

News Release, 13th June 2005

“417 saved from the death penalty in Uganda - The end of the mandatory death penalty in Africa?”

In the first ever case of its kind in Africa, the Constitutional Court of Uganda today declared unconstitutional the death sentences on all 417 prisoners on death row.

In a majority judgment, the Constitutional Court ruled that the automatic nature of the death penalty in Uganda for murder and other offences amounted to inhuman punishment as it did not provide the individuals concerned with an opportunity to mitigate their death sentences. The Constitutional Court have provided the Government with a 2 year period to give effect to the judgement after which all death sentences will be set aside. The Constitutional Court also ruled that any of the prisoners who have been on death row more than 3 years are now entitled to have their death sentences commuted to life imprisonment.

The litigation in Uganda has been conducted by the law firm Katende, Ssempebwe & Co. They have been assisted by a team of UK lawyers comprising Saul Lehrfreund MBE and Parvais Jabbar who run the Death Penalty Project at Simons Muirhead & Burton, solicitors and Keir Starmer QC of Doughty Street Chambers. They travelled to Uganda to meet all the men and women on death row and assisted with the drafting of legal arguments. In addition, they travelled to Uganda to attend the hearing in the Constitutional Court. This assistance was partly funded by the Global Opportunities Fund of the Foreign and Commonwealth Office.

Saul Lehrfreund MBE, Parvais Jabbar and Keir Starmer QC are part of a larger team that has been involved in successfully challenging the mandatory death penalty in 8 Caribbean countries since 2000. They have been invited to assist local lawyers with similar challenges in other African states including, Nigeria and Kenya.

Saul Lehrfreund MBE, human rights lawyer at Simons Muirhead and Burton, who appeared as an expert witness in the case states:-

“I am delighted that the jurisprudence from other regions in the world has now been accepted in Africa and that international human rights standards have been deeply entrenched into the laws of Uganda. This decision clearly applies in many other African countries and beyond”

Parvais Jabbar, human rights lawyer at Simons Muirhead and Burton, states:-

“Meeting several hundred death row prisoners in a heavily fortified prison West of Kampala was one of the most inspirational moments in the many death penalty cases handled by Simons Muirhead & Burton”

Keir Starmer QC, barrister at Doughty Street Chambers states:-

“The legal work carried out by the lawyers in Uganda in achieving this breakthrough in Africa was truly outstanding. The commitment and humanity they displayed in difficult political circumstances was incredible. It was our privilege to work with them in Uganda.”

Notes to Editors

1. For further information please contact Saul Lehrfreund or Parvais Jabbar at Simons Muirhead & Burton or Keir Starmer QC or Christine Kings, Practice Manager at Doughty Street Chambers.

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