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Uganda: Sedition law must be abolished

The law of sedition should be obsolete in democratic societies, warns ARTICLE 19, who supports the petition submitted last week to Uganda's Constitutional Court by journalist Andrew Mwenda which challenges the constitutionality of the country's sedition law. The law of sedition is the crime of speaking words against the state, its basic premise being that it is wrong to criticize public figures or institutions. Mwenda, Political Editor at the Daily Monitor, is currently on trial for using words with an intention of bringing "into hatred or contempt or to excite disaffection against the person of the President, the government as by law established or the Constitution" during his live talk show "Tonight With Andrew Mwenda" on 93.3 KFM on August 10.

Among other things, Mwenda blamed President Yoweri Museveni and the Ugandan government for the mismanagement of the security of late Sudanese Vice-President John Garang who died in a helicopter crash. "In a country that is a democracy (or pretends to be) and not a monarchy, it is my right to cause public disaffection against the person of the President or the government so that at the next election people can vote against both," says Mwenda. For ARTICLE 19, the law of sedition is fundamentally incompatible with freedom of expression and a democratic form of government. "The ability to criticize public figures or institutions is a sine qua non for informed democratic choice," says Agnès Callamard, Executive Director of ARTICLE 19, "as a result, in many jurisdictions, sedition is today either formally or effectively a dead letter."

Andrew Mwenda was arrested on August 12 and later released on bail, while KFM radio was banned from broadcasting for a week. The Constitutional Court has not yet set a date for the hearing, but Mwenda has requested that his trial be suspended until the constitutional issue is settled. Earlier this year, the Ugandan Supreme Court abolished the offence of "publishing false news," declaring it unconstitutional and thus contrary to the right to freedom of expression. Although the Supreme Court's decision aimed to minimise potential measures that could be taken by the Ugandan government to interfere with freedom of expression, the events of the past few weeks show the government's persistence in striking against journalists critiquing it.

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