



SUPREME COURT RULING ON CIVILIAN TRIALS IN MILITARY COURTS: A VICTORY FOR CONSTITUTIONALISM AND THE RULE OF LAW

Fort Portal, Uganda – 31st January 2025: The Uganda Law Society (ULS) welcomes today's Supreme Court judgment in **Attorney General v. Hon. Michael Kabaziguruka**, filed in 2021, which settles a 25-year judicial rigmarole regarding the trial of civilians in military courts. This ruling, coming eight months late since the date it was reserved after re-hearing of the appeal on 13th May 2024, marks a crucial victory for constitutional democracy and human rights in Uganda.

Justice delayed has been justice denied for countless Ugandans who have suffered under the dark shadow of military justice. The wounds inflicted by this system – particularly in regions like Karamoja – will require more than just judicial proclamations to heal.

Pending the perfection of the top court's decree, we are impelled by sections 3(d) and 3(e) of the Uganda Law Society Act to issue the following guidance to the state, the bar and members of the public.

To the Uganda People's Defence Forces (UPDF) and all security agencies:

- Immediate compliance with this ruling is non-negotiable
- Release all civilians currently held for trial in military courts
- Cease all pending prosecutions of civilians in military courts
- Transfer relevant cases to civilian courts where appropriate
- Review and revise all internal UPDF protocols to prevent future violations

To the Parliament of Uganda:

- The time for legislative action is now
- Urgently amend the UPDF Act to align with constitutional principles
- Remove ambiguities in Section 117(1)(g)(h) that have enabled abuse
- Establish clear jurisdictional boundaries between military and civilian courts
- Create robust safeguards against future military overreach into civilian justice

To the Executive:

- Issue immediate directives to all security agencies ensuring compliance
- DPP should rapidly weed out from the system cases that are eligible for immediate discharge
- Establish an inter-ministerial task force to oversee implementation
- Provide compensation mechanisms for victims of unconstitutional military action

This ruling must serve as more than just a legal milestone – it must become a catalyst for comprehensive reform, reparations and a guarantee of non-repetition. The pattern of using military courts to intimidate civilians, silence dissent, and circumvent constitutional protections must end definitively.

We call upon all stakeholders to recognize that true national security lies not in the expansion of military jurisdiction, but in the strict adherence to constitutional principles and the rule of law. The practice of trying civilians in military courts has been a stain on our democracy, undermining civil liberties and perpetuating a culture of fear and impunity.

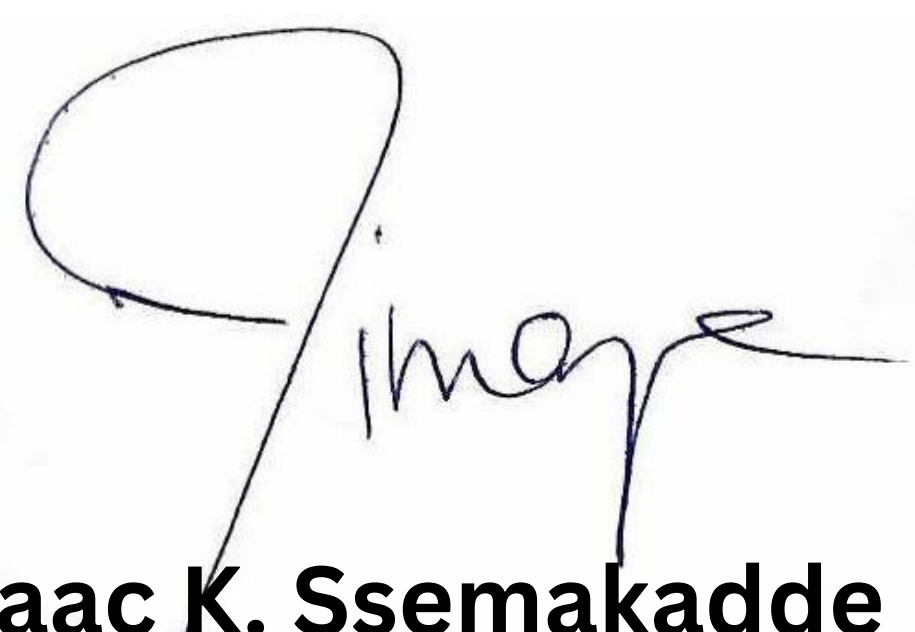
The ULS commits to:

- Monitoring compliance with this ruling across all state agencies and authorities
- Providing legal support to affected civilians seeking redress
- Working with Parliament and civil society on necessary legislative reforms
- Maintaining vigilance against any attempts to circumvent this ruling

Today's ruling provides a foundation for healing and reform, but the work is far from complete. We must transform this judicial victory into lasting institutional change. The ULS stands ready to support all genuine efforts toward this goal while remaining vigilant against any attempts to undermine or circumvent this historic ruling.

The supreme law of Uganda is the Constitution, not military might. Let this ruling mark the beginning of a new era where this principle is not just acknowledged, but properly implemented.

For God and My Country,

A handwritten signature in black ink, appearing to read 'Isaac K. Ssemakadde', written over a light blue rectangular stamp.

Isaac K. Ssemakadde
President
Uganda Law Society