

Uganda Human Rights Commission



Statement on Human Rights concerns in the country during the ongoing political campaigns towards the 2021 general elections.

Issued on Monday 23rd November, 2020

On Wednesday 18th and Thursday 19th November, 2020 our country experienced disturbing developments that followed the arrest and detention of the National Unity Party (NUP) presidential candidate Kyagulanyi Robert Ssentamu, in Luuka District, Busoga sub region. The candidate was accused of flouting the election campaign guidelines that were issued by the Electoral Commission as well as the guidelines of the Ministry of Health, particularly non-compliance with the Covid-19 SOPs. During the said two days violent riots ensued in Kampala City and the suburbs as well as a few other areas in the country, leading to the arrest of hundreds of people who were suspected to have participated in various acts of rioting and violence.

The Uganda Human Rights Commission noted a number of serious human rights violation that occurred during the ensuing chaos resulting from violent acts of lawlessness by some members of the public on the one hand, and the use of excessive force by some errant members of the law enforcement agencies who were deployed to quell the riots. Unfortunately, it has now been reported by some media outlets that the riots resulted into 46 people being killed and several others being injured. In addition, many people's businesses and livelihoods were affected, private and public properties like offices, roads and vehicles vandalized or destroyed, and many people's plans and efforts to eke out a living also seriously disrupted.

The Commission condemns in the strongest terms possible the perpetrators of the violence that was experienced, irrespective of which side they belonged: whether they were errant law operatives or the violent rioters, or even the hooligans and thugs that took advantage of the chaos to terrorize and violate the rights of the people of Uganda. The senseless acts of inflicting of injuries and loss of life to many people and loss of property in several areas of the country are unacceptable. The Commission therefore commiserates with all those who lost their loved ones, or faced other forms of violation of their rights including loss of valuable property. We believe that the majority of the people in this country and

beyond, were abhorred by the unprincipled violence that occurred and are interested in preventing the occurrence of similar developments in this country. We therefore urge the responsible authorities to pursue the matter to the end until justice is served wherever this becomes necessary.

At this juncture, the Commission would like to appreciate the following responses to the aforementioned developments and the relevant people involved:

- The peace-loving citizens and members of the public who desisted from participating in the recent riots or who have refrained from other forms of violence during the ongoing campaigns and other electoral activities.
- Political leaders and candidates at Presidential, Parliamentary and Local Council levels who have behaved in an exemplary manner and made commendable efforts to follow the guidelines of the Electoral Commission and the Ministry of Health for proper conduct of campaigns and prevention of the spread of the corona virus, which were all arrived at through processes of intense participatory consultation and on the basis of scientific advice; and who have also encouraged their followers to do the same.
- Members of the public who have so far followed the aforementioned guidelines of the Electoral Commission and the Ministry of Health and also participated peacefully in ongoing election campaigns.
- Leaders of the various communities, traditional institutions, faith-based institutions and groups, professional organizations, opinion groups and civil society organizations who have provided guidance to their followers, political actors and the general public at large in an objective, balanced and principled manner to ensure observance of the aforementioned guidelines of the Electoral Commission and the Ministry of Health, and for the realization of a free, fair and peaceful general election.
- Journalists and members of the media fraternity who have reported and done their work in a professional, objective, truthful, principled and constructive manner in respect of the ongoing election campaigns and

also, reminded the public to observe the aforementioned guidelines of the Electoral Commission and the Ministry of Health for the achievement of a peaceful election without spreading corona virus.

- The Uganda Police, the Directorate of Public Prosecution and the relevant members of the legal fraternity who have ensured that the various candidates at Presidential and other levels as well as the other people who were arrested especially during the recent riots are detained under legally designated places and arraigned in court within the timeframe stipulated under Article 23 of the Constitution of Uganda.
- The relevant courts of law that have handled the cases of the aforementioned suspects in a timely manner and in accordance with the relevant laws.

The Commission in line with its constitutional mandate, would like make a passionate call to all the people in this country to respect fully the rule of law and the rights of all the people, and to ensure that they observe and carry out their own duties and responsibilities that go hand-in-hand with the enjoyment of their own rights. For, it is expressly stated in the Constitution of Uganda under Articles 17 and 43 that the enjoyment of one's human rights is inseparable from the fulfilment of one's duties and responsibilities including the respect for other people's rights. It is therefore the cardinal duty and historical mission of every person in this country to play their part in order to sustain the now restored calm and normalcy in the country.

The Commission would like to stress the fact that whereas our country is currently involved in the process of general elections amidst the unique global situation of the COVID-19 pandemic, all duty bearers and rights holders must respect all the fundamental human rights and freedoms enshrined in our Constitution, other laws of Uganda and the international human rights standards that Uganda has signed up to and adopted. Any limitation to these rights must be legal, proportionate, necessary, justifiable, and carried out in an accountable manner as expected in a democratic society. The Commission as

the National Human Rights Institution therefore calls for the following urgent actions from the various key players:

1. Members of the public must desist from acts of violence, hate speech, political intolerance with ethnic, religious and other forms of undertones, as well as behavior and acts of lawlessness such as rioting, hooliganism, thuggery, indecency and other criminality. They should instead use the established legal mechanisms to resolve any disputes or disagreements that arise, and seek to obtain legal redress where applicable.
2. Members of the public must fulfil their constitutional civic duties under Article 17 of the Constitution and the National Objectives and Directive Principles of State Policy, to among others respect the rights and freedoms of others; to observe and fulfill their own duties and responsibilities as they enjoy their own rights; to protect and preserve public property; and to cooperate with lawful agencies in the maintenance of law and order and avoid any acts of provocation in this respect. They have an obligation to report riotous intentions and acts, and to provide reliable information in such processes for holding perpetrators accountable. They must desist from abuse of social media platforms to promote or fuel hatred, discrimination, violence, violation of people's rights and disruption of peace, tranquility and stability.
3. All candidates at Presidential, Parliamentary and Local Council levels, should make sure that they behave and act in an exemplary manner, and carry out their respective campaigns based on the principles of maintenance of peace, tranquility, stability, national development and independence, as well as prevention of the spread of the corona virus during and after the general elections; all of which require them to desist from the behavior and acts of defiance of the laws of Uganda and more specifically, the aforementioned guidelines of the Electoral Commission and the Ministry of Health, and to encourage their own followers to do the same with a view to preventing the spread of the corona virus and for the

realization of the aforementioned principles and achievement of a free, fair and peaceful general election in 2021.

4. All leaders of the various communities, traditional institutions, faith-based institutions and groups, professional organizations, opinion groups and civil society organizations should endeavor to provide guidance to their followers, the various political actors and the general public at large in an objective, balanced and principled manner, in order to discourage the behavior and act of lawlessness, sectarianism, discrimination, hatred and violence, and to ensure observance of the aforementioned guidelines of the Electoral Commission and the Ministry of Health and the realization of a free, fair and peaceful general election.
5. The law enforcement agencies and justice institutions must ensure that thorough investigations are conducted on the occurrences of the recent two days of riots and violence, with a view to bringing all culpable persons, both errant duty bearers and rights holders, to account for their commissions and omissions; and to ensure that all the affected victims get the justice they deserve.
6. All security organizations including the Uganda Police Force, the Uganda Peoples' Defense Forces, Intelligence Organizations and Uganda Prisons Service, must cooperate with each other and with the general public to ensure proper and effective maintenance of law and order in accordance with the Constitution of Uganda. They should always be mindful of their constitutional duties and specifically, as they are required under Article 221 of the Constitution to observe and respect human rights and freedoms in the performance of all their functions. Therefore, the Commanders of the aforementioned forces should ensure compliance by all the relevant personnel operating under their respective command, with the law and strict observance of the established human rights standards particularly in their use of force and firearms when they are required to apply reasonable force, necessity, proportionality, legality and ensure accountability where necessary. All the relevant duty bearers must strictly

enforce the existing mechanisms for sanctions against errant officers and other operatives in the security agencies whenever proven guilty, such that the disciplinary actions taken do not only serve as deterrent measures but also, as decisive actions against impunity.

7. All the law enforcement actors involved in supporting the electoral process should strictly observe the law as they complement the Electoral Commission in its work, so as to guarantee a level playing field for all political players by ensuring that all the relevant operatives deployed for duty act fairly in their application of the law and the relevant electoral regulations, and guarantee equality under the law for all candidates, supporters and all other stakeholders.
8. All law enforcement and justice agencies should ensure that all the suspects who were apprehended during the recent riots and those who are arrested during the entire electoral campaign period are accorded their full rights and freedoms as provided under the following Articles of the Constitution:
 - a) Article 44 of the Constitution which requires that suspects be guaranteed their non-derogable right to a fair hearing.
 - b) Article 23(5), (a), (b) and (c) which provides for the right to liberty, including the right of detained suspects to be accessed by their lawyers, family and personal doctors;
 - c) Article 23 (4) (b) which requires that detained suspects be charged before competent courts of law within 48 hours following their detention; and
 - d) Article 28 (1) which provides for suspects to be accorded a fair and speedy trial.
9. The Electoral Commission which is constitutionally mandated to organize regular, free and fair elections should as a matter of urgency intensify and decentralize further their efforts of providing clarification of the electoral guidelines and their necessity during the context of the Covid-19 pandemic, given the multiple interpretations being made by the different

stakeholders in this regard. The Commission should define and explain much more effectively the scope of the violations and sanctions involved for each of the different key players, namely the candidates, party officials, law enforcement agencies, election observers, the media and members of the public, and also enforce much more rigorously and without any fear or favour, all the electoral and Ministry of Health guidelines.

The Uganda Human Rights Commission itself carried out a number of activities as per its constitutional mandate during the process of the recent political party primaries, and has also continued to carry out further relevant activities during the current and on-going campaigns as well as the recent riots. In its previous three media statements that have been issued since the beginning of lockdown, the Commission has stressed the need and importance of everybody in this country to strictly observe the Presidential directives and Ministry of Health guidelines for the prevention of the spread of the corona virus. In this same regard therefore, the Commission would like to stress the same advice much more than ever before especially now that our country has entered stage four of the pandemic, with the corona virus now spreading more devastatingly within the communities in different regions of the country, and as the country is now deeply involved in the challenging election campaigns where we are all required to conduct ourselves in a responsible manner in order to minimize the spread of COVID-19. The Commission has also submitted Advisories to the Electoral Commission and the Uganda Communications Commissions, and held meetings with the two sister institutions aimed at strengthening collaboration with them for the realization of safe, free, fair and peaceful general elections in 2021.

Through its Directorate of Research, Education and Documentation (D/RED) the Commission has also recently carried out increased, structured and targeted civic education and education on the provisions of the Constitution, specifically on the issues of human rights in electoral processes with special focus on the 2021 general election. The television and radio talk shows that have been held in different areas of the country in this respect have focused on the nexus of

human rights and elections, freedom of expression and responsible limited assembly in the context of COVID-19, the need to uphold unity in diversity in our country especially during the electoral processes, the importance of the people of voting age to play their constitutional role of electing their leaders in line with Articles 1, 38 and 59 of the Constitution, and safeguarding human rights within the context of the hybrid elections. These important civic and constitutional education activities are continuing, and I would like to encourage all the people throughout the entire country to ensure that they make efforts to benefit from these programmes.

The Commission's Directorate of Complaints, Investigation and Legal Services (D/CILS) through our ten Regional Offices and Twelve Field offices located in different regions of the country, has kept its doors open to receive complaints of human rights violations during the current electoral process. However, the reports so far received from our Regional and Field Offices indicate that no complaints of election-related human rights violations have been reported to our Commission. In this respect therefore, I would like to remind the general public that under Article 52 (1) of the Constitution the Commission is mandated to receive and investigate complaints on human rights violations, and to offer redress accordingly. Each Regional Office has a toll free telephone line which can be called free of charge by anyone who wishes to report a complaint of violation of his or her rights and freedoms.

However, during our continuing programme that is implemented under the Directorate of Monitoring and Inspection (D/M&I), the Commission has found evidence of wide spread disregard of the aforementioned guidelines of the Electoral Commission and the Ministry of Health and especially the Standard Operating Procedures (SOPs) particularly during some of the Presidential and Parliamentary campaigns, with some candidates holding public processions and holding campaign rallies in open spaces and pulling large crowds far beyond the maximum number of 200 that is contained in the guidelines of the Electoral Commission. One specific example for illustration purposes in this respect: In

Pader, the NUP campaign rally was attended by over 1,000 people coming from Pader Town Council and other surrounding sub-counties. Similar large crowds attended NUP rallies in Mayuge District and other places.

The Commission has also continued to find cases of unwarranted and illegal use of violence against individual and especially women, children, persons with disabilities and other marginalized groups within the communities by fellow members of the communities and also by errant security operatives. Such acts became rampant during the recent party primaries and of course, they picked during the recent riots. In this regard, the Commission would like to earnestly appeal to both the general public and members of the various security agencies, to desist from such acts of discrimination and violence against innocent people. On the other hand, the victims of such illegal actions should report the violations of their rights to our Regional and Field offices, or to our Headquarter offices on Twed Plaza Building, Plot 22B Lumumba Avenue, Nakasero in Kampala.

As I conclude, I would like stress the fact that each person in this country must do everything in their power to maintain peace and order in our country; to preserve the sanctity of life; to promote the respect for fundamental human rights and freedoms; to refrain from engaging in acts defying the laws of our country and the guidelines of the Electoral Commission and the Ministry of Health on COVID-19; to desist from the acts of hate utterances, discrimination, violence and causing harm or destruction to life and property, all which curtail the enjoyment of rights and violate human dignity. This is our patriotic duty and historical mission not only during the electoral process but also, at all times.

The Commission pledges to continue carrying out its constitutional mandate of protecting and promoting human rights and freedoms in the country, for all.

FOR GOD AND MY COUNTRY.

Dr. Katebalirwe Amooti Wa Irumba

ACTING CHAIRPERSON

UGANDA HUMAN RIGHTS COMMISSION