

UGANDA
HUMAN RIGHTS
CONCERNS IN THE
RUN-UP TO THE
FEBRUARY 2011
GENERAL
ELECTIONS

AMNESTY
INTERNATIONAL



Amnesty International Publications

First published in 2011 by
Amnesty International Publications
International Secretariat
Peter Benenson House
1 Easton Street
London WC1X 0DW
United Kingdom
www.amnesty.org

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Index: AFR 59/004/2011
Original Language: English
Printed by Amnesty International, International Secretariat, United Kingdom

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Amnesty International is a global movement of 2.2 million people in more than 150 countries and territories, who campaign on human rights. Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights instruments. We research, campaign, advocate and mobilize to end abuses of human rights. Amnesty International is independent of any government, political ideology, economic interest or religion. Our work is largely financed by contributions from our membership and donations

**AMNESTY
INTERNATIONAL**



INTRODUCTION

The 2001 and 2006 general elections in Uganda were marred by politically motivated violence and human rights abuses by political party candidates, members, and supporters as well as human rights violations, including excessive use of force, by law enforcement officials. Uganda holds presidential and parliamentary elections on 18 February.

Although the current election campaigning period has been relatively peaceful the risk of politically motivated violence involving supporters of various politicians and political parties and election-related human rights violations remains high. There have already been a number of cases of political violence. Tension between the ruling party and opposition parties over a number of issues related to plans for the conduct of the elections, including disagreements over the voter's register and the credibility of the Electoral Commission – the body responsible for conducting the elections – may also contribute to the risk of human rights abuses as a result of possible electoral-related violence. Addressing these political disagreements over the electoral process would no doubt help ease tensions.

Amnesty International is concerned that incidents of electoral-related violence and associated human rights violations have not been properly investigated and action taken to bring suspected perpetrators of human rights abuses to justice. Amnesty International believes that in order to avoid the prospects of further electoral-related violence the government must decisively deal with impunity for any human rights abuses.

As the February elections approach, Amnesty International is calling on the Ugandan government and all political candidates and parties to ensure an elections process in which human rights are respected, protected and promoted before, during and after the elections. In particular the government and all political actors must ensure respect for the rights to freedoms of expression, association and assembly which are enshrined in the Ugandan Constitution as well as the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights to which Uganda is party.

Amnesty International delegates visited nine towns¹ in all the geographical regions of Uganda (Eastern, Central, Western, Southern and Northern Uganda) between 8 and 17 December 2010 to assess the extent to which human rights are respected around the election campaigns. During these visits the delegates interviewed selected government officials, political party representatives, political candidates and their supporters, and representatives of the Uganda police. Delegates also interviewed journalists and civil society representatives monitoring and documenting electoral-related human rights abuses. Phone interviews with various respondents have also been conducted before and after the period of the research visit.

This briefing summarizes information gathered during this research and is addressed to the government of Uganda and political parties and candidates.

¹Kampala, Mbale, Bududa, Jinja, Masaka, Mbarara, Fort Portal, Hoima and Gulu.
Index: AFR 59/004/2011

AMNESTY INTERNATIONAL'S MAIN HUMAN RIGHTS CONCERNS

ELECTION-RELATED VIOLENCE

Groups of men armed with sticks and dubbed by the local media as “the Kiboko squad”² disrupted a rally by opposition leader Kizza Besigye in June 2010. Members of the group beat up the opposition leader, officials and supporters of his Forum for Democratic Change (FDC) party who were attending a political rally in the capital city, Kampala. There have been similar previous operations of the ‘Kiboko squad’ in recent years, targeting opposition supporters. Although government officials and the police publicly stated in June that the activities of this group are illegal (a stand also expressed in the previous years) the findings of a police investigation promised in June 2010 is yet to be made public. Members of the group are yet to be brought to justice.

Witnesses told Amnesty International delegates in December of about ten cases of electoral-related violence between supporters of various political candidates of the same party during party nominations, and violence between supporters of rival political parties in the course of election campaigns. Although the full circumstances of the instances of electoral-related violence told to Amnesty International were not clear, including whether and to what extent such violence was organized or spontaneous, the failure, in all the instances, of the police to ensure proper investigations into the incidents (which all involved bodily injuries to people) and bring to justice any suspected perpetrators of human rights abuses sends the message that the state tolerates impunity for such violence.

The case of a 21-year old woman whom Amnesty International delegates visited in hospital in Mbale district illustrates the point. She sustained a serious head injury as a result of violence that had erupted between supporters of two ruling party parliamentary aspirants during the ruling party nominations in September 2010 in Mbale district. Witnesses to the incident told Amnesty International how a vehicle campaign convoy of a parliamentary candidate – currently a government minister - drove through the crowd of rival political supporters in a deliberate attempt to disperse them, and in the process knocked over the 21-year old woman. The victim’s close relatives told Amnesty International delegates that despite reporting the incident to the police and despite the fact that “the driver and his employer are well known”, no concrete action had been taken by the police to bring them to justice by the time of Amnesty International’s visit in December 2010 – almost three months from the date of the incident. Left with this situation the family does not feel that they have any hope of getting justice.

Members of the police force have said to Amnesty International delegates that the lack of concrete action in this and other cases of electoral-related violence which involve high-ranking government officials is largely because these officials refuse to cooperate with the police in relation to criminal investigations. In an interview with Amnesty International one District Police Commander stated that the police are committed to dealing with any case of election-related violence but that investigations stall because senior government officials take the process of criminal investigations for granted and claim that they are too busy to record statements and take part in the process. Allowing investigations to stall because the alleged perpetrators refuse to cooperate fuels the perception that the police are biased, that senior government officials are above the law, and guarantees and entrenches impunity for human rights abuses.

A majority of opposition politicians and parliamentary candidates who spoke to Amnesty International during the December research visit stated that, because they do not trust the police and the Electoral Commission, the opposition plans to form opposition civilian ‘vigilante groups’ or ‘protection units’ to ensure security for opposition politicians and “guard against electoral malpractices”. It is not clear whether and to what extent these groups would

²The word ‘kiboko’ is a Swahili word which refers to ‘sticks’ and has been used in reference to the fact that the groups of men wield sticks’.

be armed. Putting together and deploying civilian vigilante groups for security purposes increases the risk of human rights abuses arising from violence and especially from violent clashes between such groups and the police and other law enforcement agencies.

THREATS TO THE EXERCISE OF THE RIGHT TO FREEDOM OF EXPRESSION BY JOURNALISTS

In the run up to the elections a number of journalists have faced arbitrary arrests and have been harassed and intimidated in the course of their work by the police, other law enforcement officials, government officials and individual political candidates and their supporters.

In 2010 there were a number of instances where journalists were physically assaulted by aides or supporters of political candidates, the police or security personnel while reporting violations to the electoral process including political violence. During the December research visit, Amnesty International delegates were told about three incidents where journalists were attacked while covering electoral-related violence and irregularities during political campaigns for party and general election nominations between August and December. In all three incidents the affected journalists believed that their assailants were acting with the acquiescence of the politicians – in two of the cases the journalists were attacked by political aides while the politicians stood by watching. In one incident the journalist was attacked by a group of police officers during elections for the ruling party primaries as a senior government official watched. The journalist attacked by a group of police officers told Amnesty International delegates how the government official in question watched as the police officers beat her up and he (the official) shouted that he did not want “any journalists covering the event – the ruling party primaries”. The journalist sustained serious abdominal injuries that subsequently required hospitalization. The journalist reported the incident to the police and recorded a statement. She also duly filled and submitted a medical examination form following a medical examination at hospital. However the police took no further action to investigate, arrest or prosecute the suspected perpetrators.

All the journalists believed that they were attacked because the politicians believed that media coverage of malpractices would lead to adverse media publicity to the politicians or their supporters. To date, despite reporting the incidents to the police, no investigations were conducted and no action has been taken to bring alleged assailants to justice.

THREATS TO THE EXERCISE OF THE RIGHT TO FREEDOM OF EXPRESSION, ASSOCIATION AND PEACEFUL ASSEMBLY OF POLITICAL ACTIVISTS AND HUMAN RIGHTS DEFENDERS

Despite explicit provisions on broadcasting standards under Ugandan law, specifically the Electronic Media Act which, in its First Schedule, requires that in elections for public office the electronic media –whether privately or publicly owned – must afford equal coverage to all candidates, key opposition leaders have had media coverage of their campaigns, in particular radio talk shows, arbitrarily blocked or stopped.

Amnesty International interviews with journalists working for privately owned radio stations revealed that a number of such stations believed to be owned by persons loyal to the ruling party had implicit and some times explicit

instructions from station owners not to allow opposition parliamentary candidates to hold media events such as talk shows even where the candidates had agreed to pay for radio station air time. This view was corroborated by individual opposition parliamentary candidates in areas such as Hoima in western Uganda. Opposition parliamentary candidates told Amnesty International how they had unsuccessfully made several attempts to pay up and appear for talk shows on private stations. Amnesty International documented one incident in which opposition presidential candidate, Kizza Besigye, had allegedly been arbitrarily stopped from continuing with a paid-up talk show on a private station. Station owners stated that the reason they discontinued the one hour talk show 15 minutes in was because of a power cut that affected the station. A representative of Kizza Besigye's party disputed the validity of this reason stating that during the preceding negotiations with the radio station management, the management had expressly told the party representatives that the radio station owners did not want to host the opposition presidential candidate because of his political views and had only reluctantly agreed to host the candidate.

In the run-up to the elections some human rights defenders and activists in a number of up country districts of Uganda have expressed concern over arbitrary restrictions to civic education radio programmes by government officials. Developments in the last two years regarding the case of a civic education talk show run by Twerwaneho Listeners Club, a community-based organization, in Fort Portal in western Uganda is an example. The talk show was ordered off air by the Regional Police Commander who wrote to the owners of the private station that had been hosting the talk show stating that the content of the show incited violence. Six members of the organization were subsequently arrested and charged in court with 'incitement and criminal libel' on the basis of the content of earlier talk shows which had discussed government policy and practice in the area. Contrary to the provisions of the Electronic Media Act the station owners or the members of the community-based organization were not given an opportunity to respond to the allegations of incitement and libel. The criminal case filed against the six members of the community based organization was dismissed in court, for lack of evidence, in September 2009, and the talk show resumed but arbitrary restrictions continue. In February 2011 members of the community-based organization told Amnesty International that the radio station hosting the talk show requires them to submit the proposed content of the show in advance for approval, and that approved content excludes any discussions of local governance issues which would cast certain political leaders, who are in government and are running in the forthcoming elections, in negative light. The station management admitted that programme content is pre-approved but denied that the exclusion of certain issues is politically-motivated and that the basis for such exclusion was to avoid "inflammatory discussions". The radio station did not provide any specific examples of discussions that may be deemed inflammatory.

Throughout 2010 the police and other security officials at various points in time in different regions blocked or dispersed political rallies by a number of opposition parties often without providing valid reasons for these actions. In most instances the police usually cite the provisions of section 32 of the Police Act which requires persons intending to hold public assemblies to inform the Inspector General of Police of assemblies involving more than 25 people (but does not impose a requirement of licensing of rallies by the police).

RECOMMENDATIONS

Amnesty International calls upon the government of Uganda to:

- Ensure respect for the rights to freedoms of peaceful assembly and association and freedom of expression and opinion, including press freedom.
- Ensure all political candidates have the freedom to campaign as well as unrestricted access to the media

- Investigate cases of human rights abuses in the context of electoral-related violence. Where human rights violations are established to have taken place, ensure that the relevant authorities bring the perpetrators to justice without undue delay.

Amnesty International calls upon all political leaders and election candidates to:

- Undertake to respect and uphold human rights.
- Publicly state that acts of political violence and human rights abuses by party members, supporters and candidates will not be tolerated.
- Prohibit the hiring of vigilante groups or armed gangs to intimidate political opponents and supporters and/or to cause political violence leading to human rights abuses
- Cooperate fully with the authorities' investigations into human rights abuses in the context of election-related violence.

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