



Statement regarding the removal of Ugandan Supreme Court Judge, Justice Kisaakye from office

The Commonwealth Lawyers' Association (CLA) is gravely concerned about reports that the Judicial Service Commission in Uganda has recommended the removal of Supreme Court Justice Esther Kisaakye from office. Justice Kisaakye gave the only dissenting judgement in the 2021 election petition between Robert Kyagulanyi Sentamu, otherwise known as Bobi Wine, the main opposition party leader of the National Unity Platform, and the incumbent President Yoweri Museveni.

During the election petition proceedings, Mr. Kyagulanyi made an application to file additional documents out of time, which application was denied by the majority of the court with Justice Kisaakye giving a dissenting opinion that Mr. Kyagulanyi had not been given adequate time to present his case. Justice Kisaakye was obstructed from reading out her dissenting judgement in court on 18th March 2021 but proceeded to do so despite having her court file taken away from her by police officers and having the courtroom lights being turned off as she read out her judgement. Justice Kisaakye has subsequently been the subject of disciplinary proceedings which have ultimately resulted in the Ugandan Judicial Service Commission recommending that the Republican President remove her from office. Questions have arisen about whether due process was followed during the disciplinary proceedings.

The Commonwealth's Latimer House Principles on the independence of the judiciary call for:

- ***"An independent, impartial, honest, and competent judiciary [that is] integral to upholding the rule of law, engendering public confidence and dispensing justice. The function of the judiciary is to interpret and apply national constitutions and legislation, consistent with international human rights conventions and international law, to the extent permitted by the domestic law of each Commonwealth country."***

The Latimer House Principles further state that in order to secure the independence of the judiciary:

- ***"Judges should be subject to suspension or removal only for reasons of incapacity or misbehaviour that clearly renders them unfit to discharge their duties."***

Therefore, the CLA urges President Yoweri Museveni to carefully consider the implications for the independence of the judiciary in having a judge removed in this manner.

Commonwealth Lawyers Association (CLA)

14th March 2023

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