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UGANDA LAW SOCIETY

FOR IMMEDIATE RELEASE

STATEMENT OF POSITION BY THE UGANDA LAW SOCIETY ON THE PROPOSED MOBILE HIGH COURT SESSION IN GGABA FOR THE TRIAL OF CHRISTOPHER OKELLO ONYUM

Kampala, Uganda – 12 April 2026: The Uganda Law Society (ULS) unequivocally condemns the Judiciary's decision to convene the first "Mobile High Court Session" in Ggaba Community Church grounds on 13 April 2026 for the trial of Christopher Okello Onyum, the suspect in the tragic Ggaba toddler killings that occurred on 2 April 2026.

What has been packaged as "speedy justice" and enhanced "access to justice" under the Constitution (Operation of Mobile Courts) (Practice) Directions, 2026, is in reality the most cynical form of executive interference in the affairs of the Judiciary witnessed in Uganda since **Constitutional Petition No. 2 of 2002** (Uganda Law Society & Jackson Karugaba v Attorney General).

This is not justice. It is a **judicial lynching rally**, stage-managed at the scene of the crime, with the **direct command responsibility of the Executive** and the active complicity of the Judiciary.

The evidence of interference is overwhelming and brazen. On 7 April 2026, Principal Judge Jane Frances Abodo publicly declared that **"the President says this case must be handled"** and directed the Judiciary to **"test the mobile court directive"** by taking the court to Ggaba **"and handle the case there, and handle it fast."** Minister of State for Youth and Children Affairs, Hon. Balaam Barugahara, went further than this: addressing the Uganda Broadcasting Corporation on 4 April 2026 he dismissed human rights and all plausible defences of **"the terrorist…[who should be charged with] premeditated murder"** and declared that **"such suspects deserve death by shooting at a firing squad in full view of the public at City Square."** While representing H.E. President Museveni at the memorial service held at Ggaba Community Ministry Church compound on 6 April 2026, he pronounced the suspect a **"criminal"** even before his first appearance at Makindye Chief Magistrate's Court on 8 April 2026, where he was formally charged with the murder of the four toddlers.

In a long post on X (formerly Twitter) on 10 April 2026, a day after the accused was committed to the High Court under visible harassment and dehumanisation by security officials, **the Minister announced the precise trial modalities—daily sessions from 9:00 a.m. to 4:00 p.m. starting on Monday, 13 April 2026, limited seating of 1,000, giant screens and speakers for public viewing, live broadcasts on television, and the entire spectacle at the "scene of the crime."**

The Judiciary's own communique unsurprisingly came a day later confirming it will stream the proceedings live **"to enable a wider audience to follow,"** while restricting access through a **"categorisation system"** that prioritises religious leaders, affected families, local leaders, and media—precisely the constituencies already inflamed by ministerial statements.

This is not public participation; it is the weaponisation of public grief to pre-determine guilt. The Minister's memorial service rhetoric, the President's "direction," and the Judiciary's eager compliance have fused the Executive, the community, and the court into a single lynch mob. The presumption of innocence—guaranteed by Article 28(3)(a) of the Constitution, Article 7(1)(b) of the African Charter on Human and Peoples' Rights, also known as the Banjul Charter, and Article 14(2) of the International Covenant for Civil and Political Rights (ICCPR)—has been **publicly executed before any evidence is tested.**

The ULS was neither consulted nor invited to participate in this rushed constitutional experiment. We do not support it. We reject it. In 2002, the ULS successfully petitioned the Constitutional Court to declare that even Field Court Martial proceedings—conducted in the heat of public outrage—violated the right to a fair hearing under Article 28 when they denied the accused adequate time and facilities to prepare a defence, an independent and impartial tribunal, and the right to appeal. The Court held that **the Constitution applies fully to every judicial process, military or civilian, and that "it is not possible for Uganda Military Courts to be independent and impartial given the current laws... and the military structure within which they operate."**

The same principle applies with even greater force here. **A mobile court summoned to the crime scene at presidential command, surrounded by mourners, pastors, and live cameras, cannot possibly be independent or impartial. It is structurally incapable of delivering justice.** The UN Human Rights Committee, in General Comment No. 32 on Article 14 of the ICCPR, is explicit: **"The right to a fair trial... serves as a procedural means to safeguard the rule of law."** It demands an independent and impartial tribunal, equality of arms, adequate time and facilities for the preparation of a defence, and protection of the presumption of innocence from **"prejudicial pre-trial publicity"** or **"public opinion."**

Public hearings may be restricted "for reasons of morals, public order... or the interests of the private lives of the parties," **precisely to prevent the kind of mob atmosphere now being engineered.** The African Commission's 2003 Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa reinforce this: judicial bodies must be free from **"inappropriate or unwarranted interference with the judicial process,"** and no accused person may be tried by a tribunal whose independence is compromised by executive direction or popular pressure. The Judiciary's ill-guided embrace of **"public participation"** in this manner fans the flames of judicial lynching.

Notwithstanding the powers of the Chief Justice under Section 5 of the Trial on Indictments Act, Cap 25, or the Constitution (Operation of Mobile Courts) (Practice) Directions, 2026, **the venue of any trial is a matter for judicial determination by the presiding judge.** In fidelity to the sacred principle that **"Justice must not only be done, but must manifestly and undoubtedly be seen to be done," the High Court is obliged to transfer proceedings to another place where an impartial trial cannot be had in the original venue.**

So we ask: **How can Justice Alice Komuhangi Khaukha credibly determine venue impartiality when the Judiciary has already converged with the Executive to announce "Ggaba Community Church grounds" before hearing a single submission?** The site was selected after a Minister's directive, inspected by the Deputy Registrar, and **advertised as "historic"** before the file reached the judge. That is not judicial determination. That is autocratic instruction.

When the Executive chooses the dock and the Judiciary builds it, the defendant is already in chains. Article 28(1) dies not in the judgment, but in the venue notice.

By relocating the High Court to the church grounds where the victims were mourned, by installing screens for the crowd, and by scheduling a one-week "fast-track" trial immediately after committal, **the Judiciary has transformed a solemn criminal proceeding into a public spectacle.** The accused—already labelled a "criminal" by a serving Minister and targeted for "swift and tough punishment"—cannot possibly receive the fair trial guaranteed by the Constitution. Defence counsel will be forced to prepare under the glare of national outrage, with the entire nation watching live. Any perceived leniency will be met with accusations of judicial weakness. **<u>This is not access to justice; it is mob justice disguised in decorum.</u>**

<u>WHY SHOULD THIS BE OF CONCERN TO OGOLA IN BUSIA, OKELLO IN KITGUM, BWAMBALE IN KASESESE AND NAMUKASA IN MASAKA?</u>

> ***This is not merely a single trial. <u>It is a precedent in the making. The manner in which this case is conducted will define the template for future high-profile prosecutions</u>. If constitutional safeguards are diluted, under the pressure of public outrage and executive direction, such dilution will not remain exceptional; it will become the norm.***

We are not persuaded—nor should any rational observer be—that Christopher Okello Onyum will receive the assurance of a fair trial. The convergence of presidential directive, ministerial pronouncement of guilt, and a venue chosen for its emotional symbolism creates an environment of inevitable bias. The separation of powers, the independence of the Judiciary, and the rule of law itself are under direct assault.

The ULS, which in 2002 stood against executive overreach in the name of "speedy justice," stands gallantly again against it today. We call upon the Chief Justice to immediately withdraw the mobile court directive in this case, **to conduct the trial in the ordinary High Court premises in accordance with established rules of procedure,** and to reaffirm that the Judiciary serves the Constitution—not presidential instructions or public sentiment. The victims' families deserve justice. The rule of law demands it be delivered fairly, impartially, and without theatrical flourish. Anything less is not justice; it is vengeance dressed in judicial robes. The Uganda Law Society will continue to monitor these proceedings and will not hesitate to take all necessary legal steps to defend the constitutional order.

Issued by the Uganda Law Society Council this 12th day of April 2026 at ULS House, Kololo.

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