UGANDA

- **UGA-COLL-01**: Five parliamentarians
- **UGA-COLL-02**: Two parliamentarians
Uganda

Decision adopted unanimously by the IPU Governing Council at its 209th session (Nusa Dua, 24 March 2022)

UGA-19 – Robert Kyagulanyi Ssentamu (aka Bobi Wine)
UGA-20 – Francis Zaake
UGA-21 – Kassiano Wadri
UGA-22 – Gerald Karuhanga
UGA-23 – Paul Mwiru

Alleged human rights violations

- Torture, ill-treatment and other acts of violence
- Arbitrary arrest and detention
- Lack of due process at the investigation stage
- Lack of fair trial proceedings
- Violation of freedom of opinion and expression
- Impunity

A. Summary of the case

The complaint was initially received against the background of the by-election in Arua municipality in Uganda on 15 August 2018. Of the five members of parliament listed in the present case, only Mr. Francis Zaake was re-elected in 2021.

The five individuals were violently arrested on 14 August 2018, on the eve of the by-election, together with 29 other people, in the district of Arua, after President Yoweri Museveni’s convoy was reportedly pelted with stones. According to credible reports and information gathered on the ground by the IPU Committee on the Human Rights of Parliamentarians, the parliamentarians were tortured and ill-treated while in...
detention. All those arrested, including the five parliamentarians, were charged with treason, which in Uganda carries the death penalty. On 6 August 2019, the following additional charges were reportedly brought against them in relation to the same events: intent to annoy, alarm or ridicule the President, incitement to violence, disobedience of lawful orders, failure to prevent obstruction of traffic, confusion or disorder during a public meeting, and failure to give right of way to the President.

The complainants claim that due process guarantees have been violated from the outset, that the parliamentarians are victims of political repression, as there is no evidence to support the charges brought against them, and that no effective action has been taken to hold to account the security forces that mistreated them while arresting them.

The complainants further state that, at the time the complaint was first lodged, Mr. Kyagulanyi was a popular young parliamentarian, strongly supported, among others, by the four other parliamentarians in this case, and a well-known singer who enjoyed wide popularity among young people. Through his songs and parliamentary work between 2017 and 2021, he had been a vocal critic of President Museveni and his government. The complainants affirm that the authorities were doing everything possible to prevent Mr. Kyagulanyi from staging concerts and thus conveying his music and political message.

From 25 to 29 January 2020, a Committee delegation conducted an on-site mission to Uganda. Despite its specific request, the delegation was not able to obtain concrete information on possible ongoing cases against police officers in connection with the allegations of torture against the five members of parliament. The delegation was told that no information could be disclosed as the matter was sub judice. Among other concerns, the delegation regretted that no progress seemed to have been made towards investigating these allegations and urged the relevant authorities to conduct a prompt, impartial and independent investigation, including, where appropriate, the filing of specific torture charges against the perpetrators and the application of the corresponding penalties under domestic law. It also urged parliament to use its oversight powers effectively to this end.

Mr. Francis Zaake was detained by police and the military again on the evening of Sunday 19 April 2020 and released on 29 April 2020. According to information received, Mr. Zaake was severely tortured while in detention, denied access to his lawyer and family, food and independent medical attention. According to the complainants, Mr. Zaake was initially charged with disobedience of lawful orders for distributing food to his community during the COVID-19 pandemic. These charges were finally dropped in August 2020. On 9 August 2021, the Civil Division of the High Court of Uganda in Kampala (Miscellaneous Case No. 85 of 2020) ordered the Government to compensate Mr. Zaake with 75 million Ugandan shillings for the torture inflicted on him while in state custody in April 2020. In its ruling, the High Court declared that the infliction of pain and injury on Mr. Zaake during his detention by the Police infringed his fundamental human rights to dignity and freedom from torture and cruel, inhuman or degrading treatment or punishment protected under Articles 20, 24 and 44(a) of the Constitution of Uganda and that the period during which he was detained before he was arraigned in the Magistrate’s Court at Mityana constituted unlawful and illegal detention and was in violation of his personal liberty under Article 23(4) and (b) of the Constitution of Uganda.

According to information received by the IPU, on 11 March 2022 Mr. Zaake lost his seat in the Parliamentary Commission, the governing body of the Uganda Parliament, following a vote on a motion moved to have him removed on grounds of misconduct. Mr. Zaake's removal comes after parliament also adopted a report of the Committee on Rules, Privileges and Discipline, which found him in breach of public trust and confidence because of statements he had made on social media. These statements apparently relate to statements made in parliament that seem to question the fact that he had been tortured in the past. At the hearing held during the 144th IPU Assembly, the Ugandan delegation stated that all legal and parliamentary proceedings that led to Mr. Zaake’s removal from the Parliamentary Commission have been conducted in accordance with the law and other applicable regulations but that further information could not be provided at the current stage as the matter was before the courts.
B. Decision

The Governing Council of the Inter-Parliamentary Union

1. Thanks the delegation of Uganda for the information provided and for meeting with the Committee on the Human Rights of Parliamentarians during the 144th IPU Assembly to discuss the cases and concerns at hand;

2. Welcomes the decision of the Civil Division of the High Court of Uganda in Kampala on Case No. 85 of 2020, which ordered the Government to compensate Mr. Zaake for the torture inflicted on him while in state custody in April 2020; reiterates, however, its previous long-standing concerns relating to the impunity that seemingly reigns in the cases at hand with regard to the allegations of torture committed against the members of parliament in 2018; sincerely hopes that the above-mentioned court’s decision in Mr. Zaake’s case will encourage the Ugandan authorities to take more decisive action, in line with the recommendations made in the 2020 IPU mission report, to ensure that the allegations of torture against the five members of parliament in 2018 are fully and effectively investigated, followed by whatever accountability steps are warranted as a result; and requests the parliamentary authorities to provide information on any relevant developments in this regard and on any action taken by parliament to this end;

3. Expresses grave concern about information received on steps taken to remove Mr. Zaake from the Parliamentary Commission as a result of statements made on social media; reaffirms that the freedom of expression of parliamentarians, including through their social media platforms, is a cornerstone of a democratic society and that it is crucial for parliamentarians to be able to express their opinions unhampered and without fear of reprisal; considers also that, even where speech can legitimately be sanctioned, an excessively harsh sanction, on its own, could represent a breach of the right to freedom of expression and exert a chilling effect on others, thereby deterring them from engaging even in legitimate speech; requests, in this regard, the parliamentary authorities to provide information concerning the reasons and parliamentary proceedings that led to Mr. Zaake’s removal from the Parliamentary Commission;

4. Requests the Committee on the Human Rights of Parliamentarians to send a delegation to Uganda as soon as possible and as soon as the COVID-19-related public health situation permits, so as to meet with all authorities exercising legislative, executive or judicial powers, and any other institution, civil society organization or individual in a position to provide relevant information regarding the status of implementation of the recommendations made by the IPU 2020 mission report; hopes that the competent national authorities will cooperate fully and that the mission will help to swiftly find satisfactory solutions to this case in accordance with applicable national and international human rights standards; and thanks the Ugandan delegation to the 144th IPU Assembly for the assurances of support that it has given on this matter;

5. Requests the Secretary General to convey this decision to the Speaker of the Parliament of Uganda, the complainants and any third party likely to be in a position to supply relevant information;

6. Requests the Committee to continue examining this case and to report back to it in due course.
Uganda

Decision adopted unanimously by the IPU Governing Council at its 209th session (Nusa Dua, 24 March 2022)

UGA-24 – Allan Aloizious Ssewanyana
UGA-25 – Muhammad Ssegirinya

Alleged human rights violations

✓ Abduction
✓ Torture, ill-treatment and other acts of violence
✓ Arbitrary arrest and detention
✓ Inhumane conditions of detention
✓ Lack of due process at the investigation stage
✓ Lack of fair trial proceedings
✓ Failure to respect parliamentary immunity

A. Summary of the case

The case concerns allegations of human rights violations, including, *inter alia*, arbitrary detention, torture, inhumane conditions of detention and lack of fair trial proceedings, affecting two opposition members of parliament in Uganda. According to the complainant, the two members of parliament have been targeted because of their political opinions and their work as opposition parliamentarians.

On 7 September 2021, the Hon. Muhammad Ssegirinya was arrested together with the Hon. Allan Aloizious Ssewanyana by the Ugandan police on allegations that the two parliamentarians were involved in the murder of three individuals. They were charged with the offences of murder, terrorism, aiding and abetting terrorism and attempted murder. All these crimes were purportedly committed on 23 August 2021 in Masaka District. The two members of parliament were subsequently remanded in custody and held in Kigo Government Prison. On 21 September 2021, both members of parliament were granted bail by the High Court of Uganda sitting in Masaka.
The complainant states that, on 24 September 2021, after having paid bail, Mr. Ssewanyana was released from Kigo Government Prison but was immediately attacked at the prison gate, manhandled and abducted by gun-wielding men in plain clothes, who whisked him away to an unknown destination. On 27 September 2021, Mr. Ssegirinya was also released from Kigo Government Prison, but he too was immediately abducted at the prison gate by similarly dressed men wielding heavy weapons and whisked away to an unknown destination.

On 30 September 2021, after days of detention at unknown detention facilities, the two members of parliament were summoned to the Chief Magistrate's Court in Masaka and read additional charges. According to the complainant, they appeared frail and informed the court that they had been brutally tortured through physical beatings while in detention. On the occasions the members of parliament re-appeared in court to hear their cases, they showed physical, festering wounds and complained of torture and humiliation while in detention. The complainant also states that the members of parliament informed the presiding judge that they had been prevented from receiving medical attention by a doctor of their choice and that they had been banned from receiving any visitors, including family members, while in prison.

At the hearing held during the 144th IPU Assembly, the Ugandan delegation stated that the two members of parliament had been re-arrested on additional charges, the investigation of which was under way, that there was no provision under Ugandan law prohibiting the arrest of a person who had been granted bail on different charges, and that the next stage was for their case to be placed on the hearing cause list. The delegation also informed the IPU Committee on the Human Rights of Parliamentarians that on several occasions the Human Rights Committee of the Parliament of Uganda visited the two members of parliament in Kigo Prison and Mulago National Referral Hospital in the presence of their legal representatives, and in the case of Mr. Ssegirinya in the presence of his private doctor. The parliamentary committee also interviewed the prison authorities, the two parliamentarians concerned and other stakeholders. Preliminary investigations have so far not led to a definitive conclusion as to whether the members of parliament have been tortured.

According to the complainant, the two members of parliament have remained in detention since 7 September 2021 and all efforts to secure their release on bail have been unsuccessful to date. They also need specialized medical treatment, which they cannot access at the Kigo Prison facilities. Mr. Ssegirinya's condition is particularly unstable as he has an underlying condition requiring urgent medical attention, while Mr. Ssewanyana has an injured leg.

B. Decision

The Governing Council of the Inter-Parliamentary Union

1. Notes that the complaint was declared admissible by the Committee on the Human Rights of Parliamentarians under its Procedure for the examination and treatment of complaints during its 167th session (February 2022);

2. Thanks the delegation of Uganda for the information provided and for meeting with the Committee on the Human Rights of Parliamentarians during the 144th IPU Assembly to discuss the cases and concerns at hand;

3. Commends the Parliament of Uganda, in particular its Committee on Human Rights, for the efforts made to investigate the allegations of torture and visit Mr. Ssewanyana and Mr. Ssegirinya in prison; calls on parliament to continue using its powers effectively to ensure that the allegations of torture against the two parliamentarians are fully investigated, followed by whatever steps are warranted as a result to ensure accountability; and wishes to be kept informed of progress made in this regard;

4. Is deeply concerned about the continued detention of the members of parliament, in view of the worrying allegations concerning their conditions of detention and mistreatment while in custody and the alleged deterioration in their state of health; urges the national authorities to take all necessary steps to ensure Mr. Ssewanyana's and Mr. Ssegirinya's full enjoyment of their rights, in particular their right to life, to physical integrity and to access to judicial guarantees, and that they receive the necessary medical care; and requests the
authorities to provide official and detailed information on the facts justifying each of the
charges brought against the two members of parliament, on further steps taken to investigate
the alleged acts of torture reported by the complainant and on progress made in the
identification and punishment, if any, of those responsible;

5. Requests the Committee on the Human Rights of Parliamentarians to send a delegation to
Uganda as soon as possible and as soon as the COVID-19-related public health situation
permits, so as to meet with all authorities exercising legislative, executive or judicial powers, as
well as the prison authorities and any other institution, civil society organization or individual in
a position to provide relevant information regarding the situation of Mr. Ssewanyana and
Mr. Ssegirinya; tasks the delegation with visiting the detained members of parliament; hopes
that the competent national authorities will cooperate fully and that the mission will help to
swiftly find satisfactory solutions to this case in accordance with applicable national and
international human rights standards; and thanks the Ugandan delegation to the 144th IPU
Assembly for the assurances of support that it has given on this matter;

6. Requests the Secretary General to convey this decision to the Speaker of the National
Assembly, the complainant and any third party likely to be in a position to supply relevant
information;

7. Requests the Committee to continue examining this case and to report back to it in due
course.