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Uganda

Decision adopted by the Committee on the Human Rights of Parliamentarians at its 163rd session (virtual session, 1 to 13 February 2021)



A patrol car of the Ugandan police is seen stationed outside the compound of Ugandan opposition leader Bobi Wine on 20 January 2021. SUMY SADURNI/AFP

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
- ✓ 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. Mr. Kassiano Wadri, a former parliamentarian, stood in that election as an independent and was elected. The four other parliamentarians, who are either independents or from the opposition, campaigned for Mr. Wadri.

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, 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

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: November 2020

IPU mission: January 2020

Recent Committee hearing: 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 (October 2019)
- Communication from the complainants: September 2020
- Communications addressed to the authorities: Letters addressed to the Speaker of Parliament, the President of the Republic, the Minister of Foreign Affairs and the Ugandan Ambassador in Geneva (November 2020)
- Communication addressed to the complainants: January 2021

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 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 through his 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. These steps have gone as far as banning Mr. Kyagulanyi from wearing his trademark red beret.

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 in the context of the COVID-19 pandemic. These charges were finally dropped in August 2020. The complainants also claim that no investigation has been carried out into these new allegations of torture and that no action has been taken by parliament to support him in his search for justice. According to credible reports from the complainants, Mr. Zaake continues to receive death threats and intimidating messages from police officers because of his political opinions and to force him to step down from the political stage.

Mr. Kyagulanyi stood as a presidential candidate in the general elections of 14 January 2021. According to the country's Election Commission, he came second in the vote, after Mr. Museveni who was re-elected for a sixth term. According to media reports, the internet in Uganda had been completely shut down in the days leading up to the elections under a government order. According to these reports, this measure disproportionately affected Mr. Kyagulanyi's campaign, considering that he was campaigning heavily on social media because some traditional outlets allegedly refused to include him in their election coverage. On 15 January 2021, Mr. Kyagulanyi's home was taken "under siege" by the military. He told the media that his life was in danger, that his phone had been blocked and his internet connection cut. On 17 January 2021, Mr. Francis Zaake was arrested outside Mr. Kyagulanyi's gate as he was trying to make his way to Mr. Kyagulanyi's house; he was allegedly severely beaten by soldiers and then released. According to information received, Mr. Zaake needed specialized medical care as a result of the beatings. On 25 January 2021, the High Court of Uganda ruled that Mr. Kyagulanyi's continued house arrest was illegal and ordered security forces to cease surrounding his home, which they did the following day.

B. Decision

The Committee on the Human Rights of Parliamentarians

1. *Reiterates* its previous long-standing concerns, as most recently reflected in the decision adopted by the IPU Governing Council in November 2020;

2. *Is gravely concerned* to learn that, despite its repeated calls and its continued dialogue with the authorities, including during a field mission conducted in January 2020, similar situations with similar outcomes continue to occur in Uganda whereby parliamentarians are detained and tortured by state officials with total impunity, as reportedly happened once again to Mr. Zaake on 17 January 2021; *reiterates* that impunity, by shielding those responsible from judicial action and accountability, decisively encourages the perpetration of further serious human rights violations and that attacks against the life and personal integrity of members of parliament, when left unpunished, not only violate the fundamental rights of individual parliamentarians and of those who elected them, but also affect the integrity of parliament and its ability to fulfil its role as an institution; *urges*, once again, parliament to use its oversight powers effectively to ensure that the very serious and detailed allegations of torture against the five members of parliament in 2018 and against Mr. Zaake in April 2020 and in January 2021 are fully and immediately 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. *Is deeply concerned* about the repeated steps taken to prevent Mr. Kyagulanyi from conveying his political message, including by putting him under *de facto* house arrest for more than a week in January 2021, which run counter to his rights not to be arbitrarily detained, to freedom of expression and freedom of assembly, to take part in the conduct of public affairs, to vote and be elected, and to have equal access to elected office; *takes note* that military forces have finally withdrawn from around Mr. Kyagulanyi's house; *recalls* that, according to its Rules and Practices, the Committee is competent to defend the human rights of current, and in certain circumstances, former members of a national parliament whenever their rights are at risk or appear to have been violated, and in the case of a former parliamentarian when the alleged arbitrary actions refer directly to events that took place when the individual was still a member of parliament; *considers*, in this regard, that independently of the fact that the alleged violations occurred in the context of his presidential campaign, the above-mentioned events took place at a time when Mr. Kyagulanyi was still an elected member of the Ugandan Parliament; and *urges*, therefore, the Ugandan authorities to lift all other restrictions imposed on him and to do everything possible to allow him full enjoyment of his human rights;
4. *Is concerned* about the allegation that the internet in Uganda had been shut down in the days leading up to the elections under a government order; *considers* that free access to the internet is necessary to promote respect for the rights to freedom of expression and of assembly and association, and that in the context of elections it also provides voters with access to different sources of information about parties, candidates and the wider electoral process, while allowing candidates to interact with voters and convey their political messages; *urges*, therefore, the Ugandan authorities to take steps, to the maximum of their available resources, to ensure effective access to the internet and other digital technologies for all parts of the population, including political opponents and opposition parliamentarians, and to guarantee that any restrictions on freedom of expression, including during election periods, fully comply with relevant regional and international human rights standards;
5. *Is appalled* by the wealth of public information from different kinds of sources about the violence and human rights abuses that apparently characterized the recently concluded elections in Uganda, including, *inter alia*, killings by security forces, arrests and beatings of opposition supporters and journalists, and disruption of opposition rallies; and *strongly urges*, in this regard, the Ugandan authorities to ensure an environment free of violence, irrespective of its origin, to take all necessary measures to protect human life, to respect people's rights to freedom of expression and peaceful assembly and to take part in the conduct of public affairs, and to ensure a thorough investigation and prosecution of those responsible for abuses, which includes human rights abuses committed against current and former members of parliament;
6. *Invites* the newly elected parliament to engage in a constructive dialogue with the Committee and the IPU to advance towards a satisfactory settlement of these cases; *confirms* that the IPU stands ready to provide capacity-building assistance to parliament and other state institutions in order to address the underlying concerns that are at the origin of the current cases; *wishes* to receive official information on how this assistance can best be provided;

7. *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;
8. *Decides* to continue examining this case.