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Uganda: Attack on the Independence of the Courts

Amnesty International and Foundation for Human Rights Initiative Joint Press Release

Intervention by heavily armed security agents on the premises of the High Court in Kampala on 16 November 2005, led to the return to jail of 14 suspects of an armed group despite the ruling by the High Court Judge to grant bail. This was an attack on the rule of law and international human rights standards, Amnesty International and the Foundation for Human Rights Initiative (FHRI) said today.

"Uganda must take urgent steps to guarantee the independence of the judiciary," said Livingstone Sewanyana, Executive Director, FHRI. Such interventions are incompatible not only with the Constitution of Uganda but also with international human rights standards, including the African Charter on Human and People's Rights and the International Covenant on Civil and Political Rights (ICCPR).

Amnesty International and the FHRI call on the Ugandan government to respect the decisions of the High Court, particularly in consideration of the serious implications for the rule of law. Failure to comply with court rulings not only undermines the independence of the judiciary but also impairs respect for human rights.

"A strong and independent justice system is key to the effective protection of human rights anywhere in the world, including Uganda," said Kolawole Olaniyan, Director of the Africa Programme at Amnesty International.

Amnesty International and the FHRI further call upon the government of Uganda to:

- ensure that Dr. Kizza Besigye and his co-accused are guaranteed their right to a fair, prompt and public trial before an independent and impartial civilian court of competent jurisdiction;
- that the Ugandan government refrains from carrying out any acts that would erode the independence of the judiciary and respect for the rule of law;
- that security organisations should respect and uphold the rights guaranteed in the constitution of Uganda and international human rights standards, including those in treaties to which Uganda is a party.

BACKGROUND

Retired army Colonel Dr. Kizza Besigye, presidential candidate of the opposition party Forum for

Democratic Change (FDC), was arrested on 14 November 2005 in Kampala. He was returning from a campaigning tour in preparation for the March 2006 elections.

Dr. Besigye was committed to the High Court on 15 November, charged together with 22 others accused of treason under Section 23 of the Penal Code Act, and concealment of treason. Dr. Besigye also faces one count of rape under Section 123 and 124 of the Penal Code Act.

On 16 November 2005, the High Court Judge hearing the bail application of 14 out of the 23 suspects from the People's Redemption Army (PRA), an armed group reportedly operating in the eastern part of the Democratic Republic of Congo, ruled that it was the right of any individual to be granted bail pending trial if certain conditions were fulfilled.

The 14 accused were granted bail. Heavily armed security agents thereafter occupied the court premises allegedly to re-arrest them. Fearing that the suspects would be re-arrested, sureties did not sign the required bond for them. The suspects were therefore returned to Luzira Maximum Security Prison. This action effectively served to abrogate the decision of the court.

Public Document

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