Members FIRST NEWSLETTER

JUNE 2024 | ISSUE 20

CITATION OF THE PRINCIPAL LAWS OF UGANDA UPDATED



IN THIS ISSUE






COMMEMORATION OF THE UN DAY IN SUPPORT OF TORTURE VICTIMS

PRESIDENT'S STATEMENT ON RULE OF LAW

ULS HOUSE PROGRESS

CLE CALENDAR

ULS, ROYAL DANISH EMBASSY SIGN PACT

Message From The Chair



Dear Members,
Welcome to the June edition of the Members First monthly newsletter, we purpose to inform you about the ongoing activities at the ULS Secretariat, Council activities and news from our stakeholders within the legal fraternity.

ULS exists to among others; foster access to Justice, the Rule of Law, and Good Governance in Uganda. In this issue, we bring you statements on the current issues that affect the Rule of Law. As a society, we condemn corruption and the abduction of Busiki County MP. Hon. Paul Akamba in the strongest term scaling for respect of the judicial independence , transparency and accountability in public administration.

In the execution of our mandate, we work with different partners and I wish to take this opportunity to appreciate the Royal Danish Embassy (RDE) with which we are glad to report that we signed a partnership aimed at enhancing the protection and promotion of human rights in Uganda by contributing to the strengthening of the relevant government institutions and the citizenry in the promotion of access to justice in the sub-regions of Karamoja and West Nile and will be implemented under the Legal Aid Project and Rule of Law Department.

I also thank all our other donors and partners for their continued support to the ULS Legal Aid and Pro Bono Project. With this support, the society has been able to work through the 22 legal aid clinics across the country to enhance access to justice and promote the rule of law.

In this issue, we also bring you coverage that is aimed at enhancing your knowledge and professional development through giving you a snapshot of the different trainings and knowledge-generating events that were held. These include the tax symposium and Rule of Law Webinar series on Religious &Faith-Based Organisations Policy Regulation. We thank all the different clusters for the support in organizing these events for the benefit of the entire membership.

I congratulate the new advocates upon being enrolled and welcome them into the profession. In the same vein, I encourage the ULS membership and all the law users to look out for the recently launched 7th Edition of Revised Principal Laws of Uganda.

Lastly, I extend heartfelt gratitude to you, our valued readers, for your unwavering support and trust as we continue to serve you.

Counsel Atukunda Isaac - Chairperson Members First Newsletter

Citation Of The Principal Laws Of Uganda Updated By Uganda Law Reform

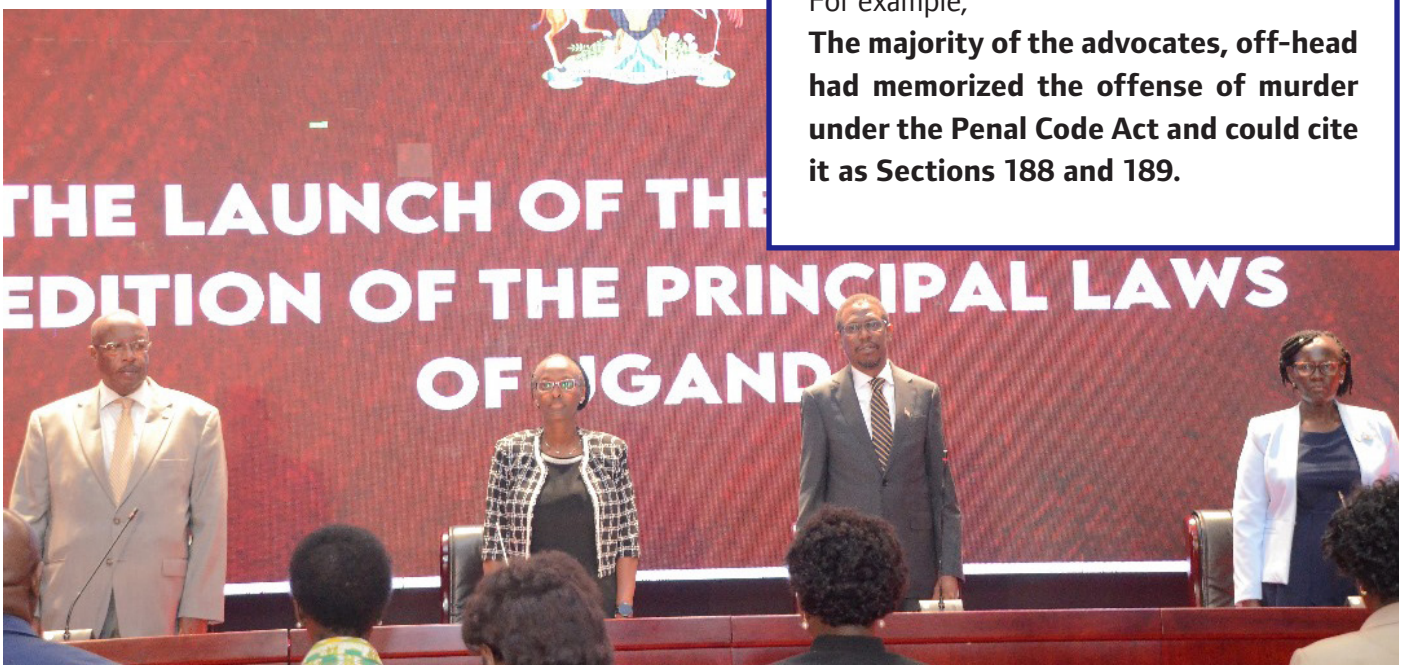
On 27th June 2024, the Attorney General of Uganda launched the 7th edition of the revised principal laws of Uganda.

The revision of these laws takes place every after ten (10) years and the review process was undertaken by a select committee appointed by the Attorney General supported by the Uganda Law Reform Commission (ULRC).

The 7th edition replaces the 6th Edition and the former effective July 1, 2024.
The Attorney General, under the Law Revision Act No. 4 of 2020 (as amended), authorized the revision of the laws.

Present at the launch were various dignitaries in the legal profession including the Uganda Law Society President, Mr. Bernard Oundo, Justices of the Court of Appeal and High Court of Uganda, Deputy Solicitor General, Mr.Pius Perry Biribonwoha, Director General, Uganda Registration Services Bureau (URSB), Ms. Mercy Kainebwisho, Inspector General of Government (IGG), Hon. Betty Kamya Turwomwe and the Commissioners of the Uganda Law Reform Commission, Members of Uganda Law Society, Deans of Schools of Law, among others.

According to the Chairperson, the Uganda Law Reform Commission, Dr. Pamela Tibihikirra-Kalyegira as a result of the review process, the legal citations of the different statutes have changed.
For example;
The majority of the advocates, off-head had memorized the offense of murder under the Penal Code Act and could cite it as Sections 188 and 189.



Invited guests led by the Hon. Attorney General Kiryowa Kiwanuka take a group photo shortly after the launch of the 7th Revised Edition of the Principal of Laws in Uganda on June 27th in Kampala.

However, under the new 7th edition, this citation has changed to Sections 171 and 172.Likewise, the citation of the same Penal Code Act has changed from Cap 120 to Cap 128.

The 7th revised edition also has seen new legislation given citations since they were enacted in the past ten years and had not yet been given a citation.

Speaking at the launch, the Learned Attorney General, Hon. Kiryowa Kiwanuka urged lawyers, judges, and other law users to ensure that they get abreast with the new laws to avoid citing wrong laws in court which will, in the end, mislead the public.

"A lawyer who quotes a wrong law to the court after the 1st day of July 2024, will be misleading the court. It is essential because lawyers are officers of the court, hence they should know the law and quote it correctly." Hon. the Attorney General stated.

The Attorney General also added that the laws that were removed and were not incorporated in this new edition are those that had become obsolete (useless after serving out their time), those that Parliament repealed, and those that the court struck out for being unconstitutional for example the idle and disorderly law.

He added that the 7th Revised Edition consolidates all Acts from independence until December 31, 2023, into a single Statute book popularly known as Red Volumes adding that an online app has been created to enable easy access to the laws by the public.

The revised edition is intended to ensure that the laws of Uganda are up-to-date and accessible. He stated that it would have been good to launch both the red and blue volumes together, however, due to the heavy work the process entails, that was not possible. He thus pledged that the blue volumes which are a collection of Regulations shall be launched by December 2024.

We, therefore, encourage all ULS members to take keen interest in the set of these revised laws and read them to ease their work in court and in other spheres.



Attorney General Hon. Kiryowa Kiwanuka in a black suit cuts a ribbon to signify the official launch of the 7th Revised Edition of the Principal of Laws of Uganda on June 27 in Kampala.

Commemoration of The UN Day in Support of Torture Victims

On June 26, 2024, the African Centre for Rehabilitation of Torture Victims (ACTV), in conjunction with the Uganda Human Rights Commission (UHRC) and the Uganda Law Society, commemorated the UN Day in Support of Torture Victims under the theme "Torture Free Communities for All". The event saw the participation of several stakeholders, including the UPDF, the Inspector General of Police, the Electoral Commission, the Office of the DPP, the Coalition Against Torture (CAT), Justice Centers Uganda, and Chapter Four Uganda, among others.

The day was aimed at raising awareness and supporting victims, thus promoting accountability from duty bearers. The theme for this year emphasized creating safe and humane environments free from torture. It also highlighted the necessity of collaborative efforts to eradicate torture and build communities where all individuals are safe from inhumane treatment.

The day began with a march led by the Chief Walker, UHRC Chairperson Hon. Mariam Wangadya. And thereafter key stakeholders gave remarks as members of the public were being attended to by the Uganda Law Society which provided pro bono lawyers to offer free legal advice.

In his remarks, ULS President Bernard Oundo thanked ACTV and UHRC for their tremendous efforts over the years, which



ULS President, Bernard Oundo giving his remarks

have led to the introduction of progressive legal and regulatory frameworks against torture and inhumane treatment. These include the Prevention and Prohibition of Torture Act of 2012, the Human Rights (Enforcement) Act of 2019, and the Prevention and Prohibition of Torture Regulations of 2017. These frameworks provide mechanisms and penalties that offer redress for torture victims and promote respect for fundamental human rights.

Mr. Oundo noted that torture remains a major challenge in Uganda, with Human Rights Commission reports showing it ranks highest in complaints, with 127 reported cases in 2023. He emphasized that while efforts to fight torture are ongoing, it is essential to respect and promote all human rights. He concluded by calling on all stakeholders to join efforts to support victims and work tirelessly to eradicate torture from society.



The march in Kampala City Center to commemorate the UN Day in Support of Torture Victims



Chairperson of Uganda Human Rights Commission, Hon. Mariam Wangadya speaking to a team from the Uganda Law Society who offered free legal services at the event



Director of Human Rights UPDF Col. Deo Karikona and Brig. Gen. Felix Kulayigye

Meeting with Uganda National Oil Company

On 4th June 2024, the President of Uganda Law Society, Bernard Oundo together with the members of the Oil and Gas Cluster represented by the Cluster Chairperson, Sam Ahamya, held a meeting with the Head of Legal and Company Secretary at the Uganda National Oil Company (UNOC). The meeting which was held to discuss possible areas of collaboration also aimed at identifying and discussing ways through which ULS members can effectively participate and benefit from the growing oil and gas sector.



ULS President Bernard Oundo being welcomed by the UNOC Head of Contracts and Negotiations Ms. Barbara Nabuweke.



UNOC team making a presentation to ULS



Group photo of UNOC staff and the ULS Council.

Uganda-Denmark Partnership Engagement

The Uganda Law Society joined other stakeholders for the Uganda-Denmark Partnership engagement to discuss matters relating to the Green Economy and Climate, Accountability, Civic Engagement and Rights, and Refugees, Resilience, and Youth.ULS was represented by the Ag. CEO

Ms. Mable Nimwesiga, Head of Legal Aid and Pro bono – Ms. Christine Awori and Legal Officer Kampala Clinic- Ms. Lydia Kyakuwa. The ULS team informed stakeholders of the work being undertaken under the Legal Aid Project to promote access to justice for indigent, vulnerable, and marginalized persons. The team noted that ULS has 22 legal aid clinics countrywide and as of 2023, a total of 52,835 individuals benefited from the services including; free legal representation, legal advice, mediation, and legal and human rights awareness, among others. They also highlighted inventions made to promote access to free legal services including the PulidaWo App and USSD Code.



L-R: Ms. Christine Awori- Head Legal Aid and Pro bono Department, Ms. Mable Nimwesiga – ULS Ag. CEO and Ms. Lydia Kyakuwa – Legal Officer Kampala Clinic.



Ms. Christine Awori, Head of Legal Aid and Ms. Lydia Kyakuwa, Legal Officer take the stakeholders through how the Pulida Wo App works.

ULS House Progress

In the month of June, the Uganda Law Society (ULS) Management team and the council visited the construction site of the ULS House. The purpose of these visits was to assess the progress of the construction project. During the visit, the team conducted a thorough inspection of the ongoing work, with a particular focus on the first two floors, which are expected to be habitable by August 2024.

The team also discussed plans for the subsequent phases of the project, ensuring that the entire building will meet the high standards required for the ULS's activities. The new ULS House is set to become a central hub for legal professionals with the following layout: a resource center and young lawyers' hub, conference hall and meeting rooms, arbitration and mediation center, legal technology hub, a legal aid clinic, open terrace and lounge.



President Bernard Oundo and the Chair building committee Senior Counsel James Sebugenyi Chairperson ULS House Committee during the inspection.



Briefing session during the visit.



Hands on inspection



The ULS Management team led by the Ag. CEO, Ms. Mable Nimwesiga during the site visit.

Enrolment of New Advocates

The Uganda Law Society, led by the Honorary Secretary Mr. Isaac Atukunda, witnessed the enrollment of 56 new Advocates of the High Court at the Judiciary Headquarters in Kampala. Mr. Isaac Atukunda, the Honorary Secretary of the Uganda Law Society, welcomed the advocates to the bar and encouraged them to register with the Uganda Law Society, the National Bar Association committed to enhancing their professional development.

Mr. Atukunda further implored them to exhibit determination, resilience, and adaptability, urging them not to settle for less but always to strive for more by embracing new technological trends and engaging in Continuous Legal Education, which will guide them towards strategic specialization.

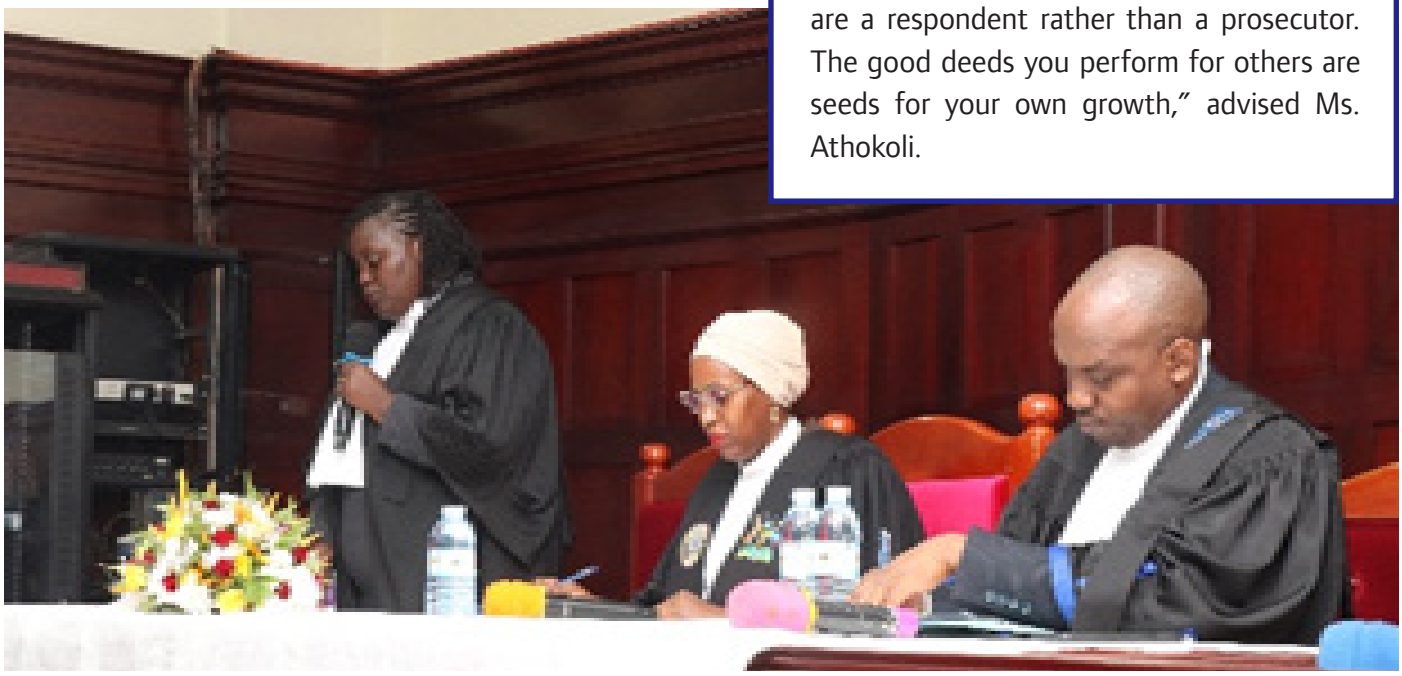
"The journey you are embarking on requires determination, resilience, and adaptability. From today, you have become a student of life, ready to face its challenges in full."

Furthermore, the Honorary Secretary advised the advocates to protect their reputation by maintaining high moral standards in all their endeavors. He urged them to embrace programs such as legal aid, pro bono services, and volunteerism while serving humanity.

During the enrollment, the Law Council representative, Peace Athokoli, advised the new advocates to pursue further professional development initiatives to make them dynamic.

"As a professional, you must remain teachable. There is nothing original about what you are doing. Many people have passed through that experience, and all that awaits you," said Ms. Athokoli.
Regarding the Law Council's mandate, Ms. Athokoli urged them to protect their reputation and avoid temptations related to financial misconduct.

"Stay away from all sorts of financial fraud. Shs. 1 million may seem insignificant but could tempt you into situations where you are a respondent rather than a prosecutor. The good deeds you perform for others are seeds for your own growth," advised Ms. Athokoli.



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:

Members' Affairs
+256 70 6317017 | +256 774 590680
cle@uls.or.ug | programofficer@uls.or.ug

Accounts office
+256 76 5637635 | +256 76 4189996.
info@uls.or.ug | accounts@uls.or.ug





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.

Professional Development Department

Tax Law Symposium

The Tax Law cluster organized a two-day tax symposium under the theme; **Enhancing Tax Compliance and Legal Expertise.** The symposium was hosted at Four Points by Sheraton, with an option of online attendance.

The ULS President Bernard Oundo opened the symposium by thanking the speakers and attendees for making time to attend the symposium. He also highlighted the society's goal of contributing to national debates to find answers to the various questions at hand in the country including questions revolving around new developments in the tax sector.

Prof. Augustus Nuwagaba, a Senior Economist and Researcher discussed; the 'Impact of Tax Regime on Economic Growth and Transformation'. He noted that Uganda's tax regime is characterized by a narrow tax base and most taxes are Direct taxes including Income Tax and PAYE are relatively high, with Corporation tax and Personal income tax at 30%, and VAT at 18%. He discussed the Electronic Fiscal Receipting and Invoicing Solution (EFRIS) stating that its purpose is to enhance transparency in tax administration however many traders do not want to be transparent. He made the following recommendations;

1. Reduce government expenditure on non-critical budget lines and ensure that the utility- value for taxpayers' money is empirically visible in quality services across the country.
2. Reduce the cost of doing business by lowering electricity tariff and ensure affordable cost of borrowing. This will increase tax payment capacity among business enterprises.
3. Widen the tax base by incorporating more people and enterprises in the tax bracket. Reduce the tax burden through benefiting from economies of trade in a widened tax incidence.
4. URA must adequately educate and sensitize the citizens on the various taxes. Ugandans must also appreciate the need to move from "under-counter" to formal procedures of doing business.

Mr. Steve Okoth of BDO discussed the East Africa Transfer Pricing Trends. He stated that supporting documentation for a transfer pricing document is crucial because it provides evidence that intercompany transactions are conducted at arm's length, ensures adherence to international tax laws and local regulations, and reduces the risk of adjustments and penalties from tax authorities. He noted that the increased focus by revenue authorities on functional analysis and the correct selection of transfer pricing methods highlights the importance of accurately reflecting the economic activities and relationships within Multi-National Enterprises (MNE). This shift reflects a broader effort to ensure that MNE's are accurately reporting and paying taxes in each jurisdiction where they operate.

He further discussed functional analysis as it helps understand the roles, responsibilities, and risks assumed by each entity within an MNE. The focus on functional analysis is to:

1. Accurately allocate profits.
2. Enable Substance over form: To detect and prevent

artificial arrangements that shift profits to low-tax jurisdictions.
3. Encourage Consistency: ensure that the transfer pricing policies reflect true economic activities, enhancing the reliability of benchmarking studies.

He explained a comparability analysis as one involving a comparison between the conditions of the controlled transaction and the conditions of uncontrolled transactions. He further stated that there are five comparability factors:

1. The contractual terms of the transaction.
2. The function, asset, and risk analysis, the circumstances surrounding the transaction, and industry practices.
3. The characteristics of property transferred or services provided.
4. The economic circumstances of the parties and of the market in which the parties operate.
5. The business strategies pursued by the parties.

To be comparable means that none of the differences between the situations being compared could materially affect the price of the transaction, or if material differences do exist, reasonably accurate adjustments can be made to eliminate the effect of such differences on prices.

Mr. Birungyi Cephas of Birungyi, Barata & Associates Advocates and the Vice Chairperson of the ULS Tax cluster discussed Transfer Pricing in Uganda; Lessons from the Organization for Economic Co-operation and Development (OECD) and Recent tax decisions. On lessons from the OECD, he stated that Countries that have adopted transfer pricing legislation based on the arm's length principle following different legislative drafting approaches. Some countries have adopted very brief language setting out basic principles in "primary legislation" (i.e. mainly in the law), often elaborating on those principles in "secondary legislation" (including regulations, circulars, decrees or similar administrative pronouncements). He further stated that the OECD legislation is drafted so as not to apply to purely domestic transactions (i.e. transactions between two resident taxpayers). Many countries consider that it would not be an efficient use of tax administration and taxpayer resources to enforce transfer pricing legislation for domestic transactions. Uganda, however, has chosen to apply transfer pricing principles to both domestic and international transactions.

Mr. Trevor Lukanga Bwanika, Senior Manager, PWC Uganda explained that transfer pricing involves the pricing of goods, intangibles, and services between related enterprises.
He further emphasized the need to follow the arm's length principle and highlighted key regulatory frameworks such as the OECD Guidelines, UN Transfer Pricing Guidelines, Income Tax (Transfer Pricing) Regulations, and Practice Note 2012.

Dr. Dan Ngabirano, a Lecturer and a Managing Partner, D Ngabirano Law Associates & Advocates, discussed property taxes in Uganda, which fall under income tax. He highlighted the system's complexities, such as its broad scope, uncertainty in rental income, and lack of indexation for capital gains tax. Additionally, he pointed out the withholding tax obligations for capital gains tax, which add unnecessary complexity. He noted that the broad exemption regime results in low collection rates, and Uganda's property tax collection rate remains low compared to developed nations.

Dr. John Kakungulu Walugembe, The Executive Director Federation of Small & Medium-sized Enterprises, during his keynote address at the Tax Symposium: "Before we talk about EFRIS, let us first talk about the nature of our businesses where 90% of them are SME's. 71% of these SME's have less than 5 employees. We need to take ownership of our economy and purpose to participate in the growth of the economy."





Left: Prof. Nuwagaba Augustus - Senior Economist and Researcher. Right: Dr. John Kakungulu Walugembe - Executive Director, Federation of Small & Medium-sized Enterprises.





Left: Dr. Dan Ngabirano - Lecturer & Managing Partner, D Ngabirano Law Associates & Advocates. Right: Patronella Namubiru - Director of Tax & Legal, Deloitte.

Rule of Law Webinar Series: Religious & Faith-Bases Organisations Policy Regulation

On 11th June 2024, the Rule of Law cluster held a webinar series on Religious &Faith-Based Organisations Policy Regulation. The webinar was moderated by Dr. Daniel Ruhweza -the Rule of Law Cluster Head and Ms. Dorothy Amuron of the Centre for Health Human Rights and Development (CEHURD). Panelists included; Mr.Siraj K. Mukasa- CEO of Uganda Muslim Lawyers'Association (UMLA), Ms, Caroline Idembe- Legal and Policy Advocacy Expert, Mr.Ssemwanga Fredrick- Legal Counsel and Parliamentary Liaison Uganda Episcopal Conference, and Bishop Dr. Richard Magongo- PRO of Pentecostal/ Born again churches in Uganda.

Ms.Amuron opened the discussion stating that the webinar was being held to discuss the National Religious and Faith Organization policy of 2023, a comprehensive framework that is aimed at regulating and guiding the activities of religious and faith-based organizations in Uganda. The Policy seeks to promote transparency, accountability, unity, harmonious coexistence, and collaboration within religious institutions while safeguarding the freedom of worship and the rights of religious practitioners in Uganda. As part of the consultative process, the Uganda Law Society deemed it fit to organise a webinar to gather diverse perspectives from various voices within the communities, both within the faith or religious communities and outside, especially members of ULS to ensure that the policy is robust, equitable, and representative of all religious and faith groups in the country.

Ms Idembe noted this Policy is a step in the right direction, and later a Bill could be created based on the Policy. She noted that religious institutions are currently registered in different forms. Some of them are registered as campaigns limited by guarantee, others are registered as trustees under the Trustees Incorporation Act. Other organizations and faith institutions are registered as Non-Government Organizations (NGOs). Therefore there needs to be a streamlined and harmonised mode of operation, and this law is very important. She also noted that there is need to define these religious institutions, their objectives, and their works. They should have clear structures of operation.

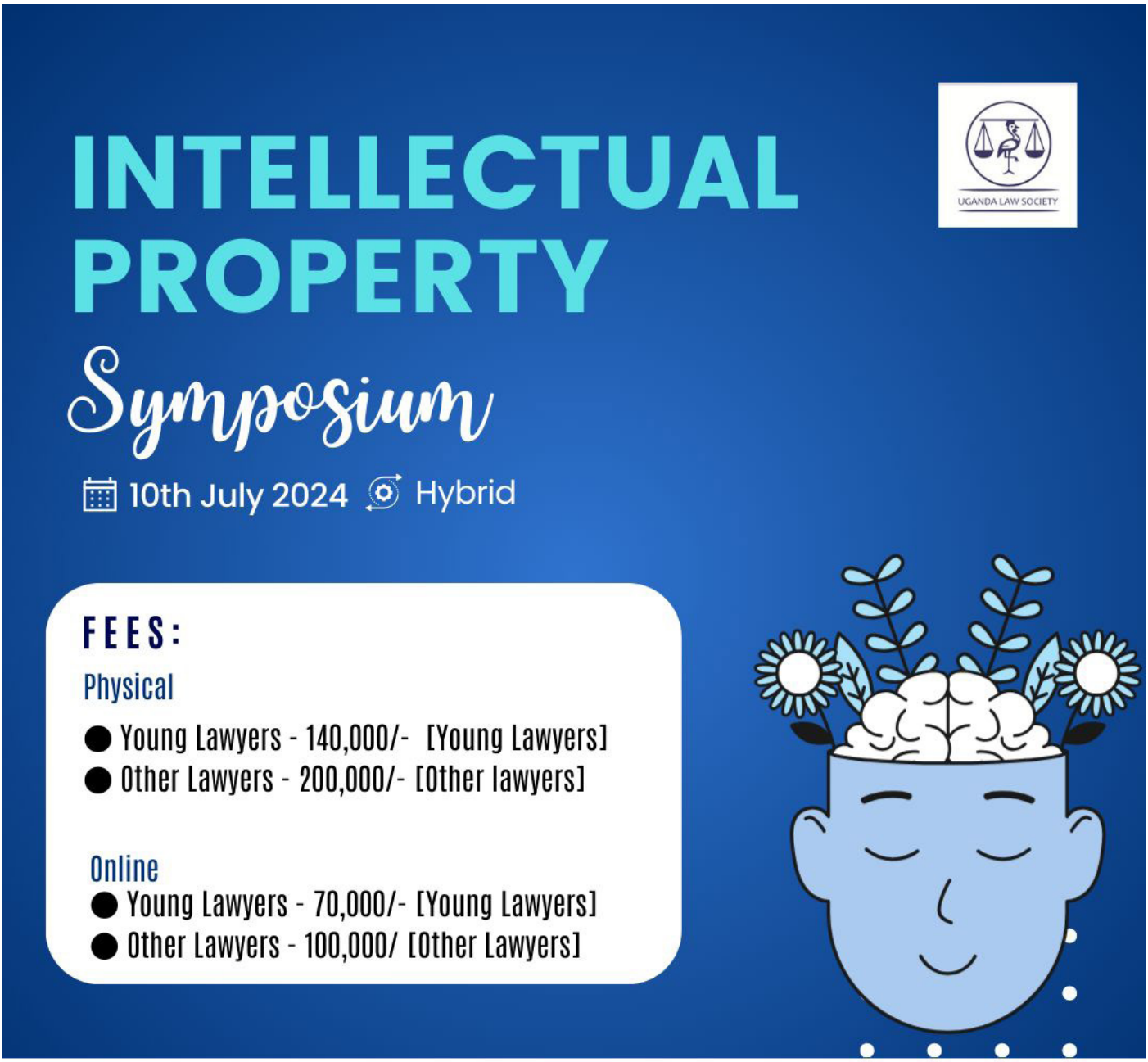
Mr. Mukasa of UMLA noted that there have been unfortunate incidences of cults in East Africa leading to the death of people. In the early 1980's, there was the Shakahola massacre in Kenya which led to the death of hundreds of parishioners and believers. In Uganda, in the late 1990's and early 2000's, there was the Doomsday Prophecy by Joseph Kibwetere, where believers were said to have been convinced to sacrifice themselves because they thought the world was coming to an end. Recently, in 2023, in Kenya, we had Pastor Paul MacKenzie of the Good News International Church, who was implicated in hundreds of deaths of followers that were occasioned by believing that they had to fast to death.
He stated that there is need to draw a line on whether these are acts of criminality or acts perpetuated by religious beliefs. He also discussed the need to recognise other constitutional rights such as the right to freedom of religion in order to ensure these rights are not infringed upon by regulation.

Mr. Ssemwanga affirmed the need for a Policy although he found the current one to be ambiguous to a certain extent. He noted that there is need for thorough research to be conducted within specific religious institutions since broad statements do not apply to all religions; the policy should be instructive

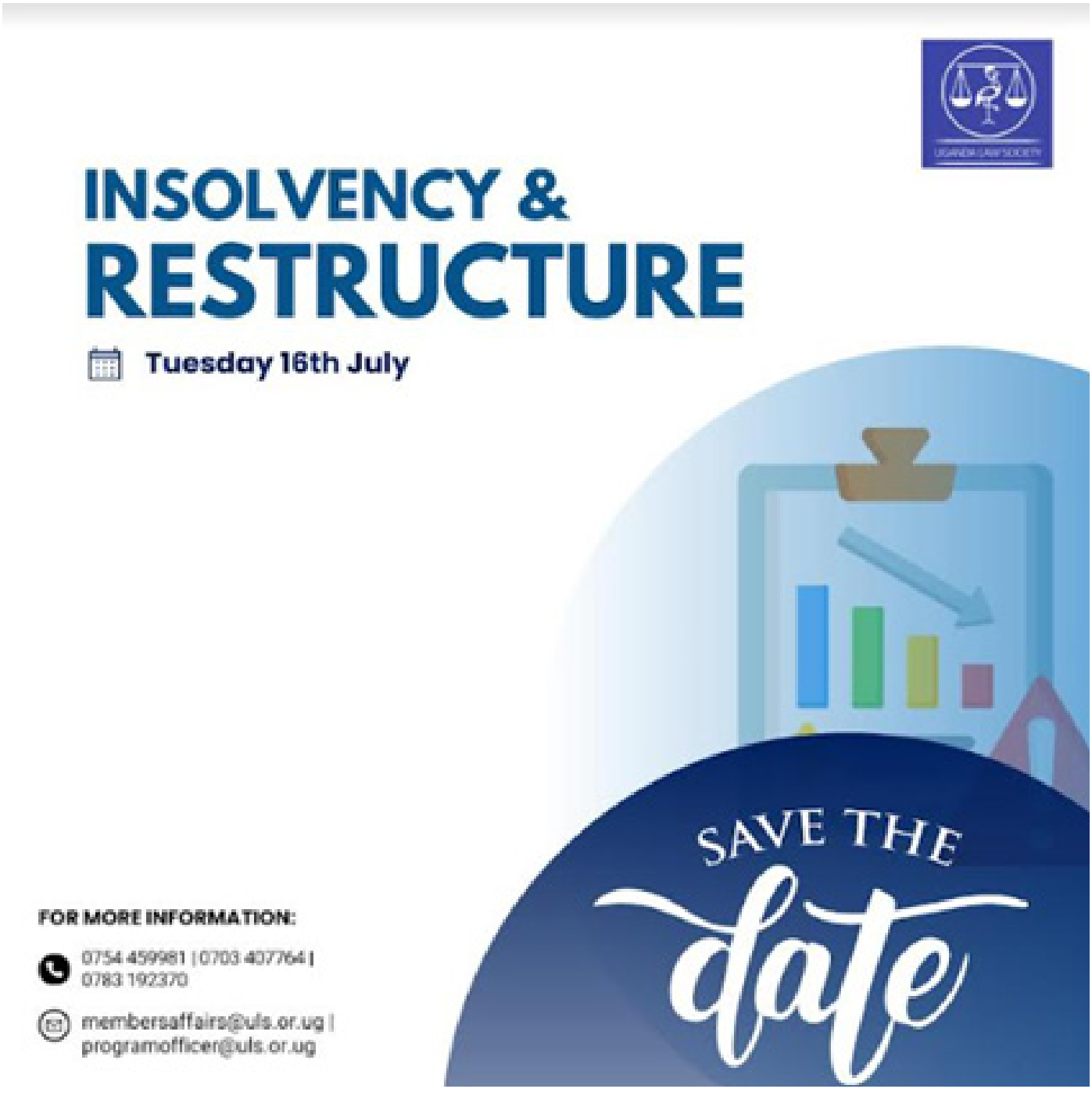
and not speculative. Bishop Magongo to a great extent agreed with Mr.Ssemwanga noting that a law or Policy regulating all religious institutions may not be effective. There is need for self-regulation of religious organisations in order to strengthen and streamline their operations.




ITC
Insurance Training College
Enhancing Professionalism
UGANDA LAW SOCIETY
Insurance Training
in collaboration with ITC
5 CLE Hours
SAVE THE DATE
Thursday 4th July
Online
Young Lawyers - 70,000/-
Other Lawyers - 100,000/-
FOR MORE INFORMATION:
0754 459981 | 0703 407764 | 0783 192370
membersaffairs@uls.or.ug | programofficer@uls.or.ug



FOR MORE INFORMATION: 0783809766 | 0706317017 cle@uls.or.ug | programofficer@uls.or.ug


INSOLVENCY &
RESTRUCTURE
Tuesday 16th July
SAVE THE
date
FOR MORE INFORMATION:
0754 459981 | 0703 407764 |
0783 192370
membersaffairs@uls.or.ug |
programofficer@uls.or.ug

Legal Aid and Pro-bono Department

ULS Royal Danish Embassy Sign Pact

On Tuesday, 25th June 2024, the Uganda Law Society led by the Ag. Chief Executive Officer, Ms. Mable Nimwesiga signed a partnership agreement with the Royal Danish Embassy (RDE).

The Embassy team was led by the Head of Development Cooperation and Deputy Ambassador Mr. Adam Sparre Spliid and the Senior Programme Advisor, Mr. Charles Magala.

This partnership is aimed at enhancing the protection and promotion of human rights in Uganda by contributing to the strengthening of the relevant government institutions and the citizenry in the promotion of access to justice in the sub-regions of Karamoja and West Nile and will be implemented under the Legal Aid Project and Rule of Law Department.

During the event, Ms. Mable Nimwesiga in a special way appreciated the RDE team for coming in handy at the time when ULS needed funding due to the closure of the Democratic Governance Facility (DGF) which was funding most of the clinics. She further stated that with this partnership, hope has been restored for many individuals seeking legal assistance as they are now better equipped to provide the necessary support and services, ensuring that justice is accessible to all. She also stated that the true measure of the project'ssuccess will be seen in the lives it touches, the justice it will facilitate, and the change it will cause in the project communities.



The Head of Development Cooperation and Deputy Ambassador Mr. Adam Sparre Spliid and the Senior Programme Advisor, Mr. Charles Magala from RDE during a photo moment with the ULS team.

Ireland Stakeholder Engagement Session

ULS representatives led by the Ag. CEO Mable Nimwesiga attended a meeting organized by the Ireland Embassy Uganda Audit Committee in Nadugent Sub-county, Moroto District, to review the Embassy's stakeholder engagement.

The meeting was focused on an in-depth review and enhancement of the Embassy's stakeholder engagement strategies. During the meeting, various aspects of the current engagement practices were evaluated, and constructive discussions were held on how to strengthen relationships with key stakeholders. The objective was to develop more effective communication channels, ensure better collaboration, and create a more inclusive and participatory approach to the Embassy's projects and initiatives in the region. The Ireland embassy supports the ULS Legal Aid and Pro Bono project in the Karamoja region, specifically, the ULS clinics located in Kotido, Moroto, and Nakapiripirit. This support enables the clinics to offer essential legal services to the local communities, thereby enhancing access to justice and promoting the rule of law in Karamoja region.



ULS Ag. CEO Mable addressing the team from the Ireland Embassy Uganda in Moroto District.



Group photo of ULS staff and Ireland Embassy officials

Monitoring and Evaluation Visits of The Legal AID Clinics

The Legal Aid Project (LAP) of Uganda Law Society, led by the Head of LAP Ms. Christine Awori, the Head of Monitoring and Evaluation Mr. Michael Kalungu and other heads of department at the secretariat monitored the progress of various Legal Aid Clinics.

The Clinics visited were those under the support of the International Law Development Organisation in Jinja, Gulu and Masindi.

During the monitoring exercise, various clients were able to share their testimonies of the relief that has been occasioned by the ULS Legal Aid Project.



Ms. Beatrice Angufiru, the Senior Legal Officer and Head of Gulu Clinic sharing Data with the Head of ULS Monitoring and Evaluation, Mr. Michael Kalungu during LAP's Monitoring and Evaluation at the Legal Aid Clinic of Gulu.



Mr. James Akena, the ULS Head of Finance and Administration auditing the costs of the activities done at the Gulu Legal Aid Clinic during Monitoring and Evaluation.



The Head of LAP, Ms. Christine Awori after supervision at the Masindi Clinic









The leadership of the Jinja Legal Aid Clinic led by Senior legal officer Mr. Namaan Obetia meets the LAP monitoring and Evaluation Team in Jinja.

25th June 2024

STATEMENT ON RT. HON. SPEAKER OF PARLIAMENT'S REMARKS CONDONING CORRUPTION

Uganda Law Society (ULS) has noted with grave concern the recent remarks made by the Rt. Hon. Speaker of Parliament of Uganda, Anita Annet Among and Rakai Woman MP Hon. Juliet Kinyamatama, where they expressed a dismissive attitude towards ongoing prosecution proceedings for corruption against some Members of Parliament. The Speaker and Hon. Kinyamatamamade these troubling remarks while addressing masses in Lwengo districtover the weekend.The legislatorsarequoted telling the masses that corruption is justified when a corrupt person shares with his or her people.

ULS unequivocally condemns these remarks as they undermine the tireless efforts of various stakeholders in the fight against corruption and constitute a significant setback to the ongoing efforts to promote integrity and accountabilityin public administration.

The Constitution of the Republic of Uganda, 1995 (as amended) provides a robust legal framework for ensuring accountability. The National Objectives and Directive Principles of State Policy XXVI mandate that all public offices are held in trust for the people, and all persons in positions of leadership and responsibility must be answerable to the people. The Constitution further mandates that all lawful measures be taken to expose, combat, and eradicate corruption and abuse or misuse of power by those holding political and public offices.

In this context, ULS maintains its position that Article 17(1)(i) read in line with the Anti-Corruption Act 2009 imposes a duty on every citizen of Uganda to combat corruption and the misuse or wastage of public property and all acts of corruption and extortion which erode public trust in the public sector, promote inequality, and diminished accountability.

In the premises, ULS;

a) Appeals to the Speaker of Parliament and Hon. Juliet Kinyamatama to retract their statements and to reaffirm their commitment to the fight against corruption;
b) Calls upon all concerned stakeholders to conduct thorough and independent investigations into all the reports of high-level grand corruption, desist from making public comments geared towards undermining the work of accountability institutions and courts especially when the process involves leaders.

ULS remains committed to promoting the Rule of Law, Human Rights, and Good Governance in Uganda.

Bernard Oundo
President, Uganda Law Society

14th June 2024

ABDUCTION OF BUSIKI COUNTY MP PAUL AKAMBA FOLLOWING HIS RELEASE ON BAIL

Upon his release on bail granted by the Anti-Corruption Court earlier this afternoon (the 14th June 2024), Busiki County MP, Paul Akamba, was violently abducted by masked and plain clothed gunmen, bundled in a motor vehicle and driven away to an undisclosed location.

As at the time of issuance of this Statement, the whereabouts of Mr. Akamba are still unknown.
This appalling incident marks an alarming return of the dark days of violent interference in the judicial process by armed security operatives in blatant disregard of court orders granting accused persons bail and further in violation of the constitutional rights of the accused persons as well as the independence of the judiciary.

It should be recalled that in November 2005 and March 2007, armed state security agents violently invaded the High Court premises to prevent the lawful release of accused persons and to unlawfully take them into custody notwithstanding the court orders granting them bail. This conduct on both occasions was declared by the Constitutional Court of Uganda to be unlawful and in contravention of the constitutional rights of the accused persons as well as the independence of the judiciary in, amongst other judgments, Constitutional Petition No. 18 of 2005, ***Uganda Law Society vs the Attorney General*** and Constitutional Petition No. 7 of 2007, ***Dr. Kizza Besigye and others vs the Attorney General.***

As with the above cases, Mr. Akamba's violent abduction in violation of the Court order granting him bail is unconstitutional as it violates Mr. Akamba's rights to liberty, to a fair hearing and to the presumption of innocence. It is also an affront to the independence and authority of the judiciary of Uganda which is guaranteed by Article 128 of the Constitution of Uganda.

Mr. Akamba's abduction re-emphasizes Uganda's rapid return to the dark past of arrests and detentions and reflects erosion of progress in the quest for rule of law. This distressing trend must be urgently and jointly addressed by all stakeholders to avoid further entrenchment.

Uganda Law Society (ULS) strongly condemns Mr. Akamba's abduction and the violation of his rights as well as the authority and orders of the Anti-Corruption Court and calls for Mr. Akamba's immediate release in compliance with the Court's bail order.

ULS further calls for an immediate investigation into the abduction as well as the swift prosecution of all officials who will have been evidently implicated in the abduction.
ULS remains steadfast in its commitment to promoting the rule of law, human rights, and good governance in Uganda.

Bernard Oundo
President, Uganda Law Society

Bills Passed and Under Consideration

NO.	STATUS OF LEGISLATION BEFORE PARLIAMENT AS OF JUNE 2024		
	BILL	**TYPE**	**STATUS**
1	The Persons with Disabilities (Amendment) Bill, 2024	Government	3rd reading (passed by Parliament)
2	Non-Governmental Organisations (Amendment) Bill, 2024	Government	3rd reading (passed by the Parliament)
3	Uganda Trypanosomiasis Control Council Act (Repeal) Bill, 2024	Government	Approved by the Parliament
4	Tier 4 Microfinance Institutions and Money Lenders (Amendment)Bill,2024	Government	Withdrawn
5	National Agricultural Advisory Services (Amendment) Bill, 2024	Government	Withdrawn
6	The Registration of Persons (Amendment) Bill, 2024.	Government	3rd reading (passed by the Parliament)
7	Cotton Development (Amendment) Bill, 2024	Government	Withdrawn
8	The National Forestry and Tree Planting (Amendment) Bill, 2024.	Government	Withdrawn
9	The Uganda Wildlife Conservation Education Centre Act (Repeal) Bill, 2024.	Government	3rd reading (passed by Parliament)
10	The Higher Education Students Financing (Amendments) Bill, 2024.	Government	3rd reading (passed by Parliament)
11	The National Planning Authority (Amendment) Bill, 2024.	Government	3rd reading (passed by Parliament)
12	The Uganda Road Fund (Amendment) Bill, 2024.	Government	1st reading
13	Value Added Tax (Amendment) Bill, 2024	Government	1st reading
14	Stamp Duty (Amendment) Bill, 2024	Government	3rd reading passed by Parliament
15	The Tax Procedures Code (Amendment) Bill, 2024	Government	3rd reading passed by Parliament
16	The Children (Amendment) Bill,2024	Government	1st reading
17	The Human Assisted Reproductive Technology Bill,2023	Private	1st reading

	BILL	TYPE	STATUS
18	Constitution (Amendment) Bill, 2023	Government	1st reading
19	The Arbitration and Conciliation (Amendment) Bill, 2024	Government	1st reading
20	The Civil Aviation Authority (Amendment) Bill,2024	Government	Assented to by the President
21	The Judicature (Amendment) Bill, 2023	Government	Assented to by the President
22	Petroleum Supply (Amendment) Bill, 2023	Government	Assented to by the President
23	The Labour Disputes (Arbitration and Settlement) (Amendment) Bill, 2018	Government Bill	2nd reading
24	Constitutional (Amendment) Bill, 2019	Government	Assented to by the President
25	Human Rights Defender's Protection Bill, 2020	Private	Assented to by the President
26	The Landlord and Tenants Bill, 2021, the Committee Report and the letter of the President returning the Bill.		Assented to by the President
27	The Landlord and Tenants Bill, 2021, the Committee Report and the letter of the President returning the Bill.	Private	Returned to Parliament
28	Sexual Offences Bill, 2019	Private	Assented to by the President
29	Computer Misuse (Amendment) Bill, 2022	Government	Assented to by the President
30	The National Information Technology Authority, Uganda (Amendment) Bill, 2024	Government	1st reading
31	The Alcoholic Drinks Control Bill, 2023	Government	1st reading
32	The Veterinary Practitioners Bill, 2023	Government	Assented to by President
33	Sexual Offences Bill, 2019	Private	Returned to Parliament
34	National Legal Aid Bill, 2022	Private	Returned to Parliament
35	The Free Zones (Amendment) Bill,2024	Government	3rd reading passed by Parliament
36	The National Library (Amendment) Bill, 2024	Government	3rd reading passed by Parliament
37	Uganda National Meteorological Authority (Amendment) Bill, 2024	Government	3rd reading passed by Parliament
38	The National Records and Archives (Amendment) Bill, 2024.	Government	Assented to by President

	BILL	TYPE	STATUS
39	Animal Feeds Bill, 2023	Government	Assented to by President
40	The Occupational Safety and Health (Amendment) Bill,2023	Government	1st reading

Mpumwire Magambo Vs Amanda Magambo, High Court Miscellaneous Application No. 293 of 2023

The Applicant, Mpumwire Magambo, is the surviving administrator of the estate of the late John Eric Magambo. The Applicant claimed to be a child of the deceased and asserts that other individuals, including the Respondent Amanda Magambo, falsely claimed to be the deceased's children. The Applicant requested for DNA testing for all claimants to determine the true beneficiaries before distributing the estate. The Respondent did not oppose the application but suggested conducting a sibling DNA test instead of exhuming the deceased's body.

The application was brought under Section 98 of the Civil Procedure Act, Section 33 of the Judicature Act, and Order 52 Rules 1, 2, and 3 of the Civil Procedure Rules, seekingDNA tests for all claiming beneficiaries before distributing the estate, estate accounts to cover the DNA test costs.The primary issue was whether the court should order DNA tests for the claimants.

The court in its decision delivered on 14th June 2024 emphasised the lack of stored DNA samples from the deceased, meaning exhumation would be necessary for paternity tests. The court noted that decently buried bodies should remain undisturbed unless there's a compelling reason, which the Applicant failed to demonstrate that the deceased disowned any children during his lifetime. Only one of the alleged 22 children was made a respondent, which could compromise the right to a fair hearing for the others.Also,sibling kinship tests could determine sibling relationships without exhumation, leveraging common genetic markers (Y chromosome for males, X chromosome for females).

Hon. Justice Nshimye Allan Paul, therefore, dismissed the application, stating the Applicant did not include all affected parties, failed to explore sibling tests first, and did not justify the necessity for exhumation and that the Applicant's case was insufficient to warrant the court's discretion to grant the orders sought.

This case is very significant in a way that it emphasizes the court's careful consideration of the balance between scientific evidence, legal principles, and respect for the deceased. It also emphasizes the importance of involving

all affected parties to ensure a fair hearing, the preference for non-invasive methods like sibling tests before resorting to exhumation, and the need for clear justification when seeking court orders that significantly disturb the deceased.

The case sets a precedent in handling disputes over estate distribution and the use of DNA tests in paternity claims, emphasizing less intrusive methods and thorough inclusion of all concerned individuals.

Uganda Vs K.R (Juvenile Offender) HC CD-0188-2024

The case concerned an indictment for murder contrary to sections 188 and 189 of the Penal Code Act, alleging that on April 22, 2021, in Kirundu Zone, Makindye division, Kampala District, K.R, a minor had unlawfully caused the death of Nabukeera Rahuma. By the time of the plea taking on May 13, 2024, K.R. had become an adult.

K.R.'s counsel raised a preliminary human rights issue under Section 11(2) of the Human Rights (Enforcement) Act 2019, arguing that K.R.'s rights were violated as she was remanded to an adult prison at 17 years old, contrary to Section 89(8) of the Children's Act. Counsel presented K.R.'s immunization card as evidence of her birth date, establishing her juvenile status at the time of the offense. The counsel prayed for the court to declare the trial a nullity due to this violation.
The court had to decide whether K.R.'s constitutional and human rights were violated and whether such violation rendered her trial a nullity.

Hon. Lady Justice Margaret Mutonyi acknowledged that every accused person, including juveniles, is entitled to a fair hearing, as outlined in Article 28 of the Ugandan Constitution. Article 34(6) specifically provides that child offenders in custody should be separated from adult offenders. Article 44 lists the right to a fair hearing as a non-derogable right.

She concluded that K.R.'s constitutional and human rights had been violated, particularly her right to a fair hearing, which includes being remanded separately from adults and being granted a speedy trial. Given these violations, the court declared the trial a nullity under Section 11(2) of the Human Rights (Enforcement) Act, 2019. Consequently, K.R. was acquitted, resolving both issues in her favor.

This case highlights the critical need for accurate age determination and proper treatment of juvenile offenders within the legal system. It emphasizes the non-derogable right to a fair hearing, including the necessity for juvenile offenders to be remanded separately from adults and tried expeditiously. The decision serves as a reminder to judicial officers and the entire criminal justice system to uphold the constitutional protections afforded to all individuals, especially vulnerable groups like juveniles.

Judiciary Department

Judiciary Wishes Justice Mwondha Best of Luck in Her Retirement



The Supreme Court Judge, Justice Faith Mwondha has retired. In an Internal Judiciary Memo dated June 17th ,2024 Chief Registrar Sarah Langa Siu congratulated Justice Mwondha for the illustrious judicial service she had until her retirement at the age of 70.

"Hon. Lady Justice Faith Mwondha Faith retired from the service on March 16, 2024, upon clocking the mandatory retirement age. She requested for the statutory three months to complete pending matters, which ended on June 16, 2024," Chief Registrar Langa stated.

She added:

> "I wish to congratulate Her Lordship for the distinguished service she has rendered to the Judiciary and the nation at large. I wish her a peaceful and enjoyable retirement."

According to Article 144(1) of the 1995 Constitution, a judicial officer may retire at any time after attaining the age of 60 years. The same constitutional provision says in the cases of the Chief Justice, the Deputy Chief Justice, a Justice of the Supreme Court, and a Justice of the Court of Appeal, on attaining the age of 70 years, an official may be retired. The Principal Judge and a judge of the High Court, on attaining the age of 65 years are free to also retire.

Also, the Constitution gives a retiring judge three extra months to complete any pending work at his/her desk before heading into retirement, which Justice just completed.

According to the Administration of the Judiciary Act, a retiring Supreme Court continues to earn 80 percent of his/her salary until they die.

Briefly about Justice Mwondha

Justice Mwondha was born on March 16, 1954, and she went to Makerere University for a Bachelor of Laws (1974–77) and attended the Law Development Centre (LDC) (1977-1978).

Her career started in 1979 when she was appointed Grade I Magistrate before serving as an Acting Chief Magistrate in 1978.

In 1994, Mwondha joined politics and was elected the Jinja Woman Delegate to the Constituent Assembly.

She had been a member of the National Resistance Council. In 1996, she was appointed commissioner of the Uganda Human Rights Commission.

In 2001, she was appointed a Judge of the High Court. Four years later, she was appointed Inspector General of Government.

In 2000, she was appointed a Uganda Christian University Council member. She is also a member of the Global Board, the United Bible Society, and was appointed to the Supreme Court, the highest court in the land on September 8, 2015.

We wish her the best in her retirement.

Know The New Magisterial Areas

Chief Justice Alfonse Owiny-Dollo in consultation with Justice Minister Norbert Mao, has issued statutory instrument no. 11 of 2024 that increased the magisterial areas to 157 from 82 in a bid to increase access to justice to the citizens.

Similarly, the new instrument has increased the number of the magistrate courts to 696 from 396.

The issuance of the new statutory instrument now cancels the old statutory instrument no. 11 of 2017 which had established 82 magisterial areas and 396 magistrate courts.

According to the new statutory instrument, Buganda Road Chief Magistrates Court which previously handled only criminal matters, will going forward, be handling civil matters too.

Further, under the new instrument, Mengo Chief Magistrates Court which has been handling only civil matters will now start hearing criminal matters that were previously filed and pending hearing under Buganda Road Chief Magistrates Court, but originating from Rubaga Division of Kampala Capital City.

This new development will see a movement of files from one court to the other.

Also, the other notable highlight of the new Instrument is the gazetting of all Remand Homes as Magistrates Courts as a means to enhance juvenile justice.

Under this development, judicial officers will now be traveling to the 6 Remand Homes scattered across the country and hold court there instead of the suspected juvenile offenders being transported to distant courts.

Check for all magisterial areas here:
https://judiciary.go.ug/files/downloads/Press%20Release%20Magisterial%20Areas%20increased%20to%20157.pdf

Two Courts Relocate To New Premises

The Judiciary has announced the relocation of two courts to new premises The announcement was made by the Chief Registrar, Sarah Langa Siu in her June 11th announcement. The said courts are the Chief Magistrate's Court of Makindye and the Standards, Wildlife, and Utilities courts.

"The Makindye Magistrates Court will relocate to the premises previously occupied by the High Court Family Division from 17th to 21st June 2024. The Standards, Wildlife, and Utilities Chief Magistrates Court will relocate to the premises occupied by Makindye Chief Magistrates Court from 24th to 29th June 2024," read in part the Judiciary announcement.

Adding:

> "During this period, the courts will move their property which involves uninstalling and re-installing certain facilities related to computer networks, power backups, etc. This will be done with very minimal interruptions in the court business."

The Family Division of the High Court will now move to where the Supreme Court was in Nakasero opposite the Ministry of Health.

The communication was copied to all judicial officers, the Uganda Law Society, and all court users.

ULS in the News

On Abductions and Illegal Arrests





On Corruption





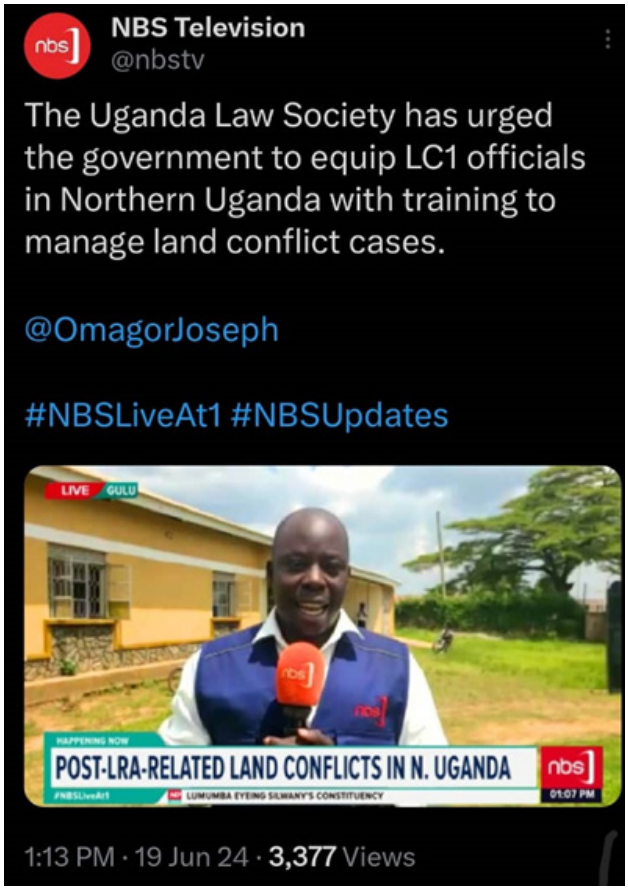
Afromobile, the nextmedia's news hub circulated the President's unequivocal criticism to the statements from the Speaker of Parliament,Hon. Anita Among and the Rakai District Woman Member of Parliament Hon.Juliet Kinyamatama in Lwengo.

On Torture





On Secretariat activities



NBS' Journalist in Gulu Joseph Omagor reports on the findings of the Monitoring and Evaluation - Gulu Legal Aid Clinic on June 19, 2024


Uganda Law Society
MEMBER
Benefits
• Subsidised CLE training fees for Young Lawyers
• Free CLE trainings with points
• Total Energies fuel cards
• UNICAF University scholarships
• Negotiated counseling services with Path4health
• ULS Benevolent Fund
www.uls.or.ug

UGANDA LAW SOCIETY

Members First Newsletter

JUNE 2024 | ISSUE 20

Plot 610, Buye, Ntinda along Wamala Road,
off Ntinda-Kisaasi road

uls@uls.or.ug

+256-414-342424

