

Statement on Independence of the Judiciary and Rule of Law in Uganda

We, the undersigned members of the legal profession,
are extremely concerned by recent events impacting upon the independence of the Judiciary and the rule of law in Uganda.

The intervention in the High Court by armed military forces on the 16th November 2005 and the subsequent arraignment of Retired Col. Dr. Kizza Besigye and some of his co-accused in a court martial is contrary to the principle established by Article 14(1) of the International Covenant on Civil and Political Rights to which Uganda has been party since June 1995 “All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law.

The manner in which the judge hearing the case was treated, the concurrent trial of Retired Col. Dr. Kizza Besigye in both the High Court and a military court and the decree issued by the Government of Uganda on the 22nd November 2005 banning all “demonstrations, processions, public rallies and assemblies” related to the case against Dr. Besigye, are equally alarming.

We remind the Government of Uganda of its domestic, regional and international obligations under the African Charter of Human & Peoples Rights (1981); the International Covenant on Civil and Political Rights (1966); the UN Basic Principles on the Independence of the Judiciary (1985); the Harare Declaration (1991) and the Commonwealth (Latimer House) Principles on the Accountability of and the Relationship between the Three Branches of Government (2003). These Principles were further endorsed by Commonwealth Heads of Government at their recent meeting in Malta. They form an integral part of the Commonwealth’s fundamental values, to which Uganda is committed by virtue of its membership of the Commonwealth.

We urge the Government of Uganda to fulfil its obligations and to ensure that members of the Judiciary and legal profession in Uganda are able to discharge their functions independently and without impediment.

We will continue actively to support the legal profession in Uganda in their efforts to uphold the rule of law, maintain the independence of the Judiciary and of the legal profession and assist, where possible, in providing technical and other assistance as the Uganda and East Africa Law Societies may seek in these efforts.