



It's time to end the petrifying levels of Political Intolerance in Uganda

A Call to Action by the Uganda Feminist Forum

January 30, 2025

On November 16, 2024, the world was hit by the shocking news of the abduction of renowned Ugandan opposition leader and four-time presidential contender Col. Dr Kizza Besigye. The abduction took place in Nairobi, Kenya, and Besigye only resurfaced on November 20, 2024, alongside his political aide Haji Obeid Lutale. Produced in a military court in Kampala, Uganda, the two were charged with unlawful possession of firearms and, later, treachery. On January 7, 2025, military personnel prevented Dr. Besigye's lawyer, Eron Kiiza, from accessing the defence benches, assaulted him, and arrested him. He was then summarily convicted by a military court without formal charges or a hearing and sentenced to nine months in Kitalya Prison.

These events are not isolated but rather reflect a concerted descent into intolerance, a process that has gradually escalated over the past decade.

Breakdown in constitutionalism and rule of Law

Since President Museveni and the NRM assumed power in 1986, Uganda has witnessed significant reversals on its democratic journey. This is evident in the continued enactment of unconstitutional laws such as the Public Order Management Act, the selective application of statutes to disadvantage the political opposition, and illegal detentions, among others. In the build-up to the 2021 elections, new forms of political violence were witnessed, including abductions, arbitrary arrests, prolonged detentions, and extrajudicial killings. Between November 18 and 19, 2020, over 54 unarmed citizens, children and women were summarily gunned down in and around Kampala. Before this, 36 members of the People's Front for Freedom (PFF), a new Ugandan political group affiliated with Dr Kiiza Besigye, while at training in Kisumu-Kenya were violently arrested by Ugandan security forces and charged with treason back home in Uganda. These developments have been in clear violation of both national constitutional provisions and international human rights law.

Dr Besigye's abduction contravenes all established rules governing the process of extradition and paints a gloomy picture of constitutionalism and the rule of law in Uganda.

Politicization and Militarization of Uganda's Justice System

While Uganda's constitution provides for an independent judicial system, its courts have gradually been reduced to tools for political persecution and regime consolidation. Time and again, citizens who seek to express their dissatisfaction with the political establishment have been subjected to illegal and prolonged detention without trial. Of late, the General Court Martial has become the tool of choice by the regime for political persecution. The ongoing unconstitutional trial of civilians in Uganda's military courts undermines the rule of law and the principles of justice outlined in Uganda's Constitution. In the recent past, several members of the leading opposition party, the National Unity Platform (NUP), have been detained for over four years. Their freedom was only secured as a result of forced confessions. Military tribunals have recently become the most preferred avenue for prosecuting political opponents. Established under the Uganda People's Defence Forces (UPDF) Act, military courts were intended to handle disciplinary matters within the armed forces. However, their increasing involvement in civilian judicial matters represents a troubling abuse of state power. This repeated targeting of political opponents, activists, and ordinary citizens through such tribunals indicates a worrisome erosion of Uganda's democratic and constitutional foundations.

Undermining the Judiciary and Court Rulings

The Constitutional Court has twice ruled that military courts have no jurisdiction over civilians, in the cases of *Rtd. Captain Amon Byarugaba and Others v. Attorney General (2022)* and *Ssemujju v. Attorney General (2023)*, the court declared that the trial of civilians by military tribunals is unconstitutional, null, and void. These rulings emphasized that:

- i. Military courts are limited to enforcing discipline within the UPDF;
- ii. Under Chapter Eight of the Constitution, civilian cases must be tried in civilian courts, and Sections of the UPDF Act allowing for civilian trials in military courts were unconstitutional.

Unfortunately, the Supreme Court has not provided much clarification on this issue. In *Attorney General vs Uganda Law Society (Constitutional Appeal – 2006/1) [2009] UGSC(January 20, 2009)*, the Supreme Court ruled on the legality of the trial of civilians in military courts. This petition also challenged provisions of the UPDF Act that extended military jurisdiction to civilians. However, as of January 2025, the Supreme Court has still not dealt with the appeals over this issue, precisely the case of *Attorney General vs Michael Kabaziguruka*. Such inaction has worsened the violation of civilians' constitutional rights and allowed military courts to continue their unlawful encroachment into civilian judicial matters.

To compound matters, on several occasions, there have been abductions and the re-arrest of individuals that the courts have granted bail. This trend started with the siege of the High Court in 2001, famously known as the Black Mamba assault, and more recently, the re-arrest of the late Hon. Kawempe North Member of Parliament Muhamad Ssegirinya who was abducted just after being given bail and remanded in jail for an extended period thereafter.

Despite these binding decisions, the General Court Martial defies the law, perpetuating a judicial overreach and impunity cycle.

Human Rights Violations and Safety concerns for people in detention

Dr. Kizza Besigye's ongoing detention and trial exemplify the human rights violations inherent in this unconstitutional practice. Reports of assassination threats against him while in custody have raised serious concerns for his safety. Allegations have emerged that assassins, disguised as inmates, have been sent into the prison to harm Dr. Besigye. Lately, there have been new restrictions imposed concerning formal visits from family, friends, and lawyers, extending to the denial of access to food, potentially undermining his health and safety.

Drums of War and Military Violence Against the Political Opposition

Through his social media platforms, such as @mkainerugaba, @MKainerugaba_@mkainerugabaa, General Muhoozi Kainerugaba, the Chief of Defence Forces, has hinted at attacking certain countries and threatened violence on key political figures—the nonchalant suggestion to publicly hang Dr. Besigye on Heroes Day and execute members of Parliament.

A Call to Action

The above trends violate the 1995 Constitution of Uganda and undermine international norms related to fair trial, human rights, and the separation of powers. They erode public trust in the country's institutions and deepen the political and social divides that hinder Uganda's democratic progress. The open and veiled attacks on the opposition by members of the military, the growing deployment of courts as tools of political persecution, and the increased militarization of the judicial process all point to the disregard for constitutionalism and the rule of law. They reflect the illicit reversal in the democratic journey of Uganda, a country that has had its share of a dark past of instability, anarchy, and neocolonialism.

Uganda Feminist Forum (UFF) therefore calls upon:

1. The government of Uganda to immediately cease the trial of civilians in military courts and transfer all civilian cases currently before military tribunals to civilian courts as mandated by law.
2. The Judiciary to assert its authority and safeguard the independence of Uganda's judicial system and specifically pronounce itself on the case before the Supreme Court, Constitutional Appeal No.2 of 2021 (*Attorney General vs Michael Kabaziguruka*), challenging the trial of civilians in military courts.
3. The President and Commander in Chief restore citizen confidence in the army by enforcing discipline among military officers who not only unleash but also threaten violence on Ugandans, as well as those who risk the integrity of the military by spreading direct and indirect declarations of war on other countries, at the risk of triggering wars. And further

restrain the army from interfering with Uganda's politics, especially in light of the upcoming 2026 elections, aware of the growing role that the military has been playing in the escalation of political violence.

4. The International Community, including the African Union, The Intergovernmental Authority on Development (IGAD) and other regional mechanisms, to hold Uganda accountable for its obligations under international law, including the Universal Declaration of Human Rights, the African Charter on Human and Peoples' Rights, the Africa Peer Review Mechanism, and the East African Treaty.

5. Finally, all Ugandan Citizens to invest in efforts towards expanding the pursuit of democracy, human rights and justice and reject any unconstitutional attempts by the authorities to threaten citizenship and undermine the rule of law.

Conclusion

The trial of civilians in military courts is a blatant violation of Uganda's Constitution and sets a dangerous precedent for the rule of law. UFF remains committed to championing the pursuit of justice, democracy, the protection of human rights, and the promotion of the rule of law. Among other actions, we shall continue to amplify the voices of those marginalized by the structural deficits of our governance to uphold justice and dignity for all Ugandans.

For media inquiries, please contact: @UgFeministForum

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