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Uganda: ICJ alarmed by assault on civilian judiciary ICJ to send trial observer

On the eve of the Constitutional Court hearing on the legality of the trial of opposition leader Dr. Kizza Bisegye and others by a military court, the International Commission of Jurists (ICJ) calls on the Ugandan authorities to respect the independence of the judiciary and the rights of the accused to a fair trial. The ICJ is deeply concerned about recent interferences by the executive and security forces in the administration of justice and the attempt to try civilians before the military General Court Martial.

"The trial of civilians before military courts is a breach of their right under international law to a fair and public trial before an independent and impartial tribunal," said Nicholas Howen, Secretary-General of the ICJ. "The court martial should cease its prosecution and detention of Dr. Bisegye and other civilians. Civilians granted bail by the High Court should be released in accordance with that bail."

The prohibition on trial of civilians by military courts is clearly reflected in the jurisprudence of universal and regional human rights bodies, including the African Commission on Human and Peoples' Rights. It is also enshrined in the *Principles and guidelines on the rights to a fair trial and legal assistance in Africa* adopted by the African Commission in 2003, which states that military courts should not have jurisdiction over civilians in any circumstances.

The ICJ is alarmed that members of a special counter-terrorism security force entered the High Court buildings in Kampala on 16 November 2005 and reportedly prevented 14 of the accused from being released on bail as ordered by the court. The action resulted in the withdrawal of the judge from the case and the frustration of his bail orders. The ICJ is also concerned about reports that lawyers representing the accused before the military court were detained for contempt of court when they challenged the legality of the military jurisdiction.

The executive and military should desist from interfering with and seeking to intimidate and undermine the administration of justice by the judiciary and the legal profession.

"In a politically charged case, with allegations that the accusations are timed to prevent Dr. Bisegye running in a Presidential election, it is vital that the trial be scrupulously fair and in accordance with international fair trial guarantees, including

The ICJ is an international non-governmental organisation comprising sixty of the world's most eminent jurists and has a worldwide network of national sections and affiliated organisations

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that the accused is presumed innocent until proven otherwise,” said Nicholas Howen. The authorities should also ensure that the trial is accessible to the public and that the media is able to be present and report on the trial. The ICJ intends to send a representative to observe the trial and assess whether these and other standards are adequately met.

For further information, please contact Gerald Staberock, Director of the Global Security and Rule of Law Programme, +41 (0) 22 979 3800.