



THE JUDICIARY OF UGANDA

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Judicial Bullying and Harassment: Could It Happen to You?

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1. Opening

My Lord, My Lady, distinguished colleagues,

Let me start with one question:

“Can a judge be free from government interference, and still be afraid of their own judiciary's leadership?”

If the answer is yes, we have a problem. Judicial independence is not only threatened from outside. It can also be threatened from within, through bullying, favouritism and abuse of power in our own institutions.

We talk a lot about political interference. We talk far less about this.

2. What Is Judicial Bullying?

It is not just shouting. It is often quiet, and hidden behind the words “administrative decision.” It can look like:

- Humiliation or intimidation
- Unfair workloads
- Sudden, unexplained transfers
- Being left out of training or opportunities
- Unfair performance reviews
- Punishment dressed up as discipline

- Payback after someone complains

3. The Problem Is Abuse of Power, Not Power Itself

Every judiciary needs leaders: Chief Justices, registrars, supervisors, disciplinary bodies. That is normal. The problem is not that power exists. It is how it is used.

There is a big difference between these two:

- “I am doing this because the law gives me this duty.”
- “I can do this because I am senior and no one can question me.”

The first is leadership. The second is personal power. A transfer, a workload change or a performance review can all be proper. The same tools become bullying when they are used to punish someone for disagreeing or speaking up.

4. Discrimination Inside the Judiciary

We ask judges to treat everyone equally in court. Do our institutions treat judicial officers equally too? Unequal treatment can show up in appointments, promotions, transfers, workloads, training and conference invitations.

Treating people differently is not always discrimination. Sometimes there is a good reason. The test is simple:

Is there an honest, objective reason for treating two similar officers differently?

If not, that is a warning sign.

5. “House Jurist” and “Field Jurist”

I borrow, loosely, from Malcolm X's idea of the “house” and the “field” to describe two different experiences of power.

Some officers are close to leadership: on committees and well connected. Others only feel decisions from the outside.

A leader may say, “It is just a transfer.” The officer affected may feel, “I am being punished.” Same decision, completely different experience. Good leadership means understanding that gap.

6. Retaliation: The Second Injury

This is the most dangerous part. Imagine an officer complains about mistreatment. Soon after, they face a transfer, a heavier workload, no more training, a bad review or a disciplinary case.

Each step may look proper on its own. But when several “proper” decisions land right after a complaint, that is a pattern worth looking at.

Two injuries

- **The first injury** is the bullying itself.
- **The second injury** is learning that complaining made things worse.

Everyone watching learns the same lesson: do not complain. That is how silence spreads through an institution.

7. Not Every Hard Decision Is Bullying

We must be fair here too. Not every strict supervisor is a bully. Not every transfer is retaliation. Not every bad review is discrimination. Judicial officers must still be accountable.

- **Proper supervision has:** lawful authority, a real purpose, evidence, consistency, fairness and proper process.
- **Abuse looks like:** humiliation, personal targeting, selective treatment, threats, retaliation and repeated unfair targeting.

The goal is not to weaken judicial leadership. It is to make authority accountable, not arbitrary.

8. Uganda's Example

Article 128 of Uganda's Constitution protects judicial independence from “any person or authority.” The wording is deliberately broad.

The Administration of the Judiciary Act, 2020 provides ways to handle complaints and mismanagement.

Under Chief Justice Dr. Flavio Muganyizi's Transformation Agenda, Uganda set up a Human Capital Development Committee to deal with harassment and bullying, and updated its disciplinary regulations in 2025.

The lesson

Independence without accountability can become impunity. Accountability without fairness can become oppression. We need both: accountable independence.

9. A Simple Test: FAIR

- **F – Fairness:** Are similar officers treated the same way?
- **A – Authority:** What law or rule allows this decision?
- **I – Intention:** Is the real purpose proper, or is it punishment or payback?
- **R – Reasonableness:** Is it proportionate, and can it be explained honestly?

10. Could It Happen to You?

Picture a magistrate who delivers unpopular judgments. Soon after, they are transferred, their workload doubles, training stops and a bad performance report arrives. Each decision has an “explanation.”

Now add one detail: the magistrate recently complained about harassment.

- When does administration become retaliation?
- When does discretion become discrimination?
- Would that officer feel safe challenging it?

That is the real test of internal judicial independence.

11. Seven Practical Steps for Judiciaries

1. **Define the problem.** Clear policies on bullying, harassment, discrimination and retaliation.
2. **Create safe reporting channels.** No one should have to complain to the person they are complaining about.
3. **Protect against retaliation.** Treat retaliation itself as serious misconduct.
4. **Give reasons** for major administrative decisions.
5. **Set up independent review** for serious grievances.
6. **Watch for patterns,** not just single decisions, in transfers, workloads, promotions and discipline.
7. **Train judicial leaders.** A good judge is not automatically a good administrator.

12. A Commonwealth Framework

Perhaps the CMJA could develop a Commonwealth Framework on Judicial Workplace Dignity and Internal Judicial Independence. It would rest on simple principles. Every judicial officer has the right to:

- Dignity and equality
- Fair administration
- Internal independence
- Protection from retaliation
- Access to impartial review

And every major decision affecting them should be explainable.

13. Closing

For decades we have protected judges from outside pressure, from governments and politics. Maybe it is time to ask a harder question: have we done enough to protect judges from pressure inside their own institutions?

A judiciary must be:

- Strong enough to discipline misconduct, but fair enough not to invent it.
- Powerful enough to administer, but restrained enough not to oppress.
- Able to supervise without bullying, use discretion without discriminating, and discipline without retaliating.

Above all, a judicial officer should be able to disagree with the institution without becoming its target.

So, could judicial bullying happen to you? Perhaps. But the real test of a strong judiciary is not whether bullying can ever happen. It is whether, when it does, the institution has the courage to protect everyone involved, correct the wrong and learn from it.

Let me close with this thought:

“Judicial independence is not only the freedom to rule against the government. It is also the freedom to serve without fear of improper treatment from within your own judiciary.”

Thank you.