



11 April 2018

Mr. José Guevara  
Chair-Rapporteur  
Working Group on Arbitrary Detention  
c/o Office of the High Commissioner for Human Rights  
United Nations Office at Geneva  
8-14, avenue de la Paix  
1211 Geneva 10, Switzerland  
By email: [wgad@ohchr.org](mailto:wgad@ohchr.org)

**RE: Six-Month Follow-up to Opinion No. 57/2017 concerning Stella Nyanzi (Uganda)**

Dear Mr. Guevara:

Per the request of this Working Group in its Opinion No. 57/2017 (*see* para. 75-77) published on 11 October 2017, we write to inform you on lack of action taken over the last six months by the Government of the Republic of Uganda to implement the Working Group's recommendations in the case of Stella Nyanzi.

**(a) Whether Ms. Nyanzi has been released and, if so, on what date;**

Ms. Nyanzi was released on bail on 10 May 2017, though to-date the Government of Uganda has refused to drop the charges against her. Instead the Government continues to press criminal charges against her for speech that the Working Group found to be protected under the right to freedom of expression. Ms. Nyanzi filed a petition in May 2017 before the Constitutional Court challenging the provisions of the Mental Treatment Act under which the prosecution sought to compel a mental examination. In March 2018, Chief Magistrate James Eremye Mawanda declined to grant an application by Ms. Nyanzi seeking dismissal of the criminal charges against her. Instead, the magistrate stayed the criminal proceedings pending the resolution of the matter before the Constitutional Court. Ms. Nyanzi is required by court order to appear every thirty days for mentioning of the case on the same bail terms. At this time, Ms. Nyanzi remains indefinitely suspended from her position at Makerere University because of the ongoing criminal case. The university has also subjected her to disciplinary proceedings for her comments. These disciplinary proceedings are on-going concurrently with the criminal suit before the magistrate's court. Ms. Nyanzi is still on a no-fly list and although she has been able to travel to Nairobi, Kenya, her name has been placed on the immigration system as a flight risk. No explanation has been given for this action.

**(b) Whether compensation or other reparations have been made to Ms. Nyanzi;**

As of the date of this writing the Government of Uganda has not taken any action or initiated any steps to make compensation or other reparation to Ms. Nyanzi, and instead continues to subject Ms. Nyanzi to unduly prolonged and frivolous prosecution, incurring her further expenses in legal and other fees and injury to reputation, work among others.

**(c) Whether an investigation has been conducted into the violation of Ms. Nyanzi's rights and, if so, the outcome of the investigation;**

The Government of Uganda has not initiated or otherwise conducted an investigation into the violation of Ms. Nyanzi's rights. To the best of our knowledge, those responsible for Ms. Nyanzi's kidnapping and arbitrary detention continue to serve in their capacities in Ugandan security forces with impunity.

**(d) Whether any legislative amendments or changes in practice have been made to harmonize the laws and practices of Uganda with its international obligations in line with the present opinion;**

No efforts have been made by the Government of Uganda to amend its legislation – particularly sections 24 (1) and (2) (a) and 25 of the Computer Misuse Act – or change its practices in line with its international obligations.

**(e) Whether any other action has been taken to implement the present opinion.**

Neither Ms. Nyanzi nor her representatives are aware of any other action taken by the Government of Uganda to implement the present opinion. Contrary to a good faith effort to justly resolve the case against Ms. Nyanzi and remedy the violations perpetrated against her as recommended by this Working Group, the Government of Uganda continues to take steps to further its violations and malicious prosecution of Ms. Nyanzi for exercising her internationally and constitutionally protected right to free expression.

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Thank you for your continued attention to this matter. Should you have any additional questions or seek any additional clarification to follow-up on Ms. Nyanzi's case, please do not hesitate to contact us directly.

Sincerely,



Nicholas Opiyo  
Chapter Four Uganda



Wade McMullen  
Robert F. Kennedy Human Rights