

## **PRESIDENT'S REMARKS ON THE PROSECUTION AND PERSECUTION OF ADVOCATES IN LINE OF DUTY: DISCUSSION ON THE WAY FORWARD**

Good morning to you all.

As we are gathered here today, I would like today's discussion to strike a chord into everyone's heart to appreciate the fact that we meet here to analyze the plight of a soldier. In the humble words of **George S. Patton Jr**, **"It is a proud privilege to be a soldier - a good soldier ... [with] discipline, self-respect, pride in his unit and his country, a high sense of duty and obligation to comrades and to his superiors, and a self-confidence born of demonstrated ability."**

I believe that as a lawyer in execution of our duty we are soldiers on a mission and have an obligation to the public but most importantly to our client. Therefore, an action done in a bid to frustrate these efforts not only shades a dull light upon we, the professionals in trying to accomplish our goal, but also denies another person the much needed justice given the circumstances.

So what then is the relevance of this discussion today? As much as human rights are valued for every individual, professional rights of an individual also take a similar tone in effect and should therefore be treated in the same way. I think that in appreciation of our duties as lawyers, professionalism has to be the shield that guards our actions as we execute them. As Uganda Law Society, developing a skilled and empowered legal profession in execution of its statutory mandate does not only involve the lawyers but also the law enforcement with whom we're in constant interaction.

It is no myth that we have since become the victims of these law enforcement agencies instead of being the soldiers by their side to ensure the upholding of the rule of law. A brief synopsis of statistics is evidence to this outlandish truth as I can share with you; the recent arrest and detention of Advocate Ambrose Tebyasa last Saturday, the arrest and remand of Advocate Shaban Nkuutu at Kauga Prison in Mukono, the arrest of Advocate Isaac Ssemakadde in May this year<sup>1</sup>, the arrest of seven lawyers who included; Kajjuka Aaron, Christine Marunga, Joan Balyerali, Brian Tuwayenga, Eric Bajole, Muhindo Morgan and Nafula Elizabeth<sup>2</sup>.

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<sup>1</sup> <https://www.independent.co.ug/lawyer-isaac-ssemakadde-arrested/>

<sup>2</sup> <https://www.business-humanrights.org/en/latest-news/seven-lawyers-and-six-locals-arrested-when-investigating-alleged-mass-evictions-by-multinationals/>

The Ugandan lawyer's plight today is that, there is no strict register to track our colleagues in such situations. This is seen through a lot of undocumented arrests and detentions have been made to our fellow colleagues during the lockdown period despite acting in line with the S.O.Ps<sup>3</sup> and the presidential directives indicating that lawyers were essential workers<sup>4</sup>. The few cases mentioned above don't even form a simple 1% of the plethora of the lawyer's plight in his/her execution of the legal mandate.

At this point, we have to question a number of legalities given how various enforcement agencies handle our noble profession. The rationale for this is quite clear all advocates have Acts and regulations governing them. The **Advocates Act Cap 267** under the **Advocates (Disciplinary Committee) (Procedure) Regulations** is clear on what organ has jurisdiction over an advocate who has acted unprofessionally which is the **Uganda Law Council**. A question can then be posed about the jurisdiction of some agencies such as the Anti-Corruption Unit of the State House, the Uganda Police Force etc... on what powers they possess to handle professional disciplinary matters pertaining to the legal profession when there's a fully constituted Law Council.

My appeal to all of us is that we obtain a sustainable solution to this ever growing problem to avoid future challenges and absurdities such as the one we experienced recently. We are a bar profession that is strict in principle, teachable and adaptable to the ever changing atmosphere, and ready to serve the public in our mandate. What shall not be condoned are the acts that violate the very lawyer's rights who is mandated to serve and protect the rights of the public; For this is a duty, by law bestowed on our good profession.

I wish all of us good deliberations.

**PHEONA NABASA WALL**

**PRESIDENT - UGANDA LAW SOCIETY**

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<sup>3</sup> Standard Operating Procedures

<sup>4</sup> <http://www.statehouse.go.ug/media/presidential-statements/2020/05/04/presidents-statement-matters-regarding-corona-virus-covid-1>