

UGANDA

- **UGA-26:** Betty Nambooze
- **UGA-COLL-02:** Two parliamentarians
- **UGA-COLL-01:** Five parliamentarians



Inter-Parliamentary Union
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Uganda

*Decision adopted unanimously by the IPU Governing Council at its 211th session
(Manama, 15 March 2023)*



© Betty Nambooze

UGA-26 – Betty Nambooze

Alleged human rights violations

- ✓ Torture, ill-treatment and other acts of violence
- ✓ Threats, acts of intimidation
- ✓ Arbitrary arrest and detention
- ✓ Inhumane conditions of detention
- ✓ Lack of fair trial proceedings
- ✓ Other acts obstructing the exercise of the parliamentary mandate

A. Summary of the case

According to the information provided by the complainant, Ms. Betty Nambooze, a member of parliament of the Parliament of Uganda, was beaten by a group of security operatives on 27 September 2017 while she was in parliament. The events took place against the backdrop of controversial debates in parliament about the Constitution Amendment Bill No. 2 of 2017.

The complainant reports that during a violent incident in parliament that day, a group of state security operatives attacked Ms. Nambooze. They forced her body into uncomfortable contortions, including forcing her shoulders, arms and hands towards each other behind her back while one of them applied a lot of pressure on her back using his knee. She was then arrested and transferred to the headquarters of the Special Investigations Unit of the Uganda police force located in Kireka, where she remained for seven hours without receiving medical attention, despite her deteriorating condition and her specific requests in that regard. None of her children, her husband, or friends were permitted to see her, even though they were present at the police station.

Case UGA-26

Uganda: Parliament affiliated to the IPU

Victims: A female opposition member of parliament

Qualified complainant(s): Section I.1(a) of the Committee Procedure (Annex I)

Submission of complaint: February 2023

Recent IPU decision(s): - - -

IPU mission(s): - - -

Recent Committee hearing(s): - - -

Recent follow-up:

- Communication(s) from the authorities:
- - -
- Communication from the complainant:
February 2023
- Communication to the authorities: Letter to the Speaker of the National Assembly (March 2023)
- Communication to the complainant:
February 2023

After Ms. Nambooze's release, towards midnight on 27 September 2017, she was driven in a police vehicle to Bugolobi Medical Centre where she was admitted for over a fortnight. Subsequent medical examinations revealed that, as a result of the beatings and contortions inflicted, three discs within her lower vertebrae had become compressed, thereby endangering her spinal cord. The complainant asserts that, in violation of Ms. Nambooze's privacy, security men and women forced themselves into the examination rooms and forcefully read through all reports and notes that were being written as she went through tests and treatment.

Ms. Nambooze travelled to India for surgery and treatment. The complainant claims that pleading with the government medical and administrative departments in charge to allow and enable her to travel took a total of one and a half months, during which time she was hospitalized in Kampala without receiving the specialized treatment required. Ms. Nambooze returned to Uganda in late November 2017. As she was preparing to travel back to India for a check-up in June 2018, and still in the process of healing, she was re-arrested on charges of "offensive communication" and manhandled again by security officers. According to the complainant, Ms. Nambooze remained immobile in a prison cell for nearly a week, unable to sit up or stand and in constant pain. She was then transferred to a hospital but, on the way, a police vehicle struck the ambulance. In the collision, her spine was further damaged, and her knee was severely injured. Doctors later determined that one of the metal screws implanted in her back had been dislodged and was pressing on a major nerve.

Ms. Nambooze was finally given bond and flown to India for another round of surgery in July 2018. According to the complainant, five years later she is still experiencing pain and still undergoing tough medical treatment. No action has been taken by the national authorities to identify and punish those responsible for the above-described events.

B. Decision

The Governing Council of the Inter-Parliamentary Union

1. *Notes* that the complaint concerning the situation of Ms. Betty Nambooze is admissible, considering that the complaint: (i) was submitted in due form by a qualified complainant under section I.1(a) of the Procedure for the examination and treatment of complaints (Annex I of the Revised Rules and Practices of the Committee on the Human Rights of Parliamentarians); (ii) concerns an incumbent member of parliament at the time of the initial allegations; and (iii) concerns allegations about torture, ill-treatment and other acts of violence; threats, acts of intimidation; arbitrary arrest and detention; inhumane conditions of detention; lack of fair trial proceedings; other acts obstructing the exercise of the parliamentary mandate, allegations which fall within the mandate of the IPU Committee on the Human Rights of Parliamentarians (the Committee);
2. *Expresses deep concern* at the alleged treatment suffered by Ms. Nambooze, all the more so given the apparent irreparable damage to her health; and *considers* that the allegations in this case have to be seen in the context of the Committee's concerns in other existing cases in Uganda about the lack of respect for the physical integrity of members of the opposition and the lack of accountability whenever they are subject to ill-treatment or torture;
3. *Suggests* that the situation of Ms. Nambooze also be included in the mandate of the Committee's mission to Uganda that is already planned with regard to other Ugandan cases before the Committee; *calls on* the parliamentary authorities to do their utmost to obtain a response from the executive authorities as soon as possible with regard to the organization of this mission; and *requests* the parliamentary authorities in the meantime to provide in writing the official views on the allegations made by the complainant with respect to Ms. Nambooze's situation;
4. *Requests* the Secretary General to convey this decision to the relevant authorities, the complainant and any third party likely to be in a position to supply relevant information;
5. *Requests* the Committee to continue examining this case and to report back to it in due course.



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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.

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 two individuals and the attempted murder of a third person. 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.

Case UGA-Coll-02

Uganda: Parliament affiliated to the IPU

Victims: Two male opposition members of parliament

Qualified complainant(s): Section I.1(a) of the Committee Procedure (Annex I)

Submission of complaint: January 2022

Recent IPU decision: October 2022

IPU mission(s): - - -

Recent Committee hearing: Hearing with the Ugandan delegation to the 145th IPU Assembly (October 2022)

Recent follow-up:

- Communication from the authorities: January 2023
- Communication from the complainant: February 2023
- Communication to the authorities: Letter to the Speaker of the National Assembly (February 2023)
- Communication to the complainant: February 2023

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 145th IPU Assembly (October 2022), the Ugandan delegation stated that the two members of parliament had been arrested under section 21(1)(h) and (i) of the Police Act, Chapter 303, of the Laws of Uganda, which both obliges and empowers the police to “detect and bring offenders to justice” and to “apprehend all persons whom he or she is legally authorised to apprehend and for whose apprehension sufficient grounds exist”. The delegation also informed the IPU Committee on the Human Rights of Parliamentarians (CHRP) that the privileges and immunities of members of parliament as provided for in Ugandan legislation did not grant immunity from criminal proceedings. Regarding action taken by parliament, the delegation reported that on several occasions the Human Rights Committee of the Parliament of Uganda had 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. The matter of the incarceration of the two members of parliament had been discussed 10 times on the floor of parliament since their arrest and the Government has updated parliament on the situation of both members of parliament. On 7 September 2022, in her communication to parliament, the Speaker of Parliament called for the expeditious trial of Mr. Ssewanyana and Mr. Ssegirinya. The Ugandan delegation also provided the CHRP with copies of excerpts from the parliamentary proceedings in this regard. In a letter dated 20 January 2023, the Speaker of Parliament provided the official views and observations regarding the case and confirmed that the request for a visit by a CHRP delegation would be brought to the attention of the Ministry of Foreign Affairs for consideration.

According to the complainant, on 13 February 2023, the two members of parliament were granted bail and transferred to hospital for urgent medical attention. The bail applications were based on what their lawyers said were medical conditions that required treatment, which the prison facilities were failing to provide.

A trial observer mandated by the IPU travelled to Uganda on 11 February and on 6 March 2023 to observe the proceedings against the two members of parliament. The observer reported that, although the hearings had finally been adjourned on both occasions, the presiding judge gave opportunities to both parties, the prosecution and defence, to present their cases, that the general court atmosphere was calm and that court workers were cooperative with the observer. The defence also notified the court of its intention to file a petition before the Constitutional Court wherein it would seek to challenge the entire process.

B. Decision

The Governing Council of the Inter-Parliamentary Union

1. *Thanks* the Speaker of Parliament for the information provided in writing in January 2023; and *takes note with appreciation* of steps taken by the Parliament of Uganda to monitor the situation of Mr. Ssewanyana and Mr. Ssegirinya, which included efforts made by the Standing Committee on Human Rights of the Parliament of Uganda to visit the members of parliament

- in prison and regularly interact with the Commissioner General of the Uganda Prison Service to request periodical reports on the status of the detained members of parliament;
2. *Welcomes* the release on bail of the two members of parliament and the fact that they have been able to receive specialized medical attention; *remains concerned*, however, about the impunity that seemingly reigns with regard to the perpetrators of the alleged acts of torture committed against them while in detention; *calls on* parliament, once again, to continue using its powers effectively to ensure that these allegations 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;
 3. *Notes with interest* that the Ugandan Parliament has brought the CHRP's request for a mission to Uganda to the attention of the Ministry of Foreign Affairs for consideration; *is confident* that, in light of this new development and the renewed assurances of support provided by the Ugandan delegation that met with the CHRP during the 145th IPU Assembly, a CHRP delegation can soon travel to Uganda to meet with all relevant authorities exercising legislative, executive or judicial powers, 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; *calls on* the parliamentary authorities to do their utmost to obtain a response from the executive authorities regarding such a mission as soon as possible; and *hopes* that the competent national authorities will cooperate fully to help the mission find swift satisfactory solutions to this case in accordance with applicable national and international human rights standards, and to obtain first-hand information on the status of the implementation of the CHRP's recommendations following its [mission](#) to Uganda in 2020;
 4. *Notes also with interest* that a trial observer mandated by the IPU has been able to follow the proceedings on the ground; *decides*, in this regard, to mandate a new trial observer to continue monitoring the upcoming court proceedings; and *wishes* to be kept informed of the dates of future hearings when available and of any other relevant judicial developments in the case, including regarding the outcomes of a possible constitutional petition that could be filed by the lawyers of the two members of parliament;
 5. *Requests* the Secretary General to convey this decision to the Speaker of Parliament, the complainant 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.



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© Francis Zaake

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

Case UGA-Coll-01

Uganda: Parliament affiliated to the IPU

Victims: Five male parliamentarians (including three young parliamentarians and a parliamentarian-elect); four independent and one opposition parliamentarian

Qualified complainant(s): Section I.1.(a) and (d) of the Committee Procedure (Annex I)

Submission of complaint: August 2018

Recent IPU decision: February 2021

IPU mission: January 2020

Recent Committee hearing: Hearing with the Ugandan delegation to the 144th IPU Assembly (March 2022)

Recent follow-up:

- Communications from the authorities:
Letter from the Attorney General (October 2018); letter from the Speaker of Parliament to the Minister of Foreign Affairs (November 2018); letter from the Speaker of Parliament (October 2019)
- Communication from the complainants: February 2022
- Communication to the authorities:
Letter to the Speaker of Parliament (March 2022)
- Communication to the complainants: March 2022

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.