

UGANDA.

**“WHEN I WAS TORTURED,
NO ONE CAME OUT”**



**FREE EXPRESSION AND ASSEMBLY
IN PERIL AHEAD OF 2016 POLLS**

 chapter
four

PROTECTING CIVIL LIBERTIES &
PROMOTING HUMAN RIGHTS **FOR ALL.**

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PART I:

INTRODUCTION

Introduction

"When President Museveni, the chief fighter, is still seated on the throne, whatever they are planning, tell them the government of NRM is not going anywhere! Don't send your children to bring chaos in Kampala and cause confusion during elections, disrupt peace in the country, government will handle you.... you will be shot . . . The state will kill your children if they come to disorganize and destabilize the peace and security in Kampala . . ."

(Ms Justine Kasule Lumumba, Secretary General of Uganda's NRM Ruling Party, presiding over the launch of NRM campaigns in Wakiso District at Nsangi sub-county headquarters, in Uganda.)

It is the election period again, and the temperature in the country is rising especially as Uganda draws ever closer to the 2016 polls. Remarks like the one quoted above, illustrate the extent of the intensity of the forthcoming elections. The battle-lines seem to be set, with potentially dire consequences for civil liberties in the country.

The country has witnessed a rather unique mode of campaigning; one where the protagonists have engaged the social media more raptly. The practice and culture of presidential debating has also taken stage in this election period, with Ugandans keenly paying attention to the policy options that the candidates have up their sleeves. This forthcoming election does bear the hallmarks of a landmark process; one that will have a significant effect on the country, in comparison to the elections in the immediate past.

Not all is rosy, however, especially as one observes the climate and context of the electoral process. The country remains shackled to the ghosts that have bedeviled its electoral activities. This is particularly evident, as one hears remarks as those mentioned above, blared out unequivocally, with no hint of restraint.

Fundamentally, the level of adherence to certain canons, particularly human rights standards, is pivotal in determining the nature of the electoral context. Indeed, the freedoms of expression and assembly are very critical pillars to building a successful democratic process. Unfortunately, a survey of the landscape of the electoral process reveals worrying signs and legitimate concerns as to freeness and fairness of the forthcoming election. There have been serious abuses of the rights to freedom of expression and assembly, which spell calamity for the electoral process.

In light of these concerns, a number of rights groups have released reports, exposing the violations of expression and assembly freedoms, highlighting the danger of their perpetuity. This report by Chapter Four Uganda adds to those voices; voices of Human Rights Watch (*"Keep the People Uninformed": Pre-election Threats to Free Expression and Association in Uganda*), Amnesty International (*"We come in and disperse them": Violations of the Right to Freedom of Assembly by the Ugandan Police*), and many others.

In augmenting this discourse, Chapter Four Uganda, in this report, tracks the problematic incidents and delves into the specificity of the impact of these violations with regard to the forthcoming 2016 polls. It focuses the discussion on the abuses that are related to the polls and makes the case for an immediate cessation of these violations, if the country seeks to have an authentic free and fair election.

The report thus stipulates real experiences from those abused, relaying the gruesome details of a democracy in peril, if nothing is done to halt these shocking practices. In documenting these violations, Chapter Four Uganda seeks to draw attention to the inescapable link of these freedoms to the electoral process, pointing to the need for a non-repetition of the evils that have plagued Uganda's elections in the past.

Glossary

Crime Preventers: Term used to describe a volunteer force of civilians recruited – without a legal framework – and operated by the Uganda Police. In the run-up to the 2016 polls, their numbers surged. The population of this unregulated group is not clear although according to media reports, the Inspector General of Police notes that there are 11 million crime preventers in the country. Crime preventers have been implicated in several rights violations and engaging in partisan activities in favor of the NRM party.

FDC: The Forum for Democratic Change. It is currently Uganda's most popular opposition party. Dr. Kizza Besigye is the FDC presidential candidate in the 2016 elections.

NRM: The National Resistance Movement. It is Uganda's ruling party. It has been in power since 1986 – currently over 30 years in power under the same President – Yoweri Kaguta Museveni. He is the incumbent presidential candidate in the 2016 elections seeking another term.

Go Forward: An independent political movement under the leadership of the former Prime Minister Amama Mbabazi – currently a presidential candidate under the “Go Forward” movement.

NGO: Non-Governmental Organization. These are independent groups duly registered with the NGO Board and issued with a registration permit.

LGBTI: Lesbian, gay, bisexual, transgender, and intersex. An inclusive term for groups and identities sometimes associated together as “sexual and gender minorities.”

NGO Board: A national Non-Governmental Organizations Board established under the Internal Affairs Ministry to register, monitor, and regulate Non-Governmental groups. This name will be changed to “NGO Bureau” after the coming into force of the Non-Governmental Organizations Act, 2015.

URSB: The Uganda Registration Services Bureau. It is an autonomous statutory body established by Chapter 210 Laws of Uganda in 1998 with the mandate to among others register business names, companies, and intellectual property.

CCEDU: The Citizens Coalition for Electoral Democracy Uganda. It is a coalition of Ugandan civil society groups formed to advocate for the value of integrity in the electoral process in Uganda.

HRNJ-U: The Human Rights Network for Journalists – Uganda. It is a network of human rights journalists in Uganda working towards enhancing the promotion, protection and respect of human rights.

EC: The Electoral Commission. It was set up under Article 60 of the 1995 Constitution of Uganda and is mandated “to organize and conduct regular free and fair elections and referenda professionally, impartially, and efficiently.”

UCC: The Uganda Communications Commission. It is Uganda’s regulating authority for the communications sector established under the Uganda Communications Act of 2013.

SIU: The Special Investigations Unit. It is a semi-autonomous body under the Uganda Police Force that investigates serious cases, especially those that are of interest to the State. SIU is the former Rapid Response Unit (RRU), which was previously known as the Violent Crackdown Unit (VCCU) – all previously known for gross abuse of rights of suspects and defendants. The Unit is based in Kireka, a suburb of Kampala city.

MP: Member of Parliament. These are elected leaders who represent Constituencies. Uganda currently has 381 MP seats and the MPs for the 10th Parliament will be elected in February 18, 2016.

DPC: The District Police Commander. The Commander is the head of all police officers in the district.

RPC: The Regional Police Commander. The Commander is the head of all police officers in the region.

RDC: The Resident District Commissioner. The Commissioner is a civil servant appointed directly by the President to head a district in the country.

ISO: The Internal Security Officer. The officer is an official of the internal Security Organization, an intelligence agency of government.

DISO: The District Internal Security Officer. The officer is an official of the Internal Security Organization at the district level, an intelligence agency of government.

OC: The Officer in Charge. The officer is the commanding officer at the police station.

CID: The Criminal Investigations Department. The department is charged with investigating crimes.

LC: The Local Council. This is a local administrative structure comprised of LC I, LC II, LC III, and LC V at the district level.

Executive Summary

As Uganda heads to general elections in February 2016, a lot of human rights and governance concerns have been raised. These range from the general structure of government institutions such as the Electoral Commission, Uganda Police Force (UPF) and the Uganda People's Defense Forces (UPDF), and their ability to ensure the conduct of a free and fair election; to the practice of these institutions and how they ensure that people participate in free and fair elections.

The February 2016 polls come against a background of excessive use of force by police to clamp down on freedom of association and assembly and attempts by different state agencies to curtail freedom of expression. In the last several years Uganda has seen the passing of laws that curtail these freedoms including the Public Order Management Act (POMA), the NGO Act, 2015, the Anti-Terrorism (amendment) Act 2015 among others. These laws not only limit the enjoyment of the freedom of expression and association, but also have given way to abuse by government agencies. For example whereas the POMA does not give the police powers to ban public assemblies, in practice the police has acted like it has the authority to not only ban public assemblies, but also decide or give permission to anyone organizing such a meeting.

Chapter Four Uganda has documented and followed up a number of incidents where freedom of speech and freedom of assembly were trampled upon in the run up to the elections. A total of 72 incidents were recorded.

The biggest culprits for violating the freedom of expression and assembly was the UPF and its agents as well as supporters of different politicians who interfered with campaign rallies or consultations of their opponents.

Chapter Four Uganda also noticed the selective application of the law when it came to enjoyment of these freedoms. A number of people whose rights were violated were unable to access justice, while another group did not bother seeking justice for they believed nothing would be done. At the same time we noted a tendency to bring criminal charges on those considered supporters of the opposition.

A number of reporters were attacked, some beaten and others had their gadgets destroyed as they covered different political activities in the run up to the elections. From the interviews there seemed to be a deliberate attack on the media directed at making it difficult for them to capture and report occurrences.

Chapter Four Uganda documented a number of cases where media personalities were threatened by police and other state agencies including being blamed for promoting an anti-government agenda because they aired views contrary to government preferences. In some of the cases we noticed a move to ban media personalities from radio stations such as was the case involving the former presidential press secretary Tamale Mirundi.

Additionally, there was a particular effort to ban media houses from covering specific candidates because the candidates or their handlers felt the media house was not using content provided by them, which was a clear violation of the freedom of expression.

Chapter Four Uganda also noticed the increased arrest, detention and disappearances of political actors belonging to different groups. A total of 81 incidents of arrest of political actors have been documented in the present report. Majority of the arrests end with no charges being brought against individuals, despite the fact that the persons were made to spend more than the mandated 48 hours in police detention. In some cases the individuals were charged with different crimes, which are still pending before courts of law. In some instances, members of the opposition were arrested in the night by plain clothed personnel who did not explain the reasons for arrests nor inform relatives of those being arrested, as required by law. In a number of cases, those arrested in the night would be found at different police stations several days later. Majority of them would be found at Nagalama Police Station and SIU Kireka.

The actions of the state and state agencies in the build up to the elections, could have a considerable impact on the general outlook and final outcome of the elections. A number of people have been intimidated and thus may not be able to freely exercise their will on the Election Day. It is also clear that a number of people may not have been able to freely express themselves or their ideas in the run up to elections, as they sought different political offices.

Chapter Four Uganda makes specific recommendations to the different actors. It believes that if the recommendations are implemented, they will go a long way in ensuring the enjoyment of the freedom of expression and assembly, and ensuring that people fully participate in the decisions that affect them.

Methodology

This report is based on a research conducted by Chapter Four Uganda. The research was conducted between October 2015 and early February 2016 in Uganda. A total of 72 incidents were documented for this report.

Purposive sampling was used, to reach persons whose rights were suspected to be affected, as well as those who are charged with ensuring the protection of these rights. Indeed, out of all the incidents recorded, a total of 42 occurrences were considered particularly severe by Chapter Four Uganda. These instances included situations where journalists and media practitioners were in one way or the other, hindered from doing their work.

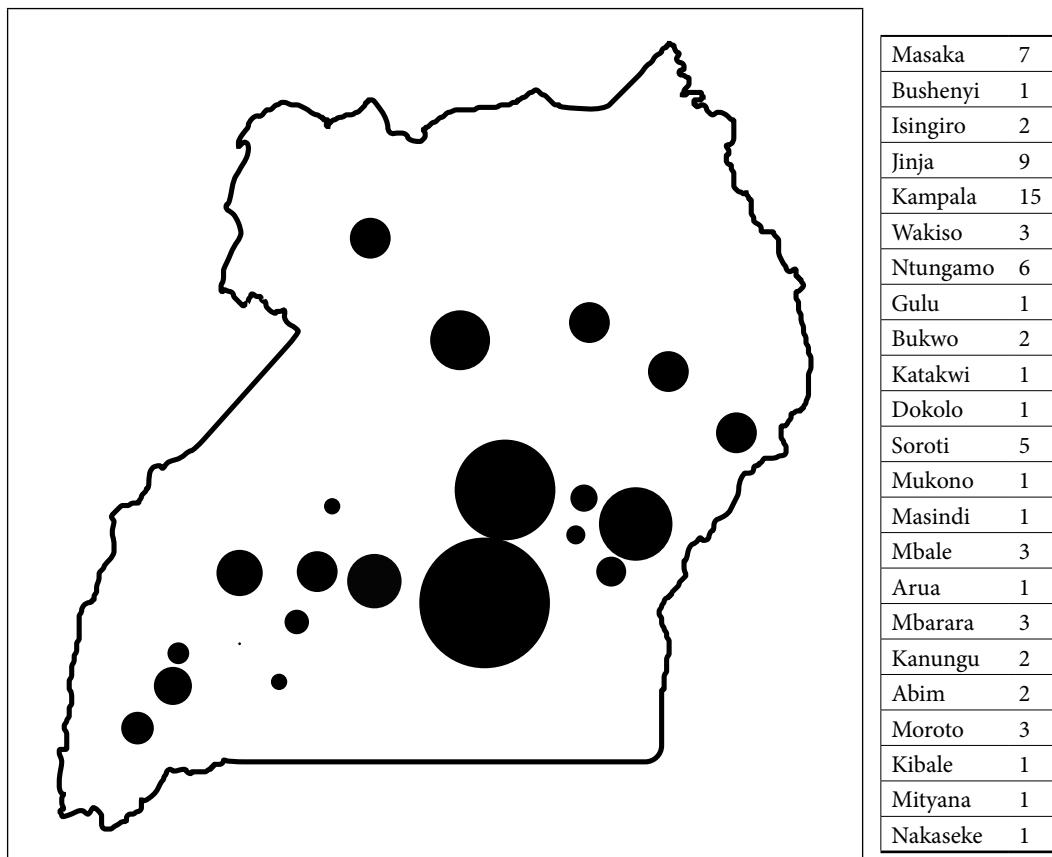
Other critical incidents pointed to political activists and members of political parties experiencing the high-handed disruption of rallies; in some cases as witnesses and in others as victims. A total of 134 interviews were conducted.

A review of court and police files, as well as records for persons arrested, was conducted. These were followed up at different centers in the country and data was gathered on the charges being faced, the facts leading to the cases and the progress of the cases through police, DPP and the Courts. Information gathered was crosschecked with testimonies from eye witnesses, victims and officers in charge of the files. Interviews were also held with lawyers of the victims, police officers, and political party actors involved in different cases.

A desk review of domestic laws relating to freedom of expression and assembly, as well as an appraisal of international instruments ratified by Uganda, was conducted. This guided the identification of the incidences that could amount to violations. It steered the selection of genuine cases of violation from normal criminal incidents that could have happened within the same period.

As a limitation, the study did not cover all those involved in the violations such as the perpetrators and the victims. Given the heightened political activity at the time of conducting the study, it became difficult to reach some of the victims and government officials. Chapter Four Uganda notes that whereas their views could have been important for the report, it is highly unlikely that their views would significantly affect the general outcome of this study.

Map of areas where research was conducted



NB: The frequency of incidents does not necessarily reflect the level of violations in the district.
Some areas have had few incidents but more violent in nature.

Key Recommendations

To the President of Uganda

- Publicly instruct the police and other government or NRM party officials not to harass, threaten, assault or in any other manner violate rights of journalists, human rights defenders, and pro-democracy activists. Order for urgent investigation of related violations and direct that such reports be made public.
- Issue a public statement to the police and other armed forces not to use excessive force – including teargas, rubber and live bullets – to disperse peaceful protests even if there are allegations that sections of the Public Order Management Act have not been complied with.

To the Parliament of Uganda

- Amend sections in the Public Order Management Act, the Anti-Pornography Act, the Anti-Terrorism (Amendment) Act 2015 and the Non-Government Organizations Act 2015 to ensure they comply with the Constitution of Uganda and other international obligations.
- Make public inquiries into violation of human rights in the run-up to elections and put in place measures to ensure such rights are protected by increasing the capacity of Uganda Human Rights Commission, the police and other government bodies

To the Uganda Police Force

- Suspend the work of crime preventers and ensure a better plan (law and policy) is in place before reinstating them. The plan should look at their training, nature of recruitment and command structure.
- Issue guidelines on use of teargas, rubber bullets and other crowd management systems including live ammunition and ensure they are used only when it is absolutely necessary
- Punish all police officers involved in violation of human rights; ensure only force related wrongs are taken to the Professional Standards Unit and all crimes and civil wrongs done by individual officers are punished through the right channels.
- Immediately suspend police officers suspected of involvement in police brutality, arbitrary arrests, and other related violations to allow for an independent and impartial investigation.

To the Directorate of Public Prosecutions

- Institute criminal prosecution for police officers who engage in assault and other violations of expression and assembly freedoms.
- Immediately refrain from sanctioning and prosecuting suspects under preventive arrests, disobedience of lawful orders and other related charges used to clamp down on expression and assembly freedoms.

- Prevail over police and other law enforcers to ensure there is no selective application and abuse of the criminal justice system.
- Ensure arrests and prosecution commence only when there is sufficient evidence to avoid abuse of the criminal justice system.

To the Courts of Judicature

- Conduct vigorous review on the legal reasons for arrest of suspects and ensure that criminal law is not abused to persecute people for exercising their freedoms.
- Ensure that all accused persons arrested while exercising their expression and assembly freedoms receive a fair, speedy, and impartial hearing.
- Institute an investigation into abuse of the criminal justice system and ensure cases that are fictitious or based on no proper evidence are dismissed.

PART II:

CONTEXT

Background: The Road to the 2016 Polls

It is widely considered that the 2016 polls have more at stake, in comparison to previous elections from the turn of the century. Indeed, the two major protagonists for the last decade and a half have been the incumbent, Mr. Yoweri Kaguta Museveni, and his erstwhile comrade, Retired Colonel Dr. Kizza Besigye. With the two still being major players in the presidential race for February 2016, the addition of the former Prime Minister of Uganda, Right Honourable John Patrick Amama Mbabazi, presents a different dynamic in the general race. It is broadly considered that with the significant support that the former Prime Minister possesses, this could tip the scales, and cause a major shake up for the ruling party.

Although, the incumbent has enjoyed large support in the general polls since 2001, the conduct of these elections has been placed under the scrutiny of the courts, which have discredited the legitimacy of these processes. In 2001,¹ the Supreme Court of Uganda ruled that the principle of free and fair elections was compromised, with evidence of cheating in a significant number of polling stations. It raised concerns of a lack of transparency, but held that the electoral malpractices did not affect the result in a substantial manner.

In the subsequent presidential election in 2006,² which was won by the incumbent, the Supreme Court of Uganda raised similar concerns. In stating that the Electoral Commission did not comply with the law, and that the elections were not free and fair, it insisted that the malpractices were not significant enough to warrant a nullification of the election. In this case, it maintained a similar stance, as observed in the prior election.

The subsequent presidential election in 2011 went by unchallenged legally; however, the opposition maintained that irregularities were still heavily prevalent in the electoral process. The Commonwealth Observer Group found that while the election campaign and the day of the elections were generally calm, there were problems with regard to the Electoral Commission's poor management of the process, and the lack of a level playing field. It also noted the commercialization of the political process, concluding that the key benchmarks for democratic elections were not fully met.³

1 Col. (RTD) Dr. Kizza Besigye vs. Museveni Yoweri Kaguta - *Presidential Election Petition No. 1 of 2001* - 7/6/2001.

2 Col (RTD) Dr. Besigye Kizza vs. The Electoral Commission and Another - *Presidential Election Petition No. 1 of 2006* - 1/31/2007.

3 Commonwealth Observer Group Final Report on 2011 Presidential and Parliamentary Elections in Uganda - See more at: <http://thecommonwealth.org/media/press-release/commonwealth-observer-group-issues-final-report-2011-presidential-and#sthash.11QPNQB7.dpuf> (accessed February 9, 2016)

Since the 2011 election, the opposition has galvanized support from civil society and other pro-democracy movements, to push for free and fair elections in the run up to the 2016 polls. This drive culminated into a National Consultation on Free and Fair Elections throughout the country, with the adoption of the Uganda Citizens' Compact on Free and Fair Elections in November 2014.⁴ Whilst calling for a new and independent electoral body, the Compact stressed the need for the protection of the freedom to organize and assemble, as well as the necessity for equal access to the media.⁵

Indeed, the protection and promotion of the freedoms of expression and assembly are very vital to the effectiveness and transparency of the electoral process in Uganda. This is increasingly crucial in light of the trend of the management of these freedoms in the run up to the 2016 polls.

Related Violations in Recent Years

In May 2013, *The Daily Monitor* (a local privately-owned newspaper) was raided by 50 plain-clothed Police in search for evidence against an army general, David Sejjusa. The Police ransacked the premises and shut down the media house because of a story that was run by the paper, and said to have originated from the General. The story focused on the purported existence of a conspiracy to eliminate high-ranking members of the government who did not support a supposed plan for the President's son to succeed his father.⁶ Police also raided a local tabloid newspaper, the *Red Pepper*, under similar circumstances. Radio stations attached to the Nation Media Group were also closed due to these actions (*The Daily Monitor* is a subsidiary of the Nation Media Group).⁷

Additionally, during the National Consultative Process for Free and Fair Elections (mentioned above), the protagonists that included civil society and opposition figure-heads, were violently attacked by the Police wherever they held meetings.⁸ The Police, on the basis of the Public Order Management Act of Uganda, meted out this brutality; proceeding to cancel radio programs where the consultative team was addressing people on the value of proper electoral processes. The gatherings in the districts of Kabale, Soroti, Jinja and Kasese particularly, turned extremely chaotic when Police halted their meetings and closed down the venues.⁹

⁴ Uganda Citizens' Compact on Free and Fair Elections, Adopted at the National Consultation on Free and Fair Elections, Kampala, 24 - 26 November 2014.

⁵ Declaration 8, pp. 12 – 13.

⁶ Having been closed itself, the *Daily Monitor* did not report this closure. International news agencies mostly ran this story at the time. See <http://www.aljazeera.com/news/africa/2013/05/201352013538601371.html> (accessed on February 1, 2016)

⁷ <http://www.bbc.com/news/world-africa-22599347> (accessed on February 1, 2016)

⁸ <http://www.redpepper.co.ug/defiant-opposition-vow-to-continue-with-free-and-fair-elections-campaign/> (accessed on February 1, 2016). It is critical to note the limited availability of print media reports on this matter, despite the far reaching effects of such practices on democratic engagements in the lead up to a critical election period.

⁹ Ibid. The Public Order Management Act has been used repeatedly by the Police to stop opposition and other groups critical of government from organizing public meetings. This results in high-handed measures to disperse crowds alleged to be involved in unlawful gatherings.

However, in the face of these incidents, there was a clear uneven handedness in the enforcement regime by the Police. Whilst the civil society and opposition leaders faced the brunt of the brutality of the security agents; the President's ruling party, the NRM, enjoyed relative freedom in its gatherings of similar nature.¹⁰ In 2014, the NRM run consultative meetings to popularize President Museveni's sole candidature ahead of the 2016 elections. This drive was a bid to galvanize support for the unopposed contestation of the President for flag bearer of the NRM for the 2016 polls. These consultative meetings across the country met no resistance, with the Police and security agents providing a secure environment for the meetings to take place.¹¹

In view of the foregoing incidents, it has been apparent that the freedoms of expression and assembly have been in jeopardy with regard to electoral related engagements. Any electoral related arrangement has been met with violent resistance from the state and its agents. The ruling party on the other hand enjoys unfettered access to media houses and conducts meetings and gatherings without any prohibition. This state of affairs, persists presently, as the violation of these freedoms makes the playing field for political and democratic contestation, more and more uneven, as the 2016 polls approach.

Recruitment of Unregulated Militia Groups ahead of Polls

The concerns with regard to the uneven playing field for electoral contestation are further exacerbated by the emergence of militia type groups in the run up to the 2016 general elections. This practice traces its footsteps back to the formation of the Kalangala Action Plan (KAP) in the run up to the 2001 polls.

Kizza Besigye accused the KAP of torturing his supporters, with the intention of swaying them to support the NRM during the election.¹² This group was known to beat up Ugandans and cause terror among those who showed clear support for the emerging opposition at the time. The President in response insisted that the KAP is a "political action group of the [National Resistance] Movement which helps in gathering intelligence in disturbed areas".¹³

In similar fashion, presently, there is the recruitment of persons, undergoing rigorous training for purported legal purposes. Under the auspices of the Uganda Police, 'crime preventers' are being recruited and trained, officially, to fight crime.¹⁴ However, a critical assessment of this group reveals that it is a band of civilian vigilantes recruited by the government aimed at intimidating or reducing support for the political opposition through illegal means, including torture.¹⁵

10 See, <http://www.monitor.co.ug/Magazines/PeoplePower/Bahati--Museveni-sole-candidacy-not-new/-/689844/2310040/-/cili0z/-/index.html> (accessed February 1, 2016), where the ruling party's (NRM) Vice Chairman the parliamentary caucus speaks about the progress of the sole candidature consultative process.

11 Ibid.

12 <http://www.refworld.org/docid/3f7d4e2e26.html> (accessed February 1, 2016).

13 Ibid.

14 See, <http://www.observer.ug/news-headlines/40618-why-museveni-needs-crime-preventers> (accessed February 1, 2016).

15 <http://europe.newsweek.com/who-are-ugandas-crime-preventers-415704?rm=eu> (accessed February 2, 2016).

Conversely, the Inspector General of Police has maintained the position that it is a crime-fighting group, despite repeated criticism and concern from civil society and opposition groups.¹⁶ The more recent apprehension has been with regard to the alleged arming of these crime preventers, particularly as the polls draw closer.

Chapter Four Uganda, in concert with, Amnesty International, Human Rights Watch, Human Rights Network Uganda (HURINET-U), and the Foundation for Human Rights Initiative (FHRI) in a recent joint press statement, challenged the government to urgently suspend the crime preventer program ahead of the February 2016 national elections. In the statement, it was indicated that with the elections just weeks away, suspending crime preventers is critical for preventing violence during the electoral period and showing the country's commitment to nonpartisan policing and respect for human rights.¹⁷ The organizations critically observed that scant information is available about the exact mandate, command structure, and number of crime preventers; adding that there is no legal statute establishing the program.¹⁸

Chapter Four, in the conduct of the research for this report, has received information of the actual use of crime preventers for illegal activity, especially in the area of mistreatment of supporters of candidates challenging the incumbent. Sources interviewed by Chapter Four, testified to the use of crime preventers to torture and frame them, because of their expression and public rallying of support for a candidate challenging President Museveni. The concerns expressed by civil society and opposition groups are indeed valid, and it is important that the creation of such groups is suspended in the run up to the very sensitive 2016 polls.

With the violence that has characterized previous elections, coupled with the high-handed approach of the Police and security services in recent years, it is critical that militia type groups are not introduced to potentially compromise human rights during this electoral process. The freedoms of expression and assembly that are critical for a real democratic process, cannot thrive in such an atmosphere. There is need for people to have the confidence that their expression of support for any candidate will not reap reprisals on their part. The presence of militia type groups like crime preventers present serious challenges for the enjoyment of the freedoms of expression and assembly in the run up to the 2016 election, which has its peculiar relevance for the democratic development of Uganda.

16 <http://allafrica.com/stories/201601250339.html> (accessed February 1, 2016).

17 <http://www.chapterfouruganda.com/articles/2016/01/13/uganda-suspend-'crime-preventers'-massive-unregulated-force-threatens-election> (accessed February 2, 2016).

18 Ibid.

PART III:

VIOLATIONS AND THREATS AGAINST EXPRESSION AND ASSEMBLY FREEDOMS

SILENCING OF EXPRESSION FREEDOMS

"There is no media house that can take the law in their hands and we keep quiet. Yes, definitely we shall close them," - The Minister for Information and National Guidance, Maj Gen (Rtd) Jim Muhwezi¹⁹

During this research, Chapter Four Uganda documented several incidents that worryingly point to a narrowing space for media freedoms and freedom of expression. Use of social media platforms, most especially Facebook, also increasingly came under surveillance leading to the arrest of several people.²⁰

The research reviewed incidents of violations of rights of 45 journalists and crewmembers in election-related coverage. Several of the journalists were attacked and sustained injuries while covering arrests of politicians and violent dispersal of crowds by use of teargas and bullets. Several others were intimidated, harassed, threatened, arbitrarily arrested and detained. Incidents of confiscation of journalists' equipment and destruction of cameras were also documented.

Intimidation, harassment, and threats

Chapter Four Uganda documented cases of police officers and other people in positions of authority issuing threats and unlawful orders to harass and intimidate journalists and media houses.

The police and other government officials have increasingly shifted blame to the media by accusing it of biased coverage and reporting whenever cases of police brutality and other unprofessional conduct on the part of the police are documented. These unfounded accusations have served as a blackmailing tool to intimidate media houses to silence them or to push them to practice self-censorship. For example, when *The Observer* newspaper published a story²¹ about the Inspector General of Police Kale Kayihura vowing to arm crime preventers in preparation for war ahead of the polls, the police dismissed the claims and insisted that Kayihura "was quoted out of context" even when there was not much difference in the transcribed statement released by police.

19 "Muhwezi vows to close media house," *The Daily Monitor*, January 30, 2016: <http://www.monitor.co.ug/SpecialReports/Elections/Muhwezi-vows-close-media-houses/-/859108/3054352/-/sv9anr/-/index.html> (accessed January 30, 2016).

20 See statements in the case of Robert Shaka, *Chapter Four Uganda*: <http://chapterfouruganda.com/articles/2015/06/10/updated-further-statement-status-mr-robert-shaka> (accessed January 30, 2016)

21 "Elections: Rugunda, Kayihura disagree on power transfer," *The Observer*, January 27, 2016: <http://www.observer.ug/news-headlines/42315-2016-elections-rugunda-kayihura-disagree-on-power-transfer> (accessed January 30, 2016).

Still, *The Observer* had to run another story to ‘set the record straight.’²² During the same month of January 2016, the NRM Secretary General Justine Kasule Lumumba was heard in an audio recording²³ warning that demonstrators during or after the polls would be shot dead by the state – sparking outrage.²⁴ Instead of retracting the statements, the NRM and other government officials accused the media of quoting the Secretary General out of context. Interestingly, when the NRM Party released a statement²⁵ on the audio clip, the party emphasized, “The Secretary General reiterates her primary message” and further warned against engaging in actions “that may result into injury and possible loss of life”.

Other related incidents where the police accused the media of biased coverage and reporting in recent times include the brutal assault²⁶ of Andrew Lwanga by a senior police officer in January 2015, fondling²⁷ of Ingrid Turinawe’s breasts by police officers, and other incidences of police brutality such as firing of teargas into schools and health centers.

“We fear that the police will use these allegations to justify their actions to block, harass, arrest, assault and fabricate charges against journalists, and as a result scare the media from giving comprehensive coverage to political contestants especially those holding dissenting ideologies ... Mr. Enanga [Police Spokesperson] threatened that some journalist were to be investigated over their work. He should tell us which journalists are involved and who the complainant is.” – Robert Sempala, National Coordinator, HRNJ-U.²⁸

In January 2016, the Minister for Information and National Guidance, Maj. Gen. (Rtd) Jim Muhwezi warned the media that “definitely” they would be closed down in the interest of Uganda’s stability if they are deemed to be inciting the public during the election period. This threat comes on the backdrop of threats by UCC to close down presidential candidate Amama Mbabazi’s Radio Kinkizi in Kanungu District.

Gen. Muhwezi further noted that Mbabazi’s radio had been playing sectarian messages on air and wondered why the UCC had not yet ‘taken action.’ In a related development, Mbarara district-based Endigyito Radio was closed down two days after it hosted Amama Mbabazi.²⁹

22 “Kayuhira denies move to arm crime preventers,” *The Observer*, January 28, 2016: <http://www.observer.ug/news-headlines/42319-kayihura-denies-move-to-arm-crime-preventers> (accessed January 29, 2016).

23 <https://soundcloud.com/masake-anthony/justine-kasule-lumumba> (accessed February 3, 2016).

24 “Lumumba shoot-to-kill threat sparks outrage,” *The Daily Monitor*, February 1, 2016: <http://www.monitor.co.ug/SpecialReports/Elections/Lumumba-shoot-to-kill-threat-sparks-outrage/-/859108/3056812/-/uuv6twz/-/index.html> (accessed February 1, 2016).

25 Press Release from the Office of the Secretary General of the National Resistance Movement (NRM) by Mike Sebalu – Campaign Spokesperson, *Our Ref: SG/001/29/01/16*, January 29, 2016, on file with Chapter Four Uganda.

26 “Police brutality against journalists,” *NTV Uganda*, January 13, 2016: <https://www.youtube.com/watch?v=KmS6uCrvrK4> (accessed January 15, 2016).

27 “Activists demand police apology for molesting Ingrid,” *NTV Uganda*, April, 21, 2012: <https://www.youtube.com/watch?v=TX-iCdzzjo78> (accessed February 1, 2016).

28 Press statement: https://hrnjuganda.org/?wpfb_dl=53 (accessed February 5, 2016)

29 “Muhwezi vows to close media houses,” *The Daily Monitor*, January 29, 2016: <http://www.monitor.co.ug/SpecialReports/Elections/Muhwezi-vows-close-media-houses/-/859108/3054352/-/sv9anr/-/index.html> (accessed February 2, 2016).

During the same month of January 2016, NTV Uganda, a local television station, was banned from covering incumbent candidate Museveni's rallies after the station refused to use video footage shot by drones belonging to the NRM party media team. "As for NTV being chased from any of the candidates, that's a choice because you don't have a right to come and attend my rally and then twist what you have covered and report differently,"³⁰

On February 6, 2016, BBC journalists and crew were harassed for filming around Abim district hospital in Northern Uganda. Their footage and equipment was confiscated but later returned, with an apology.³¹ This is the same hospital that came under the spotlight for its dilapidated facilities after Besigye visited³² it during his campaigns.

In Moroto district, the district police commander threatened four journalists for attempting to report about a police roadblock erected at Nadiket to stop Besigye from reaching his supporters. During the altercation, he further ordered *NTV*'s Galiwango Ronald, *New Vision*'s Kenneth Oryema, *Daily Monitor*'s Julius Ariong, and *Bukedde*'s Ernest Kyazze to handover their equipment and not to cover the roadblock.³³

During the arrest of FDC leaders in Masaka district after being intercepted enroute to Rukungiri district for a rally, police accused the journalists of 'obstructing' their work and attempted to arrest a photojournalist before they would arrest the opposition politicians. "It appeared the police didn't want us to witness [cover] the arrest of the FDC leaders because immediately after [the scuffle], they started the arrests,"³⁴

In October 26, 2015, Kataggwa George, a journalist working with *NBS television*, was threatened and ordered to handover his camera. The intention was to block him from covering a scuffle between the Buyaga West County Member of Parliament Barnabas Tinkasimire and Dennis Namara who were contesting for the NRM party flag bearer position for Member of Parliament, Buyaga West Constituency, Kibaale district.³⁵

In January 11, 2016, Ali Golooba, a reporter working with Buddu FM Radio, was harassed and intimidated by guards of an NRM parliamentary candidate before being assaulted.³⁶

Ray,³⁷ a local politician in Njeru Town Council, narrated to Chapter Four Uganda how he has been repeatedly threatened and intimidated by police officers and other government officials to stop appearing on any talk shows in radio stations in Jinja town.

30 Ibid

31 Chapter Four Uganda interview with one of the journalists harassed, Kampala, February 7, 2016.

32 "Besigye in Abim Hospital, situation alarming," *NBS TV Uganda*, December 5, 2015: <https://www.youtube.com/watch?v=G1wFg8YNguM> (accessed January 4, 2016)

33 <https://cpj.org/2016/01/press-trying-to-cover-politics-in-uganda-face-rest.php> (accessed February 9, 2016).

34 <http://www.observer.ug/news-headlines/40441-how-fdc-woman-was-undressed> (accessed February 9, 2016).

35 Journalist shot at, another arrested by police and assaulted while covering NRM party elections: <https://hrnjuganda.org/?p=2201> (accessed February 7, 2016).

36 Parliamentary candidate's private guards mob journalist, confiscate gadget: <https://hrnjuganda.org/?p=2407> (accessed February 7, 2016).

37 Chapter Four Uganda interview with Ray (pseudonym), Jinja, January 13, 2016.

"One time when I was arrested, police officers told me that I over talk and yet I do not belong to NRM."

A case of an arbitrary blanket ban of an individual from appearing on media programs by a government agency was documented. On December 1, 2015, the Uganda Communications Commission (UCC) issued an ad-hoc order without any specific evidence of culpability to warn several media houses from hosting Tamale Mirundi, a former press secretary to President Museveni.³⁸

Physical violence and assaults

To muzzle the press or free expression, security agents and other perpetrators often resorted to physical violence leading to several cases of assault of journalists while covering stories. Most journalists sustained injuries while covering: dispersal of crowds by the police who used teargas and bullets; clashes during vote-rigging activities; and arrests. Others were assaulted to forcefully block them from covering 'sensitive' stories.

In January 11, 2016, Ali Golooba, a reporter working with Masaka district-based Radio *Buddu FM*, was attacked by six private guards of an NRM parliamentary candidate and beaten up for recording their candidate's speech.

*"I was recording Hajji Mbabaali's speech from one of the loud speakers when one of his private security guards with black sunglasses confronted me demanding to know why I was recording their candidate. As I explained myself, about five others pounced on me and started kicking, boxing and slapping me. They grabbed my audio recorder which they confiscated." – Ali Golooba.*³⁹

His attempts to disclose to them his identity by showing them his ID were ignored. Ali sustained injuries on his chest, back, and legs from the beating.⁴⁰

In Moroto district, the DPC assaulted four reporters and destroyed a camera of a journalist after they attempted to cover a police roadblock set up at Nadiket to block FDC's Besigye from reaching his supporters.⁴¹

In November 16, 2015, Isaac Kugonza, journalist working with *Delta TV*, sustained serious injuries on his head while covering the violent arrest of incumbent Kampala City Lord Mayor, Erias Lukwago in Kampala. Isaac was rushed to Mulago national Referral Hospital in a critical condition with blood oozing from his head and sputum in the mouth.

38 See more, "Keep the People Uniformed – Pre-election threats to free expression and association in Uganda," *Human Rights Watch* report, January 2016, pg. 35 & 36.

39 Parliamentary candidate's private guards mob journalist, confiscate gadget: <https://hrnjuganda.org/?p=2407> (accessed February 7, 2016).

40 <https://cpj.org/2016/01/press-trying-to-cover-politics-in-uganda-face-rest.php> (accessed February 7, 2016).

41 Ibid

His video camera was also damaged in the stampede caused by firing of teargas, rubber, and live bullets to disperse Lukwago's supporters. This dispersal was to pave way for Lukwago's arrest; to block him from walking to the Electoral Commission offices in protest against the postponed nomination process.⁴²

In October 2015, Enoch Matovu, a correspondent of *NTV Uganda*, sustained serious injuries on his head while covering an incident of vote rigging in an NRM party election in Mityana district. "I saw the local people opening the car and removing the ballot papers which they scattered around the police station, and that's when I stopped understanding. I later discovered that I was admitted in Mityana Hospital."⁴³

In October 27, 2015, Haruna Mugerwa, *Vision Group* journalist, was assaulted while covering a vote-rigging story where the perpetrator was a police officer. The officer apparently had pre-ticked ballot papers hidden in his shirt and gumboots at an NRM party election. Haruna's camera was destroyed during the attack.⁴⁴

In October 15, 2015, Ivan Vincent Mukisa, *Radio One* correspondent in Jinja district, was shot and injured while covering a scuffle between the police and supporters of FDC's Kizza Besigye. He sustained the injuries after police indiscriminately fired rubber bullets and lobbied teargas canisters at Besigye's supporters who were protesting the arrest of a local leader.⁴⁵

On the same date, police officers in Kampala assaulted at least 10 journalists who were covering the detention of FDC's Spokesperson Ibrahim Ssemujju Nganda at Kira Road Police Station. "The police did not want us to cover the events. They confronted us and pushed us from the police premises all through across the road. They used force and body amours to push us. They wanted to destroy our gadgets and interfere with our live coverage"⁴⁶

Arrests, detentions, and disappearances

After disobeying the 'lawful' orders to stop exercising their freedoms, several journalists and social media bloggers were arrested and detained by the police.

In February 6, 2016, BBC journalists and crew were arrested and briefly detained for filming around Abim district hospital. This is the same hospital that came under the spotlight for its dilapidated facilities after Besigye visited it during his campaigns.

⁴² Delta TV Journalist shot on the head, admitted in critical condition: <https://hrnjuganda.org/?p=2289> (accessed February 1, 2016).

⁴³ Journalist shot at, another arrested by police and assaulted while covering NRM party elections: <https://hrnjuganda.org/?p=2201> (accessed February 3, 2016).

⁴⁴ Ibid

⁴⁵ Police shoots, detains journalist and assaults others covering opposition politicians: <https://hrnjuganda.org/?p=2077> (accessed February 3, 2016).

⁴⁶ Ibid

In January 18, 2016, four journalists and a local artist were arrested for taking pictures of a suspect in handcuffs on grounds that they had no authorization. They journalists were detained at Jinja Road Police Station for several hours after which they were charged with criminal trespass. Before being released on police bond, they were forced to delete some of the pictures they had taken. "I took photos of Kaweesa in chains [handcuffs] while I was standing across the road opposite Africell offices but I was shocked when police arrested me for criminal trespass and confiscated my gadgets," said one of the journalists arrested, Muhumuza Eddie.⁴⁷

In October 2015, a photojournalist⁴⁸ was arrested for taking pictures of the arrest of FDC Spokesperson Ibrahim Ssemujju Nganda and was detained at Naggalama Police Station. He was released hours later without charge but cautioned about his future conduct.

In October 15, 2015, Alfred Ochwo, a journalist working with *The Observer* newspaper, was arrested and thrown under the seats of a police patrol car in Wakiso district for taking photographs of the arrest of an opposition politician, FDC Spokesperson Ibrahim Ssemujju Nganda. "I was arrested on the orders of Siraje Bakaleke, the Kampala Metropolitan Police Commander for Southern region, when he saw me taking photos as the police were beating Ssemujju during his arrest."⁴⁹

Ntege Williams, a journalist, was arrested for attempting to meet the Inspector General of Police, Kale Kayihura at his offices in Naguru to demand for compensation of his video camera that was smashed by police officers in October 2002 as he covered Kizza Besigye's arrest. He was later charged with the offence of being a public nuisance.

*"Since Kayihura told them to compensate me, they started dodging and ignoring my phone calls. So I decided to head to the police headquarters to seek for audience with the IGP. When they saw me there, they hurriedly arrested me and detained me at Jinja Road Police Station with my seven months old baby."*⁵⁰

In January 2016, Charles Rwomushana, a former Internal Security Organization (ISO) Head of Political Intelligence, was arrested⁵¹ after he published a picture on Facebook, which allegedly showed the dead body of Christopher Aine, the security chief of opposition presidential candidate Amama Mbabazi. He was charged⁵² with criminal defamation/libel, spreading sectarianism through the media and instigating violence.

47 Police arrest four journalists and a musician who was protecting the unauthorized use of his song by a telecommunication company: <https://hrnjuganda.org/?p=2426> (accessed January 20, 2016).

48 Alfred Ochwo

49 Police shoots, detains journalist and assaults others covering opposition politicians: <https://hrnjuganda.org/?p=2077> (accessed February 2, 2016).

50 Police arrest four journalists and a musician who was protecting the unauthorized use of his song by a telecommunication company: <https://hrnjuganda.org/?p=2426> (accessed January 20, 2016).

51 "Charles Rwomushana arrested over Aine pictures," *NTV Uganda*, January 9, 2016: <https://www.youtube.com/watch?v=QdBU0VOtEs> (accessed January 20, 2016).

52 Uganda: Rwomushana released, put under police guard: <http://allafrica.com/stories/201601151366.html> (accessed January 26, 2016).

In January 29, 2016, Allan Kitonsa, an activist, was arrested after publishing ‘critical’ posts on his Facebook account. Following his arrest, Allan was first detained at Kabalagala Police Station before being transferred to Kibuli CID Police Headquarters. He was further transferred to the Special Investigations Division in Kireka for further interrogation.

ORGANIZED CLAMPDOWN ON ASSEMBLY FREEDOMS

“Too much is going on. People are being harassed, intimidated, and assaulted. Even as lawyers, we are also overwhelmed. What happened in Ntungamo district spontaneously could happen across the country and this will overwhelm the nation,” – A lawyer representing some of the victims of election related violence.⁵³

Ahead of the 2016 general elections, the freedom of assembly has come under intense attack – especially, during the period of conducting national consultation exercises.

To clampdown on these freedoms, the police arrested opposition politicians and their supporters, fired bullets and lobbed teargas canisters to disperse peaceful crowds, and many people sustained injuries during the process. Incidences of violent clashes between two rival parties, unfair trials and disappearances were also documented.

Surveillance, harassment, and intimidation

During the campaigns, supporters of political parties – mostly opposition parties - have faced threats in form of surveillance, harassment, and intimidations. Government officials such as the Resident District Commissioners (RDCs), the Regional Police Commanders (RPCs), the District Police Commanders (DPCs), and other state security officers were at the center of these violations.

In Soroti district, Go Forward supporters were threatened and warned against attending a planned rally. In further deliberate sabotage, local authorities changed the venue that had been announced and advertised, suddenly.⁵⁴

Zaina, Secretary for Environment and Natural Resources in opposition party, FDC, narrated to Chapter Four Uganda how she fears for her life after she was undressed by police officer during her arrest. *“My phones are tapped. I fear for my life. These people have no humanity in them. They call me warning me that they are waiting for an opportunity to deal with me.”*⁵⁵

In Nakaseke district, FDC supporters were intimidated by local leaders and security officials in several night meetings organized to order people to shun Besigye’s rallies or attend and face the wrath of local leaders.

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53 Chapter Four Uganda interview with a lawyer, Kampala, December, 2015.

54 “NBS Exclusive: Amama Mbabazi decries Soroti chaos,” *NBS TV Uganda*, September 9, 2015: https://www.youtube.com/watch?v=TK5_IlszErQ (accessed January 20, 2016).

55 Chapter Four Uganda interview with Fatuma Zaina Abalinabyo, Kampala, December 21, 2015.

At Ngoma Subcounty within the district, the LC III Chairperson Kizza Isanga confronted Besigye and ordered him to leave the grounds claiming that his rally would disrupt work in the area. Besigye defied the attempts to block him and went ahead with his rally.⁵⁶

Opolot,⁵⁷ a Go Forward supporter who was arrested⁵⁸ after the Ntungamo clashes was warned that "as long as you support Mbabazi, you cannot get out of this," by a police officer during his detention. He also told Chapter Four that crime preventers were promised UGX 20,000/= (US\$ 6) to falsely implicate people in identification parades. Opolot says he confirmed this when crime preventers started returning to the suspects they had framed to apologize.

"We are in trouble. There is nothing like a proper election in this country. You need to pray for our country. Things are bad. ... If someone as insignificant as me can face such treatment, how much more those in the limelight?"⁵⁹

In Isingiro district, Dr. Ponsiano Mugyenyi was forced to quit a race against Rt. Maj. Bright Rwamirama in the NRM primaries after his supporters were repeatedly intimidated, harassed, and assaulted by army men. "I want to inform all my supporters in Isingiro North that I have pulled out from NRM primaries because my supporters have been subjected to extensive beating by army men. They go around beating my people and no one is touching them."⁶⁰

In October 2015, NRM supporters in Isingiro who were throwing away their NRM party cards in protest against lack of transparency, vote rigging, and intimidation in internal party elections, whilst vowing to join the opposition, were violently dispersed by the police. Live bullets were fired and several people got injured in the stampede.⁶¹

Robert, a youth activist who has participated in numerous peaceful pro-democracy demonstrations, narrated to Chapter Four Uganda how he feels threatened and targeted by police's focus on him. "*The biggest problem I now have in Jinja is that the police knows my face and they often want to arrest me before I even take action (demonstrating). I am concerned with the attention. My worry is that one day, they may take the life of my parents or relatives or friends to punish me.*"⁶²

56 "Besigye meets hostile reception, intimidation in Nakaseke," *The Observer/URN*, January 4, 2016: <http://www.observer.ug/news-headlines/41931-besigye-meets-hostile-reception-intimidation-in-nakaseke> (accessed January 20, 2016).

57 Chapter Four Uganda interview with Opolot (pseudonym), Kampala, January 14, 2016.

58 A copy of charge sheet, court proceedings, and other documents on file with Chapter Four Uganda.

59 Chapter Four Uganda interview with Dickson (pseudonym), Kampala, January 14, 2016.

60 "70 arrested, Dr. Mugyenyi quits NRM primaries," *The Daily Monitor*, October 27, 2015: <http://www.monitor.co.ug/News/National/70-arrested--Dr-Mugyenyi-quits--NRM-primaries/-/688334/2932832/-/xnom3u/-/index.html> (accessed January 21, 2016).

61 "Residents throw away NRM cards over vote rigging," *The Daily Monitor*, October 9, 2015: <http://www.monitor.co.ug/News/National/Residents-throw-away-NRM-cards-over-vote-rigging/-/688334/2905272/-/pmw73q/-/index.html> (accessed January 21, 2016).

62 Chapter Four Uganda interview with Robert (pseudonym), Kampala, December 17, 2015.

In January 2016, Erick Ssakwa, the RDC of Jinja district – where Robert resides – warned that the district security committee has resolved to use live ammunition to shoot dead any poll demonstrators. “Some people are preparing their groups to cause confusion but we have prepared security of both police and military to shoot anyone who will be involved in this.”⁶³

Robert further narrates,

“During these 2016 elections, I contested as a councilor for an LC IV seat in Jinja Municipality but was threatened by unknown people that if I do not withdraw from the elections, it is my parents who will find it tough living without a son. Since I am just a youth, I withdrew and am now supporting Besigye’s campaign team. The threats and intimidation took many forms.”⁶⁴

The RDC, DPC, and the NRM chairpersons in Jinja district often work together to intimidate supporters of opposition parties knowing that they have no where to report for a fair handling of the matter. “I am also very concerned about the threats and intimidation of several FDC supporters by NRM leaders in Jinja who normally ask them, ‘where will you report?’”⁶⁵

Physical violence and assaults

Chapter Four Uganda documented several cases of politically motivated physical violence, assaults, and violent clashes. Most of these patterns were recorded during violent dispersal of peaceful assemblies by the police.

In February 2016, supporters of two rival NRM politicians, with the aid of soldiers under the command of the MP candidates, violently clashed in Kashenshero Town Council, Bushenyi district after one group of supporters attempted to block the other group’s rally. At least 25 people, including 2 police officers were injured – several with deep cuts on the head and legs - and 17 suspects were arrested.⁶⁶

In Ntungamo district, several people were assaulted after a fierce fight erupted between the supporters of NRM and the Go Forward camp at Rwashamaire in Kajera County. This happened shortly after the arrival of candidate Amama Mbabazi, and in the presence of police officers. “Afande [police officer], remove that vehicle [branded with Museveni posters]; this is our rally, this is our rally. It is not Museveni’s day,” a person shouts shortly before the violence escalates.⁶⁷

63 “Election saboteurs will be shot dead – Jinja RDC,” *The Daily Monitor*, February 1, 2016: <http://www.monitor.co.ug/News/National/Election-saboteurs-will-be-shot-dead-Jinja-RDC/-/688334/3057798/-/9prrdp/-/index.html> (accessed February 8, 2016).

64 Chapter Four Uganda interview with Robert (pseudonym), Kampala, December 17, 2015.

65 Ibid

66 “25 injured as Otafire, Kahinda supporters fight,” *The Daily Monitor*, February 10, 2016: <http://www.monitor.co.ug/News/National/25-injured-as-Otafire--Kahonda-supporters-fight/-/688334/3069716/-/4jioxoz/-/index.html> (accessed February 10, 2016).

67 “Amama-Museveni supporters clash in Ntungamo,” *NBS TV Uganda*, December 14, 2015: <https://www.youtube.com/watch?v=TSwQMYUZ2zw> (accessed January 21, 2016).

In an interview⁶⁸ with a journalist, one of the youth who had apparently been hired to cause the violence revealed that they had been promised money if they succeeded to frustrate the Go Forward rally in the area. "They gave us T-shirts and promised 10,000 UGX (US\$ 3). If Mbabazi goes (fails to hold the rally), we would get the 10,000 UGX," he confessed.

In Ruhama County, a fight broke out between NRM and Go Forward supporters shortly after Mbabazi arrived at the booked venue for the rally. Chapter Four Uganda obtained a video footage⁶⁹ showing police officers standing guard and protecting Museveni's supporters at the Mbabazi rally before the fight erupted.

In Ntungamo town, a similar situation unfolded.⁷⁰ Police officers stood and watched as NRM supporters were mobilized in yellow T-shirts ahead of a planned Go Forward rally in the area with an apparent intention to disrupt it.⁷¹ Shortly after Mbabazi's arrival, a heavy fight broke out between the supporters resulting in many people sustaining grave injuries. According to court records obtained by Chapter Four, 17 supporters of the Go Forward camp were arrested and charged. 13 of the accused were recently released on bail at a court in Ntungamo amidst plans by state operatives to have them re-arrested on other clearly fabricated charges⁷².

Bosco,⁷³ a witness to the Ntungamo clashes told Chapter Four Uganda, "the Police were simply onlookers ... who later started teaming up with the RDCs, DISOs to harass our campaign team." Bosco further said that the DPC and his officers did not attempt to remove sticks and stones or stop the NRM from attacking their candidate, Amama Mbabazi. "The EC [Electoral Commission] has deployed 'thugs' – crime preventers with the police, to disorganize and falsely accuse the Amama camp!" – Robert.⁷⁴

In an interview with Gad,⁷⁵ one of the people arrested⁷⁶ after the Ntungamo clashes, he recounted to Chapter Four Uganda how he was blindfolded, put in a boot of a car, and dragged away to a safe house where he was tortured by security agents:

"They put blocks on my balls (testes) and asked me who were the people I was working with. They asked me about what happened in Ntungamo. All I told them is that we were looking for votes."

Gad further told Chapter Four Uganda that a one 'Kassim' who had identified himself as a crime preventer to the other officers later stabbed him with a knife in his palm. He was then blind folded and taken away from the safe house. "Our lives are not safe."⁷⁷

68 Ibid

69 Ibid

70 "Amama Mbabazi supporters fight with Yoweri Museveni's in Ntungamo," *NTV Uganda*, December 13, 2015: <https://www.youtube.com/watch?v=GpVmb0RanE0> (accessed January 15, 2016).

71 Chapter Four Uganda interview with a Journalist who covered the story, Kampala, December 15, 2015.

72 Chapter Four Uganda interview with one of the lawyers (name withheld), Ntungamo, January 14, 2016.

73 Chapter Four Uganda interview with Bosco (pseudonym), Kampala, January 14, 2016.

74 Chapter Four Uganda interview with Robert (pseudonym), Kampala, January 14, 2016.

75 Chapter Four Uganda interview with Gad (pseudonym), Kampala, January 14, 2016.

76 A copy of the charge sheet, court proceedings, and other documents on file with Chapter Four Uganda.

77 Chapter Four Uganda interview with Gad (pseudonym), Kampala, January 14, 2016.

In a video footage⁷⁸ obtained by Chapter Four Uganda, police officers are seen slapping and shoving Hon. Paul Mwiru who had already been subdued and bundled on a police patrol pickup during his arrest. The MP can be heard asking, “Why are you beating me now?”

On that same day in October 10, 2015, Fatuma Zaina Abalinabyo, the Secretary for Environment and Natural Resources⁷⁹ of the FDC party was brutally⁸⁰ assaulted by police officers after she loudly criticized police’s inhumane handling of her colleagues. Around four female officers and four male officers converged around her to effect her arrest and started pulling her legs, hands, and clothes. In the process, the cop who was pulling at her blouse tore it, leaving her in a bra – which also later came off - and the one pulling her legs brought down her trousers – exposing her private parts, all in full glare of the cameras. She was finally completely undressed⁸¹ and only remained in her panties – which were occasionally also slightly pulled down once in a while during the manhandling by the police.⁸²

Naked; Zaina was dragged on the tarmac towards the police vehicle and she could be heard crying out for help, “Why are you undressing me? Why are you undressing me? Why are you undressing me? You ashame me in public! You undress me? You ashame me.” She was finally pushed under the seats of the police patrol pickup and tied with ropes.⁸³

An eyewitness seated on the same police pickup is heard cautioning the police officers, “You people, you must respect human beings. Why do you arrest a woman like this? Are you nuts? Arresting someone does not mean that you take her like a cow”⁸⁴

*“At Nsanja Police Station, I was treated badly. I was pushed around, called names and asked whether I can fight the government. I arrived at the station in only a panty without any clothes because I had been undressed.”*⁸⁵ - Zaina.

After being released, officers from the Police Standards Unit extracted a statement from Zaina in the presence of her lawyer after which they promised to investigate and deliver justice but she has since received no feedback.

78 “Besigye and 4 FDC MPs briefly detained, barred from attending Rukungiri rally,” *NTV Uganda*, October 10, 2015: https://www.youtube.com/watch?v=5V-UcAcZV_4 (accessed January 22, 2016).

79 “I was duly elected in Namboole Stadium in September 2015 and I currently seat on FDC’s National Executive Council (NEC). I am not just another activist as police and media reports have generally portrayed. I wanted that to be clear because people have been saying that FDC paid me money to undress. I am not that type of person,” – Chapter Four Uganda interview with Fatuma Zaina Abalinabyo, Kampala, December 21, 2015.

80 “Indecent exposure of Ugandan activist blows lid on police brutality,” *RFI*: <https://soundcloud.com/radiofranceinternationale/indecent-exposure-of-ugandan-activist-blows-lid-on-police-brutality> (accessed February 1, 2016).

81 Unedited footage/graphic: “Police arrests FDC official Fatuma Zainab,” *NTV Uganda*, October 12, 2015: https://www.youtube.com/watch?v=AFFD18dgH6w&oref=https%3A%2F%2Fwww.youtube.com%2Fwatch%3Fv%3DAFFD18dgH6w&has_verified=1 (accessed January 4, 2016).

82 “Besigye and 4 FDC MPs briefly detained, barred from attending Rukungiri rally,” *NTV Uganda*, October 10, 2015: https://www.youtube.com/watch?v=5V-UcAcZV_4 (accessed January 4, 2016).

83 Unedited footage/graphic: “Police arrests FDC official Fatuma Zainab,” *NTV Uganda*, October 12, 2015: https://www.youtube.com/watch?v=AFFD18dgH6w&oref=https%3A%2F%2Fwww.youtube.com%2Fwatch%3Fv%3DAFFD18dgH6w&has_verified=1 (accessed January 4, 2016).

84 Ibid

85 Chapter Four Uganda interview with Fatuma Zaina Abalinabyo, Kampala, December 21, 2015.

"I told the police officers that I do not want money but an apology. However, up to now, they have never apologized. Instead, some security officers have come to me and asked me to go and meet the Inspector General of Police Kale Kayihura for him to apologize but I refused because I want a public apology. What the police officers did to me by undressing me was not private. It affected all women, FDC and my children (a 10 year-old son and 5 year-old daughter)." ⁸⁶

During the interview with Chapter Four, our researcher could still identify the scars caused by the ropes on Zaina's arms, knees, and the ankle.

"I was tortured because of supporting and belonging to FDC. When I was tortured, no one came out. After people fought in Ntungamo, the President came out and a helicopter was sent there and people intervened to help others but for me, they sent people to attack me, calling me a prostitute" ⁸⁷

In Omolo County in Gulu district, supporters of the area MP and Deputy Speaker of Parliament Jacob Oulanyah assaulted FDC supporters. On arrival at a booked venue at Katikati Primary School in Alogi Sub County, FDC members found people already convened at the same venue by Oulanyah. When the FDC supporters under the leadership of the Gulu woman MP Betty Achan attempted to take over the venue to proceed with their rally, a mob of people attending the meeting convened by the Deputy Speaker picked up chairs and stones and attacked FDC supporters.⁸⁸

In Kampala, police officers caused a stampede after firing teargas and bullets in a desperate attempt to block the incumbent Kampala City Lord Mayor Erias Lukwago from heading to the Electoral Commission offices to protest delays in his nomination.⁸⁹

In Bukwo district, two people were injured⁹⁰ in January 6 and rushed to hospital after police fired live bullets and lobbed tear gas canisters into a crowd of FDC supporters in Besigye's company to stop them from proceeding to an Internally Displaced People's (IDP) camp. The IDP residents had invited Besigye to visit the camp to see the appalling conditions under which they live in. Besigye was injured on the leg while FDC Secretary General Nandala Mafabi and party mobilization secretary Ingrid Turinawe sustained minor injuries.⁹¹

In Katakwi district, NRM supporters in Usuk sub-county stormed Presidential candidate Professor Venansius Baryamureba's campaign rally and started putting up posters of the incumbent President Museveni resulting in violent clashes.

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86 Ibid

87 Ibid

88 "Besigye's campaigns in Omoro disrupted by Oulanyah supporters," *NTV Uganda*, December 22, 2015: <https://www.youtube.com/watch?v=aVIYhwQG68M> (accessed January 18, 2016).

89 "Kampala Mayor Elias Lukwago arrested, Journalist shot," *NBS TV Uganda*, November 16, 2015: <https://www.youtube.com/watch?v=sqJ9wyHXnIQ> (accessed January 18, 2016).

90 "Police fire teargas, bullets to block Besigye from IDP camp," *The Observer/URN*, January 7, 2016: <http://www.observer.ug/news-headlines/41946-police-fire-teargas-bullets-to-block-besigye-from-idp-camp> (accessed January 10, 2016).

91 Uganda: Kayihura fires Sipi RP over Besigye chaos in Bukwo: <http://allafrica.com/stories/201601250922.html> (accessed February 4, 2016).

*"I think President Museveni needs to tell his supporters that they should desist from disrupting other candidate's rallies and the Electoral Commission should also take note."*⁹²

In Dokolo district, police officers under the command of the District Police Commander fired live bullets and teargas at Go Forward supporters to stop Mbabazi from holding a rally after 6pm. Several people sustained injuries and were rushed to nearby clinics.⁹³ In Kaliro district, violent clashes erupted between the supporters of candidates in the NRM party primary election leading up to the arrest of at least five people.⁹⁴

In October 2015, police in Kakira in Jinja district fired live bullets and teargas canisters to disperse irate NRM supporters who were protesting the outcome of an NRM party primary election. *"Democracy has now been rendered useless if people just order who should be declared and he/she is declared,"* one of the protestors noted.⁹⁵

In September 2015, several people were injured in running battles⁹⁶ between police and crowds attending Mbabazi's planned⁹⁷ consultative meeting in Soroti town that lasted for about 3 hours. The chaos was precipitated by firing of teargas by police officers under the command of East Kyoga Regional Police Commander.⁹⁸

At Kakindu stadium in Jinja district, at least 5 people sustained bullet wounds when police moved to disperse Besigye's supporters ahead of a planned consultative meeting.

*"To our surprise, the police started firing live and rubber bullets to forcefully disperse us. The police apparently did not have teargas near that day. So, bullets worked as teargas to disperse the crowds. At least 5 people were shot during that scuffle. A police officer identified me, I stopped running and instead of coming to arrest me, he shot at me twice but I narrowly survived being hit by the bullet. A journalist from Baba FM was shot on the head; Maganda Abubaker, Chairperson FDC Jinja district was shot on the arm; and a candidate for Njeru Town Council Mayorship was shot on the thigh."*⁹⁹

92 "NRM supporters disrupt Baryamureeba rally in Katakwi," *NTV Uganda*, January 7, 2016: <https://www.youtube.com/watch?v=0uDsjrv-8dQ> (accessed January 11, 2016).

93 "Tear gas, live bullets rock Dokolo as police block Mbabazi rally," *The Daily Monitor*, December 29, 2015: <http://www.monitor.co.ug/SpecialReports/Elections/Teargas-live-bullets-rock-Dokolo-police-block-Mbabazi-rally/-/859108/3013468/-/107y97az/-/index.html> (accessed January 12, 2016).

94 "Five arrested over Kaliro NRM election violence," *URN*, November 17, 2015: <http://ugandaradiornetwork.com/story/five-arrested-over-kaliro-nrm-election-violence> (accessed January 12, 2016).

95 "Teargas rocks Kakira over NRM elections," *The Daily Monitor*, October 24, 2015: <http://www.monitor.co.ug/SpecialReports/Elections/Teargas-rocks-Kakira-over-NRM-elections/-/859108/2926792/-/t8h2uiz/-/index.html> (accessed January 12, 2016).

96 "Police fire teargas to disperse Mbabazi supporters," *The Daily Monitor*, September 9, 2015: <http://www.monitor.co.ug/News/National/Police-fire-teargas-to-disperse-Mbabazi-supporters/-/688334/2863648/-/qyx4m3z/-/index.html> (accessed January 10, 2016).

97 "Soroti police clearing Mbabazi supporters from venue of planned rally," *NTV Uganda*, September 9, 2015: <https://www.youtube.com/watch?v=jxpatLpQHQo>

98 "Police prevents Mbabazi from holding rally in Soroti," *NTV Uganda*, September 9, 2015: <https://www.youtube.com/watch?v=dd55KQoaew> (accessed January 11, 2016).

99 Chapter Four Uganda interview with Robert (pseudonym), Kampala, December 17, 2015.

*"I spent 3 weeks on medication at Dr. Ahimbisibwe Medical Centre after being shot. I feel I still have serious complications on my leg. I have spent over UGX. 2 million (US\$ 870) on treatment but government has never supported me"*¹⁰⁰

Arrests, prolonged detentions, and disappearances

After dispersing crowds, the police often arrested some of the people at the scene during the stampede. Many other people were also arrested in cases related to defacing campaign posters, assault, doing grievous harm, and disobeying lawful orders. The arrested suspects were often detained beyond 48 hours at police stations and the state denied having knowledge of the whereabouts of missing persons.

In October 10, 2015, police arrested FDC leaders after intercepting them on their way to Rukungiri district for a rally. In attempts to enforce the arrests, police officers used spike metal strips to abruptly block the highway causing multiple car crashes involving 4 vehicles.¹⁰¹

After hours of a fruitless haggling with the police in a standoff, Besigye and team were left to proceed with their journey. However, after barely travelling around 20 kilometers, they ran into another police roadblock which intercepted them sparking off another confrontation. The police team lead by the Rwizi Regional Police Commander Hillary Kulayigye told Besigye that the planned rally in Rukungiri was illegal. "*It is as simple as that. We cannot proceed to Rukungiri. The plan of going is illegal.*"¹⁰² A scuffle then ensued as Hon. Paul Mwiru, FDC Spokesperson Ibrahim Semuju Nganda, Patrick Emuriat, and FDC Chairperson Waswa Birigwa were arrested. Besigye was towed by the police in his vehicle to a police station at Kaguta road in Kiruhura district.¹⁰³

In July 2015, seven youths were arrested for holding a press conference against a government ban on consultation meetings. "A growing arrogance of the force's leadership has this morning purported to issue a directive banning all political consultation countrywide. We pledge that we will defy this unlawful directive. It is not founded in law or any justifiable reason,"¹⁰⁴

As the youth peacefully sang their unity song after the press briefing, '*Deep in my heart, I do believe that we shall overcome some day,*' police officers raided the venue and arrested seven of them.

100 Chapter Four Uganda interview with Ray (pseudonym), Jinja, January 13, 2016.

101 How FDC woman was undressed: <http://www.observer.ug/news-headlines/40441-how-fdc-woman-was-undressed> (accessed February 1, 2016).

102 "Besigye and 4 FDC MPs briefly detained, barred from attending Rukungiri rally," *NTV Uganda*, October 10, 2015: https://www.youtube.com/watch?v=5V-UcAcZV_4 (accessed January 8, 2016).

103 Ibid

104 "Police arrests youths opposed to Mbabazi's arrest," *NTV Uganda*, July 10, 2015: <https://www.youtube.com/watch?v=oYv67L-JwOF8> (accessed January 18, 2016).

In July 10, 2015, another group of youths travelled to Naggalama Police Station to secure for their colleagues police bond. Bullets were fired¹⁰⁵ and seven of them were arrested on allegations of disobeying lawful orders to leave the police station.¹⁰⁶

In December 2015, the Ntungamo OC CIID arrested the Coordinator for Amama Mbabazi campaigns in Ankole sub region.¹⁰⁷ In January 2016, another coordinator of Mbabazi's team based in Masindi district was also arrested when police moved to block Mbabazi from visiting Masindi hospital.¹⁰⁸

In December 2015, a few days after the Ntungamo violence, heavily-armed security operatives in four pickups raided¹⁰⁹ the home of the Go Forward candidate Amama Mbabazi and the campaign headquarters in Nakasero leading to random arrests of at least 25 people and confiscation of computers. Most of the victims were Mbabazi's campaign mobilisers. Earlier, President Museveni had strongly warned¹¹⁰ of the impending¹¹¹ arrests.

In July 2015, Amama Mbabazi was arrested¹¹² in Jinja to block him from travelling to Mbale for a consultative meeting. Although previously arrested under preventive detention, Mbabazi was later charged with the disobeying lawful orders of Felix Kawesi.

"..the acts of the state now clearly demonstrate that we are now under what you could call a police state.... Now, our police is a partisan police, they have no shame in it. They are brazen, they are open about it. They don't care." Go Forward candidate Amama Mbabazi.

105 Statement of a police officer at Naggalama Police Station on record, CRB 253/2015, July 10, 2015.

106 Arrest of Danny & 6 other youths: Unmasking the lies being peddled online: <https://storify.com/masakeonline/unmasking-the-lies-behind-danny-t-6-other-youths-a> (accessed January 18, 2016).

107 "Another Mbabazi campaign coordinator arrested for allegedly assaulting NRM supporters," *The Daily Monitor*, December 30, 2015: <http://www.monitor.co.ug/SpecialReports/Elections/Mbabazi-campaign-coordinator-arrested-NRM-supporters/-859108/3014874/-j5p4au/-index.html> (January 18, 2016).

108 "Mbabazi campaign coordinator in Masindi arrested," *The Observer*, December 31, 2015: <http://www.observer.ug/news-headlines/41863-mbabazi-campaign-coordinator-in-masindi-arrested> (January 22, 2016).

109 "Police raid Mbabazi house, arrest twenty of his supporters," *The Daily Monitor*, December 21, 2015: <http://www.monitor.co.ug/News/National/Police-raid-Mbabazi-house-arrest-twenty-supporters/-/688334/3005026/-/15howurz/-/index.html> (accessed January 28, 2016).

110 "The thugs are being rounded up, they have been arrested. They will pay very dearly. You don't attack, you have no right even to point a finger at me. Am here, I am a Ugandan, I am a free person - you come and attack me like that. There is even an idiot I saw beating our people with clubs, hooo! he will regret.

He will regret, that person. We shall smash all that little nonsense which some people who don't see far thought it will help them. We are going to round up all these criminals and they are being rounded up. I hear some went into hiding, where will they hide? Unless they go to heaven. We shall get them. So, nothing will disturb Uganda. It was a very big mistake for those people...

If you go and put your finger in the anus of a leopard. You are in trouble, you are in trouble. Ho! Ho! I cant believe how people could do so. NRM?, you attack NRM people in Uganda here?! If it is in South Sudan or Kenya, yes we may have some problems. But in Uganda here?! Where do go? Where do you go? ! So there will be no problem here.

Those people made a big mistake, those individuals and those children are going to regret. And whoever sent them will also regret if we come with evidence we shall go for him or her - the one who said 'you go and beat them,' Museveni said after the violent clashes between his supporters and pro-Mbabazi supporters in Ntungamo district.

111 "If you put your finger in the anus of a Leopard, you are in trouble," Museveni says while commenting on the Ntungamo skirmishes: <https://www.youtube.com/watch?v=p1gruXMWWXk> (accessed February 2, 2016).

112 NTV Uganda video footage: <https://www.youtube.com/watch?v=zynAEvWGS-s> (accessed February 2, 2016).

Several people were also detained in Mbale where the consultation meeting was anticipated. Mbabazi's sister who was part of the convoy was detained at Lugazi Police Station and 6 other Go Forward supporters were also detained at Kira Police Station.

In Arua district, seven supporters of the Go Forward candidate Amama Mbabazi were arrested on orders of the DPC for allegedly defacing Museveni's posters and replacing them with Mbabazi's ahead of a Go Forward rally in the district.¹¹³

In Wakiso district, the police arrested Besigye as he attempted to drive out of his besieged home in Kasangati. He was placed under 'preventive arrest' and blocked from performing party activities that included opening FDC party offices in Mukono and Jinja districts and holding a consultative meeting at Kakindu stadium to popularize his presidential bid.¹¹⁴

On the same day, FDC's Spokesperson Ibrahim Ssemujju Nganda was also arrested at his home. While describing the arrest, his wife, Faridah Ssemujju said, "he was treated very badly, his suit was torn, they took advantage of the absence of the media. It was just me, the maid and the baby in the fence."¹¹⁵

At Kakindu stadium in Jinja where the rally was set to take place, 4 people were arrested when police fired bullets to disperse the crowds at the stadium who were waiting for Besigye's arrival.¹¹⁶

Robert, an activist subscribing to the jobless brotherhood pressure group narrated to Chapter Four Uganda how eight demonstrators were arrested in Jinja town in August 2015 for protesting against the blocking of FDC's Besigye from appearing on a paid talk show on Baba FM, a local radio station belonging to Jinja Municipality West MP Balyeku Moses Grace.¹¹⁷

In December 2015, Christopher Aine, head of security of the Go Forward Presidential Candidate Amama Mbabazi disappeared shortly after the Ntungamo clashes between Museveni and Mbabazi supporters in December 13, 2015. Aine's neighbors confirm seeing police officers around his home in Kyanja and at his friend's house along Bombo road shortly before his known telephone numbers went off. "I called him several times but his phone was not on... I haven't heard from him since."¹¹⁸ Police denied having him in detention despite these witness accounts.

¹¹³ "Mbabazi supporters arrested for defacing Museveni posters," *The Observer*, November 23, 2015: <http://www.observer.ug/news-headlines/41195-mbabazi-supporters-arrested-for-defacing-museveni-posters> (accessed January 18, 2016).

¹¹⁴ "Audio & Video: Besigye arrested, taken to Nagalama," *The Daily Monitor*, October 15, 2015: <http://www.monitor.co.ug/News/National/AUDIO---VIDEO---Besigye-arrested---taken-to-Nagalama-/688334/2914322/-/256lciiz/-/index.html> (accessed January 19, 2016).

¹¹⁵ "Faridah Ssemujju recounts the arrest of her husband Hon. Ibrahim Ssemujju Nganda," *The Daily Monitor*, October 15, 2015: https://www.youtube.com/watch?v=lNeh6V_P62o (accessed January 19, 2016).

¹¹⁶ Chapter Four Uganda interview with Robert (pseudonym), Kampala, December 17, 2015.

¹¹⁷ Ibid

¹¹⁸ "Christopher Aine: Museveni, Mbabazi, Kayihura on the spot," *The Independent*, January 18, 2016: <http://www.independent.co.ug/cover-story/10908-christopher-aine> (accessed February 1, 2016).

Unfair trials

Chapter Four Uganda documented cases of unfair trials of human rights defenders and pro-democracy activists because of expressing dissent to the current government. Research suggests that these unfair trials are directly linked to their opposition of repressive laws and policies, even when such dissent is expressed peacefully in exercise of fundamental freedoms.

Research further points to an apparent tacit approval to these unfair trials by the DPP by ignoring his role of supervising the legality of police investigations, criminal investigations, and other fundamental elements that are critical in facilitating fair trials.

Chapter Four Uganda research findings further highlighted a pattern of trial by ambush, persecution through criminal justice system, and detention and prosecution of accused outside of the jurisdiction where the alleged crime was committed with an apparent intention of making it difficult for lawyers and friends to access them.

On 10 July 2015, seven youths¹¹⁹ were arrested for holding a press conference against a government ban on consultation meetings. After being interrogated for several hours at the Jinja Road Police Station, the youths were denied police bond and whisked to City Hall Court; a court outside of the territorial jurisdiction of the area in which the crime was allegedly committed. This was done on Friday at 4:30pm, a time when the courts were conveniently closing down for the weekend.

The seven suspects were locked up for an hour in a court holding cell without being charged of any offence.

They were later removed from the cell that evening and ordered to seat at the back of a police patrol pickup and driven around Kampala town for about three hours at a break-neck speed while their hands were handcuffed. They were eventually delivered and locked-up at Naggalama Police Station in Mukono district for detention.¹²⁰ Naggalama Police Station is about 8 miles outside of Kampala and not within the territorial jurisdiction within which the alleged crimes was committed.

On the evening of 10 July 2015, another group of seven youth were arrested at Naggalama Police Station for attempting to secure police bond for the first group of seven youths. They were detained at Naggalama Police Station for 3 days. On 13 July 2015, they were driven away from the station in a police car at a break-neck speed without any information of their next destination. A car chase then ensued as other youth who had gone there to secure them police bond struggled to keep up with the speed. They were finally delivered at Mukono Chief Magistrates Court and charged with disobedience of lawful orders.

¹¹⁹ <http://chapterfouruganda.com/articles/2015/07/10/7-youth-activists-arrested-detained-holding-press-conference#sthash.LQrlxHaj.iYpTGCrj.dpuf> *Chapter Four Uganda*, (accessed January 18, 2016).

¹²⁰ Statement of a police officer at Naggalama Police Station on record, CRB 253/2015, 10 July 2015.

"[the seven accused] and others still at large, on the 11th day of July 2015 at Nagalama Police Station in the Mukono district disobeyed an order duly issued by Assistant Superintendent of Police Kinyera Boniface being an officer in capacity of Division Commander"¹²¹

The accused have since appeared in court 7 times and the prosecution has never produced any witness at their trial.

On 8 January 2016, Charles Romushana, an activist and a former Internal Security Organization (ISO) Head of Political Intelligence, was arrested¹²² and detained at the Special investigations Division in Kireka for questioning over alleged unauthorized modification of computer material and promotion of sectarianism.¹²³ This interrogation is in connection with a picture he published on Facebook, which he alleged showed the dead body of Christopher Aine, the missing security chief of opposition presidential candidate Amama Mbabazi. He was charged with criminal defamation/libel, spreading sectarianism through the media and instigating violence. He was denied¹²⁴ access to his relatives and lawyers while in detention although the police disputes¹²⁵ these claims. Charles also reveals that he was tortured while in detention although police dismisses¹²⁶ the claims. After he was released, police cordoned off his home for several hours. Asked why they were keeping a heavy security presence, one policeman said "they were there [home] to save Rwomushana from danger."¹²⁷

THREATS TO CIVIL SOCIETY GROUPS

Chapter Four Uganda spoke to 29 human rights defenders and pro-democracy activists working with civil society groups for this research. Most of them had, at some point, been arrested, summoned for interrogation, or threatened for carrying out their legitimate civic activities.

Concerns in passed NGO Act 2015

In November 2015, Uganda's Parliament passed the Non-Governmental Organizations Bill 2015 to provide for a new legal framework for NGOs. Although several progressive amendments were adopted by parliament, ultimately, the Bill was passed with deeply troubling provisions that provide criminal penalties¹²⁸ of up to three years in jail for NGO staff for violating any provisions of the law.

121 Particulars of offence on the Charge Sheet on file at Chapter Four Uganda. CRB 253/2015. CO-0636/2015. It indicates that the alleged offence occurred on 11 July 2015, a date when the accused were already in detention.

122 <https://www.youtube.com/watch?v=QdBDU0VOtEs> (accessed February 1, 2016).

123 "Police responds to Charles torture claims," *The New Vision*: http://www.newvision.co.ug/new_vision/news/1414933/police-respond-rwomushana-torture-claims#sthash.FahdFZor.dpuf (accessed February 1, 2016).

124 Ex-Uganda spying 'missing' – *BBC News*: <http://www.bbc.com/news/live/world-africa-35231590> (accessed February 1, 2016).

125 "Lawyers visited Charles Rwomushana – Police," *The Red Pepper*: <http://www.redpepper.co.ug/lawyers-visited-charles-rwomushana-police/> (accessed February 1, 2016).

126 Ibid

127 Uganda: Rwomushana released, put under police guard: <http://allafrica.com/stories/201601151366.html> (accessed February 3, 2016).

128 Section 40

The proposed law further seeks to establish vague and undefined special obligations¹²⁹ that create room for subjective application of the law to expose independent groups to politically motivated charges for their legitimate work. The law will further promote self-censorship, as it will keep members of civil society guessing on what would attract the wrath of the state machinery.

Specifically, in addition to making NGO registration a mandatory requirement against the spirit of free association, the special obligations instruct that a duly registered organization must enter into a memorandum of understanding and co-operate with the area local government before conducting any activities in the local area. This renders the registration process a nullity if the area local government declines to execute the MOU and thus defeats association freedoms.

The obligations further provide that no organization shall “engage in any act which is prejudicial to the security” of Uganda or “engage in any act which is prejudicial to the interests of Uganda and the dignity of the people of Uganda”

These vague terminologies provide room for the reconstruction of many sections of the law that were amended. For example, it provides room for crackdown that would be based on ‘public interest’ or the undefined ‘dignity’ of the people of Uganda. At what point does a dissenting opinion start to threaten the security of Uganda?

The law could further be used to harass, intimidate, and obstruct activities of independent groups working with Uganda’s LGBTI community.

Surveillance, ad-hoc investigations, and harassment

On the backdrop of the proposed law, several organizations were placed under surveillance and when deemed fit, the directors and staff of these organizations were harassed, interrogated, and investigated during ad-hoc investigations sanctioned by the state.

On July 3, 2015, the internal affairs minister wrote a formal complaint¹³⁰ to the NGO Board requesting for an urgent investigation into the activities of the Great Lakes institute for Strategic Studies (GLISS). In his letter, the minister accused GLISS of “having been involved in de-campaigning government programs and actively recruiting youths to join political opposition parties” contrary to the objects for which it was registered.¹³¹ The NGO Board the ordered¹³² an autonomous body¹³³, the Uganda Registration Services Bureau (URSB) to investigate GLISS’s activities as per the minister’s complaints and take appropriate action ‘including dissolution.’

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129 Section 44

130 Letter from internal affairs minister to the NGO Board, July 3, 2015, on file with Chapter Four Uganda.

131 “Uganda: Minister orders investigations, dissolution of GLISS,” *Chapter Four Uganda*: <http://chapterfouruganda.com/articles/2015/07/10/uganda-minister-orders-investigations-dissolution-great-lakes-institute> (accessed January 18, 2016).

132 Letter from the NGO Board to URSB, July 3, 2015, on file with Chapter Four Uganda.

133 “Ugandan CSO under investigations on minister’s orders,” *Chapter Four Uganda*: <http://chapterfouruganda.com/articles/2015/08/03/ugandan-cso-under-investigations-minister%E2%80%99s-orders> (accessed January 18, 2016).

On July 24, 2015, the URSB commenced investigations¹³⁴ into the alleged ‘unlawful activities’¹³⁵ of GLISS after appointing a team of four members of which two were police detective officers attached to CIP Headquarters/General Crimes Division. According to a report of findings from the URSB investigations, investigators held interviews with officials from internal affairs ministry, the Internal Security Organizations (ISO), the Crime intelligence Unit of Police, DISO, DPC, GLISS directors and staff, hotels where GLISS is said to have conducted several meetings, former employees of GLISS staff, and identified residents of places where GLISS directors reside or come from.

Investigations were further conducted to identify GLISS’s assets and source of funding. With regard to its funders, investigators searched for the means through which funds are channeled to the institute. Furthermore, the investigators sought to ascertain GLISS’s business partners and its affiliated institutions. In the report¹³⁶ seen by Chapter Four Uganda, Godber Tumushabe, one of the GLISS founding directors is described as ‘pro-opposition,’ a ‘sympathizer of FDC party,’ and a known supporter of other civil society organizations that are ‘critics of government.’ The investigation further focused on the ‘behavior profiles’ of the organization’s directors and in part, points out that Godber Tumushabe ‘supported the Parliamentarians opposing the signing of the oil agreements’ and that he is ‘instrumental in de-campaigning the decentralization, democratization and governance process in the country.’¹³⁷

In conclusion, the report, *inter alia*, recommended that URSB “should involve police and sister security organization ISO in vetting suspected companies vying for registration” and that “all registered companies should stop being involved in political activities.”¹³⁸ It fails to present any evidence of violation of the law.

In November 26, 2015, Citizen’s Coalition for Electoral Democracy in Uganda (CCEDU), a coalition of Ugandan civil society groups, was ordered to stop airing its “*Topowa, Honor Your Vote*” campaign by the Electoral Commission on grounds that the message was “biased, contrary to the law,”¹³⁹ guidelines and Memorandum of Understanding signed by both parties. The letter from the Electoral Commission instructed CCEDU to “immediately stop airing the *Topowa* voter education campaign on television and some radio programs until further clarification from the Electoral Commission.”¹⁴⁰ The Secretary of the Electoral Commission noted, “they are asking for change. Isn’t that being partisan?” In response, communications officer of CCEDU observed, “The Electoral Commission hasn’t clarified exactly what is wrong with the message.”¹⁴¹ In December 2015, Global Rights Alert, a local human rights group working in the area of Natural Resource Governance, was summoned by internal affairs ministry to answer allegations of inciting violence among communities on issues of oil and gas after a presentation.

134 “Great Lakes Institute under investigation over ‘unlawful activities,’ *The Observer/URN*, September 8, 2015: <http://observer.ug/news-headlines/39743-great-lakes-institute-under-investigation-over-unlawful-activities> (accessed January 19, 2016).

135 Letter from URSB to GLISS, July 24, 2015, on file with Chapter Four Uganda.

136 Interim Investigation Report on the alleged unlawful activities by the Great Lakes Institute for Strategic Studies, Uganda Registration Services Bureau, August 2015, on file with Chapter Four Uganda.

137 Ibid

138 Ibid

139 Letter from the Secretary of the Electoral Commission to CCEDU, November 26, 2015, on file with Chapter Four Uganda.

140 Ibid

141 “EC bans Topowa election adverts,” *The Observer*, November 27, 2015: <http://www.observer.ug/news-headlines/41298-ec-bans-topowa-election-adverts> (accessed January 19, 2016).

The summons was issued verbally via a telephone call – the ministry rejected request for issuance of a written summons. In November 13, 2015, the organization had presented a paper titled, ‘The status of oil and gas industry in Uganda, Institutional and Regulatory framework’ at the Uganda Petroleum Institute – Kigumba. The presentation was prepared by an officer from the Ministry of Energy on a request of Global Rights Alert. In December 12, 2015, the organization submitted all documents in relation to the workshop and was notified that they would be hearing from the NGO Board soon after consulting the Minister of Internal Affairs. The interrogation was “not so tight but I believe this is one kind of earmarking whose fruits we have to wait and see.”¹⁴²

In March 2015, the Executive Director of Civic Response on Environment and Development (CRED), an independent advocacy group noted that RDCs had on “several occasions blocked oil conferences” and that they direct the civil society organizations to first get clearance from the Petroleum Exploration and production Department (PEPD).¹⁴³ Executive Director of Global Rights Alert Winnie Ngabirwe noted, “Some of our activities have not been seen positively and this is a serious concern for us. Labeling us as subversive puts us on the defense.”¹⁴⁴

In 2012, the Minister of Internal Affairs ordered a land rights organization to apologize to President Museveni following documentation on land grab and brutal evictions. Without any factual evidence, the minister observed that the documentation was unlawful and that it caused “economic loss to some investors … [and] tainted the country’s international image on investor management, the respect and promotion of human rights and even brought the person of the President in to disrepute.”¹⁴⁵

An NGO working to help local communities receive fair compensation for land used in a large-scale electricity project was said to be “bordering on sabotage of government programs” by the government agency involved in the project.¹⁴⁶

In sum, the State, its security and other governmental departments have hampered the activities of the numerous civil society and non-governmental organizations. This has been a worrying trend; especially as the 2016 polls draw closer. As observed, some have been accused of subversive involvement in politics and others have had their regular work hampered due to its (their work’s) potential bearing on electoral gains or losses for the government. It is imperative that civil society groups are not muzzled and constricted, because they play a fundamental role in the electoral period. They are indeed indispensable in providing guidance on the authenticity and properness of the electoral process in Uganda.

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142 Chapter Four Uganda interview with Tom (pseudonym), Kampala, November 12, 2015.

143 “Aronda warns security officials against harassing activists,” *The Daily Monitor*, March 22, 2015: <http://www.monitor.co.ug/News/National/Aronda-warns-security-officials-against-harassing-activists/-/688334/2661766/-/jnjjxj3z/-/index.html> (accessed January 17, 2016).

144 Ibid

145 At Your Own Risk, Reprisals against critics of World Bank Group Projects – 2015 Report by Human Rights Watch: <https://www.hrw.org/report/2015/06/22/your-own-risk/reprisals-against-critics-world-bank-group-projects> (accessed January 17, 2016).

146 “Uganda: Reject vague crimes in proposed law,” *Chapter Four Uganda*: <http://chapterfouruganda.com/articles/2015/12/14/uganda-reject-vague-crimes-proposed-law#sthash.wgbxXMij.dpuf> (accessed January 19, 2016).

PART IV:

INTERNATIONAL, REGIONAL AND NATIONAL LAW STANDARDS

Freedom of Expression and Media

Uganda is signatory to a number of international and regional human rights instruments. These instruments give it obligations, which it must fulfill. The state has a duty to protect and promote the freedoms enshrined in international human rights instruments. At the same time the state has an obligation to ensure those who seek to exercise rights enshrined under international and regional instruments are protected. The state should put in place mechanisms to ensure that the rights are respected, protected and promoted at all times.

The UN special rapporteur on expression has observed that international and regional human rights instruments gives the state obligations; which obligations are binding to the state party and on all branches of government including the executive, legislature and judiciary¹⁴⁷. All state agencies and individuals in a state have a duty to respect and promote the rights in fulfillment of the obligations.

Freedom of expression and freedom of assembly are protected under the UDHR and the ICCPR as well as the African Charter of Human and Peoples' Rights; all ratified by Uganda.

The UDHR provides that everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers. On the other hand article 19 of the ICCPR provides for the right to expression, which focuses on;

- a. The fact everyone has a right to hold opinions without interference
- b. The fact that everyone has a right to expression which includes freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his/her choice.

The provisions of the ICCPR provide broad parameters in which the right to expression should be exercised. The ICCPR also provides that freedom of expression should be exercised with responsibility, which includes respect for reputation of others and protection of national security and public order. The UN Human Rights Committee has observed that though there can be restrictions on the exercise of the freedom to expression, such restrictions should be interpreted to meet the strict test of justification¹⁴⁸. The justifications should be those ordinarily acceptable in a free democratic society.

¹⁴⁷ See ICCPR Committee General Comment No. 34 available at <http://www2.ohchr.org/english/bodies/hrc/docs/gc34.pdf> (accessed February 5, 2016).

¹⁴⁸ See Communication 628/1995 Tae-Hoon Park V. Korea

Freedom of expression is protected under the African Charter, which provides that every person shall have a right to express him or herself within the law. Similarly Article 29 of the Uganda Constitution protects freedom of expression. It provides that every person shall have a right to:

- a. Freedom of speech and expression which shall include freedom of the press and other media;
- b. Freedom of thought, conscience and belief, which shall include academic freedom in institutions of learning.

Freedom of expression can be said to include several subthemes. These are important for exercise of the freedom of expression and for democracy. They include freedom to hold an opinion, freedom to express one self and freedom of media.

Freedom to hold an opinion includes a requirement for a person to hold an opinion without interference and the right to change the opinion so held by that person. The opinion can cut across all spheres of life including political, social, scientific, religious or otherwise. An interference with the freedom to hold an opinion is therefore interference to the freedom of expression.

Further, freedom to express oneself includes the freedom to air ones views using any form of media. This includes the freedom for a person to choose a form of communication he/she wants.

Media freedom includes a requirement to have free and uncensored media that is able to reach out to the public without fear of intimidation or threats of closure. The media should be able to receive and impart information to the public including information on political issues, political candidates and elected representatives. The public has a corresponding right to receive the information given. Under this aspect of freedom of expression, the state has an obligation to ensure there is diverse media that protects both ethnic and political minorities. The right includes putting in place facilities that will enable media practitioners to exercise their profession without interference.

In recent years however, Uganda has seen an increase in laws that hinder media freedom, these include the Uganda Communications Act, 2013, which give UCC excessive powers to shutdown a media house, the Anti Pornography Act, 2014 which bans any form of media content believed to be immoral¹⁴⁹.

¹⁴⁹ We believe that whereas it is important to regulate access to content such as pornography especially for a given group of society, the law should focus on regulating access as opposed to total ban of such content

Freedom of Assembly and Association

Freedom of assembly is fundamental right that can be enjoyed by individuals or groups through associating together for any reason. Individuals can assemble either as registered legal entities, such as companies, political parties or organizations; or as unregistered entities. This right is important for any democratic society for it helps people come together to exercise other democratic rights such as freedom of speech, and the participation in decisions that matter to them. Freedom of assembly and freedom of expression are at the core of every democratic and open society. The UDHR, the ICCPR and the African Charter, all provide for this right.

Article 20 of the UDHR and Article 21 of the CCPR, provide that the right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others.

From the provision of ICCPR it can be said that the only limitation to the enjoyment of the above right is within what is accepted in a free democratic society. Several comments and decisions have been made about the right to associate and how it should be exercised. Most commentaries on freedom of association are to the effect that government has a right to regulate the conduct of the freedom of association but does not have a right to stop people from associating. In cases of government regulation, such regulation should be one that allows people to enjoy their right to associate without violating other rights.

The European Court of Human Rights recognized that in conduct of public assemblies, there may be temporary interference or disruption to the daily routine of people and such disruptions should be expected¹⁵⁰.

Uganda has on the other hand seen a number of restrictions that may amount to limiting the exercise of this right as we shall see later.

At the African regional level, the right to assemble is provided for under Article 11 of the African Charter on Human and Peoples' Rights. It provides that every individual shall have the right to assemble freely with others. The exercise of this right shall be subject only to necessary restrictions provided for by law, in particular those enacted in the interest of national security, the safety, health, ethics and rights and freedoms of others.

At national level the Constitution of Uganda provides that every person shall have a right to freedom to assemble and to demonstrate together with others peacefully and unarmed; and to petition. The Uganda Constitution seems to unequivocally guarantee this freedom provided the persons demonstrating are unarmed.

¹⁵⁰ Oya Ataman Vs Turkey, 2007: <http://www.ahmiz.org.tr/?q=en/node/229> (accessed January 10, 2016).

The Constitution however provides for limitation of rights or circumstances in which enjoyment of rights can be interfered with. It can be said that the right to assemble is not an absolute right in Uganda and can be limited if circumstances are in line with the provisions of Article 43.

Under Article 43, enjoyment of rights can be limited in public interest. However the same article restricts public interest to what is acceptable in a free democratic society. It goes ahead to emphasize that this shall not include political persecution and detention without trial.

PART V:

GENERAL RECOMMENDATIONS

To the President of Uganda

- Publicly instruct the police and other government or NRM party officials not to harass, threaten, assault or in any other manner violate rights of journalists, human rights defenders, and pro-democracy activists. Order for urgent investigation of related violations and direct that such reports be made public.
- Issue a public statement to the police and other armed forces not to use excessive force – including teargas, rubber and live bullets – to disperse peaceful protests even if there are allegations that sections of the Public Order Management Act have not been complied with.
- Require the police and the UPDF refrain from intimidating opposition candidates, which includes sending threats to them. These security agencies should be instructed to desist from the selective application of law in Uganda
- Require all government agencies to respect the Constitution by putting in place measures to ensure respect of and promotion of freedoms of expression and association, including providing for easy access to justice for those whose freedoms have been violated.

To the Parliament of Uganda

- Amend sections in the Public Order Management Act, the Anti-Pornography Act, the Anti-Terrorism (Amendment) Act 2015 and the Non-Government Organizations Act 2015 to ensure they comply with the Constitution of Uganda and other international obligations.
- Make public inquiries into violation of human rights in the run-up to elections and put in place measures to ensure such rights are protected by increasing the capacity of Uganda Human Rights Commission, the police and other government bodies

To the Uganda Police Force

- Suspend the work of crime preventers and ensure a better plan (law and policy) is in place before reinstating them. The plan should look at their training, nature of recruitment and command structure.
- Issue guidelines on use of teargas, rubber bullets and other crowd management systems including live ammunition and ensure they are used only when it is absolutely necessary
- Punish all police officers involved in violation of human rights; ensure only force related wrongs are taken to the Professional Standards Unit and all crimes and civil wrongs done by individual officers are punished through the right channels.

- Immediately suspend police officers suspected of involvement in police brutality, arbitrary arrests, and other related violations to allow for an independent and impartial investigation.

To the Directorate of Public Prosecutions

- Engage the police force for expeditious investigations into assaults and torture of suspects by police officers and other perpetrators of violations and make such reports public.
- Institute criminal prosecution for police officers who engage in assault and other violations of expression and assembly freedoms.
- Immediately refrain from sanctioning and prosecuting suspects under preventive arrests, disobedience of lawful orders and other related charges used to clamp down on expression and assembly freedoms.
- Prevail over police and other law enforcers to ensure there is no selective application and abuse of the criminal justice system.
- Ensure arrests and prosecution commence only when there is sufficient evidence to avoid abuse of the criminal justice system.

To the Courts of Judicature

- Conduct vigorous review on the legal reasons for arrest of suspects and ensure that criminal law is not abused to persecute people for exercising their freedoms.
- Ensure that all accused persons arrested while exercising their expression and assembly freedoms receive a fair, speedy, and impartial hearing.
- Urgently order for prompt investigations of any abuses or rights violations of people arrested while exercising their expression and assembly freedoms as soon as they are brought to the attention of the court – either by the accused or his/her lawyer.
- Ensure cases are heard expeditiously to avoid delay and injustices resulting from such delays.
- Institute an investigation into abuse of the criminal justice system and ensure cases that are fictitious or based on no proper evidence are dismissed.

To the Development Partners

- Issue public statements to express concern over incidents of violations of the freedom of expression and assembly and strongly urge government to expeditiously take steps to address the same.
- Boldly engage the government to press for amendments of repressive laws to ensure that rights guaranteed under the Uganda Constitution and other international obligations are respected.
- Urge the President of Uganda to reject criminal penalties and the ‘special obligations’ in the Non-Governmental Organizations Act 2015 and return the new law to Parliament for review to drop draconian provisions.

- Provide more support and resources to independent groups and government agencies that are working to promote and protect expression and assembly freedoms.
- Issue a comprehensive statement on violations of free expression and assembly in the run-up and after the 2016 general elections

To the ACHPR and UN Special Rapporteur on Freedoms of Peaceful Assembly and of Association and UN Special Rapporteur on Freedom of Opinion and Expression

- Engage the government of Uganda to visit the country to assess Uganda's legal framework on expression, assembly, and association freedoms.
- Visit Uganda on invitation of independent groups to hold meetings and engage partners on protection of expression and assembly freedoms.
- Publicly urge the Government of Uganda to comply with guidelines on conditions of arrest, police custody, and pre-trial detention.

To the Media

- Work closely with civil rights groups to advocate for a safe working environment for journalists, follow-up on cases of violations to demand justice, and generally protect the rights of media practitioners.
- Media owners should provide training and adequate facilitation for journalists to carry out their work and abide by the code of ethics of professional journalism.
- Put in place safety and security mechanisms for reporters and persons involved in publication of news both in the field and deskwork.
- Continue identifying cases of violation of rights and bring them to the fore through publications.

To the Civil Society Organizations

- Develop bold advocacy strategies to protect and open up more space for expression, assembly, and association freedoms in Uganda.
- Design manuals and facilitate trainings on the legal framework on expression and assembly freedoms to empower people to demand for their rights.
- Develop systems for the protection of HRDs and pro-democracy actors in the country
- Continue advocacy for amendment of laws that limit the enjoyment of civil rights in the country.

To Political Parties and other Political Actors

- Prevail over supporters to avoid violation of rights and have in place systems to punish all those supporters who violate the rights
- Put in place systems to ensure their supporters whose rights are violated are able to seek and get justice from the different agencies in the country.

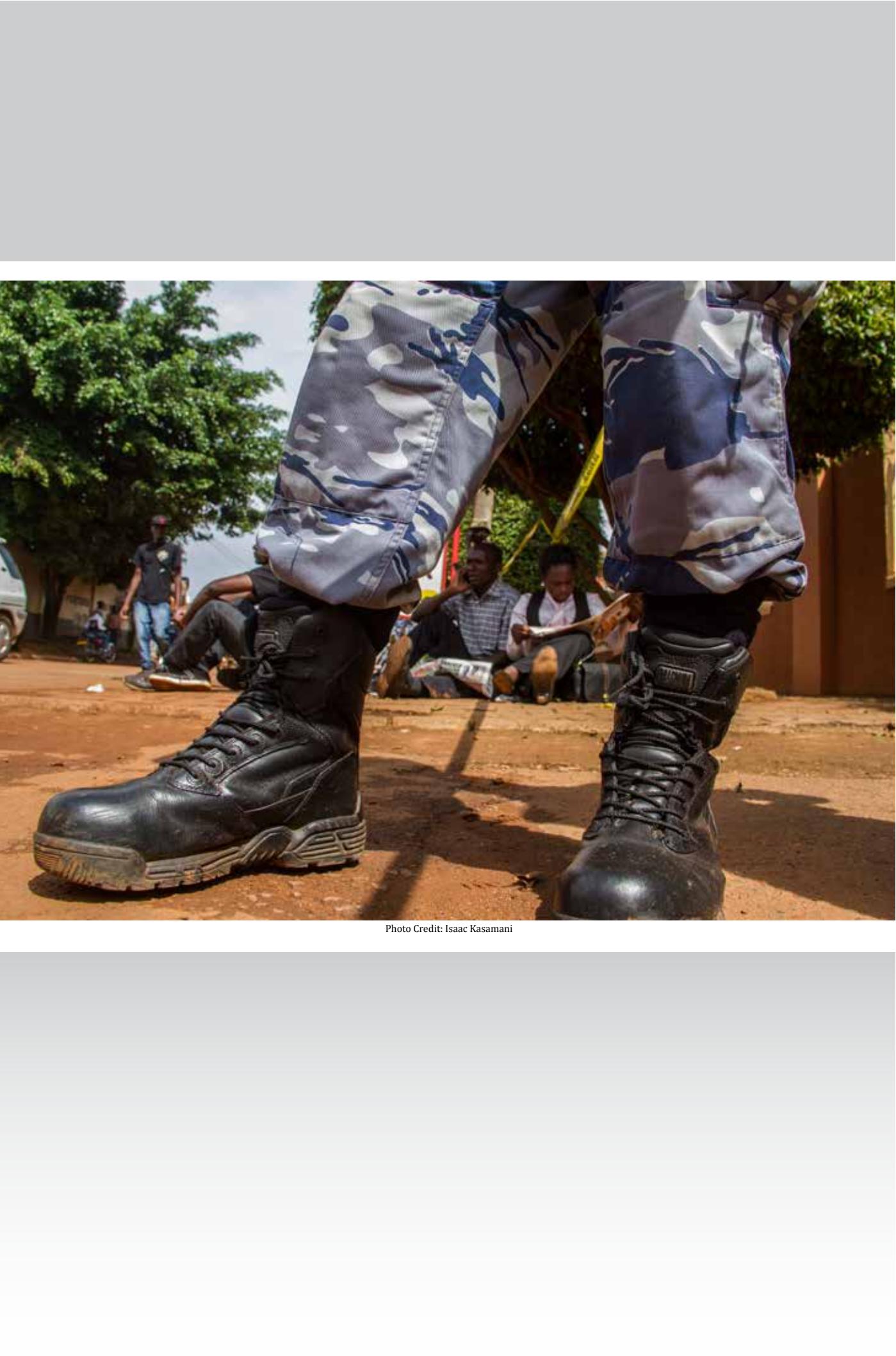


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