UGANDA LAW SOCIETY

Executive Order RNB No. 02 of 2024

Recalling Unelected Society Representatives, Bolstering Internal Democracy, Commencing Radical Surgery of the Judiciary, and Halting Unfair Judicial Recruitments

WHEREAS, the High Court of Uganda at Kampala in Miscellaneous Cause No. 129 of 2023 Kalali Steven v Uganda Law Society (ULS), delivered a judgment on 2nd February 2024, declaring that the current practice of appointing ULS representatives to statutory bodies without holding elections was a breach of the 1956 Uganda Law Society Act (Cap 305) and the Uganda Law Society (Elections) Regulations 2016;

WHEREAS, the ULS is committed to upholding the rule of law, promoting democratic principles within the organization, and advocating for a just and accountable Judiciary;

WHEREAS, the ULS recognizes the critical need to uphold the integrity and credibility of the Judicial Service Commission (JSC) and ensure that appointments to the bench are based on merit, equality, transparency, and accountability;

WHEREAS, the ULS is deeply concerned about the recent trend of judicial recruitments that have disregarded these principles, leading to widespread public dissatisfaction and undermining confidence in the Judiciary;

NOW, THEREFORE, the ULS through its newly elected Council, by virtue of the authority vested in it by Section 10 of the Uganda Law Society Act (Cap 305) and the Uganda Constitution, hereby issues this Executive Order to address the concerns adumbrated below.

I. Recalling Unelected Society Representatives:

1.1. All individuals who were appointed as ULS Representatives to the Judicial Service Commission (JSC) and other statutory bodies, without being elected according to the provisions of the Uganda Law Society (Elections) Regulations 2016, are hereby recalled. **This directive applies, with immediate effect, to Ms. Ruth Sebatindira and Ms. Norah Matovu Winyi who have been unconstitutionally and unlawfully holding out as ULS nominees to the JSC since 2016,** and all such appointees except for those currently representing the ULS at the Law Council.

1.2. The ULS shall immediately withdraw the notice of appeal filed by the former ULS Council in relation to Miscellaneous Cause No. 129 of 2023 and communicate this recall directive to the relevant statutory bodies and to the individuals concerned.

II. Bolstering Internal Democracy:

2.1. The ULS Elections Committee shall immediately execute its mandate as provided for in Regulation 13 of the Uganda Law Society (Elections) Regulations 2016, which states: ***"Where any law requires the representation of the Society on a statutory or other body, the Elections Committee shall notify the members of the Society of the day and place for the election of the Society representatives."***

2.2. In accordance with Section 15 of the Uganda Law Society Act, the ULS Council shall, no later than 31st December 2024, convene an extraordinary general meeting to elect ULS Representatives to the JSC and for all other statutory bodies, except ULS representatives to the Law Council who were duly elected.

2.3. The Council shall provide all necessary support and guidance to the Elections Committee to ensure that the aforementioned elections are conducted in a fair, transparent, and accountable manner, consistent with the provisions of the regulations and all relevant laws.

III. Commencing Radical Surgery of the Judiciary:

3.1. The ULS shall launch a comprehensive campaign to advocate for a radical surgery of the Judiciary and JSC, emphasizing the need for:

(a) **Merit-based Appointments:** A system for judicial appointments that prioritizes merit, experience, and proven ethical conduct and legal competence above all else;

(b) **Transparency and Accountability:** Clear and transparent procedures for shortlisting, participatory vetting, and appointment, including robust public scrutiny and robust accountability mechanisms; and

(c) **Equal Representation:** Representation within the Judiciary and JSC that reflects not only the diversity and inclusivity of the Ugandan legal profession, but also the national character.

3.2. The ULS shall have a final say on the suitability of candidates for judicial office because it knows them better, and shall also advocate for increased public participation in the composition and operation of the JSC, including public hearings and opportunities for public input during the appointment process and disciplinary proceedings of judicial officers.

3.3. The ULS shall facilitate a nationwide call for complaints from members of the bench, the bar, and the public regarding issues of corruption, impunity, non-performance, incompetence and other concerns within the Judiciary and the JSC. These complaints shall be compiled and presented to Cabinet, Parliament, and other relevant authorities for appropriate action.

IV. Halting Unfair Judicial Recruitments:

4.1. The ULS, cognizant of the malignant decay and decadence of the Judiciary and the JSC, shall take drastic measures to halt any judicial recruitment processes that do not adhere to the principles of merit, equality, transparency, and accountability.

4.2. The ULS strongly urges the President of the Republic of Uganda, Parliament, and the JSC to review any recent appointments that have violated these principles and to take appropriate corrective action, including revoking such appointments.

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V. Effective Date:

This Executive Order shall take effect immediately upon issuance.

IT IS SO ORDERED.

Dated at Kampala, this 29th day of October 2024

Isaac K. Ssemakadde
President
UGANDA LAW SOCIETY

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