

Journalist remanded over false news about First Lady

A journalist was charged before the magistrates court in Kampala over allegedly falsely publishing that the First Lady was dead.

BY JULIET KIGONGO & ANTHONY WESAKA

A journalist has been charged before the Law Development Centre (LDC) Court in Kampala over allegations of publishing false information announcing the death of First Lady Janet Kataha Museveni.

Mr Arnold Anthony Mukose, 41, appeared before Grade One Magistrate Ivan Maloba yesterday, and denied two charges related to the alleged publication and transmission of false information.

Under count one, Mr Mukose, a resident of Upper Konge Zone in Makindye Division, is accused of broadcasting fake news contrary to the Regulation 110 C of the Uganda Communications Commission (Licensing) Regulations Act 2019.

"Arnold Anthony Mukose and others still at large between January 26th and March 29th, knowingly, and unlawfully, published fake news on Alternative Digtalk Channel, an online platform, that the First Lady Janet Kataha is dead," reads in part the charge sheet presented before the court.

Under count two, he is charged under Section 82 of the Uganda Communications Act with sending false distress signals, with prosecutors alleging that he transmitted, or caused to be transmitted, a false message regarding the First Lady's death.

"Arnold Anthony Mukose and others still at large between 26th January, and 29th March, 2024, knowingly sent, transmitted or caused to be sent or transmitted a false distress signal, message that the First Lady Janet Kataha is dead," the charge sheet read in part.

Prosecutor Racheal Namutebi told



Mr Arnold Anthony Musoke in the dock at the Law Development Centre (LDC) Court in Kampala yesterday. PHOTO/ ABUBAKER LUBOWA

court that investigations into the matter had been completed and asked that a hearing date be fixed.

Defence lawyer Kato Tumusiime welcomed the completion of investigations and immediately applied for bail, arguing that his client qualifies for temporary release.

"We are glad that the state has completed investigations. We seek to present our bail application on grounds that he is innocent until proven guilty," Mr Tumusiime said.

He told the court that Mukose is a responsible citizen with fixed residence and strong family ties.

"He is a responsible person with a family of three school-going children. The offence is bailable, he has no criminal record, and we have presented

BACKGROUND

According to eyewitnesses, Mr Arnold Anthony Mukose was arrested by security operatives shortly after appearing on a political talk show in Old Kampala. He was reportedly picked up at about 1pm outside Metro FM 90.8 on Martin Road by plain-clothed

men travelling in a van. The men were in a van outside the premises. As he was leaving the gate, about five men jumped out, grabbed him and pushed him into the vehicle. His arrest sparked calls from lawyers under the Uganda Law Society and journalists' associations demanding his immediate and unconditional release.

three sureties," the lawyer said.

However, the prosecution opposed the immediate hearing of the bail application and sought more time to verify the documents submitted by the defence, including Mukose's place of residence and the credentials of the pro-

posed sureties.

Magistrate Maloba granted the request and adjourned the matter to April 14, 2024, when court will rule on the bail application.

"In the meantime, the accused is remanded," the magistrate ruled.

Mr Mukose was subsequently remanded to Luzira prison until his next court appearance.

The charges stem from an incident that attracted widespread public attention after reports circulated online alleging that the First Lady had died, claims that were later dismissed as false.

The case has renewed concerns over the spread of misinformation on digital platforms and enforcement of communication laws governing online content in Uganda.

Fake news publication no longer a crime in Uganda

Section 50 of the Penal Code Act in Uganda, which criminalised the "publication of false news," was declared null and void by the Supreme Court in 2004.

In the case of Charles Onyango Obbo and Andrew Mwenda Vs Attorney General (Constitutional Appeal No. 2 of 2002), the Supreme Court ruled that Section 50 was unconstitutional as it violated Article 29 of the 1995 Constitution, which guarantees freedom of expression and the press. Justice Joseph Mulenga, in the lead judgment, stated that the prohibition of false news served no meaningful purpose and was vaguely formulated, leading to abuse on political grounds.

The ruling established that freedom of expression extends to speech that may be inaccurate, exaggerated, or false, arguing that the press cannot be restricted to only publishing what is proven true.

Despite this, the authorities have sometimes attempted to use other laws, such as the Uganda Communications Commission (Licensing) Regulations Act 2019, and the Computer Misuse Act whose acidic sections were recently annulled by the Constitutional Court, to regulate what they define as misinformation or "fake news".

Who is Janet Museveni?

Janet Kataha Museveni is Uganda's First Lady, the wife of President Yoweri Museveni, and one of the country's most prominent political figures.

She has served as First Lady since January 26, 1986, when President Museveni shot his way to power. In addition to that role, she has also held several senior government positions, including minister of Education and Sports since 2016. Before that, she served as minister for Karamoja Affairs and was also a member of Parliament for Ruhaama County in Ntungamo District. She has also been involved in charity.