



“WE COME IN AND DISPERSE THEM”

VIOLETIONS OF THE RIGHT TO FREEDOM
OF ASSEMBLY BY THE UGANDAN POLICE

AMNESTY
INTERNATIONAL



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Cover photo: A police officer fires tear gas at pro-Mbabazi supporters in Jinja

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GLOSSARY

ACHPR: African Charter on Human and Peoples' Rights

AU: African Union

DP: Democratic Party

EU: European Union

FDC: Forum for Democratic Change

ICCPR: International Covenant on Civil and Political Rights

IEC: Independent Electoral Commission

MP: Member of Parliament

NRM: National Resistance Movement

RPC: Regional Police Commander

TDA: The Democratic Alliance

UHRC: Uganda Human Rights Commission

UPC: Uganda People's Congress

EXECUTIVE SUMMARY

As Uganda’s February 2016 presidential and parliamentary elections approach, in what will be President Yoweri Museveni’s 30th year in power, police have disrupted peaceful opposition gatherings using excessive force, arbitrarily arrested opposition politicians, and tortured individuals aligned with the opposition. Restrictions on freedom of assembly hindered the ability of Ugandans to receive information and engage with politicians, before presidential campaigns started in November 2015.

This report documents some of the key human rights incidents between July and October 2015 as politicians vied to be presidential candidates. With the launch of the parliamentary campaigns on 7 December 2015, Amnesty International urgently calls on the Ugandan authorities to ensure that all Ugandans enjoy equal rights to attend political rallies, engage with candidates, and express their views, during and after the remainder of the campaign period.

Amnesty International conducted research for this report in September, October and November 2015 in Uganda. It is based on interviews with 88 individuals, including with victims and eyewitnesses, relatives of victims, senior Ugandan police officers, representatives of the Uganda Human Rights Commission (UHRC), lawyers, representatives of civil society, journalists and political activists. Documentary evidence has been used to corroborate information.

Police used excessive force to disperse peaceful opposition gatherings using tear gas and rubber bullets in Soroti and Jinja in September 2015. The police told Amnesty International that they had the power under the Public Order Management Act to disperse these crowds, as the assemblies were unlawful under Ugandan law. The purported illegality of these gatherings is contested by the opposition. However, the right to freedom of assembly is so important that authorities should not use excessive force to break up peaceful assemblies even if they are unlawful.

Opposition politicians, most prominently Dr. Kizza Besigye of the Forum for Democratic Change (FDC), were repeatedly placed under “preventive arrest”. The police justified this by saying that they intended to hold unlawful rallies, not consultations, and that notification had not been provided under the Public Order Management Act. These arrests, which restricted the ability of politicians to engage with Ugandans, are unlawful under Ugandan and international law. Youth activists and other individuals aligned with opposition political parties were also arrested, detained, and in two cases subjected to torture.

Uganda’s Electoral Commission, criticized by electoral observation missions in previous elections, stated that political “rallies” were unlawful before the campaign period. The Presidential Elections Act, which governs consultative meetings of individuals aspiring to be presidential candidates is not precise enough for politicians to interpret the law and regulate their conduct accordingly. The selective application of the Public Order Management Act by the Ugandan police has privileged the incumbent, as President Museveni regularly addresses large public events discussing politics with the electorate.

The police’s use of tear gas to break up opposition gatherings, as well as “preventive arrest” of opposition politicians, continues the clampdown on freedom of assembly and expression experienced during previous elections, most recently in 2011. The 2016 elections are the first since the Public Order Management Act became law in October 2013, imposing wide-ranging restrictions on public meetings.

The UHRC told Amnesty International that they would be uncomfortable if the Public Order Management Act was applied selectively, stating that they have engaged with the police regarding the operationalization of this law. During the period covered by this report, the mandate of UHRC’s Commissioners had expired. New Commissioners had yet to be appointed by President Museveni or approved by parliament, depriving Ugandans who suffered human rights violations during the lead-up to elections of an important means of redress.

Amnesty International urges the Ugandan government to ensure that all Ugandans enjoy an equal right to freedom of peaceful assembly, along with the right to participate in the governance and political affairs of their own country. This should include the freedom to engage in political rallies, listen to candidates, and freely express their views, regardless of their political affiliation. The government should instruct the police not to use excessive force to disperse peaceful gatherings, including where the police believe that organizers have not complied with the Public Order Management Act’s requirement to notify the police in advance. To facilitate this, they should publish guidance on the interpretation of the Public Order Management Act and the policing of peaceful assemblies, in compliance with international standards. Reports of excessive use of force, arbitrary arrests and torture by the police must be promptly and thoroughly investigated and those suspected to be responsible held to account.

Amnesty International also calls on the African Commission on Human and Peoples’ Rights, the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, and Uganda’s bilateral and multilateral partners - especially those supporting policing and public order management - to intensify their engagement on human rights issues with the Government of Uganda. They should publicly urge the Ugandan government to ensure peaceful rallies are not banned or dispersed by the police and encourage them to issue guidelines on policing assemblies which meet international standards, in particular the UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. Election observation missions deployed before and during the 2016 elections should publicly report on human rights violations and abuses.

METHODOLOGY

This report is based on research conducted by Amnesty International in Uganda in September, October, and November 2015. It focuses on the disruption of peaceful assemblies and excessive use of force by the police, and arbitrary arrests and torture of individuals aligned to opposition political parties. It documents incidents between July and October 2015 in the lead-up to party primaries, and before the official campaign period began.

Amnesty International interviewed 88 individuals in Central and Northern Uganda, including victims and eyewitnesses of human rights violations, relatives of victims, representatives of the UHRC, officials from the Uganda Police Force, lawyers, representatives of civil society, journalists, political activists, academics, and diplomats.

79 of these interviews were face-to-face, mostly privately. Some of these individuals were interviewed more than once. In nine cases where it was not possible to meet in person, individuals were interviewed by telephone. Some individuals interviewed expressed concern for their security. Their names and other identifying details have been omitted from this report.

Amnesty International interviewed multiple sources for each incident to confirm the reliability of testimony. Where possible, documentary evidence, including unedited video footage, medical reports and court files have also been used to corroborate information.

Amnesty International wrote to the Inspector General of Police on 5 November 2015 requesting an official response to the concerns raised in this report. Amnesty International subsequently met with the Inspector General of Police, and eight other senior members of the Uganda Police Force, including the Assistant Inspector General of Police and Chief Political Commissar, the Commander of Kampala Metropolitan Police, the Police Spokesperson, the Acting Commander of the Flying Squad, and representatives from the Directorate of Criminal Investigations and Crime Intelligence and the Directorate of Forensic Services in November 2015. Their response is reflected in this report.

On 25 November 2015, Amnesty International wrote to the Inspector General of Police requesting further information and clarification on specific cases mentioned in this report. The police provided further input on these areas by telephone on 1 December 2015.

We would like to thank individuals who shared their experiences and input, as well as police officials for their engagement with our findings.

BACKGROUND: THE ROAD TO FEBRUARY 2016

In February 2016, Ugandans will go to the polls to vote in the third presidential, parliamentary, and local elections since multi-party politics was reintroduced in 2005.

President Museveni has been in power since 1986. After the 2001 elections, which were marred by politically motivated violence and human rights violations, President Museveni saw through a constitutional amendment in 2005 removing term limits. This paved the way for him to run again in 2006 and 2011. Since the re-introduction of multi-party politics in 2005, the Ugandan government has ostensibly permitted electoral competition while simultaneously placing impermissible restrictions on freedom of expression and peaceful assembly.

The 2011 elections were relatively peaceful compared to those held in 2001 and 2006.¹ However, the European Union (EU) found that they were “marred by avoidable administrative and logistical failures which led to an unacceptable number of Ugandan citizens being disenfranchised”.² They noted a number of incidents of violence and intimidation, as well as a “playing field” heavily skewed in favour of the incumbent. Similarly, the African Union (AU) Observer Mission expressed concern at the “deployment of the armed forces, the police and militias for security” during the elections, and “allegations of vote buying and open material promises to electorates”.³ It was within this context that President Museveni was re-elected in 2011, winning over two-thirds of the vote and reversing a decline in his electoral support from the 2006 election.

Following the 2011 elections, organized protests against rising living costs and economic instability took place in several cities across Uganda. The police and military used excessive and lethal force to quash the ‘Walk to Work’ protests, killing at least nine people and injuring dozens of others.⁴

The number of Ugandan media outlets has increased in recent years, but journalists have been harassed and intimidated to stifle independent reporting. In May 2013, the *Daily Monitor* and *Red Pepper* newspapers, as well as radio stations KFM and Dembe FM were closed for 10 days, after reporting an allegation that President Museveni’s son was being groomed to succeed his

¹ Amnesty International, *Uganda: Human Rights Concerns in the Run-up to the February 2011 General Elections*, February 2011, AFR 59/004/2011, <https://www.amnesty.org/en/documents/afr59/004/2011/en/> (accessed 22 November 2015).

² European Union Election Observation Mission, *Final Report on the Uganda General Elections*, 2011, p.5.

³ African Union, “Preliminary Statement of The African Union Observer Mission to the Presidential and Parliamentary Elections in Uganda”, 18 February 2011, <http://au.int/fr/content/preliminary-statement-african-union-observer-mission-presidential-and-parliamentary-election> (accessed 3 October 2015).

⁴ Amnesty International, *Stifling Dissent – Restrictions on the Rights to Freedom of Expression and Peaceful Assembly in Uganda*, November 2011, AFR 59/016/2011, <https://www.amnesty.org/en/documents/AFR59/016/2011/en/> (accessed 22 November 2015).

father.⁵

As Amnesty International's 2014 report, *Rule By Law: Discriminatory Legislation and Legitimized Abuses in Uganda* shows, regressive laws enacted since the 2011 elections place impermissible restrictions on the rights of Ugandans to freedom of association and assembly, and infringe on the right to participate in public affairs. The Public Order Management Act 2013, applied in a selective way during the pre-electoral period, imposes wide-ranging restrictions on public meetings, and gives the police unprecedented powers to prohibit and disperse public gatherings of a political nature.⁶

The lead-up to the 2016 election has been marked by high-level splits within the ruling National Resistance Movement (NRM). Amama Mbabazi, former Prime Minister and the former Secretary-General of the NRM, announced on 15 June that he intended to stand against President Museveni within the structures of the NRM.

In June 2015, a coalition, including the Forum for Democratic Change (FDC), the Uganda People's Congress (UPC), the Democratic Party (DP), and others coalesced under the Democratic Alliance (TDA). TDA formed with the intention of fielding a single joint candidate, to challenge President Museveni and the NRM in next year's elections. However, after weeks of protracted negotiations, they failed to reach agreement on a candidate.

Presidential campaigns started on 9 November 2015, with eight candidates, including the incumbent, President Museveni, independent candidate Amama Mbabazi, and Dr. Kizza Besigye, who has stood in the last three presidential elections, for the FDC.

⁵ Amnesty International, “Journalists arrested as disturbing crackdown continues”, 24 May 2013, PRE-1/246/2013, <https://www.amnesty.org/en/latest/news/2013/05/uganda-crackdown-newspapers-continues/> (accessed 22 November 2015); Amnesty International interviews with multiple journalists, September - October 2015, Uganda.

⁶ Amnesty International, *Rule By Law: Discriminatory Legislation and Legitimized Abuses in Uganda*, 16 October 2014, <https://www.amnesty.org/en/documents/afr59/006/2014/en/> (accessed 22 November 2015).

JULY 2015: THE CLAMPDOWN BEGINS

PREVENTIVE ARRESTS OF AMAMA MBABAZI AND KIZZA BESIGYE

Between July and October 2015, as politicians vied to become presidential candidates, the Uganda Police Force broke up political meetings, and arbitrarily arrested several opposition politicians and political activists.

In the first public event of this election period, Mbabazi and Besigye, were separately arrested and prevented from participating in planned political events as presidential aspirants on 9 July 2015. Both politicians were placed under "preventive arrest".

Mbabazi was arrested and detained near the town of Jinja, as he was travelling to a planned consultative meeting in Mbale, Eastern Uganda. He had previously notified the Independent Electoral Commission (IEC) and the police of his intention to hold a nationwide series of political consultations as a presidential aspirant.⁷ Such meetings are permitted under Section 3 of the Presidential Elections Act.⁸

Besigye, aspiring at the time to be the FDC's presidential 'flag-bearer', was arrested outside his home in Kasangati, near Kampala. He had not notified the police under the Public Order Management Act of his intention to launch his campaign as FDC flag-bearer.⁹ Besigye's lawyer, Moses Byamugisha, told Amnesty International that they considered that Section 4(2)(e) of the Public Order Management Act excludes meetings of political parties; a position which Besigye and his team have maintained throughout the period covered by this report.¹⁰

Besigye was arrested and detained at Naggalama Police Station in Mukono District. Both Mbabazi and Besigye were placed under "preventive arrest", before being released without charge the same day.¹¹

⁷ See *Sunday Monitor*, "What Mbabazi told the NRM CEC Committee, 26 July 2015, <http://mobile.monitor.co.ug/News/News/What-Mbabazi-told-the-NRM-CEC-committee-/2466686/2808428/-/format/xhtml/-/ofdy2/-/index.html> (last accessed 23 November 2015).

⁸ Section 3 (1) of the Presidential Elections Act, 2005 (as amended by the Presidential Elections Amendment Act, 2010) states that "an aspirant may consult in preparation for his or her nomination as a presidential candidate". Section 3(2) of the same act, as amended, states, inter alia, that "while consulting ... a presidential aspirant may carry out nationwide consultations".

⁹ Amnesty International interview with senior officials from the Uganda Police Force, 17 November 2015, Kampala, Uganda.

¹⁰ Amnesty International interview with Moses Byamugisha, lawyer for Kizza Besigye, and member of the FDC, November, Kampala, Uganda. Section 4(2)(e) of the Public Order Management Act, states that "[a public meeting does not include] ... a meeting of the organs of a political party or organization, convened in accordance with the constitution of the party or organization, and held exclusively to discuss the affairs of the party or organization".

¹¹ BBC, "Uganda's Amama Mbabazi and Kizza Besigye released", 9 July 2015,

Immediately following Mbabazi’s arrest, Ugandan Media Centre Deputy Publicist, Colonel Shaban Bantariza, and Kampala Metropolitan Police Spokesperson, Patrick Onyango, both attempted to justify his arrest under Section 24 of Uganda’s Police Act. In discussions with Amnesty International in November 2015, the police maintained this position.¹² This provision provides a police officer with the power to place someone under arrest as a “preventive action” in extremely narrowly prescribed circumstances. These circumstances are limited to where a police officer has reasonable cause to believe it is necessary to prevent a person from causing physical injury to himself or herself or to any other person; from suffering physical injury; from causing loss or damage to property; from committing an offence against public decency in a public place; from causing unlawful obstruction on a highway; or from inflicting harm or undue suffering to a child or other vulnerable person.¹³ None of these criteria were applicable to the factual circumstances of Mbabazi or Besigye’s arrests which were unlawful under both domestic and international law.

On 18 July 2015 Uganda’s Inspector General of Police, General Kale Kayihura, gave a different reason for Mbabazi’s arrest in an interview published in Uganda’s *Saturday Monitor* newspaper. He stated that presidential aspirants needed to provide evidence of endorsement by a political party before undertaking consultations. There is no legal basis for this position. Under Ugandan law the police do not have authority over political party constitutions.¹⁴

ACTIVISTS BEHIND BARS

Following the simultaneous arrests of Mbabazi and Besigye, youth activists who denounced the arrests were themselves arrested the next day.

On 10 July 2015, seven members of TDA’s youth wing were arrested in Centenary Park, Kampala, as they finished a press conference, about Mbabazi and Besigye’s arrests. The press conference was held at a private restaurant, not in a public place, for which the organizers told Amnesty International that they had paid 80,000 Ugandan Shillings to the restaurant’s managers.¹⁵

As the short press conference concluded with a song, it was interrupted by several police officers, including officers of the Field Force Unit. One officer, identified by his uniform as Edyegu, grabbed papers from the table of the speakers. A loud conversation between Edyegu and the organizers of the press conference ensued for several minutes, as the activists tried to explain what they were doing. Throughout, Edyegu spoke on the phone arranging transportation for their arrest and removal from Centenary Park.¹⁶

<http://www.bbc.com/news/world-africa-33469428> (accessed 12 November 2015).

¹² Amnesty International interview with senior officials from the Uganda Police Force, 17 November 2015, Kampala, Uganda.

¹³ Section 24(1), Police Act 1995.

¹⁴ *Saturday Monitor*, “Respect Public Order Management Act, and you will be safe - Kayihura”, 18 July 2015.

¹⁵ Amnesty International interview with activists, November 2015, by phone.

¹⁶ Amnesty International interviews with victims, September and October 2015, Kampala, Uganda; Unedited video footage seen by Amnesty International.

The seven activists were put into a police truck and driven to Jinja Road Police Station in Kampala, where they were briefly detained, before being transferred to Naggalama Police Station. According to the activists, they were not informed of the reasons for their arrest or any charges against them. All seven were detained overnight before being released on police bond the following day. They were subsequently asked to report to the police on a weekly basis. According to their bond release forms, they were charged with “conducting unlawful assembly”¹⁷, although the case is still pending as at the time of writing.¹⁸

The police told Amnesty International that the group was arrested because they had not provided notice of the press conference under the Public Order Management Act. They stated that they considered the press conference to have been conducted in a public place, and that a press conference in a public place, accessible to members of the public, and on a matter of public interest that could attract a lot of people with divergent views requires notification under the Public Order Management Act.¹⁹

Later on the evening of 10 July 2015, at approximately 8pm, seven supporters of the activists made their way to Naggalama Police Station to provide surety for their friends’ anticipated release, to bring them food, and to check on their well-being.²⁰

According to three of these individuals, after they arrived at Naggalama Police Station, the police denied them access to the seven detainees, used pepper spray against them and fired gunshots into the air as they congregated outside the police station. Individuals from the first group of activists described hearing gunshots from inside the police cells at the same time. The second group stated that they left Naggalama Police Station by car, but were followed by the police, who arrested seven of them bringing them back to the police station to be detained overnight.²¹

The police told Amnesty International that the individuals who arrived at Naggalama Police Station tried to proceed directly to the cells, against police instructions, which resulted in a confrontation. The police also told Amnesty International that only two individuals were arrested, and that no tear gas, pepper spray or live ammunition was used. This contradicts the information provided by the victims interviewed by Amnesty International. In addition, Amnesty International has had sight of charge sheets relating to seven individuals, all of who were charged under Section 117 of Uganda’s Penal Code Act, for the “disobedience of lawful orders”.²² The individuals concerned say that they have not been informed of the reasons for

¹⁷ Amnesty International interviews with victims, by phone, July and August 2015, and in Kampala, September 2015.

¹⁸ Amnesty International interview with activist, November 2015, Kampala, Uganda; Uganda Police, ‘Release on Bond’ forms, seen by Amnesty International.

¹⁹ Amnesty International interview with Assistant Inspector General Erasmus Twaruhukwa, Uganda Police Force, by phone, 1 December 2015.

²⁰ Amnesty International interviews with activists, September, October, and November 2015, Kampala, Uganda.

²¹ Amnesty International interviews with activists, September, October, and November 2015, Kampala, Uganda.

²² Charge sheets for seven individuals, seen by Amnesty International.

their arrest or the factual basis for the charges against them, which have not yet been heard in court. As of 16 November, the case against the individuals had been adjourned five times, with state witnesses failing to attend court at each scheduled hearing. The case has most recently been adjourned to 14 December 2015.

Hosting a press conference is integral to the right to receive and impart information, and is not subject to the Public Order Management Act under Ugandan law. The right to stand as surety to a detained person, and to check on their whereabouts and well-being, is also basic and sacrosanct.

Less than one week later, on 16 July 2015, Vincent Kaggwa, a 25-year-old spokesperson of the NRM Poor Youth, was arrested at his home in Wandegeya, a Kampala neighborhood. The NRM Poor Youth is an NRM faction aligned with Mbabazi.

Kaggwa was arrested at his home by operatives from the Flying Squad, a police department tasked with fighting violent and organized crime on a “rapid response” basis, reporting to the Inspector General of Police. From discussions with the police, including Flying Squad Commander Herbert Muhangi, the Flying Squad operates as a unit that supports general and criminal intelligence functions of the Uganda Police Force. The police confirmed to Amnesty International that the Flying Squad arrested Kaggwa, and seized published materials and t-shirts from his home.²³

The Uganda Police Force arrested Kaggwa under the purported legal authority of “preventive arrest”. The police told Amnesty International that they had intelligence that Kaggwa was in possession of pamphlets containing words of “incitement to violence” which he intended to distribute to mosques that weekend - potentially, in their view, disrupting Eid-al-Fitr celebrations.²⁴

The pamphlets seized from Kaggwa, and seen by Amnesty International, outline the basis of the NRM Poor Youth’s support for Mbabazi and do not contain any words that could constitute incitement to violence. The t-shirts seized contained an image of Mbabazi and words relating to a planned walk to Kenya by the NRM Poor Youth, to engage with President Barack Obama during his state visit in late July 2015.²⁵

Amnesty International has been unable to independently confirm where Kaggwa was detained. The police state that he was initially detained at Central Police Station in Kampala, before being transferred to Entebbe. They say that he was transferred due to security concerns, including the possibility for “uproar” at Central Police Station.²⁶

²³ Amnesty International interview with senior officials from the Uganda Police Force, 17 November 2015, Kampala, Uganda.

²⁴ Amnesty International interview with senior officials from the Uganda Police Force, 17 November 2015, Kampala, Uganda.

²⁵ Pamphlets and t-shirts seen by Amnesty International, November 2015, Kampala, Uganda.

²⁶ Amnesty International interview with senior official from the Uganda Police Force, 17 November 2015, Kampala, Uganda.

Kaggwa claims that during the course of his detention he was questioned extensively about his political support for Mbabazi. During these interrogations, Kaggwa was told to undress by police officers, and described being sprayed with high pressure cold water, from a hose pipe, directed at his lower abdomen, causing intense pain. He continued to be questioned whilst being sprayed with water to extract information from him.²⁷

On 17 July 2015, Kaggwa’s wife, Sharon Kemigisha Kaggwa, visited Nalufenye Police Station, to ask where her husband was detained. The police refused to provide any information regarding his detention.²⁸ Kaggwa was subsequently released in the early hours of 21 July 2015.

In November, Amnesty International raised concerns with the Uganda Police Force that the failure to provide information, when requested, about Kaggwa’s whereabouts, might have amounted to enforced disappearance under international law for the duration of his detention at an undisclosed location.

Under the International Convention for the Protection of All Persons from Enforced Disappearance, which Uganda has signed but not ratified, an enforced disappearance occurs following “the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law”.²⁹

According to the police, Kaggwa was detained as a “pre-emptive police action”³⁰, a charge which, in the circumstances of his arrest, has no basis under Uganda’s domestic law. In November, the Uganda Police Force justified their refusal to reveal information about Kaggwa’s whereabouts, while detained, as part of a deliberate “counter-propaganda” strategy, aimed at restricting the public flow of information about where he was detained.³¹

Amnesty International believes Vincent Kaggwa was a victim of enforced disappearance and torture.

²⁷ Amnesty International interview with victim, September and November 2015, Kampala, Uganda.

²⁸ Amnesty International interview with victim and witnesses, September and November 2015, Kampala, Uganda; Amnesty International interview with senior officials from the Uganda Police Force, 17 November 2015, Kampala, Uganda.

²⁹ International Convention for the Protection of All Persons from Enforced Disappearance, Adopted on 12 January 2007, entered into force on 23 December 2010, signed by Uganda on 6 February 2007, Article 2.

³⁰ Amnesty International interview with senior officials from the Uganda Police Force, 17 November 2015, Kampala, Uganda; see also NTV Uganda, “NRM poor youth Publicist Vincent Kaggwa freed from ‘Safe House’”, 21 July 2015, <https://www.youtube.com/watch?v=GOICFhF-QcE> (accessed 3 October 2015).

³¹ Amnesty International interview with senior officials from the Uganda Police Force, 17 November 2015, Kampala, Uganda.

SOROTI AND JINJA, SEPTEMBER 2015: EXCESSIVE USE OF FORCE TO DISPERSE OPPOSITION MEETINGS

On 9 September 2015, the police used excessive force to disperse crowds that had gathered for a consultative meeting with Mbabazi in Soroti, Eastern Uganda, even though the gathering was peaceful.

Immediately before the planned public assembly, the IEC declared to the media that Mbabazi’s plans were “illegal”. In June, the IEC had acknowledged Mbabazi’s intention to hold consultative meetings, while warning of the need to distinguish consultations from campaigns, rallies, and mass meetings.³² “Consultations” and “consultative meetings” are not defined under the Presidential Elections Act, or any other Ugandan law, making it impossible to meaningfully distinguish between these different types of public assemblies. The imprecise nature of the Presidential Elections Act in relation to consultations fails to meet the requirements of legality in international human rights law. The law is not formulated with sufficient precision for individuals to know how to regulate their conduct.

Responding to the IEC’s pronouncement, the police deployed Field Force Unit officers to Soroti, under the command of Regional Police Commander (RPC) Philip Acayo.³³ The police told Amnesty International that it was acting under guidance of the Electoral Commission.³⁴

Hundreds of people assembled on Soroti Sports Ground. In unedited video footage seen by Amnesty International, more than 15 Field Force officers can be seen hurling tear gas canisters into a peaceful crowd. Soon after, following a heated, but non-violent, discussion between police officers and a supporter of Mbabazi questioning the use of excessive force, RPC Acayo can be heard giving orders to Field Force Unit officers wearing riot gear to “clear this place”. Within seconds, Field Force officers began firing rubber bullets indiscriminately towards a large crowd of people. Bullets were fired at body height, and without precision, by Field Force Unit officers.³⁵

As well as reviewing original unedited video footage of the incident, Amnesty International also interviewed six witnesses present at Soroti. None of those interviewed recalled the police telling the crowd to disperse. As one journalist told us, “there had been no previous orders to disperse the crowd. They just started firing, without warning. The crowd was peaceful, and there was no justification for what happened”.³⁶

Following this, the dynamic between the police and the crowd markedly changed. A few individuals captured on camera retaliated against the police by throwing tear gas canisters and stones at the police. The police continued to fire rubber bullets indiscriminately towards

³² Letter from the Electoral Commission to Amama Mbabazi, 18 June 2015.

³³ Amnesty International interviews, October and November 2015; unedited video footage seen by Amnesty International.

³⁴ Amnesty International interview with senior officials from the Uganda Police Force, 17 November 2015, Kampala, Uganda.

³⁵ Unedited video footage seen by Amnesty International.

³⁶ Amnesty International interview with journalist, by phone, November 2015.

separate crowds of people on and near the sports ground.

The police’s use of excessive force to disperse the peaceful gathering in Soroti violates the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officers. Under the UN Basic Principles, any use of force must be strictly necessary and proportional to the law enforcement objective.³⁷ As a rule, no force should be used when demonstrators are peaceful, even if the assembly is considered unlawful. Tear gas can have indiscriminate effects when sprayed, or fired in canisters, over a wide area.

When Amnesty International raised these concerns with the police in November 2015, they responded that in their view the assembly was unlawful, and on that basis, they were both justified, and under a duty to disperse the crowd. In discussions with Amnesty International, the police asserted that its current policy, “after the Walk to Work protests”, is to “come in, and disperse them [crowds]”.³⁸ International standards, including the recently published report of the African Commission on Human and Peoples’ Rights on Freedom of Association and Assembly in Africa, state very clearly that “States should only disperse public assemblies in rare and lawfully prescribed circumstances and as a last resort, and only where there is violence or an imminent threat of violence”.³⁹

The following day, on 10 September, Mbabazi was forced to abandon a consultative meeting planned in Jinja, after police blocked his route, at Lubogo Road and escorted him back to Kampala.

As Mbabazi drove in the direction of Jinja, crowds joined his convoy on foot. Field Force Unit officers in riot gear were deployed in far larger numbers than in Soroti. Unedited video footage of the convoy’s procession towards Jinja shows that the crowds were overwhelmingly peaceful with the exception of one small scuffle between people walking alongside the car and the police.⁴⁰ The police should have de-escalated this situation through dialogue and, if this failed and the use of force was unavoidable, then only the minimum level of force necessary to contain the situation should have been used. The police should have fully complied with the UN Basic Principles. Under the UN Basic Principles, if a minority in an assembly is carrying out acts of violence, law enforcement officials should respond in a differentiated and proportionate manner, and respect and protect the right to peaceful assembly of those who are demonstrating peacefully.

Instead, interviews with four witnesses, as well as unedited video footage, demonstrate that as

³⁷ UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officers, adopted September 1990, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/UseOfForceAndFirearms.aspx> (accessed 21 November 2015).

³⁸ Amnesty International interview with senior officials from the Uganda Police Force, 17 November 2015, Kampala, Uganda.

³⁹ African Commission on Human and Peoples’ Rights, *Report of the Study Group on Freedom of Association & Assembly in Africa*, 2014, p. 66, <http://www.icnl.org/research/resources/ACHPR%20English%20REPORT%2021.05.2015.pdf> (accessed 21 November 2015).

⁴⁰ Unedited video footage seen by Amnesty International.

the convoy edged closer to Jinja, the police fired rubber bullets into the air, and hurled tear gas canisters into crowds in dense, urban areas. Witnesses described bullets being fired into the air. Tear gas canisters were fired into the yard of Main Street Primary School, in scenes broadcast by a national TV crew.⁴¹ The police’s use of tear gas canisters targeted individuals who were clearly not participating in any violent act.⁴² Tear gas should be used only when necessary and proportionate to contain violence.

At one point, Mbabazi stopped his car to speak with police officers about the growing unrest. He calmly argued that he should be allowed to address the crowd to calm them down, but the police turned this request down.⁴³

Amnesty International raised these concerns with the police in November 2015. They claimed that their use of excessive force on 10 September was justified, on the basis that the planned route of the convoy changed, and was heading towards Jinja’s Central Business District where it could have caused commercial disruption. They described tear gas going into a primary school as “unfortunate”.⁴⁴

Four days later on 14 September, Mbabazi’s head of security, Christopher Aine, was arrested outside the Mbabazi campaign headquarters in Nakasero, Kampala. He stated that he was blindfolded, driven to an unidentified detention facility, and tortured over the course of three days before being released on 17 September. He told Amnesty International that iron bars and canes were used to beat him across multiple parts of his body. When interviewed by Amnesty International the day after his release, large parts of his body were covered in bruises, and cuts.⁴⁵

Mbabazi’s campaign team notified the police of Aine’s disappearance on 14 September, and made efforts to locate him on 14 and 15 September 2015. After initially denying that he was in their custody on 14 September⁴⁶, the Uganda Police Force confirmed Aine’s detention to the media late on 15 September.⁴⁷ He was subsequently released on 17 September.

Amnesty International raised our concerns about Aine’s arrest and treatment with the Uganda Police Force in November 2015, including the period during 14 and 15 September, when he

⁴¹ NTV Uganda, “Jinja school children suffer as teargas is fired around their school”, 10 September 2015, <https://www.youtube.com/watch?v=VUL6D-UbyVE> (accessed 13 September 2015).

⁴² Amnesty International interviews, Kampala, October and November 2015, and by phone, November 2015; unedited video footage seen by Amnesty International.

⁴³ Unedited video footage seen by Amnesty International.

⁴⁴ Amnesty International interview with senior officials from the Uganda Police Force, 17 November 2015, Kampala, Uganda.

⁴⁵ Amnesty International interview with victim, September 2015, Kampala, Uganda.

⁴⁶ *Daily Monitor*, “Mbabazi’s security team leader missing”, 14 September 2015, <http://www.monitor.co.ug/News/National/Mbabazi-s-security-team-leader-missing/-/688334/2870158/-/a4jsh8/-/index.html> (accessed 29 November 2015).

⁴⁷ *Daily Monitor*, “Police arrest Mbabazi security leader”, 16 September 2015, <http://mobile.monitor.co.ug/News/Police-arrest-Mbabazi-security-leader/-/2466686/2872186/-/format/xhtml/-/obx0oiz/-/index.html> (accessed 29 November 2015).

may have been subject to enforced disappearance. The police stated that Aine was arrested in connection with an assault on police officers en route to Jinja. The Police Spokesperson confirmed that he had not disclosed details of Aine's whereabouts when asked to do so, but stated that this was because he had not yet been notified of his arrest due to lack of communication between different police units. The police refuted Amnesty International's account that Aine had been tortured, and promised to provide photographic evidence prior to, and after his release from detention to support this position.⁴⁸ On 1 December, the police provided Amnesty International with three photographs of Aine. Only one of the photographs is dated.⁴⁹ This photograph only shows Aine's head and clothed upper body. The photographs do not refute the evidence of torture observed by Amnesty International on 18 September.

Amnesty International considers Christopher Aine to be a victim of enforced disappearance and torture.

TARGETING OF THE FDC: RUKUNGIRI AND KAMPALA, OCTOBER 2015

On 10 October, Kizza Besigye, nominated as the FDC's flag-bearer, attempted to travel in a convoy of his political team to Rukungiri, Western Uganda. The police prevented his planned public assembly from taking place. Besigye, along with FDC party chairperson Wasswa Birigwa and FDC MPs Ibrahim Semujju, Patrick Amuriat Oboi, and Paul Mwiru, were arrested and detained en route to Rukungiri, near Kanyaryeru on the Mbarara – Lyantonde highway.

Whilst en route to Rukungiri, FDC activist Fatuma Zainab was arrested by three female officers. They dragged her along the ground until her clothes started to come off.⁵⁰ The circumstances of Zainab's arrest, captured in unequivocal clarity on camera, demonstrate excessive use of force by the police. At a subsequent press conference, the police officers involved in the arrest blamed Zainab for undressing herself; an explanation lacking credibility.⁵¹ The Inspector General of Police told Amnesty International that the police had helped Zainab to put her clothes back on, but acknowledged that the police should have handled the incident differently.⁵² The Ugandan police announced an investigation into the circumstances surrounding her arrest.⁵³

On 15 October 2015, as he left his residence for a planned tour of Eastern Uganda, Besigye

⁴⁸ Amnesty International interview with senior officials from the Uganda Police Force, 17 November 2015, Kampala, Uganda.

⁴⁹ Photograph dated “17/09/2015”, provided to Amnesty International by the Uganda Police Force on 1 December 2015.

⁵⁰ NTV Uganda, “Police arrests FDC official Fatuma Zainab”, 12 October 2015, <https://www.youtube.com/watch?v=AFFD18dgH6w> (accessed 12 October 2015).

⁵¹ NTV Uganda, “Police officers say FDC woman should apologize for undressing before them”, 12 October 2015, <https://www.youtube.com/watch?v=Ax6QyOAmVQ> (accessed 29 November 2015).

⁵² Amnesty International interview with senior officials from the Uganda Police Force, 17 November 2015, Kampala, Uganda.

⁵³ Uganda Election 2016, “Police investigate Besigye journey fracas”, 12 October 2015, <http://www.elections.co.ug/new-vision/election/1343239/police-investigate-besigye-journey-fracas> (accessed 29 November 2015).

was again arrested. Immediately outside his home, Besigye was informed by a police officer that he was being placed under preventive arrest, on the grounds that he was “going out to engage in activities that may endanger property of the people, and disruptions on highways [sic]”⁵⁴.

⁵⁴ NTV Uganda, “Kizza Besigye arrested from his home and detained”, 15 October 2015, <https://www.youtube.com/watch?v=jbY4fiFPalg> (accessed 15 October 2015). See also, Reuters, “Police arrest Ugandan opposition presidential candidate before rally”, 15 October 2015, <http://uk.reuters.com/article/2015/10/15/uk-uganda-politics-idUKKCN0S919E20151015> (accessed 22 November 2015).

HUMAN RIGHTS COMMISSIONERS WITHOUT A MANDATE

The UHRC is a constitutionally mandated body, established under Article 51(1) of the 1995 Constitution of the Republic of Uganda. Its functions and powers were operationalized under the Uganda Human Rights Act of 1997.

The mandate of UHRC's Commissioners expired in April 2015. During the period covered by this report, new Commissioners had yet to be appointed by the President or approved by parliament. In discussions with Amnesty International in November 2015, the Secretary of the UHRC explained that names of Commissioners were before parliament for vetting and expressed his hope that they would be appointed by December 2015.

The UHRC committed to following up on individual cases raised by Amnesty International with their Regional Office, to check if they had received complaints. Amnesty International sent written details of these cases to the UHRC on 1 December 2015. They also expressed concern that those holding rallies may not have followed the notification requirements of the Public Order Management Act, but said they would not be comfortable if the Public Order Management Act were applied selectively. Additionally, they were concerned about the grey areas in the Presidential Elections Act, which does not define consultations.⁵⁵

While the functions of Secretariat continue, the UHRC's power to conduct hearings and issue damages was suspended during the period covered by this report.⁵⁶ As the representative of a Ugandan human rights organization told Amnesty International, "Nothing is happening. No tribunals are sitting. A vacuum has been created at a time when we would normally expect them to be coming out strong".⁵⁷

⁵⁵ Amnesty International interview with the Secretary and two staff members from the Uganda Human Rights Commission, 16 November 2015, Kampala, Uganda.

⁵⁶ Correspondence with the former chair of the Uganda Human Rights Commission, September 2015.

⁵⁷ Amnesty International interview with representative of human rights organization, September 2015, Kampala, Uganda.

LEGAL FRAMEWORK

UGANDAN LAW

FREEDOM OF ASSEMBLY

The Constitution of the Republic of Uganda guarantees the freedom to “assemble and to demonstrate together with others peacefully and unarmed and to petition”.⁵⁸ The Public Order Management Act 2013 provides for the regulation of public meetings, which the Act defines as a “gathering, assembly, procession or demonstration in a public place or premises held for the purposes of discussing, acting upon, petitioning or expressing views on a matter of public interest”.⁵⁹ The Public Order Management Act codifies a notification system for public assemblies, binding upon the organizers of public meetings, in which they must notify an authorized officer of the intention to hold a public meeting, three to fifteen days ahead of time. Permission from the Ugandan state to organize a public meeting is not required. The police, *inter alia*, are required to “ensure fairness and equal treatment of all parties by giving consistent responses to organizers of public meetings”.⁶⁰ Section 8 of the Public Order Management Act grants the police wide ranging powers to stop or prevent a public meeting from taking place. These purported powers are inconsistent with international legal standards.⁶¹

TORTURE

Uganda’s domestic law expressly prohibits torture, which is defined 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”.⁶² On 12 October 2015, Uganda’s Constitutional Court ruled that police officers and other state agents implicated in violating the human rights of suspects will be held liable as individuals, and not as institutions.⁶³

POLICE POWERS

The powers of the police are derived from Sections 211-214 of Uganda’s Constitution. The structure, organization and functions of the police are codified in the Police Act of 1994, as amended by the Police (Amendment) Act 2006. *Inter alia*, the police are constitutionally

⁵⁸ Constitution of the Republic of Uganda, as amended, 1995, ss.29(1)(d).

⁵⁹ Public Order Management Act, 2013, ss. 4(1).

⁶⁰ Public Order Management Act, 2013, ss. 9(2)(b).

⁶¹ Article 21 of the International Covenant on Civil and Political Rights sets out clearly the circumstances in which restrictions may be placed on the right to freedom of assembly. Article 21 states that, “No restrictions may be placed in the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security, public order, the protection of public health or morals or the protection of the rights and freedoms of others.”

⁶² The Prevention and Prohibition of Torture Act 2012, ss.2(1).

⁶³ *Daily Monitor*, ‘Police Officers to answer for abuses as individuals’, 13 October 2015, <http://www.monitor.co.ug/News/National/Police-officers-to-answer-for-abuses-as-individuals/-/688334/2910778/-/1c69x9/-/index.html>, (accessed 13 October 2015).

mandated to protect life and property, to preserve law and order, and to prevent and detect crime.⁶⁴

Section 24 (1) of the Police Act 1994 codifies powers of “preventive arrest” in extremely narrowly prescribed circumstances. Under domestic law, preventive arrest, and subsequent detention, is *only* justified where a police officer has reasonable cause to believe it is necessary to prevent a person from causing physical injury to himself or herself or to any other person; from suffering physical injury; from causing loss or damage to property; from committing an offence against public decency in a public place; from causing unlawful obstruction on a highway; or from inflicting harm or undue suffering to a child or other vulnerable person.

LAWS GOVERNING ELECTIONS

The conduct and management of elections in Uganda is the primary responsibility of the IEC (previously the Electoral Commission). The IEC is responsible for voter registration, and the overall regulation of political parties, candidates, and their conduct.

Elections themselves, and the IEC, are governed by a legal framework including the Constitution, the Presidential Elections Act 2005 (as amended in 2010), and the Electoral Commission Act 1997 (as amended in 2010).

The IEC derives its powers from Section 60 of Uganda’s Constitution. Under Section 60(1) of the Constitution, as recently amended by the Constitution (Amendment) Bill 2015 passed by parliament in August 2015, the IEC consists of a Chairperson, a Deputy Chairperson and such other members as Parliament by shall prescribe by law all of whom shall be appointed by the President, with the approval of Parliament.

The Presidential Elections Act 2005 as amended sets out the law governing presidential “campaigns”, and aspirant “consultations”. The term “consultation” is not defined under the Act, but Section 3(2) of the Act permits presidential aspirants to carry out nation-wide consultations; prepare his or her manifesto and other campaign materials; raise funds for his or her campaign through lawful means; and convene meetings of national delegates. The imprecise nature of the Presidential Elections Act in relation to consultations fails to meet the requirements of legality in international human rights law. The law is not formulated with sufficient precision for individuals to know how to regulate their conduct and should be reformed.

APPLICABLE INTERNATIONAL HUMAN RIGHTS LAW

Uganda is state party to numerous international and regional human rights treaties, which prohibit torture, codify acceptable policing and security standards, and protect the rights to freedom of association and of peaceful assembly. These include the International Covenant on Civil and Political Rights (ICCPR), the African Charter on Human and Peoples’ Rights (ACHPR), the Convention Against Torture and Other Forms of Cruel, Inhuman and Degrading Treatment. Uganda has signed, but not ratified, the International Convention for the Protection of All Persons from Enforced Disappearance.

⁶⁴ Constitution of the Republic of Uganda, 1995, ss.212 and The Police Act 1994, ss.4(1).

Freedom of association is guaranteed under Article 22(1) of the ICCPR, which provides that: “Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.”

Article 21 of the ICCPR guarantees the right to freedom of assembly. It states: “The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others.”

Freedom of association and of peaceful assembly is also guaranteed under Articles 10 and 11 of the ACHPR.

PREVENTIVE DETENTION

The United Nations Human Rights Committee has commented that where preventive detention is used, for reasons of public security, “it must not be arbitrary, and must be based on grounds and procedures established by law, information of the reasons must be given, and court control of the detention must be available as well as compensation in the case of a breach”.⁶⁵

INTERNATIONAL POLICING STANDARDS AND THE MANAGEMENT OF PUBLIC ASSEMBLIES

In addition to the binding human rights obligations conferred under the ICCPR, the ACHPR and other similar treaties, a range of soft law and other guidance codifies human rights standards for policing peaceful assemblies. *Inter alia*, law enforcement officials are obliged to know, and to apply, international standards for human rights.⁶⁶ Governments including through their police officers and other law enforcement agencies must respect and protect the rights of freedom of association, movement, freedom from arbitrary arrest and detention and promote impartiality in the administration of law.

Under international law states have a positive obligation not only to actively protect peaceful assemblies, but to facilitate the exercise of the right to freedom of peaceful assembly.⁶⁷ The right to freedom of peaceful assembly is so important that the authorities should not break up peaceful assemblies even if they are unlawful. Under the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officers, any use of force must be strictly necessary and proportional to the law enforcement objective.⁶⁸

⁶⁵ Human Rights Committee, General Comment 8, Article 9 (Sixteenth session, 1982), Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies, U.N. Doc. HRI/GEN/1/Rev.1 at 8 (1994).

⁶⁶ Office of the United Nations High Commissioner for Human Rights, Professional Training Series No. 5/Add.3, Human Rights Standards and Practice for the Police, 2004.

⁶⁷ Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, report to the Human Rights Council, A/HRC/20/27, para. 27.

⁶⁸ UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officers, adopted September 1990, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/UseOfForceAndFirearms.aspx>

In 2015, the ACHPR published a report on freedom of assembly and association in Africa, which stated, “States must fully respect in law and practice the right to freedom of expression through assembly. Discrimination among assemblies based on the content of the expression involved is illegitimate.”⁶⁹

Under international law, a requirement to give notification must not be such as to amount in practice to a requirement to obtain authorisation. The purpose of notification requirements must be to allow the authorities to take reasonable and appropriate measures to guarantee the smooth conduct of any assembly, meeting or other gathering, and while the authorities may use notification requirements to ensure protection of the rights of others or to prevent disorder or crime, they should not represent a hidden obstacle to the effective enjoyment of freedom of peaceful assembly.

The UN Special Rapporteur on the rights to freedom of peaceful assembly and of association has explicitly stressed that no authorisation should be required to assemble peacefully.⁷⁰ The exercise of the right to freedom of peaceful assembly should be governed at most by a regime of prior notification, which should not be burdensome, the rationale of which is to allow state authorities to facilitate the exercise of the right and take measures to ensure public safety and order and the rights and freedoms of others.⁷¹ The Special Rapporteur has recommended that notice should be subject to a proportionality assessment, and should only be required for large assemblies or those where a certain degree of disruption is anticipated, with a recommended maximum notice requirement of, for example, 48 hours.⁷²

Spontaneous assemblies may sometime take place as an immediate response to some triggering event, where the organizer, if there is one, is unable to meet the deadline for prior notification. The ability to hold them is important because delay would weaken the message to be expressed. Spontaneous assemblies also occur with no identifiable organizer when a group of people gathers with no prior advertising or invitation, often as a result of commonly held knowledge about a particular event disseminated via the internet or other forms of instantaneous communication, or where a lone demonstrator is joined by others.

Even if the organizers have failed to notify the authorities, the assembly should not be dispersed automatically and the organizers should not be subject to criminal sanctions or to administrative sanctions resulting in fines or imprisonment, simply on this account.

(accessed 21 November 2015).

⁶⁹ African Commission on Human & Peoples' Rights, Report of the Study Group on Freedom of Association and Assembly in Africa, 2015, p.62, <http://www.icnl.org/research/resources/ACHPR%20English%20REPORT%2021.05.2015.pdf> (accessed 15 October 2015).

⁷⁰ See Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, A/HRC/23/39, 24 April 2013, para. 51.

⁷¹ Ibid. See also UN Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association A/HRC/20/27 para. 28 and recommendation at para. 90.

⁷² UN Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, A/HRC/20/27, 21 May 2012, para. 28. See also A/HRC/23/39, 24 April 2013, paras. 51 and 52.

CONCLUSION AND RECOMMENDATIONS

Increased targeting of politicians and activists by Uganda’s police between July and October 2015 continues the long-term trend of shrinking political and civic space in Uganda, particularly during elections.

The selective application of the Public Order Management Act, and the use of excessive force to disrupt peaceful opposition gatherings, hindered the ability of Ugandans to receive information and engage with politicians in the lead-up to presidential campaigns. While opposition politicians and their supporters were targeted during this period, President Museveni regularly toured Uganda, addressing large crowds, under the umbrella of “Operation Wealth Creation”⁷³, without these public assemblies being disrupted by the Uganda Police Force.

The Ugandan authorities have restricted the enjoyment of human rights in the country, in particular the rights to freedom of peaceful assembly and association and freedom of expression, in a way that is inconsistent with international human rights standards and with Uganda’s obligations under international law.

As Uganda enters highly contested parliamentary campaigns, it is essential that the Ugandan government and security forces and other government institutions demonstrate a commitment to non-partisan application of rule of law. The Ugandan authorities must ensure all Ugandans effectively enjoy equal rights to freedom of expression, assembly, and the right to participate in public life by being able to attend political rallies, engage with candidates, and express their views. The police must perform their duty to maintain public order in a manner consistent with regional and international human rights standards.

Amnesty International urges the Ugandan government to instruct the police not to use excessive force to disperse peaceful gatherings, including where they believe that the organizers have not complied with the Public Order Management Act’s advance notification requirement. To facilitate this, the government should publish guidance on the interpretation of the Public Order Management Act and on the use of tear gas in compliance with international standards. Reports of excessive use of force, arbitrary arrests and torture by the police must be promptly and thoroughly investigated and those suspected to be responsible held to account.

Amnesty International also calls on the African Commission on Human and Peoples’ Rights, the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, and Uganda’s bilateral and multilateral partners, especially those supporting policing and

⁷³ “Operation Wealth Creation” is a 2015 campaign, fronted by the President, to promote household-level income generating profits. While touring the country to promote the campaign, President Museveni was consistently able to address large crowds throughout July to October. None of these public assemblies were disrupted by the Uganda Police Force.

public order management, to step up their engagement on human rights issues with the Ugandan government. They should publicly urge the government to ensure peaceful rallies are not obstructed and encourage them to issue guidelines on the use of tear gas in line with international standards. Election observation missions deployed before and during the 2016 elections should publicly report on human rights violations and abuses.

In addition to recommendations tailored to the campaign period, Amnesty International also urges the Ugandan Parliament to reform the Presidential Elections Act to bring it in line with international standards. Precisely defining consultations will improve the legal framework for freedom of assembly in the country.

TO THE GOVERNMENT OF UGANDA

- Publicly instruct the police not to use excessive force, including tear gas and rubber bullets, to disperse peaceful gatherings, including where the police believe that the organizers have not complied with the Public Order Management Act's requirement to notify the police in advance.
- Promptly, thoroughly and independently investigate all reports of human rights violations, including excessive use of force, arbitrary arrests and torture and prosecute those suspected to be responsible, including the commanding officers who gave unlawful orders or failed to prevent human rights violations.
- Ensure that those who commit human rights violations are held accountable and victims have access to an effective remedy and adequate reparation.
- Promptly appoint Commissioners to the Uganda Human Rights Commission to enable thorough, impartial investigations into all reported human rights violations.
- Extend a standing invitation to all thematic special procedures of the United Nations Human Rights Council.

TO THE MINISTRY OF INTERNAL AFFAIRS

- Urgently issue guidance to the Uganda Police Force on the interpretation and application of the Public Order Management Act.
- Publish guidelines on police use of tear gas in conformity with international standards to ensure that tear gas should:
 - Never be used simply because the police consider a peaceful gathering unlawful, including where they believe that organizers have not complied with the Public Order Management Act's notification requirements;
 - Only be used in a proportionate way and when necessary to contain violence;
 - Never be used where there are older people or children who may have difficulty moving to avoid the tear gas;
 - Never be used in a confined space.;
 - Never be fired in canisters at close range and directly at any individual.

TO THE UGANDA POLICE FORCE

- Publicly guarantee that all Ugandan citizens will enjoy equally and fairly the constitutionally protected right to freedom of peaceful assembly, and commit to ensuring proportionate and non-partisan management of public assemblies;
- Do not use excessive force, including tear gas, to disperse peaceful gatherings,

including where the organizers have not complied with the Public Order Management Act’s notification requirements;

- Ensure that preventive arrest is strictly limited in accordance with the safeguards provided by the UN Human Rights Council and not used as a tool to target opposition leaders and activists;
- Suspend from active duty any police officer suspected of involvement in human rights violations, including excessive use of force, arbitrary arrests and torture, until the allegations against them have been independently, thoroughly and impartially investigated.

TO THE PARLIAMENT OF UGANDA

- Reform the Presidential Elections Act to precisely define consultations to enable the police to distinguish these from other public assemblies, and to enable presidential aspirants know how to regulate their conduct in line with the law.

TO THE UNITED NATIONS SPECIAL RAPPORTEUR ON THE RIGHTS TO FREEDOM OF PEACEFUL ASSEMBLY AND OF ASSOCIATION

- Publicly express concern about the police’s use of excessive force to disperse peaceful gatherings.
- Publicly express concern about the use of legislation, including the Public Order Management Act and the Presidential Elections Act, to restrict the right to freedom of assembly.

TO THE AFRICAN COMMISSION ON HUMAN AND PEOPLES’ RIGHTS

- Urge the Government of Uganda to comply with the Commission’s guidelines on conditions of arrest, police custody and pre-trial detention;
- Call on the Government of Uganda to fully and effectively respect the right to freedom of peaceful assembly and to ensure that peaceful rallies are not banned or dispersed.

TO UGANDA’S BILATERAL AND MULTILATERAL PARTNERS, ESPECIALLY THOSE SUPPORTING POLICING OR PUBLIC ORDER MANAGEMENT

- Place human rights at the forefront of all discussions with the Ugandan government ahead of the 2016 elections and after the elections;
- Publicly urge the Ugandan government to ensure that peaceful rallies are not dispersed, even if they are unlawful;
- Publicly call on the Ugandan government to issue guidelines on the use of tear gas, which comply with international standards;
- Call for any election monitors deployed before and during the 2016 elections to document and report on human rights violations and abuses.



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"WE COME IN AND DISPERSE THEM"

VIOLATIONS OF THE RIGHT TO FREEDOM OF ASSEMBLY BY THE UGANDAN POLICE

Between July and October 2015, as politicians vied to be presidential candidates in Uganda, the police disrupted peaceful opposition gatherings using excessive force, arbitrarily arrested opposition politicians, and tortured individuals aligned with the opposition. Restrictions on freedom of assembly hindered the ability of Ugandans to receive information and engage with politicians before presidential campaigns started in November 2015.

Based on 88 interviews conducted in Uganda between September and November 2015, this report documents the police's use of excessive force to disperse peaceful opposition gatherings using tear gas and rubber bullets, and the selective application of national laws governing freedom of assembly to unfairly target the political opposition, and activists and other individuals aligned with them.

The report calls on the Ugandan government to ensure that all Ugandans enjoy an equal right to freedom of peaceful assembly, along with the right to participate in the governance and political affairs of their own country. The Government of Uganda must allow all its citizens to engage in political rallies, listen to candidates, and freely express their views, regardless of their political affiliation. The report urges the Government of Uganda to issue guidelines on policing assemblies which meet international human rights standards.

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