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UGANDA

SUBMISSION TO THE AFRICAN COMMISSION ON HUMAN AND
PEOPLES' RIGHTS 77TH ORDINARY SESSION

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GLOSSARY

WORD	DESCRIPTION
ATI	Access to Information Act
ACHPR	African Commission on Human and Peoples' Rights
AHA	Anti-Homosexuality Act
DGF	Democratic Governance Facility
4GC	For God and My Country
FAWE	Forum for African Women Educationalists
HRAPF	Human Rights Awareness and Promotion Forum
HRD	Human rights defender
HRNJ	Human Rights Network for Journalists-Uganda
HURINET-U	Human Rights Network-Uganda
LGBTI	Lesbian, Gay, Bisexual, Transgender, and Intersex
MCU	Media Council of Uganda
MP	Member of parliament
NUP	National Unity Platform
NGO	Non-Governmental Organisations
POMA	Public Order Management Act
SMUG	Sexual Minorities Uganda
UCC	Uganda Communications Commission
ULA	Uganda Land Alliance
UPDF	Uganda Peoples' Defence Forces
UPF	Uganda Police Force
UWA	Uganda Wildlife Authority

INTRODUCTION

This submission contains background information in advance of Uganda's periodic report at the 77th Ordinary Session of the African Commission on Human and Peoples' Rights (ACHPR) to be held in Arusha, Tanzania from 20 October to 9 November 2023. Amnesty International welcomes Uganda's submission of its periodic report on the implementation status of the African Charter on Human and Peoples' Rights (African Charter) covering the period 2013-2022.

This shadow report outlines several issues of concern relating to Uganda's implementation of the Concluding Observations and Recommendations made by the ACHPR in 2015 following its review of the State's 5th Periodic Report. Amnesty International's report focuses on ongoing key concerns regarding the human rights situation in Uganda, including authorities' use of preventive detention and criminal charges to deter criticism, criminalizing protest without legal basis, and attacks against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons.

In the run-up to the January 2021 presidential election, campaigning was marred by killings, arrests, beatings, disappearances by security forces, as well as harassment and intimidation of journalists and a five-day internet shutdown. Civic space closed as human rights defenders (HRDs) and Organisations working on electoral accountability were particularly targeted for their work. At least 54 people were killed on 18 and 19 November 2020, most of them shot dead by police and other members of the security forces after protests broke out following the arrest of the opposition party, National Unity Platform (NUP) presidential candidate, Robert Kyagulanyi alias Bobi Wine, in Luuka district, eastern Uganda. Many organizers and supporters of Bobi Wine were arrested during and after election day and, arbitrarily detained, some even after they were granted court bail.

Similarly, in the run-up to the February 2016 presidential elections, police arbitrarily arrested political opposition leaders, including the opposition candidate and leader of opposition party Forum for Democratic Change (FDC), Kizza Besigye, and used excessive force to disperse peaceful political gatherings, hindering the ability of people to receive information and engage with politicians in the lead-up to elections. The 2016 elections were the first since the Public Order Management Act (POMA) became law in October 2013, imposing wide-ranging restrictions on public meetings.

In August 2023, the state did not renew the host country agreement of the Office of the High Commissioner for Human Rights (UN Human Rights), the leading UN entity on human rights, leading to the closure of their offices in Uganda.

Amnesty International is concerned that the Government of Uganda has failed to address several human rights concerns raised during the 2012 review by ACHPR and the overall human rights situation in the country has deteriorated rapidly, especially since 2018, as the authorities continue to crackdown on political assembly, peaceful protests, and the rights to freedom of expression and association online and offline. In May 2023, President Yoweri Museveni assented to Uganda's Anti-Homosexuality Act (AHA), 2023, a law which criminalizes same-sex sexual acts between consenting adults and imposes a punishment of life imprisonment for same-sex sexual acts. It also imposed the death penalty for "aggravated homosexuality" and criminalizes the "promotion" of homosexuality, a provision that encourages homophobia.

LEVEL OF IMPLEMENTATION OF CONCLUDING OBSERVATIONS OF 2015

In 2015, the ACHPR raised several concerns about the human rights situation in Uganda and made several recommendations following its review of the State's 5th Periodic Report, which covered the period from 2010 to 2012. The following sub-sections highlight key areas of concern where the government has failed to ensure effective implementation of recommendations and where progress has been made.

NON-DISCRIMINATION AND EQUALITY

The ACHPR recommended that the government, "[strengthens] its legal framework for the protection of people living with HIV to discourage HIV-related human rights violations; and to Adequately resource the Equal Opportunities Commission in order to effectively discharge its mandate."¹

On 6 June 2017, President Museveni launched the Presidential Fast-Track Initiative (PFTI) to end AIDS as a public health threat in Uganda by 2030.² Uganda, for the period 2010-2020, recorded a tremendous improvement in the fight against the HIV and AIDS epidemic.³ Yet, as documented below, in May 2023, President Yoweri Museveni passed a draconian and overly broad Anti-Homosexuality Act which criminalizes consensual same-sex conduct and may drive communities away from life-saving services, and obstruct health workers, including civil society groups, from providing HIV prevention, testing and treatment.⁴ The law contains a provision on "aggravated homosexuality", in relation to circumstances where a person contracts a terminal illness because of a sexual act, which will likely deter individuals from the LGBTI community living with HIV/AIDs from accessing health care and medical services. Some HIV-positive detainees were denied access to anti-retroviral medication.

¹ African Charter on Human and Peoples' Rights (ACHPR), Concluding Observations and Recommendations on the State's the 5th Periodic State Report of the Republic of Uganda (2010-2012), 57th Ordinary Session 4 – 18 November 2015, Banjul, The Gambia paras 87, 88.

² Uganda Aids Commission (UAC), Director General's Message, "Ending Aids by 2030 is possible", 6 December 2022, uac.go.ug/media/attachments/2022/10/12/ugandas-statement-on-2023.pdf

³ UAC, HIV AIDS 2021 Factsheet (Based on data ending 31 December 2020), uac.go.ug/media/attachments/2021/09/13/final-2021-hiv-aids-factsheet.pdf; UNAIDS, Fact sheet - Latest global and regional statistics on the status of the AIDS epidemic, 13 July 2023, www.unaids.org/sites/default/files/media_asset/UNAIDS_FactSheet_en.pdf

⁴UNAIDS, "Uganda's new Anti-Homosexuality Bill would harm public health", 3 May 2023, unaids.org/en/resources/presscentre/pressreleaseandstatementarchive/2023/may/20230503_Uganda_anti-homosexuality_bill

RIGHT TO LIFE

The ACHPR recommended that Ugandan authorities should “[a]dopt an official moratorium on the death penalty, as a step towards the definitive abolition of the death penalty; to Expedite the processes for the consideration of the draft private members’ bill in parliament, pertaining to the abolition of the death penalty; and to Provide in its next report, statistics on death sentences commuted to life imprisonment, in line with the Supreme Court decision in the Susan Kigula case.”⁵ There were no executions during the reporting period. However, as detailed below, Uganda still retains the death penalty in law. In 2023 the state passed and implemented the AHA, that imposes the death penalty on certain offences.

PROHIBITION OF TORTURE AND CRUEL, INHUMAN AND DEGRADING TREATMENT

The ACHPR recommended that the Ugandan authorities should “[d]evelop Regulations for purposes of operationalizing the Prevention and Prohibition of Torture Act (2012).⁶ The state has developed the Prevention and Prohibition of Torture Regulations 2017 providing a complaints procedure against suspected perpetrators of torture. However, cases of torture and other ill-treatment by security forces continued to be reported. The state has acknowledged existence of unauthorised places of detention. On 4 March 2021 Uganda’s then Minister for Internal Affairs, Gen. Jeje Odongo, told Uganda’s Parliament that 177 persons were in detention on military charges and were being held in military custody. Many reported torture.⁷ Those arrested under anti-LGBTI laws reported ill-treatment in detention, including being subjected to physical and sexual assaults, stripping, groping and forced anal examinations. Several transgender individuals were stripped naked and paraded by the police in front of the media.⁸

FREEDOM OF EXPRESSION AND ACCESS TO INFORMATION

The ACHPR recommended that Uganda should “[e]xpeditely the processes of amending the Access to Information Act (2006) (ATI Act), including reviewing the wide scope of exemptions thereunder, and for putting in place in practice, an accessible, simple and transparent complaints and appeals mechanism under the Act. Expedite the process of effective implementation of the ATI Act”, among others.⁹ Despite the observations, activists, journalists, and other media workers continued to face attacks from the police as well as harassment and intimidation in the course of their work, particularly in rural areas. In 2020, Human Rights Network for Journalists (HNRJ) Uganda, a Non-Governmental Organisation (NGO), reported more than 100 cases of human rights violations against journalists during the election campaign, including cases of police violence, especially when they were out covering political candidates.¹⁰

HUMAN RIGHTS DEFENDERS

The ACHPR recommended that the government “[r]eview the Non-Governmental Organisations (NGOs) Amendment Registration Act, to incorporate civil society concerns; adopt a law protecting human rights defenders, in conformity with the Commission’s Resolutions on Human Rights Defenders including ACHPR/Resolution 69 (XXXV) 04, ACHPR/Resolution 119 (XXXXII) 07, and ACHPR/Res.196 (L) 11 and the UN Declaration on Human Rights Defenders 1998; establish a mechanism for dialogue between

⁵ ACHPR, Concluding Observations and Recommendations on the State’s the 5th Periodic State Report of the Republic of Uganda, 57th Ordinary Session 4 – 18 November 2015, Banjul, The Gambia paras 89-91.

⁶ ACHPR, Concluding Observations and Recommendations on the State’s the 5th Periodic State Report of the Republic of Uganda, 57th Ordinary Session 04 – 18 November 2015, Banjul, The Gambia para. 92

⁷ Human Rights Watch (HRW), “Uganda: Hundreds ‘Disappeared,’ Tortured”, 22 March 2022, [hrw.org/news/2022/03/22/uganda-hundreds-disappeared-tortured](https://www.hrw.org/news/2022/03/22/uganda-hundreds-disappeared-tortured)

⁸ Human Rights Promotion and Awareness Forum (HRAFP), *Report on violence and violations based on real or presumed sexual orientation or gender identity during the third month of the enforcement of the anti-homosexuality act 2023*, 13 September 2023, hrapf.org/mdocs-posts/hrapfs-report-on-violations-through-the-enforcement-of-the-aha-in-august-2023/

⁹ ACHPR, Concluding Observations and Recommendations on the State’s the 5th Periodic State Report of the Republic of Uganda, 57th Ordinary Session 04 – 18 November 2015, Banjul, The Gambia paras 100-103.

¹⁰ Amnesty International, “Uganda: Museveni’s latest government must reverse decline on human rights”, 12 May 2021, [amnesty.org/en/latest/press-release/2021/05/uganda-musevenis-latest-government-must-reverse-decline-on-human-rights/](https://www.amnesty.org/en/latest/press-release/2021/05/uganda-musevenis-latest-government-must-reverse-decline-on-human-rights/)

Government and CSOs.”¹¹ However, authorities in Uganda started implementing the NGO Act 2015 and further employed intimidatory tactics to suppress HRDs, including through arbitrary arrests and prolonged incommunicado detention for example Kakwenza Rukirabashaija, activist and author, who was on 28 December 2021 arrested at his home by armed security operatives and held for 13 days before being arraigned in closed court session where he reported that he had been tortured while in detention.¹²

¹¹ ACHPR, Concluding Observations and Recommendations on the State's the 5th Periodic State Report of the Republic of Uganda, 57th Ordinary Session 04 – 18 November 2015, Banjul, The Gambia paras 106 – 108.

¹² Amnesty International, “Uganda: Further information: Activist author redetained and tortured: Kakwenza Rukirabashaija”, 19 January 2022, [amnesty.org/en/documents/afr59/5175/2022/en/](https://www.amnesty.org/en/documents/afr59/5175/2022/en/)

LEGAL FRAMEWORK AND HUMAN RIGHTS CONCERNS

Since its last review, Uganda has adopted legislation which addresses some of the human rights concerns discussed above. However, other areas of concern within the existing domestic legal framework remain, particularly regarding torture, violations of the rights to freedom of expression, peaceful assembly and association, excessive use of force, and violations of LGBTI rights.

ENFORCED DISAPPEARANCE, TORTURE AND OTHER ILL-TREATMENT

Ugandan law criminalizes torture under the Prevention and Prohibition of Torture Act of 2012¹³, and the Human Rights (Enforcement) Act of 2019¹⁴ provides for personal liability for public officers who commit human rights violations.

On 28 December 2021, armed security operatives arrested activist and author Kakwenza Rukirabashaija and held him in incommunicado detention for 13 days before arraigning him in a closed court session where he reported that he had been tortured while in detention. His arrest came after he published critical views on social media about President Museveni and his son.

On 4 March 2021, the opposition, NUP claimed that 458 of its followers had been abducted by security forces in connection with the January elections and that their whereabouts remained unknown. On 14 February 2021, the Ministry of Information and Communications Technology and National Guidance announced that President Museveni had instructed the Uganda Police Force (UPF) and the Uganda Peoples' Defence Forces (UPDF) to provide detailed updates about anyone they had arrested in the run up to, during and after the elections. On 24 February 2021, the then speaker of parliament instructed the Minister of Internal Affairs to present to parliament "a full list of all those in custody, whether under the UPDF or the police". On 4 March 2021, the minister presented 177 names of people who were alleged to be missing, 171 of whom he confirmed were detained under charges including participating in riots, possessing military stores, and involvement in meetings to plan post-election violence; the other six had already been released on bond.¹⁵ According to Amnesty International sources, at the time of writing, at least 33 NUP supporters are still in military detention in relation to the elections, despite Uganda's Constitutional Court 2006 ruling that military prosecutions of civilians were unlawful.¹⁶

On 19 April 2020, the authorities arrested Francis Zaake, an opposition member of parliament (MP). He was released on police bond 10 days later after being charged with disobeying Covid-19 presidential directives by

¹³ Uganda, Prevention and Prohibition of Torture Act, 2012, Act 3.

¹⁴ Uganda, Human Rights (Enforcement) Act, 2019, Act 18.

¹⁵ Amnesty International, *Amnesty International Report 2021/22: The state of the world's human rights* (Index: POL 10/4870/2022), [amnesty.org/en/documents/pol10/4870/2022/en/](https://www.amnesty.org/en/documents/pol10/4870/2022/en/), p. 377.

¹⁶ Interview in person with two members of diplomatic corps in Kampala, Uganda, September 2023.

distributing food to needy families during lockdown. In May 2020, he appeared in a video from Lubaga Hospital in Kampala with a swollen face and said he had been tortured over several days in various detention facilities. He was also reportedly arrested and tortured in August 2018.

On 14 August 2018, Bobi Wine and Francis Zaake were arrested during campaign rallies in Arua municipality, northern Uganda, and later charged before a military court with unlawful possession of firearms and ammunition on 16 August 2018. During the process of arrest, Bobi Wine was physically assaulted, resulting in visible injuries, and swelling on his face and body.¹⁷ Security officers claim to have found unregistered firearms in his hotel room, allegations which the hotel management refutes. The politicians had gone to campaign in a by-election held on 15 August, in which their candidate, Kassiano Wadri, secured the parliamentary seat. Police also shot and killed Bobi Wine's driver, Yasin Kawuma, during these clashes.¹⁸

On 16 July 2015, Vincent Kaggwa, a 25-year-old spokesperson of the National Resistance Movement (NRM) party "Poor Youth", an NRM faction aligned at the time with former Prime Minister Amama Mbabazi, was arrested at his home in Wandegaya, Kampala, by security officers. He was detained for four days and was tortured and questioned about his political support for Amama Mbabazi who had on 15 June 2015 declared his intentions to run against President Museveni for the NRM presidential nomination.¹⁹

Amnesty International also documented at least 10 separate cases of assault, possible torture, and unlawful arrest by state backed "Crime Preventers"²⁰ from September 2014 to August 2015.²¹

FREEDOM OF EXPRESSION AND ACCESS TO INFORMATION

On 9 January 2023, Uganda's Constitutional Court held Section 25 of the Computer Misuse Act 2020 that provides that "any person who wilfully and repeatedly uses electronic communication to disturb or attempts to disturb the peace, quiet or right of privacy of any person with no purpose of legitimate communication whether or not a conversation ensues commits a misdemeanour and is liable on conviction to a fine not exceeding twenty-four currency points or imprisonment not exceeding one year or both" is unjustifiable because it is inconsistent with Article 29 (1) of the Constitution regarding the protection of freedom of conscience, expression, movement, religion, assembly and association.²²

On 13 October 2022 President Yoweri Museveni signed into law the Computer Misuse (Amendment) Act 2022 to amend six sections of the already repressive Computer Misuse Act, 2011²³. Those found to be in breach of the draconian law face fines of up to UGX 15 million (about USD 3,940) and imprisonment of up to seven years.²⁴ The law defines "hate speech" broadly, stipulating, in part that, "A person shall not write, send or share any information through a computer, which is likely to – (a) ridicule, degrade or demean another person, group of persons, a tribe, an ethnicity, a religion or gender; (b) create divisions among persons, a tribe, an ethnicity, a religion or gender; or (c) promote hostility against a person, group of persons, a tribe, an ethnicity, a religion or gender."²⁵ The law further makes vague provisions on sharing of "unsolicited information." It also states that, "A person shall not send to or share with another person unsolicited information through a computer" and "A person shall not send, share or transmit any misleading or malicious information about or relating to any person through a computer."²⁶ The law also bars a convicted offender from standing for public office for a period of years was deleted by the committee without effective consultation of the public.²⁷

¹⁷ Amnesty International, "Uganda: Opposition politician detained; signs of torture" (Index: AFR 59/8963/2018), 17 August 2018, [amnesty.org/en/documents/afr59/8963/2018/en/](https://www.amnesty.org/en/documents/afr59/8963/2018/en/)

¹⁸ Amnesty International, "Uganda: Opposition MPs must not be tried in military court", 16 August 2018, [amnesty.org/en/latest/news/2018/08/uganda-opposition-mps-must-not-be-tried-in-military-court/](https://www.amnesty.org/en/latest/news/2018/08/uganda-opposition-mps-must-not-be-tried-in-military-court/)

¹⁹ Amnesty International, "Uganda: Arbitrary arrests and excessive use of force hindering debate in run-up to elections", 7 December 2015, [amnesty.org/en/latest/press-release/2015/12/uganda-arbitrary-arrests-and-excessive-use-of-force-hindering-debate-in-run-up-to-elections/](https://www.amnesty.org/en/latest/press-release/2015/12/uganda-arbitrary-arrests-and-excessive-use-of-force-hindering-debate-in-run-up-to-elections/)

²⁰ A volunteer force of civilians recruited and managed by police to report on and prevent crime in cooperation with the police and communities.

²¹ Amnesty International, *Amnesty International Report 2015/16: The state of the world's human rights (Myanmar)* (Index: POL 10/2552/2016), 24 February 2016, [amnesty.org/en/documents/pol10/2552/2016/myl/](https://www.amnesty.org/en/documents/pol10/2552/2016/myl/), p. 376.

²² The Constitution of the Republic of Uganda, Article 29.

²³ Uganda, Computer Misuse Act, 2011, Act 2.

²⁴ Amnesty International, "Uganda: Scrap draconian law aimed at suppressing freedom of expression online", 14 October 2022, [amnesty.org/en/latest/news/2022/10/uganda-scrap-draconian-law/](https://www.amnesty.org/en/latest/news/2022/10/uganda-scrap-draconian-law/)

²⁵ Uganda, Computer Misuse Act, 2010, Section 26.

²⁶ Uganda, Computer Misuse Act, 2010, Section 26.

²⁷ Uganda, Computer Misuse Act, 2010, Section 27.

Between 2017 and 2022, at least two activists linked with opposition parties, Kakwenza Rukirabashaija, and Stella Nyanzi, who have both subsequently gone into exile, faced multiple cybercrime related charges in court.²⁸

On 10 March 2022, state authorities raided Digital TV offices in Kampala and arbitrarily arrested nine staff members and held them incommunicado for a week before unconditionally releasing seven of them. The remaining two – novelist, Norman Tumuhimbise and journalist, Farida Bikobere – were charged with offensive communication and cyberstalking President Museveni, contrary to sections 25 and 26 of the Computer Misuse Act 2011, respectively. They were also accused of using their online platform with the intention “to disturb the peace and quiet of the President of the Republic of Uganda”.²⁹

The Uganda Communications Commission (UCC) also limited the exercise of human rights online, including using an internet shutdown in the run up to the January 2021 elections, and other restrictions.³⁰ On 9 January 2021, Facebook shut down dozens of pro-government accounts claiming they were “fake and duplicate accounts” linked to the country’s Ministry of Information to make content appear more popular ahead of the elections.

On 10 December 2020 the Media Council of Uganda (MCU) cancelled the accreditation of all foreign journalists. It issued a directive to all practicing journalists in the country to register with the authority afresh or be barred from covering the electoral process and other events. The Council reversed its decision on 10 January 2021, saying that accreditation would not be required to cover polls. Social media shutdowns have happened in previous elections. In 2011, authorities instructed internet service providers (ISPs) to temporarily block access to Facebook and Twitter for 24 hours and in 2016, authorities ordered telecommunication companies to block social media access on mobile phones.³¹

On 27 July 2020, police arrested Bwaddene Basajjamivule, a broadcast journalist and charged him with promoting violence and sectarianism. The charges were connected to comments he made in a video posted on Facebook in which he alleged that people from ethnic groups in western Uganda were favoured in appointments to the military and the government. He was released on police bond on 29 July 2020.³²

On 1 May 2019, the UCC ordered seven radio stations and six TV channels to suspend their top editors and producers, apparently for their coverage of the arbitrary arrest of Bobi Wine. The Commission ordered the media houses to submit within three days “recordings of all live programmes and news bulletins aired on the 29th of April 2019”, when Bobi Wine was arrested on his way to the Criminal Investigation Directorate, who had summoned him. Bobi Wine was released on bail on 2 May 2019, after being held on remand at Luzira Maximum Security Prison for three days, charged with holding an illegal assembly and procession in July 2018, when he led a protest on a social media tax.³³

On 1 July 2018, the Ugandan authorities introduced a tax on social media use in Uganda to raise revenue from what they described as “gossip” on social media platforms such as WhatsApp, Facebook, Twitter, Skype, and Viber. On 7 September 2020, the UCC ordered all online data communication and broadcast service providers to obtain licenses before posting information on the internet.³⁴ The order was a reminder of a similar directive issued on 6 March 2018.³⁵

On 27 September 2017, UCC threatened to revoke or suspend the licenses of media houses that carry live broadcasts, accusing them of promoting a culture of violence after they aired a clash between opposition and ruling party MPs in parliament during a debate to remove a 75-year age limit for presidential candidates.³⁶

²⁸ Amnesty International, “Uganda: Scrap draconian law aimed at suppressing freedom of expression online”, 14 October 2022, [amnesty.org/en/latest/news/2022/10/uganda-scrap-draconian-law/](https://www.amnesty.org/en/latest/news/2022/10/uganda-scrap-draconian-law/)

²⁹ Amnesty International, Uganda: Scrap draconian law aimed at suppressing freedom of expression online, 14 October 2022, [amnesty.org/en/latest/news/2022/10/uganda-scrap-draconian-law/](https://www.amnesty.org/en/latest/news/2022/10/uganda-scrap-draconian-law/)

³⁰ Amnesty International, “Uganda: Authorities must lift social media block amid crackdown ahead of election”, 13 January 2021, [amnesty.org/en/latest/news/2021/01/uganda-authorities-must-lift-social-media-block-amid-crackdown-ahead-of-election/](https://www.amnesty.org/en/latest/news/2021/01/uganda-authorities-must-lift-social-media-block-amid-crackdown-ahead-of-election/)

³¹ Amnesty International, “Uganda: Authorities must lift social media block amid crackdown ahead of election”, 13 January 2021, [amnesty.org/en/latest/news/2021/01/uganda-authorities-must-lift-social-media-block-amid-crackdown-ahead-of-election/](https://www.amnesty.org/en/latest/news/2021/01/uganda-authorities-must-lift-social-media-block-amid-crackdown-ahead-of-election/)

³² Amnesty International, *Amnesty International Report 2020/21: The state of the world’s human rights* (Index: POL 10/3202/2021), 7 April 2021, [amnesty.org/en/documents/pol10/3202/2021/en/](https://www.amnesty.org/en/documents/pol10/3202/2021/en/), p. 371.

³³ Amnesty International, “Uganda: Order to suspend editors is a blatant attack on press freedom”, 2 May 2019, [amnesty.org/en/latest/news/2019/05/uganda-order-to-suspend-editors-is-a-blatant-attack-on-press-freedom-2/](https://www.amnesty.org/en/latest/news/2019/05/uganda-order-to-suspend-editors-is-a-blatant-attack-on-press-freedom-2/)

³⁴ Amnesty International, “Uganda: Scrap social media tax curtailing freedom of expression”, 2 July 2018, [amnesty.org/en/latest/news/2018/07/uganda-scrap-social-media-tax-curtailing-freedom-of-expression/](https://www.amnesty.org/en/latest/news/2018/07/uganda-scrap-social-media-tax-curtailing-freedom-of-expression/)

³⁵ Uganda Communications Commission (UCC), “Public notice: registration of online data communication and broadcast service providers”, 6 March 2028, ucc.co.ug/wp-content/uploads/2018/03/UCC_ONLINE-DATA-COMMUNICATIONS-SERVICES.pdf.

³⁶ Amnesty International, “Uganda: End threats against media after parliamentary brawl”, 27 September 2017, [amnesty.org/en/latest/news/2017/09/uganda-end-threats-against-media-after-parliamentary-brawl-2/](https://www.amnesty.org/en/latest/news/2017/09/uganda-end-threats-against-media-after-parliamentary-brawl-2/)

On 8 April 2017, police arrested Nyanzi for insulting President Museveni on social media. She was charged under the Computer Misuse Act, 2011 and detained for 33 days in Luzira Maximum Security Prison, Kampala, before being released on bail. The charges against her were later dropped. On 8 April 2017, Nation TV journalist Gertrude Tumusiime Uwitware was abducted, blindfolded, and interrogated by unknown assailants for several hours, after she had posted her support for Nyanzi on social media.³⁷

On 10 October 2016, the police summoned editors Arinaitwe Rugyendo of the Red Pepper newspaper and the online Daily Monitor, and Charles Bichachi of the Nation Media Group which owns the Daily Monitor, about stories they published on the age limit debate. Police questioned them after an MP, who was leading moves to remove the age limit, filed a complaint claiming that the stories tarnished his reputation. They were charged in connection with these allegations under Section 27A of the Police Act.³⁸ On 24 November 2016, after Red Pepper published an article alleging that the President was involved in a plot to overthrow Rwanda's President, the police searched the newspaper's office including computers and mobile phones and closed it down. At the same time, they arrested Rugyendo and other members of staff Richard Kintu, James Mujuni, Patrick Mugumya, Richard Tusiime, Johnson Musinguzi, Ben Byarabaha and Francis Tumusiime who were charged with treason and detained for several months before being released unconditionally in January 2018.³⁹

In 2016, Uganda's elections took place amidst a four-day, government-ordered social media shutdown. From the early hours of 18 February to 21 February 2016, the UCC directed Uganda's main communications providers to block access to social media platforms. According to the Executive Director of the UCC, this was for "national security" reasons, which were not defined.⁴⁰ On 8 July 2015, the UCC issued a document to all broadcasters, cautioning against "negative and unprofessional trends such as lack of balance, sensationalism, incitement, abusive language and relying on unauthorized and unreliable sources of information". Many media observers saw this directive as an attack on the right to freedom of expression in the run-up to the 2016 elections. On 14 October 2015, journalist Alfred Ochwo was arrested and subsequently assaulted by police officers after reporting on the arrest of Kyadondo East MP Ssemujju Ibrahim Nganda⁴¹.

In the run-up to the elections, security officials also attacked media outlets they deemed critical of government policies and actions. On 20 January 2016, Endigito FM, a privately owned radio station, was closed after opposition candidate Mbabazi was a guest on a show. On 13 February 2016, police entered Radio North FM in Lira, northern Uganda, and arrested journalist Richard Mungu and a guest. The police accused Mungu of defacing President Museveni's election posters and charged him with malicious damage to property. The charges were later amended to aiding and abetting a crime, an apparent reference to the damaged posters. He was released on bail on 17 February 2016.⁴²

On 12 January 2015, cameraman Andrew Lwanga was assaulted by police while filming a gathering of youth activists, the Jobless Brotherhood. He sustained severe injuries, requiring hospital admission. On 23 January 2015, radio journalists Gerald Kankya and Simon Amanyire were attacked by a mob in Fort Portal, western Uganda.⁴³

In July 2015, disclosures by WikiLeaks revealed commercial discussions between the Office of the President and surveillance firm, Hacking Team. In October 2015, Privacy International reported on the sale and use of the intrusion malware software to the Ugandan military to target real or perceived political opponents. Privacy International also reported on the installation of FinFisher⁴⁴ "access points" in Parliament, key government institutions and major hotels. The government denied these claims.⁴⁵

On 20 May 2013, armed police closed down two newspapers and two radio stations for more than a week, after they reported on an alleged government plot to assassinate politicians opposed to President Museveni's son taking over when his father steps down. Riot police arrested five human rights activists on 23 May 2013

³⁷ Amnesty International, *Amnesty International Report 2017/18: The state of the world's human rights* (Index: POL 10/6700/2018), 22 February 2018, [amnesty.org/en/documents/pol10/6700/2018/en/](https://www.amnesty.org/en/documents/pol10/6700/2018/en/), p. 374.

³⁸ Uganda, Police Act, 1994, Chapter 303.

³⁹ Amnesty International, *Annual Report: Uganda 2017/18* (previously cited), p. 374.

⁴⁰ Amnesty International, *Uganda: Raids, arrests stifling political opposition leader's ability to legally challenge election results* (Index: AFR 59/3537/2016), 26 February 2016, [amnesty.org/en/documents/af59/3537/2016/en/](https://www.amnesty.org/en/documents/af59/3537/2016/en/)

⁴¹ Amnesty International, *Amnesty International Report 2017/18: The state of the world's human rights* (Index: POL 10/6700/2018), 22 February 2018, [amnesty.org/en/documents/pol10/6700/2018/en/](https://www.amnesty.org/en/documents/pol10/6700/2018/en/), p. 374.

⁴² Amnesty International, *Amnesty International Report 2016/17: The state of the world's human rights* (Index: POL 10/4800/2017), 22 February 2017, [amnesty.org/en/documents/pol10/4800/2017/en/](https://www.amnesty.org/en/documents/pol10/4800/2017/en/), p. 373.

⁴³ Amnesty International, *Uganda: the journey of a survivor of police brutality*, 9 December 2016, [amnesty.org/en/latest/news/2016/12/uganda-the-journey-of-a-survivor-of-police-brutality](https://www.amnesty.org/en/latest/news/2016/12/uganda-the-journey-of-a-survivor-of-police-brutality)

⁴⁴ FinFisher, also known as FinSpy, is a surveillance software marketed by Lench IT Solutions plc, which markets the spyware through law enforcement channels.

⁴⁵ Amnesty International, *Annual Report: Uganda 2015/16* (previously cited), p. 376.

for protesting the closure of the Daily Monitor, the Kampala-based newspaper that first published the story earlier in May 2013.⁴⁶

In 2012, at least 70 journalists reported physical attacks and arbitrary detention during the year. In September 2012, police harassed, beat, and damaged equipment of journalists Isaac Kasamani and William Ntege while they filmed the arrest of the then leader of the opposition FDC party, Besigye.⁴⁷

FREEDOM OF ASSOCIATION / HUMAN RIGHTS DEFENDERS

In March 2016, the Government of Uganda started implementing the NGO Act 2015.⁴⁸

On 3 August 2022, the National Bureau of Non-Governmental Organisations (NGO Bureau), the country's regulatory authority for NGOs in Uganda announced that it had halted the operation of Sexual Minorities Uganda (SMUG), an umbrella organization committed to ensuring the human rights protection of LGBTI persons in Uganda. The NGO Bureau accused SMUG of operating without registering with the NGO Bureau under the NGO Act 2015.⁴⁹ The Bureau organization said that SMUG operated without appropriately registering its name in the NGO Bureau. The NGO Bureau also stated that in 2012, SMUG had tried to register its name with officials, but the application had been turned down because SMUG's full name was regarded as "undesirable."⁵⁰

In August 2021, Uganda's NGO Bureau, ordered the immediate suspension of 54 organisations, claiming that they had failed to comply with the NGO Act, including by operating under expired permits, or by failing to file accounts or register with the Bureau. The independent Uganda National NGO Forum said that most of the organisations were not informed of the Bureau's decision or given an opportunity to respond. Also, on 20 August 2021, the NGO Bureau suspended the activities of the Africa Institute for Energy Governance. Between 6 and 13 October 2021, the police arrested four of its staff in Hoima city and Buliisa town in the west, and in the capital, Kampala. They were all released on the same day, without charge. On 22 October 2021, on the NGO Bureau's instructions, police in Kampala arrested another six members of staff for operating without a permit. They were released three days later.⁵¹

On 2 January 2021, President Museveni directed the immediate suspension of the activities of the Democratic Governance Facility (DGF), the largest pool of donor funding to NGOs in Uganda, over what was termed as "financing of subversive activities." The DGF was critical to the operations of many NGOs working on human rights and rule of law issues and some government bodies, including the Uganda Human Rights Commission.

On 22 December 2020, the authorities arrested Nicholas Opiyo, the Executive Director of Chapter Four Uganda, a human rights organization, along with four other persons he was meeting with, and placed them in incommunicado detention overnight at the Special Investigations Unit of the police in Kireka, Kampala. On 23 December, the authorities released the four other persons on police bond and continued detaining Opiyo. Opiyo was held on fabricated charges of money laundering until the High Court released him on bail of UGX15 million (around USD 4,050) on 30 December 2020.⁵² On 10 September 2021, the Director of Public Prosecutions withdrew trumped-up money laundering charges against Opiyo.⁵³

On 4 September 2020, police arrested eight human rights defenders in Kiryandongo district, held them for three days and charged them with threatening violence and malicious damage to property before releasing them on police bond on 8 September 2020. One of them, Pamela Mulongo, was brutally beaten during her arrest and detention. The eight were arrested after they had asked a company – accused of seizing community land in the area – to return livestock confiscated for allegedly trespassing on company property.

⁴⁶ Amnesty International, "Uganda: Activists arrested as disturbing crackdown on media continues", 24 May 2013, [amnesty.org/en/latest/press-release/2013/05/uganda-activists-arrested-disturbing-crackdown-media-continues/](https://www.amnesty.org/en/latest/press-release/2013/05/uganda-activists-arrested-disturbing-crackdown-media-continues/)

⁴⁷ Amnesty International, *Amnesty International Report 2013: The State of the World's Human Rights* (Index: POL 10/001/2013), 23 May 2013, [amnesty.org/en/documents/pol10/001/2013/en/](https://www.amnesty.org/en/documents/pol10/001/2013/en/)

⁴⁸ Uganda, Non-Governmental Organisations Act, 2016, Act 5.

⁴⁹ Amnesty International, *Amnesty International Report 2022/23: The state of the world's human rights* (index: POL 10/5670/2023), 27 March 2023, [amnesty.org/en/documents/pol10/5670/2023/en/](https://www.amnesty.org/en/documents/pol10/5670/2023/en/), p. 375.

⁵⁰ The National Bureau of Non-Governmental Organisations (NGO Bureau), "Statement on halting the operations of Sexual Minorities Uganda", 5 August 2022, ngobureau.go.ug/index.php/en/news-and-notice/statement-on-halting-the-operations-of-sexual-minorities-uganda

⁵¹ Amnesty International, *Annual Report: Uganda 2021/22* (previously cited), p. 378.

⁵² Amnesty International, *Annual Report: Uganda 2020/21* (previously cited), p. 372.

⁵³ Amnesty International, *Annual Report: Uganda 2021/22* (previously cited), p. 378.

On 30 June 2020, anti-riot police arrested lawyers Aaron Kaijuka, Christine Marunga, Joan Balyerali, Brian Tuwayenga, Eric Bajole, Morgan Muhindo and Elizabeth Nafula in Kiryandongo district as they were preparing submissions for a hearing on the forced eviction of the Maragoli Indigenous people. They were charged with the offence “negligent acts likely to spread infectious diseases” under Public Health (Control of COVID-19) Rules, 2020 and released on police bond on 1 July 2020.

On 2 and 20 September 2017, approximately 20 police officers and security officials raided ActionAid Uganda’s offices in Kansanga, an area of Kampala, preventing staff from leaving the premises for several hours. The police warrant stated that ActionAid was being investigated for “illicit transfers of funds to support unlawful activities”. The police removed documents and confiscated the organization’s laptops and mobile phones belonging to staff members. On 9 October 2017, the Bank of Uganda froze ActionAid’s bank accounts. On 13 October 2017, the NGO Bureau, under the Ministry of Internal Affairs, sent a letter to 25 NGOs demanding their bank account details. On 20 September 2017, police raided the Great Lakes Institute for Strategic Studies offices with a warrant to search computers and mobile phones as well as financial and banking documents. The raid came after the organization’s Executive Director, Godber Tumushabe, spoke against the proposal to lift the presidential age limit.⁵⁴

In 2014 the police failed to investigate cases of countrywide raids by unidentified persons into NGO offices including Human Rights Network-Uganda (HURINET-U), Anti-Corruption Coalition Uganda, Uganda Land Alliance (ULA), Action Group for Health, Human Rights and HIV/AIDS and Lira NGO Forum. The groups were all known for their work on sensitive subjects – including corruption, land rights, freedom of expression, and the rights of LGBTI people – and for criticizing government policies. In a further attack on the premises of ULA in July 2015, another security guard, Richard Oketch, was beaten to death.

In 2012, there were over 24 break-ins at NGO offices across Uganda. The offices of several Organisations including HURINET-U, ActionAid Uganda, Foundation for Human Rights Initiative (FHRI), and the Anti-Corruption Coalition of Uganda were broken into by unidentified individuals. The break-ins appeared to be attempts to access information on the Organisations’ human rights and rule of law work.⁵⁵ Private security guards were killed during two break-ins in July 2015 and May 2016.⁵⁶

Between April and May 2016, intruders broke into the offices of at least three groups in Kampala – the Forum for African Women Educationalists (FAWE), the Human Rights Awareness and Promotion Forum (HRAPF), and the Human Rights Network for Journalists-Uganda (HRNJ-Uganda).⁵⁷ At HRAPF, the assailants beat to death security guard Emmanuel Arituha, ransacked the offices of the director and deputy director, and stole documents and a television screen. NGO offices and staff came under surveillance while several Organisations reported receiving threats. At FAWE, intruders stole a server, laptop and desktop computers, cameras, and projectors. At HRNJ-Uganda, camera footage shows a visitor apparently providing a dish of food containing sedatives to the security guards, allowing four intruders to search the premises after the guards fell asleep.

In 2013, police charged individuals in a coalition of around 50 civil society groups who organized a campaign known as the Black Monday Movement to raise awareness about the effects of corruption and to protest the impunity enjoyed by suspected corrupt government officials with a range of crimes, from “spreading of harmful propaganda” to “inciting violence” and “possession of prohibited publications”. One activist was arrested after giving a press interview while handing out Black Monday materials. While no-one faced trial, activists had to report to the police on a weekly basis following their arrests for several months before charges were dropped. Some were required to report to the police on Mondays, preventing them from organizing and taking part in regular weekly protest activities.⁵⁸

FREEDOM OF PEACEFUL ASSEMBLY

Ugandan authorities continue to use laws and other administrative actions that restrict the freedom of people and groups to exercise their right to assemble peacefully, especially the political opposition. The Public Order Management Act (POMA)⁵⁹, which came into force in November 2013, was among other regulations such as

⁵⁴ Amnesty International, *Annual Report: Uganda 2017/18* (previously cited), p. 374.

⁵⁵ Amnesty International, *Annual Report: Uganda 2013* (previously cited), p. 381.

⁵⁶ Amnesty International, “Letter from 31 Ugandan and International Organizations” (Index: AFR 59/4242/2016), 13 June 2016.

⁵⁷ Amnesty International, “Uganda: Investigate Break-ins at Groups’ Offices”, 13 June 2016, [amnesty.org/en/latest/news/2016/06/uganda-investigate-break-ins-at-groups-offices-2/](https://www.amnesty.org/en/latest/news/2016/06/uganda-investigate-break-ins-at-groups-offices-2/)

⁵⁸ Amnesty International, *Uganda: Rule by law: Discriminatory legislation and legitimized abuses in Uganda* (Index: AFR 59/006/2014), 16 October 2016, [amnesty.org/en/documents/afr59/006/2014/en/](https://www.amnesty.org/en/documents/afr59/006/2014/en/)

⁵⁹ Uganda, Public Order Management Act, 2013, No. 9.

the COVID-19 restrictions used to impose wide-ranging restrictions on public meetings. It gave the police powers to prohibit and disperse public gatherings of a political nature.⁶⁰

On 26 March 2020, Uganda's Constitutional Court declared Section 8 of the POMA 2013 unconstitutional following a petition that was filed in December 2013 by a group of human rights groups including, HURINET-U, Development Network of Indigenous Voluntary Associations, Uganda Association of Women Lawyers, and Chapter Four Uganda.⁶¹ Protests have however continued to be criminalized in Uganda with no justifiable legal basis. However, the state uses Section 83 of the Penal Code Act⁶² to charge people with incitement to violence and to deter them from protesting. On 27 April 2023, the Deputy Speaker of Parliament Thomas Tayebwa condemned security agencies for what he called "brutal arrest of 11 female legislators" representing opposition parties who were arrested on 27 April 2023 as they left Parliament to deliver a petition to the Minister for Internal Affairs protesting regarding the continued harassment of women legislators by security agencies as they celebrate the International Women's Day.⁶³

Again on 11 October 2023, Thomas Tayebwa directed the Prime Minister Robinah Nabbanja, and the Minister of Internal Affairs, Kahinda Otaiire to present a statement on 12 October concerning what he termed "brutal arrest of National Unity Platform (NUP) leaders and supporters earlier [in the week]" even as the police confirmed that it had on 11 October charged a total of 59 NUP party supporters from Entebbe, Kajjansi and Kawempe for holding an unlawful assembly, and inciting violence contrary to section 65 and 66 and 82 (1) of the Penal Code Act.⁶⁴ According to party officials, tens of NUP leaders and supporters were arrested in different parts of the country for protesting the house arrest of Bobi Wine since 5 October 2023 when he was apprehended at Entebbe International Airport as he returned to the country after tours in Canada and South Africa. He was escorted by security forces, mainly the UPDF to his home in Magere, outside of Kampala where he remained under house arrest at the time of writing.⁶⁵ On 9 October, police briefly arrested and released 14 NUP members and leaders unconditionally after they were arrested at the party headquarters in Kampala.⁶⁶

On 30 May 2022, Uganda police arrested six women at Mulago roundabout in Kampala while they held placards protesting inflation, high prices of essential goods and the continued detention of Besigye (the leader of the political pressure group, 'People's Front for Transition', who was arrested at Arua Park in Kampala on 23 May 2022, where he was addressing people in one of a series of protests about the economic situation). On 12 May 2022, the police placed him under "preventive arrest" which the Ugandan authorities use to pre-emptively prevent crime. On 25 May 2022, Besigye was charged with incitement to violence in Buganda Road Court and granted a UGX 30,000,000 (about USD 8,100) cash bail. He objected to this on the grounds that it was excessive and instructed his lawyers to apply for a review of the bail conditions. On 6 June, the High Court reduced the cash bail to UGX 3,000,000 (about USD 810) whereafter he was released on bail.⁶⁷

After the presidential elections in January 2021, the police and military held Bobi Wine's and his wife, Barbara Itungo Kyagulanyi, under house arrest for more than a week without being presented before a judge and for a recognizable criminal offence.⁶⁸ Bobi Wine had rejected the outcome of the presidential elections stating that he would challenge the results at the Supreme Court. In 2016, similar restrictions were imposed on Besigye the then presidential candidate for the FDC who also wanted to challenge presidential elections results at the Supreme Court. He was apprehended at his home on 19, 22, 23, 24, and 25 February 2016 and prevented from leaving. On 23 and 24 February, Besigye was detained at Naggalama police station, and on 25 February at Kira Road police station, before being transported home in the evening, to spend the night under house arrest. Besigye's house arrest since 19 February 2016 had no legal basis under Ugandan law.⁶⁹ In all instances, police justified the house arrests under powers of "preventive arrest" for "utterances and

⁶⁰ Amnesty International, *Amnesty International report 2014/15 the state of the world's human rights* (Index: POL 10/001/2015), March 2015, [amnesty.org.uk/files/amnesty_international_global_report_-_25_feb_2015.pdf](https://www.amnesty.org.uk/files/amnesty_international_global_report_-_25_feb_2015.pdf), p. 379.

⁶¹ Amnesty International, "Uganda: Constitutional Court nullifies law used to prohibit protests", 27 March 2020, [amnesty.org/en/latest/news/2020/03/uganda-constitutional-court-nullifies-law-used-to-prohibit-protests/](https://www.amnesty.org/en/latest/news/2020/03/uganda-constitutional-court-nullifies-law-used-to-prohibit-protests/)

⁶² Uganda, Penal Code Act, 1950.

⁶³ Parliament of the Republic of Uganda, "Deputy Speaker Tayebwa condemns brutal arrest of female MPs", 27 April 2023, www.parliament.go.ug/news/6670/deputy-speaker-tayebwa-condemns-brutal-arrest-female-mps

⁶⁴ Interviews by voice call with two party leaders, 11 October 2023.

⁶⁵ NTV Uganda, "Drama as Robert Kyagulanyi returns from abroad", 6 October 2023, [youtube.com/watch?v=u_sW-GJNZE](https://www.youtube.com/watch?v=u_sW-GJNZE)

⁶⁶ Interviews by voice call with two party leaders, 11 October 2023; New Vision, "Police release 14 NUP members arrested on Independence Day", 9 October 2023, [newvision.co.ug/category/news/police-release-14-nup-members-arrested-on-ind-NV_172254](https://www.newvision.co.ug/category/news/police-release-14-nup-members-arrested-on-ind-NV_172254); New Vision TV, "Police Releases NUP Members Without Charges", 9 October 2023, [youtube.com/watch?v=RCEa338DmMk](https://www.youtube.com/watch?v=RCEa338DmMk)

⁶⁷ Amnesty International, "Uganda: Authorities must stop criminalizing activists for protesting high cost of living", 6 June 2022, [amnesty.org/en/latest/news/2022/06/uganda-authorities-must-stop-criminalizing-activists/](https://www.amnesty.org/en/latest/news/2022/06/uganda-authorities-must-stop-criminalizing-activists/)

⁶⁸ Amnesty International, "Uganda: End politically motivated detention of Robert Kyagulanyi and his wife", 20 January 2021, [amnesty.org/en/latest/press-release/2021/01/uganda-end-politically-motivated-detention-of-robert-kyagulanyi-and-his-wife/](https://www.amnesty.org/en/latest/press-release/2021/01/uganda-end-politically-motivated-detention-of-robert-kyagulanyi-and-his-wife/)

⁶⁹ Amnesty International, *Uganda: Raids, arrests stifling political opposition leader's ability to legally challenge election results* (Index: AFR 59/3537/2016), 26 February 2016, [amnesty.org/en/documents/afr59/3537/2016/en/](https://www.amnesty.org/en/documents/afr59/3537/2016/en/)

activities that amount to incitement to violence and defiance of the law". However, the effect was to wholly undermine the ability of FDC to legally challenge the results of the elections in court.

Security forces unlawfully killed at least 66 people in the period between March 2020, when Covid-19 lockdown measures were introduced in Uganda, and the end of 2020. During the electoral campaign period from 9 November 2020 and 14 January 2021 dozens of people were killed in the context of riots or protests, most of them shot dead by police and other security forces, including armed individuals in plain clothes, and dozens more were injured.⁷⁰ Excessive use of force further led to the death of many more people. By the Ugandan government's own admission, security forces shot dead at least 54 people in just two days in November 2020 in response to widespread protests over the arrest of opposition leader, Bobi Wine, on the campaign trail.⁷¹ According to media sources, a "report of an internal government investigations into the 2020 November riot killings has revealed that 39 out of the 54, or 72 per cent, of people shot dead were hit by stray bullets".⁷² In a televised interview on 29 November 2020, President Museveni however said that 32 of those killed were rioters, backed by opposition politicians and called them "terrorists".⁷³

The state discriminatorily applied COVID-19 restrictions to stop freedom of assembly. In June 2020, the Electoral Commission of Uganda launched a revised Covid-19 election road map for the 2021 general elections, requiring that all political campaigning be conducted exclusively online and banned. The ban was disproportionately enforced on opposition parties. On 26 December 2020, the Commission further suspended political gatherings in more than 10 districts citing Covid-19 prevention, but without providing sufficient details to justify why these localities should be subject to restrictions. Meanwhile gatherings involving incumbent politicians in other locations were allowed to proceed.

State authorities used provisions of POMA that have since been deemed unconstitutional by discriminatorily imposing content-based restrictions on political demonstrations and unjustifiably holding individual leaders responsible for the conduct of others. In January 2020, police arrested and charged five protesters, including Bobi Wine for violating the POMA during a political rally to protest the introduction, in 2018, of a social media tax. They were all released on police bond the same day.

On 23 August 2018, opposition politicians, including Besigye, were placed under house arrest to prevent them from attending Bobi Wine's court proceedings where, together with 33 others, he had been charged with treason in connection with the clashes that took place between supporters of the ruling party and the opposition.⁷⁴

Three days before the 2016 elections, Besigye was arrested as he headed towards a campaign rally. The police subsequently barricaded the road leading to his house, effectively placing him under house arrest, on the grounds that they had intelligence that he intended to cause unrest.⁷⁵

On 21 September 2017, police arrested protesters, including the mayor of Kampala on suspicion that they were planning to protest a proposal in parliament to remove the age-limit for presidential candidates in the constitution. Some opposition MPs were blocked from accessing parliament to bar them from participating in the debate. The police also banned demonstrations against the change.⁷⁶ In July 2017, police arrested 56 people for allegedly holding illegal meetings to protest removal of presidential age limit using POMA.⁷⁷

In 2015, the police prevented or disrupted numerous public assemblies organized by opposition political parties. POMA was routinely used as the justification, with organizers often being placed under "preventive arrest". On 9 July 2015, Mbabazi and Besigye were separately arrested and prevented from participating in planned political events. Both were placed under "preventive arrest". Over the course of the following days, 14 youth activists were arrested and detained, including seven arrested at the conclusion of a peaceful press conference. On 9 September 2015, the police were deployed in large numbers, in Soroti, eastern Uganda,

⁷⁰ Amnesty International, *Annual Report: Uganda 2020/21* (previously cited), p. 369.

⁷¹ Amnesty International, "Uganda: Stop killings and human rights violations ahead of election day", 14 December 2020, [amnesty.org/en/latest/press-release/2020/12/uganda-stop-killings-and-human-rights-violations-ahead-of-election-day/](https://www.amnesty.org/en/latest/press-release/2020/12/uganda-stop-killings-and-human-rights-violations-ahead-of-election-day/)

⁷² All Africa, "Uganda: November Riots Report - Stray Bullets Killed 39 Victims", 21 November 2021, allafrica.com/stories/202111240115.html

⁷³ Uganda Media Centre (UMC), "Presidents Address to the Nation", 29 November 2020, mediacentre.go.ug/media/presidents-address-nation, [facebook.com/watch/live/?ref=watch_permalink&v=229121495226023](https://www.facebook.com/watch/live/?ref=watch_permalink&v=229121495226023)

⁷⁴ Amnesty International, "Uganda: Drop fabricated treason charges and set Bobi Wine free", 23 August 2018, [amnesty.org/en/latest/news/2018/08/uganda-drop-fabricated-treason-charges-and-set-bobi-wine-free/](https://www.amnesty.org/en/latest/news/2018/08/uganda-drop-fabricated-treason-charges-and-set-bobi-wine-free/)

⁷⁵ Amnesty International, *Annual Report: Uganda 2016/17* (previously cited), p. 373.

⁷⁶ Amnesty International, "Uganda: Stop clampdown on supporters of presidential age limit", 21 September 2017, [amnesty.org/en/latest/news/2017/09/uganda-stop-clampdown-on-supporters-of-presidential-age-limit-2/](https://www.amnesty.org/en/latest/news/2017/09/uganda-stop-clampdown-on-supporters-of-presidential-age-limit-2/)

⁷⁷ Amnesty International, "Uganda: Arrest of dozens for attending peaceful meetings is absurd", 21 July 2017, [amnesty.org/en/latest/press-release/2017/07/uganda-arrest-of-dozens-for-attending-peaceful-meetings-is-absurd/](https://www.amnesty.org/en/latest/press-release/2017/07/uganda-arrest-of-dozens-for-attending-peaceful-meetings-is-absurd/)

ahead of a public gathering organized by Mbabazi. Police used tear gas and rubber bullets against participants.⁷⁸

On 10 September 2015, Mbabazi was forced to abandon a consultative meeting planned in Jinja, eastern Uganda, after police used excessive force to block his route and escorted him back to Kampala. Prior to his planned arrival, police used rubber bullets and tear gas to disperse several hundred of his supporters. Tear gas canisters were fired into a primary school yard where school children were present, harming them. On 10 October 2015, Besigye attempted to travel with a convoy of his political team to Rukungiri. The police prevented the planned public assembly from taking place. Besigye, along with members of his entourage, was arrested and detained. On the same day, FDC activist Fatuma Zainab was arrested and undressed by three police officers, prompting national outrage. On 15 October 2015, Kizza Besigye was again arrested and placed under preventive arrest.⁷⁹

In October 2012, state authorities banned demonstrations ahead of Uganda's 50th anniversary of independence, and dispersed marches organized by the group, 'For God and My Country' (4GC) to demand investigations into the killings of protesters in 2011. Besigye was arbitrarily arrested twice and released without charge. Police justified the restrictions on the grounds that 4GC comprised many of the same people as the banned group A4C.⁸⁰

LESBIAN, GAY, BISEXUAL, TRANSGENDER, AND INTERSEX (LGBTI) RIGHTS

In May 2023, the government adopted the AHA 2023 that introduced "aggravated homosexuality", which it defines as sexual intercourse with a person older than 75 or younger than 18, who either does not give consent, is unable to give consent, or is a person living with a disability or mental illness. The maximum penalty for "aggravated homosexuality" is the death penalty. The Act imposes punishment of up to 20 years in prison for the "promotion of homosexuality." This includes individuals operating organisations which promote or encourage homosexuality and persons who broadcast or publish information online or offline that may be deemed as promotion. It vaguely criminalises provision of support, whether in kind or financially, to facilitate activities that encourage homosexuality. These provisions ostensibly target individuals, media outlets, NGOs and their beneficiaries infringing on their rights to freedom of association and legitimate expression. The Act further imposes a duty on people to report acts of homosexuality or face a jail term of up to six months in prison if convicted of failure to report.⁸¹

On 1 August 2014, the Constitutional Court of Uganda struck down a similar law, the AHA 2014 which had come into force in March 2014. Since the striking-down of AHA 2014, there have been repeated efforts to proscribe homosexuality. In 2021, Parliament approved the Sexual Offences Bill, which criminalized any "sexual act between persons of the same gender," as well as anal sex between people of any gender, with a penalty of up to 10 years in prison but in August 2021, President Museveni rejected to assent it into law. In a 3 August 2021 letter addressed to the then Speaker, Jacob Oulanyah, the President said the legislation needed to be reviewed to address redundant provisions already in other Ugandan laws.

According to HRAFP, a Ugandan advocacy NGO, since the passing of the LGBTI law, at least six people have been charged with offences under the law. Two of the six face the death sentence if found guilty of the offence of aggravated homosexuality. There have been reports of a spike in violence and other violations against LGBTI persons in Uganda. The NGO also recorded a total of 149 cases of violence against LGBTI persons in June and July 2023, including evictions from homes, villages and rented homes, and actual violence or threats of violence.

On 8 October 2022, President Museveni said that homosexuals are still considered social deviants in Ugandan society.⁸²

In 2021, Ugandan authorities arrested dozens of LGBTI individuals and subjected some to forced HIV testing and anal examinations. In July 2022, Noah Matthew Kinono, a non-binary person, was stabbed to death by

⁷⁸ Amnesty International, "Uganda: Arbitrary arrests and excessive use of force hindering debate in run-up to elections", 7 December 2015, [amnesty.org/en/latest/press-release/2015/12/uganda-arbitrary-arrests-and-excessive-use-of-force-hindering-debate-in-run-up-to-elections/](https://www.amnesty.org/en/latest/press-release/2015/12/uganda-arbitrary-arrests-and-excessive-use-of-force-hindering-debate-in-run-up-to-elections/)

⁷⁹ Amnesty International, *Annual Report: Uganda 2015/16* (previously cited), pp. 376 – 377.

⁸⁰ Amnesty International, *Annual Report: Uganda 2013* (previously cited), p. 279.

⁸¹ Anti-Homosexuality Act, 2023, Section 11.

⁸² Amnesty International, *Annual Report: Uganda 2022/23* (previously cited), p. 376.

unknown individuals. SMUG has alleged that at least three LGBTI people were killed under suspicious circumstances between 2018 and 2022.⁸³

In 2020, security forces used directives for the control of COVID-19 infection as a pretext to arbitrarily arrest and detain dozens of LGBTI people. On 23 March 2020, 23 young LGBTI people living in a shelter were arrested. Four were released on medical grounds during the first three days after their arrest; the remaining 19 were charged with “negligent acts likely to spread infectious diseases” and “disobeying legal orders” and were detained without access to their lawyers or to medical treatment. Some were denied access to antiretroviral medications. They were released on 18 May, and in June the High Court awarded each of them compensation of UGX 5 million (about USD 1,360) for being arbitrarily detained by the police for 50 days.⁸⁴

The government has a long history of anti-LGBTI rhetoric. On 11 October 2019, the Ethics and Integrity Minister, Simon Lokodo, announced that the government was planning to introduce the death penalty for consensual same-sex sexual acts. Violence against LGBTI communities remained high.⁸⁵ According to SMUG (an LGBTI organization) between July and October 2019, four LGBTI persons were killed in the wake of heightened anti-LGBTI sentiments from political leaders. In August 2016, Lokodo publicly backed the police after a raid on 4 August 2016 on a nightclub in which LGBTI people were beaten and undressed.⁸⁶

On 5 October 2019, Brian Wassa, a gay paralegal, succumbed to brain haemorrhage after being cut in the head by unknown persons, at his home in Kampala, on 4 October 2019.⁸⁷

On 24 September 2016, the police prevented more than 100 people from joining a Pride parade on a beach in Entebbe. They ordered people back onto minibuses and told them to leave the area. The participants tried to go to another beach, but police prevented them from holding the parade there too.⁸⁸

On 4 August 2016, police broke up an LGBTI beauty pageant in Kampala, part of Uganda Pride. They arrested 16 people – most of them Ugandan LGBTI rights activists – who were released after about an hour. A man was seriously injured after he jumped from a sixth-floor window fearing police abuse.⁸⁹

In 2015, the Ugandan government attempted to introduce a draft of the Prohibition of Promotion of Unnatural Sexual Practices Bill that proposed criminal sanctions for “promoting” so-called “unnatural sexual practices” which included consensual same-sex conduct between adults. The Bill further proposed criminalizing advocacy, education, and health care for the LGBTI community to continue the discriminatory ethos of the then nullified AHA, 2014.⁹⁰

FORCED EVICTIONS

Authorities in Uganda failed to establish adequate procedures to protect the rights of those being evicted, despite a High Court order in 2019 which ruled that the state should urgently develop and implement protection guidelines against forced evictions.⁹¹ The Court noted that even when evictions are inevitable, they must comply with human rights standards. In at least two cases, the authorities failed to comply with the requirements to seek the free, prior, and informed consent of Indigenous peoples regarding projects that led to their evictions from their ancestral lands.⁹²

As of January 2021, more than 35,000 people from over 2,300 families had been forcibly evicted from their homes in Kiryandongo, western Uganda, by Ugandan security forces to make way for the industrial farming

⁸³ Amnesty International, *Uganda: Enable Sexual Minorities Uganda to operate and protect LGBTI rights* (Index: AFR 59/5951/2022) 29 August 2022, [amnesty.org/en/documents/afr59/5951/2022/en/](https://www.amnesty.org/en/documents/afr59/5951/2022/en/)

⁸⁴ Amnesty International, *Annual Report: Uganda 2020/21* (previously cited) p. 372.

⁸⁵ Amnesty International, “Uganda: Parliament must reject bill imposing death penalty for gay sex”, 11 October 2019, [amnesty.org/en/latest/news/2019/10/uganda-parliament-must-reject-bill-imposing-death-penalty-for-gay-sex-2/](https://www.amnesty.org/en/latest/news/2019/10/uganda-parliament-must-reject-bill-imposing-death-penalty-for-gay-sex-2/)

⁸⁶ Amnesty International, “Uganda: Minister’s remarks against LGBTI people amount to advocacy of hatred”, 8 August 2016, [amnesty.org/en/latest/press-release/2016/08/uganda-minister-remarks-against-lgbti-people-amount-to-advocacy-of-hatred-1/](https://www.amnesty.org/en/latest/press-release/2016/08/uganda-minister-remarks-against-lgbti-people-amount-to-advocacy-of-hatred-1/)

⁸⁷ Amnesty International, Uganda: Parliament must reject bill imposing death penalty for gay sex, 11 October 2019, [amnesty.org/en/latest/press-release/2019/10/uganda-parliament-must-reject-bill-imposing-death-penalty-for-gay-sex/](https://www.amnesty.org/en/latest/press-release/2019/10/uganda-parliament-must-reject-bill-imposing-death-penalty-for-gay-sex/)

⁸⁸ Amnesty International, *Annual Report: Uganda 2016/17* (previously cited), p. 374.

⁸⁹ Amnesty International, *Annual Report: Uganda 2016/17* (previously cited), p. 374.

⁹⁰ Amnesty International, *Annual Report: Uganda 2015/16* (previously cited), p. 377.

⁹¹ High Court of Uganda at Kampala (Civil Division), *Muhindo James & Others vs Attorney General*, Miscellaneous cause No.127 of 2016, January 2019, old.ulii.org/ug/judgment/hc-civil-division-uganda/2019/3-0

⁹² Cases of Batwa and Benet Indigenous people is discussed further in the report.

projects.⁹³ In March 2023, the state stated that it had allocated UGX 200 million in the 2023/2024 financial budget to resettle those who were displaced by the forced evictions.⁹⁴

In August 2021, Uganda's Constitutional Court found that the Uganda Wildlife Authority (UWA) had illegally evicted the Batwa Indigenous people from their ancestral land in the Mgahinga forest in the south-west. The court ruled that the Batwa people owned the whole or part of the area on which the forest is located "in accordance with their customs and/or practices" and the fact that they had inhabited the forest for many generations. It directed that the evicted Batwa people should be given appropriate compensation to improve their situation following evictions, saying that the government had not adequately compensated them, and had left them a "landless, destitute... disadvantaged and marginalized people."⁹⁵

Between March and May 2018, hundreds of people in Oyanga, Luru, Acholi Ber and Gaji villages in Apaa area, northern Uganda, were left homeless after forced evictions by members of the UPDF. The soldiers burnt down more than 250 homes, destroyed property, and beat up villagers. The forced evictions were carried out at the behest of the UWA and the National Forestry Authority (NFA) who alleged that the villagers are occupying Zoka Forest reserve and East Madi Game Reserve.⁹⁶ The forced evictions were in contravention of an injunction issued by Gulu High Court in February 2012 instructing UWA and its agents to stop "further eviction, destruction, confiscation or conversion and/or interfering with the land rights, occupation and uses of land belonging to the [local communities] in the areas of Pabbo and Apaa in Amuru district, pending the determination of the main suit." Despite this, UWA rangers continued to attack and forcibly evict the communities. They also blocked the communities from rebuilding the destroyed homes following the violent forced evictions.⁹⁷

Uganda's Indigenous Benet people continue to languish in deplorable conditions in ramshackle resettlement camps, with little access to water, sanitation and healthcare, 15 years after being violently evicted from their ancestral forest lands in Mount Elgon, eastern Uganda. Forced evictions of this community of about 18,000 people have impacted their right to health, adequate housing, and education.⁹⁸

RIGHT TO TRUTH, JUSTICE AND REPARATION

In August 2023, the UN High Commissioner for Human Rights Volker Türk announced the closure of the country's OHCHR, the leading UN entity on human rights after the state did not renew its mandate. The UN Human Rights office in Uganda closed on 4 August 2023 after 18 years. The office had worked closely with civil society, rights-holders, and NGOs, as well as engaging with state institutions, for the promotion and protection of the human rights in the country.

AMNESTY INTERNATIONAL RECOMMENDS THAT THE ACHPR POSES THE FOLLOWING QUESTIONS TO UGANDA DURING THE REVIEW OF THE STATE PARTY REPORT:

1. What measures is the government taking to ensure that all victims of torture and other ill-treatment benefit from all forms of redress, including measures of restitution, compensation, rehabilitation, satisfaction and guarantees that these violations will not be repeated?
2. What measures is the government taking to guarantee the right to freedom of expression provided under Article 29 of the Constitution of Uganda, Article 9 of the African Charter on Human and Peoples' Rights and Article 19 of the International Covenant on Civil and Political Rights?

⁹³ Amnesty International, *Annual Report: Uganda 2020/21* (previously cited), p. 371.

⁹⁴ Ramathan Ggoobi, Permanent Secretary at the Ministry of Finance, letter to the Chief Administrative Officer, Kiryandongo Local Government, 2 March 2023, on file with Amnesty International.

⁹⁵ Amnesty International, *Annual Report: Uganda 2021/22* (previously cited), p. 379.

⁹⁶ Amnesty International, "Uganda: Hundreds left homeless by forced evictions", 15 May 2018, [amnesty.org/en/documents/afr59/8409/2018/en/](https://www.amnesty.org/en/documents/afr59/8409/2018/en/)

⁹⁷ Amnesty International, "Uganda: Further information: Apaa communities attacked, forcibly evicted" (Index: AFR 59/0262/2019), 20 April 2019, [amnesty.org/en/documents/afr59/0262/2019/en/](https://www.amnesty.org/en/documents/afr59/0262/2019/en/)

⁹⁸ Amnesty International, *Uganda: 13 Years in limbo: Forced evictions of the Benet in the name of conservation* (Index Number: AFR 59/4138/2021), 8 November 2021, [amnesty.org/en/documents/afr59/4138/2021/en/](https://www.amnesty.org/en/documents/afr59/4138/2021/en/)

3. What measures is the government taking to ensure that everyone is able to enjoy their human rights including an equal rights to freedom of expression, peaceful assembly and association? This includes the freedom to engage in political rallies, regardless of their political affiliation.
4. What measures is the government taking to investigate the allegations of attacks against HRDs, civil society actors, bloggers, journalists, political activists, and others before, during and after the last two presidential elections and hold those suspected to be responsible to account in fair trials and to provide access to justice and effective remedies to victims?
5. What measures is the government taking to ensure effective implementation of Resolution 275 of the ACHPR⁹⁹, and in particular to end “acts violence and abuse, whether committed by State or non-state actors, including by enacting and effectively applying appropriate laws prohibiting and punishing all forms of violence including those targeting persons on the basis of their imputed or real sexual orientation or gender identities, ensuring proper investigation and diligent prosecution of perpetrators, and establishing judicial procedures responsive to the needs of victims”?
6. What plans are in place to recognize the Benet as Indigenous people and further recognize their right to their ancestral lands in Mount Elgon?
7. What measures is the government taking to ensure that all persons who are subject to forcible evictions have access to effective remedy and reparations, including restitution, rehabilitation, compensation, satisfaction and guarantees of non-repetition?
8. What measures is the government taking to enforce an explicit prohibition on forced evictions in all circumstances and in developing and adopting legislation establishing guidelines for evictions that comply with international human rights law and standards, including requirements to ensure:
 9. evictions and displacements are minimized by first seeking alternatives:
 10. evictions can only take place in 'exceptional circumstances';
 11. in cases of the 'exceptional circumstances,' there are operational procedures to be followed by both state and non-state actors at each stage of the eviction process – before, during and after – in compliance with international human rights standards?
12. What measures is the government taking to engage with Indigenous peoples as partners in wildlife conservation by, for instance, consulting with them to develop protocols for co-management of conservation areas and adhere to human rights standards in promoting and ensuring the protection, development, and effective management of wildlife resources of the country?
13. What plans are there in place to make public the report on the findings of the Commission of Inquiry into Land Matters and ensure meaningful public participation and observance of the rule of law while analysing and proposing changes in the land systems and laws?
14. What measures is the government taking to ensure that court rulings are fully and effectively implemented and those government agencies failing to do so are held to account?
15. What measures is the government taking to strengthen the Uganda Human Rights Commission so that it may more effectively execute its human rights oversight in Uganda?
16. What measures is the government taking to ensure that international Organisations and NGOs have a safe environment to work in?

⁹⁹ ACHPR, Resolution on Protection against Violence and other Human Rights Violations against Persons on the basis of their real or imputed Sexual Orientation or Gender Identity, adopted on 12 May 2014, ACHPR/Res.275(LV)2014.

**AMNESTY INTERNATIONAL
IS A GLOBAL MOVEMENT
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TO ONE PERSON, IT
MATTERS TO US ALL.**

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SUBMISSION TO THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS 77TH ORDINARY SESSION

20 OCTOBER – 9 NOVEMBER

This submission contains background information in advance of Uganda's periodic report at the 77th Ordinary Session of the African Commission on Human and Peoples' Rights (ACHPR) to be held in Arusha, Tanzania from 20 October to 9 November 2023. Amnesty International welcomes Uganda's submission of its periodic report on the implementation status of the African Charter on Human and Peoples' Rights (African Charter) covering the period 2013-2022.

This shadow report outlines several issues of concern relating to Uganda's implementation of the Concluding Observations and Recommendations made by the ACHPR in 2015 following its review of the State's 5th Periodic Report. Amnesty International's report focuses on ongoing key concerns regarding the human rights situation in Uganda, including authorities' use of preventive detention and criminal charges to deter criticism, criminalizing protest without legal basis, and attacks against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons.