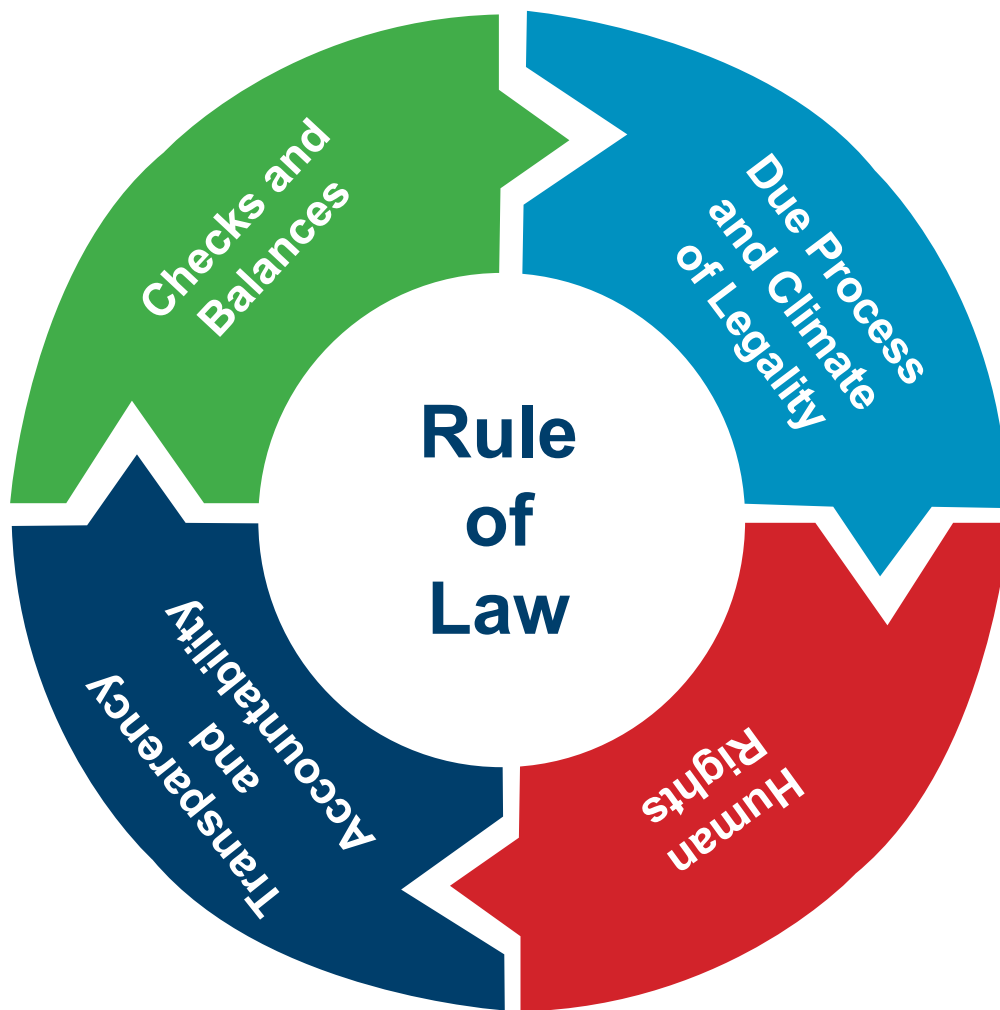




## THE STATE OF THE RULE OF LAW FOURTH QUARTERLY REPORT



OCTOBER -DECEMBER 2019



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# PRESIDENT'S FOREWORD

“Law and order exist for the purpose of establishing justice and when they fail in this purpose they become the dangerously structured dams that block the flow of social progress.”

Martin Luther King, Jr.

The Rule of Law does not only refer to a stable order of society, a government characterized by supremacy of the law and equality before the law or the equal subjection of all classes to the ordinary law of the land administered by the ordinary law courts but also a society that affords adequate protection of fundamental human rights.

On the contrary, Uganda has been characterized by gross human rights abuse, increasing levels of crime, urban violence and intolerance. These incidences indicate the urgent need for all stakeholders to take action in order to remedy the current situation.

In a bid to resuscitate, promote and protect the Rule of Law, ULS has continued to publish quarterly rule of law reports this being the last for the year 2019.

The reports helps us self reflect on the state of the rule of law in the country and the shortfalls that need to be addressed.

While we have taken strides in enforcing the rule of law, there are so many aspects that need to be corrected. There is need for all in society to understand that we all account to the law and none is above regardless of the circumstances and justification. That in the absence of the respect for the law, we can not thrive politically, economically and socially.

During this review period, the report has particularly noted the infringement of the rights of children, the right to life as well as media rights and freedoms. Furthermore, the report provides a number of recommendations that are shared with various stakeholders for implementation so as to improve the observance of the Rule of Law and promotion of human rights in Uganda. It is at this point that I call upon all the stakeholders to take keen interest in responding to the respective recommendations so that together we uphold the rule of law.

We should all note that building the Rule of Law takes vision and time. It is the soundest investment there is and one that inevitably translates to prosperity. We commend and applaud the various stake holders that are passionate about the Rule of Law and the various government departments and officials that have said no to impunity.

Many thanks to the ULS Rule of Law Advisory Board, the Rule of Law committee, together with ULS secretariat for the good work and time they have put in to this important initiative.

FOR GOD AND MY COUNTRY



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**Simon Peter Kinobe**

**President – Uganda Law Society**

# CHIEF EXECUTIVE OFFICER'S FOREWORD

Basic absence of the Rule of Law is one factor that will turn a vulnerable or destitute person into a victim of injustice. The Rule of Law is a concept that a functioning society needs in addition to an accessible, independent and transparent legal system, along with a set of laws that everyone, including the government, follows.

The Uganda Law Society (ULS), believes in a sustainable social, political and economic progress that can only exist in societies where the Rule of Law exists. It is on this premise that I am honored to present to you the fourth edition of the Uganda Law Society (ULS) Quarterly Report on the state of the Rule of Law, analyzing Rule of Law issues that occurred in the period of October – December, 2019.

I extend my sincere gratitude to the Rule of Law Advisory Panel chaired by Prof. Fredrick Ssempebwa for their continuous invaluable support to the Secretariat team during the review of this report. I also acknowledge the input of the Rule of Law Strategic and Litigation Committee for their support towards the compilation of this report.

The ULS takes cognizance of the occurrence of numerous human rights violations that have during this quarter which include; infringement of the freedom of expression and association, abuse of children's rights, serial murders, increased cases of burglary and armed robbery, lack of accountability and transparency among others.

This Report focuses on critical evaluation of the performance in the protection and promotion of the Rule of Law in Uganda. It addresses both state and non-state actors to support them to adopt a more proactive approach in dealing with the human rights and rule of law challenges in the country.

In conclusion, I wish to urge all the relevant stake holders to take note of the recommendations made in this Report and enforce the necessary adjustments to enable us uphold the Rule of Law in Uganda at all times.

**“To be a Proficient Bar Association in Fostering Access to Justice, the Rule of Law and Good Governance in Uganda”**

**For God and My Country**



**joyce Nalunga Birimumaaso**

## ACKNOWLEDGMENTS

The production of this Report was made possible by the unwavering support and guidance from the ULS Rule of Law Advisory Panel. This Panel is chaired by Professor Fredrick E. Ssempebwa with Ms. Gertrude Wamala Karugaba, Mr. Francis Gimara, Mr. Andrew Kasirye, Mrs. Lydia Ochieng Obbo and Ms. Loyola Karobwa as members. The ULS is also indebted to the ULS Rule of Law and Strategic Litigation Committee chaired by Dr. Daniel Ruhweza for their support in the compilation of this Report.

Appreciation also goes to the ULS Rule of Law Department under the headship of Ms. Leah Nasasira Bitu, Ms. Mary Nalwoga, the Rule of Law Officer and the brain behind compilation and analysis of diverse data to come up with comprehensible text and Ms. Rita Aligo for coordinating the launch of this report. Thanks to the entire ULS Secretariat and the Management Team for an enabling setting to the undertakers of this assignment.

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## INTRODUCTION

This is the Fourth Quarterly Report of the State of the Rule of Law of the Uganda Law Society (ULS). This Report provides an analysis of rule of law developments between October and December 2019 and is based on both national and international legal frameworks.

This Report notes incidents of human rights violations which have continued to feature during this quarter. These include serial murders, increased cases of burglary and armed robbery, incidences of abuse of children's rights, environmental degradation, infringement of the freedom of expression and association and assembly by security personnel. In additions, cases of transparency and accountability are also highlighted.

The report also provides an evaluation of performance in terms of protecting and promoting the rule of law in Uganda. It also fosters further discussions with the relevant stakeholders responsible in the observance of the rule of law; while providing recommendations on issues raised to ensure adherence to the rule of law.

This Report also takes stock of the positive developments. Of particular note were the developments from the Office of the Inspector General of Government, the Uganda Police Force, Ministry of Disaster Preparedness and Refugees, United Nations High Commissioner for Refugees (UNHCR) and the National Forestry Authority.

# THE STATE OF HUMAN RIGHTS

## Protection of the Right to Freedom of Expression, Association and Assembly

Article 19 of the Universal Declaration of Human Rights, guarantees freedom of opinion and expression, which includes the freedom to hold opinions without interference and to seek, receive and impart information and ideas. Also Article 9 of the African Charter on Human and Peoples' Rights provides for the right to freedom of association provided it abides by the law. Uganda is a signatory to the African Charter on Democracy, Elections and Good Governance (ACDEG) which espouses that the right to dissent and the holding of opinions as important prerequisite for democracy<sup>1</sup>. Chapter 4 of the same Charter further enjoins states to protect such freedoms, with Article 27(8) specifically stating that states are enjoined to protect and promote the freedom of expression, opinion as well as the press and media.

However, during the review period, the ULS noted several instances in which the right to freedom of expression, association and assembly was infringed.

- In November 2019, several students from Makerere University while protesting the proposed 15% increment on tuition by the University Management, were harassed, assaulted and arrested by security forces. Some students were injured when security agents fired bullets and teargas in students' rooms, while others had their property destroyed.<sup>2</sup> This way of response by the security forces is an infringement of their right to peacefully protest as guaranteed by Article 29 of the 1995 Constitution of Uganda.
- On November 4, 2019, journalists were reported to have been brutalized, whilst they were carrying out a procession on their way to present a petition against police brutality to the Inspector General of Police, Martin Okoth Ochola in Naguru. The procession comprised personnel subscribing to Uganda Journalists Association (UJA), Uganda Parliamentary Press Association (UPPA) and Human Rights Network for Journalists (HRNJ). This followed the violent treatment that was meted out against journalists who were covering recent demonstrations in Makerere University by the security officers.<sup>3</sup> The police foiled the procession, bundled some of the journalists and arrested them immediately and took them to the Central Police Station.<sup>4</sup> After negotiations, the police allowed only 10 journalists to present the petition to the IGP. The Uganda Police Force has continued to violently stop processions and marches by Opposition Parties.
- In late October, bullets and teargas were fired by the police to disperse the Forum for Democratic Change (FDC) supporters who had gathered for a District leader's conference; despite having a clearance from the Police in Butaleja District.<sup>5</sup> The Police Forces arrested over 60 FDC members including Col. Dr. Kizza Besigye as they were marching in a procession from Namboole stadium to their party headquarters, having been blocked them from having a planned party conference that was set at Mandela National Stadium in Namboole.<sup>6</sup>

1 Uganda is yet to ratify this instrument

2 By JaviraSsebwami, "Violent scenes return to Makerere after military men beat up students, including a lame lumumbist," PML Daily, October 24, 2019. Available at <https://www.pmldaily.com/news/2019/10/violent-scenes-return-to-makerere-after-military-men-beat-up-students-including-a-lame-lumumbist.html> last seen on October 28, 2019 ; By Stephen Kafeero and DamaliMukhaye, "Three nights of terror at Makerere," Daily Monitor, October 26, 2019. Available at <https://www.monitor.co.ug/News/National/Three-nights-terror-Makerere/688334-5326186-pj8wrvz/index.html> last seen on October 28, 2019.

3 By URN, "Police brutality: journalists and police clash over again in Kampala," The Independent, November 5, 2019. Available at <https://www.independent.co.ug/police-brutality-journalists-and-police-clash-again-in-kampala> last seen on November 6, 2019.

4 ibid

5 By YahuduKitunzi, "Police fire bullets, teargas to disperse FDC supporters in Butaleja," Daily Monitor, October 27, 2019. Available at <https://www.monitor.co.ug/News/National/Police-fire-bullets-teargas-disperse-FDC-supporters-Butaleja/688334-5327154-waf4v8z/index.html> last seen on October 30, 2019.

6 By Monitor Team, "Besigye was arrested for defying our orders – Police," Daily Monitor, November 4, 2019. Available at <https://www.monitor.co.ug/News/National/Besigye-was-arrested-defying-orders-Police/688334-5336430-vng1n0/index.html> last seen on November 6, 2019 ; By Conrad Ahabwe, "Besigye arrested, his car badly damaged as police block FDC meeting," PML Daily,



- On November 26, 2019, a one David Kibuuka was shot and killed by a police officer; while people residing in Ssemuule Zone, Kabowa Rubaga Division were holding peaceful protests.<sup>7</sup> The residents were demonstrating against closing the road which was closed to build a facility and a dumping soil in the drainage channels which was leading to flooding of their homes in rainy season.<sup>8</sup>

The dispersal of peaceful assemblies by security officers has been rife during this quarter. The Police has consistently assumed and used wide discretion to use force in dispersing peaceful assemblies even in gazetted areas, an act that is inconsistent with the right to freedom of expression and assembly guaranteed under the Bills of rights in the 1995 Constitution and applicable regional and international laws. Although the Public Order Management Act 2013 grants Police powers to regulate public meetings and to decide suitable venues for holding public meetings, the Police have continuously abused this law by prohibiting peaceful public gatherings and demonstrations.

**Legal issues arising:**

- Whether freedom of expression, association and assembly in Uganda is respected.

**Recommendations:**

- The Public Order Management Act 2013 should be amended to be consistent with the International and Constitutional obligations of protecting the right to freedom of expression, association and assembly.
- The government should investigate cases in which security agencies were accused of unjustifiably infringing upon citizens’ rights to freedom of association, expression and assembly and bring the culprits to book in consonance with the Human Rights Enforcement Act of 2019 which enables personal criminal liability.

**Media Freedoms**

Article 2 of the International Covenant on Civil and Political Rights (ICCPR) and the African Charter on Human and Peoples’ Rights places an obligation on states to adopt such legislative or other measures as may be necessary to give effect to the rights recognized by the Covenant. This means that States are required not only to refrain from interfering with people’s enjoyment of their rights but also take positive steps to ensure that rights including freedom of expression are promoted and respected. In effect, governments are under a duty to ensure that citizens have access to diverse and reliable sources of information on topics of interest to them. This same right is also recognized in the 1995 Constitution of Uganda as well as ICCPR which Uganda is a signatory to.

That notwithstanding, cases of arrest of journalists while on duty have been registered in this period. Ugandan Journalists were reported to have been arrested by Police for allegedly covering opposition party activities. It is stated that two journalists; Joel Kaguta working for Daily Monitor and 10 people belonging to People Power pressure group activists led by Mr. Francis Zaake, the Mityana Municipality Member of Parliament and Dennis Mumbere who works for Messiah Radio were arrested together with ten Forum for Democratic Change party members on September 26, 2019 in Kasese Town Council for allegedly holding an illegal assembly.<sup>9</sup>

In another incident Mr. Gilbert Muhanguzi an employee of Messiah Radio was arrested at Rukooki Chief Magistrates’ Court for filming his colleague Mr. Robert Kule who is currently on remand on charges of computer misuse, torture and giving false information to police.<sup>10</sup>

It should also be noted that police and military threatened journalists who were trying to photograph and report on the unfolding events that were taking place in Makerere University during this reporting period.

November 4, 2019. Available at <https://www.pmldaily.com/news/2019/11/besigye-arrested-his-car-badly-damaged-as-police-block-fdc-meeting.html> last seen on November 6, 2019.

7 The Independent, November 27, 2019. Available at <https://www.independent.co.ug/police-officer-under-probe-for-killing-civilian-in-city-protest> last accessed on November 29, 2019.

8 By Simon Masaba, “Police officer arrested over shooting protestor dead,” New Vision, November 26, 2019. Available at [https://www.newvision.co.ug/new\\_vision/news/1511212/police-officer-arrested-shooting-protestor-dead](https://www.newvision.co.ug/new_vision/news/1511212/police-officer-arrested-shooting-protestor-dead) last accessed on November 29, 2019.

9 By Enid Ninsiima, “Police arrest journalists in Kasese,” Daily Monitor, October 4, 2019.

10 Ibid

**Legal issues arising:**

- Whether media freedoms in Uganda are respected

**Recommendation:**

- Government should institute and support meaningful and transparent investigations into the arbitrary arrest of journalists.

**Right to life**

Article 6 of the ICCPR recognizes the individual’s right to life and requires it to be protected by the law and the same instrument was ratified by Uganda. Article 22 of the 1995 Constitution of Uganda states 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; that notwithstanding ULS noted the following several incidents during the review period where the right to life was infringed upon;

- On October 27, 2019, the police in Kanungu reported a case of a 31 year old man who killed his brother’s wife. Obedi Turyasingura, a resident of Kahama cell, Burema parish, Kanyantorogo Sub County in Kanungu District attacked Grace Kyasimire, 26, with a hammer over unknown reasons.<sup>11</sup>
- It was also reported that five family members in Lamwo District killed their 23 year old brother, Patrick Okoton accusing him of stealing their father’s cow. The suspects included Gerimond Okwera, Wilson Canwat, Ambrose Lalim, Brian Obedugu and Sirayo Olachi currently in police custody.<sup>12</sup>
- On November 8, 2019, it was reported that the Minister for General Duties in the Office of the Prime Minister Mary Karooro Okurut and some police officers were shocked when some members of a criminal gang in Kazo District confessed to killing 13 *bodaboda* cyclists and drinking the blood of their victims.<sup>13</sup> It should be noted this incident occurred at a time when there was increased spate of murders of *bodaboda* cyclists in Kazo a new District formerly part of Kiruhura District.<sup>14</sup>
- In yet another incident, three family members were attacked by armed individuals and were left dead in Lyantonde District on October 20, 2019. It is alleged that Francis Rwabagabo and his wife Kellen Nakato were shot inside their home in Kaliiro Township, Kaliiro Subcounty at around 9pm; hours later the assailants raided Rabagabo’s sister in-law, Leokadia Kizza’s home at Kaliiro 111 Village and shot her dead.<sup>15</sup> It is reported that Detectives led by the Deputy Inspector General of Police Maj. Gen. Steven Sabiiti Muzeyi have so far arrested one person in connection to this armed attack<sup>16</sup>.

**Legal Issue arising:**

- Whether the right to life in Uganda is respected

**Recommendations:**

- The government should expedite the investigations into the cause of these murders that have heightened security tensions in the country.

**Children’s Rights**

Uganda is a ratification to the International instrument on United Nations Convention on the Rights of the Child (CRC); which requires all children to benefit from special protection measures and

11 By Edson Kinene, “A man on the run after hammering brother’s wife to death,” Daily Monitor, October 29, 2019. Available at <https://www.monitor.co.ug/News/National/Man-on-run-after-hammering-brother-s-wife-to-death/688334-5328546-Ildacx/index.html> last seen on October 29, 2019.

12 By URN, “Five arrested for killing sibling in Lamwo,” Daily Monitor, October 30, 2019. Available at <https://www.monitor.co.ug/News/National/Five-arrested-killing-sibling/688334-5330140-23o4pw/index.html> last seen on October 30, 2019.

13 By Adolf Ayoreka, “Killer gang confesses to drinking victims’ blood,” New Vision, November 8, 2019.

14 *ibid*

15 By Monitor Team, “One arrested over Lyantonde killing,” Daily Monitor, October 21, 2019. Available at <https://www.monitor.co.ug/News/National/One-arrested-over-Lyantonde-shooting/688334-5320160-lf1oi2/index.html> last seen on October 29, 2019.

16 *Ibid*

assistance, have access to services such as education and health care, can develop their personalities, abilities and talents to the fullest potential; and are informed about and participate in achieving their rights in an accessible and active manner. The same rights are further provided for in Article 34 of the 1995 Constitution of Uganda. This means that the State, parents and guardians of children have an obligation to protect children against any harmful practice or any danger.

Every child has a right to be protected against all forms of violence including physical and emotional abuse.

However, contrary to the above provisions, media outlets during this quarter have reported cases of child neglect by their parents or guardians. Some parents and guardians do not seem to fully comprehend the legal obligations that they have towards the children in their care. The ULS noted the following incidents:

- A six year old girl died after fire gutted its parent's grass thatched house in Nambale Village, Buwunga Sub County in Bugiri District. It was reported that its mother, a one Yudaya Namugere left her three children at home in the care of their father. Then the father left the children alone in the house to watch a football match leaving a burning charcoal stove in the house. The neighbors managed to save two of the children but the youngest died in the fire.<sup>17</sup> It should be noted that leaving the children in the house on their own was an act of negligence and failure to protect their right to life.
- In a separate incident, four children were killed when mudslides struck their sleeping rooms in Namuhuga South cell, Kasese District. The children were reported to have been in care of their 70 year old grandfather John Tseghe Kaswa; who at the time of the occurrence of the incident was unable to rescue any of the children.<sup>18</sup>

#### Legal issue:

- Whether the parents and guardians of children are aware of the legal framework protecting the rights of children in Uganda.

#### Recommendations:

- Government should commit adequate resources towards the protection of children in communities by setting up a child protection units at village level, identifying risks and protection concerns within villages and take action. This includes implementation of the provisions of the Children Act Cap 56 up to village level.
- Increased sensitization by the government in collaboration with Civil Society Organizations and Community Based Organizations on child neglect and its consequences should be undertaken.

## RIGHT TO ENVIRONMENT

The right to a clean and healthy environment is enshrined in Article 39 of the 1995 Constitution of Uganda and the National Environmental Act Cap. 153 and the Regulations there under. In addition, Objective XXVII is however the most relevant objective as far as environmental conservation is concerned. It mandates the state to promote sustainable development and public awareness of the need to manage land, air and water resources in a balanced and sustainable manner for the present and future generations. That notwithstanding, the following development was noted:

On October 3, 2019, it was reported that security personnel who were deployed at the boundaries between Amuru and Adjumani had turned to cutting down trees, a move that would have devastating effects on the environment.<sup>19</sup> It was further reported that other degraders of the environment

<sup>17</sup> By YazidYolisigira, "Six year old girl burns to death as father watches Arsenal game," Daily Monitor, October 28, 2019. Available at <https://www.monitor.co.ug/News/National/Six-year-old-girl-burns-death-father-watches-Arsenal-game/688334-5327980-8bseigz/index.html> last seen on October 29, 2019.

<sup>18</sup> By John Thawite, "17 children killed in Kasese landslides," New Vision, November 18, 2019. Available at [https://www.newvision.co.ug/new\\_vision/news/1509703/children-killed-kasese-landslides](https://www.newvision.co.ug/new_vision/news/1509703/children-killed-kasese-landslides) last seen on November 18, 2019.

<sup>19</sup> By Cissy Makumbi, "Army, police on the spot over environment degradation in Apaa," Daily Monitor, October 3, 2019.

camouflage as security people to fell trees for their charcoal businesses in Apaa district. Despite the efforts made by the Adjumani District LC5 Chairperson, Mr. James Leku in engaging the Uganda Peoples Defence Forces Fourth Division Commander over the matter, it was reported that degradation has persisted.<sup>20</sup>

It should be noted that economic activities in wetlands and forests have increased thus posing a challenge to the authorities to balance the competing interest of environmental preservation and that of human survival.

**Legal issue:**

- Whether the government is doing enough to ensure the protection of natural resources for enjoyment of the right to a clean and healthy environment.

**Recommendations:**

- The ULS reiterates its previous recommendation made in the ULS 3<sup>rd</sup> quarterly Rule of Law Report for 2019<sup>21</sup> that the National Environment Management Authority needs to enhance its oversight role in the management of Natural resources in the country.
- The Government should resolve issues affecting the borders of Adjumani and Amuru expeditiously and further withdraw security forces in that area who have become a threat to the environment.
- The Government should work with private sector led initiatives to encourage reforestation.

## DUE PROCESS AND THE CLIMATE OF LEGALITY

### The wave of criminality

#### A. Threats to security of persons and property

An increase in criminality during this quarter was noted. Police and media reports indicate increased cases in which the right to own property has been infringed upon and mob justice rampant as a result of the criminal activities.

Cases of burglary and armed robberies in homes have been rampant in areas of Kira, Kasangati, Bwebajja, Wakiso, Lungujja and Kajjansi:

- The latest incident was an attack on the Uganda Revenue Authority employee, Mr. Crispus Mugabe who resides in Seeta Village, Wakiso District. He was attacked by five criminals armed with machetes and house breaking gadgets, raided his home and stole laptops, mobile phones, home appliances, two million shillings and a vehicle before they fled off.
- There was a reported attack on Mr. Allan Mwesigwa’s home in Bwebajja, Wakiso District by seven armed people with machetes and stole electronic appliances.
- It was also reported that on October 4, 2019, thugs armed with a knife attacked the home of Mr. Casmir Anachuna, a Nigerian National at Ggaba, Makindye Division. The criminals assaulted him, gained access to his home, and stole UGX 150 million, his television set and other valuables estimated at UGX 20 million.
- A similar incident was also reported at Kisasa Village in Wakiso District where robbers including one female armed with machetes attacked MACKS Investments Limited, a factory dealing in textiles and maize processing.<sup>22</sup>

**Legal issue arising:**

- Whether the Government has taken adequate measures to ensure security of persons and

20 ibid

21 <https://www.docdroid.net/A1czXC/uls-2019-rule-of-law-3rd-quarterly-report-sept-2019.pdf>

22 By Andrew Bagala, “Armed raids on homes worry city residents,” Daily Monitor, October 15, 2019. Available at <https://www.monitor.co.ug/News/National/Armed-raids-on-homes-worry-city-residents/688334-5312276-154cxh1/index.html> last seen on October 30, 2019.

property

### Recommendations:

- The Government needs to thoroughly train security personnel to strengthen community policing.
- The Government should enhance the facilitation to the Police in terms of equipment and remuneration so as to improve efficiency and effectiveness in protecting people and their property.
- The government should work with the relevant Civil Society Organizations and Community Based Organizations to curb crime and insecurity in the country.

### B. Mob Justice in the country

Mob justice is prevalent in developing countries. Hundreds of people continue to die without being subjected to due process.<sup>23</sup> It should be noted that mob justice is one of the sources of human rights violations in Uganda. During this reporting period, the ULS noted a number of cases of mob justice leading to several deaths:

- There was an attack on Counsel Peter Kibilango by unknown people on the 14<sup>th</sup> of October 2019 after a mobile transaction which he carried out on his way home at Mutungo, Nakawa Division. It is believed that the assailants connived with the mobile money agent from whom he carried out a transaction. The said assailants started assaulting him and called a mob on him alleging that they were beating a thief. He sustained serious injuries that led to his death on October 19, 2019.<sup>24</sup>
- A one Medard Ayebazibwe, aged twenty years was killed by a group of 50 *Bodaboda* cyclists in Ntungamo district. The assailants trailed him to hospital where he was being treated for injuries sustained as a result of being beaten on accusations of having killed their colleague - a one Dennis Mwijukye. The *BodaBoda* cyclists stormed the hospital, overpowered the hospital security, found Ayebazibwe and killed him.<sup>25</sup>

The cases listed above highlight an increase in the criminal activity around the country by gangs terrorizing parts of Masaka, Wakiso and Kampala. The ULS notes the Presidential Directive made to the Deputy Inspector General of Police Maj. Gen. Steven Sabiiti Muzeyi to conceive an urgent plan to combat the increasing cases of burglary and armed robberies around Kampala Metropolitan.<sup>26</sup> It is hoped that this will be put into action.

### Legal Issue arising:

- Whether due process is respected.

### Recommendations:

- The community should be sensitized on the procedure of handling accused persons, without resorting to mob justice.
- Perpetrators of mob justice should be prosecuted and face the full wrath of the law.
- The court processes in handling criminal cases should be expedited to avoid resort to people taking the law into their hands.

<sup>23</sup> Available at <https://www.amazon.com/Mob-Justice-Uganda-Judicial-Communities/dp/3846592587> last accessed on November 27, 2019.

<sup>24</sup> By URN, "City lawyer dies after a mob justice attack," Observer, October 19, 2019. Available at <https://observer.ug/news/headlines/62380-city-lawyer-dies-after-mob-justice-attack> last seen on November 29, 2019.

<sup>25</sup> *ibid*

<sup>26</sup> By Monitor Team, "Museveni directs Deputy IGP Sabiti on plan to combat criminal gangs," Daily Monitor, October 16, 2019. Available at <https://www.monitor.co.ug/News/National/Museveni-directs-deputy-IGP-Sabiiti-plan-combat-criminal-gangs/688334-5312274-bgg5fwz/index.html> last accessed on October 29, 2019.

## TRANSPARENCY AND ACCOUNTABILITY

During this reporting period, reports of lack of transparency and accountability in the management of public funds were identified;

On October 3, 2019, it was reported that, on orders of the State House Anti-Corruption Unit led by Lt. Col. Edith Nakalema, a total of 11 officials from Moroto District and Moroto Hospital were arrested for allegedly mismanaging government resources. This was as a result of the continuous reports and information regarding concerns of corruption at the District Hospital and diversion of money for construction of boreholes. The culprits were arrested and charged for crimes leading to the loss of UGX 175 million. In the same incident, the Anti-Corruption Unit also found cases of illegal recruitment of staff, diversion of funds and failure to respect procurement processes at the hospital and the District.<sup>27</sup>

### Legal issue arising:

- Whether the principle of transparency and accountability has been duly appreciated by public servants.

### Recommendations:

- Government should thoroughly investigate the alleged misuse of funds and bring the perpetrators to face the full arm of the law.

## POSITIVE DEVELOPMENTS DURING THIS QUARTER

### Human Rights

In a bid to curb the rate of rising crime in the city and the country at large, the Uganda Police Forces has introduced desk phones at different police stations and police posts for the public to call in case of an attack by the criminal gangs. They have also lowered the time of police response to crime from 15 minutes to 5 minutes.<sup>28</sup> The ULS applauds this initiative by the Uganda Police Force and hopes that it will be efficient and effective to curb crime rate in the country.

During reporting period, the Ministry of Disaster Preparedness and Refugees set up a comprehensive refugee response framework tasked with improving the living standards in refugee camps across the country. The same framework will work hand-in-hand with other stakeholders to ensure that there are favorable conditions to facilitate learning in schools in the refugee camps. In addition, UNHCR-funded activities have constructed nine classrooms, 25 pit-latrines have been completed; that over 16,000 pupils have also received scholastic materials.<sup>29</sup> In addition, 17 schools received teaching and learning materials and over 130 teachers were trained on providing psychosocial support to leaders from conflict-affected background. The ULS therefore applauds the Ministry that has enabled and partnered with UNHCR, Save the Children to ensure that the lives of refugees are improved through education.

The ULS has over the period highlighted incidents relating to protection of the environment and made recommendations regarding the protection of the environment to enable a certain degree of environmental quality and stability. In this reporting period, government has made effort to revamp areas that have been degraded. Of particular note was the creation of a partnership between the National Forest Authority (NFA) and Electricity Regulatory Authority (ERA) to embark on a project geared towards restoring Ongom Central Forest Reserve. The two Authorities have embarked on a four year project covering Northern, Central, West Nile and Western Uganda to plant trees. It was stated that this project is also geared towards providing clean water and protect areas from soil erosion.<sup>30</sup> In addition, it was reported that NFA has also launched a tree planting programme in

27 By Olandason Wanyama and Eddie Sejjoba, "Anti-Corruption unit arrests 11," Daily Monitor, October 3, 2019.

28 By Tom Malaba, "Police install desk phones to fight armed city crime," Daily Monitor, October 29, 2019. Available at <https://www.monitor.co.ug/News/National/Police-install-desk-phones--fight-armed-city-crime/688334-5329650-12eb9mbz/index.html> last seen on October 30, 2019.

29 By Ismael Kasooha, "Refugees schools to be revamped," Daily Monitor, October 9, 2019.

30 By Jeff Andrew Lule, "NFA, ERA partner to restore forest reserves," Daily Monitor, October 9, 2019.



schools and that they also intend to start a national tree planting day for every Ugandan.<sup>31</sup> The ULS commends this positive development geared towards protecting and restoring the environment.

The ULS highlighted the issue of lack of essential drugs in government hospitals all over the country in the First Quarterly Rule of Law Report for the year 2019. In that regard, during this period, the President has directed the Ministry of Health to close all privately owned pharmacies in government health centres. This was supported by the Uganda Medical Association which mentioned that this would reduce theft of drugs and discourage the sale of privately owned drugs rather than government drugs that have been prescribed to the patients.<sup>32</sup> It is hoped that this directive will be done and that it would increase drugs in government hospitals. Inquiry on land

### Transparency and Accountability

During this quarter, the ULS applauds the Inspector General of Government (IGG) for directing the Head of the Public Service Commission, Mr. John Mitala to interdict Dr. Nassali Lukwago the Secretary to the Judicial Service Commission. This was a result of the arraignment of Dr. Nassali before the Anti-Corruption Court on charges of causing financial loss to the government by reportedly paying UGX33 million arbitrarily to AH Consulting Limited in the financial year 2014/2015.<sup>33</sup> This directive was put into effect.<sup>34</sup>

During this quarter, it has been reported that there will be an anti-corruption walk under the theme: *"A Corruption-free Uganda starts with me"* on December 4, 2019, which will be led by the President H.E Yoweri Kaguta Museveni. The walk that will start at Constitutional Square to Kololo airstrip is aimed at raising awareness against corruption in the country.<sup>35</sup> It should be noted that this is a positive development geared towards curbing corruption in Uganda by the state and non-state actors in Uganda.

## CONCLUSION

There have been marked improvements on the state of human rights and the observance of the rule of law. The duty to promote and protect the rule of law in the country solely lies on the state; however, concerted effort is also required from the civil society organizations, community based organizations, the academia and the public.

31 Ibid

32 By MisairiThemboKahungu, "President bans private pharmacies in gov't hospitals," Daily Monitor, October 2, 2019.

33 By Kaguta Joel, "Interdict Nassali, IGG tells Public Service," Daily Monitor, October 10, 2019

34 By URN, "Judicial Service Commission PS Nassali interdicted," The Observer, October 11, 2019. Available at <https://observer.ug/news/headlines/62286-judicial-service-commission-ps-nassali-interdicted> last accessed on October 14, 2019.

35 By George Okello, "Museveni to lead anti-corruption walk," PML Daily, November 20, 2019. Available at <https://www.pmldaily.com/news/2019/11/museveni-to-lead-anti-corruption-walk.html> last accessed on November 29, 2019.





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