



“Besigye’s Case Exposes Judiciary’s Drift into Opaque E-Justice” – ULS Raises Alarm

Kampala, Uganda – 21 July 2026: The Uganda Law Society expresses grave concern over the pernicious case management directions issued by Judge Simon Peter M. Kinobe on 17 July 2026 in *High Court Miscellaneous Application No. 0248 of 2026 (Dr Kizza Besigye & Hajji Obeid Lutale v. Gen Muhoozi Kainerugaba & Attorney General)*.

These directions represent a troubling acceleration toward **opaque e-justice**. By imposing tight electronic deadlines under the ECCMIS system on remand prisoners who lack access to computers, internet, stationery, counsel, clerks, or basic facilities, the Court has institutionalised unequal justice and severely undermined open justice.

As noted in the Society’s Advisory of 4 June 2026 titled *“Preliminary Response to the Chief Justice’s Administrative Circular No. 1 of 2026”*, the directions arbitrarily prioritise administrative speed over transparency and other constitutional safeguards. There are no explicit protections for public and media access to proceedings and records, contrary to Articles 28(1), 29(1)(a), 41 and 126 of the Constitution. **This risks turning the administration of justice into a closed, insider-driven process invisible to the public.**

It is untenable to require incarcerated Applicants to serve documents by close of business on Monday, 20 July 2026, and file affidavits and written submissions on an unrealistic timetable, while the Respondents — a senior army official and the Attorney General — enjoy the full resources of the State. This violates the right to a fair hearing and the principle of equality of arms under Article 28(1) of the Constitution.

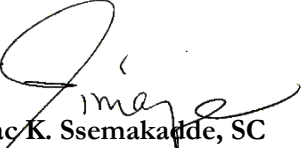
The directions wrongly presume that purely written electronic processes are sufficient in complex liberty cases such as this application, which seeks protection for defence counsel against an alleged coordinated campaign of repression. **They also fail to mandate a pre-hearing scheduling conference**, which is essential to ensure fairness, address practical challenges faced by the Applicants, and allow the Court to issue necessary directions for a just and expeditious determination of the matter.

Furthermore, the absence of any contingency protocols for power outages, internet disruptions or system failures only deepens the opacity and unreliability of the process.

The Uganda Law Society warns that the unchecked pursuit of a paperless regime, without robust constitutional safeguards, is creating a dangerous architecture of opaque justice that is convenient for the powerful but destructive to the rule of law.

We call upon the trial judge to immediately review and relax these directions to guarantee realistic timelines and meaningful access to justice for the Applicants, the public and the media. We further demand the rescission of the **Chief Justice’s Administrative Circular No. 1 of 2026** and the issuance of a new practice direction that subordinates all electronic court initiatives to the imperatives of **open justice**, fair hearing, and equality of arms.

Justice that cannot be seen or accessed by the people is no justice at all.


Isaac K. Ssemakunde, SC
President, Uganda Law Society