



UGANDA HUMAN RIGHTS COMMISSION

# IRRATIONAL JUSTICE

## MOB ACTION AS A HUMAN RIGHTS CONCERN IN UGANDA



A RESEARCH STUDY

2016

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**Uganda Human Rights Commission**

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## FOREWORD

The Uganda Human Rights Commission (UHRC) was established under Article 51 of the national Constitution with a general mandate of protecting and promoting human rights in Uganda. One of its core functions as provided for in Article 52 (1) (c) of the Constitution is to establish a continuing programme of research, education and information to enhance respect for human rights. In fulfillment of this mandate the UHRC embarked on conducting a research on mob action in Uganda and its human rights implications. The said research was precipitated by the high number of incidents of mob action in Uganda inspite of the existing legal framework.

Mob action results into loss of property, disruption of economic activities and cooperation among families and community members. At the worst mob action has caused loss of lives to both victims and perpetrators. The consequences of mob action cause insecurity and destabilise peace in communities which directly affects the enjoyment of human rights. It is for this reason that the UHRC decided to conduct a research into the issue of mob action and its human rights implications. This research was conducted in the months of November and December 2014 and it was done in the districts of Maracha, Arua, Nebbi, Kampala, Buvuma, Mubende, Kayunga, Mbale, Mayuge, Kamuli and Iganga.

This report is structured in six chapters namely: Introduction, Legal and Institutional Framework on Mob Action, Methodology, Findings, Human Rights Implications of mob action, Challenges, Recommendations and the conclusion.

The findings of the research report indicate that mob action is prevalent and indeed an issue of concern in our communities. It is my hope that this report will provide an insight into the root causes of mob action which root causes should be comprehensively addressed by the concerned stakeholders in an effort to combat mob action in Uganda.



**Med S. K. Kaggwa**  
**Chairperson,**  
**Uganda Human Rights Commission**

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UHRC also acknowledges the leadership, support and guidance of the Chairperson, Members of the Commission, and the Secretary to the Commission through the entire research process.

Gratitude goes to the UHRC members of staff who carried out the research, analysed the data and compiled this report. These are: The Director, Research Education and Documentation Ms. Ida Nakiganda and other staff namely, Ms. Alexandria Kirunda, Ms. Matilda Namaja, Ms. Maureen Nalubega Walugembe, Ms. Rebecca Nnanyonjo, Ms. Brenda Nansikombi and Mr. Bosco Okurut. Others are: Mr. Noel Oyungurwoth, Ms. Roseline Amayo, Ms. Samia Nassolo and Ms. Catherine Naisu. We also thank Mr. Hassan Kamyuka, Mr. Samuel Sserunjoji and Mr. Benson Omoding the drivers of the research teams. The Commission Editor Ms. Rose Mary Kemigisha is appreciated for editing and finalising the report.

Special gratitude is extended to the Uganda Police Force, the respective District Local Governments, Central Government officials, court officials and the communities at large that were part of our respondents. Our appreciation goes to the survivors of mob action who without coercion retold their emotional stories in order to enrich our report.

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**G. T. Mwesigye**  
**Secretary to the Commission**

## LIST OF ABBREVIATIONS AND ACRONYMS

ACHPR	African Charter on Human and Peoples' Rights
BMU	Beach Management Unit
CDO	Community Development Officer
CIID	Criminal Investigations and Intelligence Directorate
CLO	Community Liaison Officer
CSO	Civil Society Organisation
DCDO	District Community Development Officer
DISO	District Internal Security Officer
DPC	District Police Commander
DPP	Directorate of Public Prosecution
FGD	Focus Group Discussions
ICCPR	International Covenant on Civil and Political Rights
JLOS	Justice, Law and Order Sector
KCCA	Kampala Capital City Authority
LHRC	Legal and Human Rights Centre
MoFPED	Ministry of Finance, Planning and Economic Development
MoGLSD	Ministry of Gender, Labour and Social Development
MoLG	Ministry of Local Government
O/C	Officer in Charge
PCA	Penal Code Act
PPTA	Prevention and Prohibition of Torture Act
RDC	Resident District Commissioner
RPC	Regional Police Commander
RSA	Resident State Attorney
UHRC	Uganda Human Rights Commission
UPF	Uganda Police Force
Y.C	Youth Councilor

## ABOUT UHRC

The Uganda Human Rights Commission is an independent constitutional body set up under Article 51 of the 1995 Constitution of Uganda (hereinafter the Constitution) to promote and protect human rights. It was established in November 1996 under constitutional provisions which were operationalised by the Uganda Human Rights Commission Act, 1997.

**Vision:** A society that respects human rights and fulfils civic obligations.

**Mission:** To protect and promote fundamental Human Rights and freedoms in Uganda for sustainable development.

### Functions of UHRC

The functions of UHRC are stipulated under Article 52 of Uganda's Constitution as follows:

1. To investigate, at its own initiative or on a complaint made by any person or group of persons against the violation of any human right;
2. To visit jails, prisons and places of detention or related facilities with a view of assessing and inspecting conditions of the inmates and make recommendations;
3. To establish a continuing programme of research, education and information to enhance respect of human rights;
4. To recommend to Parliament effective measures to promote human rights, including provision of compensation to victims of violations of human rights, or their families;
5. To create and sustain within society the awareness of the provisions of the Constitution as the fundamental law of the people of Uganda;
6. To educate and encourage the public to defend the Constitution at all times against all forms of abuse and violation;
7. To formulate, implement and oversee programmes intended to inculcate in the citizens of Uganda awareness of their civic responsibilities and an appreciation of their rights and obligations as free people;
8. To monitor the Government's compliance with international treaty and convention obligations on human rights; and

9. To perform such other functions as may be provided by law.

### **UHRC powers**

The UHRC has the powers of a court:

- To issue summons or other orders requiring the attendance of any person before the Commission and the production of any document or record relevant to any investigation by the Commission
- To question any person in respect of any subject matter under investigation before the Commission
- To require any person to disclose any information within his or her knowledge relevant to any investigation by the Commission; and
- To commit persons for contempt of orders.

If satisfied that there has been an infringement of a human right or freedom, UHRC may order:

- The release of a detained or restricted person;
- Payment of compensation or
- Any other legal remedy or redress.

UHRC has a Human Rights Tribunal, the decisions of which may be appealed to the High Court if any party is not satisfied with the outcome.

### **Limitations on the UHRC mandate**

UHRC is barred by the Constitution from investigating any matter pending before a court or judicial tribunal; a matter involving the relations or dealings between the Government and that of any foreign state or international organisation; and a matter relating to the prerogative of mercy.

## EXECUTIVE SUMMARY

In November and December 2014, the Uganda Human Rights Commission (UHRC) conducted a research on mob action and its human rights implications. The research was conducted in fulfillment of Article 52 (c) the Constitution of Uganda which mandates the UHRC to conduct research in order to enhance respect of human rights.

The research was prompted by reports that the practice of mob action was on the rise in Uganda and since this directly affected the enjoyment of human rights the UHRC sought to study its causes; prevalence and magnitude; the forms it takes; how people perceive it; and its human rights implications. The research would enable UHRC make appropriate recommendations to the respective stakeholders to curb the problem of mob action.

Chapter One presents the historical background and the definition of mob action. It also features the objectives of the study, the literature review as well as the situational analysis of mob action. Chapter Two is the analysis of the existing legal and institutional framework for alleviating mob action. Chapter Three describes the research methodology, provides details of the baseline study that was conducted prior to this research and the scope of the research. Chapter Four presents the findings regarding the underlying causes of mob action; interventions by the various stakeholders and first-hand perspectives of the purposefully sampled participants of the Focus Group Discussions. The chapter further gives trends derived from the data collected.

In Chapter Five the research report covers the human rights implications of mob action focusing on the specific human rights that are violated as a result of mob action. Chapter Six presents the challenges faced by UHRC in gathering information on mob action. It provides recommendations addressed to specific institutions and actors for appropriate action.

### Recommendations

The Uganda Police Force (UPF) should:

1. Intensify its community policing programmes to enhance appreciation of the mandate of police, processes and timeframes for reporting and investigating cases.
2. Focus its community policing programmes on sensitising communities against engaging in mob action.



3. Establish more police posts and recruit more staff to increase manpower for effective policing and swift response to incidents of mob action.
4. Reinforce its personnel and logistics to allow for expeditious investigation of cases reported by the public.
5. Embark on a strategy to debunk the public's perception that UPF is a corrupt institution and ultimately build the public's confidence in it. This would encourage people to report cases with the confidence that they would be effectively handled by police.
6. Continue to arrest perpetrators of mob action, investigate and document cases of mob action.
7. Work closely with boda-boda cyclists associations to enforce discipline among their members, sensitise them on the criminal laws of Uganda and dissuade them from engaging in acts of mob action.

#### **The Judiciary should:**

1. Intensify its sensitisation and awareness campaigns to enhance the people's appreciation of its mandate and explain processes and timeframes regarding the hearing of court cases.
2. Create public awareness debunk the public's perception that the Judiciary is a corrupt institution and ultimately restore the public's confidence in the judicial system. This would encourage people to report cases of alleged corruption by judicial officers with the confidence that their cases would be effectively handled.
3. Establish Justice Centers in more districts in the country in order to ensure access to justice at the grass roots level.
4. Devise and implement strategies to clear the case backlog that has plagued its system and caused delays in hearing cases including those on land disputes.

#### **The Directorate of Public Prosecutions (DPP) should:**

1. Institute criminal proceedings and expeditiously prosecute cases against perpetrators of mob action.
2. Document all mob action-related cases that have been prosecuted for purposes of future reference.

#### **Judicial Service Commission (JSC) should:**

1. Enhance its legal education programmes about the laws in place and the administration of justice in fulfillment its mandate under Article 147 (1) (c) of the Constitution

**Ministry of Finance, Planning and Economic Development should:**

1. Adequately fund the Judiciary, the DPP and the UPF in order to ensure effective, expeditious and efficient service delivery in the administration of justice.
2. Identify and implement poverty eradication programmes that would empower communities to harness the opportunities offered and improve their livelihood.
3. Provide funding to institutions charged with civic education and legal education including the UHRC and JSC, in order for them to execute effective civic education programmes for the public including programmes aimed at ensuring eradication of mob action.

**Parliament should:**

1. Ensure adequate funding for the Judiciary, the Uganda Police Force and the Directorate of Public Prosecutions to facilitate the effective and expeditious service delivery in the administration of justice.
2. Ensure adequate funding for institutions that are charged with civic education and legal education like the Uganda Human Rights Commission and the Judicial Service Commission so that they can implement comprehensive civic education programmes targeting the populace.

**Ministry of Gender, Labour and Social development should:**

1. Together with the National Youth Council implement programmes aimed at ensuring that the youth are engaged in gainful activities to nurture them into productive members of their communities and responsible citizens of Uganda.
2. Through its Community Development Department enhance the capacity of DCDOs and CDOs to implement community mobilisation and sensitisation programmes to create awareness of responsibilities of community members including fighting mob action.

**Ministry of Local Government should:**

1. Reinvigorate and strengthen grass roots local council structures since they are critical in ensuring security, orderliness and dissemination of crucial information to their communities.

**Ministry of Lands, Housing and Urban Development should:**

1. Together with other key stakeholders institute a comprehensive strategy to address the escalating land disputes in the country.

**The Justice Law and Order Sector (JLOS) should:**

1. Strengthen mechanisms of alternative dispute resolution within the justice sector in order to enhance access to justice especially for grass roots communities.

**District Local Governments should:**

1. Enact by-laws to regulate alcohol consumption and fight drug abuse as well as other vices resulting from idleness.

**Leaders at Local Council I and II should:**

1. Mobilise their communities to fight against mob action.
2. Increase the communities' vigilance in reporting incidents of mob action to them and to the police.

**Religious and Cultural leaders should:**

1. Preach against and condemn mob action to invoke the sense of consciousness of what is right and wrong among members of their communities.
2. Play a key role in healing and unifying the fractured communities where acts of mob action have occurred.

**Civil Society Organisations should:**

1. Conduct programmes aimed at sensitising communities against engaging in mob action and popularising the administration of justice processes.
2. Provide psychosocial support to victims and their families to enable them effectively manage the traumatic experiences they suffer as a result of mob action and to further enable them rebuild their lives.

**Community members should:**

1. Strengthen cooperation with police and local leaders to prevent and manage crimes in order to avoid mob action.
2. Play a key role in the reintegration and support of discharged prisoners so that they can effectively resettle in the community.
3. Ensure successful reintegration of offenders so that they do not become repeat offenders as a result of being stigmatised and shunned by their communities.



# CHAPTER ONE

## INTRODUCTION

This chapter gives an overview of the phenomenon of mob action in Uganda. It specifically addressed the thinking behind this research highlighting the problem statement and objectives. It also provides a descriptive definition of mob action, its historical background and findings from previous research on the vice.

### 1.1 Mob action

Mob action commonly referred to as ‘mob justice’ is a vice among Ugandan communities that people are getting accustomed to. In a typical mob action situation, people in communities bestow upon themselves the powers of accuser, prosecutor, judge and executioner in total disregard of the laid down criminal justice procedures. Most acts that constitute mob action are not only criminal but also amount to the violation of fundamental human rights and freedoms which are guaranteed under national, regional and international instruments.

Press reports regarding mob action are frequent and show that it follows the same pattern. When for example, one is alleged to have committed a crime, an alarm is raised to notify bystanders and within no time people descend on the suspect and administer ‘justice’. This can be in the form of manhandling, beating and dousing the suspect in petrol before setting them on fire among others<sup>1</sup>. Mob action more often than not results into destruction of property, severe injuries and death of the victims.

### 1.2. Problem statement

The fact that mob action exists in Uganda is not disputed. Press and police reports over the years have indicated as much. It also appears that public perception is in favour of mob action. Yet it is clear that mob action affects the enjoyment human rights and thus calls for action by institutions like the UHRC to curb it. However, for the UHRC to effectively address the problem of mob action as a human rights issue it requires empirical data on the magnitude, prevalence as well as what motivates people to engage in the practice. This is intended to help in designing effective community interventions aimed at reducing or even eliminating the problem of mob action.

1 This was the case in a story carried in the New Vision newspaper on January 30th, 2014, page 8 about a boy who was reportedly lynched by a mob in Iganga district. Most cases of mob action follow this trend.

This research was therefore informed by the need to have credible and reliable research data to guide policy, programme and project interventions to curb the vice of mob action within communities.

### 1.3. Objectives of the research

The general objective of the research was to assess the situation of mob action in Uganda. Specifically, the research was conducted to:

- (a) Determine the prevalence and magnitude of mob action in Uganda.
- (b) Establish the causes of mob action.
- (c) Determine people's perception of the practice of mob action.
- (d) Establish the forms in which mob action manifests.
- (e) Establish the actors involved in combating mob action.
- (f) Evaluate the human rights implications of mob action.

### 1.4. Definition of mob action

There is no universally agreed definition of mob action. To get a clear picture of what mob action is, it is important to understand what a mob is. The Merriam-Webster dictionary defines a mob as “a large group or crowd of people who are angry, violent or difficult to control”<sup>2</sup>.

In a 2013 report of the Legal and Human Rights Centre (LHRC), Tanzania, mob action has been defined as an arbitrary act by a group of people with common intent to harm and that the victims of mob violence are usually people alleged to have committed a crime.<sup>3</sup> Human Rights Watch, an international human rights organisation, in its 2010 report on Burundi refers to “Mob action” as the act of beating or killing of a suspected criminal by a crowd, generally consisting of civilians.<sup>4</sup> Mob action is also said to occur when a group of people decide to take the law into their hands; physically punishing suspected criminals without trial, legal procedure and often evidence.<sup>5</sup> Some other schools of thought have taken mob action to refer to the course of action taken by a mass vigilante in response to crimes committed within their communities.<sup>6</sup>

2 <http://www.merriam-webster.com/dictionary/mob>

3 Definition adopted from the joint report of the Legal and Human rights Centre and the Zanzibar legal Services centre, (2013), Tanzanian Human rights report, 2013.

4 Definition adopted from a 2010 human rights watch report on Burundi entitled “Mob Justice in Burundi: Official Complicity and Impunity”

5 Mugunga, F. Emmanuel (2005), Rule of Law and Access to Justice: Eliminating Rough Justice., cited in Nyonyitono Moses (2009), the challenges faced by Police in eliminating mob justice in Kampala: 2005-2007

6 <https://tunasangwiches.wordpress.com/2013/01/23/160/>

According to Malene Mikkelsen, (2000), within the mainstream political theory and human rights programming, the provision of law and order, justice inclusive, is traditionally considered a prerogative of the state. In this context therefore, mob action or mob ‘justice’ refers to ‘justice’ unlawfully executed by a group of people in a society who do not represent or have not been delegated official authority to do so.<sup>7</sup>

On the other hand, a definition of mob action, which brings forth its violent nature, is one by the World Health Organisation which defines it as “the instrumental use of violence by people who identify themselves as members of a group - whether this group is transitory or has a more permanent identity, against another group or individuals in order to achieve political, economic or social objectives”.<sup>8</sup>

From the above descriptions, it can be concluded that mob action is a situation where a group of people without authority grant themselves the power to punish suspected criminals within their communities; and it is an extra-judicial form of trial and execution by an informal group. It does not serve the interest of justice because it falls short of the known meaning of justice<sup>9</sup> since it is done outside the known legal and criminal justice framework.

### 1.5. Historical background to mob action

Mob action is not a new development in society. It has been in existence for ages, though it has always been known by different names and has manifested in different forms across different communities. In some jurisdictions, it is called mob justice, while in others it is referred to as mob action, mob violence or vigilante justice.

Elements of the concept of mob action can be traced way back in the period Before Christ (B.C) in the biblical stories of the abduction and rape of Dinah, the daughter of Jacob, and the violent reaction of her brothers Simeon and Levi<sup>10</sup>; and in the period A.D (After Christ) the trial and execution of Jesus Christ of Nazareth as narrated in the New Testament.<sup>11</sup>

7 Malene Mikelsen (2000), Your Rights Magazine, July 2000, published by Uganda Human Rights Commission.

8 Cited in Etienne G. Krug et al (eds), World report on violence and health, WHO, Geneva, 2002, Pg.215.

9 Justice in this case is taken to mean the process or result of using laws to fairly judge and punish crimes and criminals.

10 Refer to Genesis chapter 34, Holy Bible, New Living translation.

11 Refer to the story of the trial and crucifixion of Jesus, Mathew chapter 27.

In the United States of America, mob action which manifested in the form of vigilante justice was tied to the concept of popular sovereignty that is common in most democracies and is based on the notion that the people are the ultimate and only legitimate basis of government; and by involving themselves in mob action, they are trying to fill the gaps within government in as far as criminal justice is concerned.<sup>12</sup> The most known form of mob action is lynching which is a term derived from the name of Col. Charles Lynch who was a landowner in Virginia in 1790. Lynch reportedly had a habit of holding illegal trials of local lawbreakers in his front yard. Upon conviction of the accused, which was usually the case, Lynch took to whipping the suspects who were tied to a tree in front of his house.<sup>13</sup>

In South Africa for example, the mounting unrests in the black townships following the 1976 Soweto uprisings led to numerous incidents of mob violence. These were mainly associated with industrial disputes, political demonstrations, consumer boycotts and funerals of residents killed by the police.<sup>14</sup>

Other than for reasons given above, mob action has also been meted out on suspected witches who would be subjected to beatings; their properties destroyed; and would be banished from their communities. According to Steven Hayes (1995), in his article titled Christian Response to Witchcraft, over 200 people who were accused of being witches were burnt to death in South Africa alone between the beginning of 1994 and mid-1995.<sup>15</sup> These killings were not legal executions, but took place at the hands of lynch mobs, mostly from the communities in which the accused lived.

### 1.6. The situation in Uganda

Uganda, just like the rest of the world, has experienced mob action. In spite of the limited literature on mob action in Uganda, media and police reports indicate a high prevalence. According to the Annual Crime and Road Safety Report of the Uganda Police Force for 2013<sup>16</sup>, a total of 426 cases of death by mob action were reported and investigated in 2013.<sup>17</sup>

12 Fritz (1994), cited in international foundation for protection officers: article archives “watchful guardian or Dark night: By Brian Newby, University of Delaware available at [http://www.ifpo.org/wp-content/uploads/2013/08/Newby\\_Vigilante.pdf](http://www.ifpo.org/wp-content/uploads/2013/08/Newby_Vigilante.pdf)

13 [http://www.crimelibrary.com/notorious\\_murders/mass/lynching/lynching\\_2.html](http://www.crimelibrary.com/notorious_murders/mass/lynching/lynching_2.html)

14 Andrew. M. Colman (1992) “crowd psychology in South African murder trials” University of Leicester, Leicester, England.

15 This article was originally published in *Missionalia*, Vol. 23, No 3, Nov 1995 and can be accessed at <http://people.ucalgary.ca/~nurelweb/papers/hayes/witch.html>

16 Uganda Police: Annual crime and road safety report, 2013, available at [www.upf.go.ug/publications](http://www.upf.go.ug/publications).

17 Data for the year 2014 was not available on the police website.



This was a 37.5% increase from the 266 cases reported in 2012. Cases that led to mob action, according to the police report were: Theft (62%), murder (9%), robbery (6%), burglary (2%), suspected witchcraft (1%) and other causes (20%).<sup>18</sup>

The police report further indicates that cases of mob action were more prevalent in the central parts of Uganda with Ssezibwa region registering 37 the highest number of cases, while North Kyoga had 30, East Kyoga, Rwizi and West Nile 26 cases each. Most of the killings took place in the districts of Kayunga (30 cases), Arua (15 cases) with Fort Portal, Lira and Iganga having 11 cases each while Mpigi and Kabale had 10 each.

The police report further revealed that by the end of 2013, a total of 362 cases were still under investigations; 64 were taken to court, out of which 02 were dismissed and the rest were still pending. A total of 508 people were killed as a result of mob action, 477 of whom were male adults, 26 female adults and 05 male juveniles. However, it is also worth noting that the police report covers only cases of death arising from mob action and not where the victims survived but suffered destruction of property, assault, banishment from the community as well as public humiliation, among others.

The print media has also reported several cases of mob action in the country. A review of the *Daily Monitor* and the *New Vision*, the two leading daily newspapers in Uganda, reveals that, 49 cases of mob action were reported in various parts of the country between 2012 and 2014. The statistics above show that the total number of cases reported in the media were fewer than those in the police annual crime report in one year. It is clear that more cases were reported to the police than were covered by the media. It is also possible that apart from the cases reported to police and those covered in the media, some others go unreported.

It is also important to note that unlike in South Africa, generally mob action in Uganda does not have a racial connotation. Only one known case can be cited of Devang Rawal, a 25-year-old Indian, who was killed by people protesting against the planned give-away of Mabira forest by the government of Uganda to an investor for sugarcane growing in the year 2007.<sup>19</sup> The mob killed him simply because he was Asian just like the investor.

18 The Police report does not elaborate on 'Other causes'.

19 New Vision, 24 August 2007.

### 1.7. Findings from previous research on mob action

A number of reasons have been advanced to explain the high incidences of mob action in Uganda, in spite of the presence of established criminal justice institutions that should ordinarily deal with criminal matters. Nyonyintono (2009), notes that one of the key contributing factors to mob action in Uganda was the loss of faith in the criminal justice institutions.<sup>20</sup> He submits that the public seems not to have trust in the two key institutions responsible for the administration of justice in Uganda namely: The Uganda Police Force and the Judiciary.

David Bruce, a senior research specialist with the Centre for the Study of Violence and Reconciliation, Johannesburg, South Africa, states that communities plagued by crime and violence claim desperation as the reason for their acts of vigilantism and thus, mob justice results from citizens' desperation and lack of confidence in the country's criminal justice system.<sup>21</sup>

According to Jemma Williams (2013), socialisation of mob violence in Uganda has led to people accepting it as a legitimate form of justice. She further notes that psychologists widely agree that socialisation of violent behaviour, especially around young children (mainly through watching mob violence scenes on TV), reinforces the acceptance of violence within the community as a valid response to conflict.<sup>22</sup>

In a study by the Uganda Muslim Youth Development Forum in 2014, unemployment was cited as a key contributing factor to mob action. It is further argued that it is the idle youth who are readily available to participate in mob action since they are not always engaged in any productive activities.<sup>23</sup>

Mob action has also been attributed to urbanisation and subsequent high population density in urban areas. This view has been supported by the International Committee of the Red Cross (2010) which noted that because of the high concentration of people in small spaces in cities, they are forced to closely interact with each other, which causes friction and leads to violence, particularly evident in the form of urban crime.<sup>24</sup>

20 Nyonyintono Moses (2009), The challenges faced by Police in eliminating mob justice in Kampala: 2005-2007

21 Mob justice: Desperation or Criminality, 4 August 2010, available at <http://www.iol.co.za/news/south-africa/mob-justice-desperation-or-criminality>.

22 Jemma Williams (2013), You Either Work or You Die: Mob 'Justice' in Uganda, available at <http://thewip.net/2013/04/22/you-either-work-or-you-die-mob-justice-in-uganda/>

23 Survey report on mob action in Uganda (undated), by the Uganda Muslim Youth Forum

24 International review of the Red Cross: Law, Policy, Action, Urban Violence-Volume 92, Number 878, June 2010.



## THE LEGAL AND INSTITUTIONAL FRAMEWORK ON MOB ACTION

### 2.1. Introduction

This chapter highlights the legal and institutional framework in place to protect against acts of mob action in Uganda. Although there is no specific law that criminalises mob action in Uganda, there are several international and regional instruments as well as national legislations that are relevant to the prevention, prohibition and punishment of acts of mob action.

### 2.2. Legal framework

#### International and regional legal framework

International and regional human rights treaties lay down obligations which States are bound to respect. By becoming parties to international and regional treaties, States assume obligations and duties under international law to respect, to protect and to fulfill human rights. The obligation to respect means that States must refrain from interfering with or curtailing the enjoyment of human rights. The obligation to protect requires States to protect individuals and groups against human rights abuses especially by third parties. The obligation to fulfill means that States must take positive action to facilitate the enjoyment of basic human rights.<sup>25</sup>

Under the international and regional instruments highlighted below, Uganda has the obligation to put in place mechanisms to ensure that its citizens enjoy the human rights enshrined therein. Uganda is also obliged to protect its citizens from human rights abuses by third parties, including private individuals who are perpetrators of acts of mob action.

#### 2.2.1. The International Covenant on Civil and Political Rights (ICCPR)<sup>26</sup>

The ICCPR is the primary international human rights instrument on civil and political rights. The ICCPR guarantees the right to life<sup>27</sup> and provides for the right to a fair and public hearing, the presumption of innocence, procedural guarantees and protection from double jeopardy.<sup>28</sup>

25 <http://www.ohchr.org/EN/ProfessionalInterest/Pages/InternationalLaw.aspx>

26 Adopted by the UN General Assembly on 16th December 1966; entered into force on 23rd March 1976; ratified by Uganda on 21st June 1995.

27 Ibid. Article 6

28 Ibid. Article 14

### 2.2.2. The African Charter on Human and Peoples' Rights (ACHPR)<sup>29</sup>

The ACHPR provides a legal framework for the protection and promotion of human rights in Africa. Article 1 enjoins all member states to recognise the rights, duties and freedoms enshrined in the Charter and to undertake to adopt legislative or other measures to give effect to the rights and freedoms. The Charter provides for the right to life and that nobody shall be arbitrarily deprived of their right to life.<sup>30</sup> The right to a fair and public hearing is also guaranteed by the Charter and it entails the right to be presumed innocent until proven guilty.<sup>31</sup> The Charter further provides for the right to property.<sup>32</sup> Therefore as a State party to the ACHPR, Uganda is mandated to put in place and enforce laws that give effect to the rights and freedoms enshrined in the Charter and specifically the rights and freedoms affected by acts of mob action.

## National legal framework

### 2.2.3. The Constitution of Uganda

Uganda domesticated its obligations under the various international and regional human rights instruments it ratified by incorporating them into the Constitution and specifically under Chapter Four which is commonly referred to as the Bill of Rights. As the supreme law of the land, the Constitution, particularly in Chapter Four, is a testament of Uganda's commitment to ensure that its citizens enjoy their human rights and freedoms. The Constitution provides for the right to a fair and public hearing by an independent and impartial tribunal in the determination of criminal charges against any person.<sup>33</sup> The Constitution further provides for the right to a fair hearing as a non-derogable right meaning that the State must ensure that this right is not violated under any circumstances.

The right to life is guaranteed under the Constitution which provides that no person shall be deprived of life intentionally except in execution of a sentence passed in a fair trial by a court of competent jurisdiction in respect of a criminal offence under the laws of Uganda.<sup>34</sup> The right to property is guaranteed by the Constitution and it provides that one cannot be compulsorily deprived of their property except where certain conditions are satisfied. The conditions are that the taking of possession or acquisition is necessary for public use, or in the interest of defence, public safety, public order, public morality or public health.<sup>35</sup>

29 Adopted by the Organization of African Unity (OAU) on 27th June 1981. Entered into force on 21st October 1986. Ratified by Uganda on 10th May 1986.

30 Article 4

31 Article 7(1)

32 Article 14

33 Article 28(1)

34 Article 22(1)

35 Article 26 (2) (a)

### 2.2.4. The Prevention and Prohibition of Torture Act (PPTA)

Uganda domesticated the UN Convention against Torture through the enactment of the Prevention and Prohibition of Torture Act, 2012. Section 2(1) defines torture as:

*“...any act or omission, by which severe pain or suffering whether physical or mental, is intentionally inflicted on a person by or at the instigation of or with the consent or acquiescence of any person whether a public official or other person acting in an official or private capacity for such purposes as- Obtaining information or a confession from the person or any other person; Punishing that person for an act he or she or any other person has committed, or is suspected of having committed or of planning to commit.....”*

The Act further provides under Section 4(1) that any person who commits an act of torture as defined in the Act commits an offence and is liable on conviction to imprisonment for fifteen years or to a fine of three hundred and sixty currency points (seven million two hundred thousand shillings (7,200,000shs). The definition of torture under the PPTA includes private individuals as perpetrators of acts of torture. In some instances acts of mob action amount to torture and this means that the private individuals who are architects of mob action can be held liable under the PPTA.

### 2.2.5. The Penal Code Act (PCA)

The PCA provides for all criminal offences in Uganda including those committed through acts of mob action. These may be threatening violence<sup>36</sup>, manslaughter<sup>37</sup>, murder<sup>38</sup>, attempted murder<sup>39</sup>, causing grievous harm<sup>40</sup>, assault causing actual bodily harm<sup>41</sup>, criminal trespass<sup>42</sup>, and arson<sup>43</sup> among others.

This means that the Uganda Police Force (UPF) has the duty to arrest and charge persons involved in acts of mob action under the PCA; the Director of Public Prosecutions (DPP) has the duty to prosecute cases of persons alleged to have been involved in acts of mob action; and the courts of law have the duty to convict and sentence perpetrators of acts of mob action under the PCA when the evidence supports the charges against them.

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36 Section 81

37 Section 187

38 Section 188

39 Section 204

40 Section 219

41 Section 236

42 Section 302

43 Section 327

## 2.3 Institutional framework

In Uganda there are several institutions that are crucial to the fight against mob action by virtue of their mandates. These include government institutions, constitutional commissions and civil society organisations as elaborated below:

### 2.3.1. The Uganda Human Rights Commission (UHRC)

Article 52(1) of the Constitution mandates the UHRC to investigate complaints of alleged human rights violations; to establish a continuing programme of research, education and information to enhance respect of human rights and to recommend to Parliament effective measures to promote human rights.

UHRC is therefore mandated to receive and investigate complaints from victims of alleged human rights violations including acts of mob action. In addition, the UHRC can conduct research in an area of human rights concern such as this research on mob action in Uganda.

Through this, the UHRC will make recommendations to the Parliament of Uganda on how best the problem of mob action in Uganda can effectively be handled. Finally the UHRC is mandated to conduct civic education for the public on their rights, duties and responsibilities as citizens of Uganda. This includes dissuading the public from engaging in acts of mob action.

### 2.3.2. The Uganda Police Force (UPF)

The UPF is mandated to protect life and property; to preserve law and order; to prevent and detect crime.<sup>44</sup> The Police Act specifically mandates UPF to detect and bring offenders to justice and apprehend all persons where sufficient grounds exist.<sup>45</sup> The UPF is therefore expected to detect and prevent acts of mob action, expeditiously investigate them when they occur and ensure the apprehension of perpetrators of acts of mob action. The Police through the community policing initiative also plays a very important role in coordinating with communities to ensure crime prevention.

### 2.3.3. The Directorate of Public Prosecutions (DPP)

The DPP is charged with directing police to investigate any information of a criminal nature. The DPP is further mandated to institute criminal proceedings against any person or authority in any court with competent jurisdiction.<sup>46</sup> The DPP therefore handles the prosecution of cases of mob action as per the evidence collected by the police.

44 Article 212 of the Constitution

45 Section 21(1)(h)&(i)

46 Article 120 (3) of the Constitution

### 2.3.4 The Judiciary

Article 126 of the Constitution provides for the courts of judicature and that in adjudicating cases of both civil and criminal nature, the courts must, subject to the law, apply the set out principles. These include that justice shall be done to all irrespective of their social or economic status; justice shall not be delayed and adequate compensation shall be awarded to victims of wrongs. The criminal cases handled by the Judiciary include cases that resulted from acts of mob action. Under the Constitution the Judiciary has to ensure expeditious justice for victims of acts of mob action regardless of their economic or social standing.

### 2.3.5. Uganda Prisons Service (UPS)

The UPS offers a correctional service of rehabilitating and reforming prisoners in its custody through specific training and educational programmes. The UPS also facilitates the re-integration of prisoners into their communities.<sup>47</sup> UPS therefore plays a very important role in rehabilitating persons incarcerated for crimes committed as a result of mob action so that they are able to realise the gravity of the crimes they committed and reform into persons that can be accepted back into their communities when released from prison.

### 2.3.6 The Ministry of Gender, Labour and Social Development (MGLSD)

The MGLSD develops and conducts community development programmes through its Department of Community development and the community development officers (CDOs) who are deployed in all the districts of Uganda. These programmes include community sensitisation initiatives which should encompass the dissemination of information about the evils of mob action in communities.

### 2.3.7 Civil Society Organisations (CSOs)

CSOs play a very important role in implementing sensitisation programmes on issues of concern for grass roots communities including those targeting the elimination of mob action in communities. CSOs also conduct advocacy campaigns targeting key stakeholders in order to draw attention to issues of concern that require positive action.

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<sup>47</sup> Section 4 of the Prisons Act of Uganda, 2006

**CHAPTER THREE****RESEARCH METHODOLOGY****3.1. Introduction**

The chapter presents information from a baseline survey that was a precursor to this research, the scope of the research, targeted key respondents/participants and it explains the methods used in the data collection for the research.

The baseline survey was to establish the magnitude of mob action in communities through discussions with the authorities like Police and LCs among others. In addition the survey was intended to gather information on districts with the highest prevalence of mob action incidents in order to conclude on the sample districts for the research.

**3.2. Baseline survey**

In September 2014, UHRC conducted a baseline survey on mob action and its human rights implications in eight districts within three regions in Uganda as illustrated in Table I below:

**Table 1: Regional coverage of the baseline survey**

Region	District covered
Central	Kayunga
	Mubende
	Luwero
Eastern	Jinja
	Iganga
	Busia
West Nile	Arua
	Yumbe

During the baseline survey, the teams used interviews and questionnaires to gather information from the targeted respondents who were Police officers comprising District Police Commanders, Officers in Charge-Station, Officers in Charge-Crime Intelligence and Investigations Department, Community Liaison Officers and Regional Police Commanders. Other respondents were Resident District Commissioners, Community Development Officers, District Internal Security Officers, and Resident State Attorneys.



Information gathered from the baseline survey, especially from the police officers, pointed out places with the highest prevalence of the mob action specifying districts and sub counties according to cases recorded periodically. The following districts were reported to have the highest reported cases of mob action: Buvuma, Kampala, Mbale, Maracha, Mubende, Kamuli, Nebbi, Gulu, Wakiso, Mbarara, Amuru, Arua, Mukono, Lira and Apac. The information gathered from the baseline survey informed the research teams' choice of scope for the actual study.

### 3.3. Time and area scope for the mob action research

The research was carried out in the months of November and December 2014 in 36 sub counties in 11 districts of three regions as indicated in Table II below:

**Table II: The scope of coverage.**

Regions	No. of districts	No. of sub-counties
West Nile	3	12
Central	4	12
Eastern	4	12
<b>Total</b>	<b>11</b>	<b>36</b>

It should be noted that sampled districts and the findings from there were representative of how mob action manifests in the rest of Uganda. Refer to Annex 1 for details of the districts and sub counties.

#### 3.3.1. Targeted respondents

The research team aimed at interacting with and collecting data from respondents at different levels. The target respondents in each district included: Two local government officials, two central government officials, six law enforcement officials, one court official, four opinion leaders and the community at large.

Specifically the law enforcement officers targeted comprised Regional Police Commanders, District Police Commanders, Records/Data Officers, Officers in Charge of police stations, Community Liaison Officers, and Officers in Charge - Crime Intelligence and Investigations Department (CIID). The local government officials were: Community Development Officers and Youth Councillors; while those from central government comprised: District Internal Security Officers and Resident District Commissioners. The court officials targeted were Resident State Attorneys.

Opinion leaders included: Church leaders, business owners, Local Council 1 chairpersons and chairpersons of the *Boda-boda* riders associations (*'boda-boda'* riders refers to persons that ride motorcycles as a commercial means of transport). The research team also targeted community members.

The law enforcement officers were targeted because of their mandate to handle crime and the fact that they are the first point of call when crimes occur. Opinion leaders were targeted because of the influence they have in the communities; while central government officials were targeted because of their role in ensuring security in the district. Court officials were targeted to provide information on the number of cases prosecuted and those awaiting prosecution. These targeted respondents constituted 15 key informants and between 10 to 20 people that participated in Focus Group Discussions (FGDs) in every sample district.

### **3.3.2. Methods of data collection**

The study was both qualitative and quantitative encompassing the use of both theoretical and practical approaches. The research combined four complementary methods of data collection which included: Questionnaires, FGDs, key informant interviews and field observations. The methodology used provided equal opportunity for participation. In addition to the above methods, desk research was conducted on previous studies of mob action and the legal framework.

Prior to obtaining information, the research teams informed participants of the purpose of the research and got their consent. Researchers were sensitive to the needs of the respondents especially the survivors of mob action due to the traumatic nature of the information they were providing. The specific methods of data collection are explained below:

#### **Questionnaire**

A set of both close-ended and open-ended questions were developed into a questionnaire for key informants. The questionnaire had seven key questions. Refer to Annex 2 for the questionnaire.

#### **Focus Group Discussions**

The participants in the FGDs were purposively selected. The FGDs were based on an interview guide with 15 questions. Selected members of the FGD included: Business owners, *boda boda* riders, fishermen (where the study area was within the fishing communities), opinion leaders, religious leaders and community members who had an insight into mob action. Refer to Annex 3 for the FGD interview guide.

***Key informant interview***

The research team conducted in-depth interviews with the targeted respondents and some selected survivors of mob action. These were identified based on their experiences and knowledge about mob action. It should be noted that the survivors' willingness to share their experiences was a matter of consideration.

***Observations***

In addition to data collection in the field, researchers observed through interviews the respondents' reactions and temperaments while discussing mob action. This informed the understanding of the possible causes, effects and the complexity of mob action.

***Desk research***

Information was also obtained from different secondary sources including articles and reports from newspapers and the internet. This information was continuously referred to during this study.

**3.3.3. Data analysis**

Researchers entered quantitative data through the MS Excel programme for purposes of checking and analysis. This was mostly an exploratory qualitative research; therefore it was not necessary to conduct extensive cross-checking of statistical relationships between different variables.

Qualitative data was coded and grouped according to the theme. Each researcher working on the data analysis occasionally referred to templates already covered to ensure that relevant data had not been lost or overlooked.

**CHAPTER FOUR****FINDINGS OF THE RESEARCH****4.1. Introduction**

This chapter details the findings from all the districts visited by the UHRC research team. On the whole it was established that mob action is a vice that is taking root and being gradually accepted in the communities visited. The chapter presents the demographic information of respondents in their different categories; the alleged root causes of mob action; the major accusation, a statistical presentation of the forms of mob action and gender disaggregation of the victims of mob action.

**4.2. Demographic information**

Researchers interviewed the following categories of stakeholders as key informants in order to get the required information on mob action in their regions: Officers in charge- police stations, District Police Commanders (DPCs), Officers in charge - CIID, Regional Police Commanders (RPCs), Community Development Officers (DCOs), District Internal Security Officers (DISOs), Records/data officers, Resident State Attorneys (RSAs) and Resident District Commissioners (RDCs).

Some of the targeted participants were unavailable at the time of the research in some areas therefore they were substituted with Local Council (LC) Officials, Town Clerks, Mayors, *boda boda* cyclists, Youth Councillors (YC), Community Liaison Officers (CLOs) and District Probation officers. This means that additional respondents were interviewed beyond those targeted as was listed in section 3.3.1 in Chapter Three. The key informants are shown in Table III and participants in the FGDs are shown in Table IV below.

The respondents were mainly youths in the age range of 20-39 years as well as adults who were aged 40 years and above. These particular age groups were targeted because information from the baseline survey revealed that mostly the youth were perpetrators of mob action while the victims were usually adults aged 40 years and above.

**Table III: Number of Key Informants interacted with during the mob action research**

Categories of Respondents	No. in Central	No. in In West Nile	No. in Eastern
O/C - Police Stations	6	1	-
O/C - CIID	4	3	3
RPC	-	-	-
DPC	2	-	-
RDC	1	2	-
CDO	2	-	12
YC	-	2	1
CLO	-	-	-
DCDO	2	3	1
DISO	2	2	2
RSA	3	1	2
Record Officer	3	-	-
Survivors	1	-	1
Substituted respondents	10	3	18
<b>Total</b>	<b>36</b>	<b>17</b>	<b>40</b>
<b>Grand Total</b>	<b>93</b>		

**Table IV: Participants in the Focus Group Discussions disaggregated by gender**

Categories of Respondents by gender	No. in Central	No. in West Nile	No. in Eastern
Female	41	16	20
Male	92	130	87
Total	133	146	107
Grand Total	386		

The FGDs were composed of both men and women. The participants included: Opinion leaders, religious leaders, youth leaders, women leaders, taxi drivers, members of the business community and other community leaders.



*Participants attending a Focus Group Discussion in Kibibi Sub County, Buvuma District*

The research team set out to meet on average 14 participants in each of the 12 FGDs planned in each region totalling to 504 participants in all the 36 sub counties. However, the total number that eventually participated in all FGDs was 386. The variation of 118 participants was attributed to challenges faced in some FGDs where the participants refused to register while in other fewer participants than anticipated turned up.

### **4.3. General understanding of respondents of the meaning of human rights and mob action**

#### **4.3.1. Respondents' understanding of the meaning of human rights**

The research established that in the three sampled regions people generally understood what human rights are as shown by their descriptions and examples. Respondents generally defined human rights as entitlements people are born with and the freedom to do whatever they wish as long as their actions do not harm others.

### Definitions of human rights from participants of selected FGDs from West Nile, Central and Eastern Regions

- “The freedom to do whatever one wants to without negatively affecting other people”
- “Doing what is right so that you do not conflict with the law”
- “Treating the children with respect and taking them to school, giving them food and medical care when they are ill”
- “human rights is choosing a leader of my choice by vote and not by force”
- “Living and existing at peace with everybody”
- “Human rights are freedoms to do whatever one wants without interference or interruption”
- “Authority to do whatever one wants in whatever sphere”
- “Human rights are a set of laws that govern and allow people to have a channel through which they can have a voice without discrimination”
- “Human rights are things that people must enjoy, some are inalienable while others are limited in their enjoyment”
- “Human rights and freedoms are God-given”
- Human rights are freedoms one has in order to exist

It was established from all the regions sampled that generally participants of FGDs and majority of key informants had a good understanding of human rights and the attendant duties and responsibilities which must be fulfilled in order for rights to be fully enjoyed.

#### 4.3.2. Respondents’ understanding of the meaning of mob action

Respondents in the three regions understood mob action in the same way with a common definition as acts of passing judgment and punishing suspects without referring to the laws.

***“Mob justice is some sort of revenge by some people who take the law into their hands.”***  
***Participant from Nebbi Town Council, Nebbi district.***

***“Deciding on the guilt of a suspect without going through the proper channels or established offices.”***  
***FGD Nakalokole sub county, Mbale district***

***“Revolutionary justice where people decide to take action as an answer to situations that arise in their communities”*** FGD Kiganda sub county, Mubende district

The research revealed that although people were aware that mob action is against the law, the interviewed communities indicated that it was the best way to handle issues expeditiously without being bogged down by the laws. The research revealed that mob action took many forms including: Beating, lynching, undressing the victim; burning of property; and banishing of the alleged suspect from the village.

#### **4.4. Underlying causes of mob action**

The act of mob action is a manifestation of a much bigger problem therefore the research sought to establish the root causes of mob action. The UHRC established that the underlying causes of mob action included the following:

##### **4.4.1. Allegations of delayed investigations and corruption within Police**

Participants from the FGDs alleged that there were high levels of corruption within Police which as a result could not handle their cases properly. During the FGD in Iganga Municipality, several incidents were cited of police asking for “fuel”, “money for photocopying” and other facilitation whenever cases were reported by the public. It was further alleged in the FGD in Nateete, Rubaga Division, Kampala that police officers intentionally lost case files and released suspects and yet the complainants were expecting justice from police. FGD participants in Central region particularly stated that they were fed up with the standard police response of “*okunonyereza kukyagenda mumaaso*” (investigations are still on-going) whenever they tried to follow up their cases. Such loopholes and frustrations according to them caused people to resort to their own means of justice.



*“...my phone was stolen and when I went to report to Kalerwe Police station, an officer asked me to wait as he tried to contact ‘the chairman for thugs in Kavule’ to bring the phone. I had to pay Shs. 20,000 as transport refund to the ‘chairman for the thugs’ and airtime for the police officer.....” Respondent in an FGD at Mini Triangle, Makerere-Kavule, Kawempe Division, Kampala*

*“...why should I waste my time reporting thieves to police when the police officer can be bribed as little as Shs. 10,000 yet me the affected person I have lost property worth millions of shillings ...” Respondent in an FGD in Nateete, Rubaga Division, Kampala*



***Participants attending a Focus Group Discussion in Kawempe Division, Kampala District***

In Kampala, it was stated that Police officers had a tendency of looking on when certain acts that were human rights infringements were being committed by different institutions like Kampala Capital City Authority (KCCA) as well as individuals that manage landing sites. A respondent cited an incident in October 2014, when KCCA operatives were evicting taxi operators from Nateete taxi Park at 3.00 a.m. and unlawfully beat them up as they held a funeral vigil for their colleague in the taxi park.

The taxi operators accused the Police of just looking on and not protecting them from the acts of the KCCA operatives and yet Police’s work was to ensure that citizens were safe. Other incidents were cited where Beach Management Units and individuals beat up people and police allegedly looked on.

#### 4.4.2. Allegations of delayed resolution of cases and corruption within the judiciary

Respondents alleged that the Judiciary which is constitutionally mandated to promote, protect and ensure the rule of law was compromised by corruption and court processes were lengthy and bureaucratic. Consequently members of the public had lost confidence in the Judiciary and were devising quick methods of dispute resolution, hence mob action. All the FGDs in West Nile indicated that their region was grappling with cases of land disputes that were taking too long to be resolved by the courts of law and yet they needed to use their land. Respondents in Mbale indicated that the cost of justice was very high making it unaffordable and inaccessible to many people.

#### 4.4.3. Alleged weak laws

Alleged weak laws and lenient sentences were one of the reasons respondents gave for the increased acts of mob action. Respondents alleged that they were angry and frustrated with the weak laws and “lenient and short court sentences” that allowed habitual criminals to always walk away scot-free. Respondents from the *Boda Boda* Association of Mbale stated that criminals enjoyed too many rights such as police bond and court bail to the annoyance of communities. In Iganga, a respondent expressed his frustration with the colonial laws that allowed for an adulterer to pay a fine of only Shs. 600 for the offence of adultery.

*“...what is the use of following the law when we take a thief to police and before you reach home, he or she has already been released and is bragging to everyone about how he or she cannot be managed by anyone not even the law? It is better that we teach such suspects a lesson through beating, stoning or sometimes killing them so that we can get some peace in our villages...” Participant in an FGD in Kangulumira sub county, Kayunga district*

#### 4.4.4. Ignorance of laws and set procedures

It was evident that the participants in FGDs generally had little knowledge about the existing laws and the procedures in place for reporting and following up a case with police or court. The UHRC observed a knowledge gap on the laws relating to criminal offences, collecting and adducing of evidence. It was noted that when a suspect was granted police bond or court bail, people immediately concluded that the police or judiciary respectively had been bribed.

Furthermore the mandates of institutions charged with the administration of justice were not adequately known by the public. It was also noted that the public expected too much from institutions of administration of justice like the Police, DPP and Judiciary which however had not adequately explained the procedures involved in reporting, investigating and hearing cases.

The District Community Development Officer (DCDO) for Iganga stated that law enforcement agencies had not sufficiently managed the expectations of the general public since they were not informing them about the procedures and the time frames for investigating cases. Respondents argued that judicial procedures required strict rules of evidence which defeated justice. A respondent in Bulamagi Sub County, Iganga gave an example of a thief who was caught red-handed stealing parts of a borehole, but when he was arrested and taken to court the judge asked for further evidence and other witnesses to corroborate the testimony of the eye witness.

#### **4.4.5. A disgruntled populace**

Respondents revealed that there were high levels of disgruntlement and disillusionment among the populace. They alleged that the general lack of social services and inefficient systems had bred a society that was highly emotive, frustrated and filled with hopelessness. They said that since the society was already inflamed, it easily engaged in acts of mob action in order to vent the frustrations. The phrase “*abantu bakowu*” (people are tired of the situation) was commonly used by respondents in Eastern and Central regions.

#### **4.4.6. Alleged high levels of poverty compounded by high levels of unemployment among the youth**

The UHRC was informed that high levels of poverty especially in the rural areas have forced people to involve themselves in theft as a means of survival and that such were the people that were subjected to mob action. The UHRC was further informed that the high levels of poverty were compounded by unemployment especially among the youth who were idle in their villages making them susceptible to crime. A respondent in an FGD in Arua stated: “...an idle mind is the workshop of the devil...”

#### **4.4.7. High levels of substance abuse**

Respondents noted with concern that there were high levels of substance abuse which impaired people’s minds and made them susceptible to taking part in acts of violence like mob action. They said the youth had particularly taken to narcotics such as “*mairungi*”, opium, marijuana, “*kayongo*” and the sniffing of aviation fuel.

In West Nile region the respondents indicated that the region was best known for growing “*mairungi*” for sale. The DCDO Nebbi noted that the cheap and easy to carry sachets of alcohol had become the deadliest. He stated that people were always drunk and could do anything in that state of mind.

#### **4.4.8. The self-defence excuse by the boda boda riders**

The *boda boda* operators at the FGD in Busoba Sub County in Mbale claimed that due to the increased attacks and murders of their colleagues by robbers, they had resorted to mob action against suspects in order to preserve their lives and their trade. In Kayunga and Mubende districts they vowed to carry on with acts of mob action in order to deter thieves and reduce the incidents of motorcycle thefts in their communities as well as to avenge the deaths of their colleagues murdered on duty.

#### **4.4.9. Impunity**

Respondents noted with concern that people engaged in mob action in contravention of existing laws with the confidence that they would not suffer any consequences. It was established that although people knew that mob action was illegal they still engaged in it.

The UHRC established that people in remote areas engaged in acts of mob action because they did not have Police stations/posts within their localities. Respondents in the West Nile region said their communities were involved in mob action because they knew the police were too far away to intervene, rescue the victim and arrest culprits.

#### **4.4.10. Weak village administrative social and political structures**

Some of the respondents expressed their concern that village structures such as local councils and the education committees had ceased to function. They said these structures were charged with ensuring security, orderliness and the dissemination of crucial information at the grass roots level. The DISO Nebbi, for instance noted that people in the villages no longer wanted to attend meetings especially if there were no allowances and as a result they missed out on crucial information. Respondents generally noted that the breakdown of these village structures caused lawlessness within communities.



***UHRC staff facilitating at a Focus Group Discussion in Yivu Sub County, Maracha District***

#### **4.4.11. Illiteracy**

The high levels of illiteracy in some communities were blamed for mob action. It was said that people engaged in acts of mob action due to failure to rationalize certain incidents or occurrences. The RDC Maracha informed the UHRC that in Oluvu Sub County, a well to do fish farmer used to feed his fish while calling out to them in their ponds. He was accused by members of his community of having magical powers and was subsequently banished. Later, he had to go back to the community with other fish farmers so that they could explain that calling out to the fish in the ponds was normal and necessary for feeding them.

The DISO Maracha informed the UHRC that people did not believe in death through “natural causes”. He said that when someone died, members of the community had to trace the line of his or her enemies so that they could establish who could have possibly caused the death and subject him or her to mob action. He said this included any person that had made idle threats against the deceased.

#### **4.4.12. Moral and spiritual degeneration**

Respondents noted the moral and spiritual degeneration in society whereby people neither feared God nor respected the laws of the country. They said that people no longer reflected on the repercussions of their actions and that was why they were always quick to kill others through mob action. It was further noted that there was an emerging culture in which acts of mob action were celebrated and embraced by communities as justified in meting out punishments and achieving justice.

#### **4.4.13. Culture of revenge**

The UHRC established that in certain communities the culture of revenge was rife. Revenge was carried out through mob action where people's homes were razed and in some cases people killed. The DCDO Arua for instance stated that when a husband fought with his wife and she reported him to her relatives they would attack him and destroy his property.

In turn, the husband's relatives would also attack his wife's family to revenge for the way he was treated. Another example was given by the RDC and DISO for Maracha who informed the UHRC of a conflict between the Nyoro and Alalopi clans which was based on a land dispute. They said a policeman was killed as a result of the conflict and his clan mates (the Ombachi clan) wanted to avenge his death by attacking the people of the Nyoro clan who were suspected of killing him. Consequently the people from the Nyoro clan fled their village. The RDC and DISO said they tried to mediate the matter but tensions were still high as the Ombachi clan felt that the death of their son had not been "compensated".



*Participants at a Focus Group Discussion in Panyango Sub County, Nebbi district*

#### **4.4.14. Rampant land disputes**

Respondents in West Nile reported that land conflicts were so rampant in the region that they were contributing to mob action. It was said that people implicated in criminal acts those they were conflicting with over land, for purposes of inciting mob action against them. The UHRC learnt that clans and families were turning against each other as a result of land disputes. Sometimes one party to a land dispute decided to attack the other killing them and taking over the land. Respondents noted that most of these land cases were already in courts of law but the courts were delaying to resolve them.

#### **4.5. Triggers of mob action**

The research revealed that the accusations that triggered off acts of mob action included thefts, land disputes, witchcraft practices, misunderstandings among community members and allegations of infidelity.

#### 4.5.1. Theft

Respondents identified theft of especially motor cycles and other property as a main trigger. *Boda boda* riders and other respondents from the general community decried the theft of motor cycles which had put them at risk and left them in fear of being tricked, robbed and killed.

Robbery and theft of animals and other property was also cited by most of the respondents. Communities interviewed in Mubende which is also a cattle corridor noted that cattle theft was so common in their area that most of the victims of mob action had suffered because of it.

#### 4.5.2. Misunderstandings between crop and animal farmers

It was reported that there were serious misunderstandings between the crop and animal farmers in Mubende district which triggered mob action. Respondents explained that the animals continuously crossed into their gardens and farms destroying them and that the laws were not effective in addressing the matter.

UHRC was informed that the affected crops owners, who were sometimes the majority, resorted to cutting and harming the animals whenever they found them in their gardens. Communities mostly of poor crop farmers in Mubende embraced this act as a way of pursuing vengeance against the cattle owners who were said to have higher incomes and were allegedly always favoured by the police.



*Participants at a Focus Group Discussion in Manyogaseka Sub County, Mubende district*



### 4.5.3. Witchcraft practices

The research revealed that alleged witchcraft practices sparked off incidents of mob leading to loss of lives of some of the community members. The different communities said that the suspected witches were forcefully evicted from their residences or banished from their communities or sometimes killed. These assertions were common among communities of Nebbi, Maracha, Arua and Kayunga districts. It was reported that whenever unexplained incidents of death or illness occurred in a village, people would point to witchcraft and therefore had to find out who was behind them. Respondents said that there was no law to effectively handle cases related to witchcraft thus their resorting to mob action.

*“In March, 2014 I was accused of witchcraft because my fishing business was growing bigger and I was becoming wealthier. A group of angry people including some of my colleagues from the fishing business came to me and pulled me out of my house, beat me severely and ordered me to stop my “mayembe” (translated as fetishes) from ruining their fish sales and increasing mine. They without reason pulled out all my 15 boats from the dock and burnt them to ashes, shared my cows, goats and they just killed some of them. Two days later they went to my 5 acre cassava and 2 acre mango plantations where they cut down all the mango trees and uprooted the cassava. It was very devastating even when the police came and rescued me from the angry crowd. The crowd was so charged up that when the police attempted to arrest some of the perpetrators they resorted to stoning the police. To this date I am still nursing the effects of the mob action that was done against me, the community realised they were wrong and some apologised but that did not bring back my boats and plantations. I could have lost my life and I really hate mob justice”.*

Nandunga Annet, a 34 year old victim of mob action from Luffu Island Naibe Subcounty, Buvuma district.



*A victim of mob action (on the right) being interviewed by UHRC staff in Namatale Sub County, Buvuma District*

#### **4.5.4. Misunderstandings between authorities and the community members**

In Makindye Division, Kayunga and Buvuma fishing communities, respondents revealed that the BMU abused its authority and oppressed the fishermen. As a result of this, the fishing communities were disgruntled and were resorting to mob action on the responsible officials. In Makindye division, for instance, UHRC was informed that the fishermen had deserted the Ggaba landing site following a misunderstanding with the BMU. Consequently KCCA had temporarily managed it and this they said had led to the return of the fishermen.

In Buvuma district, the fishermen reported that the BMU officials captured their fishing nets and the catch claiming were illegal only to find the same officials selling them on a different island. It was further alleged that the leadership in most of the Buvuma landing sites had leased the parts of Lake Victoria to foreigners leaving the natives with no room to continue their fishing.



*Participants at a Focus Group Discussion in Nazigo Sub County, Kayunga District*

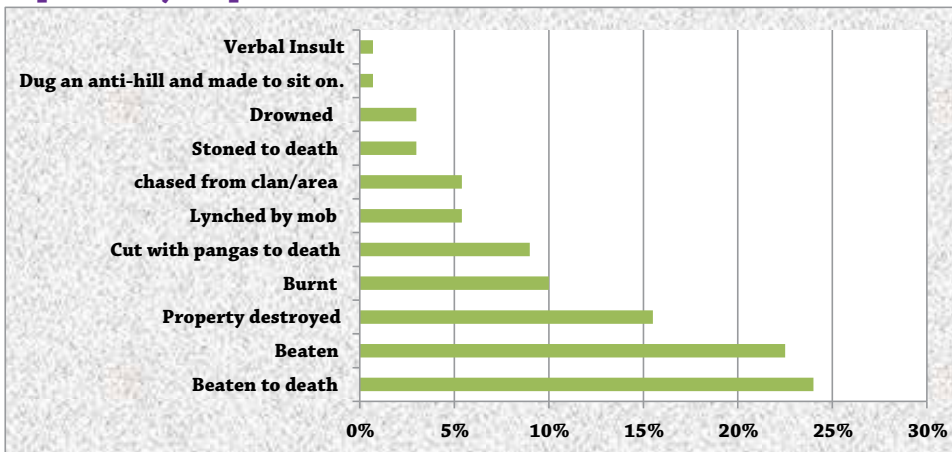
#### **4.5.5. Promiscuity among communities**

The research revealed that in communities of Kayunga and Buvuma districts where fishermen had temporary settlements they tended to have multiple partners. Consequently disputes often arose and in certain instances the disputes degenerated into mob action.

#### **4.6. Forms of mob action and nature of victims**

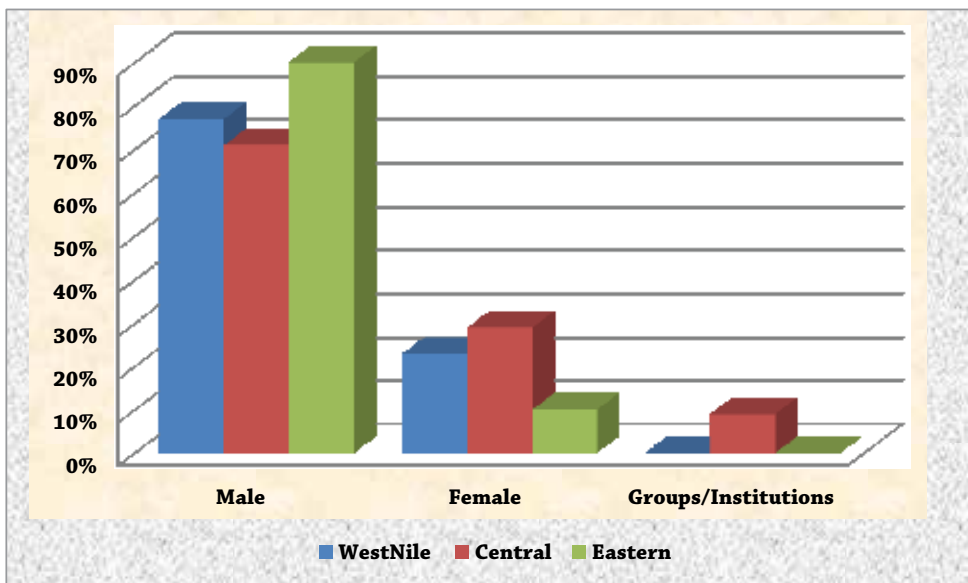
UHRC got from the respondents information on incidents of mob action for the period between 2012- 2014. This section presents the forms that mob action took in the period and the nature of the victims of mob action which also provides for disaggregation by gender. These are illustrated in the graphs below.

**Figure 1: The proportion of the most common forms of mob action cases as reported by respondents**



The respondents revealed that 24% of the victims that they had known about were beaten to death, 23% were beaten and either rescued by the police or left to go, 16% had their properties destroyed/burnt, 10% were burnt, 9% were cut with pangas to death, 5% were lynched by the mob and chased from the clan/area. Other forms like drowning in water and stoning suspect to death accounted for 3% each. Verbal insults and the victim being forced to sit in a dug-up anthill were the other forms of mob action identified by respondents which accounted for 1% each.

**Figure 2: Nature of victims of mob action in the three regions.**



According to the research, respondents revealed that majority (82%) of the victims they had known about who were subjected to mob action were male; 16% were female; while 2% were attacked as a group or institution. The study further found that, there were more male victims in Eastern region accounting for 90% of the total number of victims.

In West Nile region, 77% were male victims and 23% female. In Central region, 71% of the victims were revealed to be male, 29% female and 9% were attacked as a group/ institution<sup>48</sup>. The respondents that the UHRC interacted with indicated that most of the victims of mob action they knew were within the age bracket of 25 to 45 years of age although the baseline survey had earlier indicated that the victims were usually adults aged 40 years and above.

Victims indicated as groups/institutions were those that were attacked by the mob in vengeance for the actions of the institution. Members of staff of UMEME<sup>49</sup>, for example, were attacked after electricity transformers exploded and caused damages and losses to business owners especially those dealing in electrical appliances in Busaana sub-county in Kayunga District. The police was also attacked, properties destroyed and some police officers injured by an angry mob in a bid to capture an alleged rapist from custody in Nazigo Sub-county in Kayunga District.

## 4.7. Interventions

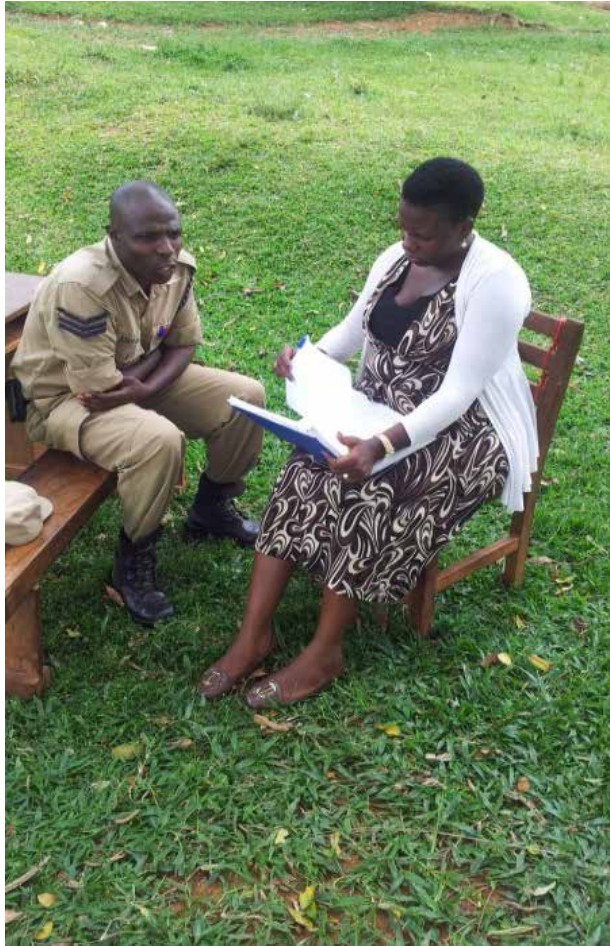
Respondents noted mob action as a rising concern within their communities. In this regard, they also informed the UHRC that there were institutions and organisations implementing programmes to curb the vice. The following institutions were cited:

### 4.7.1. The Uganda Police Force

Respondents explained that the UPF sensitised communities through its community policing programme. The issues covered by the police included: Encouraging communities to report cases to police and follow them up; the processes involved in investigation of cases; the issuance of police bond; as well as the ills of mob action and the fact that it is a criminal offence. The police also arrested perpetrators of mob action; rescued victims from mobs and conducted night patrols to ensure that mob action did not take place.

48 The groups/Institutions attacked by the mob included a Police station and UMEME staff

49 UMEME is an energy distribution network company in Uganda



***UHRC staff interviewing a police officer in Namatale Sub County, Buvuma District***

#### **4.7.2. Resident District Commissioners and District Internal Security officers**

The UHRC was informed that RDCs and DISOs sensitised communities against engaging in acts of mob action. They further convened community dialogues to mediate between conflicting communities in order to reconcile them as was the case in Maracha District.

#### **4.7.3. District Community Development officers and Community development officers**

DCDOs and CDOs at the Sub County level conducted sensitisation programmes for communities dissuading them from engaging in mob action.

#### 4.7.4. Local leaders and elders

Respondents stated that local leaders reported incidents of mob action to police and together with elders also mediated cases between conflicting communities in order to ensure an amicable settlement of conflicts. In Mubende district, for example, the UHRC was informed that local council leaders mediated an issue that involved two conflicting groups of *boda boda* riders. Elders also sensitised the youth on the dangers of drug abuse.

#### 4.7.5. Religious leaders

The UHRC was informed that religious leaders preached against mob action and emphasised important values such as the respect for human life, the importance of forgiveness and peaceful co-existence.

#### 4.7.6. Institutions

The Legal Aid Project was one of the institutions highlighted by respondents in Mubende District for sensitising communities on existing laws in Uganda and also conducting mobile legal clinics. Respondents at Gaba landing site in Makindye Division, Kampala informed the UHRC that Kampala Capital City Authority mediated the dispute between officers of the BMU and the fishermen that had led to mob action. As a result of the mediation the fishermen had returned to the landing site.

**CHAPTER FIVE****HUMAN RIGHTS IMPLICATIONS OF MOB ACTION****5.1. Introduction**

The practice of mob action is not only criminal in nature but also amounts to a violation of human rights. As has been elaborated through the research findings, mob action manifests through acts such as killing of victims; burning of their properties; banishing them from their communities and stripping them naked. All of these acts affect the enjoyment of human rights as provided for in various international and regional instruments including the ICCPR, ACHPR, as well as the national laws like the Constitution of Uganda and the Prevention and Prohibition of Torture Act, 2012 (PPTA). Furthermore since human rights are inter-related and interdependent, the research revealed that where mob action resulted into the violation of one human right, the enjoyment of a host of other human rights is also affected. The human rights affected by mob action are expounded on below.

**5.2. The right to life**

Most often acts of mob action culminate into loss of lives of the victims. Due to the violent way in which mob action is meted out by irate crowds, victims lose their lives in the most gruesome manner. Mob action amounts to arbitrary and extra-judicial deprivation of life without subjecting someone to the due process of the law. Uganda is under obligation to prevent and punish deprivation of life by criminal acts. This includes speedy investigations of acts of mob action that lead to loss of lives and apprehension and prosecution of the perpetrators.

**5.3. The right to a fair trial**

Another negative implication of mob action on human rights is its infringement on the victims' right to a fair trial. The right to a fair hearing is one of the non-derogable rights protected under Article 44 of the Constitution of Uganda and as such, must not be abrogated, no matter what the circumstances may be. Some of the key tenets of a fair trial include the presumption of innocence of an accused, trial before an independent court established by law, public trial, and the right to be heard as well as to call and examine witnesses. All these components of fair trial are absent in a mob action situation. Victims of mob action are subjected to beatings and some other forms of ill treatment, sometimes resulting into death without their side of the story being heard. The mob becomes the complainant, prosecutor, judge as well as the executioner.



Furthermore, victims of mob action have no chance to appeal a decision or actions of the mob. Under the realm of the right to a fair hearing, acts of mob action also amount to miscarriage of justice. Participants of FGDs in Nebbi informed the Commission that some people were victims of acts of mob action as a result of mistaken identity. In addition, the nature of ‘punishments’ meted on the victims of mob action are in most cases not proportional to the crime allegedly committed. It is not uncommon for an alleged chicken thief to be beaten to death by a mob. A case in point was reported in Iganga district where a mob in Buwolomera village, Nawaningi parish in Iganga District stoned a 26-year-old student to death on suspicion that he had stolen a cow.<sup>50</sup>

#### **5.4. Freedom from torture and ill treatment**

Mob action leads to the violation of freedom from torture, cruel, inhuman and degrading treatment or punishment. Mob action takes on various forms such as stoning, setting the victim ablaze, dragging the victim on the ground, dousing victims in petrol and setting them ablaze, “necklacing” (a practice where victims are made to wear old vehicle tires around their necks and set ablaze), stripping victims naked, and many other acts of cruelty. Most of the acts that constitute mob action fall within the legal meaning of torture which is defined by Section 2 of the PPTA.

Mob justice inflicts a lot of pain and suffering on the victims. The severe pain that victims are subjected to, falls within the ambit of how it is defined under the PPTA. Under the Act it is defined to mean prolonged harm caused by among other things the intentional infliction or threatened infliction of physical pain or suffering; or the threat of imminent death.<sup>51</sup> Acts of mob action also result in cruel, inhuman or degrading treatment or punishment as prohibited by section 7 of the PPTA. Testimonies of victims of mob action being stripped and forced to walk naked within their communities were common during the research. Victims were subjected to humiliation, embarrassment, ridicule and abuse as a result of such acts.

#### **5.5. The right to property**

The right to property is another fundamental human right that is often violated by mob action. The right to property is protected under various national, regional and international human rights instruments. The arbitrary nature in which victims are deprived of their property during mob action is a violation of Article 26 of the Constitution. The research revealed that victims’ businesses and private homes were often burnt and destroyed by the rampaging mobs leaving the victims homeless and without a source of income or livelihood.

50 Information from FGD in Namungalwe sub county, Iganga

51 Section 2(2)



*A business man's properties burnt through mob action in 2014 in Aroi Sub County, Arua District.*

### **5.6 The right to education**

The right to education as guaranteed by Article 30 of the Constitution is affected as a result of mob action. Participants informed research teams that some of the victims of mob action who were the bread winners in their families and consequently their children's education was affected since there was no one to pay school fees. Furthermore where a victim of mob action was banished from their community, the school life of his/her children was disrupted due to the sudden change of schools and studying environment.

### **5.7 Displacement and fracturing of the social cohesion of communities**

The research revealed that the banishment of victims and their families from their communities as a form of mob action perpetrated further conflict as it divided communities between those for and those against the victims; which heightened tensions and caused insecurity within communities.

Victims of mob action and their families were shunned, stigmatised and were forced to leave hence leading to disruption of their lives. Furthermore as a result of acts of mob action, the heightened tension and enmity disrupted the fabric and cohesion on which communities thrived.

## CHAPTER SIX

### CHALLENGES AND RECOMMENDATIONS

#### 6.1. Introduction

This chapter presents the challenges faced in gathering information on mob action. It also provides the recommendations as suggested by the respondents during the research, ending with a conclusion.

#### 6.2. Challenges

In spite of the findings that have been presented in chapter four there were some challenges faced in gathering information on mob action as outlined below:

1. Some community members demanded for allowances during the Focus Group Discussions which UHRC was not paying. Consequently, in some instances respondents walked away from the discussions after realising that no allowances would be paid.
2. The poor road network in some districts affected easy accessibility of some remote areas. This was particularly experienced in some sub counties in Nebbi district.
3. Tensions resulting from incidents of mob action were still simmering in some communities; and in others the incidents were still fresh in the memories. This made it very difficult for the FGDs to freely talk about the incidents for fear of being associated with the perpetrators.

#### 6.3. Recommendations and conclusion

A number of recommendations were made by the key informants and community members that the research teams interacted with. These recommendations were made to various government institutions, non-governmental organisations, religious and cultural leaders and the general public as presented below:

##### ***The Uganda Police Force (UPF) should:***

1. Intensify its community policing programmes to enhance appreciation of the mandate of police, processes and timeframes for reporting and investigating cases.
2. Focus its community policing programmes on sensitising communities against engaging in mob action.

3. Establish more police posts and recruit more staff to increase manpower for effective policing and swift response to incidents of mob action.
4. Reinforce its personnel and logistics to allow for expeditious investigation of cases reported by the public.
5. Embark on a strategy to debunk the public's perception that UPF is a corrupt institution and ultimately build the public's confidence in it. This would encourage people to report cases with the confidence that they would be effectively handled by police.
6. Continue to arrest perpetrators of mob action, investigate and document cases of mob action.
7. Work closely with *boda-boda* cyclists associations to enforce discipline among their members, sensitise them on the criminal laws of Uganda and dissuade them from engaging in acts of mob action.

***The Judiciary should:***

1. Intensify its sensitisation and awareness campaigns to enhance the people's appreciation of its mandate and explain processes and timeframes regarding the hearing of court cases.
2. Create public awareness debunk the public's perception that the Judiciary is a corrupt institution and ultimately restore the public's confidence in the judicial system. This would encourage people to report cases of alleged corruption by judicial officers with the confidence that their cases would be effectively handled.
3. Establish Justice Centers in more districts in the country in order to ensure access to justice at the grass roots level.
4. Devise and implement strategies to clear the case backlog that has plagued its system and caused delays in hearing cases including those on land disputes.

***The Directorate of Public Prosecutions (DPP) should:***

1. Institute criminal proceedings and expeditiously prosecute cases against perpetrators of mob action.
2. Document all mob action-related cases that have been prosecuted for purposes of future reference.

***Judicial Service Commission (JSC) should:***

1. Enhance its legal education programmes about the laws in place and the administration of justice in fulfilment of its mandate under Article 147 (1) (c) of the Constitution .

***Ministry of Finance, Planning and Economic Development should:***

1. Adequately fund the Judiciary, the DPP and the UPF in order to ensure effective, expeditious and efficient service delivery in the administration of justice.
2. Identify and implement poverty eradication programmes that would empower communities to harness the opportunities offered and improve their livelihood.
3. Provide funding to institutions charged with civic education and legal education including the UHRC and JSC, in order for them to execute effective civic education programmes for the public including programmes aimed at ensuring eradication of mob action.

***Parliament should:***

1. Ensure adequate funding for the Judiciary, the UPF and the DPP to facilitate the effective and expeditious service delivery in the administration of justice.
2. Ensure adequate funding for institutions that are charged with civic education and legal education like the Uganda Human Rights Commission and the Judicial Service Commission so that they can implement comprehensive civic education programmes targeting the populace.

***Ministry of Gender, Labour and Social development should:***

1. Together with the National Youth Council implement programmes aimed at ensuring that the youth are engaged in gainful activities to nurture them into productive members of their communities and responsible citizens of Uganda.
2. Through its Community Development Department enhance the capacity of DCDOs and CDOs to implement community mobilisation and sensitisation programmes to create awareness of responsibilities of community members including fighting mob action.

***Ministry of Local Government should:***

1. Reinvigorate and strengthen grass roots local council structures since they are critical in ensuring security, orderliness and dissemination of crucial information to their communities.

***Ministry of Lands, Housing and Urban Development should:***

1. Together with other key stakeholders institute a comprehensive strategy to address the escalating land disputes in the country.

***The Justice Law and Order Sector (JLOS) should:***

1. Strengthen mechanisms of alternative dispute resolution within the justice sector in order to enhance access to justice especially for grass roots communities.

***District Local Governments should:***

1. Enact by-laws to regulate alcohol consumption and fight drug abuse as well as other vices resulting from idleness.

***Leaders at Local Council I and II should:***

1. Mobilise their communities to fight against mob action.
2. Increase the communities' vigilance in reporting incidents of mob action to them and to the police.

***Religious and Cultural leaders should:***

1. Preach against and condemn mob action to invoke the sense of consciousness of what is right and wrong among members of their communities.
2. Play a key role in healing and unifying the fractured communities where acts of mob action have occurred.

***Civil Society Organisations should:***

1. Conduct programmes aimed at sensitising communities against engaging in mob action and popularising the administration of justice processes.
2. Provide psychosocial support to victims and their families to enable them effectively manage the traumatic experiences they suffer as a result of mob action and to further enable them rebuild their lives.

***Community members should:***

1. Strengthen cooperation with police and local leaders to prevent and manage crimes in order to avoid mob action.
2. Play a key role in the reintegration and support of discharged prisoners so that they can effectively resettle in the community.
3. Ensure successful reintegration of offenders so that they do not become repeat offenders as a result of being stigmatised and shunned by their communities.

**Conclusion**

Mob action is an act of lawlessness; it is violent, cruel and arbitrary and is therefore just another face of crime. Mob action is not justice and the 'eye-for-an-eye' mentality will, as Martin Luther King said, leave the world blind if not checked. Everyone needs to note that with mob action the victim today may be a stranger but tomorrow it may be you or somebody close to you.



**ANNEX 1**

**Table showing regions, districts and sub-counties in which the research was undertaken**

Region	District	Sub-County
West Nile	Maracha	Yivu
		Oleba
		Oluvu
		Kijomoro
	Arua	Manibe
		Aroi
		Pajulu
		Oluko
	Nebbi	Nebbi
		Erussi
		Panyango
		Atego



Central	Kampala	Makidye Division
		Kawempe Division
		Rubaga Division
	Buvuma	Kibibi Island
		Kembo landing site
		Namatale Island
	Mubende	Manyogaseka
		Kujuni
		Kiganda
	Kayunga	Nazigo
		Kangulumira
		Busaana
Eastern	Mbale	Nakaloke
		Bukasakya
		Busoba
	Mayuge	Wairasa
		Malongo
		Bukatube
	Kamuli	Namwendwa
		Balauwoli
		Kitayanga
	Iganga	Namugalwe
		Iganga Municipality
		Bulawagi

**ANNEX 2**

**QUESTIONNAIRE FOR KEY INFORMANT INTERVIEW**



**THE UGANDA HUMAN RIGHTS COMMISSION**

**GUIDE FOR KEY INFORMANT INTERVIEW**

**Background:**

The Uganda Human Rights Commission (UHRC) is a Constitutional body established under Article 51 of the 1995 Constitution of the Republic of Uganda, and the Uganda Human Rights Commission Act of 1997. Among other functions, the Commission is mandated under Article 52(1) (c), to establish continuing programmes of research, education and information to enhance respect of human rights. Having noted that there is an increasing number of reports on Mob Action the Commission has embarked on conducting a research on Mob Action and its human rights implications in Uganda.

As one of the methodologies to obtain information to this effect, UHRC has designed this questionnaire for the respondents.

**Section A: Demographic information (Tick appropriately)**

What is your gender?

Male	<input type="checkbox"/>
Female	<input type="checkbox"/>

What is your age?

18-25 years	
26-30 years	
31-35 years	
36-40 years	
41 years or more	

What is the education level?

Nursery level	
Primary level	
Completed O' level	
Completed A' level	
Tertiary institution level	
University degree level	
Master degree	
PHD doctorate level	
None	
Others	

If other, specify which education level

What is your occupation and designation?

Occupation	
Designation	

Where do you live?

In an urban area	
In a rural area	
Rural urban area	

**Section B: GENERAL INFORMATION**

1. Name of the organization

.....

2. Where is it located?

Town.....

Sub-county.....

County.....

District.....

3. What is the mandate of the Organization?

.....

.....

**Section C: Questions about Mob Action**

1. Have you heard about mob action in your area of jurisdiction? Yes/No

2. If Yes, give some examples

.....

.....

3. What is the age bracket of the victims of mob action? (Tick the appropriate)

Age bracket	
(18-29)	
(29-40)	
(41-50)	
(50 –60)	
(61-70)	
(71-80)	

4. What has the Organization done about such cases?

.....  
.....

5. What are the causes of mob action?

.....  
.....

6. What are the human rights implications of mob action in Uganda?

.....  
.....

8. What do you recommend should be done to stop mob action in Uganda?

.....  
.....

9. What have you personally done to protect your people from mob justice?

.....  
.....

10. What other important information would you like us to know about mob action?

.....  
.....

## ANNEX 3

## INTERVIEW GUIDE FOR FOCUS GROUP DISCUSSIONS



### THE MOB ACTION FOCUS GROUP DISCUSSION GUIDING QUESTIONNAIRE

#### Background:

The Uganda Human Rights Commission (UHRC) is a Constitutional body established under Article 51 of the 1995 Constitution of the Republic of Uganda, and the Uganda Human Rights Commission Act of 1997. Among other functions, the Commission is mandated under Article 52(1) (c), to establish continuing programmes of research, education and information to enhance respect of human rights. Having noted that there is an increasing number of reports on Mob Action the Commission has embarked on conducting a research on Mob Action and its human rights implications in Uganda.

As one of the methodologies to obtain information to this effect, UHRC has designed this Focus Group Discussion guide. The Commission requests for your time and it assures confidentiality/anonymity of the respondents' identity.

1. What do you understand by Mob Action? What are human rights?
2. According to your understanding, what is mob action?
3. Have you heard of mob action in your area
  - Where? (Village, Sub County)
  - When?
  - Who (Perpetrator and Victim) (Age, Gender and Occupation)

- Allegation
  - What Happened? (Form of Mob Action)
  - Community response/reaction.
4. How does mob action affect the enjoyment of human rights?(Human Rights Implication of mob action)
    - Rights abused/violations
    - The effects/impact on the victims, perpetrator , community or nation
  5. What interventions have been made?
    - Government Institution
    - Organisation
    - Individual
    - Community
  6. Give recommendation in regard to how to eliminate or discourage mob action in Uganda.
  7. Any additional information about mob action you would like to share with UHRC.





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