

Museveni 'sinned' in recalling Odoki from retirement - MPs

Appeal. The leader of the Opposition in Parliament says Mr Odoki, as the author of the Constitution, should respect the law and retire.

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NEXT MOVE

A group of MPs led by Gerald Karuhanga (Youth, western) yesterday told a news conference at Parliament that they had written to former Supreme Court Judge, Prof George Kanyehamba, asking him to represent them in an impending legal battle in which they seek to challenge Odoki's re-appointment. Mr Odoki told a government newspaper yesterday that he had not heard about his re-appointment and defended his part-time job in Swaziland as "something he does once a year".

PARLIAMENT. Lawmakers and lawyers yesterday said the President committed an "unforgivable sin" by recalling Chief Justice Benjamin Odoki from retirement.

But their anger did nothing to dampen Attorney General Peter Nyombi's insistence that Mr Museveni acted within his powers in re-naming Mr Odoki to head the Judiciary.

Justice Odoki's willingness to take a part-time job in Swaziland and at the same time head Judiciary back home, was also deplored as an act of "greed".

While it is not yet clear whether Justice Odoki has accepted President Museveni's job offer after he clocked 70 years in March and also served the transitional three months, he had earlier circulated a concept paper calling for re-appointment of retired judges.

The concept paper, written on April 26, talks about appointments in the Judiciary, including tenure of judges, re-appointment of retired judges, appointment of acting chief justice, acting deputy chief justice and acting principal judge. It also discusses a proposal to raise the age of retirement and the proposal to appoint ex-officio judges in the appellate courts.

In the paper, Justice Odoki cites Articles 142 (2) and 253 (1) of the Constitution to argue that judges who have reached retirement age should still be eligible for re-appointment. This is the same Article cited by Mr Nyombi while defending President Museveni's decision.

Not clear

However, it is not clear whether Justice Odoki will appear before the House Appointments Committee for approval, since that requirement is provided for under Article 142 (1) as a general principle for the appointment of judicial officers.

In part, Article 142 (2) reads: "The President may, acting on the advice of the Judicial Service Commission, appoint a person qualified for appointment as a Justice of the Supreme Court or a Justice of Appeal or a Judge of the High Court to act as such a justice or judge even though that person has attained the age prescribed for retirement in respect of that office."

Speaking in his private capacity, the secretary Uganda Law Society, Mr Nicholas Opio, said being a judge should not be a part



(L-R): Speaker Rebecca Kadaga, NRM vice chairman Moses Kigongo and retired Chief Justice Benjamin Odoki in Kampala recently. PHOTO BY GEOFFREY SSERUYANGE

time work much less for a Justice of the Supreme Court, the highest and last appellate court in the country.

To do so, he added, "is to show utter contempt and disregard for the jurisprudence, users of the court and the Supreme Court itself."

"Even though he was not appointed to the Swaziland Supreme Court bench, Justice Odoki should not participate in desecrating a constitutional order he so painstakingly took part in developing. It would really be like raping one's own daughter," Mr Opio said.

The MPs said the Constitution does not envisage an appointment on acting capacity of a chief justice who has retired on account of the mandatory retirement age. The best Mr Odoki can settle for and which is legal, they said, is being an acting justice of the Supreme Court.

Shadow Justice Minister, Medard Ssegona said: "It's an illegal posting. The Chief Justice position has an age limit. Museveni is only setting a precedent for himself and all we shall see is him renewing his contract. He is setting a precedent for himself because he wants to serve beyond the age limit."

WHAT THE MPS SAY

Lulume Bayiga (DP, Buikwe South): "The Odoki I know can't accept such an offer. He is a brilliant judge whom we hold in high esteem. I don't think he can accept such an illegal posting whether he has a job or not. He can do very many other important things."

Mariam Nalubega (Indep, Butambala): "The trend of what is happening now [shows] that constitutionalism is now history as we are burying our Constitution. Odoki must decide because he is not at the level to be pushed. He should not say someone has pushed him. Let him retire, relax. He should never put it on Ugandans that there was a gap. We never lacked the capacity to have a chief justice."

Olivia Kwagala (NRM, Iganga): "There are very many people he has worked with. He should give chance to other people for the sake of constitutionalism."

Betty Namboozee (DP, Mukono Municipality): "I predicted this upon my swearing-in that if MPs don't stand firmly, they will help the President tear the Constitution. Government is no longer following the Constitution. From what I see, Museveni has run short of credible people in his own government and he is recycling like he has done in the army."

Rosemary Sseninde (NRM, Wakiso): "Odoki should have given an opportunity to others. It's true there have been challenges in the Judiciary like corruption. We should have had someone else to clean up the system."

Joseph Ssewungu (DP, Kalungu)

I am asking this man (Odoki) who drafted the Constitution, to be kind enough not to honour that extension. There are already a lot of problems in the Judiciary that need someone to handle. That is unfair and not good for us.

Theodore Ssekikubo (Lwemiyaga): "Chief Justice is highly respected and came out strongly when the institution of the High Court was attacked by the Black Mambas. I expect him to be the first and last defender of the rule of law. Is he bending the Constitution to suit his own interests?"

Nandala Mafabi, Leader of the Opposition in Parliament: "That is abuse of authority. Odoki should retire in peace or else we shall drag him to court and through the mud. We have people who qualify like Bart Katureebe. Odoki is the one who made the Constitution and should know what he did."

Paul Mwiru (FDC, Jinja East): "It's up to Odoki to make himself relevant or irrelevant but history will have to judge him. The challenge is not about Museveni because he is trapped in power and wants to survive but the chief justice must be sober enough to resist any kind of temptation."

Eddie Kwizera (NRM, Bufumbira):

"The President must tell us if he has extended his term. Has he done so according to the law? Is he acting judge and can he be Chief Justice? Government should come out and clarify."

Uganda is a good investment destination, Museveni tells UK investors



President Museveni

President says while some European countries are facing a recession, African economies are growing.

BY JUSTIN D. EMEDOT
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KAMPALA. President Museveni has told UK entrepre-

neurs that Uganda is a good country for investment.

While meeting the entrepreneurs at State House Nakasero yesterday, the President urged them to invest in Africa, saying African economies are growing.

According to a press release from State House, the President said Uganda is well

endowed in sectors like agriculture, tourism, financial services and infrastructure especially in electricity and gas.

Interested

The managing director Global Head of Sales and Trading, Mr Peter Bartlett, said their company is in-

terested in investing in the Uganda, especially in the stock exchange and infrastructure of private companies.

Among other investors were officials from Exotix Limited, is a UK-based company specialising in investment banking, research, equities, fixed income and

infrastructure development. It is a frontier market investment banking specialising in illiquid bonds and loans.

The meeting was attended by the Minister of Finance, Ms Maria Kiwanuka, Governor Bank of Uganda Emmanuel Mutebile among other government officials.