

Letter from 31 Ugandan and International Organizations

Gen. Kale Kayihura
Inspector General of Police
Uganda Police Force
Kampala, Uganda

June 13, 2016

Dear General Kayihura,

We, the undersigned national and international organizations engaged in various ways in work in Uganda, are writing to express our grave concern about a wave of break-ins targeting offices of Ugandan civil society groups.

We are particularly concerned by the manner in which the Uganda Police Force (UPF) has responded – during investigations, and through public statements – regarding these incidents. Recent break-ins appear to form part of a longer-term, systemic, and worsening pattern of attacks on Ugandan civil society organizations targeting their legitimate and valuable work.

Since September 2012, there have been over two dozen break-ins at NGO offices across Uganda. Private security guards have been killed in the course of two break-ins, registered in July 2015 and May 2016. Documents, electronic data, and other confidential and sensitive information has been stolen in many cases, and indeed, appears to have been the objective in cases where expensive technology was left untouched.

The UPF has so far failed to make consistent, meaningful efforts to fulfill its legal obligations under the constitution and international law to investigate such incidents robustly and ensure prosecutors have the best evidence possible to bring perpetrators to justice.

Each incident has been reported to police in a timely fashion. But police efforts to duly investigate and collect evidence such as witness statements, DNA samples, and closed circuit security footage, have been limited and lacked follow-up. In some cases, the UPF has provided no response to the complainant, or more commonly, no substantive update as to the status of investigations. Recent comments from official UPF spokespersons have provided no reassurance that investigations have been robustly carried out or that police are determined to identify and bring to justice

perpetrators. Based on discussions with those affected, we are unaware of any instance among the over two dozen break-ins reported to the UPF since September 2012 in which there has been a successful prosecution for any charge.

Recent attacks on human rights organizations include the following:

- On the early morning of May 22, 2016, intruders broke into the offices of the Human Rights Awareness and Promotion Forum (HRAPF), an organization that provides legal support and representation to marginalized people. The assailants beat to death the security guard, Emmanuel Arituha, ransacked the offices of the director and the deputy director, and stole documents and a television screen. The assailants did not take computers, laptops and other electronic gadgets.
- On the night of May 24, 2016, intruders broke into the offices of the Forum for African Women Educationists (FAWE), an organization that promotes gender equity and equality in education. They stole a server, laptop and desktop computers, cameras, and projectors.
- On the afternoon of April 10, 2016, a visitor to the office of the Human Rights Network for Journalists-Uganda (HRNJ-Uganda) – a network of journalists working to advance human rights – apparently offered the security guard a plate of food containing sedatives. Once he had passed out, four men entered the premises and searched the office, as evidenced by closed circuit television footage.

Organizations broken into in 2014 included Human Rights Network, the Anti-Corruption Coalition Uganda, the Uganda Land Alliance, Action Group for Health, Human Rights and HIV/Aids, and Lira NGO Forum, all known for undertaking work on sensitive subjects – including corruption, land rights, freedom of expression, and the rights of lesbian, gay, bisexual, transgender and intersex (LGBTI) people – and for voicing criticism of government policies. We recall that you established a committee of eight police officers to investigate the 2014 NGO break-ins; to our knowledge, however, no one has been brought to book.

We call on the police to undertake speedy and thorough investigations in order to bring the perpetrators of these attacks to justice. As a state party to the African Charter on Human and Peoples' Rights and the International Covenant on Civil and Political Rights, the Ugandan government is obligated to ensure the right to life and the right to liberty and security of the person, as well as the right to

freedom of association, which are severely impeded when organizations cannot conduct their work in a safe and secure environment.

Under the UN Declaration on Human Rights Defenders, states have a duty to protect human rights defenders “against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action” as a consequence of their work to uphold human rights.¹ According to the UN Special Rapporteur on Human Rights Defenders:

States should prevent violations of the rights of defenders under their jurisdiction by taking legal, judicial, administrative and all other measures to ensure the full enjoyment by defenders of their rights; investigating alleged violations; prosecuting alleged perpetrators; and providing defenders with remedies and reparation (A/65/223, para. 34). Examples of actions or omissions which contravene the State’s duty of due diligence include the failure to provide effective protection to defenders at risk who have documented attacks and threats by non-State actors or who have been granted interim protection measures by regional human rights mechanisms (A/65/223, para. 35).²

The lack of accountability and persistent impunity for attacks on human rights defenders and their offices sends a message that such attacks are condoned and tolerated by the authorities, which has apparently led to a situation in which attackers are willing to resort to extreme violence, including killing a security guard, in order to accomplish their aims. Ending impunity is essential to ensure a safe and enabling environment for human rights defenders.

We kindly request that you provide us a public statement clarifying these concerns:

- What steps did police undertake to investigate break-ins of non-governmental organizations in 2014 after the establishment of a committee of eight police officers? Did the investigations result in any arrests or prosecutions and what is the status of the committee now?

¹ United Nations General Assembly, A/RES/53/144, March 1999, <http://www.ohchr.org/Documents/Issues/Defenders/Declaration/declaration.pdf>, article 12.

² UN Special Rapporteur on the situation of human rights defenders, “Commentary to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms,” July 2011, <http://www.ohchr.org/Documents/Issues/Defenders/CommentarytoDeclarationondefendersJuly2011.pdf>.

- What steps have the police taken to investigate the three most recent attacks and break-ins at the offices of FAWE, HRAPF, and HRNJ?
- What steps will police take to ensure that human rights defenders who have been victims of attacks, including members of HRPAF, are effectively protected from further acts of violence?

We look forward to hearing from you and to further collaboration with you to advance the security, protection and human rights of all, including human rights defenders, in Uganda.

Yours sincerely,

Amnesty International, Kenya
 Centre for Human Rights – University of Pretoria, South Africa
 Chapter Four Uganda, Uganda
 COC-Netherlands, Netherlands
 Commonwealth Human Rights Initiative, India
 Community Development and Child Welfare Initiatives (CODI) Uganda, Uganda
 EHAHRDP/Defend Defenders, Uganda
 FOKUS – Forum for Women and Development, Norway
 Foundation for Human Rights Initiative, Uganda
 Freedom House, United States
 FRI - The Norwegian Organization for Sexual and Gender Diversity, Norway
 Health GAP, United States
 Human Dignity Trust, United Kingdom
 Human Rights Awareness and Promotion Forum, Uganda
 Human Rights Network for Journalists, Uganda
 Human Rights Network, Uganda
 Human Rights Watch, United States
 Icebreakers, Uganda
 International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA),
 Switzerland
 Initiative for Social and Economic Rights (ISER), Uganda
 Legal Aid Service Providers Network-Laspnet, Uganda
 NGO Forum, Uganda
 Pan Africa ILGA, South Africa
 Robert F. Kennedy Human Rights, United States
 Sexual Minorities Uganda (SMUG), Uganda
 The African Centre for Treatment and Rehabilitation of Torture Victims (ACTV),
 Uganda

The National Coalition on HRDs, Uganda
Uganda Land Alliance, Uganda
Uganda Network of AIDS Service Organisations (UNASO), Uganda
UHAI-EASHRI, Kenya
Unwanted Witness, Uganda

CC:

Honorable Jeje Odongo, Minister of Internal Affairs, Uganda
Ambassador Deborah Malac, Embassy of the United States of America, Kampala,
Uganda
Ambassador Kristian Schmidt, Head of European Union Delegation to Uganda
Ambassador Alison Blackburne, British High Commissioner to Uganda