Members FIRST NEWSLETTER

JULY 2024 | ISSUE 21

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Message From The Chair



Dear Readers,
Welcome to yet another edition of our Members First Newsletter.

Allow me to start off by inviting you to the upcoming 7th ULS- Annual Law conference (ALC) happening at Commonwealth Resort Munyonyo from 29th to 30th August 2024. This year's conference will be held under the theme **"Legal Practice In a Changing Society: Addressing Emerging Challenges and Opportunities."** The conference which is a hybrid event has been heavily subsidized especially for the young members to give them an opportunity to network with their senior colleagues and to prepare them to address the challenges in our profession. ALC is a great platform for networking and learning from the pool of experts and leading legal practitioners from Uganda and beyond.

Special thanks to the President ULS SC Bernard Oundo together with his Council for launching the long awaited ULS HealthCare and Benevolent Fund, congratulations to the Fund Board. The fund was launched in July 2024 and we share highlights in this newsletter.

During the month of July, ULS launched its 29th Quarterly Rule of Law report. The report highlights the positive developments captured during the quarter, breaches of the rule of law, and recommendations and advice for various stakeholders to address.
In its efforts to bring services closer to Regional Members and support Professional Development of the Members, ULS also held regional CLE training events and various symposiums.
Special thanks to the President ULS, Council Members, Legal Aid Project and ULS Members for the role you played in protecting and defending the rights of Ugandans who were involved in recent protests against Corruption in Parliament. ULS will continue to uphold the rule of law and offer Pro-bono services to deserving Ugandans whenever need arises.

We extend our heartfelt gratitude to you, our esteemed readers, for your continued support and engagement. Your constant interest fuels our commitment to provide you with informative and enriching content. Last but not least we extend our condolences to the family, friends and ULS Members upon the loss of Senior Counsel Deo Rubamba Nkunzingoma (Former ULS President) and other ULS Members that passed on plus those who lost their loved ones, eternal repose!
We trust that you will find this July issue both enlightening and inspiring.

Happy reading!

Counsel Atukunda Isaac - Chairperson Members First Newsletter

Launch of the ULS Healthcare and Benevolent Fund

On 11th July 2024, the Uganda Law Society launched the ULS Healthcare and Benevolent Fund, a welfare initiative aimed at supporting its members.

The fund is an initiative that was conceived and shared by President Bernard Oundo under the Members First Agenda. It was an answer to the pain members experienced during the COVID-19 pandemic necessitating the need for a support system for members facing severe illness and high medical costs.

The goal of the fund is to offer support to ULS members during times of sickness and death specifically addressing the financial burden of medical care and supporting families when a member passes away.

The fund is currently led by an inaugural board comprised of lawyers, economists, a medical doctor, accountants, an insurance actuary, and other competencies all directed to ensuring efficiency and strategic direction of the Fund.

The board was sworn in by HW Ayebare Tumwebaze Ag. Registrar/Private Legal Secretary to the Chief Justice. The Board is chaired by Ms. Lydia Ochieng-Obbo and is comprised of other members that include Mr. Bernard Oundo SC, Mr. Munaabi Philip, Ms. Barbra Kitui, Dr. Elizabeth Ekochu Asege, Mr. Allan Lwetabe, and Ms. Mary Namale.

While speaking at the launch, President Oundo emphasized the importance of the Board and thanked them for serving the society selflessly while urging them to establish clear guidelines for managing the Fund. He handed over a cheque of UGX 402,300,000/= (Uganda Shillings Four Hundred Two Million Three Hundred Thousand) to the new Board as initial investment to commence their work.

These funds are member contributions collected since January 2024.

Each member currently contributes UGX 75,000 and the Society tops up with UGX 25,000 for each member. Following the launch, the President executed a Memorandum of Understanding with the Board Chairperson, detailing the relationship between the Board and the ULS.

Mr. John Bosco Rujagaata Suuza Director Legal Advisory Services, Ministry of Justice and Constitutional Affairs, representing the Learned Attorney General welcomed the new Fund and pledged his support.

The Board Chair, Ms. Lydia Ochieng Obbo expressed gratitude for the trust placed in her and the Board members, promising to grow the Fund through sound financial planning and wise investments. She acknowledged the guidance received from the Law Societies of Rwanda and Kenya where her committee benchmarked sound practices. She also pointed out that the fund would be based on principles of compassion, solidarity, and mutual aid.

We congratulate members for contributing to the fund, the newly appointed Board members and to the ULS council for spearheading this commendable initiative. We invite all members to consider joining the fund.



The ULS Council launching the ULS Healthcare and Benevolent Fund



The ULS Council, staff, invited guests and newly appointed ULS Healthcare and Benevolent Fund pose for a photo with a cheque of Ugx 402,300,000/=

HEALTH AND BENEVOLENT FUND

BOARD COMPOSITION



Lydia Ochieng-Obbo
Board Chairperson



Alan N. Lwetabe
Board Member



Namale Mary
Board Member



Phillip Munaabi
Board Member



Bernard Oundo
ULS Representative



Dr. Elizabeth Ekochu
Board Member



Barbara Kitui
Board Member



The newly appointed Board Chairperson Ms. Lydia Ocheing Obbo being sworn in by Private Legal Secretary to the Chief Justice, HW Ayebare Tumwebaze



Mr. John Bosco Rujagaata Suuza, Director Legal Advisory Services, Ministry of Justice and Constitutional Affairs (centre) giving his remarks alongside John Mary Mugisha SC (left), ULS Hon. Secretary Isaac Atukunda (right) and ULS President Bernard Oundo (far right)

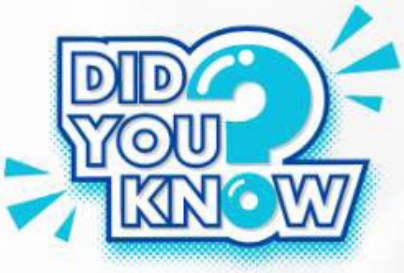


Group photo taken at the launch of the ULS Healthcare and Benevolent Fund



THE ULS HEALTHCARE & BENEVOLENT FUND

A Safety Net for the Legal Community.



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.

What Lawyers Said About the Launched ULS Benevolent Fund

Following the realization and launch of the fund, our team brings you reactions from members on this new initiative.



"The establishment of the ULS Healthcare and Benevolent Fund by the current leadership of the society must be commended by all members of the Law Society. In his manifesto President Oundo pledged to reform a moribund Benevolent Fund into a dynamic fund that addresses many of the challenges members face, emanating from bereavement, illness, and retirement".

I hope that the eminent and able leadership of the Benevolent Fund under the tutelage of Ms. Lydia Ochieng Obbo grasps this opportunity to grow the fund, invests wisely, and ensures utmost adherence to the precepts and regulations governing provident schemes. With strict adherence the society will be a great example to other professional bodies.

Senior Counsel Moses Adriko from MMAKS Advocates.



I commend the Uganda Law Society President Bernard Oundo for coming up with such a great idea whose core purpose is to support the ill and bereaved members. It is a brilliant idea which should be celebrated.

Counsel MacDosman Kabega from Tumusiime, Kabega & Co. Advocates



"This is a good initiative. I am a contributor and I hope the fund goes a long way in supporting the fraternity on an equal basis and where necessary, depending on the magnitude of the illness, exceptions can be met,"

Advocate Michael Aboneka from Thomas and Michael Advocates.



"I think it's a good move especially since many advocates die due to failure to pay for decent medical access."

Counsel Bruce Musinguzi from Kampala Associated Advocates (KAA).



"I congratulate and appreciate President Oundo and the ULS council and invite all members to contribute to the fund since we are beneficiaries in times of need. It's been long overdue as I have witnessed this arrangement in the Law Society of Kenya of which I have been a member since 2014. Ugandan lawyers should embrace the scheme and harness the benefits of a collective pool to help each one of us in times of need".

Counsel Tony Katungi.

"I thank the ULS Council for the idea to start The ULS Healthcare and Benevolent Fund which will go a long way to support our members in times of need. I thank our members for embracing the idea and contributing towards this cause. I invite you all to keep contributing so that the board can serve us as and when the need arises." **Ms. Mable Nimwesiga, the Acting CEO, of the Uganda Law Society**


UGANDA LAW SOCIETY
ALC
ANNUAL LAW CONFERENCE
10 CLE Points
29 - 30 AUGUST
MUNYONYO COMMONWEALTH RESORT
Theme:
Legal Practice in a Changing Society: Addressing Emerging Challenges and Opportunities
Attendance Fees
Physical Attendance 500,000/-
Young Lawyers (Below 5 years in practice) 300,000/-
Online Attendance 200,000/-
To participate, contact Members' Affairs 0783809766 | 0706317017

Launch of the Rule of Law 2nd Quarter Report

The report highlights some positive developments captured during the quarter, breaches and violations of the rule of law, and offers recommendations to various stakeholders on how to address the breaches. The report also includes a matrix on some of the action taken regarding the recommendations from the previous report.

On Friday, 19th July 2024, ULS launched its 29th Quarterly Rule of Law report. The Quarterly reports are prepared and published under our third objective which is the enhancement of the promotion of the rule of law, human rights, and good governance across the nation.







The launch of the 2nd Quarterly Rule of Law report in pictures



The Uganda Law Society President Bernard Oundo joined by key stakeholders for a group photo after the launch.



ULS President, Bernard Oundo and the UPDF Defence Public Information Officer, Brigadier General Felix Kulayigye interacting during the event.

The ULS President Bernard Oundo welcomed and thanked all the stakeholders for their role in upholding the Rule of Law. He highlighted the critical role the Rule of Law reports play in fostering accountability and transparency within the legal system. He emphasized the Uganda Law Society's unwavering commitment to upholding the rule of law and protecting human rights, adding that these reports serve as a vital tool for assessing progress and identifying areas that need improvement. He also added that the society's efforts have significantly contributed to the promotion of good governance and the protection of human rights in Uganda.

"We firmly believe that the rule of law stands as the basis of any democratic and peaceful society. It is with this background that the Uganda Law Society undertakes various initiatives to promote the rule of law, including the publication of quarterly reports," he stated.



ULS President, Bernard Oundo delivering his remarks at the launch.

The Solicitor General, who represented the Attorney General, resounded the government's role in upholding the Rule of Law. He acknowledged that while there are areas that need improvement, collective efforts are directed towards creating a legal environment where justice prevails and human rights are respected. He mentioned that addressing the challenges in the report is a priority to government. He then proceeded to respond to the various challenges highlighted that included breach of human rights and issues of corruption. The government is working diligently to ensure that transparency, accountability, and due process are upheld by all state organs, and action has already been taken against corruption and human rights violations. The government pledges to continue ensuring that human rights are respected by all.



Key stakeholders at the launch

The key highlights from the report are as follows; -

ACHIEVEMENTS

Some of the notable achievements documented in the report include;

1. The commissioning of the new Supreme Court and Court of Appeal buildings.
2. The inaugural open court day organized by the Judiciary.
3. Passing of the Magisterial Areas Instrument No.11 of 2024.
4. Enactment of new legislation including the Veterinary Practitioners Act, Animal Feeds Act, 2023, National Records and Amendment Act, 2024, Appropriation Act.
5. Resumption of handling of complaints by the Uganda Human Rights Commission.

BREACHES OF THE RULE OF LAW IN THE QUARTER

Through the report, ULS also noted several other rule of law breaches during the quarter to wit;

1. Increased allegations of corruption in the government institutions especially the Parliament of Uganda;
2. Violations of the right to life such as the Kyebando murder incident which is still under investigation;
3. The abduction of Member of Parliament Busiki County Hon. Paul Akamba after release on bail;
4. The brutal attack and assault of journalists in the course of their duty and generally violation of the right to press;
5. Alarming incidents of thefts and assaults by organized criminals around Kampala city;
6. Threat to academic freedoms;
7. Delay in the hearing and determination of complaints by the Uganda Human Rights Commission in a manner that faults rules of fair hearing;
8. Increase in sexual and gender-based violence;
9. NEMA evictions in Lubigi and other areas;
10. Interference with the independence of the Judiciary for example; Presidential remarks on denial of bail to corruption suspects, Presidential directives on the sale of Pearl of Africa Hotel;
11. Continued abuse of power by Resident District Commissioners (RDCs);
12. Continued prosecutions under the Computer Misuse ActCap 96.
    Notable cases reported include Mr. Mubiru Ayub, convicted of cyber harassment and hate speech;
    - Mr. Habib Buwembo, charged with Malicious Information;
    - Tik Toker Edward Awebwa, who has recently been sentenced to serve six years in prison over similar charges, and Mr. Anderson Burora, charged with malicious information and hate speech;
13. Violation of the right to freedom of assembly (right to peaceful protest) for example with the arrest of Fatuma Nansubuga, a resident of Kalerwe Market, Kawempe Division who was staging a lone protest outside the Parliament of Uganda.

ULS Defends the Rights of the Arrested Demonstrators: Our Story in Pictures

Following, the recent mass arrests and detention of persons who participated in the peaceful demonstrations against the rampant corruption in Uganda, in line with its statutory duty to promote human rights, uphold the rule of law, and access to justice in Uganda, ULS has since come out to defend the rights of all Ugandans including arrested persons.

ULS has maintained that the Constitution of the Republic of Uganda, 1995 (as amended) under Article 29(1) (a) and (d), guarantees every person the right to freedom of assembly and to demonstrate together with others peacefully and unarmed.

ULS has also emphasized that when effecting an arrest, the police are mandated to use reasonable force and act on reasonable suspicion of one having committed an offense.

The Constitution under Article 23 (3) requires that a person arrested, restricted, or detained shall be informed immediately, in a language that the person understands, of the reasons for the arrest, restriction, or detention and of his or her right to a lawyer of his or her choice.

Under Article 23 (5) of the Constitution, it is also clearly provided that where a person is restricted or detained; the next-of-kin of that person shall, at the request of that person, be informed as soon as practicable of the restriction or detention;the next-of-kin, lawyer and personal doctor of that person shall be allowed reasonable access to that person; and that person shall be allowed access to medical treatment including, at the request and at the cost of that person, access to private medical treatment.

ULS further reminds the Uganda Police Force of the obligation created by Article 23 (4) of the Constitution of the Republic of Uganda that a person arrested or detained shall, if not earlier released, be brought to court as soon as possible but in any case, not later than forty-eight hours from the time of his or her arrest.

This position was reaffirmed in Miscellaneous Cause 102 of 2021; Sserunkuma and Another Vs Attorney General, where the Court stated that;

'It is not correct to routinely arrest suspects before conduct of investigations; secondly, where the circumstances warrant immediate arrest of a suspect, there is no rule of thumb or practice that requires that before producing a person in court, investigations must be complete – a person may be charged and produced in court on basis of prima facie evidence of commission of an offence; thirdly, where both positions above cannot be attained, the police has an option of releasing the person on bond.'

While ULS acknowledges that these rights and freedoms are not absolute and may be subject to restrictions, the arrest and detention of protesters by the Uganda Police Force are inconsistent with the provisions of Article 28 (3) which provides that everyone is presumed innocent until proven guilty or until that person pleads guilty.

The ULS President Oundo appeared on various media to condemn the manner in which the arrests were conducted and he confirmed that the protestors are within their rights. The President informed the public that our Legal Aid team and members would come out to offer Probono services to ensure justice is served.



President Bernard Oundo was also able to interact with five detained suspected protestors at Jinja Road Police Station (refer to photos). The President shared with the suspects that they have access to legal aid services from the Society. Our teams were available to offer legal aid services. The President further led more lawyers to the Central Police Station in Kampala.





President Bernard Oundo led a team of lawyers to provide legal services to the suspects detained at Kampala Central Police Station but was blocked by the police.





ULS Legal Aid and Pro-bono team in court representing some of the suspected protesters in court.

Uganda Law Society also led the defence team of the embattled former Rubaga Division RCC, Anderson Burora and he was granted bail on July 25, 2024.



ULS President leading Anderson Burora's legal team



The Honorary Secretary Mr. Isaac Atukunda led another team of lawyers to check on detainees at Kira Division Police Station.



Legal Aid Team led by the ULS Hon. Secretary Isaac Atukunda and the Manager Legal Aid, Sheila Turyasingura were blocked from accessing the over 15 people who were arrested and detained at Kampala CPS on July 25.







The ULS Legal Aid team during the hearing of the charges against the peaceful protesters that were arrested on July 25. Looking on: L-R: Our Legal Aid Officer, Obadia Kamukama, Clerk to the CEO, Enock Kizito (Second from left and Manager Legal Aid, Sheila Turyasingura (Right).



Our Legal Aid Team led by Counsel Mariam Kyakuwa and the defense of Opio Jared, Tumwebaze Charles, and Nana Namanya Annet Mwafrika, the three of the peaceful protesters who were arrested on July 25.

They were arraigned in court at 5:12 PM at Buganda Road Chief Magistrates Court, charged with Public Nuisance, and remanded to Luzira prison until August 1, 2024, for bail application.



ULS Legal Aid team, consisting of Manager Legal Aid, Sheila Turyasingura, and Counsel Obadia Kamukama, in collaboration with the Human Rights Protection and Awareness Foundation (HPRAF), successfully secured bond for one of the peaceful protesters, Keza Mbabazi at Buganda Road Chief Magistrates Court.

While ULS acknowledges that these rights and freedoms are not absolute and may be subject to restrictions, the arrest and detention of protesters by the Uganda Police Force are inconsistent with the provisions of Article 28 (3) which provides that everyone is presumed innocent until proven guilty or until that person pleads guilty.

ULS remains steadfast in its commitment to promoting the rule of law, human rights, and good governance in Uganda.

ULS Engages Deputy Chief Justice on the Case Management Week

Hon. Secretary Mr. Isaac Atukunda representing the President Mr. Bernard Oundo led a delegation of ULS executive and senior members of the Bar for an engagement with the Judiciary.

At the invitation of the Deputy Chief Justice (DCJ), HL Justice Richard Butera, the team engaged on issues regarding mediation in preparation of the upcoming Case Settlement Week. The DCJ appreciated the ULS participation and assured the team of the preparation by the Bench for the fruitful sessions including measures to ensure transparency of mediators and participation of all stakeholders.

ULS raised a number of concerns including exclusion of lawyers from such processes, legal costs in mediated cases, venue of mediation sessions and quality assurance. The Deputy Chief Justice pledged to consider the Society's recommendations and to collaborate with ULS on trainings in ADR. He also called upon advocates to embrace mediation, participate and encourage their clients to consider mediation.



The Deputy Chief Justice engages ULS Council and Executive



The Hon. Secretary ULS Isaac Atukunda at the meeting



Meeting ongoing

ULS Appears for Computer Misuse Petition Conferencing

On the 30th of July 2024, ULS and the Attorney General appeared for conferencing of Constitutional Petition 42 of 2022 and Application sixteen of 2022.

ULS was represented by Mr. Bernard Oundo (ULS President), Matsiko Godwin Muhwezi, ULS Head of Litigation and Rule of law; and members of the Strategic Litigation and Rule of Law Cluster; Mugalula Patrick and Edwin Mugumya. ULS is challenging the constitutionality of Sections 12(1), 12(3), 23(a), 26(a) (b)(c)(d) of the Computer Misuse Amendment Act and Section 179 of Penal Code Act. HW Bucyana gave further directions as below:

(i) The AG undertook to respond by 15th August 2024.

(ii) ULS will rejoin (if necessary) by 23rd August 2024.

(iii) The matter was scheduled for further inter-parties conferencing on 10th September 2024 at 11:00 AM



ULS President Bernard Oundo (extreme right) and other lawyers at the court.





Session in progress

Launch of the East Africa Law Students Association

On 26th July 2024, the East Africa Law Students Association was launched at the Fairway Hotel, Kampala.

The event was attended by students from over fourteen law schools from across the East African region including participants from the Catholic University of East Africa and University of Nairobi (Kenya).

The event was held under the theme;

"The Role of Law Students in Promoting the Objectives of the East African Community and Shaping the Future of the Legal Profession in the Region."



ULS President, Bernard Oundo during a photo moment with the Dean of Kampala International University (KIU), the Representative of the Dean, Nkumba University, the President of LSAEA, and students from the Catholic University of East Africa and University of Nairobi.



Photo of a select group of students' leaders and guests at cake cutting ceremony during the launch

During his remarks the ULS President, Bernard Oundo who was the Chief Guest extended gratitude to the students, lecturers and key stakeholders for attending the event. He further stated that the launch marked a significant milestone in the collective mission to promote excellence in legal education, facilitate networking, and foster professional development among law students in the region and growth of cross-border legal practice. The association provides an opportunity for unity through which the students can leverage on their collective strength to make significant impact in the legal field and beyond.



ULS President, Bernard Oundo delivering his remarks to the students during the launch

The President encouraged the students to collaborate as a key to success. As Henry Ford famously noted, **"Coming together is a beginning; keeping together is progress; working together is success."** Through collaboration, they can achieve more, learn from each other, and create a robust network of future legal professionals. He also emphasized that striving for excellence in legal education and practice should be at the core of the association and that the ultimate goal should be to make a positive impact on our communities and the legal profession.

He concluded his remarks by urging the members present and online to spread the word about the association to their counties. He mentioned that he will be glad to look back and celebrate the remarkable achievements that the association would have accomplished as a regional student's association.



Group photo of the participants after the event

Third Edition of the Legal Tech Expo

On July 26, 2024, Uganda Law Society, in partnership with the Innovation Village, hosted the 3rd Edition of the Legal Tech Expo under the theme **"Breaking Barriers to Digitalization of the Legal Industry."** The event was inaugurated by Ms. Hellen Mukasa, who extended a warm welcome to attendees and expressed gratitude for their participation. She emphasized the Expo's primary objective which was to showcase a variety of innovative solutions aimed at modernizing legal practices.



A group photo of the speakers at the expo

During the opening remarks, the Honorary Secretary of the Uganda Law Society, representing the Society's President, acknowledged the significant barriers to digital transformation within the legal sector, including inadequate infrastructure, a gap in knowledge and tech skills, and the high cost of digitization. He reaffirmed the Uganda Law Society's commitment to supporting its members in overcoming these challenges, particularly through the recently signed MOU with Innovation Village. This agreement aims at promoting the digital transformation of the legal industry through innovation.



ULS Honorary Secretary, Isaac Atukunda delivering remarks at the event.

The keynote address was delivered by Ms. Rachel Odoi Musoke, the Technical Advisor for the Governance and Security Program. Ms. Musoke highlighted the hesitation many lawyers have towards technology, which she attributed to traditional training that emphasizes paper-based practices. She underscored the critical need for lawyers to embrace technology to address issues such as access to justice, emerging digital crimes, corruption, and the overall need for automation and digitalization. She urged lawyers to move beyond traditional paper-based practices and face-to-face interactions with clients.

In a panel discussion moderated by Ms. Shadiya Uzama, Senior Associate at TASLAF Advocates, various speakers shared insights on technological advancements and their impact on the legal sector:

Ms. Julian Rweju from NITA outlined several government initiatives, including the National Data Transmission Backbone Infrastructure, the National Data Centre, and the introduction of Digital Signatures/e-signatures. She emphasized the government's commitment to investing in technology and making emerging technologies accessible to the public.

Mr. David Sunday Kikabi, ICT Manager at the Judiciary, stressed the necessity for lawyers to adopt technological tools to overcome barriers to tech. He expressed his vision of transforming the perception of the Judiciary from a mere building or courtroom to a service-oriented entity. He believes that Tech Lab initiatives will facilitate this new perspective.

Ms. Racheal Kugonza Kasirye, Vice Chairperson of the Uganda Law Society ICT Cluster, highlighted the Society's efforts to integrate technology into its services. These include online member registration through the ULS Membership Portal, hybrid and virtual training sessions, QR code-based attendance tracking, and collaboration with the Innovation Village for Tech Expos. The ICT Cluster also provides ongoing training to enhance lawyers' tech skills.

Mr. James Byarugaba, Managing Director of Roke Cloud, Roke Telkom, discussed the broad range of services offered by Roke Telkom, such as internet solutions, connectivity, information archiving, disaster recovery, cyber security, analytics for case management and due diligence, and collaborative tools.



A photo of some of the participants at the expo during the event

The event highlighted a collective commitment to advancing legal practices through technology and provided valuable insights into overcoming digital barriers in the legal sector.

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

CLE CALENDAR

AUGUST 2024

NO	EVENT	THEME	DATE
1	Young Lawyers Mentorship Series	Young Lawyers conversations with BarnabasTumusingize Free: upon selection (Limited slots Available)	1st August
2	Practice Management and Effective Law Firm Management 10 CLE Hours	Building a successful law firm. Fee: Physical attendance UGX 400,000 Young Lawyers 350,000. Virtual: Young Lawyers 140,000, Others 200,000	15th - 16th August
3	Climate Justice Training for Emerging Legal Advocates - In Partnership With Greenwatch International	Young Lawyers conversations with BarnabasTumusingize Free: upon selection (Limited slots Available)	15th August
4	Litigation Baraza in Partnership with Afya na Haki Institute 5 CLE hours	Theme: Re-Imagining a Regional Africentric Approach to Litigating Reproductive Justice through south-south knowledge Exchange Virtual: Young Lawyers Ugx. 100,000 Others: Ugx. 70,000	15th - 16th August
5	Annual Law Conference 10 CLE Hours	Theme; Legal Practice in a Changing Society; Addressing Emerging Challenges and Opportunities FEES: TBC	29th - 30th August

Professional Development and Members Affairs



Intellectual Property (IP) Symposium

The Intellectual Property symposium was held on 10th July 2024 addressing the topic: Crucial Strategies for IP Practice in Uganda: Exploring User- Related Issues.

Hon. Lady Justice Susan Abinyo made a presentation on "Intellectual Property Enforcement: Understanding the Parameters in Evaluating Damages". She defined IP as the legal rights which result from various intellectual activity in the industrial, scientific, literary and artistic fields. IP includes rights relating to;

- Trademarks, service marks, commercial names, and designations.
- Invention in all fields of human endeavor (Patents).
- Industrial designs.
- Scientific discoveries.
- Literary, artistic and scientific works (copyright).
- Geographical indications.
- Protection against unfair competition.

Dr. Anthony Kakooza, Partner & Head IP Dept – Byenkya, Kihika & Co. Advocates led a discussion on **"Trademark Enforcement in the Era of E-Commerce: Re-Analyzing the Territoriality Principle".**

He discussed that the IP territoriality concept had its origin in the Paris Convention for the Protection of Industry Property which has three basic principles; national treatment, the right to priority and the principle of territoriality. He noted that the Principle of Territoriality means that an intellectual property right granted in one country does not apply to another. Such IP rights do not go beyond the borders of the country in which they have been registered. The only exception is well-known rights which are recognized in the countries where such rights have not been registered (Sec. 47, Trademarks Act). However, with e-commerce, this creates a platform for the use of trademarks in a cross-border online environment – hence challenges.

Mr. Silver Kayondo, Partner Ortus Advocates discussed **Green IP: Commercial Considerations for Environment Social and Governance (ESG) in IP Practice in Uganda.** He defined Green IP as intellectual property (IP) rights associated with and to protect environmentally friendly technologies and innovations (green technology). This includes patents for renewable energy solutions, copyrights for sustainable product designs, and trademarks for eco-friendly products. He further discussed the role of Green IP in ESG;

- By strategically leveraging IPs, organizations can differentiate themselves in the marketplace, reinforcing their commitment to sustainability and responsible business practices.
- Uganda, like many developing nations, is addressing environmental issues like deforestation, pollution, and climate change by recognizing the significance of green IP in promoting innovation and technology transfer for sustainable development.
- Facilitates access to alternative finance for example climate finance, ESG capital, blended/impact finance and many others.
- Green IP offers legal protection for environmental conservation innovations. This encourages investment in sustainable technologies like biofuels, solar energy, and eco-friendly agricultural practices, promoting innovation and sustainability.
- Green IP facilitates technology transfer and collaboration between local and international organizations.
- Green IP also supports the development of sustainable industries in Uganda



Ms. Mercy Kainobwisho, Registrar General Uganda Registration Services Bureau (URSB)

Insurance Law Training

On July 4, 2024, the Uganda Law Society, in collaboration with the Insurance Training College (ITC), organized an insurance law training session. This event aimed to discuss recent developments in the insurance sector, focusing on life insurance, market dynamics, insurance policy contracting, and interpretation.

During his presentation on life insurance, Zephaniah Dube quoted Pat Moran, stating, **"For most people, getting life insurance is analogous to visiting the dentist for a root canal. A necessary evil. You are supposed to pay for it, but you would rather do something else with your money."** Dube explained that life insurance is a contract between an insurance policy holder and an insurance company, where the insurer promises to pay a sum of money in exchange for a premium, either upon the death of the insured person or after a specified period.

Dube addressed common misconceptions about life insurance. He noted that many people believe life insurance is solely about death, unnecessary, too expensive, and lacking in value while they are alive. However, he emphasized that life insurance is indeed about both life and death, is relevant to various life stages, and is more affordable than many assume.
He outlined the insurance needs and solutions for different age groups:

- **Young and Single (25-30):** Needs include saving for wealth creation, paying down mortgages, purchasing motor vehicles, and saving for marriage. Relevant insurance products are total permanent disability, health insurance, critical illness coverage, and unit trust investments.

- **Married with/without Children (30-65):** Needs encompass income protection, children's education, house mortgages, building financial security, and retirement planning. Suitable insurance products include total permanent disability, health insurance, critical illness coverage, unit trust investments, and endowment policies.

- **Professionals (30-65):** Specific needs include income protection, children's education, house mortgages, building finances, retirement planning, and business continuity.

On key insurance technical aspects, Dube stressed the importance of paying premiums through direct debit (bank), understanding policy terms before completing forms, reporting suspicious behavior, and only filing valid claims.

Enock Mudadi, in his presentation on Insurance Principles and Market Dynamics, highlighted the mandate of Section 9(3) of the Insurance Act, 2017, which requires that all local risks and persons, including imports, be insured by companies licensed in Uganda.

The Uganda Insurance Market's penetration is currently very low, at 0.885% according to the Insurance Industry Market Report 2022, compared to Kenya's 2.22% as of the same year. Insurance density in Uganda stands under USHS30,000 per capita as of 2022. With a population nearing 50 million and the insurance industry approaching USHS1.6 trillion, the density is expected to rise to about USHS32,000 per capita.

Despite the low penetration, the insurance market is becoming more attractive, with well-known brands like Old Mutual, Allianz, and Prudential entering the market. The regulator is focusing on good governance, inclusivity, and skills to enhance the sector.

Insurance principles serve as guiding beacons for making insurance decisions, based on precedents from past cases. In some jurisdictions, these principles have

been codified into law, such as the Marine Act 1906 (UK), the Marine Act 2002 (UG), and the Insurance Act 2015 (UK). These principles include utmost good faith, insurable interest, proximate cause, indemnity, contribution, subrogation, and loss minimization.

On the other hand, Kwikiriza Benson in his presentation on policy contracting, interpretation, and dispute resolution stated that man has always been exposed to risk from time immemorial and that is why insurance exists in this era.

He further emphasized that understanding the dynamics and interpretation of insurance contracts is crucial for both parties to ensure clarity, compliance, and fair treatment in the event of a claim. Key considerations include carefully reviewing the policy provisions, especially the coverage provided, exclusions, conditions, limits, and other important details. It is important to mind the language and technical terms used in insurance contracts, as they can be complex. For example, terms like cooling off, excesses and deductibles, and sum insured are significant. A claim excess is the first amount of every claim for which the insured is responsible and is not covered by the policy, while a deductible typically refers to a very large excess. Interpretation should be done on a case-by-case basis, with reliance on related insurance documents. Courts may rely on the contra proferentem rule and the reasonable expectations doctrine in the interpretation of policies.

Regional CLE Trainings - Jinja

On 11th July, ULS held a training for advocates in the Eastern Region at Source of the Nile Hotel Jinja addressing the topic:

Navigating The Legal Landscape: Ownership, Accuracy and Diligence in Property Transactions.

The training was convened by ULS Vice President Mr. Martin Asingwire and moderated by the ULS Council Representative Eastern Region, Mr. Obedo Deo Gracious.

Counsel James Nangwala made a presentation on; 'Navigating Legal Landscapes: What a lawyer must do ahead of every Land Transaction'. He started off with the case of Namayega Barbara v Etot Denis and 2 others (HCCS No. 939 of 2019) where Justice Stephen Mubiru held that Advocate-Client relationship is formed once an advocate agrees to act for someone seeking legal assistance. He noted that transactional advocates must conduct deeper due diligence ensuring that the client is real, the transaction is real, and the money changing hands is real and that there is no assistance in conduct which is criminal. He urged Advocates not to handle transactions where the client is an impostor.

ULS House in Pictures



The Exterior View



Side View: Exterior



Interior works ongoing



More Interior Works



Rule of Law Department

Career's Day at Gayaza Higi School

On the 20th day of July 2024, Uganda Law Society attended a Career Guidance Session at Gayaza High School. This event, which drew considerable attention from students and educators alike, was centered around the focal theme of

"Charting Your Career Path Amidst Modern Technological Advancements."

The session aimed at providing students with valuable insights and guidance as they navigate their future career choices in an ever-evolving technological landscape.



Gayaza Girls consulting with the ULS Team at the Careers Day

Gaudius Turyasingura (Advocate), in his remarks, examined the numerous career options, and opportunities available to aspiring lawyers, highlighting how the legal profession is adapting to and thriving amidst modern technological advancements. He emphasized the importance of embracing technology in the legal field, explaining how innovations such as artificial intelligence, digital forensics, and online legal resources are transforming traditional legal practices.



Turyasingura also discussed the expanding roles and specializations within the legal profession, encouraging students to explore diverse areas such as cyber law, investment law, airspace law, sports law, intellectual property, and environmental law. He underscored the significance of continuous learning and adaptability, urging students to stay informed about technological trends and to acquire new skills that would keep them competitive in the job market.

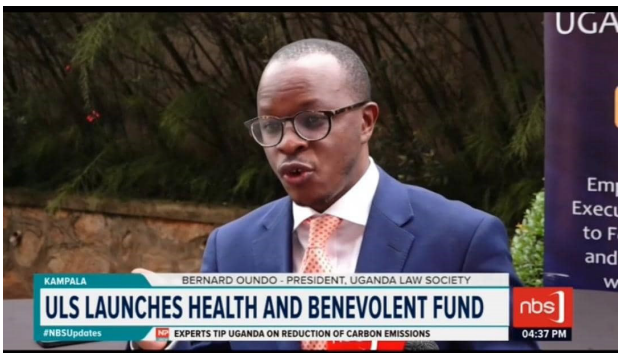
The Career Guidance Session proved to be an enlightening and inspiring experience for the students. ULS's participation demonstrated its commitment to nurturing the next generation of legal professionals and ensuring that they are well-prepared to meet the challenges and opportunities presented by modern technology. The event not only provided students with a clearer understanding of their potential career paths but also motivated them to pursue their ambitions with confidence and determination.

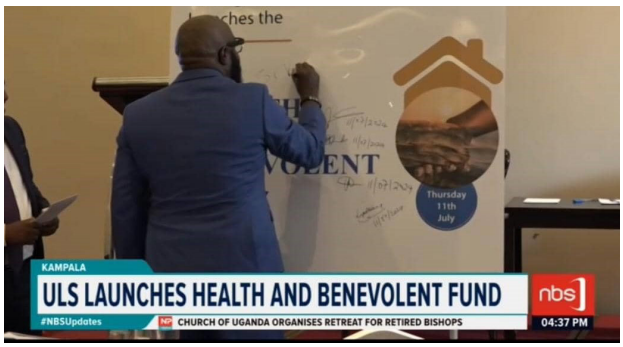
ULS in the Media – July 2024

1. Publications on the ULS Healthcare and Benevolent Fund



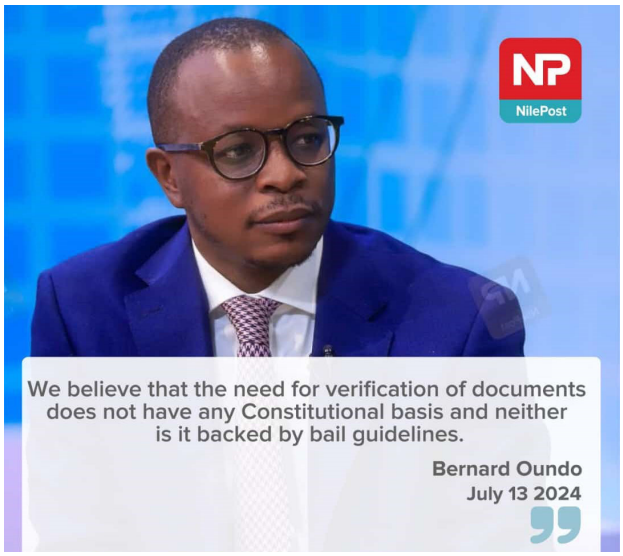








2. Uganda Law Society defended the incarcerated on charges of contravening the Computer Misuse Act.











3. President Oundo shares his Legal Opinion on the Substantiality of Evidence to Nullify a Presidential Election





4. The Launch of the Second Quarterly Rule of Law Report for April – June





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Human rights and academic freedom under threat in Uganda, report finds

The Independent July 20, 2024 NEWS
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President Uganda Law Society Bernard Oundo together with UPDF Spokesperson Brig Felix Kulaigye at the Launch of State of Rule of Law Report in Uganda. PHOTO URN

5. Uganda Law Society was hosted on 106.1 FM Next Radio for a Talk Show on Freedom of Assembly











Judiciary News

Ugandan Judge Gaswaga elected to the African Court



Justice Duncan Gaswaga was elected to the African Court on Human and Peoples' Rights for the next six years. He was elected by the Executive Council of the African Union on July 19, 2024.

Justice Gaswaga replaces Justice Ben Kioko from Kenya, who retired after serving two terms of six (6) years each (2012-2018 and 2018-2024).

Others elected but for a second six-year term are Hon Justice Blaise Tchikaya (Congo), and Hon Justice Stella Anukam (Nigeria). The two distinguished justices were both initially elected judges of the African Court on Human & People's Rights in July 2018 for a term of six (6) years. Hon Justice Anukam is the former Director of the International and Comparative Law Department in the Federal Ministry of Justice in Nigeria, while Hon Justice Tchikaya is a Professor and Senior Lecturer in international public law, international litigation procedures, and human rights in the Inter-American system and African Union laws in various European, Caribbean and African Universities.
The African Court on Human and People Rights is composed of eleven judges, nationals of member states of the African Union elected in their capacity.

The Court officially started its operations in Addis Ababa, Ethiopia in November 2006. In August 2007 it moved to its seat in Arusha, the United Republic of Tanzania.

Who is Justice Duncan Gaswaga?

Before his appointment, Justice Duncan Gaswaga was the resident Judge of the Lira High Court Circuit.
On August 5, 2016, he was appointed the chairperson of the Anti-Corruption Commission in Seychelles where he had initially served its Judiciary first as a magistrate and later as a Supreme Court Judge, between 2002 and 2013.

President James Michel announced the decision to create an Anti-Corruption Commission in his State of the Nation Address in February 2016. He declared that the Commission would have the powers to investigate, detect, and prevent practices linked to corruption.

He further said the Commission would also receive complaints against corruption and record investigations into allegations of practices linked to corruption in government departments and institutions that receive funding and donations from the Government.

In 2006, Justice Gaswaga, then a magistrate, was appointed as a Judge of the Supreme Court of Seychelles.

In 2013, he was appointed Judge of the High Court having joined the Judiciary in 1999 as a Magistrate Grade I. Before that, he was in private practice as an advocate in Kampala. After the revival of the East African Community, he was elected as the first General Secretary of the East African Magistrates and Judges Association for Kenyan, Tanzanian, and Ugandan Judges.

He was also on the four-judge panel that heard the protracted case against Thomas Kwoyelo, one of Joseph Kony's top commanders.

The 53-year-old holds a Bachelor of Laws degree from Dar es Salaam University and a number of certificates and diplomas in law from other universities in Uganda, Denmark and South Africa.



Own Your Wealth Story



It's been said that doing well with money isn't necessarily about what we know but about how we behave. If you are reading this you must know many investors locally and globally who have been able to make money because they are willing to learn, unlearn, and relearn.

Wealth creation isn't an accidental occurrence but one that calls for intentionality. Imagine spending some hours with an award-winning bestselling author whose book has been translated into fifty-three languages and who has spent many years of his career writing for the Wall Street Journal. I invite you to consider learning from Morgan Housel, an expert at behavioral finance and investing history. Morgan is also an award-winning journalist who also speaks about the importance of financial independence.

I strongly recommend that we all read Morgan Housel's book **"The Psychology of Money."** Through this book, I learned that the way we behave with our money is a result of what we know and how we respond despite our passions, fears, dreams, and the lessons life has taught us. Morgan shares many stories which we all can learn from but for this particular article allow me to share one that took me to a beautiful spot I will call my bliss station.

This is a space that allows my curiosity to come alive and gives me many options to come up with goals that drive my desire to work harder. Join me this morning or afternoon, depending on what time you are reading this, and let's imagine a cleaner or janitor who lives up to age 92. When he dies, it is written he leaves over 8 million dollars to a hospital and library.

Reflect with me for a moment; Do you know your net worth?

Since the audience of this newsletter is made up of advocates, Is it okay for me to ask; Do you have a will with clarity of who benefits from your wealth? My list of questions can grow longer but for today, I will drop the questions and continue with the story telling.

Our 92 year old janitor in the story is compared to another character whom I would like you to read about, he had better pay and packages from his work however his end isn't as desirable as we would expect.

Recently I attended a funeral service of a man I hold so dear. During the service, speaker after speaker spoke highly about him but what stood out was the fact that during his lifetime which took him to many countries to work he had built a hospital, police station, and a school among many other projects for his village community. This gentleman was not looking for political fame but had a heart for his people. Imagine the change these amenities made and are still making in the community. If God allowed you to live as old as the janitor lived, What would your legacy be? Would you have the discipline to have enough for your family plus money to give away to causes that matter?

Another story that changed my financial thought process was **"The Man in the Car Paradox"** story and I quote **"The best part of being a valet is getting to drive some of the coolest cars to ever touch pavement. Guests came in driving Ferraris, Lamborghinis, Rolls-Royces — the whole aristocratic fleet."**

I will allow you time to imagine working as a valet for a day and also imagine your dream car as an advocate, owner of the best law firm in Uganda, or whatever the top of your legal career looks like. When you think about yourself in the car of your dreams, What do you think is going through your mind; Think about this;

You're smart;

You're rich;

You have taste;

You're important;

Look at me.

Do you ever think about the driver of the car, or imagine what people would say if you were the driver of the car?

According to Morgan, People tend to want wealth to signal to others that they should be liked and admired. But in reality, those other people often bypass admiring you, not because they don't think wealth is admirable, but because they use your wealth as a benchmark for their own desire to be liked and admired."

Today's write-up leaves us something to think about; If we all had a chance to live up to 90; What does our Wealth creation or wealth management story look like? Imagine you were featured in a leading daily what would the headline be? Secondly, as we strive to create that beautiful legacy, what will we focus on? How about what we own or the symbols of our wealth which may include our cars or even properties, What value do we attach to them?

As we represent different clients, we participate in not only enabling their wealth creation story but also our own story. As you support your client build and grow their financial portfolio, how does your story look like?
How about gaining control over our time and life and attaining financial freedom by spending more time with Morgan Housel? I know you will find it rewarding especially if these lessons are mapped against the Ugandan case studies.

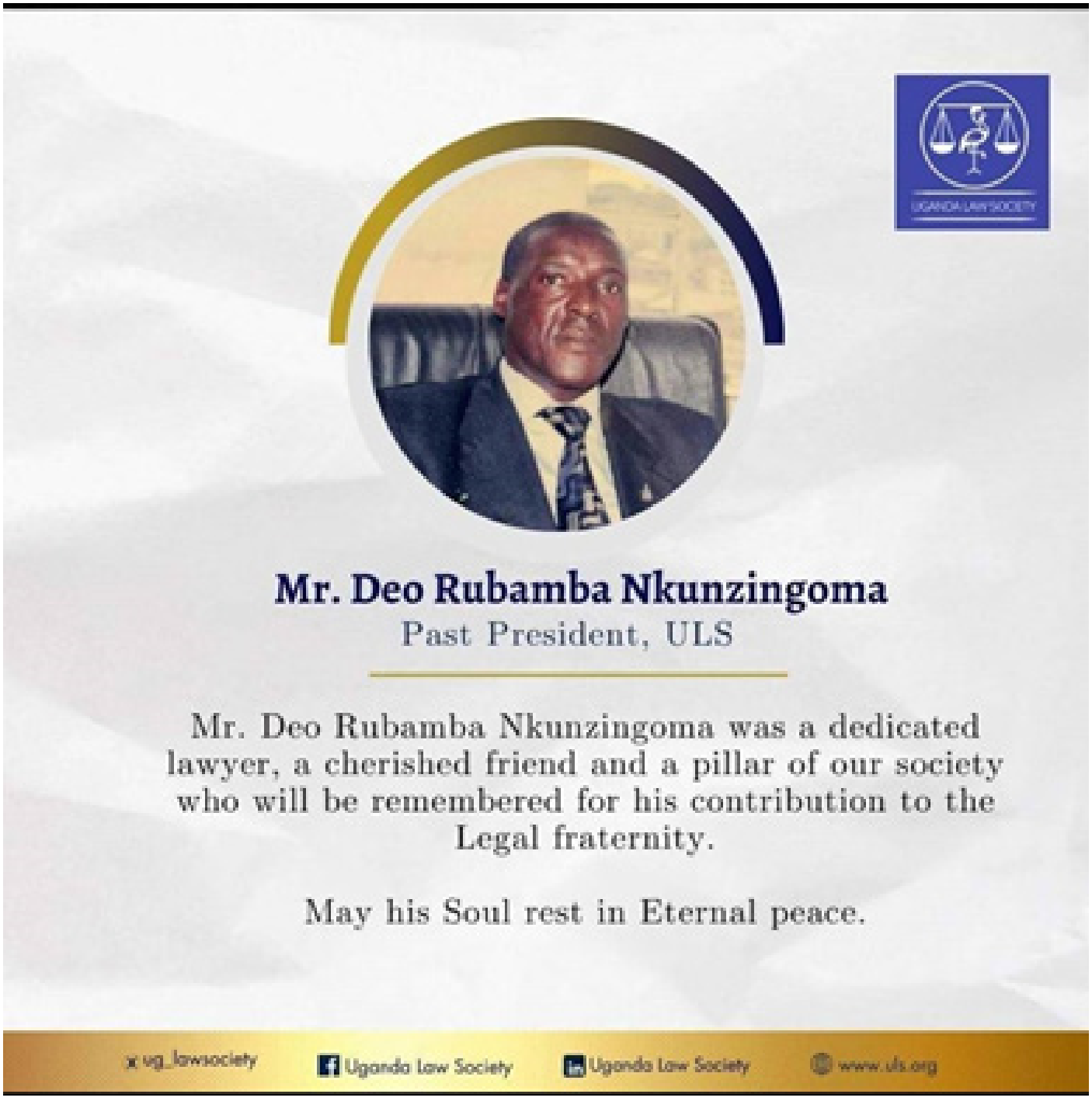
Let me know how it goes.



Charity Mbabazi Byarugaba

Director of Pillars in the Palace
A home of Personal and Corporate Brands


Obituary


Mr. Deo Rubamba Nkunzingoma
Past President, ULS
Mr. Deo Rubamba Nkunzingoma was a dedicated lawyer, a cherished friend and a pillar of our society who will be remembered for his contribution to the Legal fraternity.
May his Soul rest in Eternal peace.
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UGANDA LAW SOCIETY

Members First Newsletter

JULY 2024 | ISSUE 21

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

uls@uls.or.ug

+256-414-342424

