



Joint statement on Ugandan military tribunal's summary conviction of human rights lawyer Eron Kiiza for contempt of court

The **International Bar Association's Human Rights Institute (IBAHRI)** and **Lawyers for Lawyers (L4L)** express our grave concern regarding Ugandan human rights lawyer **Eron Kiiza's** summary conviction and sentencing to nine months imprisonment for contempt of court, by the General Court Martial, a Ugandan military tribunal, on 7 January 2025.

Eron Kiiza was arrested at the General Court Martial in Makindye township, on 7 January 2025, while attending to his client Dr Kizza Besigye, a physician, retired Colonel of the Uganda People's Defence Forces (UPDF), opposition leader, and former presidential candidate. Dr Besigye's case has already garnered much international scrutiny for its alleged fair trial violations. Dr Besigye is reported to have been abducted from Nairobi, Kenya, on 16 November 2024. He was then reportedly unlawfully extradited to Uganda, and held in incommunicado detention, until he was arraigned before a military tribunal in Kampala on 20 November 2024. He and his colleague Haji Obeid Lutale have been charged with security offences and unlawful possession of firearms and ammunition before a military tribunal despite them both being civilians.

On 7 January, Eron Kiiza was blocked by a soldier from accessing the bar to join other defence counsel for Dr Besigye and Mr Lutale's case. It is reported that following a heated exchange, he was manhandled and violently arrested in the courtroom by military personnel and detained in the dock with his clients, before being removed from the courtroom on the orders of the General Court Martial Chairman, Brigadier General Robert Freeman Mugabe. Further reports state he was taken to the court's holding cell where he was tortured and severely beaten by military officers, including being punched and kicked causing injuries and swelling all over his body including his chest, knees, knuckles, and head, for which he is receiving medical treatment. On the instructions of Dr. Besigye and Mr Lutale, the other defence counsel lawyers, led by Kenyan lawyer Hon. Martha Karua, refused to continue with the matter until the fate of their colleague Eron Kiiza was determined. The Chairman of the General Court Martial therefore adjourned the matter for approximately 45 minutes to deliberate on Advocate Kiiza's case.

Without any formal charges having been laid against him - denying him the right to plead to the charge - and without any hearing - - the General Court Martial Chairman then proceeded to deliver the court's ruling on Advocate Kiiza's case, summarily convicting him of contempt of court, and sentencing him to 9 months imprisonment at Kitalya Government prison.

The circumstances of Advocate Kiiza's arrest, detention, and summary conviction by a military tribunal, raise grave concerns regarding his right to liberty and his right to a fair hearing, protected under Articles 23, 28, and 44 of the **Ugandan Constitution**. His case was heard and determined without him being granted the right to legal representation and the right to be heard. His clients were also denied the right to legal representation by a representative of their choice. His subjection to inhuman and degrading treatment and punishment would also amount to violations of Article 24 of the Ugandan Constitution, Article 5 of **the African Charter on Human and People's Rights**, the United Nations (UN) **Convention Against Torture**, and Article 7 of the **International Covenant on Civil and Political Rights**, to which Uganda is a state party.

The blocking of Advocate Kiiza from representing his client and conducting his professional duties as a legal practitioner, seemingly associating him with his client's cause, and his subsequent violent arrest and summary conviction by a military tribunal as a civilian, also raise concerns of contraventions of the **UN Basic Principles on the Independence of the Judiciary**, and the **UN Principles Governing the Administration of Justice Through Military Tribunals**. Critically, the **UN Basic Principles on the Role of Lawyers** provide that:

- Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions (Principle 18);
- No court before whom the right to counsel is recognized shall refuse to recognize the right of a lawyer to appear before it for their client, unless that lawyer has been disqualified in accordance with national law and practice and in conformity with these principles (Principle 19);
- Lawyers, like all other citizens, are entitled to freedom of expression (Principle 23);
- Lawyers must be able to perform their professional functions without intimidation, hindrance, harassment or improper interference, and shall not suffer, or be threatened with, prosecution or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics (Principle 16); and finally,
- Charges or complaints made against lawyers in their professional capacity shall be processed expeditiously and fairly under appropriate procedures. Lawyers shall have the right to a fair hearing, including the right to be assisted by a lawyer of their choice. (Principle 27).

Under the circumstances, it is clear that Advocate Kiiza's rights as a legal practitioner, and his individual rights to a fair hearing and to personal liberty, security and dignity, have not been respected in accordance with domestic, regional and international standards. L4L and IBAHRI therefore:

- Express solidarity with all those working to challenge the legality of Advocate Kiiza's arrest, prosecution, conviction, and sentence; and call upon the relevant authorities to take urgent action to review the same;
- Call upon the Ugandan judiciary to respect the rule of law and determine Advocate Kiiza's subsequent proceedings in accordance with international fair trial standards;
- Express our solidarity with those exercising their constitutional rights to peacefully protest against Advocate Kiiza's conviction and imprisonment, and call upon the law enforcement authorities to respect the right to peaceful protest; and

- Call upon the Supreme Court to expeditiously deliver its long awaited judgment in the case of *Attorney General vs. Michael Kazibaguruka*, pending which the execution of the Constitutional Court decision prohibiting the trial of civilians in military tribunals has been stayed.