

Judiciary's image on the line

The events of the past week have once again thrust the Judiciary into uncomfortable public scrutiny. When Ms Rose Nalubowa, the Opposition National Unity Platform (NUP) candidate, openly questioned the impartiality of Justice Simon Peter Kinobe and withdrew her application for review in the Masaka City Woman MP election dispute, the matter ceased to be merely a legal contest. It became an issue of institutional credibility.

Ms Nalubowa had sought a review of a lower court decision that upheld the declaration of Ms Justine Nameere of the National Resistance Movement (NRM) as the winner following a controversial vote recount.

However, her withdrawal was premised on the assertion that she could not expect justice from a judge who had previously participated in partisan politics as an NRM candidate in party primaries.

Whether Justice Kinobe was actually biased is not the point. The larger issue is perception. Justice must not only be done; it must be seen to be done. The test for recusal is clear: where a fair-minded and informed observer would reasonably question a judge's impartiality, stepping aside is the prudent and honourable course of action. Recusal is not an admission of guilt or weakness; it is a safeguard of institutional integrity.

The issue:

Justice.

Our view:

A public that loses confidence in formal justice mechanisms may be tempted to resort to alternative, and often unlawful, means of resolving disputes.

A judge is required to recuse themselves where there may be personal bias, financial interest, prior involvement in a matter, or any circumstance that creates a reasonable apprehension of partiality.

In politically sensitive cases, especially election petitions, the threshold for public confidence must be even higher. These disputes are not just about parties; they are about the democratic will of citizens.

In this case, Justice Kinobe opted to proceed. That decision has raised questions, rightly or wrongly, about why he considered it appropriate to sit on the matter despite the concerns raised. The Judiciary must appreciate that in today's politically polarised environment, perception can be as damaging as fact.

The recently released court file census report indicates that 167,353 cases are pending across all court levels, with 46,542 classified as backlog, meaning they have remained unresolved for more than two years. These figures already paint a picture of a justice system under strain. When questions of impartiality are added to delays, the combined effect can erode public trust at an alarming rate.

The Judiciary has long been regarded as the last refuge for aggrieved citizens, corporations, and even the State itself. If that refuge is seen as compromised, the consequences may be grave. A public that loses confidence in formal justice mechanisms may be tempted to resort to alternative, and often unlawful, means of resolving disputes. Mob justice thrives where faith in institutions collapses.

This is why the leadership of the new Chief Justice, Flavien Zija, is critical at this juncture. Institutional confidence does not defend itself; it must be actively protected.

If the temple of justice is perceived to tilt, even slightly, toward partisan interests, the damage may take years to repair. The time to guard that image is now.

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