RADICAL NEW BAR

UGANDA LAW SOCIETY

EXECUTIVE ORDER RNB NO. 9 OF 2026

DENUNCIATION OF STATE-PAID DEFENCE COUNSEL SARAH AWERO AND RICHARD KUMBUGA FOR THEIR SILENCE ON THE CARDINAL GUARDRAIL OF VENUE IMPARTIALITY IN THE GGABA MOBILE HIGH COURT SESSION, CONTRARY TO THEIR PROFESSIONAL DUTIES UNDER INTERNATIONAL AND DOMESTIC STANDARDS

WHEREAS the Judiciary of Uganda, by announcement dated 11 April 2026, convened the first Mobile High Court criminal session at the Ggaba Community Church grounds in Makindye Division, Kampala, presided over by Justice Alice Komuhangi Khaukha, in the high-profile trial of Christopher Okello Onyum on four counts of murder arising from the killing of four toddlers at a Ggaba daycare centre;

WHEREAS this venue choice—deviating from the permanent High Court premises and placing proceedings in a tented church-grounds setting within the exact traumatised community—raises a reasonable apprehension of bias under the objective test of impartiality, thereby breaching the cardinal principle that the tribunal must not only be impartial but must manifestly be seen to be impartial, as guaranteed by **Article 28(1) of the Constitution** of the Republic of Uganda, Article 14(1) of the International Covenant on Civil and Political Rights (ICCPR), Article 7(1)(d) of the African Charter on Human and Peoples' Rights, UN Human Rights Committee General Comment No. 32 (2007), the African Commission Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa (2003), and consistent reports of the UN Special Rapporteur on the Independence of Judges and Lawyers;

WHEREAS the Uganda Law Society has unequivocally condemned the arrangement as unconstitutional, unsafe, and a calculated fraud on the public and the rule of law, has filed **Human Rights Application No. 170 of 2026**, has attempted access to the presiding judge, and has suffered obstruction and forcible removal of its representatives under police guard at the session;

WHEREAS state-paid defence counsel **Sarah Awero** and **Richard Kumbuga**, appearing on record for the accused, were expressly copied on the Society's formal protest correspondence and are fully aware of the Bar's collective protest and failed attempt to access and address the presiding judge, yet have maintained complete public and procedural silence on this fundamental fair-trial violation despite their direct duty to protect their client's right to an impartial tribunal;

WHEREAS the State Brief Scheme, constituted under Article 28(3)(e) of the Constitution to guarantee the right of indigent accused persons to legal representation at the expense of the State, has been starkly exposed in this case and in the documented experiences of countless prisoners across Uganda as chronically deficient in securing fearless, independent, and effective defence counsel;

WHEREAS the **United Nations Basic Principles on the Role of Lawyers (1990)** provide in the Preamble that "adequate protection of the human rights and fundamental freedoms … requires that all persons have effective access to legal services provided by an independent legal profession" and that "professional associations of lawyers have a vital role to play in upholding professional standards and ethics … and cooperating with … institutions in furthering the ends of justice"; and further stipulate:

> **Principle 12:** Lawyers shall at all times maintain the honour and dignity of their profession as essential agents of the administration of justice.
> **Principle 14:** Lawyers, in protecting the rights of their clients and in promoting the cause of justice, shall seek to uphold human rights and fundamental freedoms recognized by national and international law and shall at all times act freely and diligently in accordance with the law and recognized standards and ethics of the legal profession.

WHEREAS the International **Bar Association Standards for the Independence of the Legal Profession (1990)** affirm in the Preamble that "the independence of the legal profession constitutes an essential guarantee for the promotion and protection of human rights" and that "professional associations of lawyers have a vital role to uphold professional standards and ethics … and to co-operate with governmental and other institutions in furthering the ends of justice"; and further provide:

> **Standard 6:** [The lawyer] shall at all times act freely, diligently and fearlessly in accordance with the legitimate interest of the client and without any inhibition or pressure from the authorities or the public.
> **Standard 10:** A lawyer shall have the right to raise an objection for good cause to the participation or continued participation of a judge in a particular case, or to the conduct of a trial or hearing.
> **Standard 14:** Lawyers … shall have the right to … take part in public discussion of matters concerning the law and the administration of justice.
> **Standard 18(f):** [The functions of the lawyers' association include] to promote the right of everyone to a prompt, fair and public hearing before a competent, independent and impartial tribunal …

WHEREAS the **continued silence** of the said state-paid defence counsel, in full knowledge of the Bar's protest, constitutes a **dereliction of the irreducible professional duty to act fearlessly and diligently to safeguard the accused's right** to an impartial tribunal and, more broadly, exemplifies the structural flaws of the State Brief Scheme that render it unfit to fulfil its constitutional purpose under Article 28(3)(e);

NOW THEREFORE, pursuant to the powers vested in the Radical New Bar Governing Council by Sections 3 and 10 of the Uganda Law Society Act and the Society's constitutional mandate to uphold the rule of law and the honour of the profession, it is hereby ordered and declared as follows:

SECTION 1. DENUNCIATION

The Uganda Law Society hereby publicly and unequivocally **denounces Advocates Sarah Awero and Richard Kumbuga for their professional silence on the cardinal guardrail of venue impartiality** in the Ggaba Mobile High Court Session. Such silence, notwithstanding their awareness of the Society's protest, field obstruction, and the clear international and constitutional breaches, is incompatible with the duties imposed by UN Basic Principles on the Role of Lawyers (Principles 12 and 14) and IBA Standards for the Independence of the Legal Profession (Standards 6, 10, 14 and 18).

SECTION 2. REMINDER OF DUTY

The Society reminds all members, and particularly counsel appearing in this matter, that the right to a fair trial before an independent and impartial tribunal established by law is non-derogable. **Defence counsel—whether privately retained or state-paid—are not mere spectators; they are duty-bound to raise timely, fearless objections** to any arrangement that creates even the appearance of executive influence, community pressure, or unwarranted departure from permanent judicial venues.

SECTION 3. CALL TO RECTIFICATION

Sarah Awero and Richard Kumbuga are forthwith called upon to place on record in open court their **objection to the venue and to join the Society in demanding the immediate relocation of proceedings to the designated High Court premises** or such other neutral venue as complies with the impartiality guarantee. Continued silence will be construed as further acquiescence in the erosion of fair-trial standards.

SECTION 4. CALL FOR REFORM OF THE STATE BRIEF SCHEME

In light of the flaws glaringly exposed by the instant case and the insidious, systemic violations of the human rights of Uganda's many prisoners who depend on the State Brief Scheme, the Society **decries the Government's refusal to pass the National Legal Aid Bill 2022** and demands urgent bespoke reform of the State Brief Scheme under Article 28(3)(e) of the Constitution. Such reform must include the establishment of **an independent Legal Aid Authority insulated from executive and judicial pressure, substantially enhanced remuneration and training for assigned counsel, statutory protections against reprisal for counsel who raise impartiality or fair-trial objections, and transparent performance audits grounded in publicly available evidence of recurrent failures.** Only through these tailored, constitutionally compliant measures can the Scheme be rescued from its present state of chronic ineffectiveness and restored as a genuine guarantor of fair-trial rights for indigent accused persons.

SECTION 5. EFFECTIVE DATE AND PUBLICATION

This Executive Order takes immediate effect and shall be published on the Society's official website, email, social media and other platforms, circulated to the Judiciary, the Director of Public Prosecutions, the Chief Justice, Principal Judge, and all members of the Bar, and transmitted to the **UN Special Rapporteur** on the Independence of Judges and Lawyers and the **African Commission** on Human and Peoples' Rights for information.

IN WITNESS WHEREOF, we have hereunto set our hands at ULS House, Kololo, and caused the seal of the Uganda Law Society to be affixed this **17th day of April, 2026.**

Isaac K. Ssemakadde, S.C.
President, Uganda Law Society

UGANDA LAW SOCIETY

Ssali Babu
Ag. Secretary, Uganda