



AMNESTY INTERNATIONAL PUBLIC STATEMENT

AI Index: AFR 59/1850/2020
21 February 2020

Ugandan authorities must ensure adequate compensation for Stella Nyanzi over wrongful conviction and travesty of justice

Ugandan authorities must ensure adequate compensation for Dr. Stella Nyanzi for wrongful conviction and violation of her human rights, after she spent almost two years in jail, Amnesty International said today. After almost 18 months of court hearing, the Kampala High Court on 20 February ordered her release, ruling that she was unfairly convicted.

Stella Nyanzi had been in jail for 475 days by the time the conviction was overturned with only two more days remaining to complete her jail sentence. This was also the second time she had been charged with insulting president Yoweri Museveni and violating his right to privacy.

According to the High Court, the magistrate who sentenced her in August 2019 at Buganda Road Court did not have jurisdiction to try the case and had not given her a fair trial because her requests for expert testimony and for more time to respond to the allegations against her had been denied. The court also ruled against an appeal from the prosecution to overturn an acquittal decision in favour of Stella Nyanzi over “offensive communication.”

That she served a wrongful prison term to almost completion is clearly a travesty of justice. Prior to her jail term, she had also been repeatedly harassed, arrested and detained, simply for daring to speak out against the government.

Amnesty International calls on the government to ensure Stella Nyanzi’s right to an effective remedy including adequate compensation and guarantee of non-repetition for the wrongful conviction. The authorities must respect all previous judicial decisions on reparations for all injustices against her. This includes a 16 December 2019 High Court judgement that Stella Nyanzi be awarded 50 million Uganda shillings (over \$13,000) in damages for the violation of her right to movement in March 2017 when Uganda immigration officials intercepted her at Entebbe International Airport barring her from travelling to Amsterdam to attend an academic conference.

The conviction against Stella Nyanzi under the Computer Misuse Act was also in direct contravention of Uganda’s constitution and its international human rights obligations to respect, protect, promote and fulfil the right to freedom of expression.

The Uganda government must scrap the Computer Misuse Act 2011 - a repressive law, which has been used to systematically harass, intimidate and stifle government online critics. Politicians and public authorities should tolerate criticism. Criticizing a public official should therefore never be a crime. Everyone has a right to use their social media platforms, including Facebook to raise critical

issues of public interest.

Background

Stella Nyanzi was arrested on 2 November 2018 at a police station where she had gone to notify authorities of a protest she was planning to hold at the Makerere University. She was later charged with “cyber harassment” and “offensive communication” over a Facebook post in which she was accused of insulting President Yoweri Museveni and his mother. On 1 August 2019 the court sentenced her to 18 months in prison after convicting her of cyber harassment.

For further information, please see Amnesty International’s publications:

Uganda: Detention of feminist academic for criticizing president a travesty, 10 April 2017
<https://www.amnesty.org/en/latest/news/2017/04/uganda-detention-of-feminist-academic-for-criticizing-president-a-travesty/>;

Uganda: Stella Nyanzi free but ludicrous charges must be dropped, 10 May 2017
<https://www.amnesty.org/en/latest/news/2017/05/uganda-stella-nyanzi-free-but-ludicrous-charges-must-be-dropped/>;

Uganda: Drop absurd charges against academic Stella Nyanzi, 19 December 2018
<https://www.amnesty.org/en/latest/news/2018/12/uganda-drop-absurd-charges-against-academic-stella-nyanzi/>;

Uganda: Freedom of expression takes a knock as Stella Nyanzi found guilty of cyber harassment, 2 August 2019
<https://www.amnesty.org/en/latest/news/2019/08/uganda-freedom-of-expression-takes-a-knock-as-stella-nyanzi-found-guilty-of-cyber-harassment/>