

From: [Duncheon, Timothy](#)
Subject: Ugandan Supreme Court Justice Forced to Flee to U.S. Seeks Rep. Jackson's Support for Request to Expedite Immigration Petition
Date: Tuesday, March 19, 2024 8:58:22 PM

This material is distributed by Covington & Burling LLP on behalf of Dr. Esther Kitimbo Kisaakye. Additional information is available at the U.S. Department of Justice.

We write on behalf of Dr. Esther Kitimbo Kisaakye to request Representative Jackson's support for Dr. Kisaakye's request to USCIS to expedite her family-based immigration petition for adjustment of status.

Dr. Kisaakye served as a Justice of the Supreme Court of Uganda from October 2009 until July 2023. At that time, she had to flee the country because of threats she received after issuing the sole dissenting opinion in a high-profile election case filed by the leading opposition candidate and the runner-up in the 2021 presidential election, Robert Kyagulanyi (otherwise known as Bobi Wine), challenging the outcome of that election over alleged irregularities.

In her dissent, Dr. Kisaakye argued that Kyagulanyi should have been permitted to amend his petition and granted additional time to file and serve all his evidence challenging the declared winner and incumbent President Museveni's victory. Because she refused to obey the orders of the Chief Justice of Uganda to not deliver her dissenting opinion, the Chief Justice ordered armed police to confiscate her files from the court. She was never assigned any new cases and she received no pay for several months. Furthermore, Dr. Kisaakye was subjected to investigations and treatment that did not comply with Uganda's constitutional provisions and international human rights standards. In the two and a half years that followed, Dr. Kisaakye lived in constant fear for her life and received threats to her personal safety and security, which finally forced her to seek early retirement 7 years prior to the mandatory retirement age and to flee the country in July 2023.

Dr. Kisaakye's plight has garnered international attention, with the [UN Special Rapporteur on the independence of judges and lawyers](#), the [International Bar Association's Human Rights Institute](#), the [International Commission of Jurists](#), the [Commonwealth Lawyers' Association](#), and [Centre for Human Rights](#) of the University of Pretoria in South Africa expressing concern over the Ugandan government's actions against her.

Dr. Kisaakye is seeking a family-based adjustment of status to lawful permanent resident. We are requesting that Rep. Jackson issue a letter to USCIS in support of Dr. Kisaakye's request that USCIS expedite the pending petitions in her case. Such petitions can be expedited where there are U.S. government interests, including those related to national security and public safety.

Dr. Kisaakye's petition will further national security and social interests as the United States has a strong interest in promoting strong democratic institutions, judicial independence, and rule of law in Uganda, and in protecting those whose actions reflect those values. Indeed, the United States recently reaffirmed its commitment to those interests—and its determination to hold the government of Uganda accountable for failure to promote the same—in October 2023, when President Biden [decided](#) to terminate African

Growth and Opportunity Act (AGOA) trade preference program benefits for Uganda because the Government of Uganda had engaged in "[gross violations of internationally recognized human rights](#)."

In addition to promoting the United States' broader interests, Rep. Jackson's support of Dr. Kisaakye's petition would also promote Dr. Kisaakye's personal safety and security. If Rep. Jackson is willing to ask USCIS to expedite Dr. Kisaakye's petition, for which she would be very grateful, please let us know and we will send a template letter for his review and signature.

We have included below further details on Dr. Kisaakye's background and the circumstances under which she fled Uganda. We are happy to discuss this matter further in person or via conference call and answer any questions you may have.

Sincerely,

Tim Duncheon

* * *

- Dr. Kisaakye is an experienced lawyer and jurist with an impressive educational background.
 - After graduating first in her class with a Bachelor of Laws from Makerere University in Kampala, Uganda, Dr. Kisaakye went on to earn an LL.M. from Georgetown University Law Center and a Doctor of Juridical Science from the Washington College of Law at American University.
 - Dr. Kisaakye was appointed to serve as a Justice of the Supreme Court of Uganda in October 2009 by President Yoweri Museveni. She served on the Supreme Court of Uganda until July 18, 2023, when she requested early retirement.
 - At the time of her early retirement request, Dr. Kisaakye was the most senior justice after the Chief Justice and the fourth highest-ranking official of the Judiciary of Uganda.
- Dr. Kisaakye requested early retirement from the Supreme Court and fled the country because she feared for her safety.
 - In March 2021, Justice Kisaakye issued the sole dissent in a procedural case that sought to challenge the January 2021 Ugandan presidential election between President Museveni and Robert Kyagulanyi Sentamu (aka Bobi Wine). The question before the Court was whether the opposition candidate—Bobi Wine—could amend his complaint challenging the election despite a statutory deadline that had since passed. The majority of the court ruled in President Museveni's favor.
 - As a strong believer in judicial independence, Dr. Kisaakye dissented from the majority opinion. She did so for various reasons, including prior precedent allowing an out-of-time amendment to an election-related complaint and extraordinary circumstances—Bobi Wine had been placed under illegal house arrest and there were curfews in effect at the time, which made it difficult for

Wine to access his lawyers.

- Shortly after learning that Dr. Kisaakye would be dissenting, the Chief Justice, via armed police officers, confiscated Dr. Kisaakye's files and never returned them despite numerous pleas to do so. Dr. Kisaakye delivered her dissent orally without her written files on March 18, 2021, despite the lights and public address system in the courtroom being switched off.
- After issuing her dissent, Dr. Kisaakye was removed from her position as Administrative Justice of the Supreme Court and effectively removed from the Court as she was not assigned any new cases; her salary, housing, and medical benefits were temporarily withheld at certain points; and she was relegated to finishing up cases that had been assigned prior to March 2021.
- In 2023, Dr. Kisaakye and her attorney in Uganda began to receive reports of serious threats to Dr. Kisaakye's safety. In July 2023, an individual believed to be affiliated with a Ugandan security agency told Justice Kisaakye's attorney that it was no longer safe for her to stay in Uganda. Upon learning of this latest report, Dr. Kisaakye fled Uganda for the United States.
- In November 2023, Dr. Kisaakye filed a family-based petition to adjust her status to become a lawful permanent resident.

Tim Duncheon

Pronouns: He/Him/His

Covington & Burling LLP
Salesforce Tower, 415 Mission Street, Suite 5400
San Francisco, CA 94105-2533
T +1 415 591 6030 | tduncheon@cov.com
www.cov.com

Adam Zipkin, Deputy Chief of Staff for Sen. Cory Booker, U.S. Senate
Amy Kuhn, Chief of Staff for Rep. Sara Jacobs, U.S. House of Representatives
Angèle Griffin, Legislative Assistant for Rep. Colin Allred, U.S. House of Representatives
Ausan Al-Eryani, Foreign Policy Adviser for Sen. Jeff Merkley, U.S. Senate
Ben Thomas, Chief of Staff for Rep. Joaquin Castro, U.S. House of Representatives
Brandon Mendoza, Legislative Director for Rep. Sara Jacobs, U.S. House of Representatives
Brian Winseck, Chief of Staff for Sen. Christopher Coons, U.S. Senate
Carly Vandegrift, Chief of Staff for Sen. Jeff Merkley, U.S. Senate
Ed Hamb, Chief of Staff for Rep. Jonathan Jackson, U.S. House of Representatives
Elizabeth O'Bagy, Senior Adviser, Foreign Policy for Sen. Christopher Coons, U.S. Senate
Elizabeth Pelletreau, Director, Office of African Affairs, U.S. State Department
Emily Druckman, Deputy Chief of Staff/Communications Director for Rep. Marc Veasey, U.S. House of Representatives
Hugo Rodriguez, Principal Deputy Assistant Secretary, Bureau of Consular Affairs, U.S. State Department
Jaya Khetarpal, Policy Analyst for Rep. Joaquin Castro, U.S. House of Representatives
Jesse Isleman, General Counsel for Sen. Brian Schatz, U.S. Senate
Jordan Schott, Legislative Aide for Sen. Jeff Merkley, U.S. Senate
Katie Heller, Deputy Chief of Staff for Rep. Sara Jacobs, U.S. House of Representatives
Katie Payne, Deputy Chief of Staff/Operations Director for Rep. Colin Allred, U.S. House of Representatives
LaTreshia Hamilton, Deputy Chief of Staff/Legislative Director for Rep. Jonathan Jackson, U.S. House of Representatives
Leah Hill, Legislative Director for Sen. Cory Booker, U.S. Senate
Luke Dube, Legislative Director for Rep. Marc Veasey, U.S. House of Representatives
Malia Paul, Deputy Chief of Staff for Sen. Brian Schatz, U.S. Senate
Matt Traylor, Senior Policy Adviser for Sen. Jeff Merkley, U.S. Senate
Mitchell Smith, Legislative Aide for Sen. Cory Booker, U.S. Senate
Nicole Varner, Chief of Staff for Rep. Marc Veasey, U.S. House of Representatives
Paola Guzman, District Director/Policy Adviser for Rep. Sara Jacobs, U.S. House of Representatives
Rahel Boghossian, Legislative Counsel for Sen. Chris Van Hollen, U.S. Senate
Sarah Schenning, Legislative Director for Sen. Chris Van Hollen, U.S. Senate
Shelby Talton, Legislative Aide/Press Assistant for Rep. Marc Veasey, U.S. House of Representatives
Sid Ravishankar, Deputy Chief of Staff/Legislative Director for Rep. Joaquin Castro, U.S. House of Representatives
Teri Weathers, Deputy Chief of Staff for Sen. Chris Van Hollen, U.S. Senate
Tricia Russell, Chief of Staff for Sen. Chris Van Hollen, U.S. Senate
Veronica Duron, Chief of Staff for Sen. Cory Booker, U.S. Senate
Veronica Winham, Legislative Correspondent for Sen. Brian Schatz, U.S. Senate
Whitley O'Neal, Legislative Director for Rep. Colin Allred, U.S. House of Representatives