UGANDA LAW SOCIETY

EXECUTIVE ORDER RNB NO 1 OF 2024

EXPULSION OF THE ATTORNEY GENERAL AND SOLICITOR GENERAL AND THEIR REPRESENTATIVES FROM THE UGANDA LAW SOCIETY COUNCIL

PREAMBLE:

WHEREAS, the Uganda Law Society (ULS), as the guardian of the legal profession and a champion of the rule of law, holds sacred the principles of justice, fairness, and accountability;

WHEREAS, the ULS recognizes that the rule of law is the bedrock of a functioning democracy and a just society, ensuring that no person is above the law and that all individuals are entitled to equal protection and equal access to justice;

WHEREAS, the ULS is deeply concerned by the recent deterioration of the justice system in Uganda, marked by a growing disregard for the rule of law, rampant impunity, and an erosion of public trust in the integrity of the legal profession;

WHEREAS, the ULS has a duty to act decisively to safeguard the independence of the legal profession and to restore public confidence in the justice system;

WHEREAS, the ULS has long recognized the inherent conflict of interest and the detrimental impact of the Attorney General and Solicitor General holding ex officio positions on the ULS Council, as highlighted in the Prof Ssempebwa ULS Report (2012), and the recent campaign for the leadership of the ULS;

NOW, THEREFORE, the ULS through its newly elected Council, in the exercise of its constitutional and statutory mandate and in unwavering commitment to the rule of law, issues this Executive Order as a bold and necessary step to restore public faith in the legal profession and to protect the independence of the Uganda Law Society.

REASONS:

1. SAFEGUARDING THE INDEPENDENCE OF THE LEGAL PROFESSION

The Attorney General (AG) and Solicitor General's ex officio positions on the ULS Council are a colonial hangover, incompatible with the Radical New Bar's autonomy. The Prof Ssempebwa ULS Report (2012) recommended their removal, and today the ULS Council has joined cause with its new President in challenging this repugnant relic via **Constitutional Petition No. 16 of 2024, Isaac Kimaze Ssemakadde v. The Attorney General of Uganda and Kiryowa Kiwanuka Nsumikambi Mugambe.** This petition, already filed, shall henceforth be jointly prosecuted.

2. FORENSIC INVESTIGATION OF CRIMINAL AND PROFESSIONAL MISCONDUCT BY THE CURRENT AG **Kiryowa Kiwanuka Nsumikambi Mugambe**

AG Kiryowa Kiwanuka Nsumikambi Mugambe's ex officio position on the ULS Council is manifestly untenable. The resounding feedback from both ULS members and the public during and after the recent ULS campaigns, which resulted in the historic victory of the newly elected leadership, unequivocally condemned the AG's blatant disregard for judicial accountability, citing instances of impunity, corruption, and abuse of office. Recognizing the urgency of this matter, the ULS Council has today resolved to initiate a forensic investigation and public inquest (*ekyooto*) into allegations of incompetence, criminal activity, and professional misconduct by AG Kiryowa Kiwanuka Nsumikambi Mugambe.

Here are a few cases AG Kiryowa Kiwanuka Nsumikambi Mugambe must respond to:

a) Alleged breach of **Articles 2(2) and 113(4) of the Constitution of the Republic of Uganda** by failing to resign from private legal practice or cease from doing business with the Government of Uganda through his known law firm and a syndicate of select advocates in private practice.

b) Allegations of conflict of interest, abuse of office, and causing the Government of the Republic of Uganda a financial loss of Shs 28.8 billion in connection with the compensation of alleged claimants of land acquired for the Namanve-Luzira 132kV Transmission Line and Associated Substations. These allegations stem from a total disregard of the law, court decisions, and a Cabinet decision prohibiting compensation of encroachers on swamps, wetlands, and lakes.

c) AG Kiryowa Kiwanuka Nsumikambi Mugambe faces multifarious allegations of misadvising Cabinet and Leaders of Ministries, Departments, and Agencies on the rights of advocates and other court users, in total disregard of the independence of the Judiciary and the legal profession, which has undermined the integrity of Uganda's legal system. This includes contemptuous advice that the Government can arbitrarily overturn court awards through cabinet decisions and instead issue *ex gratia* administrative orders to judgment creditors, as seen in the protracted cases of the West Nile, Acholi, Lango and Teso war claimants and the cattle corridor ranchers.

d) AG Kiryowa Kiwanuka Nsumikambi Mugambe has wrongfully interfered in the appointment processes of the Judicial Service Commission and Law Development Centre, undermining the independence of these institutions and eroding public trust.

e) AG Kiryowa Kiwanuka Nsumikambi Mugambe stands squarely accused of imposing an unpopular, unjust, and unconstitutional decision on the Uganda Law Reform Commission, requiring a fee for accessing Ugandan laws digitally, a practice previously unthinkable, thus hindering access to justice and the rule of law.

f) Ever since he assumed office, AG Kiryowa Kiwanuka Nsumikambi Mugambe has curiously condoned torture, subversion of bail and the trial of civilians in military tribunals contrary to the Government of the Republic of Uganda's commitments under International Human Rights Law. He has threatened, without Cabinet backing, to amend the law to ensure that courts do not acquit or stay the trial of a suspect on account of having been tortured while in custody.

WHEREFORE, by this Order, AG Kiryowa Kiwanuka Nsumikambi Mugambe is no longer recognised as Head of the Bar and has no authority or competence whatsoever to act for or on behalf of or to represent the Uganda Bar. He however remains a member of the Uganda Law Society (ULS ID No 0016).

Dated at ULS House Kampala, this 14th day of October 2024.

Isaac K. Ssemakadde

PRESIDENT, UGANDA LAW SOCIETY