



**PRESS STATEMENT
FOR IMMEDIATE RELEASE ON 1st FEBRUARY 2025**

**JUSTICE ACCESS POINT CELEBRATES THE LANDMARK SUPREME
COURT RULING ON THE CIVILIAN TRIALS IN MILITARY COURTS
IN UGANDA**

Justice Access Point (JAP) welcomes the Supreme Court's landmark ruling in *Attorney General vs Hon. Micheal Kabaziguruka*, affirming that trying civilians in military courts is unconstitutional. This decision upholds the Constitutional Court's 2021 ruling, declaring Sections 2, 119, and 179 of the Uganda People's Defence Forces (UPDF) Act unconstitutional.

The Supreme Court's decision marks a significant milestone in safeguarding the right to a fair hearing, effectively removing civilians from the jurisdiction of military courts. JAP has long advocated for comprehensive security sector reform and adherence to domestic and international human rights standards by security agencies.

In a pivotal judgment delivered by Chief Justice Alfonse Owiny Dollo, the court clarified that the General Court Martial's jurisdiction is limited to offenses under the UPDF Act and only applicable to individuals subject to military law.

Key Highlights of the Ruling:

- 1) **Constitutionality of Military Courts:** While military courts like the Summary Trial Authority (STA) and Unit Disciplinary Committee (UDC) are lawfully established under the UPDF Act, they must operate within constitutional limits.
- 2) **Jurisdiction Over Civilians:** The ruling finds provisions allowing military courts to try civilians unconstitutional, emphasizing civilians should not face military trials unless under exceptional circumstances with proper justification.
- 3) **Unconstitutionality of Certain Provisions:** Sections of the UPDF Act granting military courts jurisdiction over crimes involving civilians or capital offenses are unconstitutional. Specifically, Sections 179(1) & (2) and 197(2) of the UPDF Act contravene Articles 129(1)(d) and 126(1) of the Constitution. Additionally, Sections 191(3)(a), 195(3) & (4), and 179 grant the STA and UDC judicial power for detention and imprisonment, contravening Articles 23, 126(1), and 129(1)(d); hence, they are unconstitutional.



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- 4) **No Retrospective Effect:** The judgment will not affect past convictions, except those actively challenged.
- 5) **Recommendations for Reform:** Legislative reform is suggested to align military courts with constitutional standards, integrating them within the civil judiciary or establishing new provisions for fair trials. The UPDF Act should allow appeals similar to ordinary courts and limit UDCs and STAs to disciplinary matters only.

JAP commends the Supreme Court for this courageous decision and reaffirms its commitment to supporting the effective implementation of this ruling. This is a major step forward for justice and human rights in Uganda. JAP is committed to supporting security sector accountability; and will contribute to the efforts aimed at implementing the recommendations for reform. To this end, JAP urges the government to commit to fully implementing the recommendations made in the ruling; and calls upon the different stakeholders to support efforts directed at comprehensive security sector reform.

Endorsed by:

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