



## #HaveYourSay

Twitter Chat Report  
15th May 2020

### Analyzing the Presidential directive to allow only 30 lawyers to be enlisted as essential work during the lockdown

#### Background

Following the outbreak of COVID-19, the Ugandan government led by H.E Yoweri Museveni put in place stringent measures that left many institutions closed to the public and remotely working from home. As an example, legal services are among the services that were considered non-essential at the beginning of the lockdown. However, following petitions from the Civil Society Organizations, the president later passed another directive that considered legal services as essential to the extent that a list of a total of 30 lawyers was to be forwarded by the Uganda Law Society to the Courts every quarter. This caused an up roaring amongst the legal professionals in regards to the criteria of choosing the 30 lawyers. On 15th May 2020, Centre for Public Interest Law held a Tweet chat that took place between 10 am and 11 am to analyze this presidential directive.

# SUMMARY

For a more fruitful conversation, CEPIL sought out for legal experts endowed with vast experience in the legal profession. The Identified legal minds included:



Mr. Simon Peter  
Kinobe, President of  
Uganda Law Society

Ms. Alice Namuli  
Partner Katende  
Ssempebwa  
Advocates.



Ms. Lydia Namuli  
Lubega, Board Chair  
FIDA

## Parameters of Discussion

The tweet was guided by the following questions posed to the different panellists alternately:

- Following the last Presidential Address during Covid-19 in Uganda, only 30 lawyers were permitted to be enlisted as essential workers. What are your thoughts on this?
- Uganda Law Society, in response to this directive, forwarded a list of enrolled lawyers to the Judiciary, is this plausible?
- What effects does this directive have on access to Justice and the already existing problem of case backlog in our courts today?

- How does this directive alter the Constitutional right to legal representation of one's choice?
- In your opinion, what is the best way to handle legal services amidst the Covid19 pandemic in light of the already existing Presidential directive
- The Judiciary recently adopted online hearings of cases to improve justice delivery. In light of the presidential directive, how best can lawyers exploit this opportunity?
- What measures has the Judiciary put in place in order to ensure access to Justice during this pandemic, and what gaps need to be addressed as a result of the pandemic?
- What are your part shots and recommendations?

## The Highlights

- The presidential directive to allow 30 lawyers as essential workers were misunderstood. The regulations are clearly out of context. The directive aimed to ensure that at every moment, there are no more than 30 lawyers on the streets, and this was to avoid congestion.
- The directive was targeted at those representing the arrested and those that have disappeared and not every practising lawyer. In addition to this, allowing only 30 lawyers was not plausible because all lawyers are eligible to practice. As a result, the Law Society forwarded the entire list of advocates.
- In regards to criteria for selection, it was based on matters concerning bail, arraignment, habeas corpus, etc. and there will be a challenge in case there are more than 30 applicants.
- To a certain extent, this will delay Justice. However, every advocate with instructions touching the fundamental base of human rights has a right of appearance, and therefore where applicants are more than 30, they should be accommodated.

# The Highlights Cont'd

- Lawyers need to embrace legal innovation and change the way they practice.
- In as much as online courts help the vulnerable access Justice from the comfort of their homes, currently the system does not work for all. Dispute resolution to both the vulnerable and non-vulnerable takes too long, costs are high, and the process is not clear to an ordinary person.
- Much as the presidential directive was issued in good faith, it is ambiguous and did not take into consideration the constitutional aspects of the right to a lawyer of choice provided for under Article 23 (3) of the Constitution of Uganda.
- That the directive fails to promote access to Justice in several ways; firstly by being against the constitutional principle of the right to lawyer by choice, secondly, the right to access to Justice through legal representation is curtailed particularly for people upcountry and thirdly it offends the constitutional right to a fair and speedy hearing and general recourse to due process which legal representation brings on board.
- The directive neglects the constitutional principles relating to affirmative action for the vulnerable and marginalized groups particularly women and children.

## Recommendations

- We need to be very alive to emerging issues during this crisis and accordingly align the rules regarding access to legal services.
- We need to practice all rules relating to social distancing while attending court sessions.
- The guidelines for access to legal services should be aligned to the prevalence of the cases.
- We need to work on facilitating a process of developing guidelines that enable us to serve our clients under the WHO regulations.
- That lawyer should go back to the drawing table and rethink the way they do business.
- Lawyers should hunt for opportunities during this COVID-19 season.

## Recommendations

- Lawyers should see their website and online presence as a priority.
- That lawyers use their websites to generate new business and accept instructions electronically.
- Lawyers should use both traditional and web-based marketing methods to attract new clients.
- There is need for use of practice management software to maintain the effective continued management of homeworking staff.

## Quotes of the day

*The directive suffers a setback due to failure to consult the Uganda Law Society in the framing.*

Ms. Lydia Namuli Lubega

*Lawyers must up skill that is; learn new skills and adopt a learning for life mindset through self-training or signing up for online courses.*

Ms. Alice Namuli

*There are serious implications, especially on the backlog and convenience of access to Justice. The Law Society is worried about the state of the justice system after the COVID-19 pandemic, and this is a discussion we need to start having*

Mr. Simon Peter Kinobe



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