

AMNESTY INTERNATIONAL PRESS RELEASE

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Uganda: Freedom of the press upheld

Amnesty International welcomes the Supreme Court judgment which ruled the offence of "publication of false news" as void and unconstitutional.

"The Supreme Court's decision reaffirms that freedom of expression is a fundamental human right," the organization said.

Yesterday's landmark judgment was given following an appeal against a decision of the Constitutional Court by two practising journalists of "The Monitor" newspaper who sought the protection of the Constitution of Uganda that guarantees freedom of expression, which includes freedom of the press.

The Supreme Court ruled that the language of Section 50 of the Penal Act of Uganda providing for the offence of "publication of false news" was too vague and therefore "imprecise" as "precision and clarity in definition of a criminal offence is essential".

The Court sought guidance from provisions of the African Charter on Human and People's Rights and the *"Declaration of Principles of Freedom of Expression in Africa"* adopted by the African Commission on Human and People's Rights, as well as provisions in the International Covenant on Civil and Political Rights.

The court reached the conclusion that "the right to freedom of expression extends to holding, receiving and imparting all forms of opinions, ideas and information. It is not confined to categories such as correct opinions, sound ideas or truthful information." The court went on to say that protection of guaranteed rights is a primary objective of the Constitution while limiting their enjoyment is an exception.

"The Government of Uganda should allow all journalists to work without fear or retribution of impending prosecutions," Amnesty International urged. "The authorities should drop charges against journalists whose trials for 'publication of false news' are pending before courts in Uganda."

Amnesty International further appeals to the authorities to repeal all laws hampering the enjoyment of freedom of expression in Uganda.

"Such actions would be a concrete way of showing that the government is ready to fulfil its promise of a free and independent press in Uganda," Amnesty International concluded.

Background

In October 1997, the journalists, namely the Editor and Senior Reporter with the newspaper *The Monitor* were charged and prosecuted with "Publication of False News" contrary to Section 50 of the Penal Code Act of Uganda after publishing a story that they extracted from another source. The trial court acquitted them.

However, in November 2002, the journalists, who considered that their prosecution was a violation of their right to freedom of expression guaranteed by the Constitution, sought relief by filing a joint petition at the Constitutional Court. The Constitutional Court rejected their petition and the journalists went on appeal to the Supreme Court.

In October 2002, following the closure of *The Monitor*, the Managing Editor, the News Editor and the Reporter were charged with publication of information prejudicial to national security and publishing false information. The case arose following the publication of an article alleging that an army helicopter was downed by the Lord's Resistance Army in the north.

Public Document

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