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Human Rights in Africa: Review of 2019 - Uganda [AFR 01/1352/2020]

The government continued to target political dissidents subjecting them to intimidation, harassment and arbitrary arrest and detention. Restrictions on the rights to freedom of expression, association and peaceful assembly of political opposition members, journalists, human rights defenders and students. Violations of the right to housing, and the use of forced evictions were prevalent in many districts. Killings, violence and discrimination based on sexual orientation or gender identity was widespread. A minister threatened to re-introduce the “homosexuality bill” which would impose the death penalty in some cases of same-sex sexual activity.

Right to housing and forced evictions

In January, the High Court in Kampala, the capital, found that the government’s failure to enact a comprehensive legal framework and procedures to protect those facing eviction was a breach of the rights to life, dignity, and property under the Ugandan Constitution. Between January and April, Uganda Wildlife Authority (UWA) rangers carried out forced evictions of communities in the northern Apaa area. They burned homes, looted property and attacked community members. Hundreds of people were left homeless and many more were still at risk of forced eviction. The attacks took place despite the presence of the Uganda People’s Defence Forces (UPDF) who were deployed to the area in February, to protect the communities.

Hundreds of Indigenous Benet peoples living in villages next to Mount Elgon National Park in the east, who were evicted from their ancestral land on numerous occasions between 1983 and 2008, claimed that they were continuously subjected to torture, including rape, as well as arbitrary arrests and killings by UWA officers after being left vulnerable because of the forced evictions and delayed compensation or resettlement. They were also denied other human rights including rights to food, housing, education, access to health, work, and to personal security because of UWA preventing them from accessing resources in the forest and the lack of compensation and resettlement.

Further forced evictions took place in other areas including the Hoima and Mubende districts in the Western and Central regions respectively.

Freedoms of expression, association and assembly

In May, the Uganda Communications Commission (UCC) (a government body) issued a decision which ordered the suspension of news editors, producers and heads of programming in 13 independent radio and TV stations, on accusations of “incitement” and “misrepresentation of information”. The suspensions came after stations covered a story about the arbitrary arrest of Bobi Wine, a musician and opposition politician, whose real name is Robert Kyagulanyi. He was arrested on 29 April and detained for three days when he was travelling to the Criminal Investigation Directorate (CID), where he had been summoned over accusations that he organized anti-government street protests in Kampala in 2018, against steps to tax social media use. The UCC ordered media outlets that covered Bobi Wine’s arrest to submit to its office the live recordings as well as news bulletins within three days. Five days before the arrest, the police had placed Bobi Wine under house arrest, preventing him from holding a concert on grounds that it would be a risk to public safety under the 2013 Public Order Management Act. In August, authorities charged him with “intent to alarm, annoy or ridicule the President” in connection with an event in August 2018 when opposition members allegedly stoned the President’s convoy during political campaigns for a parliamentary seat by-election in Arua municipality in the northern region of Uganda. The High Court had not ruled on the case by the end of the year.

The authorities continued to use the Computer Misuse Act 2011 to harass, intimidate and stifle government critics. In August, Stella Nyanzi, a feminist academic who had been arrested and held since November 2018 in Luzira prison, was sentenced to 18 months in prison on charges under the Act, after being convicted of cyber harassment for criticizing the President on Facebook. Prior to her detention in 2018, she had faced repeated harassment, arbitrary arrests and detention.

Between October and November, security forces, including the police and the UPDF, cracked down on Makerere University students in Kampala for protesting an “illogical” increase in state school fees. They used excessive force to disperse the students, and journalists covering the protests, arresting and detaining more than 30 who were held for days without charge.

In October, the Inspector General of Police, cancelled a concert organized by Bobi Wine, which was to take place in Kampala, on grounds that the police were unable to provide adequate security at the concert because they were assigned to the national Independence Day celebrations.

In December, police prevented Kizza Besigye, leader of the Forum for Democratic Change (FDC), the main opposition party, from leading an anti-corruption march which coincided with a presidential event. The police arrested him and prevented the FDC from holding a press conference in Kampala. He was released without charge the same day.

Arbitrary arrests and detention

Dozens of people, including opposition leaders and supporters, activists, journalists and students reported that they were arbitrarily detained during peaceful protests or for criticizing the government. Many were subjected to prolonged detention without charge.

On 9 January, Stella Nyanzi told a High Court judge that she suffered a miscarriage in jail. She had been on remand at Luzira Prison.

Several FDC supporters were arrested on 4 November and released without charge several hours later. In one incident, in Kampala, the police used a water cannon to force Kizza Besigye from his car before arresting him for defying police orders after he had failed to obey a summons to report to police at the Mandela National Stadium; and for failure to comply with the Public Order Management Act. Several journalists were arrested the same day, for attending a protest in Kampala against unfair treatment of the press by security forces, particularly in connection with the Makerere University incident (see above). They were released a few hours later.

Human rights defenders

Community organizations and human rights defenders who confronted extractive industries or opposed mining activities that damaged the environment or violated human rights, increasingly faced restrictions on their right to freedom of peaceful assembly, association and expression. The government intimidated them including by threatening them with closure of their organizations. Human rights defenders in regions like Albertine, on the Western region said they continued to suffer harassment, intimidation and arbitrary arrest at the hands of the authorities.

In April, police officers assaulted Nana Namata Annette (also known as Nana Mwafrika Mbarikiwa) after she went to the Naguru police headquarters to protest the use of excessive force by police officers to disperse FDC rallies. She was hospitalized because of the assault and, in July, she told journalists that she had a hysterectomy due to excessive bleeding during childbirth, caused by injuries sustained during the attack.

Women human rights defenders faced harassment and arrest for their work to defend vulnerable groups, like children and women, against land grabs by local authorities. In October, Nana Namata Annette was arrested at a peaceful protest that she organized in Kampala against police brutality and human rights violations and abuses.

In December, Jelousy Mugisha was arbitrarily detained by immigration officers at Entebbe Airport and interrogated before being released without charge more than nine hours later. He was returning from Paris where he had testified in a case at the First Instance Court (Tribunal de Grande Instance) against French oil company, Total, for undermining human rights and causing environmental damage resulting from its operations in Uganda. He was questioned about his involvement in the hearing.

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

In May, police acting on orders from the Minister of Ethics and Integrity raided and stopped an event organized by NGOs, Chapter Four Uganda and Sexual Minorities Uganda, to commemorate the International Day Against Homophobia and Transphobia.

Between July and October four LGBTI people were killed in the wake of heightened anti-LGBTI sentiments being expressed by political leaders.

Those killed included Brian Wassa, a gay paralegal who died on 5 October of a brain hemorrhage as a result of head injuries from an attack by unknown assailants the previous day at his home in Jinja town in the Eastern region. Uganda investigative authorities have not publicly commented on the killing. A transwoman from Gomba district, and a gay man from Kayunga district (both in the Central region) were also killed in attacks by unidentified assailants.

In October, the police arrested 16 LGBTI activists and subjected them to forced anal examinations after the Ethics and Integrity Minister announced plans to introduce the death penalty for consensual same-sex sexual activity which is already punishable by life imprisonment.

In November, the police charged 67 out of 125 people, arrested at a bar popular with LGBTI people, with “common nuisance”, punishable by imprisonment of up to one year. Their court case was ongoing at the end of the year, and they were required to report to the police each week for their bail conditions to be reviewed.

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