

**STATEMENT CONDEMNING THE RENDITION AND SUBSEQUENT
PROSECUTION OF DR. KIZZA BESIGYE & 36 OTHERS**

The law is a shield for freedom. It should not be a weapon for repression. The Uganda Law Society (ULS) reaffirms its commitment to protecting the rule of law, defending human rights, and holding accountable those who violate these principles.

Accordingly, ULS condemns the abduction in Kenya, cross-border arrest, unlawful transfer, and subsequent military prosecution in Uganda of Rtd. Col. Dr. Kizza Besigye before the General Court Martial.

In his Keynote Address on the State of the Rule of Law, Constitutionalism & Human Rights on 18 November 2024, the President of Uganda Law Society Isaac Ssemakadde equally condemned similar violations against 36 other individuals associated with People's Front for Freedom who were extrajudicially renditioned from Kisumu into the criminal justice system of Uganda on charges of "terrorism".

These actions represent a blatant abuse of legal process and fundamental rights, undermining the rule of law and setting a dangerous precedent for state-sponsored impunity in Uganda and the region.

Dr. Besigye's abduction and/or arbitrary arrest in Kenya was a violation of Article 9 of the International Covenant on Civil and Political Rights (ICCPR) which was ratified by both Kenya and Uganda guaranteeing protection against arbitrary arrest. His forced removal from Kenyan soil without due process also breaches Article 12(4) of the African Charter on Human and Peoples' Rights (ACHPR) which states that a non-national may only be expelled from a state following a lawful process.

We urgently call upon the Kenyan authorities to thoroughly investigate the circumstances of his alleged abduction to uphold the rule of law and respect for human rights.

The failure to adhere to established legal procedures under Kenya's Extradition (Contiguous and Foreign Countries) Act renders this arrest and transfer illegal. Section 5(1) of the Act provides that;

A requisition for the surrender of a fugitive criminal of any country who is in or suspected of being in Kenya shall be made to the Minister by a diplomatic representative or consular officer of that country and, upon receipt of such requisition, the Minister may, by order under his hand, signify to a magistrate that a requisition has been made and require the magistrate to issue his warrant for the arrest and detention of the fugitive criminal.

This legal procedure was not followed, resulting in a grave violation of regional legal obligations and state sovereignty.

The military tribunal proceedings

On Wednesday 20th November 2024, Dr. Besigye was arraigned before Uganda's General Court Martial on charges linked to activities outside Uganda, including alleged meetings in Geneva, Athens, and Nairobi, purportedly intended to prejudice the security of Uganda's defense forces. Additionally, he is accused of possession of firearms while in Nairobi. ULS affirms that the General Court Martial lacks jurisdiction to hear these charges, as it does not possess universal jurisdiction.

Even if the jurisdiction existed, the prosecution of Dr. Besigye in the Court Martial is an egregious misuse of Uganda's military justice system, designed exclusively for active military personnel. Subjecting a retired officer to military jurisdiction violates the 1995 Constitution as clearly stipulated by the Constitutional Court in the case of Rtd. Captain Amon Byarugaba & 169 others v Attorney General (Constitutional Petition no. 044 of 2015) where the Constitutional court held that the exercise of jurisdiction by Military Courts to try civilians for criminal offenses is unconstitutional under the 1995 Constitution.

We implore the Justices of the Supreme Court to arrest this legal charade and bring it to an end by delivering their judgments in Attorney General vs Michael Kabaziguruka as well as Attorney General vs Retired Captain Amon Byarugaba & 169 Ors. The failure to rule and dispose of these appeals is a matter of grave scandal. It has given a veneer of legality to the actions of the military and provided an opportunity for some individuals to obfuscate the correct legal position regarding the trials of civilians in military courts.

While we recognize the challenges the Supreme Court has faced in the past two years with the constitution of its panels, the delay in disposing of these appeals has had real-life consequences for scores of Ugandan citizens. Elements in the army continue to wantonly arrest and arbitrarily charge civilians before the Court Martial.

It is also a matter of record that the military courts have intentionally declined to grant bail to several political activists known to be affiliated with the National Unity Platform for the explicit purpose of coercing them to plead guilty to spurious charges. The Supreme Court has let down these citizens gravely and needs to give them timely closure.

ULS strongly condemns the disregard for legal processes and calls for the immediate release of Rtd. Col. Dr. Kiiza Besigye, and if there is scope for a lawful prosecution, a proper trial in a civilian court in compliance with national and international trial standards.

We call upon the government of Uganda to cease weaponizing state institutions to persecute political opponents. This is not merely an assault on Dr. Besigye's rights but an existential threat to the freedoms of all Ugandans.

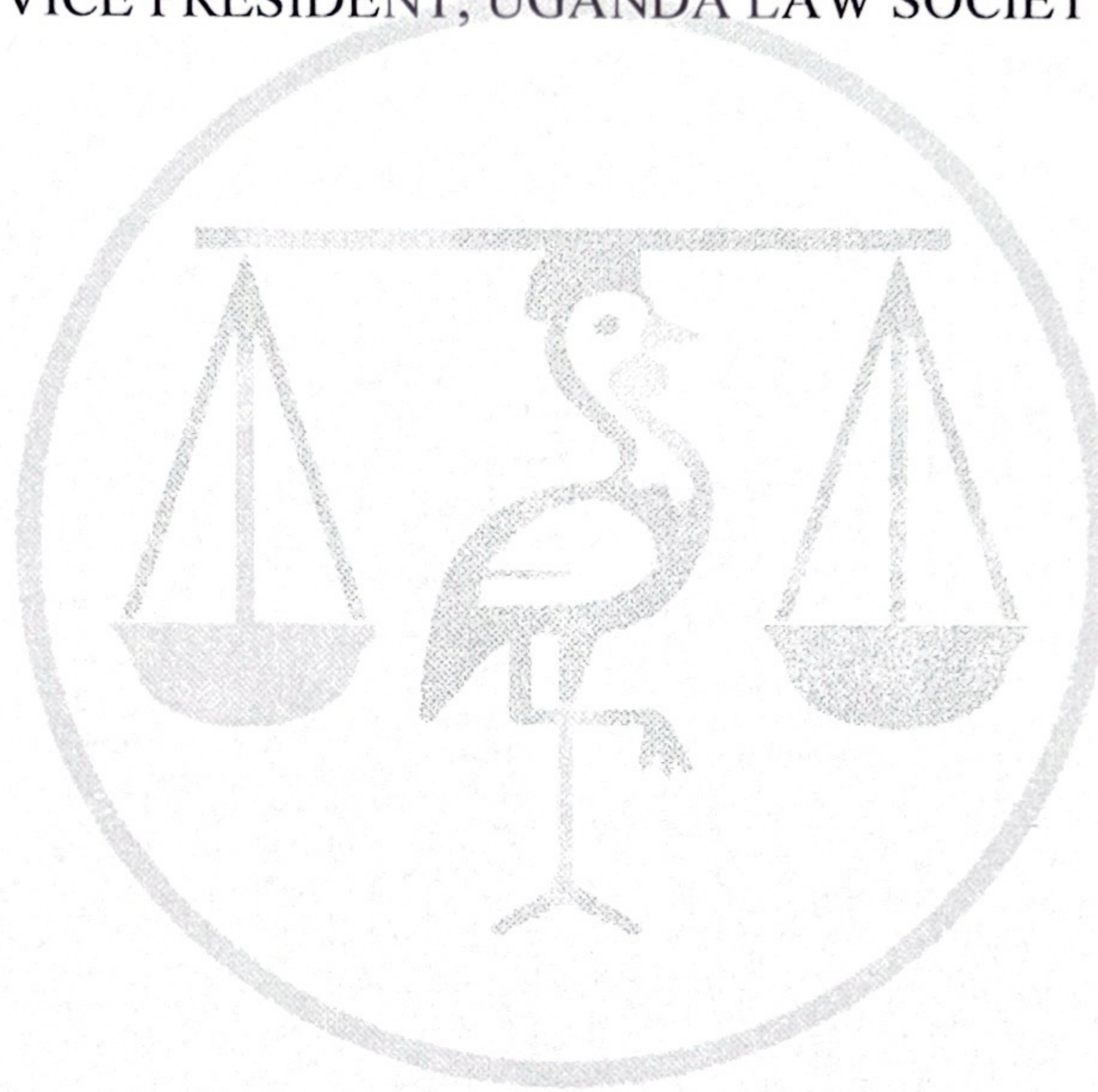
We applaud our sister fraternity, the Law Society of Kenya for its commitment to protecting the rights of East Africans within Kenya, and further call upon the East African Community and the African Union to initiate independent investigations into Uganda's abuse of cross-border legal processes.

We also urge all Ugandans, regional civil societies, and human rights defenders to stand in solidarity against the erosion of legal protections and the weaponization of state power. ULS will follow up this condemnation with appropriate legal action after completing stakeholder consultations.

Dated at the ULS House Kampala, this 22nd day of November 2024



Asimwe Anthony
VICE PRESIDENT, UGANDA LAW SOCIETY



UGANDA LAW SOCIETY
