



Members **FIRST**

N E W S L E T T E R



ULS EXECUTIVE COUNCIL VISITS THE KATIKKIRO

IN THIS ISSUE

01
**THE ULS MEMBERS
COOPERATIVE
SOCIETY**

02
**RULE OF LAW
REPORT**

03
**ULS HEALTHCARE
AND BENEVOLENT
FUND**

04
**ULS COUNCIL
ACTIVITIES**

Message From Members First Chairperson



Dear Reader,
Welcome to our 7th edition of the Members First Newsletter.

I take this singular opportunity to welcome all our members from the recently concluded Labour Day Celebrations. Thank you for the service you give Ugandans.

I am excited and thankful for a very important milestone to the ULS membership. I am happy to announce that our Cooperative Society is now open to receive new members. Through this cooperative we hope to address the Members' Economic challenges. On behalf of Council and the members I wish to thank the Interim Chairman Uganda Law Society Members Cooperative Society Ltd and his committee for the good work done as they serve the members. Read about how you can become a member.

It has come to our attention that our members have a lot of unanswered questions that may affect their mental and social well being. In a bid to serve you better we shall have an In-house counselor that will answer members' questions on a monthly basis.

In this issue we bring you President Bernard Oundo's statement on the Persistent and Unlawful Interference by the Uganda Police with citizens' rights to peacefully assemble and demonstrate together.

The ULS Council appreciates all ULS Members who have embraced the automation process. Over 3,346 members have so far registered, we continue to encourage those who haven't registered to get the necessary support to ensure they are served.

Last but not least the ULS Council appreciates Sprint UG for the Five million cheque towards the ULS HOUSE and welcomes more contributions to the ULS House.

Enjoy the Read!!

Counsel Atukunda Isaac - Chairperson Members First Newsletter

SPECIAL MESSAGE FOR MEMBERS

The ULS Council has observed an increase in the challenges faced by members. The work environment is stressful and members are struggling with depression and anxiety.

Psycho-social support is needed to promote the wellbeing of our members so that they have a sense of safety, calm, gain self-efficacy, social connectedness and have hope. This support is needed to help meet the mental, emotional, social and spiritual needs.

It is upon this background that we have come up with a column in our Members First Newsletter. We have counselors with legal background who will holistically address the different challenges presented by our members.

In line with the adage that “a problem shared is a problem halved”, you are hereby invited to access free counseling on any issue you may be currently dealing with. Please note that in some instances we may refer you to other service providers.

Our hope and trust is that with this column is a timely intervention that will lead to improved work situations, situations, better life balance, stress management and above all positive mindset and attitude as we deliver services to our clients.

***We strive to represent the interests of the profession as a whole.
MEMBERS FIRST!!!***



THE ULS MEMBERS COOPERATIVE SOCIETY; A MAJOR MILESTONE FOR LAWYERS

By Advocate Gyaviira Morgan Bonna - Interim
Chairman ULS Members Cooperative Society Ltd. Ltd.

Over the past 20 to 30 years, the Uganda Law Society has had several discussions and resolutions for the registration of a cooperative for its ever-growing membership and the past administrations have put in a lot of effort but this was never realized. With the election of the current Council under the leadership of President Bernard Oundo, it was quite clear from the beginning that this was a project long overdue and in tandem with their adopted agenda '**Members First**', forming a cooperative was on top of their wish list.

In order to materialize this objective, the president and his council set up a committee that blended experience, professional maturity, exuberant youthfulness and pure commitment and after the presidential announcement, the committee did not waste time and proceeded to meticulously develop workplans, execution strategies and very ambitious timelines; target was to deliver before women's day. Six weeks later, the committee surprised the council and delivered what had painfully taken decades to execute.

The UGANDA LAW SOCIETY MEMBERS COOPERATIVE SOCIETY LTD under certificate no. P22770/RCS was registered on the 6th of March 2023 with member number one being the man who believed so much in it, Bernard Oundo followed by his able council.

They say a leader is only as good as the people he/she leads and as chairman it's my greatest pleasure on behalf of the entire Law society to thank the super committee that volunteered day and night to ably deliver on its mandate. This amazing team of dedicated lawyers was comprised of Gloria Mujoyawimana, Tonny Tumukunde, Achack Carol Kay, Emily Gakiza (Advisor), Edward Obbo, Muganga John Patrick, Kiconco Charity, Twesigye Amon, Nowangye Jacent, Rwambuka Nuwadinda and Viola Amanya

The cooperative will surely be a vehicle to enhance and transform members' economic future. Through the several benefits being rolled out, lawyers will finally be able to advance themselves without reliance to financial institutions, by acquiring affordable loans, purchase of affordable real estate and retirement schemes. The ULS Cooperative will be a beacon of unity and will bring the young and old together under one common goal, a future with a clearer vision. As a benchmark one needs to look at our brothers the Law society of Kenya Sacco, and how far they have come over the decades. Closer to home, its enviable to look at the successful Y-save (Watoto), Wazalendo and URA Sacco among others. The ball is now in our courts to make the ULS cooperative the most successful institutional cooperative society. As lawyers we

can build collective wealth through unity of a cooperative that is strongly supported by its members.

Join the ULS members cooperative today and let's transform our society into a strong, viable cooperative that is sustainable and responsive to the socio-economic needs of its members while providing financial independence.

I dare to dream of one day Lawyers owning their own bank.

"Alone we can do little; together we can do so much."



NOW REGISTERED!

The Uganda Law Society is pleased to announce that the
**UGANDA LAW SOCIETY MEMBERS COOPERATIVE
SOCIETY LIMITED** is now duly registered.

We appreciate the efforts by the ULS Executive Council
and ULS SACCO Committee leadership.

#MembersFirst

QUICK FACTS



Annual Membership Fee is **UGX 50,000**

Minimum Share of one at **UGX 50,000**

Minimum Monthly contributions **UGX 50,000**

How to pay:

ACCOUNT NAME: UGANDA LAW SOCIETY MEMBERS COOPERATIVE SOCIETY LTD

ACCOUNT NUMBER: 01060010942307

BANK ACCOUNT: DFCU BANK

After Payment;

After Payment please send WhatsApp message with your receipt to 0772444777 or Email : info@ulsmcs.co.ug

Download the membership form from either ULS Website www.uls.or.ug or www.ulsmcs.co.ug

For More Information ;
Email : info@ulsmcs.co.ug





FREQUENTLY ASKED QUESTIONS – ULS MEMBERS COOPERATIVE SOCIETY



Who is eligible to join the COOPERATIVE?

All members of ULS, Judicial Officers, Retired Lawyers and Judges.

What is the procedure of joining the Cooperative?

All eligible candidates are invited to follow the guidelines below;

- Download the membership form from either ULS Website www.uls.or.ug or www.ulsmcs.co.ug.
- Print and Fill the form and ensure to attach your ULS ID or National ID plus Recent Passport Photo.
- Sign, scan and send the form and required documents to info@ulsmc.co.ug.
- Kindly send the original copy to our office at ULS or drop it at our Dropping Zone on Plot 90 Kanjokya House, Kanjokya Street.

What is the minimum number of shares one can have as a member?

The minimum number of shares one can purchase is one share that costs Fifty thousand Uganda shillings.

What is the monthly contribution?

Each member is required to deposit Fifty thousand Uganda shillings monthly.

What is the benefit of joining the COOPERATIVE?

Save and access affordable loans at conducive lending rates. Projects by the cooperative, affordable mortgage interest rates among many other benefits.



How do I pay my membership fee?

Each member will be required to pay membership fee while joining of Fifty thousand Uganda Shillings (50,000).

To the Account below;

ACCOUNT NAME: UGANDA LAW SOCIETY MEMBERS COOPERATIVE SOCIETY LTD

ACCOUNT NUMBER: 01060010942307

BANK ACCOUNT: DFCU BANK

Note : Other payment platforms (Airtel Pay and Momo Pay) will be activated soon.

Is the share capital refundable?

The share capital is non-refundable and is only transferable to an existing COOPERATIVE member or sold to a COOPERATIVE member when one ceases to be a member.

A member may opt to keep the shares as an investment and continue earning dividends

What is the benefit of joining the COOPERATIVE?

Save and access affordable loans at conducive lending rates. Projects by the cooperative, affordable mortgage interest rates among many other benefits.

What is the procedure for making my monthly deposits ?

Members will make their monthly deposit through;

Step One :

Make Bank DEPOSITS OR AGENCY IN FAVOUR OF

ACCOUNT NAME: UGANDA LAW SOCIETY MEMBERS COOPERATIVE SOCIETY LTD

ACCOUNT NUMBER: 01060010942307

BANK ACCOUNT: DFCU BANK

In Future : MOMO PAY and AIRTEL PAY.

Step Two :

After Payment please send WhatsApp message with your receipt to 0772444777 or Email : info@ulsmcs.co.ug



What are Membership Terms and General Conditions

The following are the membership Terms and General Conditions

- Annual Membership Fee is UGX 50,000
- Minimum Share of one at UGX 50,000
- Minimum Monthly contributions UGX 50,000
- A member is required to contribute for Six Months to be eligible to the lending facilities.

For More Information ;

Email : info@ulsmcs.co.ug



ULS HEALTHCARE AND BENEVOLENT FUND – DELAYED OR TIMELY INITIATIVE?

By Phillip Munaabi - ULS Welfare Committee
(Healthcare & Benevolent Fund)

I recently had a conversation with a member who underwent a very depressing situation around 2019. From then, he has been under therapy and treatment in several facilities and after a long while, he is getting back on foot and getting clearance for the 2023 practicing certificate. In summing up our long conversation he asked me – why has ULS never thought of addressing the health concerns among its membership and what are you doing about this. The question re-echoed the words of Mahatma Ghandi, crossing my mind – *“The true measure of a society is how it treats its most vulnerable members”*

It is not too late that a lasting solution should be found, the last time we communicated to the membership through the Member's First Newsletter, it was about the initial steps taken by the current Council towards the establishment of the healthcare and benevolent fund. The steering committee has not taken rest since then, as a lot has been happening behind the curtains.

Looking at association interventions – Kenya, Tanzania & Rwanda Bar Associations.

We have done a critical regional study of membership health care schemes – Kenya, Tanzania & Rwanda Law societies. The Law

Society of Kenya (LSK) operates an Advocates Benevolent Association (ABA) that has made far reaching impact towards the welfare of its members. The Association has an ordinary/basic membership of over 12,000 members (Compulsory to all LSK Members) and about 1,500 Life membership subscribers each having paid a lifetime membership fee of KE Shs. 150,000= about UG Shs. 5,000,000/= (five Million Uganda Shillings) Lifetime membership as a one-off payment to the scheme. The member benefits from the ABA include members' hospital bill contributions, funeral arrangement contribution for a paid-up member who passes on. The ABA has among other benefits entered into physical and mental wellness partnerships with Gyms, Hotels, Counsellors among other welfare service providers for the benefit of its membership. As one of its strategic investment plans, the ABA has started a Revolving Fund which supports students at Kenya School of Law that may be in need of school fees support, this is provided as a loan a very low interest rate.

Across in Tanzania, the Tanganyika Law Society operates a Deceased Advocates Fund, members contribute TZ Shs. 50,000= (Fifty Thousand Tanzania Shillings) upon subscription as a deceased advocate fee (Compulsory to all TLS Members), this fund is managed as a Deceased Advocates Trust Fund

which started in 1995. Upon death of a member, the society contributes a total of TZ Shs.6,000,000/= (Six Million Tanzania Shillings) in two equal payments. TZ Shs. 3,000,000= (Three Million Shillings) an equivalent of UGX 5,000,000= to the members last expenses budget and another TZ Shs. 3,000,000= is given as a one-off financial support to the departed members family. In all, the TLS Members are assured of a welfare/benevolent package of about UGShs. 10,000,000= (Ten Million Shillings).

The Rwanda Bar Association operates a members Medical Scheme which was set up to primarily provide a sustainable response to the increasing problems related to advocates' health. The insurance scheme provides medical services to its members and their families in different medical facilities and Pharmacies all around the country. Under this scheme, the society is currently in a partnership with over 110 hospitals/clinics/ mental wellness facilities and 54 pharmacies across the country. The scheme is compulsory to all members of Rwanda Bar Association.

We have also looked at interventions by the Kenya professional Accountants association – ICPAK and Uganda football federation – FUFA which include Last minute arrangements for the ICPAK members, their children, parents and in-laws as well as medical insurance to cover medical treatment for FUFA members and families.

The above interventions may seem to be small from the face value, but a critical situation analysis shows that they go a long way in demonstrating how the above societies have taken the issue of members' welfare (healthcare & benevolent) as very important issues in strengthening their relationship with the society. More so, the most vulnerable members and providing such assistance at a time when the member or his/her family would

need it the most – small as it may be. The underlying factor is that all association referred to above have carried the mantle of covering the welfare concerns of their members.

These institutions operate institution-based schemes that help them keep a track record of their members' health and wellness. Any society needs to have its members' welfare issues on top of its agenda.

What steps have so far been taken by the steering committee?

Since its appointment in February 2023, the Steering committee together with the committee members have been heavily engaged finding the best solution to address the ULS members' welfare gap. Previous ULS interventions have been very minimal and most times “circumstantial” as we stated in our first article to you. However, some interventions like ULS-Kenbright Insurance partnership have also yielded less fruit since the participation is voluntary and only for the benefit of those who have the means and resources to subscribe. This can never be the society that Mahatma Ghandi envisaged!

The committees' efforts may seem to be slow but the pace has been determined by a number of factors which include among others, the lack of a national regulatory/legal framework for benevolent schemes. Unlike the medical/health component that may be regulated under the insurance and medical sector laws, the benevolent scheme is largely unregulated across East Africa. However, our study shows that since benevolence is an extension of “acts of kindness” to members who may be in distress or could have lost loved ones, benevolent programs are largely regulated by internal member policies and guidelines which provide parameters under which beneficiaries are entitled to claim for their benefits or through which the society may

extend the awards to the beneficiaries.

We have had engagements with different stakeholders in the medical and health sector, these include insurance companies that have come up with covers like health/medical, group funeral covers, pension and group contribution products. We have had direct interactions with hospitals, pharmacies and clinics for negotiated offers, customized treatment packages etc... all this is intended to come up with the best solution.

We have also extensively engaged the members by seeking their ideas on the scheme through the members Health and Benevolent Fund survey feedback. Over the last three weeks, the committee issued a questionnaire to conduct and receive feedback from members that would help in ascertaining members' views and proposals about the preferred model of insurance. Members have been receptive and have sent in very useful information that will be used in the Healthcare and benevolent concept note. The feedback is reflective of what the society would wish the scheme to look like, the programs, subscription fees and benefits to members and members of their immediate families, the ICAPK association above is one of such interventions that has extended its foot to helping in the last expenses/funeral arrangements of members' children, spouse and in-laws.

The Steering committee is working on the detailed concept note and work plan that will help in setting up the scheme, and structuring and making it operational. The committee will soon call for a members' Extra-Ordinary General Meeting to report back to the membership and council on the progress so as to come up with resolutions on the way forward.

We are certain that the time is ripe for a ULS Healthcare and Benevolent intervention for its membership and the proposed fund should be one that will benefit all members as a whole. This will take us a long way in ensuring that members have certainty and security at work with the greater hope that the society has its members' welfare issues at heart.



UGANDA LAW SOCIETY STATEMENT ON PERSISTENT UNLAWFUL INTERFERENCE BY THE UGANDA POLICE WITH CITIZENS' RIGHTS TO PEACEFULLY ASSEMBLE AND DEMONSTRATE TOGETHER

25th April 2023

Freedom of Assembly and Peaceful Demonstration are guaranteed fundamental rights of all persons under the Constitution of Uganda, 1995, and essential tools for building a vibrant free and democratic society. They, however, remain under sustained attack by the Uganda Police who – as a matter of de facto policy – bar and interfere with the vast majority of civic or political gatherings and demonstrations in the country.

We refer to a number of interferences. Yesterday morning, the Uganda Police violently arrested over twenty medical interns as they marched to Parliament seeking the Presidents' intervention in multiple issues regarding their deployment at training facilities. These medical interns were blocked and brutalized while at Parliamentary Avenue and at Mulago, and further detained at the Central Police Station in Kampala and at Wandegaya Police Station respectively.

On Tuesday the 28th March 2023, the Uganda Police was involved in a scuffle with citizens who were staging a protest against perceived delayed prosecution by Government of Uganda officials involved in the misappropriation and theft of iron sheets intended by the Office of the Prime Minister as relief to the people of Karamoja Sub region, Uganda. Eleven of the protesters were subsequently arrested and eight remanded to prison.

The Society has also noted the Police's interference on the 11th April 2023 of students of Makerere University who desired to protest march which was further marked by the use of pepper spraying upon the protesters as well as upon clearly identifiable journalists.

The aforementioned incidents are but a few of the regular and now habitual interferences by the Uganda Police in all manner of civic gatherings and protests or demonstrations.

The Society advises the general public as well as the Uganda Police Service that the Constitution of Uganda guarantees to all persons the right to “assemble and to demonstrate together with others peacefully and unarmed” as well as the right to freedom of speech and expression (Article 29(1)(d) and (a) respectively). These fundamental rights are essential to every free and democratic society and have been upheld in various decisions by the Constitutional and Supreme Courts of Uganda. As with all fundamental rights and freedoms of the individual, these rights are inherent and not granted or merely permitted by the State or the Police. The Police therefore does not have the authority to question or determine whether a peaceful demonstration is “called for” or not. The Police is on the contrary required to ensure that the protests or demonstrations are held peacefully.

Individual Police officers are also advised that under Section 10 of the Human Rights Enforcement Act, 2019, the law now provides for personal liability of any public officer who either individually or in association with others violates any person’s rights and freedoms and legal action can be taken against such officer as an individual. In light of the Police’s sustained conduct in interfering with the people’s rights to assemble and peacefully demonstrate together, the ULS has decided that in addition to condemning this conduct, it will also be taking legal action against the individual officers that will be identified as having infringed the above rights.

ULS further cautions the Police against its continuous reliance on various provisions of the Public Order Management Act, 2013 that have since been held by the Courts of law to be unconstitutional, unlawful, and null and void for unreasonably limiting the people’s right to assemble and peacefully demonstrate.

In conclusion, the ULS:

- a) condemns the continuous arbitrary interference by the Police with peaceful and unarmed demonstrators;
- b) urges the Government and Police to respect and protect the rights of all persons to assemble and peacefully demonstrate;
- c) calls upon the Uganda Police to investigate and hold accountable all officers who continue to arbitrarily curtail the rights of all persons to assemble and peacefully demonstrate;
- d) advises the public that the right of all persons to assemble and peacefully demonstrate is guaranteed by the Constitution of Uganda;
- e) appeals to the general public to desist from violent demonstrations and attacks on law enforcement officers; and
- f) hereby gives Police officers fair warning that the ULS will take legal action against them in their personal capacities if they are found to have deliberately violated the fundamental rights and freedoms of citizens and other persons.

FOR GOD AND MY COUNTRY

Mr. Bernard Oundo President of the Uganda Law Society.

The Uganda Law Society (ULS) is the National Bar Association of Uganda established by the Uganda Law Society Act of 1956, CAP 276 of the Laws of Uganda. The ULS' statutory mandate includes a duty "to protect and assist the public in Uganda in all matters touching, ancillary or incidental to the law, and; to assist the Government and the Courts in all matters affecting legislation and the administration and practice of law in Uganda". This mandate aims to foster the adherence to the Rule of Law, good governance and to enhance access to justice amongst other objectives.

COUNCIL ACTIVITIES

ULS Executive Council Visits The Katikkiro Of Buganda

The ULS Council led by President Bernard Oundo paid a courtesy call to the Katikkiro of Buganda to discuss issues of human rights; and the unethical conduct of some members of the legal fraternity, both at the Bar and the bench.

During his remarks, The Katikkiro talked about the rampant violations of human rights; and the unethical conduct of some members of the legal fraternity, both at the Bar and the Bench. He urged the President and the council to enhance constitutionalism and the rule of law during their tenure and to closely monitor the conduct of legal practitioners.



Inset; The ULS President Bernard Oundo addresses members of Buganda Kingdom Leadership



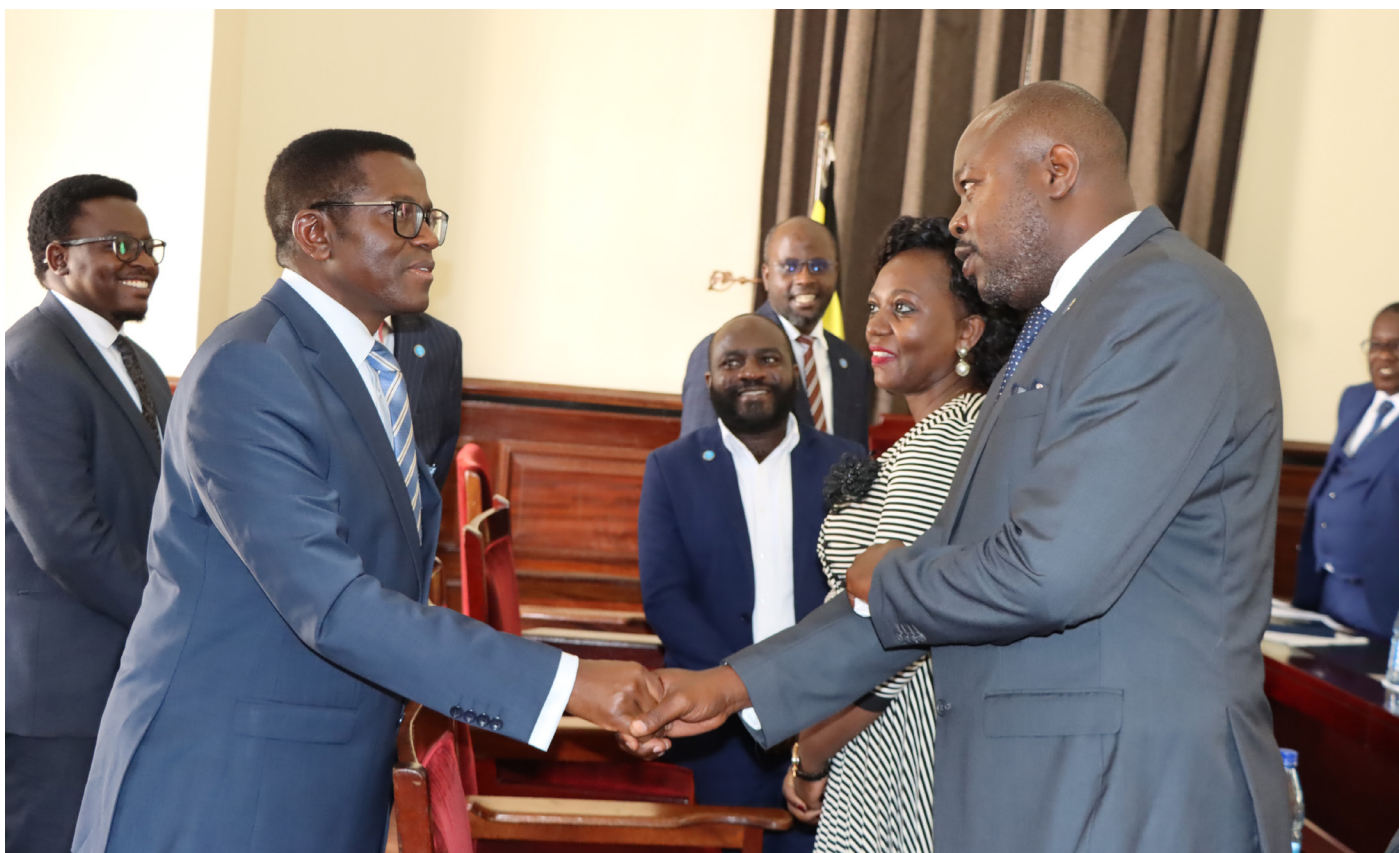
The Katikkiro shares his remarks



The Buganda Kingdom Attorney General Christopher Bwanika shares his remarks



The Katikiro greets Solicitor General Representative Stella Nyandira; Looking on other Council Representatives.



Katikiro Greets ULS Eastern Representative Obedo Deo; Looking on Central Representative Fatuma Omar and Western Representative Allan Musasire

Launch of the First Quarterly Rule of Law Report for 2023

The Quarter One 2023 Rule of Law Report was launched on 6th April 2023 at Mestil Hotel. It was attended by senior officials from security agencies including the Uganda Police Force among many others, Civil Society Organisations, various government departments, Uganda Law Society members, as well as representatives from the ULS Rule of Law Clubs.



Inset; Stakeholders from Uganda Police and Civil Society Organisations join ULS President Bernard Oundo during the Launch

The report focused on the latest developments and breaches of Rule of Law in the country with a particular focus on Constitutional Court's delivery of new and impactful decisions in relation to the Computer Misuse Act and Public Order Management Act and Parliament's multiple legislative activities including the passing of the Anti-homosexuality Bill 2023. The report highlighted the numerous highly publicized incidents of corruption and abuse of power. It also includes numerous recommendations for action which, if implemented, will halt the growing decline in the Rule of Law and foster positive change.

In his remarks, the President of the Uganda Law Society, Mr. Bernard Oundo applauded the efforts of the Government of Uganda and several stakeholders for ensuring Rule of Law is upheld.

He restated the several positive achievements of the Government and the need for everyone's involvement in the fight for justice as duty bearers. He emphasised the need to respect transparency, accountability, due process, and climate of legality so that the state of human rights in Uganda changes. He then reaffirmed the commitment of Uganda Law Society to advise the government on all issues concerning and ancillary to the law, to maintain good governance in Uganda.



Stakeholders from different sectors who attended the launch of the Rule of Law Report during a group photo

Courtesy Visit to the Principal Judge

The ULS Executive Council led by President Bernard Oundo paid a courtesy visit to the Principal Judge, Mr. Flavian Zeija on 5th April 2023. In this meeting a number of topics of mutual benefit to the Society and the bench were discussed. These included the strengthening of the Bar-Bench relationship as well as the possibility of running mentorship programs for young lawyers. The ULS and the judge subsequently agreed to have continuous engagements on the same. Accordingly, members are invited to a Stakeholders Engagement Bar Bench forum on 10th May 2023.



Inset: Members of the ULS Executive Council sharing a photo moment with the Principal Judge- Mr. Flavian Zeija



Stakeholders Engagement Bar-Bench Forum With Heads of High Court Divisions of Kampala.

Hosts



Hon. Justice Dr.
Flavio Zeija
Principal Judge



Hon. Kiryowa
Kiwanuka
Attorney General



Mr. Bernard Oundo
ULS President

Heads of High Court Divisions



Hon. Justice John
Eudes Keitirima
Head, Family
Division



Hon. Justice
Stephen Mubiru
Head, Commercial
Division



Hon. Justice
Sekaana Musa
Head, Civil Division



Hon. Lady Justice
Alexandra Nkonge
Head, Land Division



Hon. Justice
Michael Elubu
Head, Criminal
Division



Hon. Justice
Lawrence Gidudu
Head, Anti-
Corruption Division

PROUDLY ORGANIZED BY THE UGANDA LAW SOCIETY



10th May 2023
2:00pm-5:00pm



Golf course Hotel,
Kampala



ID: 816 2504 2281
Passcode: 063545

ULS Hosts Iftar Dinner

On 18th April 2023, the board members of Uganda Muslim Lawyers' Association were hosted to an Iftar dinner organized by Uganda Law Society. The dinner was held at Kampala Sheraton Hotel. The UMLAS speech was made by President Haji Ali Kankaka while the ULS President used the opportunity to wish all Muslims a happy Idd.

The significance of the event cannot be overstated. For the first time in its history, ULS organized an event exclusively for Muslim lawyers. This is a new frontier in building better working relations with Muslim members of the Society.

The event was a precursor to the Eid ul Fitr festival that was celebrated on 21st April 2023. The Society takes this opportunity to congratulate its Muslim members upon the Successful completion of the holy month Ramadan. May the Almighty Allah accept your fasting. Allahuma Amen.



Inset: Members of the ULS Executive Council having a photo moment with officials from the Uganda Muslim Lawyers Association



Inset: The President of the ULS- Mr. Bernard Oundo addressing delegates at the Iftar dinner

Parliamentary Meeting on the Tax Amendment Bills 2023

On 18th April 2023, members of the ULS Tax and Revenue Cluster accompanied by the President of the Uganda Law Society- Mr. Bernard Oundo appeared before the Parliamentary Committee on Finance, Planning and Economic Development. They presented the ULS position on the Tax Amendment Bills for 2023.



Inset: Members of the ULS Tax Cluster led by the President of ULS- Mr. Bernard Oundo presenting the ULS position on the Tax Bills, before the Parliamentary Committee on Finance, Planning and Economic Development



Inset: Ongoing Discussions between the Parliamentary Committee and the ULS Tax and Revenue Cluster on the Tax Amendment Bills

ULS Submissions to Parliament on the Employment Amendment (No.2) Bill 2023

During the month of April, the Uganda Law Society through the Labour Cluster shared its position on the Employment Amendment (No.2) Bill 2023 to the Parliamentary Committee on Gender, Labour and Social Development. The objective of the Bill was to amend the Employment Act 2006; to provide for recruitment agencies thereby streamlining the process of recruitment of employees for employment abroad; to provide for severance packages among others. The ULS offered several recommendations on the Bill and shared the same with Parliament.

The East African Law Society Strategic Litigation Surgery

On 19th April 2023, the East Africa Law Society in partnership with the Uganda Law Society organised a one-day strategic litigation capacity building session in line with its mandate to monitor and enhance the Rule of Law within the East African region and to develop the capacities of the legal profession.

This session attracted 100 Advocates interested in Public Interest Litigation (PIL) in Uganda. The purpose of the event was to create a forum for lawyers interested in the area of practice to build their capacity in the context of PIL in Uganda, the emerging trends in PIL, a reflection on both substance and strategy to grow PIL in Uganda.

The session pointed practitioners to gaps observed in the recent litigation efforts and drew lessons from previous similar litigation. The session sought to deepen a culture of learning among PIL practitioners in Uganda and to identify opportunities for advancing PIL in view of the shifting rule of law context in the country.

The ULS President represented the ULS Executive Council- together with the Council Representative for the Central Region- Ms. Fatuma Omar. The event was graced by several speakers that shared their wealth of experience with the members. These included; Senior Counsel Professor Fredrick Ssempebwa, Hon. Dan Wandera Ogalo, Mr. Robert Kirunda, Hon. Elias Lukwago, Ms. Susa Baluka, Mr. Nsereko Arthur, Mr. Evans Ogada and Mr. Justin Semuyaba.



Inset: Group Photo with the ULS President Bernard Oundo, Officials from East African Law Society, Speakers as well as the participants at the close of the East African Law Society Strategic Litigation Surgery



Inset: The President of the ULS- Mr. Bernard Oundo addressing advocates at the East African Law Society Surgery Training



Inset: A photo moment with the speakers as well as participants of the day

East African Law Society Civil Society Organisation Multi-Sectoral Meeting

On 20th April 2023, the East African Law Society in partnership with the Uganda Law Society organised a one-day multi-sectoral meeting to discuss the role and place of civil society in advancing good governance and accountability in Uganda. The theme of the day was, **“Reimagining the Role and Place of Civil Society on Advancing Good Governance and Accountability in Uganda”**. The meeting was opened by the ULS President Bernard Oundo and was attended by a number of stakeholders.



*Inset: The President of the
ULS- Mr. Bernard
Oundo making his opening
remarks*



*Inset: Hon. Norbert
Mao-Minister of Justice
and Constitutional Affairs
making his remarks*

High Level Meeting on Sexual and Gender Based Violence

On Tuesday 25th April 2023, The ULS President, Bernard Oundo attended the launch of the special High Court sessions on Sexual and Gender Based Violence whose aim is to facilitate the disposal of SGBV cases through the justice system. It is also aimed at addressing the broader goals under gender and access to justice in SDG 5 and 16. The findings since 2013 has facilitated special sessions in 25 High courts and 18 Chief Magistrate courts throughout the country. We thank the Judiciary, Swedish Development Agency (SIDA), The European Union, Spotlight Initiative, the Austria Development Cooperation and Global Programme to End Child Marriage through UNFPA for the support. As ULS a special cluster of lawyers has been identified to handle SGBV cases.



Inset: The President of the ULS-Bernard Oundo making his remarks on sessions for SGBV

Virtual Training on the Judicature (Legal Representation at the Expense of the State) Rules, 2022

On April 11th, 2023, the President of the Uganda Law Society- Mr. Bernard Oundo moderated a virtual training of Advocates on the Judicature (Legal Representation at the Expense of the State) Rules. The session was hosted by HW Sarah Langa Siu and facilitated by S.C Francis Gimara.

Updates on The ULS House

On 25th April 2023, Sprint-Uganda contributed five millionshillings towards the building of the ULS House. The cheque was officially handed over to the President of the ULS- Mr. Bernard Oundo and the Chief Executive Officer- Mr. Okwalinga Moses.



A Photo moment between officials from Sprint-UG, the President of ULS, and the CEO of ULS

ULS EXECUTIVE COUNCIL INSPECTION OF THE ULS HOUSE

On 29th April 2023, the ULS Executive Council conducted a site inspection visit to the ULS House site to establish the progress so far.



The council took a decision to focus on first completing the super structure as funding options are discussed.

SECRETARIAT NEWS

The Secretariat, operates under the leadership of the Chief Executive Officer (CEO) who oversees the operations of 5 Departments namely; the Legal Aid and Pro-bono services Department; the Professional Development and Members' Affairs Department; the Finance and Administration Department; the Rule of Law Department; and the Litigation Department.

Brief on the Uganda Law Society Legal Aid Project Partners

Access to Justice Through the Legal Aid Project of Uganda Law Society

Access to Justice for the indigent, vulnerable and marginalized has been funded by Development partners/donors for over 30 years. With support from the donors, 23 legal offices and satellite clinics were established across Uganda with 135 staff offering Legal support to the clients including refugees. Currently, Legal Aid project has five donors. International Rescue Committee (IRC) supporting refugees interventions in Kyegegwa, Arua, Yumbe and Lamwo; Danish Refugee Council supporting access to Justice for the Refugees in West Nile (Arua); UN Women supporting ending violence against women and girls in Karamoja, Eastern region and Northern region; International Development Law Organization (IDLO) supporting access to Justice for the vulnerable and marginalized communities in Jinja, Masindi, Kabale, Kabarole, Gulu and

Kampala, and Netherlands Embassy being the latest supporting access to Justice to the indigent, Vulnerable and Marginalized in Luzira, Mbarara, Luwero and Soroti. Legal Aid Project is also currently in discussion with the Norwegian Refugee Council and Alight Uganda to support refugee interventions in Arua, Kabarole, and Isingiro.

On an annual basis, the Legal Aid project extends legal services to over 94,000 clients.

Professional Development and Members Affairs

In the review period of April 2023, the ULS Department of Professional Development and Members Affairs has organized four continuous legal education trainings. These include the following;

a) Alternative Dispute Resolution

The training held on 12th April 2023, was designed to enable participants to have a clear understanding of the Court Annexed Mediation, Appellate Mediation as well as overview of Arbitration in Uganda.

b) Public Private Partnerships Training

This virtual training was held on 14th April 2023. This seminar highlighted the Public Private Partnerships (PPP) processes; the legal and institutional framework that governs PPP's in Uganda, the PPP's pipeline from the PPP Unit's perspective; types of PPP's, the PPP Act, relevancy, role of the lawyer and the opportunities available.

c) Procurement Law and Procedures Training

On 18th April 2023, the department organized a training on Procurement Law and Procedures. The seminar highlighted the; Essentials for lawyers seeking to provide legal services to procuring and disposing entities, Public Procurement and Litigation, Recent Amendments of the PPDA Laws, Handling Contractual Disputes in Procurement among others.

d) Health and the Law Training

The one day virtual training on **“Legal Implications of the Public Health (Amendment) Act, 2022”** was held on 20th April 2023. Members who attended the training gained 5 CLE Points.

e) Litigation Training

On 26th and 27th April 2023, ULS through the Professional Development and Members Affairs Department organised the Annual two daytwo-day Litigation Training. The training which fetched 10 CLE points covered several topics including; Tax Litigation, Oil and Gas Litigation experiences, Communication in Litigation Arena, Submissions, Appeals, Theme and Theory of the Case, ECCMIS, Practice areas in Litigation, Re-Examination as well as the general concept of what works in litigation.



Inset: President of ULS- Mr. Bernard Oundo making opening remarks at the Litigation training

RULE OF LAW DEPARTMENT

Law Awareness at Makerere University Business School

On April 25, 2023, the Uganda Law Society (ULS) Rule of Law Department conducted a law awareness session at Makerere University Business School (MUBS). The students were trained on the key components of Rule of Law. The emphasis of the sessions was human rights especially gender-based rights and rights of persons with disabilities.



Inset: A photo of the ULS Rule of Law Department Staff with the Principal MUBS, Prof. Juma Waswa Balunywa at the event.

Students were educated about major demographic transformations both within our country and globally, growing economic interconnectedness, rapid digital advances, a global health pandemic and its socio-economic consequences, and climate change issues.

In its presentation, ULS further reaffirmed its commitment to playing its role which is critical in shaping human rights, Rule of Law, and encouraging constructive engagement for socio-economic, cultural, and political transformation.

Participants were reminded that everyone has contribution to make, and that creativity, and determination are crucial to be able to find solutions grounded in the basic understanding that all human beings are equally deserving of dignity, respect, and justice. They were also informed of the various platforms available at the ULS to provide legal support to both the indigent and the vulnerable.



WORD FROM THE CHAIRPERSON OF THE IN-HOUSE LAWYERS COMMITTEE

MS. ANNE ABEJA

In-house Lawyers Committee Expectations

The purpose of the Committee is to provide a forum for the In-House Lawyers to share best practices, discuss legal issues and risks, and provide recommendations to the Executive Council of the Uganda Law Society.

In light of the changes introduced by global disruptions from corporate scandals, economic crises, the Covid19 global pandemic, Geo-politics and new technologies, In-House Lawyers and the teams they work with need to be future-proofed.. The transformation can be achieved through unlearning, re-learning and learning, In-house lawyers must position themselves to efficiently address challenges introduced and leverage on opportunities created by these disruptions, as well as meet internal demands for enhanced productivity, efficiency improvements and cost savings and do more with less, as Strategic

Enablers or Partners.

As a Committee, we would like to build on the firm foundation laid by the previous Committee while incorporating any new and emerging issues to support In-House Lawyers to cope with the changes through, among others:

1. Development of competences and skills in unprecedented areas to remain relevant while adding value.
2. Enhancement of engagement and visibility of the In-House Counsel community.
3. Widening of the catchment area for professional development through knowledge sharing, energised interaction, and networking across diverse sectors.
4. Enhancement and leveraging on Technology utilisation to engage the Regional, Continental and Global In-House Community for shared wealth of knowledge and experience.



HOW PROTECTED IS THE ADVOCATE – CLIENT INFORMATION?

Birungyi Cephias Kagyenda

The Tax Procedures Code (Amendment bill) 2023 as published in the gazette of 30th March 2023 proposes to amend Section 42 of the Act to restrict a taxpayer from providing information or evidence.

Section 42 of the Act empowers the Commissioner to require any person by notice in writing, whether or not liable for tax to furnish within the time specified in the notice any information that may be stated in the notice. Clause (4) thereof reads;

“This section has effect despite-

- a) any law relating to privilege or the public interest with respect to the giving of information or the production of any record, including in electronic format; or
- b) any contractual duty of confidentiality

The proposed amendment is to the effect that; “Where a tax payer fails to provide the information requested under this section, the tax payer shall not be allowed to provide that information at objection to a tax decision or during alternative dispute resolution procedure proceedings”

It should be noted that Part XIV of The Tax Procedures Code Act clearly provides for penalties for default by taxpayers or any other person that the Commissioner finds at fault.

Therefore, where a person is requested to

provide information but does not comply, the sanctions should be found in the part of the law dealing with penalties.

However, the proposal for amendment, which targets the tax payer provides for rejection of information by URA from a person that was directed to provide it; if it is provided during the objection process or during alternative dispute resolution proceedings.

What is apparent is the underlying intention of the proposed amendment is to stifle information that may help the taxpayer's case whether the information is correct or not. It does not make any logical sense that the taxman demands for information required to make an assessment and then rejects it when provided on grounds of late submission.

The proposed amendment may be construed to grant the tax authority power to deny the taxpayer a fair hearing and due process. In addition to its technical flaws, the amendment contradicts the taxpayer's charter that tax bodies are expected to adhere to. The URA Client Service Charter provides that taxpayers have the right to raise objections and provide additional documentation in response to tax decisions and to expect that URA will consider their objections promptly and fairly.

Over and above the proposed amendment, the Legal Profession may want to interest itself in

Section 42(4) which provides that the section has an effect despite any law relating to privilege or the public interest with respect to the giving of information or the production of any record, including in electronic format.

What does the Uganda Law Society think about this apparent conflict of laws which may imply that the Tax Procedures Code is superior to all laws relating to privileged information and specifically the right of URA to demand information from lawyers which should be privileged?

The time is now, for the Uganda Law Society through public interest litigation and in fulfillment of its statutory mandate to foster and improve access to and administration of justice, to get the record straight.

NOTE FROM THE EXECUTIVE COUNCIL

The ULS Council will visit matters raised in this article and revert to members on its position in due season.

OBITUARY

Justice Musene:

A judge remembered for fighting for exemption of taxes of judicial officers' salaries



In 2005, Justice Wilson Masalu Musene alongside three other judicial officers, John Eudes Keitirima, Ronald Sekagya and Muhiirwa Alaari dragged the Attorney General to the Constitutional Court, seeking orders among others for judicial officers to be exempted from paying taxes of their emoluments.

At the time of petitioning the Court, Justice Musene was a Registrar, Justice Keitirima was a Chief Magistrate, Mr Sekagya who is currently one of the registrars at the Judicial Service Commission (JSC), was a Grade One Magistrate and Mr Alaari who has since retired from judicial service, was a Grade Two Magistrate.

The foursome was aggrieved by the implementation of Section 4(1) of the Income Tax Act which was the basis of subjection of their salaries to income tax deductions. They claimed that the

imposition of income tax on the salaries of judicial officers was inconsistent with and in violation of article 128(7) of the Constitution, and that their salaries, allowances, privileges and retirement benefit and other conditions of service must not be subject to any form of taxation whatsoever. In its judgment, the Constitutional Court in a majority 3 to 2, ruled in their favour that the imposition of income tax on the salaries of judicial officers was inconsistent and in violation of article 128 (7) of the Constitution and that their salaries, allowances, privileges and retirement benefits must not be subject to any form of taxation.

But the Attorney General being dissatisfied with the majority decision of the Constitutional Court, appealed to the Supreme Court.

The Supreme Court then led by Chief Justice Benjamin Odoki, upheld the decision of the Constitutional Court to exempt taxing the emoluments of judicial officers.

“The appellant did not apply for stay of execution of the judgment of the Constitutional Court and the Government has in its wisdom not been taxing the emoluments of the said judicial officers. It would be unconscionable and contrary to the spirit of provisions of Article 128 (7) of the Constitution to remove the tax exemption.” ruled Justice Odoki.

Justice Musene will also be remembered for his decision that housewives should be among the beneficiaries of the estate of their husbands once they died.

The other notable decision was that of releasing opposition leader, Dr. Kizza Besigye who was facing treason charges following the controversial 2016 presidential polls on a non-cash bail of 100m shillings.

Justice Musene who retired in 2021 having clocked the mandatory retirement age of 65 years for a High Court judge, succumbed to acute respiratory complications on April 16 in Mbale City. He was on April 22 laid to rest at his ancestral home in Bunamee cell in Kuushu Town Council in Bududa District.

Soroti High Court circuit was his last duty station before retirement.

Over
3,346

Members have so far
registered

Register Today!



#Let'sGoDigital

<https://members.ulsportal.or.ug/>