



PRESS STATEMENT

STOP IMPUNITY AND ABUSE OF JUSTICE!!

FOR IMMEDIATE RELEASE

11th August 2016

Mengo, Kampala

On 10th August 2016, the Inspector General of Police (IGP) and seven of his colleagues were expected to appear in Makindye Chief Magistrates' Court to answer charges of police brutality against innocent civilians in: ***Criminal Miscellaneous Application No.6061 of 2016, Uganda Vs IGP General Kayihura and 7 others***. These civilians were on 13th July 2016 caught up in the fracas that ensued following the release of the former Forum for Democratic Change Presidential Candidate, Dr. Kizza Besigye who had spent almost two months in jail. Although the IGP and his co-accused did not show up in Court which in itself shows total disregard for the Rule of Law and contempt of Court, the events surrounding yesterday's proceedings in Makindye Court show that once again Justice, rule of law and enforcement of human rights in Uganda is at a crossroads.

LASPNET, the National network for over 49 Legal Aid Service Providers in Uganda, is extremely worried at the turn of events where lawyers who offered to provide a free legal service came under threat and intimidation for defending the rights of the vulnerable. LASPNET is very concerned at the deteriorating respect for rule of law and abuse of court process by a section of the public and joins members of Uganda Law Society, Human rights activists and the peace loving Ugandans to condemn this outright abuse and attack of the custodians of Justice. This is completely unacceptable and as Legal Aid Service Providers we condemn in the strongest terms the level of impunity, recklessness and lack of respect for human rights by all parties involved: covert and overt alike.

We are perturbed by the double standards and selective application of the law by the Police. The Pro – General Kayihura protestors while subject to the same rights specifically the right to protest under Article 29 of the Uganda Constitution, and the Public order Management Act (POMA), they were given lee way by the police in the selective application of the POMA. This was done when they were allowed to assemble without authorization to disrupt the court process and protection was only provided after the situation went out of hand. This greatly undermined Article 21(1) of the Constitution which states that all persons are equal before the law and enjoy equal protection and article 28 that provides for the right to fair hearing.

We reaffirm that the complainants who were brutalized by police have the right to seek redress using a lawyer of their choice as provided for in Article of 50(1) of the Uganda Constitution and other international legal frameworks which include Principle 1 of the *UN Basic Principles on the Role of Lawyers* that provides that '**All persons are entitled to call upon assistance of a lawyer of their choice to protect and establish their rights and defend them in all stages of criminal proceedings.**'

LASPNET would like to remind the Police, accused persons and the general public that Lawyers in Uganda are by law mandated to provide guidance and to promote rule of law and good governance. Section 3 of *Uganda Law Society Act Cap.276* states that lawyers are the custodians of the law supposed to protect and assist the public in all matters touching and are ancillary to the law. Therefore by providing legal services to the vulnerable complainants, the lawyers were only doing what they are empowered to do that is intended to promote public good and respect for human rights by all.

Therefore the threats and barricade accorded to the lawyers and judicial officer inside the Chief Magistrates' chambers was absurd, unfortunate, deplorable and uncalled for. We believe it was meant to instill fear; it was in itself an attack on the temple of Justice which the law enforcement officers were at all times expected to guard and protect jealously. The security therefore fell short of their obligation to protect the lawyers and court to avert the damage of raping the temple of justice by rogues castigated by lawless personalities.

We further wish to advise that Article 2 of the Constitution provides that no person is above the Law, and it must be respected by all. Also Section 5 (2) of the Police Act 1994 Cap 303 states that, ***in the performance of his duties ,the IGP shall be subject to and act in the laws of Uganda*** . Thus failure by the IGP and his co- accused to appear in court is regrettable and was contempt of court. As a leader of an institution responsible for keeping law and order, he set a bad example and precedent with irreversible effects .We find this conduct not befitting for an officer of his rank and caliber and condemns along the act to show support to wrongful conduct of the person of IGP

WE ACCORDINGLY AND IN ONE ACCORD CALL UPON THE FOLLOWING INSTITUTIONS TO TAKE THE FOLLOWING ACTIONS TO REVERSE THE DAMAGE CAUSED:

- 1. THE GOVERNMENT :** To adhere to Principle 16 and 17 of the *United Nations Basic Principles on the Role of Lawyers* that calls on governments to ensure that lawyers perform all their professional functions without intimidation, hindrance, harassment or interference;
- 2. THE INSPECTOR GENERAL OF POLICE:** To respect the Rule of Law, adhere to the Court summons and submit himself to courts of law who will handle the matter appropriately and in accordance with the law as prescribed. In addition, we call upon him to humbly and in public interest resign to give way to investigations into the matter without interference;

3. **THE POLICE:** To exercise impartiality in ensuring Law and Order; And to promote Article 21 of Uganda's Constitution, Article 7 UDHR, Article 14(1) ICCPR, Article 3(1), (2) of ACHPR that reaffirm the protection and equality all persons regardless of their position, belief, and background amongst others. Implement Principle 16 of *the United Nations Basic Principles on the Role of Lawyers* by providing protection to enable lawyers perform their work without intimidation.
4. **THE JUDICIARY:** To remain steadfast in carrying out their constitutional mandate as provided for in Article 126 and Article 128 and not to be influenced by divergent views
5. **THE DIRECTORATE OF PUBLIC PROSECUTION:** To allow the private prosecution take its course, or to support the process judiciously and refrain from any action that will amount to unreasonable use of its mandate to frustrate the efforts of public interest litigation in such a matter of public importance;
6. **THE PUBLIC:** To avoid theatrical actions that politicize lawful legal process, respect due process and the rule of law to avoid plunging our country into a lawless republic.

As a network of Legal Aid Service **Providers WE REAFFIRM OUR COMMITMENT and RESOLVE TO STAND** with and support the Legal Team in this matter and we encourage them not to lose hope

We DEMAND that justice prevails in the matter; Lawyers, are respected and supported in the execution of our work in addition to according us an operating environment conducive for effective service provision to our clients.

As Aristotle said, '*the only stable state is the one in which all men are equal before the law*'.

FOR GOD AND OUR COUNTRY

THE BOARD OF DIRECTORS ON BEHALF OF LASPNET

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