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AI – Amnesty International

Uganda: Constitutional Court nullifies law used to prohibit protests

The nullification of parts of Uganda’s public order law, which gave police excessive powers to prohibit public gatherings and protests, offers a glimmer of hope for the country’s embattled political opposition, human rights defenders and activists. Uganda’s Constitutional Court on 26 March declared Section 8 of Uganda’s Public Order Management Act 2013 illegal and unconstitutional.

“This law has for years been used as a tool of repression in Uganda therefore this ruling is a welcome development for the human rights to peaceful assembly and freedom of expression in the country. Under this law police have brutally dispersed spontaneous demonstrations and opposition rallies, while opposition politicians have been beaten up and arrested simply for exercising their rights,” said Deprose Muchena, Amnesty International’s Director for East and Southern Africa.

“Ugandan lawmakers must now go a step further and repeal the entire Public Order Management Act, which in its entirety was also found to contradict the constitution and end the persistent harassment and intimidation of people who are simply exercising their rights ahead of the 2021 elections.”

Section 8 of the Public Order Management Act gives the Inspector General of Police sweeping powers to arbitrarily prevent or stop public gatherings organised by opposition politicians, and to crack down on protests.

Police used this law to prohibit and brutally disperse rallies organized by opposition politician Kizza Besigye in the lead up to the 2016 elections, and more recently to block meetings and concerts organized by opposition MP and musician Bobi Wine (real name Robert Kyagulanyi).

The petition that led to this ruling was filed in December 2013 by a group of human rights groups including Human Rights Network Uganda, Development Network of Indigenous Voluntary Associations, Uganda Association of Women Lawyers, and Chapter Four. The Act came into force on 20 November 2013.

On 6 January 2020, the Uganda Police Force arrested opposition politician Bobi Wine, and fired teargas at his supporters during a political rally he had organised. The police spokesperson said the rally had been dispersed for failure to follow guidelines set out in Act.

Bobi Wine and four others are currently facing charges under the Public Order and Management Act (POMA) for protesting the social media tax and mobile money tax in July 2018.

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