



# INTERNATIONAL COMMISSION OF JURISTS

Commission internationale de juristes - Comisión Internacional de Juristas

*" dedicated since 1952 to the primacy, coherence and implementation of international law and principles that advance human rights "*

02 February 2006

## UGANDA: COURT MARTIAL MUST END TRIAL OF BESIGYE AND CO-ACCUSED

P  
R  
E  
S  
S  
R  
E  
L  
E  
A  
S  
E

Following a Constitutional Court decision in the case of Presidential candidate, Kizza Besigye, the ICJ today called on the Ugandan Court Martial to dismiss the charges against him and for civilians never to be prosecuted in the future in military courts in Uganda.

“The General Court Martial should now immediately stop these unlawful proceedings and release those co-accused still detained. This is the only way to respect the rule of law,” said Kathurima M’Inoti, ICJ Commissioner and trial observer.

The Ugandan Law Society challenged in the Constitutional Court the constitutionality of the trial of Kizza Besigye and 22 others. The Constitutional Court ruled that military courts have no jurisdiction to try cases of terrorism and unlawful possession of firearms and that under the Anti-Terrorism Act only the High Court has jurisdiction to entertain such cases.

Whilst welcoming this partial limitation of the jurisdiction of military courts, the ICJ also expressed its disappointment that the Court did not prohibit in all circumstances the trial of civilians before military tribunals. “By ruling that in different circumstances the military court could try civilians who ‘aide and abet persons subject to military law to commit a crime’ the Constitutional Court has left the door open to future prosecution of civilians by the military,” said Mr. M’Inoti.

“Trials of civilians before military courts are a breach of the internationally recognized right to a fair and public trial before a competent, independent and impartial tribunal. The African Commission on Human and Peoples’ Rights has already held that civilians must not be subjected to military trials – even if some of their co-accused are members of the military,” he added.

The ICJ welcomes that the Constitutional Court decided that the invasion of the High Court on 16 November 2005 by a special counter terrorism security force was illegal. Such interferences with the independence of the judiciary and the legal profession are unacceptable. The ICJ expresses its hope that the ruling of the Constitutional Court are respected and that there will now be a swift and just resolution of the remaining cases of treason and rape before the High Court. The ICJ is deeply concerned by recent events in Uganda and its Kenyan Commissioner, the respected African human rights lawyer Mr Kathurima M’Inoti will continue to monitor the ongoing trials.

For further information, please contact the International Commission of Jurists, +41(0) 22 979 3800.

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

33, rue des Bains, P.O. Box 216, 1211 Geneva 8, Switzerland  
Tel: +41(0) 22 979 3800 – Fax: +41(0) 22 979 3801 – Website: <http://www.icj.org> - E-mail: [info@icj.org](mailto:info@icj.org)