

# **GUARANTEEING THE RIGHT TO A FAIR TRIAL IN UGANDA'S MILITARY JUSTICE SYSTEM: PROPOSALS FOR REFORM**

By Ronald Naluwairo

## **ABSTRACT**

Following on a number of scholarly works that have analyzed the compliance of Uganda's military courts with the right to a fair trial, this article provides and discusses the measures required to ensure that the administration of military justice in the country fully complies with the basic elements of the right to a fair trial. As long as Uganda's military courts continue to exercise judicial power over criminal offences or matters that are criminal in nature, then—in line with country's international human rights obligations—they must comply with the right to a fair trial. Key among the measures recommended to ensure compliance of Uganda's military justice system with the right to a fair trial include: minimum legal qualifications for persons appointed as judge advocates; sufficient security of tenure for the judge advocates and chairpersons of the military courts; and including civilians in the composition of some courts-martial. Also recommended, is the need to establish the offices of an independent Director of Military Prosecutions and Principal Military Judge; limiting the jurisdiction of military tribunals over civilians; removing the jurisdiction of military tribunals over military personnel accused of committing gross human rights violations; and making the Supreme Court of Uganda the last court of resort in respect of matters handled by the country's military justice system.