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Uganda 2020

The authorities continued to restrict the rights to freedom of expression, peaceful assembly and association. Security forces used excessive and unnecessary lethal force and killed at least 66 people. Courts made several rulings which promised to protect human rights. The authorities continued to carry out forced evictions, including against Indigenous Peoples. Refugees and asylum-seekers were left stranded and in need of humanitarian aid when borders were closed in March to contain the spread of COVID-19.

Background

On 22 March, President Yoweri Museveni issued directives which included lockdown measures to halt the spread of COVID-19. In July, after 34 years as President, he confirmed he would stand for re-election in the January 2021 general elections.

Excessive use of force

Security forces, including police, military and members of the armed civilian defence force – the Local Defence Unit (LDU) – used excessive, unnecessary, and in some cases lethal force while enforcing physical distancing and other measures introduced to contain the spread of COVID-19.

On 30 March, the Chief of Defence Forces publicly apologized to a group of women who were subjected to excessive force by security agents – mostly LDU members – and said the military would hold those responsible to account but did not specify how. Several videos had emerged showing security agents beating the women who were selling fruit in Kampala, for allegedly violating the COVID-19 measures.

Unlawful killings

Security forces unlawfully killed at least 66 people in the period from March onwards, at least 12 of whom were killed for violating lockdown measures.

Since electoral campaigns began on 9 November, 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. On 18 and 19 November, 54 people were killed in protests that followed the arrest of opposition presidential candidate and popular musician, Robert Kyagulanyi (also known as Bobi Wine) while campaigning in eastern Uganda.

Torture and other ill-treatment

Kakwenza Rukirabashaija, an activist from the eastern town of Iganga, said he had been tortured in Mbuya Military Barracks, Kampala, in April. He was arrested in April and again in September by military police. On the first occasion, he was held for 23 days on trumped-up charges of defamation and cyber-related crimes before being charged with “committing negligent acts likely to spread infectious diseases” and released on police bond. In September, he was released on bond after three days, after being charged with inciting violence and promoting sectarianism. Both arrests were connected to books he had written which criticized the President and his family and the authorities.

On 19 April, the authorities arrested Francis Zaake, an opposition MP. On 29 April, he was released on police bond after being charged with disobeying the COVID-19 presidential directives, when he distributed food to needy families during lockdown. On 4 May, he appeared with his face swollen in a video from Lubaga Hospital in Kampala. He said he had been tortured over several days in various detention facilities.

Freedoms of expression, assembly and association

Political opposition members and activists, journalists and others were arrested, detained and faced prosecution for exercising their rights to freedom of peaceful assembly, expression and association.

In January, police arrested and charged five protesters, including Robert Kyagulanyi for violating the Public Order Management Act (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. During the arrests, police fired tear gas to disperse the demonstrators. On 10 September, the Buganda Road Chief Magistrate Court in Kampala suspended proceedings against the five protesters, stating that the Court lacked powers to interpret such a case and deferred it to the Constitutional Court. In March, the Constitutional Court cancelled the provisions under the POMA which gave police excessive powers to prohibit public gatherings and protests.

In February, the Kampala High Court ordered the release of Stella Nyanzi, an activist and academic, on the basis that she had been wrongfully convicted of harassing the President online, and that her human rights had been violated. She was released on 20 February, just days before she was due to complete the 18-month prison sentence she had been handed following her conviction. By the end of the year, she had been arrested and released at least three more times for organizing peaceful assemblies in protest at the government’s COVID-19 restrictions.

In June, 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, thereby banning public political gatherings. These regulations were applied more stringently against opposition candidates. In September, the Uganda Communications Commission ordered all online data communication and broadcast service providers to obtain licences before posting information on the internet.

On 27 July, 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.

On 10 December, the Media Council of Uganda cancelled the accreditation of all foreign journalists. All media outlets and media workers in Uganda were forced to apply afresh for accreditation before 31 December.

On 26 December, the Electoral Commission of Uganda 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.

Forced evictions

Between February and August, the authorities forcibly evicted over 35,000 Maragoli Indigenous people from their homes in Kiryandongo district in the west to pave way for industrial farming.

The authorities 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. 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.

In August, the Permanent Secretary in the Ministry of Lands, Housing and Urban Development announced that the cabinet had directed the Ministry to allocate 82.5km² of land in the Mount Elgon National Park in the east of the country to the Indigenous Benet people. Since 1983, the Benet have suffered multiple forced evictions by various authorities, including the National Forestry Authority and the Uganda Wildlife Authority. These evictions, along with other housing rights violations over a 12-year period, have left at least 178 families living in internally displaced people’s camps.

Human rights defenders

On 11 June, the High Court in Kampala ordered Makerere University to pay damages of UGX120 million (US\$32,600) to Stella Nyanzi for her wrongful dismissal from her research post in 2018 and ordered that she be reinstated.

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

On 4 September, 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. 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.

On 22 December, the authorities arrested Nicholas Opiyo, the Executive Director of Chapter Four Uganda, a human rights organization, along with four others he was meeting and placed them in incommunicado detention overnight at the Special Investigations Unit of the police in Kireka, Kampala. On 23 December, the authorities released all the men except Nicholas Opiyo on police bond. Nicholas Opiyo was held on fabricated charges of money laundering until the High Court released him on bail of UGX15 million (around US\$4,050) on 30 December.

Rights of lesbian, gay, bisexual, transgender and intersex (LGBTI) people

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, 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 anti-retroviral medications. They were released on 18 May, and in June the High Court awarded each of them compensation of UGX5 million (US\$1,360) for being arbitrarily detained by the police for 50 days.

Refugees and asylum-seekers

Uganda was host to around 1,430,000 refugees and asylum-seekers at the end of the year.

On 20 March, the government closed country borders in response to the COVID-19 pandemic, as conflict in eastern Democratic Republic of the Congo (DRC) drove over 10,000 refugees seeking entry to Uganda to camp near the border. On 1 July, Uganda temporarily opened the border in Zombo district in the north, to allow refugees from the DRC to enter.

The border with South Sudan remained closed, leaving hundreds of people displaced by conflict between government forces and armed groups in South Sudan’s Central Equatoria state without access to humanitarian aid or protection. They lived in makeshift camps and were in urgent need of adequate shelter, food, medical care and clean water.

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