

Uganda

Decision adopted by consensus by the IPU Governing Council at its 205th session (Belgrade, 17 October 2019) ¹



Bobi Wine, June 2019 © AFP Damien Grenon

UGA19 - Robert Kyagulanyi Ssentamu (aka Bobi Wine)

UGA20 - Francis Zaake

UGA21 - Kassiano Wadri

UGA22 - Gerald Karuhanga

UGA23 - 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 and lack of fair trial proceedings
- ✓ Violation of freedom of opinion and expression
- ✓ Impunity

A. Summary of the case

Five opposition parliamentarians were violently arrested on 14 August 2018, 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 – confirmed by the parliamentary authorities – two of the parliamentarians, Mr. Kyagulanyi and Mr. Zaake, were tortured on 14 August 2018. 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

Case UGA-Coll-01

Uganda: Parliament affiliated to the IPU

Victim(s): 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(s): August 2018

Recent IPU decision(s): [October 2018](#)

IPU mission(s): - -

Recent Committee hearing(s): Hearing with the Ugandan delegation to the 139th IPU Assembly (October 2018)

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); letters from the Speaker of Parliament (February and October 2019)
- Communication from the complainant: September 2019
- Communication(s) addressed to the authorities: Letters addressed to the Speaker of Parliament, the Attorney General and the Permanent Representative of Uganda in Geneva: September 2019
- Communication addressed to the complainant: September 2019

¹ The Ugandan delegation expressed its reservations regarding the decision.

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 action has been taken to hold to account the security forces that mistreated them upon their arrest. They state that Mr. Kyagulanyi is a popular young parliamentarian and a well-known singer who enjoys wide popularity among young people. Through his songs and, since 2017, through his parliamentary work, he has been a vocal critic of President Museveni and his government. The complainants affirm that the authorities are doing everything possible to prevent Mr. Kyagulanyi from staging concerts and thus conveying his music and political message. Lately, these steps have gone as far as banning Mr. Kyagulanyi from wearing his trademark red beret.

An *ad hoc* parliamentary committee was immediately set up by the Speaker of the Parliament of Uganda to investigate the incidents and to visit the parliamentarians in detention. It concluded that at least four of the five parliamentarians had sustained injuries as a result of the violence inflicted upon them by the security forces, that there was a lack of due process in the proceedings against the parliamentarians and that the security officials responsible acted with impunity. It also concluded that accountability for these transgressions should be established. When parliament discussed the findings of the *ad hoc* committee on 5 September 2018, the Government was given one month to investigate and report back. However, the issue was apparently not raised again in parliament on the grounds that it was *sub judice*.

In his letter of 3 October 2018, the Attorney General stated that his office was still awaiting the reports of the police and defence forces and that indications so far pointed to the fact that, “the injuries that the two members of parliament may have suffered would be the result of the scuffles that characterized their apprehension due to their unwillingness to submit themselves to the arrest process”.

According to the complainants, on 23 April 2019, Mr. Kyagulanyi was placed under *de facto* house arrest after being detained by police and forced to stay at home and to cancel scheduled events. On 29 April 2019, he was allegedly formally arrested and taken to Luzira maximum security prison in connection with a new charge in respect of leading a demonstration in July 2018 against the social media tax. The accusations seem to be that he disobeyed provisions of the Public Order Management Act by holding a public meeting without giving notice and without cooperating and coordinating with the police to ensure that all participants in the demonstration were unarmed and peaceful. On 2 May 2019, he had to appear at Buganda Road Court through a video conference before being released on bail in connection with this charge. The matter is reportedly next due to come before the court on 28 October 2019.

In her letters dated 25 February and 8 October 2019, the Speaker expressed support for the wish of the Committee to conduct a fact-finding mission to Uganda to interact with the executive and judicial branches, but formal authorization to travel to Uganda has not yet been forthcoming.

B. Decision

The Governing Council of the Inter-Parliamentary Union

1. *Thanks* the Speaker of Parliament for her letter of 8 October 2019; *regrets* nevertheless that she and the Ugandan delegation chose not to meet with the Committee on the Human Rights of Parliamentarians, all the more so given that the issues of concern in this case directly affect parliament; *recalls* in this regard that the Committee’s procedure is based on continued and constructive dialogue with the authorities, first and foremost the parliament of the country concerned;
2. *Is disturbed* that, more than one year after the events, no one has been held to account for the torture and ill-treatment of at least four of the five parliamentarians, and allegedly several others, in Arua in August 2018 by the security forces; *considers* that, under Uganda’s Prevention and Prohibition of Torture Act and the UN Convention against Torture, the national authorities are duty bound to act decisively and swiftly against those responsible; *urges*,

therefore, the relevant authorities to comply fully with these national and international obligations; *also urges* parliament, which asked the Government to report by October 2018 on the steps taken to investigate the torture and ill-treatment of the parliamentarians, to carry out its oversight function much more stringently, considering also that this particular matter does not appear to be before the courts and, even if it were, does not seem to be advancing;

3. *Remains deeply concerned* about the alleged serious violations of the right to a fair trial in proceedings initiated against the parliamentarians, as well as the other persons arrested in Arua in 2018, and about the nature and severity of the charge of treason, which carries the death penalty, especially in view of the allegations that it is unsupported by evidence and the facts at hand; *fails to understand* how, one year later, the accused are reportedly now subject to a whole set of additional charges in relation to the same events, including the charge of intent to annoy, alarm or ridicule the President with significant repercussions for free speech; *is concerned* that, earlier this year, Mr. Kyagulanyi was suddenly and temporarily taken into custody and charged with respect to his alleged role in a protest held in July 2018; *wishes* to receive official information on all these points, along with details on the facts in support of each of the charges against the parliamentarians concerned;
4. *Is deeply concerned* about the steps taken to prevent Mr. Kyagulanyi from conveying his political message, which run counter to his rights to freedom of expression and freedom of assembly; *urges* the authorities, therefore, to lift the restrictions imposed on him and to do everything possible to allow him to speak out, irrespective of whether he uses his platform as a parliamentarian or a singer, and to meet and interact with his supporters;
5. *Deeply regrets* that the long-requested mission by the Committee on the Human Rights of Parliamentarians to Uganda has still not received the official endorsement from all the relevant Ugandan authorities; *thanks* in this regard the Speaker of Parliament for her continued support for such a mission; *sincerely hopes* that the other relevant Ugandan authorities will likewise respond favourably so that a Committee delegation can soon travel to Uganda to meet all relevant executive, security and judicial authorities – including the President, the Chief of the Defence Forces, the Inspector General of Police and the Attorney General – so as to obtain clarifications on the issues at hand in this case; *mandates* the delegation to also meet with the Speaker and all relevant parliamentary authorities, the five members of parliament concerned and their legal counsels, representatives of the National Human Rights Commission of Uganda, of the main political parties, of civil society and of any other organizations and persons in a position to supply relevant information;
6. *Decides* to mandate a trial observer to monitor the upcoming court proceedings against the members of parliament; and *wishes to be kept informed* of the dates of the trial when available and of any other relevant judicial developments in the case;
7. *Requests* the Secretary General to convey this decision to the President, Minister of Foreign Affairs, Attorney General and the Speaker of the Parliament of Uganda, the complainants and any third party likely to be in a position to supply relevant information, and to proceed with all necessary arrangements to organize the fact-finding mission and trial observation mission;
8. *Requests* the Committee to continue examining this case and to report back to it in due course.