



**PRESENTATION TO THE HUMAN RIGHTS COMMITTEE OF PARLIAMENT
ON THE STATE OF HUMAN RIGHTS AND HUMAN RIGHTS VIOLATIONS IN THE
COUNTRY SINCE JANUARY 2020 TO-DATE**

David Lewis Rubongoya – Secretary General, NUP, 13th April, 2022

Honorable Chairperson and Members;

Introduction:

The National Unity Platform (NUP) is a registered political party under the laws of Uganda. It was unveiled to the nation in July 2020, although it operated in the country since 2004, under its previous name- National Unity Reconciliation and Development Party. Before unveiling the National Unity Platform, we operated only as the People Power Movement.

I understand that the scope of investigation being carried out by this Committee relates to human rights violations committed against the people of Uganda since January 2020. However, I must emphasize that since its inception in 2018, members and associates of the People Power Movement went through untold human rights violations, including extrajudicial killings, torture, abductions, illegal detention, etc. To give a few examples;

- (i) Yasin Kawuma, a driver to our President Hon. Kyagulanyi Ssentamu Robert was shot dead in Arua on 13th August, 2018.
- (ii) Hannington Ssewankaambo aka Sweet Pepsi was brutalized by security operatives on live camera on the 20th day of September, 2018. He would later succumb to his injuries on 31st October, 2019
- (iii) Asuman Walyendo was shot dead in Bugiri on 19th July, 2018
- (iv) Vincent Sserugaya was shot dead in Gomba on 23 August, 2018

- (v) Kalende Yusuf was deliberately knocked down by a police truck in Luwero on 27th August, 2018
- (vi) Walugembe Raphael was shot dead in Natete on 14th May, 2019
- (vii) Michael Arinda aka Ziggy Wine was kidnapped and tortured. He died on the 4th of September 2019
- (viii) Lukoma Stephen was shot dead in Buvuma on 7th June, 2019
- (ix) Kibalama Johnbosco was abducted on 3rd June 2019 and he is missing to date.
- (x) Hakim Ssekamwa was deliberately knocked down by a police vehicle on 6th August, 2019 and he died shortly after.

These are just a few examples of extrajudicial murders of our people before January, 2020 – the period under scrutiny by this Committee. In almost all these cases, there have been no investigations by the police and other relevant organs.

Coming back to the period under scrutiny, i.e. since January 2020, there have been so many gross violations of human rights, many of which have been widely covered by both the local and international media.

Honorable Chairperson and Members, Article 20(1) of this Country's Constitution stipulates that human rights are inherent and not granted by the State. Clause 2 of the same Article, enjoins all organs and agencies of Government and all persons to respect, uphold and promote the rights and freedoms enshrined in Chapter Four of our Constitution.

It is a great irony that most of the egregious violations of human rights have happened with the full blessing and sanction of government officials, right from the highest levels. You all recall General Yoweri Museveni making very unfortunate remarks that Hon. Kyagulanyi Ssentamu was beaten properly in Arua- a man who was tortured to near death. Several other senior government officials have made similar statements, either condoning or encouraging acts of torture, extra-judicial killings, etc. Moreover, under Article 44 of the Constitution, the right to freedom from torture and other forms of degrading treatment is a non-derogable right.

I have accordingly categorized the most prominent human rights violations as below:

1. Abductions, Illegal Detention and Enforced Disappearances

Honorable Members, the term abduction is defined as the taking of a person against their will, generally by means of persuasion, fraud, or force. It is different from a lawful arrest whose nature and scope are stipulated in Article 23 of our Constitution. Clause 2 of that Article states that "A person arrested, restricted or detained shall be kept in a place authorised by law." Clause 3 states: "A person arrested, restricted or

detained shall be informed immediately, in a language that the person understands, of the reasons for the arrest, restriction or detention and of his or her right to a lawyer of his or her choice.” This Article goes on to guarantee the right to counsel, and most importantly the right to be produced before Court not later than 48 hours.

Anything done outside these provisions is either an abduction or falls under the ambit of illegal detention.

For NUP supporters, lawful arrest and detention have been luxuries. Most of our people; in thousands have since 2019 been violently abducted on gun point, pushed into unmarked vehicles (drones, premios, double cabins, etc) and kept several days in places not authorized by law. This practice took another turn after November 2020 where over three thousand Ugandans were abducted and kept under military detention for several weeks or months before being produced in the military courts! The security operatives who continue to carry out these abductions are normally dressed in masks covering the entire head, making it difficult to identify them-although in some cases, they do not dress in masks, making it possible to identify them.

Most victims of abductions who were able to identify where they were detained and tortured from, have reported being held in safe houses in Kalangala, Entebbe, Mbuya CMI facility, Kyengera, Nakasongola, Nakasero, Masaka, Makindye and most recently there are reports of a notorious safe house being operated in Mbarara. All these are detention places not authorized by law. Unfortunately those who have been able to get out of these torture centers have reported that there are still hundreds of victims there, more so NUP supporters. A case in point is Masereka Samuel who was recently released from the Mbuya CMI facility, and author Kakwenza Rukirabashaija who was held for several weeks in a torture facility in Entebbe. Both mentioned that they left many other supporters of NUP at these facilities, being subjected to horrendous torture.

It will be remembered that in 2019, the Human Rights Committee of Parliament attempted to visit these safe houses and was blocked.

In our earlier interaction with this Committee on March 31st, we presented a list of some of the abducted supporters. It is unfortunate that we have not seen the Report of this Committee since then! Further, the Leader of the Opposition in this Parliament has also previously presented a list of missing persons and other categories of violations, but there has been no serious action from the relevant authorities.

As of today, these are some of our supporters who were abducted by security operatives and are still missing:

1. *Kibalama Johnbosco picked up from Gayaza Road on 3rd June, 2019 and missing to date.*
2. *Mr. Ddamulira John abducted on gun point in Kisekka Market on 21st November, 2020. Police initially confirmed his arrest. The High Court issued a habeas corpus order for his release. To date, he is still missing.*
3. *Mbabazi Moses aka Kawenja picked up from Kisekka Market on 7th December, 2020.*
4. *Nalumonso Vincent abducted from Bugolobi Market on 1st December, 2020.*
5. *Lukwago Martin equally abducted from Bugolobi Market on 1st December, 2020.*
6. *Zimula Denis abducted from a boda boda stage in Kyebando in November, 2020.*
7. *Luwemba Mustafah equally abducted from a boda boda stage in Kyembando in November, 2020.*
8. *Michael Ssemuddu abducted from Munaku, Kasubi on 21st November 2020*
9. *Hassan Mubiru abducted from Kawaala in November, 2020*
10. *Muhereza Gaston, abducted in November 2020*
11. *Kasumba George abducted from Kyotera district on 19th January, 2021 together with a group of 18 other NUP supporters who were later dumped in swamps and other areas.*
12. *Wangolo Shafik abducted from Nansana, Kyebando on 3rd December 2020*
13. *Muhammad Kanatta abducted from Namawojolo, Mukono district in November 2020 and missing to date.*
14. *Ssempija Yudah picked up from Kyampisi Sub-county, Mukono district in November, 2020. Missing to date*

These are just a few of the verified NUP supporters who are still missing, although we receive reports almost on a daily basis of other missing persons, whose details our Human Rights Desk is in the process of verifying.

2. Extra-judicial killings

Honorable Members, Article 22(1) of the Constitution of Uganda guarantees the right to life and provides that “No person shall be deprived of life intentionally except in execution of a sentence passed in a fair trial by a court of competent jurisdiction in respect of a criminal offence under the laws of Uganda and the conviction and sentence have been confirmed by the highest appellate court.”

Unfortunately, very many Ugandans continue to lose lives extra-judiciously by security operatives. Ugandans who have been murdered in cold blood for supporting or identifying with NUP are in very many.

In November 2020 itself, there was a massacre in this country, emerging out of protests that took place when our President, Hon. Kyagulanyi Ssentamu Robert was violently arrested in Luuka district. To date, there has been no investigation into this matter despite repeated demands by us and the international community. The officers who murdered the people of Uganda have not been brought to book. The families of the deceased were promised compensation, but this has not been done. Many of the families of the deceased can no longer afford to take their children to school because the brain winners were murdered by security agencies.

Prior to the events of November, several other Ugandans were killed for no other crime, but identifying with and supporting our Party or the People Power Movement. These include;

1. Ritah Nabukenya was deliberately run over by a police patrol truck on 24th February, 2020. The police claimed that the cameras on that day were not working, even when it is clear from the onlookers that Ritah was deliberately targeted.
2. Daniel Kyeyune was shot dead on 25th February, 2020 by one Faizal Kakooza, an LDU officer. Even when we secured a video footage clearly showing how this crime was committed, there has been no investigation or punishment for the perpetrator.
3. Charles Mutyabule was run over by a police vehicle in Mabira on 18th July, 2020. There has been no investigation of this crime.
4. Ssentenza Frank Kalibala, a member of our security team was run over by a military police truck No. H4DF 2382 on 27th December, 2020. To date, there has been no conclusive investigation of this matter.

The National Unity Platform also notes and condemns the extra-judicial murders of Ugandans such as Isaac Ssenyange aka Zebra Mando, who was shot dead by security operatives. Despite the admission by the state of his murder, there has been no accountability for this crime. The continued killing of Muslim clerics, very recently Sheikh Abbas Kirevu, who was shot dead on handcuffs, is of great concern. At least 12 ‘terror’ suspects were killed during investigations, including cases where onlookers clearly stated that the victims were unarmed or even not resisting or evading arrest.

It will also be remembered that during the enforcement of COVID19 regulations in 2020, several Ugandans were murdered in cold blood, and to date there has been no conclusive investigation for most of these cases. These cases include;

1. *Eric Mutasiga, a head teacher of a primary school in Mukono shot by the police*
2. *Benon Nsimenta a lay reader in Kasese district shot dead by a UPDF Soldier,*
3. *Margret Nanyunja, and 80 year old woman, who died after LDU personnel raided her home in Kyengerera town council and beat her up*
4. *Wilber Kawono, a resident of Budaka district who was shot by police on April 18, 2020*
5. *Robert Ssenyonga, a boda boda rider in Njeru municipality who succumbed to wounds at the hands of LDU personnel*
6. *Evelyn Namulondo, a resident of Budhumbuli, in Jinja town, shot in the stomach by security personnel in camouflage.*
7. *Charles Sanga, a businessman also died after he was clobbered by soldiers and policemen led by then Jinja RDC Erick Sakwa*
8. *Vincent Serungi, a resident of Wakiso town council who was shot and killed on March 31, 2020 on accusations that he was riding a motorcycle against the President's orders!*

Aside from those who died, many others were shot and sustained severe injuries.

The extra-judicial killings have been many. Of great concern is the inability and unwillingness of state agencies to carry out investigations and bring culprits to book.

3. Military trial of civilians

The trial of civilians in military courts is illegal and unconstitutional. It goes against the Constitutional guarantee in Article 28, for every Ugandan to be subjected to a

“fair, speedy and public hearing before an independent and impartial court or tribunal established by law.”

It also goes against Uganda’s international human rights obligations. Indeed, the UN Human Rights Committee has taken the view that the practice of trying civilians in military courts is not compatible with obligations under the International Covenant on Civil and Political Rights and, in particular, those arising from Article 14. In several of its observations and recommendations to countries, the Human Rights Committee has taken the general view that the jurisdiction of military courts should be confined to strictly military offences committed by military personnel.¹

Since November, 2020, very many NUP supporters have been subjected to military trials, even when they are civilians. The charges have been largely trumped up. The motivation has been to hold these Ugandans for longer periods without availing them an opportunity to apply for bail in civilian courts. It is well known that military courts in Uganda are under the command and control of the UPDF command structure. It is not possible for accused persons, more so prisoners of conscience, to get a free and fair trial within those courts.

Moreover, most NUP supporters found themselves in military courts for allegedly putting on red berets! In most cases as they can testify before this Committee, after their abduction, they would be forced to put on berets or even military uniforms and their pictures taken. Then, they would be arraigned before the Unit Disciplinary Committees before being transferred to the Division Court Martial at Kakiri or the General Court Martial at Makindye.

In the most bizarre case, 49 of our supporters who were picked off the campaign trail on 30th December, 2020 were charged before the General Court Martial of being found in possession of four rounds of ammunition and 2 magazines on 3rd January! They would spend close to six months in different military and civilian prisons over such a ridiculous charge!

To date, we have over one hundred supporters still stuck in different prisons, being tried by military courts. Many of them have not even had an opportunity to be brought to court since they were arrested in 2020.

¹ See Human Rights Committee, Comments on Egypt, U.N. Doc. CCPR/C/79/Add.23 (1993)

4. Torture

Article 24 of our Constitution guarantees the freedom from torture or cruel, inhuman or degrading treatment or punishment.

Unfortunately, this has largely remained on paper as many Ugandans are subjected to horrendous incidents of torture and brutality. Almost all NUP supporters who have been arrested or abducted have been subjected to torture. The forms of torture reported include water boarding, electrocution, use of pliers or wires to pluck parts of the body, beatings, denial of food and water, refusal to sleep, hanging, use of boiling water to burn parts of the flesh, etc.

There are hundreds of cases of torture that have been reported to us right from inception. Even where cases have been filed, it has been very difficult for victims to get justice. Some of the victims of torture include our very President, Hon. Kyagulanyi Ssentamu Robert who was severely beaten in Arua as confirmed by the Uganda Human Rights Commission on 17th August, 2018.² Hon. Francis Zaake has been subjected to torture a number of times.

A detailed list of some of the many torture victims can be availed to the Committee so that the Committee interacts with them. Some of the outstanding cases this Committee may want to interact with are those of Ssegawa Ronald, Masereka Samuel, Lumu Ronald, Kawooya Abdulwahab, Nicholas Magezi, Luzige Masuudi, Mutambuuka Emmanuel, Yasin Busulwa, Kassim Migadde, Johnbosco Sserunkuuma, Male Musa, Umar Kagimu, Lule David, etc.

The nation saw with shock the torture marks of suspects in the Gen. Katumba Wamala assassination attempt. The torture of suspects during interrogation seems to be the unwritten official policy of the government, which is very unfortunate. Several government officials have publicly condemned torture, and yet torture continues unabated and the objective of most torture is regime perpetration.

Of great concern to us is the injection of our people with unknown substances either upon arrest, or upon release. Most of the victims have reported being injected with substances against their will, and the substances make the victims drowsy, cause skin patches, etc. The long term effect is not yet known! This ought to be investigated.

² <https://s3-eu-west-1.amazonaws.com/s3.sourceafrica.net/documents/118424/Uganda-Human-Rights-Commission-Statement-on.txt>

The other subject of great concern, are reports of ethnic profiling by security operatives. Many victims of abductions and torture have reported that they were being mocked and taunted on account of their ethnic origin. These include Hon. Francis Zaake, Busuulwa Yasin, Kassim Migadde, etc. This is a very dangerous trend that would need to be fully investigated, but the state seems unwilling to do so.

5. Attack on the Media

Article 29 (1) (a) protects the freedom of the press and other media. Unfortunately, journalists have continued to be on the receiving end of state sponsored brutality. To that end, Ashraf Kasirye nearly lost his life when the police targeted him and shot him with a projectile on the head on 27th December, 2020. Before then, security operatives had brutalized him for covering the campaign trail of the NUP Presidential candidate. On February 17th 2021, when NUP leaders delivered a petition about human rights abuses to the UN Human Rights office in Kololo, military police descended on them and beat up at least ten journalists, some of whom were hospitalized. To date, there has been no punishment for the perpetrators of this crime, more so the commanders of the said operation. Bukedde paper journalist Lawrence Kitatta was recently assaulted by the police for covering a protest against torture.

On 10th March, nine journalists working with The Alternative DigiTalk TV, an online TV were abducted by security operatives who raided their offices and confiscated their items.

These are just a few examples of the attack on the media in this country. Many journalists have indeed had to run into exile due to being trailed and intimidated by security operatives.

6. Electoral Malpractices

Despite the constitutional guarantees on the freedom to vote, the 2021 election saw some of the vilest forms of election malpractices, denial of the right to vote for many Ugandans, and a general sense of intimidation. Many NUP polling agents were arrested and tortured. Those who carried Declaration of Results forms were hunted down, beaten and the DR forms confiscated.

These violations were yet again on display during the recent by-election in Kayunga. We are submitting a copy of a book titled RIGGED, by one of our diaspora leaders, Dr. Nico Schoonderwoerd, which details some of the gross violations that took place during the election.

7. Attack on the Political Party

As earlier mentioned, the National Unity Platform is a registered political party under the laws of Uganda. Unfortunately, the attack on our party has continued unabated. You will recall that on 14th October, 2020 a combined force of the police and military raided our offices without a search warrant and confiscated several items, including branding items, documents and money. Immediately after elections, our office was under siege for over a month and no one was allowed to access it.

Several NUP offices, including one in Lira, Kiruhura, Rukiga, etc have been raided at different times; officials arrested and items, including Party Registers and Cards confiscated by security operatives.

8. House arrest of NUP President

Despite courts of law outlawing the concept of house arrest, our Party President, Hon. Kyagulanyi Ssentamu Robert has on several occasions been illegally put under house arrest, leading to the violation of his rights to movement, privacy, livelihood, assembly, etc. Immediately after the January 2021 election, the house arrest went on for over ten days. Most recently during the Kayunga by-election, he was yet again placed under house arrest by the military! This is illegal and a violation of the rights highlighted.

9. Denial of the Freedom of Assembly

Despite the constitutional guarantee of the right to freedom of assembly and association, Uganda continues to violate this right with impunity, to an extent that every attempt to hold a peaceful protest by any group of people, except NRM supporters, is met with violence and brutality. The most recent groups to face the wrath of security forces are students of Makerere University who were demonstrating against the continued closure of the University. A 23 year bio-medical sciences student called Ssebuganda Richard had his hand smashed by a teargas canister when he returned to his hall of residence, Lumumba Hall. He is at Mulago hospital, with little or no help from the authorities. On 15th December, 2021 Doctors under their umbrella organization, Uganda Medical Association were violently blocked from marching to Parliament to present a petition against plans by the state to evict medical interns from hospitals. These are a few examples of the well-known fact that the right to assemble and demonstrate peacefully has been criminalized in this country.

10. Violation of right to property

Hundreds of NUP supporters had their boda bodas confiscated by the police in the period leading up to the campaigns and in the aftermath of the January, 2021 elections.

Some of these were simply confiscated for having pictures of the NUP presidential candidate, as if this is a crime. Those who have been able to get their motorcycles back have had to part with money!

11. Freedom of Expression

The switching off of the internet during elections was a violation of the constitutional guarantees to the freedom of expression, freedom of access to information, freedom of assembly, etc. The continued blocking of facebook in Uganda is an extension of that violation.

Conclusion:

I have listed some categories of the most pressing violations of human rights in Uganda that have affected our people. This list is by no means conclusive or exhaustive, but is only a highlight. There are some social-economic rights that have been violated as a result of the attack on the civil and political rights. For example, many children of political prisoners have been denied the right to education, the right to health, etc. These are issues this Committee needs to interrogate further especially through interactions with the victims.

Recommendations;

- (a) We recommend that the Human Rights Committee of Parliament is treated as other accountability committees which are headed by the Opposition in Parliament. Since most violations are committed at the behest and with the blessing of the ruling party, interference with the work of the Committee is very likely.
- (b) Similarly, there is urgent need to reform the manner in which members of the Uganda Human Rights Commission are appointed. It has since been reduced into a lame duck body, seemingly unable or unwilling to confront the egregious forms of human rights.
- (c) Despite the existence of the Human Rights Enforcement Act, victims of human rights violations have largely not been able to access justice. One of the possibilities is putting in place a Human Rights Division of the High Court with specialized judges to deal with cases of human rights violations.
- (d) All political prisoners ought to be released urgently, and we demand that military trials of civilians are put to an end.

- (e) Political prisoners, in thousands, who have been freed from different places of detention, ought to be compensated because their livelihoods were affected by the long periods of detention.
- (f) We challenge this Committee to carry out public hearings and invite the victims of human rights violations in thousands. Further, it is important that this Committee visits the different prisons across the country to interact with the political prisoners and get firsthand accounts of egregious human rights violations occasioned to them.
- (g) Finally, the long term solution to ending human rights violations in this country is a political solution. As long as Uganda has a regime which must do everything to keep itself in power, there will be no genuine respect for human rights. A discussion on transition, preceded by free and fair elections comes in handy.

I thank you,

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DAVID LEWIS
SECRETARY GENERAL