

## UGANDA

- **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 210<sup>th</sup> session (Kigali, 15 October 2022)*



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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. 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 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

### 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:** March 2022

**IPU mission(s):** - - -

**Recent Committee hearing:** Hearing with the Ugandan delegation to the 145<sup>th</sup> IPU Assembly (October 2022)

#### Recent follow-up:

- Communication(s) from the authorities:  
- - -
- Communication from the complainant:  
September 2022
- Communication to the authorities: Letter to the Speaker of the National Assembly (September 2022)
- Communication to the complainant:  
September 2022

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 145<sup>th</sup> IPU Assembly, the Ugandan delegation stated that the two members of parliament had been arrested on the basis of 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 that the privileges and immunities of members of parliament as provided for in Ugandan legislation do 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 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 the House on the situation of both members of parliament. On 7 September 2022, in her communication to the House, the Speaker of Parliament called for the expeditious trial of Mr. Ssewanyana and Mr. Ssegirinya. The delegation also provided the Committee with copies of excerpts from the House proceedings in this regard.

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 health condition is particularly unstable as he has an underlying condition requiring urgent medical attention, while Mr. Ssewanyana has an injured leg. In September 2022, the complainant informed the Committee that proceedings were still ongoing, that the health of the members of parliament had continued to deteriorate, that other co-accused prisoners in the same case had informed the court that they had been tortured to implicate the two members of parliament and that the Prosecution had recently applied for the identity of witnesses to be shielded. The complainant also reported that the defence lawyers of the two members of parliament challenged in court the Prosecution's application to protect witnesses' identity and that the court decision on this matter was still pending.

## **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 145<sup>th</sup> IPU Assembly to discuss the cases and concerns at hand;

2. *Takes note with appreciation* of steps taken by the Parliament of Uganda to monitor the situation of Mr. Ssewanyana and Mr. Ssegirinya, which include regularly discussing their situation on the floor of the House and asking the Government to report on the situation of the two members of parliament; *commends* in particular the efforts made by the Human Rights Committee of the Parliament of Uganda to 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 and to receive copies of the relevant reports prepared by the Human Rights Committee of Parliament following its visits to prison;
3. *Regrets* that, despite the assurances of support that the Ugandan delegation to the 144<sup>th</sup> IPU Assembly gave on this matter, the requested mission to Uganda by the Committee on the Human Rights of Parliamentarians has still not received official endorsement from the Ugandan authorities; *is confident* that, in light of the renewed assurances of support provided by the Ugandan delegation that met the Committee during the 145<sup>th</sup> IPU Assembly, a Committee 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, as well as to visit them in prison; and *hopes* that the competent national authorities will cooperate fully and that the mission will help to 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 implementation of the recommendations made by the IPU after the Committee mission to Uganda in 2020;
4. *Remains deeply concerned* about the continued detention of the members of parliament, in view of the 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* once again 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. *Is concerned* about the allegation that other co-accused prisoners in the same case have been apparently tortured to implicate the two members of parliament; *recalls* that, according to article 15 of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which the State of Uganda is a party, the State "shall ensure that any statement that is established to have been made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made"; *is also concerned* that the Prosecution had recently applied for the identity of witnesses for the prosecution to be shielded in the proceedings against Mr. Ssewanyana and Mr. Ssegirinya; in this regard, *wishes* to receive additional official information on the reasons invoked by the Prosecution to justify its request and on how the possible protection of witnesses' identity would fully respect the procedural guarantees provided for in Ugandan laws and strictly comply with the fundamental right of defence of the two parliamentarians; *decides* to mandate a trial observer to monitor the upcoming court proceedings; and *wishes* to be kept informed of the dates of the trial when available and of any other relevant judicial developments in the case;
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.



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# Uganda

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



© 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 144<sup>th</sup> 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 144<sup>th</sup> 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 144<sup>th</sup> 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 144<sup>th</sup> 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.