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**Uganda's Compliance with the Convention Against Torture:
Alternative Report Relating to the Death Penalty**

Submitted by The Advocates for Human Rights

a non-governmental organization in special consultative status with ECOSOC since 1996

The World Coalition Against the Death Penalty

and

Foundation for Human Rights Initiative

**for the 75th Session of the Committee Against Torture
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The Advocates for Human Rights (The Advocates) is a volunteer-based nongovernmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. Established in 1983, The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publications. In 1991, The Advocates adopted a formal commitment to oppose the death penalty worldwide and organized a death penalty project to provide pro bono assistance on post-conviction appeals, as well as education and advocacy to end capital punishment. The Advocates currently holds a seat on the Steering Committee of the World Coalition against the Death Penalty.

The World Coalition Against the Death Penalty is a volunteer-based non-government organization committed to strengthen the international dimension of the fight against the death penalty. Established in 2002, its ultimate objective is to obtain the universal abolition of the death penalty. To achieve its goal, the World Coalition advocates for a definitive end to death sentences and executions in those countries where the death penalty is in force. In some countries, it is seeking to obtain a reduction in the use of capital punishment as a first step towards abolition.

The **Foundation for Human Rights Initiative (FHRI)** is an independent, non-governmental, non-partisan and not-for-profit human rights advocacy organisation, registered in Uganda under the Non-Governmental Organizations Act, 2016. FHRI Vision is a society based on a human rights and civic culture as a foundation for peace, stability, democracy, social justice and sustainable development. FHRI's Mission is to promote respect and observance of human rights practices and civic values, enhance best practices through training, education, research, advocacy, ICTs, and strategic partnership. The organisation has Observer Status with the African Commission on Human and Peoples' Rights, is a member of the World Coalition Against the Death Penalty (Paris) and is affiliated to the International Federation of Human Rights Defenders, (FIDH) in Paris,

France. It is a membership organisation with a total of 1,515 members. FHRI commands a 29-year experience and expertise in human rights activism in Uganda. FHRI has been at the forefront in monitoring and documenting human rights violations, publication of periodic human rights reports, legal aid service provision to victims of human rights abuse; reporting before regional human rights treaty bodies, the judiciary, parliament, police and prisons; actively campaigns for the abolition of the death penalty including carrying out programmes that promote citizen participation and state accountability. Currently, it is spearheading five campaigns namely; *My Rights, My Power, Access to Justice, Rights and Rule of Law, Freedom from Pre-trial detention and the Campaign against the death penalty in Uganda*. FHRI is located at the Human Rights House, Plot 1853, John Kiyingi Road, Nsambya, Kampala Uganda.

EXECUTIVE SUMMARY

1. This report addresses Uganda's compliance with its international human rights obligations with respect to the death penalty and torture. The report examines the current state of the death penalty in Uganda, as well as violations of the right to habeas corpus and the right to be free from torture and ill-treatment in Ugandan prisons, as well as detention conditions and counterterrorism policies.

Uganda fails to uphold its obligations under the Convention against Torture.

2. Uganda has ratified the International Covenant on Civil and Political Rights and the Convention against Torture but has ratified neither the Second Optional Protocol to the ICCPR nor the Optional Protocol to the Convention against Torture.¹
3. In 2003, the Foundation for Human Rights Initiative filed a petition on behalf of all individuals on death row challenging the constitutionality of the death penalty in Uganda.² The petition argued that the death penalty constituted cruel, inhuman, and degrading treatment or punishment.³ The following decision, called the *Kigula* decision, did not result in abolition of the death penalty, but it did result in the abolition of the mandatory death penalty, as well as a significant reduction in the number of death sentences handed down.⁴
4. There were no recorded death sentences in 2017, 5 recorded death sentences in 2018, two in 2019, and none in 2020; in 2021, a Ugandan Court Martial sitting in Mogadishu sentenced two people to death for unlawfully killing Somali civilians during military operations carried out by the African Union Mission in Somalia.⁵
5. The last civilian execution occurred in 1999⁶ and the last military execution occurred in 2005.⁷ On January 19, 2018, President Museveni announced that the country could resume

¹ U.N. Human Rights Treaty bodies, *Ratification Status of Uganda*, Also available online at: https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/countries.aspx?CountryCode=UGA&Lang=EN.

² Parliamentarians for Global Action, *Situation of the Death Penalty in Uganda – Impact of the death penalty, relevant national and international legal frameworks*, 4. Available online at <https://www.pgaction.org/pdf/2015-10-07-Sewanyana.pdf>.

³ Parliamentarians for Global Action, *Situation of the Death Penalty in Uganda – Impact of the death penalty, relevant national and international legal frameworks*, 4. Available online at <https://www.pgaction.org/pdf/2015-10-07-Sewanyana.pdf>.

⁴ Parliamentarians for Global Action, *Situation of the Death Penalty in Uganda – Impact of the death penalty, relevant national and international legal frameworks*, 4. Available online at <https://www.pgaction.org/pdf/2015-10-07-Sewanyana.pdf>.

⁵ Amnesty International, *Global Report: Death Sentences and Executions*, 2018. Also available online at <https://www.amnesty.org/download/Documents/ACT5098702019ENGLISH.PDF> Amnesty International *Global Report: Death Sentences and Executions* 2019. Also available online at <https://www.amnesty.org/en/latest/news/2020/04/death-penalty-in-2019-facts-and-figures/>; Amnesty International *Global Report: Death Sentences and Executions* 2020. Also available online at <https://www.amnesty.org/en/documents/act50/3760/2021/en/>; Amnesty International *Global Report: Death Sentences and Executions* 2021.

⁶ Human Rights Council. *Compilation prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21*, (Aug 29 2016), U.N. Doc. A/HRC/WG.6/26/UGA/2, ¶ 27.

⁷ Augustine Obura, *Situation of the Death Penalty in Uganda*, October 7, 2015. Also available at: <https://www.pgaction.org/pdf/2015-10-07-Obura.pdf>

executions.⁸ In December of 2020, Uganda voted against the General Assembly's Resolution on a Moratorium on the Use of the Death Penalty. Uganda has consistently rejected all recommendations in the Universal Periodic Review to abolish the death penalty.⁹

The Death Penalty

6. Uganda's Constitution articulates a qualified right to life, providing that "[n]o person shall be deprived of life intentionally except in execution of a sentence passed in a fair trial by a court of competent jurisdiction in respect of a criminal offense under the laws of Uganda and the conviction and sentence have been confirmed by the highest appellate court."¹⁰
7. Uganda has the highest number of capital offences (28) in East Africa,¹¹ and Ugandan law does not limit the death penalty to the most serious crimes. The following crimes are eligible for the death penalty under the Penal Code: crimes related to treason and offenses against the state¹²; rape¹³; aggravated defilement¹⁴; murder¹⁵; aggravated robbery¹⁶; smuggling while armed with a deadly weapon¹⁷; detention with sexual intent¹⁸; and kidnapping or detaining with intent to murder.¹⁹ There are also military offenses that are eligible for the death penalty, enumerated under the Ugandan Peoples' Defense Forces Act.²⁰ Additionally, the Anti-Terrorism Act provides for the death penalty for terrorist acts resulting in the death of any person.²¹
8. Currently, there are 145 individuals on death row in Uganda.²² In 2017, Uganda introduced a bill to impose the death penalty on LGBTQI+ conduct.²³ It also sought to criminalize anyone

⁸Museveni: *Uganda May Reintroduce Executions*, BBC News, January 19, 2018. Also available online at <https://www.bbc.com/news/world-africa-42746172>.

⁹ Cornell Center on the Death Penalty Worldwide. Uganda.
<https://deathpenaltyworldwide.org/database/#/results/country?id=82>

¹⁰ Constitution - Article 22, Section 1.

¹¹Museveni: *Uganda May Reintroduce Executions*, BBC News, January 19, 2018. Also available online at <https://www.bbc.com/news/world-africa-42746172>; Augustine Obura, *Situation of the Death Penalty in Uganda*, October 7, 2015. Also available online at: [2015-10-07-Obura.pdf](https://pgaction.org/2015-10-07-Obura.pdf) (pgaction.org)

¹² Section 23, Penal Code Act, Cap 120, Laws of Uganda (Offenses against the state include, "compelling by force or constraining the government to change its measures or counsels or to intimidate the parliament, or instigating any person to invade Uganda with an armed force, adversely attempting to incite any person to commit an act of mutiny or treacherous act; incite any person to make a mutinous assembly").

¹³ Section 124, Penal Code Act, Cap 120, Laws of Uganda.

¹⁴ Section 129, Penal Code Act, Cap 120, Laws of Uganda.

¹⁵ Section 188, Penal Code Act, Cap 120, Laws of Uganda.

¹⁶ Section 286(2), Penal Code Act, Cap 120, Laws of Uganda.

¹⁷ Section 319(2), Penal Code Act, Cap 120, Laws of Uganda.

¹⁸ Section 134, Penal Code Act, Cap 120, Laws of Uganda.

¹⁹ Section 243, Penal Code Act, Cap 120, Laws of Uganda.

²⁰ Uganda Peoples' Defence Forces Act, 2005, Cap 307, Laws of Uganda.

²¹ Anti-Terrorism Act of 2002, as amended by Act 12 of 2015.

²² World Coalition Against the Death Penalty, Joint Statement for the 71st Ordinary Session of the African Commission (Jun. 9, 2022), <https://worldcoalition.org/pays/uganda/>.

²³ Nita Balla, *Uganda plans bill imposing death penalty for gay sex*, REUTERS (Oct. 10, 2019), <https://www.reuters.com/article/us-uganda-lgbt-rights/uganda-plans-bill-imposing-death-penalty-for-gay-sex-idUSKBN1WP1GN>.

who “promotes” or “recruits” LGBTQI+ individuals.²⁴ This proposed law caused hundreds of LGBTQI+ Ugandans to flee the country.²⁵ There is concern that legislation of this nature could lead to torture and inhuman and degrading treatment targeting LGBTQI+ individuals within Uganda.

Habeas Corpus (List of Issues, paragraph 7)

9. In its previous Concluding Observations, the Committee against Torture expressed concern at the reported limited accessibility and effectiveness of habeas corpus.²⁶ Therefore, in its 2010 List of Issues, the Committee asked Uganda to provide information on measures it has taken to ensure that persons deprived of their liberty can access their right to apply for a writ of habeas corpus, including data on habeas corpus applications filed before courts in Uganda and their results.²⁷
10. In its State Party Report, Uganda stated that Article 23(9) of the Ugandan Constitution provides that the right to habeas corpus is inviolable, and that habeas corpus shall not be suspended.²⁸ Article 44(d) of the Ugandan Constitution prohibits derogation from the right to obtain an order of habeas corpus.²⁹ Uganda similarly alleged that “all detentions are therefore subject to the right to an order of habeas corpus.”³⁰ Uganda did not disclose the number of habeas corpus applications filed before Ugandan courts, nor did it directly explain whether the right to habeas corpus is respected in practice.
11. The right to habeas corpus was implicated in the wake of Uganda’s general election in January 2021. On Election Day (January 14), soldiers and law enforcement officers surrounded opposition leader Robert Kyagulanyi Ssentamu’s home.³¹ Military and law enforcement remained stationed outside Ssentamu’s home for over 24 hours and prevented Ssentamu and his wife from leaving their home.³² Ssentamu and his wife had no access to lawyers, family,

²⁴ Nita Balla, Uganda plans bill imposing death penalty for gay sex, REUTERS (Oct. 10, 2019), <https://www.reuters.com/article/us-uganda-lgbt-rights/uganda-plans-bill-imposing-death-penalty-for-gay-sex-idUSKBN1WP1GN>

²⁵ Nita Balla, Uganda plans bill imposing death penalty for gay sex, REUTERS (Oct. 10, 2019), <https://www.reuters.com/article/us-uganda-lgbt-rights/uganda-plans-bill-imposing-death-penalty-for-gay-sex-idUSKBN1WP1GN>.

²⁶ United Nations Committee against Torture, *List of issues prior to the submission of the second periodic report of Uganda* (June 30, 2020). U.N. Doc. CAT/C/UGA/Q/2, ¶ 7.

²⁷ United Nations Committee against Torture, *List of issues prior to the submission of the second periodic report of Uganda* (June 30, 2020). U.N. Doc. CAT/C/UGA/Q/2, ¶ 7.

²⁸ Committee against Torture, *Second periodic report submitted by Uganda under article 19 of the Convention, pursuant to the simplified reporting procedure, due in 2008*, (1 Feb. 2020), UN Doc. CAT/C/UGA/2, ¶ 57.

²⁹ Committee against Torture, *Second periodic report submitted by Uganda under article 19 of the Convention, pursuant to the simplified reporting procedure, due in 2008*, (1 Feb. 2020), UN Doc. CAT/C/UGA/2, ¶ 57.

³⁰ Committee against Torture, *Second periodic report submitted by Uganda under article 19 of the Convention, pursuant to the simplified reporting procedure, due in 2008*, (1 Feb. 2020), UN Doc. CAT/C/UGA/2, ¶ 57.

³¹ Carmel Rickard, Uganda’s Security Forces Wait 24 Hours Before Obeying Court Order to End Oppositions Leader’s House Arrest, African Lii (Jan. 28, 2021), <https://africanlii.org/article/20210128/uganda%E2%80%99s-security-forces-wait-24-hours-obeying-court-order-end-opposition-leader%E2%80%99s>.

³² Carmel Rickard, Uganda’s Security Forces Wait 24 Hours Before Obeying Court Order to End Oppositions Leader’s House Arrest, African Lii (Jan. 28, 2021), <https://africanlii.org/article/20210128/uganda%E2%80%99s-security-forces-wait-24-hours-obeying-court-order-end-opposition-leader%E2%80%99s>.

or doctors during this time and were effectively placed under house arrest.³³ The judge who tried the case found “the continued indefinite restriction and confinement of [Ssentamu] to his home...” to be “unlawful.”³⁴ After this judgment was delivered, however, it took another 24 hours for security forces to leave Ssentamu’s home and allow him and his wife to move about freely.³⁵ There is no information showing that Ssentamu was able to file an application for habeas corpus in the instance of his unlawful detention.

12. Other violations of the right to habeas corpus have also been reported in Uganda. Between January and June 2018, more than four writs of habeas corpus were issued against security agencies.³⁶ Reports demonstrated, however, that the agencies failed to produce the detained individuals or respond to three of these habeas applications.³⁷ Instead, the security officials charged the detained individuals in military courts.³⁸ The military courts did not allow the charged individuals access to lawyers, nor did they allow their families, or the media, to attend the court proceedings.³⁹ The Internal Security Organization ignored the fourth habeas application, and the applicant, Mr. Birungi, was detained for over 48 hours without any access to due process.⁴⁰ Similar to the illegal detention Ssentamu experienced, Mr. Birungi was held in an unofficial detention facility in violation of his judicial release order.⁴¹ In response to the

³³ Carmel Rickard, Uganda’s Security Forces Wait 24 Hours Before Obeying Court Order to End Oppositions Leader’s House Arrest, African Lii (Jan. 28, 2021), <https://africanlii.org/article/20210128/uganda%E2%80%99s-security-forces-wait-24-hours-obeying-court-order-end-opposition-leader%E2%80%99s>.

³⁴ Carmel Rickard, Uganda’s Security Forces Wait 24 Hours Before Obeying Court Order to End Oppositions Leader’s House Arrest, African Lii (Jan. 28, 2021), <https://africanlii.org/article/20210128/uganda%E2%80%99s-security-forces-wait-24-hours-obeying-court-order-end-opposition-leader%E2%80%99s>.

³⁵ Carmel Rickard, Uganda’s Security Forces Wait 24 Hours Before Obeying Court Order to End Oppositions Leader’s House Arrest, African Lii (Jan. 28, 2021), <https://africanlii.org/article/20210128/uganda%E2%80%99s-security-forces-wait-24-hours-obeying-court-order-end-opposition-leader%E2%80%99s>.

³⁶ Human Rights and Peace Centre at the Makerere University School of Law, *Human Rights Violations in Uganda: The Abuse of Civil and Political Rights in the Era of Kisanja Hakuna Mchezo* (Kampala: Human Rights and Peace Centre, 2019), 69. Available online at https://huripec.mak.ac.ug/wp-content/uploads/Docs/Publications/HURIPEC%20FINAL%20REPORT%20FEBRUARY%202019_2.pdf.

³⁷ Human Rights and Peace Centre at the Makerere University School of Law, *Human Rights Violations in Uganda: The Abuse of Civil and Political Rights in the Era of Kisanja Hakuna Mchezo* (Kampala: Human Rights and Peace Centre, 2019), 69. Available online at https://huripec.mak.ac.ug/wp-content/uploads/Docs/Publications/HURIPEC%20FINAL%20REPORT%20FEBRUARY%202019_2.pdf.

³⁸ Human Rights and Peace Centre at the Makerere University School of Law, *Human Rights Violations in Uganda: The Abuse of Civil and Political Rights in the Era of Kisanja Hakuna Mchezo* (Kampala: Human Rights and Peace Centre, 2019), 69. Available online at https://huripec.mak.ac.ug/wp-content/uploads/Docs/Publications/HURIPEC%20FINAL%20REPORT%20FEBRUARY%202019_2.pdf.

³⁹ Human Rights and Peace Centre at the Makerere University School of Law, *Human Rights Violations in Uganda: The Abuse of Civil and Political Rights in the Era of Kisanja Hakuna Mchezo* (Kampala: Human Rights and Peace Centre, 2019), 69. Available online at https://huripec.mak.ac.ug/wp-content/uploads/Docs/Publications/HURIPEC%20FINAL%20REPORT%20FEBRUARY%202019_2.pdf.

⁴⁰ Human Rights and Peace Centre at the Makerere University School of Law, *Human Rights Violations in Uganda: The Abuse of Civil and Political Rights in the Era of Kisanja Hakuna Mchezo* (Kampala: Human Rights and Peace Centre, 2019), 69. Available online at https://huripec.mak.ac.ug/wp-content/uploads/Docs/Publications/HURIPEC%20FINAL%20REPORT%20FEBRUARY%202019_2.pdf.

⁴¹ Human Rights and Peace Centre at the Makerere University School of Law, *Human Rights Violations in Uganda: The Abuse of Civil and Political Rights in the Era of Kisanja Hakuna Mchezo* (Kampala: Human Rights and Peace Centre, 2019), 69. Available online at https://huripec.mak.ac.ug/wp-content/uploads/Docs/Publications/HURIPEC%20FINAL%20REPORT%20FEBRUARY%202019_2.pdf.

due process violations, Ugandan officials stated that they had no control over military proceedings and processes.⁴²

Unauthorized Detention (List of Issues, paragraph 8)

13. In its 2010 List of Issues Prior to Reporting, the Committee asked Uganda to provide information on steps it has taken to abolish the use of “ungazetted” places of detention, including “safe houses,” and to immediately provide information on all such places of detention, especially in light of complaints the Uganda Human Rights Commission received in 2009 on alleged cases of torture and other cruel, inhuman or degrading treatment or punishment in such illegal places of detention.⁴³ The Committee also asked Uganda to provide information on steps it has taken to close the ungazetted detention center of the Joint Anti-Terrorist Taskforce.⁴⁴
14. In its State Party Report, Uganda responded to the Committee’s concern as follows: “The Government of Uganda does not have or use ungazetted and unauthorized places of detention. All persons arrested are detained in gazetted places of detention.”⁴⁵
15. Despite Uganda’s claims that it does not maintain unauthorized detention facilities, reports indicate that between April 2019 and November 2021, security officials took dozens of individuals from their workplaces, homes, or on the streets and forced them at gunpoint into unmarked vehicles, known as “drones.”⁴⁶ Security forces then detained these individuals in a variety of unauthorized locations in “safehouses,” which are makeshift detention centers that the Internal Security Organization runs.⁴⁷ In 2019, Internal Security Organization officials arbitrarily detained more than 400 people.⁴⁸
16. Individuals formerly detained in unauthorized “safehouses” have reported being denied access to counsel, and being tortured, beaten, shackled, and sexually assaulted.⁴⁹ Most of the unauthorized detentions were perpetrated against alleged protestors, individuals accused of assassination attempts of high-profile government officials, and others generally accused of

⁴² Human Rights and Peace Centre at the Makerere University School of Law, *Human Rights Violations in Uganda: The Abuse of Civil and Political Rights in the Era of Kisanja Hakuna Mchezo* (Kampala: Human Rights and Peace Centre, 2019), 69. Available online at https://huripec.mak.ac.ug/wp-content/uploads/Docs/Publications/HURIPEC%20FINAL%20REPORT%20FEBRUARY%202019_2.pdf.

⁴³ United Nations Committee against Torture, *List of issues prior to the submission of the second periodic report of Uganda* (June 30, 2020). U.N. Doc. CAT/C/UGA/Q/2, ¶ 8.

⁴⁴ United Nations Committee against Torture, *List of issues prior to the submission of the second periodic report of Uganda* (June 30, 2020). U.N. Doc. CAT/C/UGA/Q/2, ¶ 8.

⁴⁵ Committee against Torture, *Second periodic report submitted by Uganda under article 19 of the Convention, pursuant to the simplified reporting procedure, due in 2008*, (1 Feb. 2020), UN Doc. CAT/C/UGA/2, ¶ 66.

⁴⁶ Human Rights Watch, Uganda: Hundreds ‘Disappeared,’ Tortured (Mar. 22, 2022), <https://www.hrw.org/news/2022/03/22/uganda-hundreds-disappeared-tortured>.

⁴⁷ Human Rights Watch, Uganda: Hundreds ‘Disappeared,’ Tortured (Mar. 22, 2022), <https://www.hrw.org/news/2022/03/22/uganda-hundreds-disappeared-tortured>.

⁴⁸ Human Rights Watch, Uganda: Hundreds ‘Disappeared,’ Tortured (Mar. 22, 2022), <https://www.hrw.org/news/2022/03/22/uganda-hundreds-disappeared-tortured>.

⁴⁹ Human Rights Watch, Uganda: Hundreds ‘Disappeared,’ Tortured (Mar. 22, 2022), <https://www.hrw.org/news/2022/03/22/uganda-hundreds-disappeared-tortured>.

spying, collusion, and dissent against President Museveni.⁵⁰ Given the nature of these accusations, these individuals are at risk of being charged with capital offenses. Security officials frequently ignored court orders to release detainees or rearrested people who had been released on bail.⁵¹

17. The unauthorized detentions perpetrated by Ugandan security forces violate both Ugandan and international law.⁵² Uganda's 1995 Constitution requires detained individuals to be held in legally recognized detention facilities.⁵³ Further, Uganda's Prevention and Prohibition of Torture Act of 2012 and its Human Rights Enforcement Act of 2019 prohibit torture and stipulate that public officers who commit human rights violations should be held liable.⁵⁴ Uganda has contravened these laws by failing to hold any public officials accountable for their human rights violations. Uganda has also upheld these practices by failing to order relevant government agencies to investigate allegations of unauthorized detention and torture.⁵⁵

Torture and ill-treatment (List of Issues, paragraph 11)

18. In its 2010 List of Issues Prior to Reporting, the Committee asked Uganda to provide information on steps it has taken to put in place effective measures to prevent acts of torture and other forms of ill-treatment, including excessive use of force, committed by members of the Uganda Police Force (UPF), the Uganda Prisons Service (UPS) and the Uganda People's Defence Forces (UPDF).⁵⁶ The Committee asked Uganda to include information about effective penal sanctions and disciplinary systems used to prevent torture, in accordance with its obligations under the Convention.⁵⁷
19. In its State Party Report, Uganda stated that Article 24 of its Constitution prohibits torture, or cruel, inhuman, or degrading treatment or punishment and that Article 44 of the Constitution prohibits derogation from that right.⁵⁸ Uganda further defined torture and referenced its 2012 Prevention and Prohibition of Torture Act, which, it claims, prohibits derogation from the right to be free from torture.⁵⁹ Uganda stated that this Act "clarifies that a state of war or a threat of war, internal political instability, public emergency and an order from a superior officer or a

⁵⁰ Human Rights Watch, Uganda: Hundreds 'Disappeared,' Tortured (Mar. 22, 2022), <https://www.hrw.org/news/2022/03/22/uganda-hundreds-disappeared-tortured>.

⁵¹ Human Rights Watch, Uganda: Hundreds 'Disappeared,' Tortured (Mar. 22, 2022), <https://www.hrw.org/news/2022/03/22/uganda-hundreds-disappeared-tortured>.

⁵² Human Rights Watch, Uganda: Hundreds 'Disappeared,' Tortured (Mar. 22, 2022), <https://www.hrw.org/news/2022/03/22/uganda-hundreds-disappeared-tortured>.

⁵³ Human Rights Watch, Uganda: Hundreds 'Disappeared,' Tortured (Mar. 22, 2022), <https://www.hrw.org/news/2022/03/22/uganda-hundreds-disappeared-tortured>.

⁵⁴ Human Rights Watch, Uganda: Hundreds 'Disappeared,' Tortured (Mar. 22, 2022), <https://www.hrw.org/news/2022/03/22/uganda-hundreds-disappeared-tortured>.

⁵⁵ Human Rights Watch, Uganda: Hundreds 'Disappeared,' Tortured (Mar. 22, 2022), <https://www.hrw.org/news/2022/03/22/uganda-hundreds-disappeared-tortured>.

⁵⁶ United Nations Committee against Torture, *List of issues prior to the submission of the second periodic report of Uganda* (June 30, 2020). U.N. Doc. CAT/C/UGA/Q/2, ¶ 11.

⁵⁷ United Nations Committee against Torture, *List of issues prior to the submission of the second periodic report of Uganda* (June 30, 2020). U.N. Doc. CAT/C/UGA/Q/2, ¶ 11.

⁵⁸ Committee against Torture, *Second periodic report submitted by Uganda under article 19 of the Convention, pursuant to the simplified reporting procedure, due in 2008*, (1 Feb. 2020), UN Doc. CAT/C/UGA/2, ¶ 40.

⁵⁹ Committee against Torture, *Second periodic report submitted by Uganda under article 19 of the Convention, pursuant to the simplified reporting procedure, due in 2008*, (1 Feb. 2020), UN Doc. CAT/C/UGA/2, ¶ 41.

public authority shall not be a defence to a charge of torture.”⁶⁰ Uganda also referenced its 2017 Prevention and Prohibition of Torture Regulations which provide for a complaint and investigation procedure to report and investigate allegations of torture.⁶¹

20. The State Party Report also discusses elimination of impunity for alleged perpetrators of torture and ill-treatment. Uganda references the Prevention of Torture Regulations, which provides that any person who is convicted of an act of torture will be imprisoned for 15 years or fined 360 currency points or both.⁶² Uganda does not mention ongoing issues with impunity or measures taken to address impunity for torture.
21. The Constitution prohibits torture.⁶³ The Prevention and Prohibition of Torture Act of 2012 also penalizes torture with up to 15 years’ imprisonment, a monetary fine, or both. The penalty for conviction of aggravated torture is life imprisonment.
22. Despite Uganda’s formal legal commitments to eradicating torture, in practice, torture and ill-treatment are still widespread.⁶⁴ As recently as 2020, the African Centre for Treatment and Rehabilitation of Torture Victims (ACTV) reported having registered and supported 6,230 persons as survivors of torture between 2016 and 2020.⁶⁵ Security agencies are reportedly the main perpetrators of torture, with the Ugandan Police and Prison Services accounting for a combined 33% of registered cases of torture.⁶⁶
23. Authorities have targeted members of the political opposition with allegations of treason, a capital offense. In the run-up to Uganda’s 2021 elections, numerous human rights violations were reported, including arbitrary deprivation of life, arbitrary arrest and detention, and torture.⁶⁷ On March 4, 2021, Internal Affairs Minister Jeje Odongo presented a list to Parliament of 177 people in military detention who had been arrested between November 18, 2020, and February 8, 2021, allegedly for participating in riots, possession of military stores, and attending meetings to plan post-election violence.⁶⁸ On March 8, President Museveni said that 50 people were being held for “treasonable acts of elements of the opposition.”⁶⁹ Human

⁶⁰ Committee against Torture, *Second periodic report submitted by Uganda under article 19 of the Convention, pursuant to the simplified reporting procedure, due in 2008*, (1 Feb. 2020), UN Doc. CAT/C/UGA/2, ¶ 43.

⁶¹ Committee against Torture, *Second periodic report submitted by Uganda under article 19 of the Convention, pursuant to the simplified reporting procedure, due in 2008*, (1 Feb. 2020), UN Doc. CAT/C/UGA/2, ¶ 47.

⁶² Committee against Torture, *Second periodic report submitted by Uganda under article 19 of the Convention, pursuant to the simplified reporting procedure, due in 2008*, (1 Feb. 2020), UN Doc. CAT/C/UGA/2, ¶ 59.

⁶³ Constitution - Article 24 (“No person shall be subjected to any form of torture or cruel, inhuman or degrading treatment or punishment”).

⁶⁴ International Rehabilitation Council for Victims of Torture, UPR Briefing Note: Torture and ill-treatment in Uganda (2021). Also available online at https://irct.org/uploads/media/Briefing_note_Uganda_final.pdf.

⁶⁵ International Rehabilitation Council for Victims of Torture, UPR Briefing Note: Torture and ill-treatment in Uganda (2021). Also available online at https://irct.org/uploads/media/Briefing_note_Uganda_final.pdf.

⁶⁶ International Rehabilitation Council for Victims of Torture, UPR Briefing Note: Torture and ill-treatment in Uganda (2021). Also available online at https://irct.org/uploads/media/Briefing_note_Uganda_final.pdf.

⁶⁷ U.N. Office of the High Commissioner of Human Rights, Press Briefing Notes on Uganda, 8 January 2021. Also available at: <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=26645&LangID=E>.

⁶⁸ Human Rights Watch, *Uganda: End Enforced Disappearances of Opponents*, March 11, 2021 12:00AM EST. Also available online at: <https://www.hrw.org/news/2021/03/11/uganda-end-enforced-disappearances-opponents#>.

⁶⁹ Human Rights Watch, *Uganda: End Enforced Disappearances of Opponents*, March 11, 2021 12:00AM EST. Also available online at: <https://www.hrw.org/news/2021/03/11/uganda-end-enforced-disappearances-opponents#>. Human Rights Watch, *Uganda: End Enforced Disappearances of Opponents*, March 11, 2021 12:00AM EST. Also available online at: <https://www.hrw.org/news/2021/03/11/uganda-end-enforced-disappearances-opponents#>.

rights observers note reports of arbitrary arrests and torture of opposition members.⁷⁰ The National Unity Platform announced on March 5, 2021, that 423 members and supporters had been abducted and were still missing, and 41 members had been released.⁷¹

24. Impunity for perpetrators of torture persists. Few cases of torture have been investigated, and Uganda has not yet used the Prevention and Prohibition of Torture Act to pursue criminal prosecution of public officials.⁷² Uganda improved its torture-prevention legal framework in 2017 by developing regulations that provide guidelines on effective investigations and documentation of torture cases under the Prevention and Prohibition of Torture Act.⁷³ State agencies, however, have not used these regulations.⁷⁴ Investigations are often lacking, and even when officials do undertake investigations, they do not release their findings or hold perpetrators accountable.⁷⁵ Authorities often give judicial and political cover to officials who are implicated in human rights violations.⁷⁶
25. The Uganda Human Rights Commission (UHRC) frequently receives allegations of torture committed by security agencies, particularly in cases of lengthy pretrial detentions.⁷⁷ According to the U.S. State Department, “[h]uman rights organizations, opposition politicians, and local media reported that [in 2021] security agencies tortured suspects as well as dissidents to extract self-incriminating confessions.”⁷⁸ Authorities do not always carry out investigations into credible allegations of mistreatment.⁷⁹ Prolonged pretrial detention is the result of an under-resourced judiciary, inadequate police investigations, and the absence of a time limit for the detention of people awaiting trial.⁸⁰ The UHRC and Uganda Prisons Service (UPS)

⁷⁰ Human Rights Watch, *Uganda: End Enforced Disappearances of Opponents*, March 11, 2021 12:00AM EST. Also available online at: <https://www.hrw.org/news/2021/03/11/uganda-end-enforced-disappearances-opponents#>.

⁷¹ Human Rights Watch, *Uganda: End Enforced Disappearances of Opponents*, March 11, 2021 12:00AM EST. Also available online at: <https://www.hrw.org/news/2021/03/11/uganda-end-enforced-disappearances-opponents#>.

⁷² International Rehabilitation Council for Victims of Torture, UPR Briefing Note: Torture and ill-treatment in Uganda (2021). Also available online at https://irct.org/uploads/media/Briefing_note_Uganda_final.pdf.

⁷³ International Rehabilitation Council for Victims of Torture, UPR Briefing Note: Torture and ill-treatment in Uganda (2021). Also available online at https://irct.org/uploads/media/Briefing_note_Uganda_final.pdf.

⁷⁴ International Rehabilitation Council for Victims of Torture, UPR Briefing Note: Torture and ill-treatment in Uganda (2021). Also available online at https://irct.org/uploads/media/Briefing_note_Uganda_final.pdf.

⁷⁵ U.S. State Department, Uganda 2020 Human Rights Report. Also available online at: <https://www.state.gov/wp-content/uploads/2021/03/UGANDA-2020-HUMAN-RIGHTS-REPORT.pdf>.

⁷⁶ U.S. State Department, Uganda 2020 Human Rights Report. Also available online at: <https://www.state.gov/wp-content/uploads/2021/03/UGANDA-2020-HUMAN-RIGHTS-REPORT.pdf>.

⁷⁷ U.S. State Department, *2019 Country Reports on Human Rights Practices: Uganda*. Also available online at <https://www.state.gov/reports/2019-country-reports-on-human-rights-practices/uganda/>; see also Amnesty International, *Uganda 2020*. Also available online at <https://www.amnesty.org/en/countries/africa/uganda/report-uganda/>; see also Human Rights Watch, *Fresh Torture Accusations Leveled Against Uganda's Police*, May 14, 2017 11:00 P.M. EDT. Also available online at: <https://www.hrw.org/news/2017/05/15/fresh-torture-accusations-leveled-against-ugandas-police>.

⁷⁸ U.S. State Department, *2021 Country Reports on Human Rights Practices: Uganda*. Also available online at <https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/uganda/>.

⁷⁹ U.S. State Department, *2019 Country Reports on Human Rights Practices: Uganda*. Also available online at <https://www.state.gov/reports/2019-country-reports-on-human-rights-practices/uganda/>.

⁸⁰ U.S. State Department, *2019 Country Reports on Human Rights Practices: Uganda*. Also available online at <https://www.state.gov/reports/2019-country-reports-on-human-rights-practices/uganda/>.

reported that many suspects were being held for longer than eight months without arraignment, and that 48% of the country's inmates were in fact pretrial detainees.⁸¹

26. Opposition members and activists have made credible reports of torture.⁸² For instance, opposition member Ssentamu reported that Special Forces Command soldiers tortured him when the military detained him for 10 days.⁸³ Francis Zaake, an opposition Member of Parliament, has also given detailed descriptions of his torture by the Uganda Police Force (UPF).⁸⁴ Civil society organizations and opposition activists reported that security forces arrested, beat, and killed civilians as punishment for allegedly violating regulations related to the COVID-19 pandemic.⁸⁵

Gender-based violence and women sentenced to death (List of Issues, paragraph 17)

27. In its List of Issues Prior to Reporting, the Committee requested information about measures to combat domestic violence, including “progress toward enacting the draft Domestic Violence Bill and the Sexual Offences Bill.”⁸⁶ In the meantime, the Committee requested information about investigation, prosecution, and punishment of perpetrators of domestic violence and other forms of sexual violence or gender-based violence.⁸⁷
28. In its State Party Report, Uganda stated that it enacted the Domestic Violence Act of 2010 which criminalizes domestic violence and other harmful practices such as female genital mutilation.⁸⁸ Uganda also mentioned the Sexual and Gender Based Violence Policy of 2016 “aimed at promoting and sustaining community involvement in the prevention of Gender Based Violence.”⁸⁹ Further, Uganda noted that the National Male Involvement Strategy for the Prevention and Response to Gender Based Violence was passed in 2017 to recognize that “men are partners in prevention of the vice.”⁹⁰

⁸¹ U.S. State Department, *2019 Country Reports on Human Rights Practices: Uganda*. Also available online at <https://www.state.gov/reports/2019-country-reports-on-human-rights-practices/uganda/>.

⁸² Human Rights Watch, *World Report 2019, Uganda Events of 2018*. Also available online at <https://www.hrw.org/world-report/2019/country-chapters/uganda#9d0b87>.

⁸³ Human Rights Watch, *World Report 2019, Uganda Events of 2018*. Also available online at <https://www.hrw.org/world-report/2019/country-chapters/uganda#9d0b87>.

⁸⁴ U.S. State Department, *Uganda 2020 Human Rights Report*. Also available online at: <https://www.state.gov/wp-content/uploads/2021/03/UGANDA-2020-HUMAN-RIGHTS-REPORT.pdf>.

⁸⁵ U.S. State Department, *Uganda 2020 Human Rights Report*. Also available online at: <https://www.state.gov/wp-content/uploads/2021/03/UGANDA-2020-HUMAN-RIGHTS-REPORT.pdf>.

⁸⁶ United Nations Committee against Torture, *List of issues prior to the submission of the second periodic report of Uganda* (June 30, 2020). U.N. Doc. CAT/C/UGA/Q/2, ¶ 17.

⁸⁷ United Nations Committee against Torture, *List of issues prior to the submission of the second periodic report of Uganda* (June 30, 2020). U.N. Doc. CAT/C/UGA/Q/2, ¶ 17.

⁸⁸ Committee against Torture, *Second periodic report submitted by Uganda under article 19 of the Convention, pursuant to the simplified reporting procedure, due in 2008*, (1 Feb. 2020), UN Doc. CAT/C/UGA/2, ¶ 112.

⁸⁹ Committee against Torture, *Second periodic report submitted by Uganda under article 19 of the Convention, pursuant to the simplified reporting procedure, due in 2008*, (1 Feb. 2020), UN Doc. CAT/C/UGA/2, ¶ 112 (a).

⁹⁰ Committee against Torture, *Second periodic report submitted by Uganda under article 19 of the Convention, pursuant to the simplified reporting procedure, due in 2008*, (1 Feb. 2020), UN Doc. CAT/C/UGA/2, ¶ 112 (b).

29. Women represent a small percentage of people on death row globally.⁹¹ As such, there is little recorded information on the number of women on death row. There is limited information on the women who have been sentenced to death or executed in Uganda. In 2018, there were 11 women reported to be on death row in Uganda (*i.e.*, 4% of people on death row).⁹²
30. There is limited information available on the context of the crimes committed by women who have been sentenced to death in Uganda. There is at least one reported case, however, in which the woman was sentenced to death for killing her abuser.⁹³ This case suggests that when women are sentenced to death for killing another human being, legal proceedings ignore gender-based violence and the imbalance in power dynamics between an accused woman and the abusive spouse or family member.
31. According to a comprehensive study conducted by the Cornell Center on the Death Penalty Worldwide, data indicate that most women on death row have been sentenced to death for the crime of murder.⁹⁴ And according to Penal Reform International, which studied women who kill in the context of domestic violence in Uganda, approximately 86% of all women in prison (not just those sentenced to death) in Uganda are either charged with or convicted of murder, manslaughter, or assault.⁹⁵ Penal Reform International's study also showed that a quarter of all homicides committed by women in prison in Uganda involve the death of an intimate partner.⁹⁶
32. The women imprisoned in Uganda for committing offences against life (*i.e.*, murder, assault, or manslaughter) have typically experienced prolonged domestic violence at the hands of a partner, spouse, or another family member. As such, domestic violence is an important context for homicides committed by women in Uganda.⁹⁷
33. Under Ugandan law, the elements of self-defense have been articulated under *Uganda v. Kamyuka Ivan* to include: (1) an attack on the accused person or close relative; (2) reasonable belief that he was in imminent danger of death or serious bodily harm; (3) belief that it was necessary to use force to repel the attack; and (4) reasonable belief that the force used was necessary to prevent or resist the attack.⁹⁸ Though self-defense has been used widely in

⁹¹ World Coalition Against the Death Penalty & The Advocates for Human Rights, *Women Sentenced to Death: An Invisible Reality*, Oct. 10, 2021, p. 2.

⁹² Sabrina Mahtani, *The Invisibles: Women on Death Row in Africa*, Oct. 10, 2018, <https://www.africaportal.org/features/invisibles-women-death-row-africa/>.

⁹³ Tanya Murshed, affiliated with Evolve, Interview with the Cornell Center on the Death Penalty Worldwide, Mar. 18, 2015.

⁹⁴ The Cornell Center on the Death Penalty Worldwide (The Alice Project), *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty*, Sep. 2018, p. 11. Available online at <https://www.deathpenaltyworldwide.org/wp-content/uploads/2019/12/Judged-More-Than-Her-Crime.pdf>

⁹⁵ Penal Reform International, *Women who kill in the context of domestic violence in Uganda: How does the criminal justice system respond?*, 2021, p. 5. Available online at https://cdn.penalreform.org/wp-content/uploads/2021/10/Women-who-kill-in-the-context-of-domestic-violence_Uganda.pdf

⁹⁶ Penal Reform International, *Women who kill in the context of domestic violence in Uganda: How does the criminal justice system respond?*, 2021, p. 5. Available online at https://cdn.penalreform.org/wp-content/uploads/2021/10/Women-who-kill-in-the-context-of-domestic-violence_Uganda.pdf

⁹⁷ Penal Reform International, *Women who kill in the context of domestic violence in Uganda: How does the criminal justice system respond?*, 2021, p. 5. Available online at https://cdn.penalreform.org/wp-content/uploads/2021/10/Women-who-kill-in-the-context-of-domestic-violence_Uganda.pdf

⁹⁸ Penal Reform International, *Women who kill in the context of domestic violence in Uganda: How does the criminal justice system respond?*, 2021, p. 5. Available online at https://cdn.penalreform.org/wp-content/uploads/2021/10/Women-who-kill-in-the-context-of-domestic-violence_Uganda.pdf

homicide cases against an intimate partner, it has not been accessible to women who kill following a *history* of abuse. This gap exists because these women often cannot make a showing of an actual threat at the time the responsive force was used. Consequently, the response may be viewed as unreasonable. Further, the requirement of apprehension of death or grievous bodily harm is problematic in the context of domestic violence because not all forms of abuse are physical (*i.e.*, emotional abuse, economic/financial abuse).⁹⁹

34. Despite limited information on women being sentenced to death in Uganda, the information above suggests that women in Uganda face the death penalty in part because judicial proceedings discriminate against women due to a lack of gender-sensitive training and do not take into account the circumstances of the alleged crime. Courts rarely consider domestic violence as a mitigating factor during sentencing.¹⁰⁰ Research also indicates that courts also fail to account for power dynamics and tactics of coercive control that may impact a woman's involvement in a crime.

Counter-terrorism and human rights (List of Issues, paragraph 37)

35. In its 2010 List of Issues Prior to Reporting, the Committee requested that Uganda provide information on legislative, administrative, and other measures taken by the State Party to respond to the threat of terrorist acts.¹⁰¹ It also asked the State Party to describe if, and how, these measures have affected human rights safeguards under the Convention in law and practice and how it has ensured that these measures comply with Uganda's obligations under international law.¹⁰² The Committee asked for specific information on any implications for the State Party's obligations under the Convention subsequent to the adoption of the anti-terrorism law of December 2008.¹⁰³
36. In its State Party Report, Uganda stated that 2015 and 2017 amendments to the Ugandan Anti-Terrorism Act of 2002 were intended to provide for acts of terrorism including interference with an electronic system to acts that constitute crimes in agreements, protocols, and treaties described in the annex to the International Convention for the Suppression of the Financing of Terrorism.¹⁰⁴ Uganda then listed several related counter-terrorism laws intended to prevent money laundering and other forms of terrorism financing.¹⁰⁵ In its report, the State Party did

⁹⁹ Penal Reform International, *Women who kill in the context of domestic violence in Uganda: How does the criminal justice system respond?*, 2021, p. 16. Available online at https://cdn.penalreform.org/wp-content/uploads/2021/10/Women-who-kill-in-the-context-of-domestic-violence_Uganda.pdf

¹⁰⁰ The Cornell Center on the Death Penalty Worldwide (The Alice Project), *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty*, Sep. 2018, p. 11-12. Available online at <https://www.deathpenaltyworldwide.org/wp-content/uploads/2019/12/Judged-More-Than-Her-Crime.pdf>

¹⁰¹ United Nations Committee against Torture, *List of issues prior to the submission of the second periodic report of Uganda* (June 30, 2020). U.N. Doc. CAT/C/UGA/Q/2, ¶ 37.

¹⁰² United Nations Committee against Torture, *List of issues prior to the submission of the second periodic report of Uganda* (June 30, 2020). U.N. Doc. CAT/C/UGA/Q/2, ¶ 37.

¹⁰³ United Nations Committee against Torture, *List of issues prior to the submission of the second periodic report of Uganda* (June 30, 2020). U.N. Doc. CAT/C/UGA/Q/2, ¶ 37.

¹⁰⁴ Committee against Torture, *Second periodic report submitted by Uganda under article 19 of the Convention, pursuant to the simplified reporting procedure, due in 2008*, (1 Feb. 2020), UN Doc. CAT/C/UGA/2, ¶ 145.

¹⁰⁵ Committee against Torture, *Second periodic report submitted by Uganda under article 19 of the Convention, pursuant to the simplified reporting procedure, due in 2008*, (1 Feb. 2020), UN Doc. CAT/C/UGA/2, ¶ 145.

not explain the effects of its anti-terrorism laws or how the legislation has affected human rights in Uganda.

37. As mentioned in the State Party's Second Periodic Report, following the landmark *Kigula* case, the death penalty is no longer mandatory for capital offenses.¹⁰⁶ In *Kigula*, the Ugandan Supreme Court held that various provisions of the laws of Uganda prescribing a mandatory death sentence were inconsistent with the Constitution insofar as they were contrary to the principles of equality before the law and of fair trial. Consequently, the decision of whether to impose the death penalty is now discretionary in all capital cases, with the presiding judge deciding the sentence based on consideration of all the relevant circumstances surrounding a particular case. The Court further held that "where after three years from the date of sentence no decision has been made by the Executive to carry out the Court Order for execution of the convict, the death sentence shall be deemed commuted to imprisonment for life without remission."¹⁰⁷ The *Kigula* decision declared Section 23 of the Penal Code Act and sections 7 and 8 of the Anti-Terrorism Act (2002) unconstitutional.
38. Despite the *Kigula* ruling, in 2017, the Ugandan Parliament passed the Anti-Terrorism Amendment Bill. This law imposed a mandatory death penalty for acts of terrorism (Anti-Terrorism (Amendment) Bill, 2017, § 2, amending § 7 of the Act).¹⁰⁸ A terrorist is defined as someone who:
- Carries out or perpetrates any act, whether occurring in Uganda or elsewhere, that constitutes a crime in accordance with agreements, protocols and treaties described in the annex to the International Convention for the Suppression of the Financing of Terrorism, 1999; or
 - Travels outside Uganda for the purpose of the perpetration, planning, or preparation of, or participation in terrorist acts or the providing or receiving of terrorist training.¹⁰⁹
39. While President Museveni removed the mandatory death penalty prescribed by these laws in 2019, the Ugandan Government still commits human rights violations under the pretext of combatting terrorism. In 2020, Uganda's law enforcement agencies harassed political opposition members in the name of "antiterrorism" ahead of the 2021 elections.¹¹⁰ In November 2020, security services operating under Uganda's Antiterrorism Act froze the bank accounts of four democracy- and governance-focused civil society organizations.¹¹¹ In addition, security forces and Ugandan police cracked down on dissent in November 2020,

¹⁰⁶ *Attorney General v. Susan Kigula & 417 Others* (Constitutional Appeal No. 03 OF 2006) [2009] UGSC 6 (21 January 2009).

¹⁰⁷ *Attorney General v. Susan Kigula & 417 Others* (Constitutional Appeal No. 03 OF 2006) [2009] UGSC 6 (21 January 2009).

¹⁰⁸ Library of Congress, *Uganda: Parliament Passes Anti-Terrorism Amendment Bill*, June 8, 2017.

¹⁰⁹ Anti-Terrorism (Amendment) Bill, 2017, § 2, amending § 7 of the Act.

¹¹⁰ U.S. State Department, Country Reports on Terrorism 2020: Uganda, <https://www.state.gov/reports/country-reports-on-terrorism-2020/uganda/>.

¹¹¹ U.S. State Department, Country Reports on Terrorism 2020: Uganda, <https://www.state.gov/reports/country-reports-on-terrorism-2020/uganda/>.

when they responded to protests by killing more than 50 civilians.¹¹² Evidence suggests that state-backed violence and arbitrary detention may even fuel violent extremism, rather than preventing it.¹¹³

Suggested recommendations

40. The coauthors suggest the following recommendations to the Government of Uganda:

- Reduce the number of capital offenses as a step toward abolition of the death penalty.
- Provide annual disaggregated data on the current number of individuals under sentence of death, including information about the person's gender, nationality, date of arrest, date of conviction, crime(s) of conviction, and relationship to any victim; the sentencing authority; the status of any appeals, rehearings, or requests for pardons or clemency; and the current sentence being served.
- Close all unlawful detention centers and investigate all reports of abuse, enforced disappearance, arbitrary detention, torture, rape, and other forms of sexual violence committed in the context of unlawful detention.
- Improve monitoring of detention facilities and take immediate action to improve prison detention conditions, consistent with the Nelson Mandela Rules, particularly with respect to overcrowding, provision of food, forced labor, and ill-treatment of people in detention.
- Implement mandatory human rights-based training programs for all judicial officers, members of law enforcement, and security officials working in detention facilities, prisons, and jails.
- End impunity for all officials involved in arbitrary detention, torture, and maintaining unauthorized detention centers. Establish independent investigatory bodies to investigate all allegations of these human rights violations and to ensure that victims of unauthorized detention and torture, and cruel, inhuman, or degrading treatment or punishment have access to adequate remedies.
- Acknowledge the compounding forms of violence suffered by girls and women—including gender-based violence and early and forced marriage—and review laws, criminal procedures, and judicial practices, and implement policies and legislative reforms to protect against such human rights violations.
- Revise the law on murder/manslaughter to permit courts to take domestic violence into account for self-defense where homicide is committed in the context of a violent relationship or a history of gender-based violence.
- Ensure that survivors of sexual violence are not prosecuted for illegal sexual conduct or similar offenses.

¹¹² U.S. State Department, Country Reports on Terrorism 2020: Uganda, <https://www.state.gov/reports/country-reports-on-terrorism-2020/uganda/>.

¹¹³ U.S. State Department, Country Reports on Terrorism 2020: Uganda, <https://www.state.gov/reports/country-reports-on-terrorism-2020/uganda/>.

- Ensure proper gender-sensitive training of all persons involved in the investigation, representation, and prosecution of crimes involving women.
- Provide and publish transparent information on the number of women sentenced to death and on death row, disaggregated by age, age of dependent children (if any), nationality, ethnic group, crimes of conviction, date of conviction, and date of execution (if applicable), to facilitate analysis of the demographics of women on death row.
- Implement safeguards to ensure that people are not charged with treason or terrorism-related offenses for expressing opposition to the government or for supporting opposition parties or candidates. Immediately release any person who has been so detained or charged.
- Improve the quality of legal assistance for individuals charged with capital offences and people who are sentenced to death through enhanced funding and expanded training, in collaboration with civil society organizations. Increase funding to public defender programs and civil society organizations supporting capital defense efforts to ensure that all people have access to high-quality legal assistance, particularly individuals at risk of being sentenced to death.
- Establish public awareness and educational campaigns about the death penalty, in collaboration with civil society, to assist in shifting public opinion around the death penalty.
- Collaborate with civil society organizations to design and implement a public awareness-raising campaign on the rights of LGBTQI+ persons to shift the cultural narrative around the LGBTQI+ community and to promote LGBTQI+ rights as a part of Uganda's international human rights obligations.