

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.

BACKGROUND & UPDATE REGARDING JUSTICE DR. ESTHER KISAAKYE
AS OF OCTOBER 31, 2024

Background

1. Justice Kisaakye was appointed to the Supreme Court of Uganda in October 2009.
2. Effective 2019, Justice Kisaakye became the most Senior Judge at the Court after the Chief Justice and the fourth highest ranking Judge in the Judiciary of Uganda.
3. From 2019 – March 2021, Justice Kisaakye also served as the Administrative Judge of the Supreme Court, assisting the Chief Justice, Owiny Dollo, in the day-to-day running of the Court.
4. In early 2021, Justice Kisaakye was part of a 9-member panel of the Supreme Court that heard Presidential Election Petition No. 1 of 2021, which Robert Kyagulanyi (otherwise known as Bobi Wine) filed to challenge the declaration of President Museveni as the winner of the 2021 Presidential election.
5. On March 18th, 2021, in the presence of national and international media, armed police guards and a Court clerk, acting on the orders of the Chief Justice of Uganda, confiscated Justice Kisaakye's minority reasoned Rulings in Applications filed under the Petition from open court, when she was scheduled to deliver them. The guards and clerk delivered the files to the Chief Justice, who admitted to having them in court filings. To date, he has not returned them to Justice Kisaakye.
6. Justice Kisaakye subsequently delivered the Rulings on March 18, 2021, using a duplicate copy, in a dimly lit court tent that served as the court room, with lights and speakers switched off, on the orders of the Chief Justice of Uganda. Prior to the delivery of her Rulings, she informed the Court that she was doing so, in compliance with her judicial oath and contrary to the directions of the Chief Justice.
7. The following day (March 19, 2021), following the unconstitutional closure of the court to a litigant, court users, and members of the public, Justice Kisaakye publicly condemned these actions at the Supreme Court premises, in her capacity as the Administrative Judge and as the Judge who was scheduled to deliver a Ruling.
8. The March 18 and 19, 2021 events were followed by a two-and-a-half-year period of persecution, discrimination, and retaliation against Justice Kisaakye by the Chief Justice of Uganda and other staff of the Supreme Court, which were evidenced through removing her as Administrative Judge, denying her any new work, removal of her research officer, denial of leave and medical benefits, and falsely accusing her of failure to write Judgments in appeals when she was not a member of the Coram or the designated Judge to originate the lead Judgment.

9. The Uganda Judicial Service Commission also commenced an unconstitutional inquiry against Justice Kisaakye in March/April 2021, based on, among others, media reports and an inadmissible and meritless complaint submitted by the Chief Justice of Uganda against her.
10. In July 2021, the Uganda Judiciary Permanent Secretary cut off payment of Justice Kisaakye's salary and benefits for two and a half months, without any authority or due process, citing on-going covert investigations by the Uganda Judicial Service Commission.
11. In October 2022, after failing to get a resolution of the pertinent issues through the Uganda Judiciary internal processes and other concerned institutions, Justice Kisaakye filed Constitutional Petition No. 30 of 2022 in Uganda's Constitutional Court. Justice Kisaakye's Petition seeks several declarations that the various named acts and/or omissions of five respondents, namely the Chief Justice of Uganda, the Permanent Secretary of the Judiciary, the Judicial Service Commission, the Attorney General, the Chief Registrar and Commissioner of Human Resources in the Judiciary violate Uganda's Constitution with respect to her rights and the protection of judicial independence.

Justice Kisaakye also sought interim orders and reliefs from the Constitutional Court, which included, among others, an order that the Judicial Service Commission halt its inquiry against Justice Kisaakye until the Constitutional Court had disposed of her Petition.

12. The Judicial Service Commission ignored the pending Court Petition and continued with its work. In February 2023, the Commission issued its Report recommending to the President of Uganda to set up a Tribunal to investigate whether Justice Kisaakye should be removed from office for her alleged misconduct on March 18 and 19, 2021. The alleged misconduct the Commission relied on to make its recommendation was Justice Kisaakye's alleged refusal to share her Ruling; her delivering of her reasoned Rulings after the Chief Justice had ordered her not to do so; her alleged attack on the office of the Chief Justice; making public comments about the closure of the Supreme Court; and her alleged failure to write Judgments. It should be noted that Judgments she is accused of not writing were in respect of appeals where she did not sit or where she was not the responsible Judge to write the lead Judgment.
13. In May 2023, Justice Kisaakye filed a second Constitutional Petition, No. 007 of 2023, in Uganda's Constitutional Court to quash the Commission's Report and defer the appointment of the Tribunal until the final disposal of her Petition. Justice Kisaakye is also seeking several declarations that the various named acts and/or omissions of the Judicial Service Commission and the Attorney General violate Uganda's Constitution with respect to her rights and the protection of judicial independence.

Justice Kisaakye also sought interim orders and reliefs from the Constitutional Court.

14. To date, the Constitutional Court of Uganda has not granted any hearing dates for the two Petitions and the applications Justice Kisaakye filed, despite numerous requests from her lawyers to the Court.

The Court has continued to ignore the clear constitutional dictate to prioritize the hearing of constitutional petitions and references over other matters that may be pending before the Court of Appeal. The Court also does not follow the system of first in, when it is cause-listing and hearing constitutional petitions and applications. The Court has heard and disposed of other matters filed after Justice Kisaakye's Petition.

Unofficially, Justice Kisaakye received information that the Deputy Chief Justice (DCJ), who will be retiring at the end of the year, is not willing to cause list her Petitions and applications, and that many Judges at the Constitutional Court were also not ready to hear her Petitions and applications either, because of the political sensitivities involved.

15. In the meantime, Justice Kisaakye continued to live in fear for her life based on reports of threats she continued to receive. In July 2023, she received yet another report of an imminent threat to her life from her lawyer, which they had received from a person who identified himself as a member of one of the Security Agencies in Uganda. She fled the country out of fear for her life and now lives in exile. She has never returned to Uganda since then and will continue to live outside the country indefinitely due to fear for her life.

16. At the same time, Justice Kisaakye opted to take early retirement from the Supreme Court of Uganda effective July 18, 2023, and accordingly submitted her letter to the President.

17. On November 2, 2023, President Museveni deferred to accept Justice Kisaakye's early retirement, on grounds that this would preempt the work of the Tribunal investigating the allegations Justice Kisaakye made against the Chief Justice. The President had not yet set up the Tribunal he was referring to.

18. Since February 2023, when the Judicial Service Commission made its recommendation to the President to date, and 11 months since the President "purported to defer Justice Kisaakye's early retirement," no Tribunal has ever been set up.

19. As at the time of making this update, the status of Justice Kisaakye remains unclear. While no Tribunal has been set up and the President has never suspended Justice Kisaakye, no judicial work has been assigned to her by the Chief Justice or the current Administrative Judge since March 2021 to date, thereby denying the people of Uganda judicial services Justice Kisaakye would have rendered to them.

At the same time, her early retirement, which the Uganda Constitution permits after a Judge attains 60 years of age, has not been accepted by the President. Hence, she cannot access her full and earned retirement benefits and move on with her life.

20. The totality of all the actions and omissions of the different establishment actors outlined above have not only left Justice Kisaakye in a judicial limbo that affects her

career and personal security. There are also serious implications for, among other things, judicial independence, the rule of law, constitutionalism, and good governance in Uganda and other African countries.

21. In April 2021, the Uganda Law Society set up a committee to look into the events of March 18 and 19, 2021. Justice Kisaakye fully cooperated with this Committee, which to date has not issued a report on its inquiry.

In 2023, the ULS President also held out in the media that they were involved in some mediation efforts between the Chief Justice and Justice Kisaakye. No such efforts have ever taken place.

On September 29, 2024, the Uganda Law Society elected new leaders. It is too early to tell if the new leadership will be ready to play a more proactive role in Justice Kisaakye's situation than their predecessors have.

22. However, many reputable international organizations have issued statements about the plight of Justice Kisaakye and called upon the Government of Uganda and the concerned offices to follow the internationally recognized standards for protecting judicial independence and fair hearing:

[UN Special Rapporteur on the independence of judges and lawyers](#)

[International Bar Association's Human Rights Institute](#)

[International Commission of Jurists](#)

[Commonwealth Lawyers' Association](#)

[Centre for Human Rights](#) of the University of Pretoria in South Africa

To date, all of these calls have gone unheeded.

From: [Reisinger, Amanda](#)
To: "simphiwe.khumalo@up.ac.za"
Cc: "chr@up.ac.za"; [Masoudi, Jerry](#); [Thomas, E.J.](#); [Duncheon, Timothy](#)
Subject: Former Ugandan Supreme Court Justice Esther Kisaakye Seeks Centre for Human Rights' Support
Date: Thursday, October 31, 2024 1:46:28 PM
Attachments: [Dr. Kisaakye Background \(as of 10.31.2024\).docx](#)
[image001.png](#)

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.

Dear Mr. Khumalo:

I am writing on behalf of Dr. Esther Kitimbo Kisaakye, former Justice of the Supreme Court of Uganda, to convey Dr. Kisaakye's appreciation for the support the Centre for Human Rights expressed for Dr. Kisaakye in your previous statement and to request the Centre's additional support for efforts to raise awareness around Dr. Kisaakye's story as a judge in exile facing retaliation for carrying out her judicial duties.

I understand that the Centre for Human Rights issued a [statement](#) on April 12, 2023 expressing the Centre's views regarding Dr. Kisaakye's treatment in Uganda. Dr. Kisaakye sincerely appreciates your past support and raising awareness of her case. Dr. Kisaakye remains in a state of judicial limbo in Uganda, detailed more fully in the attached background/update document that Dr. Kisaakye has prepared and authorized us to share with you.

I, along with my colleagues at Covington & Burling LLP (copied on this email), have been working with Dr. Kisaakye to plan and coordinate efforts to raise awareness about her situation and advocate for judicial independence, and we would like to discuss with you opportunities for the Centre to support and partner with Dr. Kisaakye in these continued efforts. Please let me know if you would be interested in arranging a meeting to explore opportunities for partnership, including the publication of additional supportive statements and participation in a more sustained advocacy campaign to bring awareness to Dr. Kisaakye's plight and its implications for good governance and the rule of law.

Sincerely,

Amanda Reisinger

Amanda Reisinger

Pronouns: She/Her/Hers

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From: [Reisinger, Amanda](#)
To: ["info@commonwealthlawyers.com"](mailto:info@commonwealthlawyers.com)
Cc: [Masoudi, Jerry](#); [Thomas, E.J.](#); [Duncheon, Timothy](#)
Subject: Former Ugandan Supreme Court Justice Esther Kisaakye Seeks CLA's Support
Date: Thursday, October 31, 2024 1:46:14 PM
Attachments: [Dr. Kisaakye Background \(as of 10.31.2024\).docx](#)
[image001.png](#)

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.

Dear Commonwealth Lawyers' Association:

I am writing on behalf of Dr. Esther Kitimbo Kisaakye, former Justice of the Supreme Court of Uganda, to convey Dr. Kisaakye's appreciation for the support CLA expressed for Dr. Kisaakye in your previous statement and to request CLA's additional support for efforts to raise awareness around Dr. Kisaakye's story as a judge in exile facing retaliation for carrying out her judicial duties.

I understand that CLA issued a [statement](#) on March 14, 2023 expressing CLA's concerns regarding Dr. Kisaakye's treatment in Uganda. Dr. Kisaakye sincerely appreciates your past support and raising awareness of her case. Dr. Kisaakye remains in a state of judicial limbo in Uganda, detailed more fully in the attached background/update document that Dr. Kisaakye has prepared and authorized us to share with you.

I, along with my colleagues at Covington & Burling LLP (copied on this email), have been working with Dr. Kisaakye to plan and coordinate efforts to raise awareness about her situation and advocate for judicial independence, and we would like to discuss with you opportunities for CLA to support and partner with Dr. Kisaakye in these continued efforts. Please let me know if you would be interested in arranging a meeting to explore opportunities for partnership, including the publication of additional supportive statements and participation in a more sustained advocacy campaign to bring awareness to Dr. Kisaakye's plight and its implications for good governance and the rule of law.

Sincerely,

Amanda Reisinger

Amanda Reisinger

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From: [Thomas, E.J.](#)
To: IBAHRI@int-bar.org; Yassin.osman@int-bar.org
Cc: [Masoudi, Jerry](#); [Reisinger, Amanda](#); [Duncheon, Timothy](#)
Subject: Former Ugandan Supreme Court Justice Esther Kisaakye Seeks International Bar Association's Support
Date: Thursday, October 31, 2024 3:25:20 PM
Attachments: [Dr. Kisaakye Background Update \(as of 10.31.2024\).docx](#)
[image001.png](#)

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.

Dear International Bar Association Human Rights Institute:

I am writing on behalf of Dr. Esther Kitimbo Kisaakye, former Justice of the Supreme Court of Uganda, to convey Dr. Kisaakye's appreciation for the support the International Bar Association Human Rights Institute expressed for Dr. Kisaakye in your previous statement and to request the International Bar Association's additional support for efforts to raise awareness around Dr. Kisaakye's story as a judge in exile facing retaliation for carrying out her judicial duties.

I understand that International Bar Association issued several statements on [March 10, 2023](#) and again on [July 2, 2024](#) expressing the International Bar Association's views regarding Dr. Kisaakye's treatment in Uganda. Dr. Kisaakye sincerely appreciates your past support and raising awareness of her case. Dr. Kisaakye remains in a state of judicial limbo in Uganda, detailed more fully in the attached background/update document that Dr. Kisaakye has prepared and authorized us to share with you.

I, along with my colleagues at Covington & Burling LLP (copied on this email), have been working with Dr. Kisaakye to plan and coordinate efforts to raise awareness about her situation and advocate for judicial independence, and we would like to discuss with you opportunities for the International Bar Association to support and partner with Dr. Kisaakye in these continued efforts. Please let me know if you would be interested in arranging a meeting to explore opportunities for partnership, including the publication of additional supportive statements and participation in a more sustained advocacy campaign to bring awareness to Dr. Kisaakye's plight and its implications for good governance and the rule of law.

Sincerely,

E.J. Thomas

Edward (E.J.) Thomas

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From: [Thomas, E.J.](#)
To: Kaajal.Keogh@icj.org; Mulesa.Lumina@icj.org
Cc: [Masoudi, Jerry](#); [Reisinger, Amanda](#); [Duncheon, Timothy](#)
Subject: Former Ugandan Supreme Court Justice Esther Kisaakye Seeks International Commission of Jurists" Support
Date: Thursday, October 31, 2024 3:23:37 PM
Attachments: [Dr. Kisaakye Background Update \(as of 10.31.2024\).docx](#)
[image001.png](#)

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.

Dear Kaajal and Mulesa:

I am writing on behalf of Dr. Esther Kitimbo Kisaakye, former Justice of the Supreme Court of Uganda, to convey Dr. Kisaakye's appreciation for the support the International Commission of Jurists expressed for Dr. Kisaakye in your previous statement and to request the International Commission of Jurists' additional support for efforts to raise awareness around Dr. Kisaakye's story as a judge in exile facing retaliation for carrying out her judicial duties.

I understand that the International Commission of Jurists issued a [statement](#) on August 30, 2022 expressing the International Commission of Jurists' views regarding Dr. Kisaakye's treatment in Uganda. Dr. Kisaakye sincerely appreciates your past support and raising awareness of her case. Dr. Kisaakye remains in a state of judicial limbo in Uganda, detailed more fully in the attached background/update document that Dr. Kisaakye has prepared and authorized us to share with you.

I, along with my colleagues at Covington & Burling LLP (copied on this email), have been working with Dr. Kisaakye to plan and coordinate efforts to raise awareness about her situation and advocate for judicial independence, and we would like to discuss with you opportunities for the International Commission of Jurists to support and partner with Dr. Kisaakye in these continued efforts. Please let me know if you would be interested in arranging a meeting to explore opportunities for partnership, including the publication of additional supportive statements and participation in a more sustained advocacy campaign to bring awareness to Dr. Kisaakye's plight and its implications for good governance and the rule of law.

Sincerely,

E.J. Thomas

Edward (E.J.) Thomas

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From: [Reisinger, Amanda](#)
To: ["info@lawyersforlawyers.nl"](mailto:info@lawyersforlawyers.nl)
Cc: [Masoudi, Jerry](#); [Thomas, E.J.](#); [Duncheon, Timothy](#)
Subject: Former Ugandan Supreme Court Justice Esther Kisaakye Seeks L4L's Support
Date: Thursday, October 31, 2024 1:52:26 PM
Attachments: [Dr. Kisaakye Background \(as of 10.31.2024\).docx](#)
[image001.png](#)

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Dear Lawyers for Lawyers:

I am writing on behalf of Dr. Esther Kitimbo Kisaakye, former Justice of the Supreme Court of Uganda, to convey Dr. Kisaakye's appreciation for the support Lawyers for Lawyers expressed for Dr. Kisaakye in your previous statement and to request L4L's additional support for efforts to raise awareness around Dr. Kisaakye's story as a judge in exile facing retaliation for carrying out her judicial duties.

I understand that L4L and IBAHRI issued a joint [statement](#) on July 2, 2024 expressing L4L and IBAHRI's views regarding Dr. Kisaakye's treatment in Uganda. Dr. Kisaakye sincerely appreciates your past support and raising awareness of her case. Dr. Kisaakye remains in a state of judicial limbo in Uganda, detailed more fully in the attached background/update document that Dr. Kisaakye has prepared and authorized us to share with you.

I, along with my colleagues at Covington & Burling LLP (copied on this email), have been working with Dr. Kisaakye to plan and coordinate efforts to raise awareness about her situation and advocate for judicial independence, and we would like to discuss with you opportunities for L4L to support and partner with Dr. Kisaakye in these continued efforts. Please let me know if you would be interested in arranging a meeting to explore opportunities for partnership, including the publication of additional supportive statements and participation in a more sustained advocacy campaign to bring awareness to Dr. Kisaakye's plight and its implications for good governance and the rule of law.

Sincerely,

Amanda Reisinger

Amanda Reisinger

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From: [Thomas, E.J.](#)
To: melanie.santizosandoval@un.org; hrc-sr-independencejl@un.org
Cc: [Masoudi, Jerry](#); [Reisinger, Amanda](#); [Duncheon, Timothy](#)
Subject: Former Ugandan Supreme Court Justice Esther Kisaakye Seeks the Special Rapporteur's Support
Date: Thursday, October 31, 2024 3:26:45 PM
Attachments: [Dr. Kisaakye Background Update \(as of 10.31.2024\).docx](#)
[image001.png](#)

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Dear Ms. Santizo:

I am writing on behalf of Dr. Esther Kitimbo Kisaakye, former Justice of the Supreme Court of Uganda, to convey Dr. Kisaakye's appreciation for the support that the Special Rapporteur on the Independence of Judges and Lawyers expressed for Dr. Kisaakye in your previous statement and to request the Special Rapporteur's additional support for efforts to raise awareness around Dr. Kisaakye's story as a judge in exile facing retaliation for carrying out her judicial duties.

I understand that the Special Rapporteur issued a [statement](#) on March 31, 2023 expressing the Special Rapporteur's views regarding Dr. Kisaakye's treatment in Uganda. Dr. Kisaakye sincerely appreciates your past support and raising awareness of her case. Dr. Kisaakye remains in a state of judicial limbo in Uganda, detailed more fully in the attached background/update document that Dr. Kisaakye has prepared and authorized us to share with you.

I, along with my colleagues at Covington & Burling LLP (copied on this email), have been working with Dr. Kisaakye to plan and coordinate efforts to raise awareness about her situation and advocate for judicial independence, and we would like to discuss with you opportunities for the Special Rapporteur to support and partner with Dr. Kisaakye in these continued efforts. Please let me know if you would be interested in arranging a meeting to explore opportunities for partnership, including the publication of additional supportive statements and participation in a more sustained advocacy campaign to bring awareness to Dr. Kisaakye's plight and its implications for good governance and the rule of law.

Sincerely,

E.J. Thomas

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From: [Reisinger, Amanda](#)
To: ["apapachristou@nycbar.org"; "aegboka@nycbar.org"](#)
Cc: [Masoudi, Jerry](#); [Thomas, E.J.](#); [Duncheon, Timothy](#)
Subject: Former Ugandan Supreme Court Justice Esther Kisaakye Seeks the Vance Center's Support
Date: Thursday, October 31, 2024 1:46:25 PM
Attachments: [image001.png](#)

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.

Dear Mr. Papachristou and Ms. Egboka:

I am writing on behalf of Dr. Esther Kitimbo Kisaakye, former Justice of the Supreme Court of Uganda, to request the Vance Center's support for efforts to raise awareness around Dr. Kisaakye's story as a judge in exile facing retaliation for carrying out her judicial duties.

Dr. Kisaakye served as a Justice of the Supreme Court of Uganda from October 2009 until July 2023. At that time, she fled 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 Dr. Kisaakye 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.

At present, Dr. Kisaakye remains in limbo with respect to her employment status in Uganda. The President of Uganda has yet to acknowledge her retirement from the Supreme Court, leaving her in a state of uncertainty with respect to the retirement benefits to which she is entitled under the Ugandan Constitution. The status and timeline for further disciplinary proceedings against Dr. Kisaakye in Uganda remains unclear. And the Constitutional Court has yet to make any movements with respect to the Constitutional Petitions and applications for interim relief that Dr. Kisaakye filed in October 2022 and April 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.

I, along with my colleagues at Covington & Burling LLP (copied on this email), have been working with Dr. Kisaakye to plan and coordinate efforts to raise awareness about her

situation and advocate for judicial independence, and we would like to discuss with you opportunities for the Vance Center to support and partner with Dr. Kisaakye in these efforts. Are you interested in arranging a meeting to explore opportunities for partnership?

Sincerely,
Amanda Reisinger

Amanda Reisinger

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