



REPUBLIC OF UGANDA

RESPONSE BY HON. KAFUZI JACKSON KARUGABA

**DEPUTY ATTORNEY GENERAL
OF THE REPUBLIC OF UGANDA**

**TO THE ISSUES RAISED IN THE INTER-SESSION ACTIVITY
REPORT OF HONOURABLE COMMISSIONER MUDFORD
ZACHARIAH MWANDENGA AS THE COUNTRY RAPPORTEUR
RESPONSIBLE FOR MONITORING HUMAN RIGHTS SITUATION
IN UGANDA**

**PRESENTED AT THE 83RD ORDINARY SESSION OF THE AFRICAN
COMMISSION OF HUMAN AND PEOPLE'S RIGHTS**

9TH MAY 2025

BANJUL, THE GAMBIA

Hon. Chairperson of the African Commission on Human and People's Rights,

Hon. Members of the Commission,

Ladies and Gentlemen.

The Government of Uganda appreciates the work of the Commission in giving a platform to Member States to share experiences in their different jurisdictions in the field of human rights, an encounter which enables States to appreciate the complexities involved in their respective observance and protection of human rights and to draw best practices from each other in this respect.

Hon. Chairperson and Members of the Commission, our response will address an urgent letter of appeal addressed to H.E. the President of the Republic of Uganda, and other issues concerning our country which were raised during the discussions.

The Government of Uganda acknowledges receipt of a joint letter of urgent appeal that was written to H.E. the President of the Republic of Uganda regarding reports of alleged violations of the independence and security of legal professionals particularly the purported arbitrary arrest, detention and sentencing of Advocate Eron Kiiza.

Hon. Chairperson and Members of the Commission, the Government of Uganda wishes to respond to the above concerns as follows:

1. Uganda is a constitutional democracy and a country

governed by laws. Chapter 4 of the Constitution contains the bill of rights which provides for the protection and promotion of fundamental and other human rights and freedoms. Article 23 of the Constitution provides for the protection of personal liberty and provides permissible circumstances under which the right to liberty can be interfered with, one of them being in execution of a sentence or order of Court.

2. The laws of Uganda guarantee access to justice for any person who alleges a violation of their human rights including arbitrary deprivation of liberty to apply to court for a writ of habeas corpus and approach other Government institutions for redress.
3. During the trial of Dr. Kiiza Besigye in the General Court Martial, Adv. Eron Kiiza's conduct was deemed contemptuous and as a result, he was convicted of the offence of contempt of court and given a custodial sentence. Eron Kiiza then applied for a writ of habeas corpus under High Court Miscellaneous Cause No. 37 of 2025. On 3rd March, 2025, the High Court heard and determined the application and held that the procedure adopted by the applicant to challenge the impugned conviction and sentence was an incorrect one and therefore the court dismissed the motion. He was later released from detention on bail pending the final determination of his appeal.

4. Hon. Chairperson and Members of the Commission, it is important to note that the Constitution of Uganda recognizes contempt of court as an offence which the Court Martial had every right to determine on until the Supreme Court ordered otherwise. The essence of contempt of court need not be over emphasized as it ensures decorum and proper conduct of judicial proceedings with candour and respect to all parties involved as well as judicial officers.
5. The hearing of Adv. Eron Kiiza's application for habeas corpus before the civilian courts was in itself a display of the Government's commitment to respect the Supreme Court decision on the trial of civilians before the General Court Martial. In the case of *Attorney General vs. Hon. Michael Kabaziguruka, Constitutional Appeal No. 2 of 2021 [2025]* the Court held that, "the Courts Martial are not independent and impartial Courts that can guarantee a right to a fair hearing envisaged under Article 28 of the Constitution."
6. Mr. Eron Kiiza rightly exercised his right to a fair hearing before an independent and impartial court or tribunal. Article 28 of the Constitution guarantees this right which includes the presumption of innocence, right to be informed promptly, right to police bond, right to apply for bail, right to be tried without undue delay and access to legal representation. The right to a

fair hearing is non-derogable under Article 44 of the Constitution. The Government does not, therefore, condone the violation of the right to a fair trial and any alleged violation can be challenged before the courts of law.

7. The Government of Uganda recognizes the right under Article 40 (2) of the Constitution, accorded to every person in Uganda to practice his or her profession and carry on any lawful occupation, trade or business. This right is, however, not absolute and should be exercised bearing in mind other people's rights.
8. Hon. Chairperson and Members of the Commission, the Government of Uganda has established laws which enable any person, lawyers inclusive, to report cases of arbitrary detention, intimidation and threats relating to their work.
9. Article 50 (1) of the Constitution of Uganda allows any person who claims that a fundamental or other right or freedom has been infringed or threatened, to apply to a competent court for redress which may include compensation. The Human Rights (Enforcement) Act, Cap. 12 gives effect to this Article of the Constitution and provides for the procedure of enforcing human rights under chapter 4 of the Constitution.
10. The Government has further put in place functioning institutions that provide the necessary services to

advocates that assert that their rights have been infringed. These include:

- (a) The Uganda Human Rights Commission, (established under Article 51 of the Constitution and the Uganda Human Rights Commission Act, Cap. 26) whose mandate is to investigate, at its own initiative or on a complaint made by any person or groups of persons against the violation of any human right. (Article 52 (1) (a) of the Constitution)
- (b) The Equal Opportunities Commission established by the Equal Opportunities Commission Act, Cap. 7. The Commission has powers of Court and may recommend or order any institution, body, authority or person to adopt or take particular steps or action to promote equal opportunities. This Act operationalizes Article 21 of the Constitution that provides for equality and freedom from discrimination. The Commission also gives effect to the State's constitutional obligation to eliminate discrimination and inequality amongst any individual or group of persons on several grounds including social, political, economic and cultural rights and any other reason created by history, tradition or custom for the purpose of redressing imbalances.

11. It is also important to highlight that aside from the legal provisions above, there is continuous sensitization of persons within institutions and

authorities relating to the handling of cases where advocates are also involved. The sensitization also includes and targets lawyers and advocates practicing within Uganda.

Hon. Chairperson and Members of the Commission, there have also been issues raised on the floor regarding; (a) the alleged violation of rights of journalists and student demonstrators; (b) the alleged violation of the rights of women with disabilities and; (c) transnational repression.

The Government of Uganda strongly believes that the safety of journalists is essential to preserve the fundamental right to freedom of expression. Government has put in place effective laws and measures to establish a safe and enabling environment for journalists to work without fear of violence. These include the Press and Journalists Act, Cap. 100 which establishes the Media Council that is mandated to regulate the conduct of journalists; arbitrate disputes between the public and the media; and the State and the media. Additionally, Government has continued to hold accountable any public officer who violates the rights of journalists in the practice of their profession. The Government of Uganda requests the Commission to take interest and work together with the Member States to develop strategies to curb the growing concern of the misuse of social media.

In relation to the issue on student demonstrators, the Government of Uganda acted on intelligence reports to

proactively prevent any situation of violence that may affect the safety of the students and the peace and security of a country which is a target of terrorist attacks and potential conflict.

The Government of Uganda has ensured the representation of women with disabilities at all levels of leadership like the Parliament and Local Councils. There is a Special Grant for Persons with Disabilities, the National Council for Persons with Disabilities, the National Persons with Disabilities Policy, 2023 which create awareness of the rights and legal guarantees in place for women and girls with disabilities in order to implement the Persons with Disabilities Act, Cap. 115. The Constitution of Uganda guarantees affirmative action in favour of marginalized groups including women and girls with disabilities. The Government of Uganda has further exercised special treatment of persons with disabilities in the recruitment, procurement and accessibility of services thereby protecting their rights as opposed to discrimination.

Regarding the issue of international repression, the Government of Uganda has established international cooperation with different countries which include signing Mutual Legal Assistance agreements and the framework of the Treaty Establishing the East African Community. These foster regional peace and security in handling cases of cross border crime.

Conclusion

Hon. Chairperson and Members of the Commission, while it was your concern that Adv. Eron Kiiza's arrest, detention and conviction were considered arbitrary in nature, the Government of Uganda maintains that the process was not arbitrary. His right to a fair trial was respected and although the application for a writ of habeas corpus was brought under a wrong procedure, he was subsequently granted bail. That notwithstanding, the Government of Uganda has demonstrated to the Commission the country's commitment to uphold and protect the rights of its citizens enshrined in the Bill of rights under Chapter Four of the Constitution.

I thank you.

For God and my Country.