

Computer law: Lawyers demand Mabirizi's release

BY JULIET KIGONGO

KAMPALA. The Buganda Road Chief Magistrate's Court has directed lawyers representing detained lawyer Male Mabirizi Kiwanuka to present a formal decree from the Constitutional Court before it can consider issuing orders for his release, following arguments that he is being unlawfully held.

The directive came after Mr Mabirizi was not produced in court on the next scheduled date following a public holiday, prompting his legal team to question the legality of his continued detention.

Lawyer Anthony Asimwe told the court that his client had been expected to appear last Friday, but the date fell on the public holiday of Idd ul-Fitr, meaning he should have been presented on the next working day.

"So prison should explain why my client, Male Mabirizi, is not here," Mr Asimwe submitted.

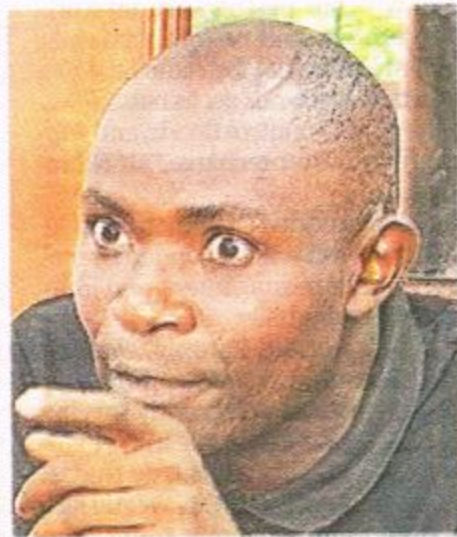
Chief Magistrate Ritah Neumbe Kidaso responded that in such circumstances a fresh date must be issued and noted that prison authorities were acting on existing warrants.

"When the case falls under a public holiday, you must get another date. Prisons are only following the warrants. Let's go to my chambers, you address me from there," she said.

In a closed-door meeting thereafter, Mr Asimwe said the defence raised concerns about Mr Mabirizi's continued detention in light of a recent Constitutional Court ruling that nullified the provisions of the Computer Misuse Act under which he is charged.

He argued that the March 17 Constitutional Court decision invalidated Sections 26 and 28 of the law, which formed the basis of the charges, and ordered all government institutions to immediately halt prosecutions and detention under those provisions.

"As of that date, prisons should have released all these people. The court



Male Mabirizi

should not have proceeded. Even police stations that are holding these people or investigating them should stop immediately," he said.

However, Mr Asimwe said the magistrate declined to issue a release or-

der, insisting that the defence first present a formal decree extracted from the Constitutional Court.

"She's saying that she wants us to bring a decree for her to be able to release Mabirizi, and we are saying no, you have a judgment of the Constitutional Court," he said.

Mr Asimwe further argued that the magistrate lacks jurisdiction to continue handling the case following the Constitutional Court ruling.

"You do not even have to give a date. This man is not supposed to come to your court. If he comes, what will you do? The Constitutional Court says you lack jurisdiction," he said.

The magistrate did not immediately fix a new hearing date, indicating she would first review her schedule.

Mr Mabirizi is facing four counts under the Computer Misuse Act over alleged social media posts targeting Chief Justice Flavian Zeija and Court of Appeal judge Musa Ssekaana. He denies the charges.