JOINT STATEMENT: CONTINUING CONSTITUTIONAL AND STATUTORY CONCERNS AFFECTING MEDIA FREEDOM, PERSONAL LIBERTY, THE LEGAL PROFESSION AND RULE OF LAW IN UGANDA

Arusha, United Republic of Tanzania | 1st July, 2026

The East Africa Law Society (EALS), together will all national bars in East Africa, the Pan African Lawyers Union, the International Commission of Jurists (ICJ Kenya),the Kenya Human Rights Commission and East Africa Civil Society Organisations Forum (EACSOF) issue this statement in light of **serious and continuing concerns** arising from developments in Uganda that raise prima facie questions of constitutional compliance, statutory fidelity, and adherence to the rule of law.

Taken cumulatively, these developments implicate the foundational pillars of constitutional governance: personal liberty, freedom of expression, freedom of the press, and the independence of the legal profession. They present a continuing situation requiring **urgent cessation by responsible Ugandan authorities**.

1. DEPRIVATION OF LIBERTY AND DUE PROCESS CONCERNS

We express grave and escalating concern regarding credible and consistent reports of deprivation of liberty affecting multiple individuals in Uganda, including the reported detention, prosecution and denial of bail of Dr. Miria Matembe, senior legal practitioner and former Minister of Ethics and Integrity, alongside earlier reported abduction incidents involving Dr. Sarah Bireete, Ms. Eunice Musiime, and others whose circumstances continue to emerge, and of course the continued prosecution and persecution of senior advocate, and former mayor of Kampala Hon. Erias Lukwago.

Taken together, these reports indicate a **widening pattern of concern regarding executive overreach, respect for personal liberty, transparency of detention, judicial independence and compliance with due process guarantees.**

In relation to Dr. Matembe, there remains no publicly available confirmation of the legal basis of detention, place of custody, or observance of constitutionally mandated safeguards.

Where deprivation of liberty occurs without prompt disclosure of lawful authority, verifiable custody, and due process compliance, **serious constitutional concerns** arise under **Articles 23, 24, 28, 44(a), and 50 of the Constitution of Uganda, reinforced by Article 9 of the ICCPR and the UN Convention Against Torture**.

2. DISRUPTION OF LICENSED MEDIA OPERATIONS

We note with grave concern the reported and continuing disruption of operations of Nation Media Group Uganda, including NTV Uganda, Spark TV, and the Daily Monitor, accompanied by reports of suspension of broadcasting and security deployment at media premises.

These developments directly offend the **constitutional guarantee of press** freedom, which is not a discretionary privilege of the State but a foundational requirement of democratic governance, accountability, and the public's right to receive and impart information without interference.

We further note on the absence of any publicly disclosed directive and or order from the Uganda Communications Commission authorizing such actions on closure, thus the military is in clear usurpation of powers, the question that now beckons is whether Uganda is a democracy or it has since transformed to military state, governed by the military junta.

Under the Uganda Communications Act, 2013, regulatory authority over broadcasting is vested exclusively in the Uganda Communications Commission. Any interference with licensed media operations must therefore satisfy strict requirements of:

- legality
- necessity in a democratic society
- proportionality
- procedural fairness
- independent oversight

Any action outside this statutory framework raises **serious prima facie concerns of ultra vires conduct, administrative irregularity, and incompatibility with Articles 2(1) and 29 of the Constitution of Uganda.**

Press freedom is a core indicator of constitutional health. Its restriction, where lawful, must remain exceptional, transparent, and strictly justified.

3. CIVILIAN AUTHORITY AND CONSTITUTIONAL COMMAND STRUCTURE

We note with serious concern of a **recurring pattern of public statements, random tweets on X and reported interventions attributed to senior military leadership, including the Chief of Defence Forces in matters within the exclusive competence of civilian institutions and statutory regulators.**

Across Uganda, these developments have generated growing concern that the constitutional boundary between civilian authority and military command risks being blurred in practice. This boundary is a must, and is essential to constitutional governance, institutional legitimacy, and public confidence in the rule of law.

The military or any individual within the military has no business in civilian rule, neither should they exercise control over any arm of government. It is trite that the military's function is strictly to protect the national interest against external threats, not to regulate the media or order the arrest of lawyers whose sole tool of trade is the pen.

Article 208(2) of the Constitution provides:
"The Uganda Peoples' Defence Forces shall be professional, disciplined, and subordinate to civilian authority established under this Constitution."

This principle is foundational and reflects a deliberate constitutional design ensuring that **coercive power remains strictly subordinate to civilian institutions established under law.**

Read together with Articles 1, 20, 99, and 245, the Constitution establishes a clear hierarchy in which:

- sovereignty resides in the people;
- all authority is derived from and limited by the Constitution;
- executive power is exercised strictly within constitutional bounds; and
- regulatory and enforcement functions are vested exclusively in lawful institutions.

Any pattern of conduct that appears to blur this constitutional separation raises **serious concerns requiring urgent clarification to safeguard institutional integrity, constitutional order, and public trust.**

4. STATUTORY EXCLUSIVITY AND REGULATORY LEGALITY

The regulatory framework governing media operations in Uganda is precise and exclusive.

The Uganda Communications Act, 2013 vests regulatory authority over broadcasting in the Uganda Communications Commission. The Press and Journalist Act establishes the professional and regulatory framework for media practice.

These instruments, read with the Constitution, establish a closed legal system in which **regulatory and enforcement authority over licensed media rests solely with civilian statutory bodies.**

Accordingly, any interference outside this framework raises serious prima facie concerns of unlawful assumption of authority, administrative irregularity, and constitutional non-compliance.

5. LEGAL PROFESSION AND STRUCTURAL CONSTITUTIONAL IMPLICATIONS

The reported deprivation of liberty of legal practitioners and interference with media operations engage structural constitutional guarantees essential to the administration of justice, including:

- independence of legal representation (Article 28)
- access to justice (Article 126)
- freedom of expression (Article 29(1)(a))
- enforcement of rights (Article 50)
- civic participation and association

These guarantees operate as an integrated constitutional system. Their impairment undermines not only individual rights, but the **institutional integrity of constitutional governance and accountability mechanisms.**

6. REGIONAL AND INTERNATIONAL LEGAL OBLIGATIONS

Uganda is bound by binding obligations under:

- the East African Community Treaty (Articles 6(d), 7(2))
- the African Charter on Human and Peoples' Rights
- the ICCPR
- the UN Convention Against Torture
- the UN Basic Principles on the Role of Lawyers
- the UN Declaration on Human Rights Defenders
- the African Declaration on Principles on Freedom of Expression and Access to Information

These instruments collectively require:

- legality and accountability of all state action
- prompt judicial oversight of detention
- protection of journalists, lawyers, and human rights defenders
- institutional independence of regulatory bodies
- effective remedies and accountability

7. ASSESSMENT OF THE CURRENT CONSTITUTIONAL SITUATION

In aggregate, the reported deprivation of liberty without transparent legal justification, the disruption of licensed media operations in the absence of publicly disclosed regulatory instruments, and the indications of non-statutory involvement in civilian regulatory space disclose a pattern of conduct raising serious prima facie concerns of constitutional and statutory non-compliance.

These concerns, go to the integrity of core constitutional guarantees, including personal liberty, freedom of expression, institutional independence, and the supremacy of law.

We note that the persistence and convergence of these developments require urgent clarification by competent national authorities, and, in the absence of satisfactory resolution, may properly engage the preventive and protective mandates of relevant regional and international oversight mechanisms.

8. OUR POSITION

While we do not adjudicate facts, determine liability, or pronounce guilt in respect of any matter referenced in this Statement, it is within our mandate to identify and articulate prima facie constitutional and legal concerns arising within the framework of our national, regional and international obligations.

In this regard, we reaffirm a fundamental principle of constitutional governance:

No public authority, including security institutions, regulatory bodies, or administrative actors, may exercise coercive, regulatory, or enforcement powers except under clear and express authority of the Constitution or written law.

9. URGENT CONSTITUTIONAL MEASURES REQUIRED

We call upon the Government of the Republic of Uganda and all competent authorities to:

1. Immediately disclose the legal basis, location, and status of all detained persons
2. Ensure immediate access to counsel, family members, and medical care
3. Restore affected media operations
4. Confirm exclusive regulatory authority of the Uganda Communications Commission
5. Cease any non-statutory interference in civilian regulatory functions
6. Reaffirm the operational primacy of Article 208(2) civilian supremacy
7. Institute independent, transparent, and time-bound investigations into all alleged violations

CLOSING STATEMENT AND CALL TO ACTION

A constitutional order is sustained not by institutions alone, but by their faithful adherence to the limits of lawful authority.

Where deprivation of liberty is not transparently justified, where statutory mandates are displaced, and where coercive power operates outside clearly defined legal frameworks, the rule of law is placed under **serious and immediate strain**.

We therefore call for the **urgent restoration of full constitutional and statutory compliance in the Republic of Uganda**.

Issued at Arusha, United Republic of Tanzania

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