NEW YORK CITY BAR ASSOCIATION EXPRESSES GRAVE CONCERN OVER UGANDA'S ARREST AND CONVICTION OF HUMAN RIGHTS LAWYER ERON KIIZA

The New York City Bar Association[1] (the "City Bar") is deeply concerned about the Ugandan government's detention and the summary conviction by a military court martial of Ugandan human rights lawyer Eron Kiiza. The arrest, summary trial, and nine-month prison sentence imposed on Eron Kiiza[2] by a military tribunal raise serious concerns about the infringement of legal professionals' rights and broader implications for the rule of law in Uganda.

On January 7, 2025, Ugandan military officials denied Mr. Kiiza entry to the court to represent his client at the General Court Martial in Kampala, Uganda's capital. Mr. Kiiza was at the military court for a hearing in the case of his client, political opposition activist Dr. Kizza Besigye.[3] Mr. Kiiza tried to explain that he was a member of the defense team and was scheduled to be in court, but military officials denied him access to his client. Instead, they forcibly[4] removed him from the court, detained him in an undisclosed location, and returned him to the court later that day, where he was summarily convicted of contempt of court without formal charges or a fair hearing and sentenced to nine months imprisonment. He was immediately transferred to Kitalya Prison, located 34 miles from Kampala. Reports[5] indicate that soldiers hit and physically assaulted

[1] The New York City Bar Association (City Bar), founded in 1870, is an organization of approximately 23,000 members in New York City and elsewhere throughout the United States and in more than 50 countries around the globe. Its members include judges, prosecutors, defense counsel, government lawyers, and public interest/non-governmental organization practitioners, as well as legal academics and attorneys representing nearly every major law firm and corporation in the United States. The City Bar has a long and distinguished history of promoting the rule of law and human rights, including the rights of legal professionals to fulfill their professional obligations. The Cyrus R. Vance Center for International Justice assisted with this Statement.

[2] "Lawyer for Ugandan opposition politician 'arrested and tortured,'" The Guardian. January 16, 2025, *available at* https://www.theguardian.com/global-development/2025/jan/16/lawyer-for-ugandan-opposition-politician-arrested-and-tortured-eron-kiiza-kizza-besigye-yoweri-museveni (All websites last accessed on Jan. 30, 2025).

[3] Wycliffe Muia, "How a Ugandan opposition leader disappeared in Kenya and ended up in military court," BBC (December 2, 2024), *available at* https://www.bbc.com/news/articles/cp8x3vr6zj2o.

[4] Video of proceedings, "Besigye's lawyer Eron Kiiza sentenced to 9 months in Kitalya prison", NTVUganda, Jan. 7, 2025, *available at* https://www.youtube.com/watch?v=N4BmUCF3Dpg.

[5] Navya Singh, "Uganda criticized over arbitrary detention and torture of lawyer," JURISTnews, January 15, 2025, *available at* https://www.jurist.org/news/2025/01/uganda-criticized-over-arbitrary-detention-and-torture-of-lawyer/.

About the Association

The mission of the New York City Bar Association, which was founded in 1870 and has 23,000 members, is to equip and mobilize a diverse legal profession to practice with excellence, promote reform of the law, and uphold the rule of law and access to justice in support of a fair society and the public interest in our community, our nation, and throughout the world.

Mr. Kiiza while removing him from the courtroom and subsequently during his detention, resulting in significant injuries.

Mr. Kiiza is one of a team of lawyers[6] representing Dr. Besigye, a prominent opposition figure and former presidential candidate, who alleges that Ugandan officials extrajudicially abducted him[7] from Nairobi, Kenya, on November 16, 2024, and took him[8] to Uganda. He has been charged[9] with security-related offenses, unlawful possession of firearms, and treachery before a military tribunal, despite being a civilian.

The trial of civilians in military courts[10] contravenes international human rights standards and Uganda's own constitutional provisions. A 2022 Constitutional Court ruling[11] in Uganda deemed the trial of civilians in military courts illegal and underscored the need for the Ugandan justice system to adhere to due process and fair trial standards. Even if Dr. Besigye were lawfully subject to a military tribunal's jurisdiction—and to be clear, as a civilian, he is not—there is even less justification for the exercise of military jurisdiction over his lawyer pursuing his client's legal rights.

The Ugandan government's unjust treatment of Dr. Besigye's attorney appears punitive in nature and contravenes national laws as well as Uganda's obligations under regional and international legal frameworks. Uganda's Constitution[12], its Advocates Act[13], and its Prevention and Prohibition of Torture Act[14] collectively protect the right to personal liberty, set conditions for lawful arrest and detention, safeguard the professional independence of lawyers, and criminalize torture and ill-treatment by state actors or others.

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[6] Shamim Nabakooza, "Defence Team Pushes Back After Eron Kiiza Detention by the Court Martial," Nile Post, Jan. 7, 2025, *available at* https://nilepost.co.ug/news/235884/defence-team-pushes-back-after-eron-kiiza-detention-by-the-court-martial.

[7] "Uganda: Immediately release lawyer Eron Kiiza and quash military court's outrageous decision," January 8, 2025, *available at* https://www.amnesty.org/en/latest/news/2025/01/uganda-immediately-release-lawyer-eron-kiiza-and-quash-military-courts-outrageous-decision/.

[8] "Uganda's Kizza Besigye 'kidnapped' in Kenya, taken to military court," Al Jazeera, Nov. 20, 2024, available at https://www.aljazeera.com/news/2024/11/20/ugandan-opposition-politician-kidnapped-in-kenya-taken-to-military-jail.

[9] Rodney Muhumuza, "Ugandan military court rules it can try opposition figure on treachery charge carrying death penalty," CBS42, Jan. 14, 2025, *available at* https://www.cbs42.com/news/international/ap-ugandan-military-court-rules-it-can-try-opposition-figure-on-treachery-charge-carrying-death-penalty/.

[10] "Court to hear ex-MP Kabaziguruka case," *available at* https://www.msn.com/en-xl/news/other/court-to-hear-ex-mp-kabaziguruka-case/ar-BB1m4KSU.

[11] "Rtd Captain Amon Byarugaba and Others v Attorney General (Constitutional Petition No 44 of 2015)," Center for Public Interest Law, *available at* https://cepiluganda.org/cepil-case-summaries/rtd-captain-amon-byarugaba-hasibu-hasita-mathias-rugira-167-ors-versus-attorney-general-constitutional-petition-no-o44-of-2015/.

[12] Constitution of the Republic of Uganda (1995) (rev. 2017) (Article 20, 29(1)(a), 28(1), and Article 44 (a) & (c)), *available at* https://www.constituteproject.org/constitution/Uganda_2017.

[13] Advocates (Amendment) Act, 2002, *available at* https://ulii.org/akn/ug/act/1970/22/eng@2000-12-31.

[14] Prevention and Prohibition of Torture Act, 2012, *available at* https://ulii.org/akn/ug/act/2012/3/eng@2012-09-18.

Uganda's actions also contravene its responsibilities under regional frameworks and international law.

Regionally, the Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa[15] mandate the protection and independence of legal professionals such as Mr. Kiiza, while the African Charter on Human and Peoples' Rights (ACHPR)[16] guarantees personal liberty and security, prohibits arbitrary arrest and detention, and ensures fair trial rights, which Mr. Kiiza was denied.

Internationally, Uganda is bound by legal obligations such as the International Covenant on Civil and Political Rights (ICCPR),[17] which prohibits arbitrary arrest, detention, and violations of fair trial standards; the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT),[18] which obligates the prevention and punishment of torture; and the United Nations Basic Principles on the Role of Lawyers,[19] which protect lawyers from harassment, interference, and intimidation, and emphasize that lawyers must be free to represent their clients without fear of reprisals.

The New York City Bar Association calls on the Ugandan authorities to:

- **Immediately release** Eron Kiiza and ensure his safety and well-being.
- **Cease the practice** of trying civilians in military courts, in line with national and international legal standards.
- **Uphold the rule of law** by ensuring that legal professionals can perform their duties without fear of harassment, intimidation, or unlawful detention.
- **Conduct a thorough and impartial investigation** into the alleged abduction and unlawful extradition of Dr. Kizza Besigye, ensuring that his rights are fully protected.
- **Uphold international and constitutional obligations** to respect, protect, and promote the rights of all citizens, including legal professionals and human rights defenders.

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[15] Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa, 2003, available at https://achpr.au.int/en/node/879.

[16] African Charter on Human and Peoples' Rights, *available at* https://au.int/en/treaties/african-charter-human-and-peoples-rights.

[17] International Covenant on Civil and Political Rights ("ICCPR"), (U.N. General Assembly, Dec. 16, 1966), *available at* https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights.

[18] Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, (U.N General Assembly, 10 December 1984), *available at* https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-against-torture-and-other-cruel-inhuman-or-degrading.

[19] U.N. Basic Principles on the Role of Lawyers, Principle 18 (Eighth U.N. Congress on the Prevention of Crime & the Treatment of Offenders, Sept. 7, 1990), *available at* https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-role-lawyers.

Legal practitioners play a unique and vital role in society; in recognition of this unique function, they are accorded special protection under international law. These rights, and the independence of the judiciary, are cornerstones of a just society and must be defended. The New York City Bar Association stands in solidarity with Ugandan lawyers and human rights defenders advocating for justice and the rule of law.

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