

**JOINT NON-GOVERNMENTAL ORGANISATIONS SUBMISSION TO THE
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GROUP-THE UNITED NATIONS HUMAN RIGHTS COUNCIL**

On The Republic of Uganda

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BY:

**National Coalition for Human Rights Defenders-Uganda-On behalf of the
200 Member Organisations of the National Stakeholders' Forum for the
UPR-Uganda**

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INTRODUCTION

a) About the Submitting Organisation

National Coalition of Human Rights Defenders-Uganda (NCHRD-U)¹ was initiated in June 2013 by HRDs from across Uganda. NCHRD-U is a coalition of individuals and organisations working to promote the protection of HRDs in Uganda by facilitating synergy, cooperation, and sharing of best practices among the HRD community. With a membership of close to 161 organisations, the NCHRD-U focuses its work on all the regions in Uganda. It plays an integral role in harnessing a transparent and accountable working environment for HRDs in Uganda.

b) About the Report

This report is a culmination of joint efforts and data contributions of Individuals and organisations under the CSO National Stakeholders' Forum on the UPR- a loose network of over 300 NGOs dedicated to following upon on UPR mechanism coordinated by the National Coalition of Human Rights Defenders Uganda. All these organisations, with varying experience and expertise are key actors in the advocacy on Human Rights in Uganda. The report was compiled through collection of data from individuals and organisations. This report and the attendant attached matrices in the appendixes is a compilation of progress reports on the various recommendations accepted by Uganda in the 2nd Cycle review of 2016. The report details the progress made, the gaps that exists and makes recommendations. This report was validated by members of the National Stakeholders' Forum for the UPR who are the main members of the coalition of the UPR in Uganda. The report is divided up in different sections focusing on different thematic rights and freedoms.

**SECTION I:
EMERGING DEVELOPMENTS ON THE HUMAN RIGHTS
SITUATION RELATING TO ACCESS TO SERVICES AND
NATIONAL PROGRAMMES AND OPPORTUNITIES BY MINORITY
AND INDIGENOUS GROUPS IN UGANDA**

The Right to Health of Minority and Indigenous

- 1.1 Although all communities in Uganda are expected to access available health services without discrimination, there is limited statistics on the levels of access and use of health services by ethnic minorities. No disaggregated data on access to health services by ethnic minorities is readily available to inform planning of health programmes.
- 1.2 AICM's assessment of access to education and health services (2021), found out that, most Batwa communities (69%) do not access nearest standard health facility within a radius of 5km. 94% of Batwa could not afford to pay for charges on health care services at private facilities and 67% of Batwa reported lack of medicine in their local health facilities. All these add up to health care services challenge to Batwa community in Uganda. After the issuance of National IDs, most services are offered to citizens on presentation of ID. The Maragoli community members without IDs do not get health services from government health facilities.
- 1.3 After trailing for long distances, minority and indigenous peoples access same health facilities with the majority communities. The Benet who are still squatting on the national park land face a somewhat peculiar challenges since no health facilities can be constructed on such land. They have to go down mountain for health services which poses a great risk in case of emergencies such maternal related services or epidemic outbreak.
- 1.4 In some health centres, the minority and indigenous peoples face a number of problems where health workers exhibit negative attitude towards them, most especially describing them as dirty. As minority and indigenous peoples' health facilities are mostly located in remote areas without enough drugs, they find it difficult to buy drug for themselves from private drug shops due to poverty.
- 1.5 In areas where ethnic minorities are settled, access health services is still low due to long distances to be covered compounded with poor road networks. Also these health facilities are lacking medicines whereby patients are advised to buy from private drug shops yet they cannot afford due high level of poverty.

Right to Education of Minority and Indigenous

- 1.6 The ethnic minority are found in the remotest parts of the country. The schools available are universal primary free schools. These are often characterized by poor quality, in some cases lack of infrastructure, teachers and children of ethnic minorities have to trek long

distances to reach these schools. For example, the Batwa and Benet who live at the peripheral of other communities walk long distances to access schools. Whereas this also applicable to other marginalized communities, the ethnic minority like the Batwa and the Benet are disproportionately affected.

- 1.7 According to BMCT Batwa Census Report (2016), 49.8% of Batwa never went to School and only 0.3 % of Batwa had tertiary/University education². Further, AICM's education and health access assessment report (2021) also revealed that 64% of Batwa household heads did not attend schools and school dropout rates among Batwa children was high at 51.4 %³.
- 1.8 In the Benet temporal settlements classroom structures are still of poor quality built of mud and timber due to the government restrictions that some areas are considered to be within the national park where no permanent structures are allowed.
- 1.9 The historical rampant poverty among minority and indigenous peoples emanating from lack of land limiting economic opportunities has negatively affected their education. Children of ethnic minorities like Batwa do not attend school regularly and experience high school dropout rates since they cannot afford the cost of education such as school uniform, scholastic materials among others. Lack of income make it impossible for minority peoples to afford quality education majorly offered in private schools concentrated in urban areas and very expensive.
- 1.10 The current curriculum allows every Ugandan child in lower primary (p.1-p.3) to be instructed in their mother tongue. However, current primary school curriculum is designed in such a way that the language of the majority community is taught at the detriment of the language spoken by minority hence depriving children of fully learning their mother tongues. This kind of forced assimilation is experienced, for example, by the Banyabindi and Basongola (Kasese district) where Lhukonzo is used instead of Runyabindi and Rusongola; the Maragoli (Kiryandongo district) are taught in Runyoro instead of Ruligoli. This leads to poor performance hence school dropouts among the indigenous minority pupils due to lack of understanding of the new language. In a positive move, Equal Opportunity Commission had ordered the government to teach Banyabindi pupils in their mother tongue in a judgement passed on 14th August 2019.

RECOMMENDATIONS

- a) Government should fully acknowledge the historical injustice faced by the Indigenous Peoples and adopt appropriate national legislation and policy to address the landlessness, marginalization, and discrimination caused by the creation of conservation areas.
- b) Government under the Bureau of Statistics should support the Equal Opportunity Commission to develop clear indicators for gathering disaggregated data that capture the status of minority and indigenous peoples in Uganda mainly in the area of access to quality, affordable and equal health care, education, housing, arable lands and food security.
- c) Government of Uganda should ratify the ILO Convention 169 Concerning Indigenous and Tribal Peoples in Independent Countries and follow this with domestic legislation that reinforce

recognition of ethnic minority and indigenous population and address issues of substantive discrimination, exclusion and continued disrespect of their land rights.

- d) Government should construct and adequately equip more health facilities in areas occupied by ethnic minorities, elevate and upgrade Health Centres III to Health Centres IV so that antenatal and others services come nearer to the local community to minimize death that are occasioned by long distances.

Right to Health

- e) Uganda Government should build schools in areas occupied by ethnic minorities with qualified and enough teachers and adequate learning/teaching to improve and increase access to education and enhance retention in schools and completion.
- f) Government should institute bursary schemes for secondary schools and higher institutions targeting ethnic minority children as a way of affirmative action.
- g) Government, through ministry of education, should develop and emphasize an all-inclusive education curriculum that takes care of minority communities' languages in primary schools

Right to Property, Access to forestry lands and Compensation

- h) Government must pay prompt, adequate and fair compensation to ethnic minority groups that have been displaced from their ancestral lands by government action including preservation or conservation and exploitation of extractives.
- i) The government should ensure that people evicted for extraction of oil, gas and other minerals are well compensated after consent.
- j) Government through UWA and NFA should develop mechanisms for the ethnic and indigenous communities to access the forests at scheduled times to get local medicinal herbs and practice cultural/religious rites and also for grazing during disaster time of drought.
- k) Government should de-gazette parts of forests/parks to settle all landless ethnic minorities to enable them practice farming to improve their livelihoods.
- l) Government should fast-track the resettlement process of all indigenous communities who were evicted from their ancestral lands so that they can fully engage themselves in income generating activities.

SECTION II: RECOGNITION OF LEGITIMACY OF HRD WORK; SAFETY OF OPERATING ENVIRONMENT, NGO ACT AND ACCOUNTABILITY OF PERPETRATORS OF VIOLENCE AGAINST HRDs

2.1 Recommendations to Uganda accepted in relation to conducive operating environment for human rights defenders were;

a) 115.94 Ensure that civil society organizations and human rights defenders can operate in a safe environment and that all allegations of intimidation, harassment and violence are fully investigated (Ireland);

Status: Partially implemented

b) 115.95 Investigate the alleged harassment of human rights defenders and prosecute offenders (Ghana);

Status: Partially implemented

c) 115.96 Thoroughly investigate the threats against human rights defenders and civil society organizations, bring to justice those responsible and guarantee reparations to the victims, especially those working for women's rights (Uruguay);

Status: Not Implemented

d) 115.110 Explicitly recognize the legitimacy of the work carried out by human rights defenders, publicly support their work and provide protection for them (Uruguay);

Status: Partially Implemented.

e) 115.106 Consult a broad range of civil society actors and reflect their views in the Non-Governmental Organizations Act, 2016, to ensure an open, accountable and vibrant NGO sector (United Kingdom of Great Britain and Northern Ireland);

Status: Not Implemented.

General Comment on Findings

2.2 Implicit legitimacy vs Explicit Legitimacy

Progressively, the closest to manifesting the recommended legitimacy has been largely implicit and scattered across various interactions between the HRDs and government MDAs. Other MDAs that have been overt in explicitly recognizing the work of HRDs include the Uganda Human Rights Commission, and the Uganda Equal Opportunities Commission. In almost all of the reports of the Uganda Human Rights Commission, a special section has often been dedicated to assess the operating environment of human rights defenders calling them by their rightful terminology of HRDs.

2.3 The other form of recognition of the legitimacy of the NGOs/HRDs can be implicitly deciphered from various activities of national level that have been often attended by government officials and in some instances co-organized together with HRDs. Of particular note however were

the quarterly meetings that were established between the NGO sector leadership and the Ministry of Internal Affairs which is responsible for providing oversight on NGOs and also houses the National NGO Registration Bureau. Such meetings, established and maintained consistently point to the recognition of the legitimate work HRDs do in their various spheres in the country complimenting the government.⁴

2.4 CSOs/HRDs in Joint Government Bodies as Members-JLOS & UPR

In the same vein, the period under review has also been characterized with the ascendancy of CSOs/NGOs on various government bodies that were hitherto only reserved for the government Ministries, Departments and Agencies. Such examples include the incorporation of CSOs on the government Justice Law and Order Sector (JLOS) working groups of Human Rights and Accountability and Transitional Justice. In particular, the JLOS Working Group in Human Rights and Accountability is further divided into two sub-committees of Accountability and Human Rights all hosting NGOs as members deliberating with the relevant MDAs on promotion, protection and fulfilment of human rights.

2.5 In the same vein, the Inter-Ministerial Committee on the UPR/National Action Plan on Human Rights that is collection of over 35 MDAs in Uganda working together to oversee the full implementation of the recommendations from the UPR cycles. Originally an all exclusive MDA agenda, this Committee which is hosted within the Ministry of Foreign Affairs, in 2017, resolved to admit 4 representatives of the CSOs in the country in recognition of their work in the implementation of the UPR recommendations specifically and generally human rights promotion and protection.

2.6 CSOs/HRDs Partnerships in State Reporting ; In the same way, the Ministry of Foreign Affairs and Ministry of Gender, Labour and Social Development have continuously in the period under review involved HRDs in the reporting obligations of the government to the regional and international human rights charter and treaty bodies. The above examples speak to the implicit, at least, way that the State continues to recognize the legitimacy of the HRDs by involving them in the human rights initiatives around the country.

EMERGING HUMAN RIGHTS CONCERNS AND RESTRICTIVE OPERATIONAL ENVIRONMENT

2.7 However, findings also reveal that the HRDs operating at the sub-county level faced resistance from the local leaders there such as the GISO (Gombolola Internal Security Organization) officers who are accustomed to ‘showing power, might and influence’ as security chiefs at that level and can stop any event hiding under the ambiguous agenda of sub-county/national security. Some of these officers are ex-service men in the military while others are reserves within the security apparatus.²⁵

They use the notion of national security as the cover up to harass HRDs that dig into ‘what they deem as no-go zones’ bringing to light the notion of ‘securitization of civic space’.⁶ The situation has been problematized further by the appointment of military personnel in RDC positions further spelling doom especially when the RDCs who chair district committees are biased against NGOs/HRDs as non-partisan.⁷

EXERCISE OF THE FREEDOM OF ASSEMBLY AND ASSOCIATION IN THE CONTEXT OF NGOS/CSOS OPERATING ATMOSPHERE

2.8 As it stands currently, the government of Uganda has maintained the Non-Governmental Organizations Act, 2016 in its enacted form despite various efforts by the CSOs/NGOs fraternity to engage and advocate for the amendment of some sections that remain inimical to the free association and operating of NGOs across the country. The sector remains under siege of substantial administrative encumbrances on NGOs, and under supervision of security organizations at all the levels of regulation down to the sub-county. In the period under review, the above laws have continued to hit at NGOs especially in the rural/upcountry stations.

2.9 The NGO Act still retains Section 44 which prohibits NGOs from carrying out activities in any part of the country unless they have received certification from the District Non-Governmental Monitoring Committee (DNMC). They must also sign memorandum of understanding (MoU) with the local government/district which reserves the right not to grant this permission. NGOs cannot work in another district from the one they been authorized to work in. Indeed, extension of operations requires further clearance from the DNMC and the National Bureau for NGOs.⁸

2.10 Furthermore, the NGO Registration Act 2016 is detailed with ambiguous terminologies that can be used/abused at the convenience of the State and the attendant agencies of the SNMC and DNMCs including the National Bureau. For example section 44-the Special Obligations section which details various undertakings that NGOs must subscribe to diligently lest its certification is revoked. The terminologies or phrases used in the aforementioned section manifest looseness that can be susceptible to abuse to lock out NGOs that may seek registration.

2.11 *Draconian laws inhibiting Freedom of Expression and Online Activism;* In the period under review, various laws have been used greatly to gag further the works of HRDs especially in relation to the freedom of conscience and expression and associational freedoms as well notably in the Computer Misuse Act (2011)-sections Section 24 and Section 25 that have emerged as the more invoked to stifle public dissent and critic of poor governance. Dr. Stellah Nyanzi, a reknown women rights activist was charged under this law in April 2017 after she criticized the President Museveni on Facebook. Dr. Nyanzi was later convicted of the offense of and sentenced to 9 months in prisons, the whole sentence of 18 months offset by her 9 months serving on remand during the case hearing.

2. 12 NGOs/HRDs Office-breaks: The Unresolved Chilling Mystery;

These break-ins have continued to gain prominence since 2012 when the first one was first reported. As at the end of December, 2020, 35 cases of NGO breaks are still pending full investigation and completion. What is undeniable is the common denominator of all the affected NGOs-one thread that connects the entire cob-web is that majority of all the attacked NGOs have a history of operating in advocacy around good governance, human rights and anti-corruption campaigns seeking accountability from relevant government agencies both locally and at national level. Others have specialized works in land rights- and mobilization of masses against land grabbing while others focus on human rights and business with particular attention to extractives. There is no report on these investigations.

SECTION III. INTERNATIONAL HUMAN RIGHTS INSTRUMENTS RATIFICATION

3.1 Recommendations to Uganda accepted in relation to ratification of international human rights instruments were the following;

a) 115.1 Enhance ratification of international human rights instruments (Congo);

Status: Not Implemented.

b) 115.2 Continue to consider ratification of more international human rights instruments (Syrian Arab Republic);

Status: Not Implemented.

c) 115.3 Continue acceding to the core international human rights instruments (Azerbaijan);

Status: Not Implemented.

d) 115.17 Consider ratifying the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189), and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Philippines);

Status: Not Implemented.

e) 116.4 Ratify the Convention on Protection of Children and Cooperation in respect of Intercountry Adoption (Madagascar);

Status: Not Implemented.

f) 116.6 Ratify and accede to the International Convention for the Protection of All Persons from Enforced Disappearance and the Convention on the Rights of Persons with Disabilities and withdraw reservations to the Convention against Torture and the International Convention on the

Protection of the Rights of All Migrant Workers and Members of Their Families (Sierra Leone);

Status: Not Implemented.

General Comment on Findings:

3.2 As at end of 2020, out of the 56 international and regional human rights instruments, Uganda had signed 25, ratified 18 and acceded to 15 as also provided in the Annex 'A' to this study. Additionally, 7 were signed but had not been ratified while on the remnant 16, no action has been undertaken.⁹ As such, to be up-to-date, Uganda must ratify 23 international and regional human rights instruments.

3.3 Progressively though, in 2017, between June and October, the Ministry of Justice and Constitutional Affairs and Ministry of Foreign Affairs undertook a consultative fact finding mission amongst select human rights actors within CSOs and the MDAs on the urgency of ratification and domestication of the various international and regional human rights instruments. According to the study undertaken, a combined analysis of the respondents' views listed the top 15 priority instruments in their order as including: The 3rd Optional Protocol to the Convention on the Rights of the Child on a Communication Procedure (OP – CRC-IC); the Hague Convention on the Protection of children and Co-operation in respect of Intercountry Adoption; International Convention for the Protection of All Persons from Enforced Disappearance (CPED); ILO Domestic Workers Convention, 2011 (No. 189) among others. Despite that study though, at the time of writing this report, there was no process leading to the ratification of more UN based international human rights instruments.

EMERGING HUMAN RIGHTS CONCERNS RELATING TO THE RATIFICATION OF INTERNATIONAL HUMAN RIGHTS INSTRUMENTS

3.4 Inadequate Capacity in Ratification Processes

One such example is in the Ministry of Gender Labour and Social Development (MGLSD) which is a multi-sectoral Ministry that is mandated to handle a wide range of aspects including persons living with disabilities, children, youth, women, cultural and traditional leaders, women and labour aspects. The issues handled by this single ministry are too enormous and yet almost all demand special attention considering they all have specific regional and international human rights instruments that require following up diligently. The Ministry despite all the sensitive dockets it handles decries the lack of legal experts/officers within to direct the activities on ratification of instruments that fall within its mandate, advice on legal implications surrounding the ratification of some instruments and interpretation of some provisions as well.

3.5 Recommendations:

Government of Uganda consider;

- a) Ratification of the International Convention for the Protection of All Persons from Enforced Disappearance;
- b) Ratification of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women;
- c) Ratification of the Optional Protocol to the Convention against Torture;
- d) Ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights;
- e) Ratification of the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189);
- f) Ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;
- g) Ratification of the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity;
- h) Ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and accept its investigation and communication procedure.

SECTION IV: TORTURE, INHUMANE AND DEGRADING TREATMENT & HRD WORK

4.1 The recommendations accepted by Uganda relating to prevention and prosecution of acts of torture were;

115.4 Adopt the Prevention and Prohibition of Torture Regulation to make the Prevention and Prohibition of Torture Act operational (Denmark);

Status: Fully Implemented.

115.5 Implement the Prevention and Prohibition of Torture Act, whose definition of torture complies with the Convention against Torture, in order to ensure an effective system for preventing all forms of torture (Portugal);

Status: Partially Implemented.

115.6 Implement, in practice, the Prevention and Prohibition of Torture Act, including through the establishment of an effective system of prevention of all forms of torture and other cruel, inhuman or degrading treatment (Switzerland);

Status: Partially Implemented.

115.7 Put in place the necessary regulations to ensure the full implementation of the Prevention and Prohibition of Torture Act of 2012 and that appropriate training on the Act is carried out for

security services to ensure its effective application (Ireland);
Status: Fully/Partially Implemented.

General Comment on the Findings

4.2 In the period under review, the following progress has been registered towards the implementation of the recommendations aforementioned;

- I. The enactment of the Prohibition and Prevention of Torture Regulations in 2017/8 which are necessary in operationalizing the Act;
- II. Government of Uganda's implementation of the personal liability principle as a component of the compensation policy for survivors of torture. It is no longer a burden of the Ministry of Justice and Constitutional Affairs to pay for the compensation accorded to a torture survivor as was the case before where the perpetrators would be covered under the principle of vicarious liability.
- III. Closure of Nalufenya Police Station Cells, a notorious detention facility Situate in Jinja District, in Eastern Uganda which had emerged as one of the most dangerous known torturous facility of suspects of capital or political offences that were detained there. The facility was closed down by the Inspector General of Police arising out of a senior police officers' committee that went on a fact finding mission there instigated by public outcry. Many of the suspects that had been tortured in this facility were later acquitted of charges against them due to lack of evidence.
- IV. Members of Parliament undertook a fact finding mission and caused a national debate on torture and safe houses as held by the Internal Security Organisations (ISO). Their report was made public but no concrete action was undertaken.

THE EMERGING HUMAN RIGHTS CONCERNS

4.3 There is still limited awareness amongst both State and Non-State Actors.

Not only has this led to more cases of torture being registered, it has also frustrated the accessing of justice by survivors of torture through rehabilitation which too is a human right.¹⁰ Bringing perpetrators to justice has also been frustrated by inadequate capacities in reporting, investigation, documentation of torture, aspects that are necessary for successful prosecution of the act of torture both as a crime and a human rights violation hence most times the perpetrators go free.

4.4 Many of the cases against the police officers are either tried in the civilian Courts as assault occasioning bodily harm, a crime far less in impact than a finding of torture as a human rights violations. Secondly cases against police officers have been dealt with by the

Professional Standards Unit (PSU) of the Uganda Police Force (UPF) as transgressions of professionalism and not necessarily crimes under the anti-torture law of the land. Essentially therefore, it means that torture or the allegations there of are merely treated as indiscipline and as thus even the sanctions it attracts within the police system is not deterrent enough to cause attitude change and practice which are central to scaling down and eventual elimination of torture as an investigative technic or means of arrest within the Uganda Police Force.

SECTION V: CONCERNS OVER THE PROTECTION OF THE RIGHT TO LIFE

5.1 Article 22 of the Constitution of Uganda prohibits arbitrary deprivation of the right to life. Uganda subscribes to core international and regional instruments that protect the right to life, which include: The Universal declaration of Human Rights, International Covenant on Civil and Political Rights (ICCPR) and the African Charter on Human and Peoples' Rights.

5.2 At the legislative level, Uganda has taken tremendous steps towards the protection of the right to life and the abolition of mandatory death penalty as evidenced by the promulgation of the *Law Revision (Penalties in Criminal Matters) Miscellaneous Amendment, Act, 2019 which prohibits mandatory death penalty in Uganda*. However, Uganda has maintained the death penalty.¹¹ As of May 2021, there were 133 inmates on death row and no one has been executed in the last 21 years. This also indicates a political will to progressively move towards the abolition of the death penalty.

5.3 We applaud the government of Uganda for establishing the Professional Standards Unit (PSU) in 2007 which initiates and conducts investigations levied against police officers and discipline them in cases of use of excessive force. In 2020 PSU registered 4500 cases against errant police officers for various human rights violations. Similarly, the Uganda Peoples' Defence Forces Act, 2005 establishes a Unit Disciplinary Committee to ensure discipline within the forces in the execution of their work. Notwithstanding these internal disciplinary mechanisms, we are deeply concerned over the prevailing cases of arbitrary deprivation of the right to life without holding accountable the perpetrators and extra judicial killings through excessive use of force which are rampantly on an increase in the country.

5.4 Between May and November 2017, 28 women in Nansana and Entebbe were brutally killed by unknown people. Out of the 28 murdered women, only one conviction for the murder of Annet Nakku was secured.¹² This implies that 27 of the women that were killed are still unaccounted for by the Republic of Uganda. According to police investigations, 12 of the women were first raped, killed and thereafter the assailants inserted foreign objects

into their private parts.¹³ The court decried the poor work of the police in handling the cases of women killings in Nansana and Entebbe.¹⁴ The Professional Standards Unit of the Uganda Police Force also indicated in its report of 2019 concerns over the mismanagement of police files and misconduct of police officers topped with 470 cases¹⁵

5.5 On 17th March 2017, unknown assailants shot and killed AIGP Andrew Felix Kaweesa, his bodyguard, Kenneth Erau, and the driver, Geoffrey Wambewo. On 8th June 2018, Ibrahim Abiriga a distinguished Cadre of the National Resistance Movement and Member of Parliament of Uganda was shot dead with his bodyguard near his home. Three months after the murder of Hon. Ibrahim Abiriga, on 8th September 2018, Muhammad Kirumira a prominent senior police officer and former Division Police Commander of Nansana, Wakiso District was shot dead, as he returned to his home. Similarly, on 1st June 2021, there was an attempted assassination of Gen. Edward Katumba Wamala, the former Chief of Defence Forces and the Minister of Works and Transport. The assailants shot 56 bullets at the vehicle in which the General was traveling killing his daughter Ms. Brenda Nantogo Wamala, the driver Sgt Haruna Kayondo. These killings are among the eight more unresolved murders of high profile individuals in the country. It should be noted that as of 2021 no convictions have yet been made as investigations are still on going without any answers to who the perpetrators are. President Museveni has consistently referred to the assailants as ‘pigs’ who will be defeated like the way they have been defeating enemies of Uganda’s progress. Uganda’s Third National Development Plan, 2020 acknowledges the challenge of high profile murders whose investigations have not been concluded.¹⁶ The Third National Development Plan proposes the need for formulation of a national policy on crime prevention, strengthen the capacity of crime fighting agencies including investigation, prosecution and correctional institutions to reduce the crime rate and effectively and efficiently respond to crime.¹⁷

5.6 On 28th October 2019, the UPDF Fisheries Protection Unit (FPU), a specialised military unit formed by the President to counter illegal fishing on Uganda’s water bodies shot and killed Justine Naiga, a resident of Buruuli quarters in Nakasongola Town Council. The deceased was suspected of dealing in illegal fishing. While responding to the killing, Capt. Rugumayo Araali, the FPU spokesperson in the area stated that Naiga was part of a mob that tried to disarm a soldier during an operation mounted at Kisaalizi landing site in search of the illegal fishing gear.¹⁸

5.7 On 16th February 2020, the UPDF FPU shot and killed Joram Bombo, a 58 year old fisherman on Lake Edward. The deceased was shot together with Francis Kabundire, 62, who survived with a broken arm. The police spokesperson of Greater Bushenyi acknowledged that the deceased was killed during the UPDF FPU operations on Lake

Edward and pledged that investigations were ongoing.¹⁹ At the time of writing, no official report has been published by police on the unlawful killing of Mr. Joram Bombo.

5.8 Due to an increase in the arbitrary deprivation of the right to life and the violation of other rights by UPDF FPU on residents living in the fishing communities in Uganda, in 2019 Parliament of Uganda halted the operations of the FPU of the UPDF on all lakes in Uganda. However, the FPU operations are still ongoing on various water bodies in Uganda in total disregard of the international human rights standards on law enforcement.

5.9 On 18th and 19th November 2020 54 people were reported to be killed by government security operatives in the countrywide demonstrations that occurred as the result of the arrest of Hon. Robert Ssentamu Kyagulanyi and Hon. Patrick Amuriat Oboi, the National Unity Platform Presidential Candidate in Luuka District and the Forum for Democratic Change Presidential Candidate in Gulu district on allegations of violating the Ministry of Health COVID-19 preventive guidelines and the Electoral Commission campaigning guidelines. Police and the army responded to demonstrations with live bullets and teargas. As a result, a toll of 54 people lost their lives, of which 45 were male adults, 06 female adults and 3 children.²⁰ The Minister of Security, Gen Elly Tumwine responded to the killings assuring Ugandans that ‘police has a right to shoot and kill.’²¹ He further thanked the military and the police for defeating ‘terrorists’ The spokesperson of Criminal Investigations Directorate (CID), Mr Charles Twine said inquiries into the November 2020 “murders” are underway but “not all acts” in the stray shootings “are crimes.”

5.10 On 29th November, 2020, the President of the Uganda, H.E Yoweri Kaguta Tubuhaburwa Museveni indicated that 32 of the persons killed were rioters and the remaining were innocent victims of stray bullets and motor vehicle accident. He assured the relatives of the victims of unlawful deaths compensation for the loss of the lives of their dear ones. The compensation process is yet to start and no family has received any compensation.

5.11 On 27th December 2020, Frank Senteza, a bodyguard for the Presidential Candidate of the National Unity Platform succumbed to his death due to the injuries sustained after being run over by a military truck H4DF 2382 on their way to Rubaga hospital along Busega. We are deeply concerned that the Ugandan Military Spokeswoman, Brig. Flavia Byekyasoo stated that the bodyguard was not hit by a military police vehicle but rather fell off a speeding car.²² No investigations have been carried into the matter.

RECOMMENDATIONS

- a) Fully implement the Law Revision (Penalties in Criminal Matters) Miscellaneous Amendment Act, 2019 in a bid to abolish the death penalty.

- b) Carry out investigations in to the killings of women in Nansana and Entebbe and hold the perpetrators culpable.
- c) Conduct proper investigation of the human rights violations occasioned by the UPDF FPU on the fishing communities and hold the perpetrators accountable.
- d) Conduct thorough investigations of the murders of high profile officials and hold the perpetrators criminally responsible.
- e) Conduct an independent investigation into the 18th and 19th November 2020 shootings and bring to book the perpetrators and compensate the families who lost their relatives.

¹ www.hrdcoalition.org

² Bwindi Mgahinga Conservation Trust (BMCT), *Batwa Population Census Report 2020*, Unpublished

³ African International Christian Ministry (AICM), *Assessment on access of Education and Health services among the Batwa population in South Western Uganda (2021)*, unpublished

⁴ See John Agaba, 'CSOs task minister on NGOs office break-ins report,' *The New Vision*, 15th/ December/2018. Accessible at https://www.newvision.co.ug/new_vision/news/1491307/csos-task-minister-ngos-office-break-ins-report [Accessed on 11/7/2019]. This was one of the quarterly interfaces between the NGOs and the Ministry of Internal Affairs represented by the Minister of Internal Affairs.

⁵ Respondent interview with HRD from Masaka district, July 2019.

⁶ Respondent Interview with HRD from Busoga Region, Jinja district, July 2019.

⁷ Ibid.

⁸ See The International Centre for Not-For-Profit Law, 'NGO Law Monitor-Uganda,' accessible at <http://www.icnl.org/research/monitor/uganda.html> (Accessed on 24/July/2016).

⁹ See Juliet Kalema, 'Consultancy to Support the Ratification and Domestication of Selected Human Rights Treaties to Harmonize with Existing Laws', October, 2017 at 9.

¹⁰ African Centre for Rehabilitation of Torture Victims, 'Rehabilitate Survivors, Bring Perpetrators to Account', June, 26th, 2018.

¹¹ *ibid* but also reiterated under Article 6(2) of the ICCPR 1976 provides that *In countries which have not abolished the death penalty, sentence of death may be imposea only for the most serious crimes in accordance with the law in force at the time of the commission of the crime. This penalty can only be carried out pursuant to a final judgement rendered by a competent court.*

¹² Daily Monitor, *'Man Jailed for life over Nansana, Entebbe women murders'* 24th September 2019, Available at <https://www.monitor.co.ug/uganda/news/national/man-jailed-for-life-over-nansana-entebbe-women-murders-1849554> (accessed 12th March 2021)

¹³ Ibid.

¹⁴ ibid

¹⁵ Police register 4,500 cases against their own in 2 years, by Daily Monitor
<https://www.monitor.co.ug/uganda/news/national/police-register-4-500-cases-against-their-own-in-2-years-1885578>
April 16th 2020 (Accessed 18th May 2021)

¹⁶ National Planning Authority, Third National Development Plan 2020/21 to 2024/25, pg 192.

¹⁷ Ibid.

¹⁸ Daily Monitor, Parliament halts UPDF Fisheries operations, 31st October 2019, Available at <https://www.monitor.co.ug/uganda/news/national/parliament-halts-updf-fisheries-operations-1865750> (Accessed 17th May 2021).

¹⁹ The Daily Monitor, *'One dead, five arrested in UPDF illegal fishing operation on Lake Edward,'* 17th February 2020, Available at <https://www.monitor.co.ug/uganda/news/national/one-dead-five-arrested-in-updf-illegal-fishing-operation-on-lake-edward-1875690> (Accessed 18th April 2021).

²⁰ Annual Crime Report 2020 pg. 58 - 59

²¹ The Independent, 'Gen. Tumwine: Police has a right to kill if attacked' 20th November 2020, Available at <https://www.independent.co.ug/gen-tumwine-police-has-a-right-to-kill-if-attacked/> (accessed 19th April 2021)

²² The Guardian, Bobi Wine says bodyguard killed amid clashes in Uganda
<https://www.theguardian.com/world/2020/dec/28/bobi-wines-bodyguard-killed-amid-violence-in-uganda> 28th
December 2020 (Accessed 17th May 2021)