

# NDA employee wants Justice Kakuru probed

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**Illegal conduct.**

According to Ms Nakacwa's petition, Justice Kakuru allocated himself a case handled by a lawyer he had been working with before becoming a Judge, which she claims tantamounts to corruption, abuse of office, influence peddling, abuse of court processes, conflict of interest, judicial tyranny and misconduct.

**KAMPALA.** An employee of National Drug Authority (NDA) has accused Court of Appeal Judge Kenneth Kakuru of allocating himself a case file handled by his former law firm partner and reversed the dismissal of NDA executive secretary Donna Kusemererwa.

Ms Florence Obiocha Nakacwa, in a petition to the Judicial Service Commission dated April 25, levels a number of accusations against Justice Kakuru, including corruption, abuse of office, influence peddling, abuse of court processes, conflict of interest, judicial tyranny and misconduct.

The complaint stems from a case in which Ms Nakachwa, whose contract had been terminated, sued NDA and Ms Kusemererwa, then executive director, in her individual capacity.

In the suit, Ms Nakacwa also brought up the matter of Ms Kusemererwa's appointment, which she argued was illegal because the position of executive secretary did not exist in the NDA organogram.

High Court Judge Stephen Musota ruled in Ms Nakacwa's favour and, among other things, removed Ms Kusemererwa from the office.

Ms Kusemererwa then applied to the High Court to stay execution of the decision and let her stay in office until the appeal she had lodged in the Court of Appeal would be determined. Ms Kusemererwa then turned



to the Court of Appeal requesting that a single justice hears her application for a stay of execution to keep her in office until her main appeal was heard.

She filed the request through her lawyers Lumonya, Bushara and Co Advocates, who wrote to the Court of Appeal requesting for a hearing date.

In response, Deputy Chief Justice Alfonso Owiny-Dollo wrote to the Registrar: "I think advertising a job does not make the matter that urgent to warrant an interim order. Fix the substantive appeal. Get a date and propose a panel for the substantive matter. Signed DCJ. 28/11/2017."

In her petition, Ms Nakachwa, claims that Ms Joanita Bushara, who had been Justice Kakuru's partner before the latter was appointed judge, met the judge and discussed the case in her absence.

She says shortly after the meeting, a fresh application was filed largely reinforcing the prayers made in the first one, but with different contents.

She claims that Justice Kakuru then persuaded the Deputy Chief Justice to allow Ms Kusemererwa's application to stay the execution of the ruling to be heard.

"The act of Justice Kakuru meeting Ms Joanita Bushara who is the counsel for the applicant and his former workmate to discuss the applicant's case in my absence as the respondent and in the absence of my counsel, in my humble view, amounts to an act of conflict of interest," the petition reads in part.

She further claims that Justice Kakuru met Dr Medard Bitekyerezo, the chairperson of NDA, in her absence to influence the ruling in the applicant's favour.

Ms Nakachwa also claims that Justice Kakuru used his position as in-charge of the registry and influenced the Deputy Chief Justice to rescind his earlier position and urgently fixed and allocated the application for his hearing without disclosing his conflict of interest.

She now wants the Judicial Service Commission to investigate Justice Kakuru and take appropriate actions and "invoke statutory powers to investigate the actions complained herein not only for my sake but also for the sake of justice to prevail in our country as envisaged by the Constitution and to redeem the imgae of the Judiciary by preventing judicial tyranny by the likes of Justice Kakuru."

In a reply to Ms Nakacwa dated May 3, Justice Benjamin Kabiito, the chairperson of the Judicial Service Commission, said the matter had been passed on to the secretary of the Commission for necessary action.

"You will be notified in due course when you can interact with the officials of the Judicial Service Commission, on the investigations of your allegations and evidence that you possess to substantiate your complaint," the response reads in part.

Justice Kakuru is yet to respond to the petition. Our repeated attempts to get to him were futile because his know mobile phone numbers were unavailable.

**More accusations**

Ms Nakacwa also accuses Justice Kakuru of taking up the hearing of the application even after it had been allocated to another judge.

She writes in her petition: "That the Deputy Chief Justice, perhaps seeing that Justice Kakuru is conflicted, allocated the file to Justice Salome Balungi Bossa but because Justice Kakuru was

determined to hear and grant the application himself at whatever cost he decided to allocate the file to himself, fixed the same for hearing and granted it effectively reversing the status quo and unfairly and unlawfully returned Ms Donna Asiimwe Kusemererwa contrary to the long established principles relating to the grant of the interim order," she says.

She says after Justice Kakuru issued the interim order granting Ms Kusemererwa continued stay in office, she filed an appeal challenging it, which she claims Justice Kakuru has also refused to sanction for hearing by a panel of three judges.

She also says Justice Kakuru has continued to give her false hearing dates for the appeals and the main order to stay.

**Accusations.** Ms Nakacwa accuses Justice Kakuru of corruption, abuse of office, influence peddling, abuse of court processes, conflict of interest, judicial tyranny and misconduct. FILE PHOTO

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