



HURINET - UGANDA

Human Rights Network - Uganda

Narrowing Space for Exercise and Enjoyment of Constitutional Rights in the Current Regime Policing in Uganda, July 2016

For Immediate Release

On the on the 12th July 2016, Dr.KiizaBesigye a former presidential candidate in the just concluded Presidential elections was released on bail. Upon release, he was escorted under tight security to his home in Kasangati. In the process of being escorted, a number of events took place but most importantly, a display of violation of citizens' rights by security forces especially the Uganda police.¹ On the 13th July 2016, while on his way to the FDC party offices in Najjanankumbi, similar acts of police brutality were carried out against FDC supporters.² These above events had very outstanding issues on human rights protection and enjoyment by Ugandan citizens. HURINET-U is concerned that in so doing, the police, the Uganda Peoples Defence Forces and ununiformed men acted with grave impunity and has taken note of the following:

Failure to Protect Ugandan Citizens: In battering Ugandans with sticks, the police breached its duty to protect lives of Ugandans contrary to article 212 (a) of the Uganda Constitution and section 4 of the Police Act Cap 303. The police ought to have afforded Ugandans protection instead of battery.

Violation of the right to Dignity: citizens' protection from any form of torture or cruel, inhuman or degrading treatment or punishment is provided under article 24 of the Uganda constitution. Section 1 of the Penal Code (Amendment) Act, 2007 also bars corporal punishment. Article 7 and 10 of the ICCPR to which Uganda is party also protects Ugandans from such treatment. The actions of police and other none-uniformed men of battering Ugandans therefore constituted torture, cruel, inhuman or degrading treatment and put citizens' dignity to great trial.

Violation of Freedom of Assembly: Article 29 (d) of the Uganda constitution and article 21 of the ICCPR Provides for protection of freedom of assembly and demonstration together with others peacefully and unarmed. Restriction to the right may be justified by conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others. Police Act Cap 303 under section 33 and 34 provides for ways through which public assemblies may be dispersed. The Public Order Management Act, 2013 also provides for management of public assemblies and authorised officers may disperse a public meeting. The police in this case used unlawful methods to disperse the assemblies of people merely showing support for the former FDC presidential candidates. This violates the exercise of freedom of expression and conscience.

Violation of Freedom of Speech and Expression: article 29 (1) (a) of the Uganda Constitution, Article 19 of the Universal Declaration of Human Rights, Article 19 of the ICCPR and Article 9 of the

¹Irene Namarah, "I have no doubt in my mind that Museveni lost the election – Besigye says at press conference," *Matooke Republic*, July 13, 2016, <http://matookerepublic.com/2016/07/13/i-have-no-doubt-in-my-mind-that-museveni-lost-the-election-besigye-says-at-press-conference/>(accessed July 14th, 2016).

² Stephen Kafeero, "In pictures: Police batter Besigye supporters," *Daily Monitor*, July 13, 2016, <http://www.monitor.co.ug/News/National/Uganda-police-brutality-pictures/-/688334/3293558/-/6qrh4mz/-/index.html> (accessed July 14th, 2016).

African Charter on Human and Peoples Rights provide for the right freedom of speech and expression. The brutal and unwarranted beatings of the Kizza Besigye supporters who were freely expressing themselves and shouting in support violated their right of speech and expression.

In view of the above, HURINET-U calls upon the State and its other organs to;

1. Immediately carry out investigations into the actions exhibited by those cited in the brutal battering and torturing of citizens on the 12 and 13th July 2016.
2. Ensure that the police and other security agencies observe the principles of the rule of law and democratic policing in accordance with national laws and international laws opposed to being a partisan or regime policing. The police should therefore refrain from acts of excessive force and focus on protection of lives and property and keeping law and order
3. Fulfil her obligation of responsibility to respect, protect and fulfil human rights. The actions exhibited on the 12th and 13th July show a regression in this duty. We therefore call upon the State and security agencies to renew commitment to respect, protection and fulfilment of human rights for Ugandan citizens.
4. Encourage all victims and witnesses of the human rights violations shown above report to the relevant authorities including police. Investigations should be carried out immediately and should be transparent and should be seen to serve justice for the victims.
5. HURINET-U also calls upon Courts of justice, where complaints of such cases are brought before them handle them and dispense justice in a fair and timely manner in accordance with the national and international laws.

Dated at Kampala this 15th day of July, 2016



Mohammed Ndifuna

Chief Executive officer **HURINET-U**