Uganda strikes down criminal sedition

NEW YORK: The Committee to Protect Journalists has welcomed Wednesday's (25 August 2010) ruling by Uganda's Constitutional Court declaring the country's criminal sedition offense, which has been used to prosecute journalists, unconstitutional.

The ruling was based on a 2005 constitutional review petition filed by the East African Media Institute and CPJ International Press Freedom Award winner Andrew Mwenda over political radio commentary critical of the government. Mwenda told CPJ he faces 17 counts of sedition under Uganda's penal code. Several other journalists have been charged with sedition for critical coverage in recent years, but prosecutions were stayed pending the constitutional review, according to CPJ research.

Kalyegira's sedition charge

As recently as this month, authorities charged the editor of the online news site Uganda Record, Timothy Kalyegira, with sedition for articles that questioned possible Ugandan government involvement in the July 11 terrorist attacks in the capital, Kampala.

The panel of five judges, led by Deputy Chief Justice Leticia Mukasa Kikonyogo, unanimously ruled that sedition was in contravention of Article 29 of the Ugandan constitution, which guarantees the right to free speech, Mwenda's lawyer, James Nangwala, told CPJ. The judges based their determination on a previous ruling that struck down the offense of "publishing false news," Nangwala's co-counsel, Anne Abeja Muhwezi, told CPJ.

"Promoting sectarianism

Mwenda, who also faces eight counts of "promoting sectarianism" under Uganda's penal code, did not persuade the court that this charge was unconstitutional. The state attorney is expected to appeal the sedition ruling in the Supreme Court, the highest court in Uganda, and Mwenda the ruling on promoting sectarianism, Nangwala said.

"This is a victory for press freedom ahead of next year's presidential elections," said CPJ East Africa consultant Tom Rhodes. "We urge the Supreme Court to uphold this ruling and to reverse the Constitutional Court's decision on the offense of 'promoting sectarianism.'"

According to Nangwala, the language that defines the promotion of sectarianism offense is so vague that it can be used to silence critical reporting. "If a reporter writes about a marginalised ethnic group, for instance, that can be considered promoting sectarianism."

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