



BAR HUMAN RIGHTS
COMMITTEE OF
ENGLAND AND WALES

Statement on the erosion of the rule of law in Uganda

09 May 2011

The Bar Human Rights Committee of England and Wales (BHRC) expresses deep concern at recent events and their impact on upholding fundamental freedoms and human rights and the respect for the rule of law in Uganda.

Arrests contrary to international obligations

On 4th May 2011, the Uganda Law Society, delivered a Petition to the Chief Justice of Uganda condemning, in what they stated were the strongest terms possible, the ‘brutal conduct of the state’ in quelling protests, causing loss of life, injury to persons and loss of property and for the inhuman and degrading treatment of citizens’.

The repeated and increasingly violent arrests of Dr Kizza Besigye, the Chair of the Forum for Democratic Change and main opposition figure, which can be seen via various websites such as Youtube, provide telling evidence of the nature and style of these arrests.

The Petition made clear that in the Law Society’s view, these acts were in contravention of Article 24 of the Ugandan Constitution which provides that ‘*no person shall be subjected to any form of torture or cruel, inhuman or degrading treatment or punishment*’, and that they were in contravention with Uganda’s obligations under the *International Covenant on Civil and Political Rights* and the *African Charter on Human and People’s Rights*.

Concerns over the independence of the judiciary

The Petition to the Chief Justice of Uganda as presented by the Uganda Law Society states:

‘The Uganda Law Society is deeply concerned about the increasing erosion of independence of the Judiciary which is protected under Article 128 of the Constitution. During this period some members of the public were arrested and some were taken to court. In this process we witnessed and were concerned about incidents such as:

- *A Magistrate abdicating the Constitutional duty to hear an application for bail on the ground that she is too busy;*
- *Courts remanding members of the public brought before them before charges are read and plea taken;*

Other incidents which in the recent past have cast doubt on the independence of the judiciary include:

- *The recent refusal by a Chief Magistrate in Mengo to comply with an order of the High Court,*
- *Police interference in execution of court orders to the extent of vetting judicial decisions.'*

These reports are deeply troubling and raise serious concerns in an increasingly disturbing political context, especially in light of the fundamental nature of the independence of the judiciary to the respect for the rule of law.

Hence, the BHRC urges the Ugandan government

- To abide by and respect the rule of law and uphold fundamental freedoms and human rights;
- To guarantee in all circumstances the physical and psychological integrity of all threatened lawyers, in order to preserve the independence and integrity of the administration of justice;
- To respect and observe the independence of the judiciary in line with international principles.

Chair: Mark Muller QC | Vice-Chairs: Kirsty Brimelow QC and Sudanshu Swaroop

Notes to editors

The Bar Human Rights Committee is the international human rights arm of the Bar of England and Wales. It is an independent body concerned with defending the rule of law and internationally recognised legal standards relating to human rights and the right to a fair trial. For more information, see <http://www.barhumanrights.org.uk/index.php>.

Article 1, The Basic Principles on the Independence of the Judiciary, adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders held at Milan from 26 August to 6 September 1985 and endorsed by General Assembly resolutions 40/32 of 29 November 1985 and 40/146 of 13 December 1985 pronounce the '*duty of all governmental and other institutions to respect and observe the independence of the judiciary*'. (see online at <http://www2.ohchr.org/english/law/indjudiciary.htm>)