

# Museveni faces backlash over 'pardon' of three NRM MPs in graft cases

BY ANTHONY WESAKA

**KAMPALA.** President Museveni has come under sharp criticism from governance and legal experts following remarks that he "pardoned" three ruling National Resistance Movement (NRM) legislators who had been facing corruption charges.

Critics argue that the move contravenes constitutional provisions governing the prerogative of mercy and raises fresh concerns about executive interference in the justice system.

While opening an ongoing retreat for newly elected Members of Parliament from NRM and some independents at Kyankwanzi, the President he revealed that the three lawmakers had apologised and were subsequently forgiven.

The legislators in question are Yusuf Mutembuli, MP for Bunyole East; Paul Akamba of Busiki County; and Cissy Namujju, Woman MP for Lwengo District.

"We arrested Namujju, Akamba, and so on. Many of them repented, and once

you repent, there is forgiveness. They asked for pardon, and indeed they were pardoned," Mr Museveni said in his capacity as NRM chairman.

However, legal experts say the President's statement raises serious constitutional questions, noting that under Uganda's laws, only a convicted person qualifies for a presidential pardon.

Article 121 of the Constitution grants the President powers to exercise the prerogative of mercy, but strictly on the advice of the Advisory Committee on the Prerogative of Mercy and under clearly defined conditions.

These include that the beneficiary must be a convicted person, must have served a substantial portion of their sentence, demonstrated genuine remorse, exhausted all avenues of appeal, and received a favourable recommendation from prison authorities.

The Uganda Law Society vice president, Mr Anthony Asimwe, said the development exposes troubling concerns about the functioning of the criminal justice system.

"Recent developments demonstrate a dangerous convergence of the Executive, prosecutorial and judicial authority, with little meaningful institutional resistance," he said.

He warned that decisions by the Executive appear to proceed without suf-

ficient scrutiny, undermining the rule of law.

"The fight against corruption is, in practical terms, being undermined. Public interest risks being reduced to political determination influenced by patronage and expediency," he added.

Constitutional lawyer Peter Walubiri criticised the President's remarks, saying the law is explicit on who qualifies for pardon.

"The law is very clear that the President can only pardon convicts, and he acts on the recommendation of the Advisory Committee on the Prerogative of Mercy," Mr Walubiri said.

He stressed that suspects whose cases are still before the court remain constitutionally presumed innocent and therefore cannot be recipients of a presidential pardon.

"A person suspected of committing an offence cannot be pardoned because under the Constitution, they are presumed innocent until proven guilty," he said.

Mr Walubiri also criticised the Office of

the Director of Public Prosecutions (DPP), accusing it of surrendering its constitutionally protected independence.

"What the President has done amounts to directing the DPP to drop corruption charges, yet that power rests solely with the Director of Public Prosecutions," he said.

Former Ethics minister Miria Matunga echoed similar concerns, insisting that presidential mercy applies only to convicted individuals.

"The law allows the President to pardon those already convicted, particularly those who are sick, elderly or near completion of their sentences. It does not apply to people whose cases are ongoing," she said.

Policy analyst Godber Tumushime said the development reflects a broader trend of weakening institutional independence.

"The President has no right to say 'I have forgiven you' outside due process. Why forgive those accused of stealing public funds while others remain in prison?" he asked.

## CASE DISCONTINUED

The controversy follows a January decision by the DPP to file a nolle prosequi before the Anti-Corruption Court, discontinuing proceedings against the three MPs after the State said it had lost interest in prosecuting them. The trio had been facing corruption-related charges linked to alleged attempts to solicit a five percent kickback from Ms Mariam Wangadya, the chairperson of the Uganda Human Rights Commission.