

**Mandates of the Special Rapporteur on the independence of judges and lawyers;
the Working Group on Arbitrary Detention; the Working Group on Enforced or
Involuntary Disappearances and the Special Rapporteur on the situation of
human rights defenders**

Ref.: AL UGA 5/2026

(Please use this reference in your reply)

14 July 2026

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the independence of judges and lawyers; Working Group on Arbitrary Detention; Working Group on Enforced or Involuntary Disappearances and Special Rapporteur on the situation of human rights defenders, pursuant to Human Rights Council resolutions 53/12, 60/8, 54/14 and 61/22.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning Mr. Erias Lukwago, a Ugandan lawyer and human rights defender who is a co-lead counsel for well-known opposition figures in an ongoing treason trial before the High Court of Uganda. He had forcibly disappeared for several days starting on 15 June 2026 and, on 17 June he was detained and accused of a crime, reportedly in relation to his work as a lawyer.

According to the information received:

In the morning of 15 June 2026, the residence of Mr. Erias Lukwago in Kampala was raided by a group of security operatives, reportedly including some soldiers of Special Forces Command. Mr. Lukwago was later taken to an unknown location in a Toyota HiAce vehicle.

On that same day, the Chief of Defence Forces of the Uganda People's Defence Force (CDF) made several postings on social media which included the comment that "*I have captured a FOOL and taken him to the basement*" and the image of the blindfolded man who appears to be Mr. Lukwago. The posts also declared that it was "*just the beginning of the 'Rectification Campaign'*," warning that "*the lists are long*" and that "*many more traitors are going to be arrested too.*"

The information also suggests that the incident was triggered by the attempt of Mr. Lukwago to deliver the relevant court documents to the CDF following the court's directive on 11 June 2026. As background, the information explains that, on 11 June 2026, Mr. Lukwago's clients did not appear before the High Court on the grounds that their bail application and fresh constitutional petition must be addressed before the commencement of the trial proceeding. The petition, filed against the CDF, two other military personnel and the Attorney General, seeks to declare that the ongoing trial and indictment on the counts of treason and misprision of treason is a violation of the principles of fair trial, human

rights, the rule of law and extradition law, and is accordingly null and void. The presiding Judge directed the respondents to file a reply by 18 June 2026 and scheduled the hearing for the petition on 30 June 2026.

From the moment of his abduction on 15 June 2026 Mr. Lukwago was reportedly placed outside of the protection of the law, at unidentified location, until sometime on 17 June 2026. During this time, his family was not informed about his fate or whereabouts.

In the afternoon of 17 June 2026, Mr. Lukwago was taken to the Kira Division Police Station in Kampala and later brought to the Makindye Chief Magistrate's Court with the charge of the misprision of treason. Mr. Lukwago was remanded to the Luzira prison until 22 June 2026. Lawyers representing Mr. Lukwago raised concerns over his health and alleged torture and ill-treatment during detention.

On 23 June 2026 the Makindye Chief Magistrate's Court denied Mr. Lukwago's bail application on the basis that the investigation into the alleged misprision of treason is still ongoing. However, on consideration of the health concerns raised by Mr. Lukwago's defence team, the Court ordered the prison authority to ensure that Mr. Lukwago received, within 24 hours, a comprehensive medical assessment and treatment at Mulago National Referral Hospital.

Mr. Lukwago was transferred to the Mulago National Referral Hospital on 25 June 2026 and has undergone medical examination and treatment since then.

On 7 July 2026, Mr. Lukwago appeared before the Makindye Chief Magistrate's Court via a live video, reportedly due to an ill state of health. The recommendations of the medical examination conducted at the Mulago National Referral Hospital were reported to the Court, and Mr. Lukwago sought bail to allow him to receive specialized treatment. However, due to the absence of the presiding judge, the case was adjourned to 16 July 2026.

Without prejudging the accuracy of the information received, we wish to express our concerns at the abduction, and enforced disappearance of Mr. Lukwago between 15 and 17 June, as he was placed outside of the protection of the law. We are also concerned about the detention of Mr. Lukwago on 17 June; as well as for the charges and proceedings he is facing; as these actions may have occurred in retaliation for his work as lawyer. Finally, we are concerned about his state of health and current detention conditions.

If confirmed, the facts alleged would appear to contravene international standards related to the right to liberty and security of the individual, the right to not to be subjected to enforced disappearance, torture or to cruel, inhuman or degrading treatment nor punishment, and the right to prompt access to an impartial and independent judge.

The allegations would also contravene standards relating to the legal profession. The United Nations Basic Principles on the Role of Lawyers, in particular article 16, provides that Governments shall ensure that lawyers are able to perform all of their

professional functions without intimidation, harassment or improper interference, and that lawyers shall not suffer prosecution for any action taken in accordance with recognized professional duties, standards and ethics.

We are also seriously troubled by allegations concerning Mr. Lukwago's physical integrity and health. In this connection, we would like to reiterate that the State has a duty of care to individuals in their custody, as established by article 10 of the International Covenant on Civil and Political Rights (ICCPR), to ensure respect for the dignity of individuals deprived of their liberty.

We are particularly alarmed by the ongoing criminal case against Mr. Lukwago, which appears to relate to his work as a lawyer and his promotion, protection and defence of human rights. We call on your Excellency's Government to ensure a prompt and impartial review of the case, in line with international human rights law and standards, and to ensure prompt dismissal of the charges if these are proven to be unsubstantiated.

We note with deep concern that the case could have a chilling effect on the work of lawyers and on the right to a fair trial in Uganda.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information on the measure taken to investigate and prosecute the perpetrators of the abduction, enforced disappearance, and arbitrary detention of Mr. Lukwago. Please provide information on the measures taken to address concerns about his health and detention conditions.
3. Please explain how the charges brought against Mr. Lukwago are consistent with international standards relating to the legal profession.
4. Please indicate what measures have been taken to ensure that Mr. Lukwago and other lawyers and human rights defenders, able to carry out their legitimate work, and right to promote, protect and defend human rights, in a safe and enabling environment without fear of threats or acts of intimidation and harassment of any kind.

This communication, and any response received from your Excellency's Government, will be made public via the communications reporting [website](#) at the 60 days mark. Should your Excellency's Government respond within 60 days, both the communication and the response, may be published before the 60 days mark. The

communications and responses will also be made available in the subsequent periodic report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to prevent any irreparable damage to the life and personal integrity of Mr. Lukwago, to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

We would like to bring to the attention of your Excellency's Government that should sources submit the allegations concerning individual cases of enforced disappearances for the consideration of the Working Group on Enforced or Involuntary Disappearances under its humanitarian procedure, the case will be examined by the Working Group according to its methods of work, in which case your Excellency's Government will be informed by separate correspondence.

Further, we would like to inform your Excellency's Government that after having transmitted the information contained in the present communication to the Government, the Working Group on Arbitrary Detention may also transmit the case through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. The present communication in no way prejudices any opinion the Working Group may render. The Government is required to respond separately to the allegation letter and the regular procedure.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government to clarify the issue/s in question.

Please accept, Excellency, the assurances of our highest consideration.

Margaret Satterthwaite
Special Rapporteur on the independence of judges and lawyers

Ganna Yudkivska
Vice-Chair of the Working Group on Arbitrary Detention

Gabriella Citroni
Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances

Andrea Bolaños Vargas
Special Rapporteur on the situation of human rights defenders

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to the norms contained in the International Covenant on Civil and Political Rights (ICCPR), acceded by Uganda on 21 June 1995. In particular, we would like to refer your Excellency's Government to articles 7, 9, 10 and 14 of the ICCPR, which provide for the rights not to be subjected to torture and other cruel, inhuman or degrading treatment or punishment, to liberty and security of the person, not to be subjected to arbitrary arrest or detention, to be treated with humanity and with respect for dignity, to be promptly informed of the reasons for the arrest and of any charges against him or her, to be brought promptly before a judge for a fair trial which respect due process guarantees and fair trial standards. With regard to the alleged enforced disappearance, if confirmed, it would amount to violations of articles 6, 7, 9 and 16 of the ICCPR, read alone and in conjunction with article 2(3).

We would like to refer to article 9 of the ICCPR, which provides that no one shall be subjected to arbitrary arrest or detention or deprived of their liberty except on such grounds and in accordance with such procedure as are established by law. As interpreted by the Human Rights Committee in general comment No. 35 (CCPR/C/GC/35), the notion of "arbitrariness" is not to be equated with "against the law" but must be interpreted more broadly to include elements of inappropriateness, injustice, lack of predictability and due process of law, as well as elements of reasonableness, necessity, and proportionality (paragraph 12). According to the same general comment (paragraph 17) and the jurisprudence of the Working Group on Arbitrary Detention, arrest or detention of an individual as punishment for the legitimate exercise of the rights guaranteed by the ICCPR is arbitrary.

We are further drawing your Excellency's Government's attention to the absolute and non-derogable prohibition of enforced disappearances (articles 2 and 7) which has attained the status of jus cogens. We draw your Excellency's Government's attention to the United Nations Declaration on the Protection of All Persons from Enforced Disappearances, which establishes that no State shall practice, permit or tolerate enforced disappearances. The Declaration also proclaims that each State shall take effective legislative, administrative, judicial or other measures to prevent and terminate acts of enforced disappearance in any territory under its jurisdiction. We further recall that the Declaration sets out the necessary guarantees to be offered by the State. In particular, articles 9, 10, 11 and 12 relate to the rights to a prompt and effective judicial remedy to determine the whereabouts of persons deprived of their liberty; to access of competent national authorities to all places of detention; to be held in an officially recognized place of detention, and to be brought before a judicial authority promptly after detention; to accurate information on the detention of persons and their place of detention being made available to their family, counsel or other persons with a legitimate interest; and to the maintenance in every place of detention of official up-to-date registers of all detained persons. In addition, we recall the Working Group on Enforced or Involuntary Disappearances' thematic study on enforced disappearances and elections (A/HRC/57/54/Add.4), which raises concern about the enforced disappearances of opposition leaders, who among other actors have diverse roles in

elections and warns that post elections violence against them appear to aim at silencing dissent. In this regard, States are recommended to establish a solid legal framework for the prevention and punishment of enforced disappearances, including in the electoral context (para. 73).

In regard to the right to a fair trial, we would like to refer to article 14 of the ICCPR, which sets out a general guarantee of equality before courts and tribunals and the right of every person to a fair and public hearing by a competent, independent and impartial tribunal established by law. Article 14(2) provides the right of accused persons to be presumed innocent until proved guilty according to law. In addition, article 14(3) of the ICCPR provides a set of contain procedural guarantees that must be made available to persons charged with a criminal offence, including to have adequate time and facilities for the preparation of his defence and to examine, or have examined, the witnesses against him.

We would like to refer to general comment No. 32 of the Human Rights Committee on Right to equality before courts and tribunals and to a fair trial (CCPR/C/GC/32), which stressed that the “accused persons must have adequate time and facilities for the preparation of their defence” and that “this provision is an important element of the guarantee of a fair trial and an application of the principle of equality of arms.” Additionally, it states that “What counts as “adequate time” depends on the circumstances of each case. If counsel reasonably feel that the time for the preparation of the defence is insufficient, it is incumbent on them to request the adjournment of the trial.” “There is an obligation to grant reasonable requests for adjournment, in particular, when the accused is charged with a serious criminal offence and additional time for preparation of the defence is needed.” (para. 32). Moreover, the access to adequate facilities “must include access to documents and other evidence; this access must include all materials that the prosecution plans to offer in court against the accused or that are exculpatory. Exculpatory material should be understood as including not only material establishing innocence but also other evidence that could assist the defence.” (para. 33).

Furthermore, the Human Rights Committee has affirmed that “a hearing is not fair if, for instance, the defendant in criminal proceedings is faced with the expression of a hostile attitude from the public or support for one party in the courtroom that is tolerated by the court, thereby impinging on the right to defence or is exposed to other manifestations of hostility with similar effects.” (para. 25). Furthermore, regarding the presumption of innocence until proven guilty according to law. The Human Rights Committee stated in general comment No. 32 that “the presumption of innocence, which is fundamental to the protection of human rights, imposes on the prosecution the burden of proving the charge, guarantees that no guilt can be presumed until the charge has been proved beyond reasonable doubt, ensures that the accused has the benefit of doubt, and requires that persons accused of a criminal act must be treated in accordance with this principle. It is a duty for all public authorities to refrain from prejudging the outcome of a trial, e.g. by abstaining from making public statements affirming the guilt of the accused.” (para. 30).

Moreover, principle 16 of the Basic Principles on the Role of Lawyers requires governments to take all appropriate measures to ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or

improper interference, and to prevent that lawyers be threatened with prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Additionally, principle 18 provides that lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions. This principle must be read in conjunction with principle 16(c), which requires national authorities to adopt all appropriate measures to ensure that lawyers are not subject to, or threatened with prosecution or any other administrative, economic or disciplinary sanctions for actions undertaken in good faith in the exercise of their professional duties and responsibilities.

We would also like to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1 and 2 of the Declaration which state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms.

We would like in particular to bring to the attention of your Excellency's Government the following provisions of the UN Declaration on Human Rights Defenders:

- article 6 (b), which provides for everyone's right to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms.
- article 11, which provides for everyone's right to lawfully exercise his or her occupation or profession.
- article 12, paragraphs 2 and 3, which provide that the State shall take all necessary measures to ensure the protection of everyone against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration.