiciary so that they can do better. I beg to move.

THE SPEAKER: Is that seconded? Seconded by Hon. Muwuma, Hon. Denis, Hon. Okot, Hon. Rose, Hon. Akech and Hon. Emily. Honourable members, we will make an amendment to the motion to increase funding to the Judiciary.

The Prime Minister and I know this very well. We are not funding outside what they have. We just want to increase the funding to the Judiciary and the Chief Justice has been lobbying for this time and again.

PROF. MUSHEMEZA: To conclude, as I speak to my motion-

THE SPEAKER: You are not speaking to the motion. *(Laughter)*

PROF. MUSHEMEZA: Okay, let me conclude. Let me speak as a researcher. If we take security as an independent variable and judicial activities as an intermediary variable, then you will have socio-economic transformation as a dependent variable. So, it is very important to increase the resources of the Judiciary if we are to achieve our agenda of

socio-economic transformation. May her soul rest in eternal peace.

THE SPEAKER: Thank you very much. Luweero Woman Representative?

4.58

MS BRENDA NABUKENYA (NUP, Woman Representative, Luweero): Thank you, Madam Speaker. I rise to second the motion and pay tribute to the fallen Lady Justice.

Madam Speaker, when I joined Parliament in 2011, for the next eight years, I had election petitions. I used to be in court almost every month and I preferred the Lady Justice to be on my panel especially in the Court of Appeal-

THE SPEAKER: So, you are part of the people who choose the-

MS NABUKENYA: No. I did not choose; you know the procedure. I preferred as a person, and there was no chance, but I really liked her.

The precedents borrowed and used in my petition were very powerful and being a woman, I admired her. I thought one day, she would be a Deputy Chief Justice or the Chief Justice of this country because all her works spoke of quality, decorum, justice and like Dr Lulume said, even if I lost before her, I would still go out of court convinced that I did not have that case.

I really want to appreciate her in her absence and also thank the family for sharing her with us. I know like they said, her spirit will live on in all the jurisprudence. May her soul rest in eternal peace.

THE SPEAKER: Thank you very much. Indeed her spirit will live on. Woman Representative, Soroti?

5.00

MS ANNA ADEKE (FDC, Woman Representative, Soroti): Thank you, Madam Speaker. I join the House to pay homage to the Lady Justice Stella, for a life well lived.

Madam Speaker, when I share with my colleague lawyers, there was not a single complaint about the Lady Justice from the Bar. No lawyer ever complained or raised any issue regarding her. It was the prayer of every litigant to appear before a panel where the Lady Justice was because of the confidence that they had in her and the level of professionalism she exhibited.

As she lies before us, it is my sincere hope that the family will find peace during this time. I bring you condolences from the Forum for Democratic Change Party. We all wish for a Judiciary and Justices of the calibre of Stella because of her level of ambition and professionalism. May her soul rest in peace.

THE SPEAKER: Thank you. Minister of Justice and Constitutional Affairs?

5.02

THE MINISTER OF JUSTICE AND CONSTITUTIONAL AFFAIRS (Mr Nobert Mao): Madam Speaker, the motion moved by the Rt Hon. Prime Minister and ably seconded by the Leader of the Opposition represented by the Opposition Chief Whip, paying tribute to the late Justice Stella Arach-Amoko, deserves the unanimous support of this House. So, without reservation whatsoever, I join in supporting this motion.

I had ample time this morning to eulogise Justice Stella Arach-Amoko while representing the Government during the requiem mass at Our Lady of Africa Church in Mbuya. I will share some few reflections on the way Justice Stella Arach-Amoko personified the best attributes of a great judge.

The great constitutional lawyer who many lawyers are familiar with, Dicey, said that Parliament represents the people who are sovereign, therefore, this House is a representative of the sovereign. The Executive administers the law and the Judiciary adjudicates upon disputes regarding the meaning and application of the law.

In the training of judges, there are characteristics that are outlined befitting a member of the bench; a judge should be studious, courteous, conscientious, patient, punctual, just, impartial, fearless of public praise and clamour, indifferent to private political or partisan influences, he or she should administer justice according to law and deal with his or her office as a public trust.

Madam Speaker, listening to the tributes being paid today - and I hope the family is paying attention - you would see that Justice Stella Arach-Amoko exemplified all these attributes of a judge. *(Applause)* She had courage. Many of the decisions she made required courage because they were made in the heat of things with a lot of pressure.

It is important that today, we insist that the Judiciary is not a political institution. Parliament and the Executive are political institutions because they make policy, but we cannot accept a Judiciary, which is a political institution. That would destroy the very meaning of what a Judiciary is.

Any country is based on a set of values and these values are given life by institutions and the institutions are driven by people. Therefore, an institution cannot be better than the people in those institutions. As such, your call for a merit-driven Judiciary is very important.

I have heard some of the complaints that have been stated here. These can be discussed. For instance, how judicial officers are recruited. Judicial officers are not recruited by those who preside over the courts because when the Constitution was being made, there were changes. The Chief Justice used to chair the Judicial Service Commission, but that has now been changed. We will examine whether it is better or not. Because of the limited resources, the Judicial Service Commission has only one full time person; the chairperson. The rest are not full-time employees and yet they are the ones who are supposed to discipline the judicial officers.

As we talk about abuses of power, including corruption and even incompetence in the

Judiciary, we have a body known as the Judicial Service Commission, which should be the watchdog. Therefore, we need more resources for the Judicial Service Commission.

As for those who apply and are not appointed, I have some news for you. We were told there were 11 vacancies so, if you have hundreds of applicants for the 11 positions, I think the proportion would then be that many people would miss the opportunity. Just like this House has about 500 plus Members, but if you look at those who get nominated, they are in thousands. Going by the law of proportion, I am not surprised.

However, there are principles of recruitment and balance of region and religion, and all those other things that make us Uganda are taken into account, but you can only balance those who have the qualifications. You cannot just go to the streets to say, we are looking for somebody from this community. I do not think you would want a doctor on the account of regional balance. You would want the best.

Madam Speaker, on 15 May, Cabinet approved the Judicature (Amendment) Bill, 2023 whose objective is to increase the number of Justices of the Supreme Court from 11 to 21. So, there will be many more vacancies. We shall also increase the number of Justices of the Court of Appeal from 15 to 56, including the Deputy Chief Justice.

Parliament also approved the motion for a resolution of Parliament, which I will be bringing here under Section 13 of the Judicature Act to increase the number of Judges of the High Court from 83 to 151, including the Principal Judge. Therefore, going by the principle of averages, I would like to assure Hon. Odria that chances are that those who are complaining will now have higher chances. I do not think we should impute improper motives on the Judicial Service Commission.

Finally, Members said that we should have gone to the Lady Justice Stella Arach-Amoko's hospital bedside to thank her, but Parliament also deserves praise from the Judiciary. Since

the judges cannot come to this Chamber, let me represent them by thanking you, Members of Parliament, for enacting the Administration of the Judiciary Act, which gives the Judiciary a lot of room.

Of course, there are things that we need to rethink. For instance, here the Speaker chairs the Commission, but in the Judiciary, it is not the head of the Judiciary. Those are some of the things that we need to balance. Imagine if the Chairperson of the Parliamentary Commission was from outside Parliament. I think you would have a little bit of a problem.

In my new position as Minister of Justice and Constitutional Affairs, I ask questions to get feedback from people quietly to see whether there are things that can be improved. I thank you, in the same breath, for increasing the budget of the Judiciary and I thank the President of Uganda for the massive support he has given and continues to give to the Judiciary of Uganda. *(Applause)*

I have been authorised to bring these amendments to the Judicature Act and to bring the motion so that we increase access to justice to our people. It is our promise, honourable members, that in less than five years, there will be a magistrate in every constituency so that we have real access to justice.

In the spirit of the late Justice Stella Arach-Amoko, we are also mainstreaming alternative dispute resolution to decongest the courts. We are probably reading old news about the backlog; but I can assure you that for the first time, in a few years, we have more people who are actual convicts in the prisons than those on remand. There was a time when we had more people on remand than convicts, which meant that there was a kind of traffic jam.

We are also coming up with a policy, which we intend to take to Cabinet next week, to adopt a policy on Alternative Dispute Resolution so that the monies which are tied up in the courts can be released. We have thousands of acres of land that cannot be utilised because there are caveats and injunctions on them. UNRA

has deposited billions of shillings in the courts because of disputes about road reserves and these monies are not in the economy. At a time when our country needs to have all the money in the economy, we cannot afford a court which has traffic jam.

Finally, in terms of independence of the Judiciary, I believe the Judiciary pushes back to claim its space. You saw how the Chief Justice and the Prime Minister had some exchanges at a certain point. *(Laughter)* We must protect our boundaries. Just like each institution must protect its boundary, so the Judiciary has to do the same.

You also heard how the Judiciary rejected the President's idea to amend the Constitution on matters of bail. Fortunately, because of the new spirit of talking to each other, which we really need in this country, the President abandoned that plan, but achieved his objective by having the judiciary issue practice directions, which I think enabled him to be satisfied that the interests of victims are being taken into account.

We are also coming up with new proposals on how to improve the education of members of the legal profession so that we do not have a fast-food approach, which is like KFC; just rolling members of the profession into the market.

Justice Stella Arach-Amoko was unequivocal in denouncing Executive overreach. An example is these RDCs and District Security Committees who want to first sit and determine whether an order of a court should be enforced. One time, Justice Stella Arach-Amoko actually summoned an RDC and his entire security committee to court because once the court has pronounced itself, the only thing is to appeal. You cannot sit as an RDC surrounded by security operatives and demand to read the judgement; that is what was happening.

As Parliament, it is your duty to firmly protect the Judiciary from Executive overreach. The rumours of corruption are exaggerated, I can

tell you. Many times, those who pretend to be speaking for the judges, actually, have not spoken to them; they are commission agents. They are peddling fake influence. They are lawyers who want to eat your money, claiming that judges need money.

I will give you a live example. In one case, actually, a clerk went and read a draft judgment and knew who would win the case. He then went and told the party that was going to win: "His Lordship needs something. You better do something." Money was arranged and given to that clerk and he pocketed it.

However, as judges normally do, they are always eager to find new authorities. So, the judge found an authority, which made him change his judgment. The judge went to court and this party put on his best suit, waiting to receive victory, however, he lost. So, he told his lawyer: "We gave this judge money. How could he read such a judgement? We were assured."

Lawyers have access to judges. So, the lawyer went to meet the judge and told him: "My Lord, we understand you received money and my client is complaining that there was no consideration..." - as illegal as it was. *(Laughter)*

I once read a book called *Honour Among Thieves*. So, even those who are thieves can have honour. So, they talked about their corrupt dealing. The judge then said he had not received any money and neither had he demanded any money. They named the clerk who was involved and he was promptly dealt with.

So, we should not be the ones to exaggerate these cases. Let us be very specific. The Judicial Service Commission is there to deal with the bad eggs. I heard a proverb that "if one cow has diarrhoea, people may think the entire kraal has diarrhoea". I do not think the entire kraal has diarrhoea. There are a few cases of diarrhoea and we have got Flagyl to sort it out. *(Laughter)*

May the soul of the departed Lady Justice Stella Arach-Amoko rest in eternal peace.

THE SPEAKER: Thank you very much, honourable minister. As we do more recruitment of judges, the names that you forward to the President should have a national character because you are the one who sends them. *(Applause)*

I do not want that aspect of saying “if they do not qualify”. They disqualify them from the beginning, even when they qualify. As the Appointments Committee, we shall be waiting. We want national character, religion and gender. This business of saying we have 55 – let us proceed as though we are starting at zero. Gender balance must be there; we need more women. *(Applause)*

Honourable members, I now put the question that Parliament pays glowing tribute in honour of the late Lady Justice Stella Arach-Amoko, Supreme Court Judge, pursuant to Section 23 and Schedule 3 of the Administration of the Judiciary Act, with an amendment from Prof. Elijah Mushemeza.

(Question put and agreed to.)

(Motion adopted.)

THE SPEAKER: Thank you very much, honourable members, for those kind words to the late Justice Stella Arach-Amoko. She still lives. Justice Stella Arach-Amoko has left children behind and her legacy remains.

The East African Community Anthem

The National Anthem

(Exit of the late Lady Justice Stella Arach-Amoko.)

THE SPEAKER: Honourable members, the body is going to lie in State overnight and it will leave in the morning. My humble request is that we stay with the body if we can. Let us stay with the family. Today, it is Stella,

tomorrow it is any of us. I, therefore, adjourn the House to tomorrow, Thursday at 2.00 p.m. Thank you.

(The House rose at 5.25 p.m. and adjourned until Thursday, 22 June 2023 at 2.00 p.m.)