

Lawyers challenge legality of LC courts

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KAMPALA. A fresh petition has been filed in the Constitutional Court challenging the legality of Local Council (LC) courts, with the applicants arguing that the tribunals operate outside Uganda's constitutional framework and undermine judicial independence.

The petition is filed by city lawyer Michael Aboneka, together with Martins Kirya and Walezi Wa Katiba Foundation. They argue that LC courts established under the Local Council Courts Act are unconstitutional because they are not part of the formal judicial structure under the Constitution.

In their April 16 application, the petitioners contend that the law creates courts which are not subordinate and competent courts as envisaged by the Constitution, "citing alleged breaches of Articles 126 and 151.

They further argue that LC courts are composed of political leaders rather than judicial officers, which they say blurs administrative and judicial roles and undermines separation of powers. "They are political administrative units whose composition is purely of political officials," the petition states.

The petition also questions the qualifications of LC court members, noting that persons without legal training are empowered to adjudicate disputes, contrary to constitutional standards on justice administration.

Concern is also raised over jurisdiction in land disputes. The applicants argue that granting LC courts wide authority over customary land matters exposes litigants to unfair hearings due to the technical nature of such cases.

They also challenge Section 15(2) of the Act, which prohibits legal representation by advocates in LC court proceedings, saying it violates the right to a fair hearing and legal counsel under Article 28.

The petitioners seek orders declaring that LC courts, in their current form, contravene several constitutional provisions, including Articles 2, 21, 26, 28, 126, 128 and 151, and want the contested provisions nullified while reaffirming judicial authority as the preserve of constitutionally recognised courts.

By Sunday, the Attorney General, the sole respondent, had not filed a response and the court has not fixed a hearing date.

The petition comes as the tenure of LC leaders has expired, with government preparing fresh elections for new office bearers.

KEY ARGUMENTS

- LC courts are not part of Uganda's formal judicial structure.
- They are composed of political leaders, not qualified judicial officers.
- Members lack formal legal training to adjudicate disputes.