

# AMNESTY INTERNATIONAL

## PUBLIC STATEMENT

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### **Uganda: Government should urgently amend the law on interception of communication to reduce the risk of human rights violations**

Amnesty International today said that the Regulation of Interception of Communications (RIC) Act, 2010 lacks adequate safeguards to ensure respect and protection of human rights, threatening in particular the right to freedom of expression and the right to privacy. The RIC Act was passed into law in July and has been in legal force since 3 September 2010.

The RIC Act introduces far reaching government discretion in surveillance and interception of electronic, telecommunications and postal communications between individuals, groups and organisations.

In 2008 Amnesty International expressed a number of concerns about the then Regulation of Interception of Communications (RIC) Bill, published in May 2007 and which was quickly passed into law in July 2010 with a few changes. Despite the changes to the RIC Bill when it was enacted into law, many of the concerns identified by Amnesty International regarding the potential human rights impact of the Bill remain. Amnesty International is particularly concerned at the potential for violations to the right to freedom of expression and the right to privacy mainly on the basis of:

- The broadly and loosely defined grounds for authorizing interception of communication and the potential for abuse of broad ministerial powers;
- The lack of independent oversight over the exercise of executive powers in relation to the Monitoring Centre -- an institution through which private communication companies are to enable interception of communication by the authorities;
- The lack of clarity regarding whether judicial authorization of interception of communication extends to disclosure of protected information.

The RIC Act as it currently stands does not have adequate safeguards, which significantly increases the risk that the rights to freedom of expression and privacy as well as other human rights will be violated. The broad and undefined basis for interception of communication also allows for possible intrusion into communications of individuals and professionals – such as journalists, human rights defenders and political dissidents engaged in legitimate activities and exercising their human rights, including freedom of expression and association.

In order to respect and protect human rights, Amnesty International urges the Ugandan government and members of Parliament to amend the RIC Act in order to incorporate effective safeguards and in particular to ensure:-

- That there are provisions which precisely define the grounds for, and the purposes of interception of communication and surveillance. These provisions should also specifically require that such measures should only be used where it is demonstrably necessary to achieve the intended purpose and the measure is proportionate to the sought objective ;

- That there is clarity on the regime for judicial authorization of interception, including putting in place clear procedures that deal with the appointment of the designated judge (s) and how the designated judge (s) would operate; and the criteria for the consideration of state applications for interception;
- That there is effective independent oversight regarding the exercise of the Ministerial powers over the working and operations of the Monitoring Centre in conducting interception of communications;
- That an independent oversight mechanism must ensure that the operations of the Monitoring Centre are not carried out in a way that results in human rights violations;
- That there is explicit provision on the need for judicial authorization for the disclosure of protected information under section 10 of the Act;
- That any measures taken under the RIC Act should be in full compliance with Uganda's international human rights obligations and the Constitution and other relevant domestic law.

A full copy of Amnesty International's memorandum on the Regulation of Interception of Communications Act, 2010 can be found at

<http://www.amnesty.org/en/library/info/AFR59/016/2010/en>