



ENEN LEGAL WORLD

Justice Ignited, Courage Unleashed
— Veritas Ardet —

🌐 www.enenlegalworld.com
✉ enen@enenlegalworld.com
☎ +256 789 856 805

OUR REF: ELW/CONST/1/2026

YOUR REF: _____

31st July, 2026

The Hon. Chief Justice of the Republic of Uganda

The Hon. Deputy Chief Justice

The Hon. Principal Judge

THE JUDICIARY OF THE REPUBLIC OF UGANDA

**RE: PETITION CALLING UPON THE LEADERSHIP OF THE JUDICIARY TO REAFFIRM
THE INDEPENDENCE OF THE JUDICIARY AND THE CONSTITUTIONAL ROLE OF THE COURTS**

My Lords,

I write this letter neither in anger nor in defiance, I write in hope. Hope that, in moments when the constitutional equilibrium of our Republic appears unsettled, the Judiciary, the last institutional refuge of the Rule of Law, will speak with the calm confidence that only constitutional independence can command.

There are seasons in the life of a nation when constitutions are defended by judgments. There are other seasons when they are defended simply by reminding the nation that they still exist. I respectfully submit that Uganda has entered such a season.

On 4th July 2026, His Excellency the President of the Republic addressed the nation and characterised our justice system in terms that have since reverberated across the legal profession and beyond. He lamented what he perceived as deficiencies within the administration of justice and suggested that security agencies should, in effect, fill what he regarded as gaps left by the courts.

Every Ugandan, including the President, enjoys the constitutional freedom to express opinions on matters of national importance. Yet constitutional architecture demands that where one arm of Government publicly questions the constitutional role of another, the institution whose mandate is implicated must reassure the nation, not out of pride, not out of rivalry, but out of fidelity to the Constitution.

My Lords, the silence of the Judiciary has become as widely discussed as the speech itself. Silence is never merely the absence of words. Silence is interpreted. Silence reassures. Silence unsettles. Silence sometimes acquiesces.



And silence, in constitutional democracies, can itself become a constitutional statement. It is for that reason that I write, not to invite confrontation between institutions of Government, but to invite constitutional clarity.

Articles 126 and 128 of the Constitution were never enacted to elevate judges above criticism. They were enacted to ensure that every Ugandan, whether poor or powerful, innocent or accused, unknown or celebrated, may stand before an independent court knowing that justice shall not depend upon the pleasure of the Executive, the popularity of a cause, or the influence of political authority.

Judicial independence is therefore not a privilege enjoyed by judges. It is a right enjoyed by citizens. It belongs equally to the widow seeking justice, the prisoner awaiting trial, the investor enforcing a contract, the child claiming inheritance, and the citizen challenging unlawful State action. The independence of the Judiciary is not the Judiciary's shield. It is the people's shield.

My Lords, permit me to speak personally. I saw videos circulating online where Dr. Kizza Besigye, in what I believe to be a defiant protest against the abrogation of his fair trial rights, collapsed upon the cold floor of the accused person's dock during a treason trial. That image has refused to leave my mind.

As I reflected upon it, I found myself wondering whether history was presenting us with more than the collapse of one accused person. Perhaps it was presenting us with a warning.

For if we do not zealously insulate the Judiciary from executive overreach and every usurpation of its constitutional independence, it will not merely be one litigant who collapses. The Rule of Law itself will collapse.

And when the Rule of Law collapses like Dr. Besigye did upon that cold courtroom floor, our courts risk being transformed from temples of justice into shrines of injustice, where constitutional guarantees are ritualistically sacrificed at the altar of expediency, and judicial officers, bound by oath to defend the Constitution, risk being remembered not as its fearless custodians, but as reluctant high priests of a system that abandoned its own sacred covenant with justice.

My Lords, those are difficult words to write. But history has never been kind to institutions that remained silent while constitutional boundaries slowly eroded. Constitutions rarely perish in a single dramatic moment. More often (than not), they are weakened by gradual concessions. One silence. One encroachment. One exception. One justification. Until the extraordinary becomes ordinary. The framers of our Constitution understood this danger. That is why judicial power was vested exclusively in courts established under the Constitution.

That is why Article 128 emphatically declares that, in exercising judicial power, the courts shall not be subject to the control or direction of any person or authority. Those provisions were not decorative aspirations. They were intended to be constitutional barricades against arbitrary power.

My Lords, the Uganda Law Society has invited members of the legal profession and the public to petition the leadership of the Judiciary. I respectfully answer that invitation.

I therefore humbly pray that Your Lordship, together with the Honourable Deputy Chief Justice and the Honourable Principal Judge, publicly reaffirm:

1. That judicial power belongs exclusively to courts established under the Constitution.
2. That the constitutional independence of the Judiciary remains absolute and non-negotiable.
3. That every litigant shall continue to receive justice according to law, uninfluenced by political authority or executive preference.
4. That constitutional dialogue between the three arms of Government must always preserve the doctrine of separation of powers upon which our Republic is founded.

Such a statement would not amount to political engagement. It would amount to Constitutional leadership. Future generations may not remember every speech delivered by those who wielded political power. But they will remember whether the Judiciary found its voice when the Constitution most needed reassurance.

History possesses an unforgiving memory. It rarely condemns institutions for speaking too faithfully in defence of the Constitution. It more often asks why those entrusted with its guardianship chose silence when constitutional principles cried out for affirmation.

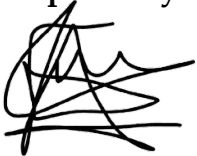
My Lords, Courts do not command armies. They possess no police force. They enact no legislation. Their authority rests almost entirely upon public confidence that they remain independent, impartial and faithful to the Constitution. Once that confidence is surrendered, it cannot easily be restored.

I therefore beseech Your Lordships not merely as the Heads of the Judiciary, but as one of the principal constitutional custodians of our Republic:

Let it never be written that when the Rule of Law staggered, the Judiciary simply watched. Let it instead be recorded that when uncertainty visited Uganda, the Judiciary answered, not with hostility, not with politics, but with constitutional courage. For constitutions are not always overthrown by force. Sometimes they are quietly surrendered through silence. And there are seasons when judgments speak. There are also seasons when silence speaks.

With the greatest respect, My Lords, this appears to be a season when the Constitution itself deserves to be heard.

Respectfully submitted,



ENEN AMBROSE

Advocate of the High Court of Uganda

Founder & Editor, Enen Legal World

Member, Judiciary Affairs Committee – Uganda Law Society

Adjumani, Uganda