Members FIRST NEWSLETTER

MAY 2024 | ISSUE 19

ULS HOLDS YOUNG LAWYERS SYMPOSIUM



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Message From The Chair



Dear Readers,
In this May issue of the Members First Newsletter, we are happy to bring you comprehensive coverage of the significant events and developments that happened during the month.

ULS held the Young Lawyers Symposium which was aimed at discussing contemporary issues affecting young lawyers thus enhancing their learning capacity with a goal to build successful and impactful careers.

In this issue, we feature the ULS President's Statement on Threats to Academic Freedom in which ULS calls for the respect and promotion of the right to academic freedom, especially in institutions of higher learning.

The society welcomes the new Advocates who were enrolled this month at the High Court. Additionally, the ULS Secretariat had the honor of hosting delegates from the East African Law Society, strengthening regional legal ties and fostering collaboration.

In recent times, there has been growing awareness surrounding the mental health challenges faced by individuals in the legal profession. The demanding nature of our work, coupled with the pressures of litigation and client expectations, deadlines and other in-house commitments can often take a toll on our mental and emotional well-being. Once in a while we all struggle with the pressure of today's world, feel alone, or wonder if there is hope for better in the future.

Last but not least, senior lawyers weigh in on the alleged work exploitation of young lawyers, addressing critical concerns within the profession and advocating for better working conditions and support for the next generation of legal professionals.
We extend our heartfelt gratitude to you, our esteemed readers, for your continued support and engagement. Your continuous interest fuels our commitment to provide you with informative and enriching content.

We trust that you will find the May issue both enlightening and inspiring.

Happy reading!

Counsel Atukunda Isaac - Chairperson Members First Newsletter

Young Lawyers Symposium

Upcoming Lawyers Urged to be Innovative if they are to Succeed

The Uganda Law Society held a two day symposium at the Fairway Hotel from 27th to 28th May 2024.

While opening the symposium the ULS President Bernard Oundo welcomed participants and highlighted the challenges faced by young lawyers. He mentioned challenges including unemployment, uncertainty about their career paths, low pay, among others. He emphasized that the symposium aimed at providing a platform for young lawyers to share experiences and exchange ideas on how to overcome these challenges since "A problem shared is a problem partially solved".

He thanked the Keynote speaker, Honorable Justice Geoffrey Kiryabwire, and all speakers and panelists for agreeing to share their journeys as a means of inspiring and encouraging the young lawyers. He challenged the young lawyers to utilize the symposium as an opportunity to learn from experienced professionals in order to build their capacity.

The Key note address under the theme: **"Advocacy and Excellence in Court - A Judge's Perspective."** was delivered by Hon. Justice Geoffrey Kiryabwire. He shared his experience and emphasized that being an advocate is a calling that requires empathy, discipline and commitment to justice and truth. He highlighted that only 5% of disputes in Uganda go to court, and of those, only 1% have legal representation.



ULS President Bernard Oundo shares his opening remarks at the Young Lawyers' Symposium

This statistic, he suggested should prompt lawyers to re-evaluate their role and consider Alternative Dispute Resolution (ADR) methods. ADR is a growing field with numerous opportunities for meaningful impact, and the judiciary is integrating ADR into all court processes, making it a viable career path for lawyers.

Justice Kiryabwire also emphasized the importance of legal ethics, advising young lawyers to prioritize being good lawyers who know the law over great lawyers who know the judge. He cautioned that maintaining a clean record is crucial since a minor offense can prevent one from becoming an advocate. Ethical conduct and high standards of professionalism are essential for building trust with clients and upholding the integrity of the legal profession.

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He encouraged young lawyers to specialize in particular areas of law, adapt to the changing legal landscape, and innovate to succeed. He concluded by urging young lawyers to be open-minded, creative, and innovative in their approach to legal practice which will enable them to navigate changes and make a meaningful difference in their clients' lives and the wider community.



Hon. Justice Geoffrey Kiryabwire giving a Keynote address at the Young lawyers' Symposium





Young lawyers at the event

The event had a number of panel discussions with the first panel addressing the topic; T**he Corporate Whisperer - Mastering Key Skills for Commercial and In-House Practice.** The session was moderated by Ms. Jemimah Muyama of the Presidential CEO Forum, and the panelists included: Ms. Fiona Nalwanga Magona – a Partner at MMAKS Advocates, Angelina Namakula Ofwono- Chief Legal Officer and Company Secretary at DFCU Bank, Mr. Dennis Kakonge- Legal and Regulatory Director at Airtel, and Elison Karuhanga- Partner at KAA.

The panelists shared their experiences and stories on how they started out in the profession and how they made it through the ranks, as well as giving young advocates tips on how to make it in the corporate space.

Mr. Kakonge noted that an in-house counsel role isn't very different from the role of a lawyer in legal practice stating that you should treat your company like your client; know their interests and ensure to provide adequate legal advice. He invited the young lawyers to ensure they secure a seat at the decision-making table. There is also need to be adaptable to change and to cultivate a business mindset, which will enable them to navigate both the legal and business landscape effectively.

Ms. Angelina Ofwono, Chief Legal Officer DFCU encouraged young lawyers to identify their passion and avoid doing a job they dislike. She emphasized the importance of taking time off to rest while engaging in activities that re-energize and refresh them outside work. Ms. Ofwono reminded them that everyone has their own unique journey and therefore they need to strive towards achieving their personal dreams.





Ms. Angelina Namakula, Chief Legal Officer and Company Secretary at DFCU Bank and Ms. Fiona Magona, Partner at MMAKS Advocates

The ULS Hon. Secretary Mr. Isaac Atukunda moderated a discussion between young and senior lawyers under the topic: **Young Lawyer's Dilemma: A candid Conversation between Young and Senior Members.**

Mr. Atukunda shared the unfortunate scenario of Uganda's economy that cannot support the large numbers of young lawyers graduating from LDC annually. Sadly many of them are unemployed and face financial challenges

whereas in the United States a single law firm can employ about 4,795 advocates. Against this background the Uganda Law Society supports young lawyers through offering discounted CLE fees, digitizing all ULS services to lower transport costs, and introducing a members' welfare program that encompasses young lawyers.

Mr. Isaac Mpanga, Senior Legal Officer at Uganda Development Bank, and Mr. John Musiime, Partner at Dentons represented the senior lawyers. Mr. Mpanga advised the young lawyers to build relationships with senior lawyers to gain opportunities that can help them financially. Drawing from his own experience, he shared how befriending a senior lawyer who commissioned his documents at a discounted fee of 2000 shillings enabled him to save money. Mr. Musiime emphasized the importance of adding value to the law firm, stating that one should not expect payment without delivering value. He also urged senior lawyers to ensure fair compensation for their employees.



ULS Hon. Secretary Isaac moderating a session at the Young lawyers' symposium





Left: Mr. Isaac Mpanga, Senior Legal Officer Uganda Development Bank. Right: Mr. John Musiime, Partner at Dentons

On the 28th May 2024, ULS hosted Senior Counsel James Sebugenyi Mukasa who delivered a presentation entitled; **A Lawyer's Toolbox – The Essentials of a Market-Savvy Practitioner.** He defined being market-savvy as having a strong understanding of the market, including current trends, consumer behavior, and competitive dynamics. It also involves being aware of the latest developments and shifts in the market and using this knowledge to make informed decisions in order to stay ahead of competition. He further defined a market-savvy legal practitioner as a legal professional that possesses a deep understanding of the business and market dynamics of their clients' industries, and one who has a unique blend of legal expertise, commercial acumen, and emotional intelligence.

Some of the essentials the young lawyers were encouraged to possess were familiarity with technology and legal technology trends, the ability to adapt to the changing legal landscape and regulations, understanding of data privacy and security ,strong analytical and problem-solving skills among others.

He further made an analysis of the evolution of lawyers from the early 1980's to date stating that lawyers in the past concentrated on; litigation, land transactions, family practice, and corporate and commercial transactions. However, legal practice today is mainly centered around; procurement, strategic litigation and rule of law, judicial review, employment law, data protection and privacy, tax, international & regional law, and arbitration, among others. Senior Counsel Sebugenyi also stressed the need for a lawyer to adapt to the unfolding legal landscape and this can be through;



Senior Counsel James Sebugenyi delivers his presentation

a) Staying up-to-date with new laws, regulations, and court decisions.
b) Embracing technological advancements and legal technology innovations.
c) Shifting legal paradigms and evolving societal values.
d) Changing client needs and expectations.
e) Emerging areas of law, such as data privacy and cyber security.
f) Globalization and cross-border legal issues.
g) The impact of artificial intelligence and automation on legal work.
h) Evolving ethical considerations and professional responsibility.

The symposium concluded with a panel discussion on running a sustainable legal practice. Mr. Maxim Mutabingwa of Mutabingwa & Co. Advocates encouraged young lawyers to uphold honesty and integrity in their practice, noting that a damaged reputation can significantly impact one's career. He emphasized that there is always space at the top for those who work hard and persevere.Ms. Deepa Verma, a Partner at Verma & Partners, discussed the importance of strategically choosing a partner for a law firm. She stressed that the success or failure of a firm heavily depends on the partner's alignment with the firm's vision and commitment to building a lasting legacy. Ms.Verma highlighted that many partnerships fail due to financial challenges therefore selecting someone who manages finance ethically and responsibly is critical.

Ms. Roy Nambogo, Founding Partner of Nambogo & Co. Advocates, outlined three essential elements to consider before starting a law firm. The three areas discussed include the importance of defining the firm's purpose, having a clear mission and goals to guide decisions and shape the firm's direction. Secondly, she discussed the need to focus on the process by implementing strategies that enhance sustainability and growing the firm. Finally, she highlighted the importance of carefully selecting partners that are reliable, trustworthy, and possess the necessary skills to contribute to the firm's success.

The symposium was closed by the Chairperson of the Young Lawyers' Committee, Mr. Derrick Bazzekuketa. He thanked all the speakers and panelists for their inspiring presentations. He also thanked the young lawyers that participated, both online and in person for their overwhelming attendance.



Group photo of panelists with young lawyers at the symposium

Enrollment of new Advocates

The ULS Honorary Secretary Mr. Isaac Atukunda, attended the enrollment ceremony of 43 new advocates at the High Court in Kampala. In his address, Mr. Atukunda expressed his heartfelt gratitude to the Chief Registrar, Her Worship Sarah Langa Siu, for her consistent efforts in enrolling new advocates almost every month.

Mr. Atukunda congratulated the newly enrolled advocates and advised them to seek out mentors that can provide guidance and support as they navigate their legal careers. He emphasized the invaluable role mentors play in shaping the professional growth of young lawyers, offering them wisdom and practical advice that can help them avoid common pitfalls in order to excel in their chosen fields.

Furthermore, Mr. Atukunda highlighted the critical importance of embracing technology in today's increasingly interconnected and digital world. He urged the new advocates to become proficient in the latest technological tools and platforms that can enhance their legal practice, improve efficiency, and facilitate better client service. He noted that technological proficiency is no longer optional but a necessity for modern legal practitioners who wish to stay competitive and relevant in the evolving legal landscape.

In addition to technology, Mr. Atukunda advised the new advocates to consider specializing in emerging and high-demand fields. He specifically mentioned Alternative Dispute Resolution (ADR), construction law, and the oil and gas industry as areas with significant potential for growth and development. Specializing in these fields, he argued, would not only set them apart from their peers but also open up numerous opportunities for professional advancement and contribution to critical sectors of the economy.



ULS Hon. Secretary Isaac Atukunda addressing the newly enrolled advocates



An advocate receives her Certificate of Enrollment from Her Worship Sarah Langa Siu



Group photo of the newly enrolled advocates with Her Worship Sarah Langa Siu, the Chief Registrar and Hon. Secretary Isaac Atukunda

Courtesy Visit from the East Africa Law Society

On 21st May 2024, a distinguished team from the East Africa Law Society (EALS), led by Mr. Sigano David, the CEO, paid a courtesy visit to the Uganda Law Society (ULS) Secretariat.

This visit was marked by fruitful discussions aimed at strengthening collaboration and advancing legal practice within the East African region.

The areas of collaboration addressed included joint initiatives to enhance professional development opportunities for lawyers across the region, strategies for harmonizing legal standards, and efforts to promote regional integration through the legal profession.

The two organizations explored ways of sharing resources and expertise to address common challenges faced by their members, such as access to continuing legal education and the adoption of technology in legal practice.

Additionally, the meeting provided an opportunity to review preparations for the upcoming East African Law Society Annual General Meeting, scheduled to be hosted in Uganda in November 2024. This significant event is expected to attract legal professionals from all over East Africa , foster networking, knowledge exchange, and collaboration.

Both parties expressed their commitment to working closely to develop the legal profession in East Africa, highlighting the importance of solidarity and mutual support. The visit concluded with a reaffirmation of their shared goals and a vision for a more integrated and robust legal community in the region.



Group photo of EALS secretariat and ULS secretariat leadership; Ms. Mable Nimwesiga- Ag. Chief Executive Officer ULS (centre) and Mr. David Sigano- Chief Executive Officer EALS (first right)


UGANDA LAW SOCIETY
THE ULS HEALTHCARE & BENEVOLENT FUND
A Safety Net for the Legal Community.
DID YOU KNOW
Annually, approximately 16 ULS members meet untimely deaths as a result of the absence of sufficient funds to meet their medical bills and expenses.
What's the challenge?
ULS lacks a comprehensive and principled policy that addresses their health needs and ensures their well-being.
Is there a solution?
Yes! Having a ULS members Healthcare and Benevolent Fund scheme which is soon going to be launched.
Areas of concern:
Members health care (Members well being)
Members Benevolent Fund.
Proposed programmes:
ULS members' Medical assistance programme
Education assistance for the deceased members' children programme.
Physical and mental wellness programme.

ULS E-RECEIPT

Greetings from the Secretariat.

Effective Monday 22nd April 2024, you will be receiving e-receipts upon making any payments such as subscriptions for membership to ULS or EALS, ULS House, Benevolent fund, CLE Trainings and any other payments like the Legal Aid basket fund.

How to receive the e-receipt

Once payment is made, an e-receipt is also automatically sent to members' email and the Chief Registrar's Office and therefore eliminates the need to come and validate at the Secretariat.



For payments made through SchoolPay, Real Time Gross Settlement (R.T.G.S), Telegraphic Transfers (T.T), Electronic Funds Transfer (E.F.T), or any other forms of bank transfers, please send your proof of payment to the ULS finance and accounts team on **info@uls.or.ug** or **accounts@uls.or.ug**.

Benefits of the e-receipt

- Eliminate the need to visit the ULS Secretariat to validate the receipt
- Cost saving
- Tax filing
- Reduced clutter and storage costs
- Environment benefits
- Efficient record keeping
- Increased member satisfaction



For inquiries:

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ULS Member Benefits

Register today and access your ULS TotalEnergies Fuel Card





Ugx. 40 per 2 liters for diesel Ugx. 50 per 2 liters for petrol



1.5% discount for other total products purchased using the card

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Professional Development and Members Affairs



Intellectual Property Webinar

The ULS Intellectual Property (IP) cluster held a webinar on 22nd May 2024. The webinar was moderated by Brian Kajubi, an Associate at MMAKS Advocates, and the panelists included Ms. Damalie Tibugwisa, Managing Partner TARA Advocates and Mr. Fred Muwema, Managing Partner Muwema & Co. Advocates.

Ms. Tibugwisa shared a case review of **Gloria Akech v Brookside Ltd & others (HCCS No. 1065 of 2022)** to discuss drawing the line between concepts and protectable works under copyright law. She noted that this was a groundbreaking case because it clarifies on a number of issues like whether ideas, concepts, and procedures are protectable. The plaintiff's case was that she had made concepts and proposals that she presented in a marketing campaign, and the defendant used her idea to do marketing through an influencer. A major issue of contention was whether there was a cause of action to which Court found that the plaintiff had a legitimate cause of action noting that her concept was materially formed and not merely an idea. The court further found that the plaintiff described her work, shared the work in pictorial form, added sample pictures, gave guidance on how the 1st defendant can advertise the milk, and made ads colored photos of how the engagements with the target audience will look. Therefore, all the arrangement of the content demonstrates a level of creativity that makes it original. Court held that indeed her copyright was infringed upon as the first defendant shared her work with the 2nd and 3rd defendant without her consent. The Court also awarded her 50 million shillings in general damages.

Ms. Tibugwisa noted that this case protects the creative space, but also offers a benchmark on what is protectable under the law and what is not. She added that what members can learn from the case is the power of documenting the idea; because if the plaintiff had not made a detailed video and proposal, she would have an uphill task to prove that her concept was not just a mere idea.

Mr. Muwema discussed Intellectual Property enforcement and combating counterfeits. He noted that Uganda has no statutory definition of a counterfeit however under the Anti-Counterfeit Act of Kenya No. 13 of 2008 defines counterfeiting to mean; The manufacture, production, packaging, re-packaging, labeling or making, of any goods whereby those protected goods are imitated in such manner and to such a degree that those other goods are identical or

substantially similar copies of the protected goods. He also discussed substandard products under S. 18 of the UNBS Act Cap 327 as those that do not meet the compulsory standard specifications under the Act, and they are mostly counterfeits.

He also discussed the ingredients of a counterfeit offense under S. 17 of the Trademarks Act which provides that any person who defrauds, forges, or counterfeits a trademark commits an offense and is liable on conviction to a fine not exceeding forty-eight currency points or imprisonment not exceeding two years or both.



Upcoming Events



UGANDA LAW SOCIETY

TAX SYMPOSIUM

★★★★★★★★★★ 10 CLE Hours

6th - 7th June | 9:00am - 4:00 pm | Four Points by Sheraton

Theme: Enhancing Tax Compliance and Legal Expertise

FEES:

Physical
- Other Lawyers - 350,000/-
- Young Lawyers - 200,000/

Online
- Other Lawyers - 200,000/-
- Young Lawyers - 140,000/

HOW TO PAY

MTN *165*4*3*2*1#, enter ULS membership number

AIRTEL *185*6*2*1#, Pay School Fees and enter ULS Membership number

Bank & Agency Banking: Present ULS Payment number at the bank counter or agent.

Bank and branch: Stanbic Bank | Forest Mall
Account Name: Uganda Law Society/CLE
Account Number: 9030008847583

Bank and branch: DFCU Bank | Acacia Avenue
Account Name: Continuing Legal Education/ULS
Account Number: 01063500183132

CONTACT US 0706317017 | 0774 590680 | 0754659981 cle@uls.or.ug | programofficer@uls.or.ug

Legal Aid and Pro-bono Department

Training on Legal Aid at Kampala International University

The ULS Legal Aid and Pro bono team in Kampala held training for Kampala International University (KIU) law students on legal aid and pro bono services on 3rd May 2024.

The training aimed at equipping future legal professionals with essential skills and knowledge.

The ULS team was led by Mr. Anthony Asiimwe, the Manager Pro bono, and Ms. Mariam Nansukusa, Senior Legal Officer. The major topics covered included; legal representation, pro bono services, and criteria for qualifying for legal aid.

As a background to the training Ms. Nansukusa discussed the need for legal aid being the indigent and vulnerable clients who are unable to afford legal services. She noted that a criteria is followed to determine whether a client qualifies for legal aid .This is at times done through using a means and merit test which assesses the client's financial eligibility

She then proceeded to train the students on the role of advocates which includes ensuring the rights of their clients are protected. She advised the students to prepare for court by ensuring they have court documents, can present evidence, and make legal arguments. She also discussed other roles of lawyers like offering legal advice to clients and conducting legal awareness sessions within different communities.

Mr. Asiimwe who also participated in the training stated that students who engage in pro bono work get practical experience and the opportunity to develop legal skills. He invited the future lawyers to embrace a culture of giving back to society.





Left: Ms. Mariam Nansukusa, ULS Senior Legal Officer. Right: Mr. Anthony Asiimwe, ULS Manager Pro bono



Some of the KIU law students attending the training



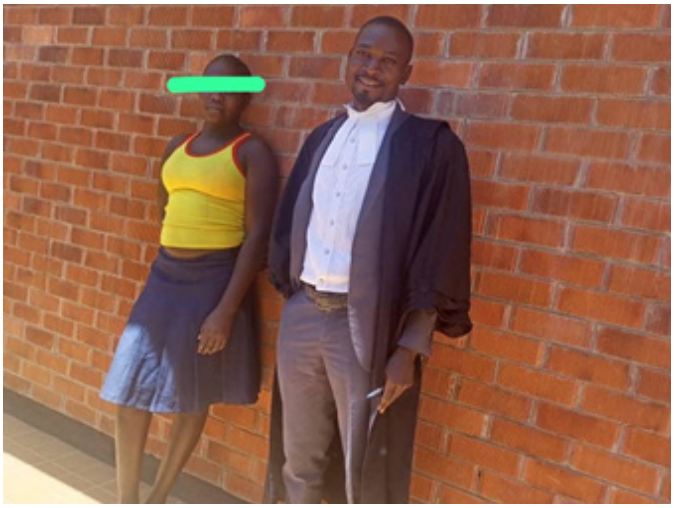
Group photo of the KIU law students with the ULS team

Success Stories- ULS Moroto Clinic

Justice for a Juvenile

A juvenile was convicted and sentenced to an 8-month custodial sentence in adult prison for the offense of attempted trafficking in person. The legal team from ULS Moroto clinic during a prison visit found out that a girl aged 17 years was in adult custody. The matter was discussed with the Officer in Charge of Moroto Prison who intervened further on her behalf and the Moroto Legal Aid Clinic. A medical examination was carried out and it was confirmed that the girl was indeed 17 years old.

The Moroto Clinic legal team set out and made an application for revision and for a declaration that the trial proceedings were a nullity for violation of juvenile rights during trial proceedings. The matter was heard in the High Court where Her Lordship Mary Ikit ruled that the trial was a nullity and the procedure was in error. The charges against the 17-year old girl were therefore dismissed and she was released.



ULS Moroto legal officer poses for a photo with the juvenile after securing her release from prison

Successful Mediation of family dispute in Napak

Moroto Clinic set out to have mediation in Lorengechora-Napak at a locus on issues related to administration of property among family members. Our client was disgruntled about the person they chose to administer (their paternal uncle) the estate of the late N. The administrator received money to the tune of 22,000,000/= (Twenty-Two Million Uganda Shilling) and was not able to account for the money spent, he didn't even consult the beneficiaries on how the money was going to be spent.

A mediation was conducted, the Moroto clinic legal aid team was able to establish the expenses he incurred including; constructing a semi-permanent house for the beneficiaries of the late's estate, purchase of assets such as a sports bike, ox plough, water tank among others, farming expenses on weeding, ploughing among others. The legal team considered the expenses incurred and subtracted them from the money to be refunded.

After assessing these expenses, the lawyers came up with a resolution that their client and the other beneficiaries be compensated by the administrator who mismanaged the estate of the late N. They were compensated with 1 acre of land and they resolved that the house built for the beneficiaries is sold and the money is refunded to the beneficiaries, to buy a plot elsewhere and cultivate.





ULS Moroto legal aid clinic conducts a mediation between family members at Lorengechora-Napak village in Karamoja

Rule of Law Department



Webinar discussion on the Human Assisted Reproductive Technology Bill, 2023

The ULS Health cluster held a webinar discussion on the Human Assisted Reproductive Technology Bill. Panelists included; Dr. Luswata Herbert, President of the Uganda Medical Association, Ms. Ajolo Ruth, Ag. Programme Manager Strategic Litigation at CEHURD, and moderated by Ms. Denise Babirye, Policy and Advisory Officer KCCA.

Dr. Luswata applauded Parliament for the enactment of the Bill at such a time as this where science is evolving and needs to be well regulated. He said that infertility has been on the rise worldwide, and this is mainly due to the lifestyle shifts such as the economic environment where the girl child has been empowered to stay in school and work hence they tend to get married and give birth at a later age.

He delved into sections of the Bill while recommending and making comments on clauses that need to be amended. During the discussion, one participant asked about clauses 3 and 4 of the Bill, which establish the Medical and Dental Practitioners Council as the body responsible for administering the Act. The question was whether it would be more appropriate to create a neutral authority specifically for governing Assisted Human Reproductive Technology (ART), staffed by medical experts in the field. Dr. Luswata responded that this would indeed be an excellent idea, as such a body would be more specialized to handle ART issues. However, he noted that given the current trend towards nationalizing entities, establishing a new authority could delay the enactment of the law due to the time required to set it up.

Counsel Ruth Ajalo provided the human rights and legal perspectives on the ART Bill. She emphasized the urgent need for such a law, noting that some Ugandans are already using assisted reproductive technology without regulation, without awareness of their rights, or prescribed penalties for misuse. She cited statistics highlighting the need for ART services: about 15 million people in Uganda require these services, with primary infertility affecting 0.7% and secondary infertility affecting 7% of the population.

Ms. Ajalo further stressed the importance of ensuring the right to a fair hearing for ART centers facing suspension or license revocation. She also addressed the issue of consent for surrogate mothers. The Bill states that women over the age of 18 can become surrogate mothers. She compared this to laws in other jurisdictions, where surrogate mothers must be at least 25 years old and have had at least one child. This consideration is based on the physical and psychological readiness for pregnancy and the associated hardships.

Launch of the Rule of Law Club at King Ceasor University

On 3rd May 2024, the Uganda Law Society launched the King Ceasor University Rule of Law Club. The Dean of the School of Law, Dr. Brian Kalenge, expressed gratitude to the Uganda Law Society (ULS) for their role in establishing the club. Dr. Kalenge encouraged student participation in club activities to foster a deeper understanding of the rule of law and to utilize such platforms to grow in knowledge and networking. He emphasized that the club's relevance extends beyond law students to the entire student body, as issues of the rule of law and human rights affect everyone.

Mr. Gaudius Turyasingura, Ag. Head of the Rule of Law Department highlighted the organization's ongoing commitment to promoting the rule of law by establishing various clubs countrywide. To date, ULS has founded over 40 rule of law clubs in secondary schools and 16 in universities.

The event also featured the swearing-in ceremony of the new club cabinet, with Ambrose Arinaitwe leading the team as the Club President.



Mr. Gaudius Turyasingura (Right), ULS Ag. Head Rule of Law Department hands certificate to a student of King Ceasor University



A cabinet member of the King Ceasor University Rule of Law Club swears in



Students of King Ceasor University give a token of appreciation to the School of Law Dean Mr. Brian Kalenge

Recent Case Judgements

OC CID Ordered to Pay Shs40 Million as Damages for Unlawful Arrest

The officer in charge of Namutumba Police Station in the Eastern part of the country, Ms Stella Nankunda was fined Shs40 million to be paid as an individual after she was found liable for infringing on the personal liberty of two process servers, Michael Kaluusi and Richard Mwesigwa.

Presiding Chief Magistrate of Iganga Court, His Worship Daniel Epobu Kiboko, reasoned that he chose to punish officer Nankunda as an individual to send a stern signal to all police officers who blatantly abuse their power against innocent citizenry.

"I take note of the fact that the respondent (officer Nankunda) acted with gross impunity towards the applicants (Kaluusi and Mwesigwa). This kind of excesses by the people in authority towards citizens to whom they are accountable, should be condemned at all costs," ruled His Worship Epobu.

Adding: "In the instant case, I find that the confinement of the applicants for five hours without justification violated their rights to personal liberty. For the reasons above, I award the applicants Shs40 million as compensation."
As if that was not worse for her, the court ordered the police officer to issue a written apology to the duo process servers whose rights to personal liberty she violated.

The matter arose from events that transpired in December 2023 when two process servers filed a case of assault against Sulaina Logose to whom they had gone to effect service but instead, officer Nankunda detained them without any lawful justification.

This matter followed an incidence after Logose assaulted the two process servers who had gone to serve her court documents since she was a defendant in a separate civil case.

The court heard that the officer rudely told the two process servers of her ethnic background and that she had the authority to do as she pleased and bragged that their file number SD 59/14/12/2023 could as well be considered gone.

The magistrate held that the Shs40 million award would be attracting a 10 percent from the date of his decision until payment in full.

UGANDA LAW SOCIETY

STATEMENT ON THE THREAT TO ACADEMIC FREEDOM AT INSTITUTIONS OF HIGHER LEARNING IN UGANDA

The Uganda Law Society (ULS) has noted with concern a letter circulating on social media attributed to Prof. Barnabas Nawangwe, the Vice Chancellor of Makerere University, addressed to the Acting Principal of the School of Law, Makerere University. The letter calls for an emergency investigation by the School Academic Board of Makerere Law School into the Principles of Constitutional Law II Examination paper L1210, which included questions regarding recent trends and happenings in the three arms of Government.

In fulfillment of its statutory duty to promote human rights, uphold the rule of law, and assist the public and Government in all matters related to law and legislation in Uganda, the ULS deems it imperative to comment and clarify on the propriety of the aforementioned issues.

Academic freedom is a fundamental right recognized by both international treaties and the laws of the Republic of Uganda. Article 29(1)(b) of the Constitution as a subset of the rights to education and freedom of expression states that every person shall have the right to freedom of thought, conscience, and belief which shall include academic freedom in institutions of learning.
The Committee on Economic, Social, and Cultural Rights (CESCR), which interprets the ICESCR, has stated that "the right to education can only be enjoyed if accompanied by the academic freedom of staff and students." (CESCR, General Comment 13, para. 38.).

Academic freedom encompasses a series of other widely accepted human rights, including freedom of opinion, expression, association, and assembly. These civil and political rights are enumerated in the Universal Declaration of Human Rights and legally binding on states parties to the 1966 International Covenant on Civil and Political Rights (ICCPR) (International Covenant on Civil and Political Rights (ICCPR), G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316, 999 U.N.T.S. 171, December 16, 1966.)

The courts of law have also pronounced themselves on academic freedom in David Kitara Lagoro v Gulu University (HCMC No. 10 of 2017) where Justice Stephen Mubiru held that;
"...academic freedom is the freedom of teachers and students to teach, study and pursue knowledge without unreasonable interference or restriction from law, institutional regulations, or public pressure... any attempt by government or courts to influence university and public tertiary institution decisions would violate the concept of minimal state intervention and enhance the possibility of breaches of academic freedom..."

While aware that there are limitations to most human rights and freedoms, ULS is certain that the impugned exam and others like it, involve hypothetical questions within the confines of academic freedom and learning as they aim to encourage students to think beyond theoretical knowledge and apply their acquired understanding to current real-life situations. Indeed a quick glance at other examinations reveals that this is not the first time that such questions or scenarios would be set for a subject of this nature or a law examination. This level of intimidation insinuated by the university authorities is a threat to academic freedom and should have no place in our educational institutions especially in institutions of higher learning.

ULS, therefore, calls upon all individuals and authorities to respect academic freedom and generally the right to freedom of thought, conscience and belief as guaranteed under the Constitution.

We will continue to monitor this matter closely to ensure that the due process of law prevails and rights are protected.

Bernard Oundo
President, Uganda Law Society

To be a Proficient Bar Association in Fostering Access to Justice, the Rule of Law and Good Governance in Uganda
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Lawyers Speak Out on the Makerere Law Exam

Lawyers in unison have scoffed at the Vice Chancellor, Makerere University Professor Barnabas Nawangwe for having issued a directive to have law dons investigated for setting a questionable exam paper for Principles of Constitutional Law II.

Professor Nawangwe in his May 15th letter tasked Dr. Naluwairo, the Acting Principal School of Law to call an emergency meeting of the School Academic Board to investigate Dr. Kabumba Busingye for having an exam paper that cited real Parliamentary proceedings and names including that of Speaker Anita Among and Leader of Opposition in Parliament, Joel Ssenyonyi.

Speaking to this newsletter, Counsel Jude Byamukama of J Byamukama & Co Advocates says he found Professor Nawangwe's letter shocking since academic freedom is guaranteed under the 1995 Constitution.



Counsel Jude Byamukama

F"World-over, exams are hypothetical even if actual names are used. Prof. Nawangwe should have sought the opinion of lawyers before coming up with the directive for investigations of the law dons who set the said exam paper," said Counsel Byamukama.
Adding: "He might have acted that way because he is an architect by training. If I may ask, why don't medical students use dolls instead of cadavers during their exams?. This is because students have to use almost similar hypothetical examples in exams."

Likewise, Counsel John Musiime, a partner with Dentons, cited Article 29 of 1995 which provides for freedom of conscience and expression before calling on Professor Nawangwe to order.



Counsel John Musiime

"This constitutional right is given full expression and the Universities and Other Tertiary Institutions Act, 2001 which sets up universities as independent institutions free from direction and control of the state," Counsel Musiime states.

He adds that the thrust is that the university senate is given the highest and final decision-making on the academy content, including curriculum, admissions, evaluation, and promotion of teaching staff and the subjects they teach.

Further, Counsel Musiime contends that Professor Nawangwe could have borrowed this kind of unusual behavior from Russia where governments in the Soviet Republic are forcing universities to teach and align academic knowledge to political wishes.



Counsel Samuel Muyizi

Weighing in, Counsel Samuel Muyizi from Alaka & Co. Advocates describes the call for an investigation of the law dons at the Law School as "unconstitutional". He adds that Professor Nawangwe didn't have the power to act the way he did.

Q&A One on One with Former LDC Director

Frank Nigel Othembi



On April 30, the 12 Year reign of the director of the Law Development Center (LDC) Frank Nigel Othembi came to an end. He was replaced by Dr. Pamela Tibihikirra-Kalyegira on May 7. Our team caught up with him for a quick interview

1. Who is Frank Nigel Othembi?

Frank Nigel Othembi is a lawyer, administrator, and educationalist with 30 years of public service and 12 years as Director of the Law Development Center (LDC).

I was born in Nebbi District in West Nile on April 3, 1967.I began my legal career in 1991 as a legal assistant with Oloya, Donge & Co. Advocates before becoming a Project Administrator between 1992 and 1994.

Between 1994 and 1999, I worked as a Magistrate Grade One before being promoted to Chief Magistrate between 1999 and 2004.

From 2004 to 2009, I worked as the Registrar, of Education and Public Affairs with the Judicial Service Commission. I later worked with the Uganda Law Reform Commission in the capacity of the Chief Executive Officer.

It was in 2012 that I was appointed director, of LDC.

2. How did you end up at LDC, where you hand-picked or went through an interview?

I went through the LDC recruitment process and was appointed accordingly on contract for 4 years from 2012. I was reappointed in 2016 and 2020 respectively.

3. How would you describe your 12-year reign at the helm of LDC?

A rollercoaster ride with several highs and lows. In all the years, I always acted with integrity in the best interest of LDC and stakeholders.

4. Why do you think there was a high failure rate of up to 90 percent of students during your reign, could there have been a problem with the lectures because it's weird to have only 10 percent of students taught pass, is there a problem with you the lectures or administration?

This statement is factually wrong. We don't have such high failure rates. Take the most recent students of Academic Year 2022/23: About 35% passed the Bar Course outright (which rose to about 51% by the time of graduation after students did supplementary examinations). Only 25% failed the Bar Course. 40% failed some subjects and were eligible to do supplementary exams.

The focus on failures ignores the bigger issues of challenges of quality facing legal education at all levels including the quality of students joining the Bar Course.

We also need a comparative analysis with other reputable law schools in the region and internationally. Our performance reflects our insistence on maintaining the highest standards and compares favorably with other law schools.

5. Has the scrapping of entry exams negatively affected academic performance at the institution?

We need a comprehensive study to determine the impact of the suspension of the LDC pre-entry exam. At the moment; we only have speculation.

6. Please share with us the effect of opening up upcountry centers (Lira, Mbarara, and soon Mbale), Do you think it was the right decision to make and has it had any effect on you

It was the right thing to do to manage numbers. It has improved performance with incidences where the best-performing students are from upcountry campuses. During the last results released the top 3 students were from Mbarara Campus and the 4th from Lira. I am sure Mbale campus opening on 1 July will carry on the proud tradition of excellent performance.

7. What was your outstanding moment at the institution?

My outstanding moment is watching students litigating exam matters against LDC in Court. Thankfully we have been successful in all our court cases but we would rather have resolved issues out of court.

8. What key issues should the new director start with?

I propose that the new director focuses

on managing numbers since the number that would like to study law keeps increasing. She should also focus on Building trust in the institution.

Special Feature: Would you Represent Kony at ICC?



Lawyers Speak Out

A couple of weeks ago, the Registry of the International Criminal Court (ICC), called upon all interested lawyers across the world to apply to represent Joseph Kony as his defense attorney.

The ICC in its advert, reasoned that all their suspects including Kony, the leader of the Lord Resistance Army (LRA), are presumed innocent until proven guilty and therefore, entitled to a defense lawyer if they don't have any.

"All ICC suspects, including Mr. Kony, are presumed innocent until proven guilty, and they are entitled to legal representation when appearing before the Court. Because the ICC has not received any valid power of attorney from counsel claiming to represent Mr. Kony and given that Mr. Kony is considered to be a person who cannot be found, the judges of Pre-Trial Chamber II will appoint a counsel to act on Mr. Kony's behalf," read in part the ICC's advert in search of a defense lawyer to represent Kony.

Adding: "Lawyers interested in being appointed as counsel for Mr. Kony should submit an expression of interest by 16 May 2024 at 17.30 Central European time latest,"

Our team reached out to a few lawyers on whether they would consider representing Kony given his background of being a notorious rebel leader.

Senior lawyer Peter Walubiri chuckled when approached and said: "Actually, some of my colleagues have approached me asking to give it a try,"

According to counsel Walubiri, he shares the same views as the ICC Registry of Kony being innocent until proven guilty and therefore, he needs legal representation.

"A fair trial means that one has legal representation," Lawyer Walubiri says. Adding: "The role of a lawyer is to represent a client by having the evidence brought against him or her tested for its veracity, admissibility, and legality."

He adds that in the Kony case, since he is accused of being involved in a civil war, it means that so many crimes were done under the cover of darkness.

He says that as a defense lawyer, his core role would be to dismantle the truth from falsehoods.

"Because of this, people are charged unfairly for crimes they didn't commit, and this can only be revealed when the matter is concluded. The truth is often revealed. So there is need to have a presentation of thorough evidence," counsel Walubiri avers.

Another senior lawyer who preferred to remain

anonymous said he wouldn't mind representing Kony at ICC.However, he was quick to say that from a professional point of view, he wouldn't represent Kony because of the language barrier that would make him uncomfortable with his client.

"For obvious reasons, I wouldn't mind but I want to be comfortable with my client, especially in terms of the spoken language. I don't speak Luo; so I might face language barrier challenges while representing Kony. Another anonymous lawyer also said that war crimes have far-reaching consequences and this means that the lawyer representing such a client should be conversant with what happened during the war since such cases are not like commercial cases.

About a fortnight ago, the ICC registrar, Mr. Osvaldo Zavala Giler was in the country to give an update on the two cases of Dominic Ongwen and Joseph Kony that are before court.
While meeting a group of local and international journalists, the registrar reaffirmed that the court was indeed receiving job applications for those interested in representing Kony in October this year when his confirmation hearing comes up.

Background to Kony Case

On November 24, 2022, the ICC chief prosecutor requested the court to hold a hearing on confirmation of charges against Kony in his absence since he has been elusive to the court for long. The chief prosecutor said that was the first time the office of the chief ICC prosecutor made such a request to the court to prosecute a suspected warlord in his or her absentia.

On 4 March 2024, Pre-Trial Chamber II issued a decision on the prosecutor's request to hold confirmation of charges hearing in the case against Kony in his absence, should he not appear by October 15.

The investigation into the situation in Uganda was opened in 2004. This saw an arrest warrant against Kony, the founder and leader of the Lord's Resistance Army, issued in 2005 for 33 counts of war crimes and crimes against humanity.

The allegations against him include murder, cruel treatment, enslavement, rape, and attacks against civilian population.

However, the arrest warrant remains unexecuted to this day after Kony eluded arrest for more than 19 years.
The allegations against Kony who is believed to be hiding in the jungles of the Central African Republic include murder, cruel treatment, enslavement, rape, and attacks against the civilian population.

The two-decade Kony war that he instituted against government forces, claimed over 100,000 lives and displaced over 1.5 million people who stayed in internally displaced peoples' camps.

Health Feature: Prioritizing Mental Wellbeing: Addressing Mental Health Challenges in the Legal Profession



Fortunate Ingabire aka F.I.R.M
Mental Health Enthusiast, Encourager & Legal Advisor at Airtel Uganda Limited

In recent times, there has been growing awareness surrounding the mental health challenges faced by individuals in the legal profession. The demanding nature of our work, coupled with the pressures of litigation and client expectations, deadlines and other in-house commitments can often take a toll on our mental and emotional wellbeing. Once in a while we all struggle with the pressure of today's world, feel alone, or wonder if there is hope for better in the future.

This month of May, in some countries around the globe it is considered the Mental Health Awareness Month. In the USA, the theme for 2024 is **"Where to Start"** while for some organizations, emphasis has been put to **"Movement"** which includes physical exercise to address broader mental health concerns.

In Uganda, earlier this month, the Nnabagereka launched a Mental Health Charity and at the ball, the Katikkiro speaking about mental wellness said, **"The most precious gift is life. Human beings are unique from other creatures because of the brain, which enables us to understand what is important to us and to distinguish between right and wrong."**

He added that,

> The brain enables us to control other creatures, and for that reason, the brain is one of the most important parts of our body. The issue of mental illness affects the way our brain distinguishes the issues we encounter so that we can know what to do, how much to do it, and where to do it.

I must add that mental illness is not necessary a case of being insane or operating under diminished responsibility as we the lawyers understand it. It is more than that and entails simple life strains like stress that can trigger other effects. Doctors skilled in this would be best placed to confirm this.

The mental health awareness month is a poignant reminder of the importance of prioritizing mental health and wellbeing in our daily lives. As legal professionals, we are not immune to the stresses and strains of our profession, and it is essential that we acknowledge and address the mental health challenges that may arise. Whether it be anxiety, depression, or substance abuse, these issues can have a profound impact on our ability to perform effectively and ethically in our roles. Before we drown ourselves in that social drink as a coping mechanism, let's talk to a friend or colleague in practice.

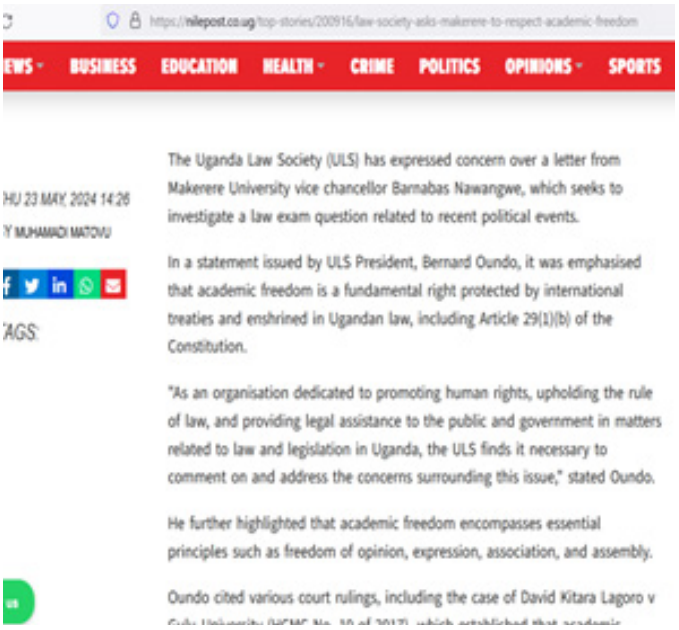
It is incumbent upon us, as a legal community, to create an environment that supports open dialogue and destigmatizes discussions surrounding mental health. We must foster a culture of empathy, compassion, and support, where individuals feel comfortable seeking help and accessing the resources they need to maintain their wellbeing. This includes initiatives such as employee assistance programs, counselling services, and peer support networks, which can provide invaluable support to those facing mental health challenges.

Moreover, we must recognize that seeking help is not a sign of weakness but rather a courageous act of self-care. By addressing our mental health needs, we not only safeguard our own wellbeing but also ensure that we can continue to serve our clients and uphold the principles of justice with integrity and professionalism.

Fellow counsel, this month and the rest of the year let us recommit to promoting mental health awareness and support within the legal profession. Let us strive to create a culture that values mental wellbeing as a fundamental aspect of professional practice. By doing so, we can work towards a legal profession that is not only characterized by excellence and expertise but also by empathy, resilience, and compassion.
Together we can embark on a journey to prioritize our mental wellbeing in a changing world. Your actions, no matter how small, contribute to a collective effort in creating communities that value and support mental health.

ULS in the News-May 2024







freedom is a fundamental right protected by international treaties and Ugandan law, including Article 29(1)(b) of the Constitution.

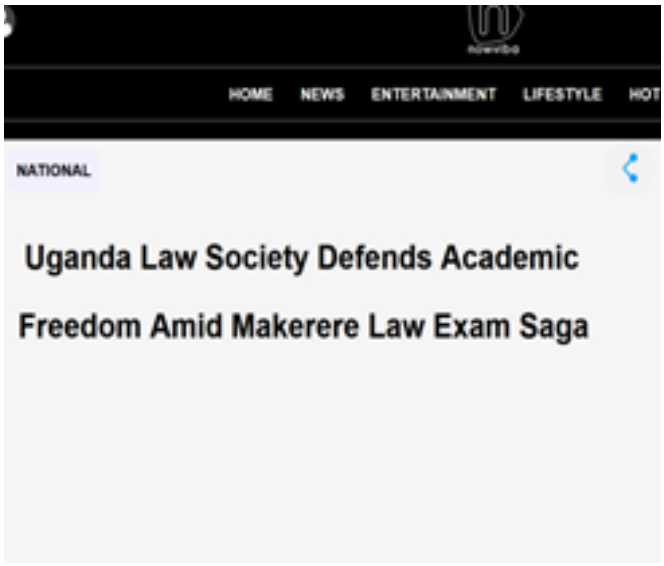
"As an organization dedicated to promoting human rights, upholding the rule of law, and providing legal assistance to the public and government, the ULS finds it necessary to address the concerns surrounding this issue," Oundo said.

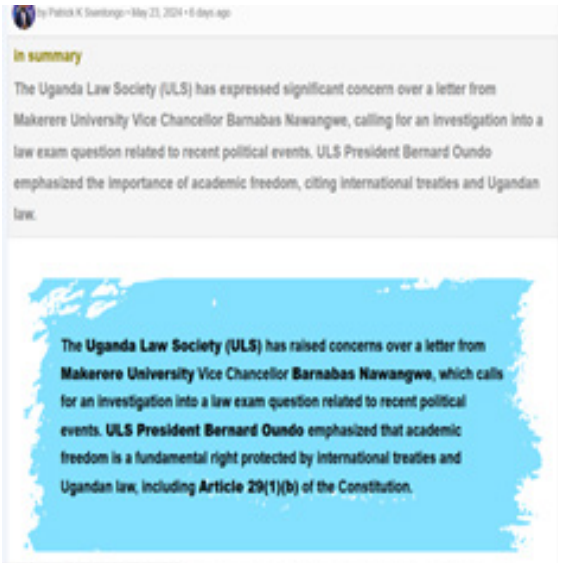
He explained that academic freedom includes the essential principles of freedom of opinion, expression, association, and assembly but also allows teachers and students to pursue knowledge without unwarranted interference.

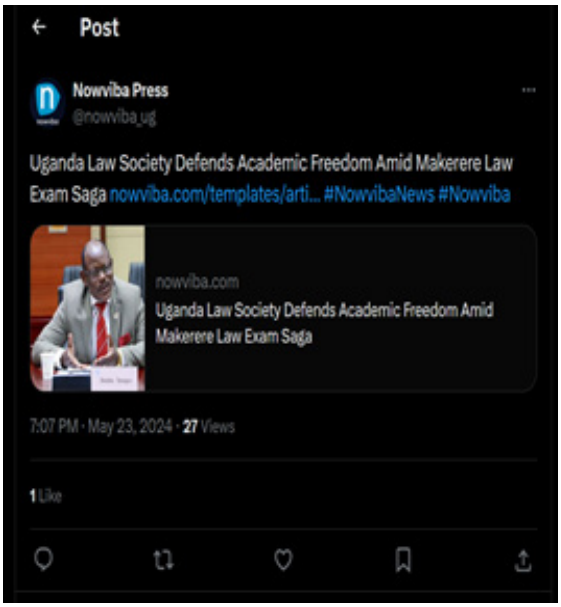
"Academic freedom ensures the unrestricted pursuit of knowledge and the ability of both teachers and students to express themselves without undue influence or restrictions," explained Oundo.

"While recognizing limitations on most human rights and freedoms, the ULS firmly believes that the exam in question, as well as similar ones, fall within the scope of academic freedom and learning. The intimidation implied by the university authorities poses a direct threat to academic freedom and has no place within our educational institutions."

Tags: Bernard Oundo | Makerere University | Uganda Law Society









Rule of Law: Uganda Law Society Issues Damning Quarter One Report

April 19, 2024 / Benjamin Ahikiiriza

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The Uganda Law Society (ULS) has today Friday released its quarterly rule of law report highlighting gains, breaches, initiatives, and recommendations in the observance of the rule of law within the country – for the period starting January 2024 and ending March 2024.

Launched by ULS President Bernard Oundo at a ceremony held at the Fairway Hotel in Kampala and attended by several prominent figures in the legal community including the


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