

UGANDA CHRISTIAN LAWYERS' FRATERNITY

Speak up and judge fairly, defend the rights of the poor and needy. Prov 31:9



Uganda Catholic Lawyers
Society

(Defending Liberty, Pursuing Justice)



MCJL

MUSLIM CENTRE FOR JUSTICE AND LAW

Kibuye Block 257
on Nakulabye Kampala
Door Plate No. L 24

21st November, 2020.

STATEMENT OVER VIOLENCE DURING THE ELECTORAL PROCESSES.

Uganda Christian Lawyers' Fraternity (UCLF),—Uganda Catholic Lawyers Society (UCLS), the Uganda Moslem Lawyers Association (UMLAS), the Moslem Centre for Justice and law (MCJL) AND the Network of Public Interest lawyers (NETPIL), complimenting the efforts of the Uganda Law Society, Legal Aid Service Providers Network and other agencies, come out today to fulfil our obligation to the nation and to the citizens of Uganda on matters touching law, governance, access to justice and rule of law.

As partners we are concerned about the events that the nation has witnessed following the arrest and detention of presidential candidates Hon. Robert Sentamu Kyagulanyi and Hon. Eng. Patrick Amuriat Oboi.

We are cognisant of the constitutional guarantees to freedom of speech and expression [Art 29(1)(a)]; freedom to assemble and to demonstrate together with others peacefully and unarmed [Art 29(1)(d)]; a right to participate in peaceful activities to influence the policies of government through civic organisations [Art 38(2)]. We must hasten to add that these can only be enjoyed in ways permitted by law.

As we address the nation reports indicate that twenty-eight (28) human lives have been lost to actions that would have been averted if only we all as a nation stopped and considered the sanctity of life.

Article 22(1) of our Constitution provides:

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.

The actions of law enforcement in a bid to quell demonstrations and criminality that engulfed a number of locations in the country have resulted into deprivation of lives in circumstances that are questionable.

We therefore come out to condemn:

1. The degeneration from civility to criminality that was witnessed in the different parts of the country as individuals and groups expressed their dissatisfaction at the arrests of the presidential candidates;
2. The extreme force with which the members of the armed forces and the police dealt with demonstrators; to wit the use of live bullets to disperse unarmed civilians, which has consequently caused the wounding and death of some Ugandans.
3. The violent acts of retaliation targeted at officers of the police, army and LDUs by the public.
4. The high-handed treatment including arrests, deterrence and brutalizing of members of the media who had a mandate to ensure they informed of the developments in the country;
5. The deployment of non-uniformed security operatives wielding gun and recklessly using the same on the streets, which exposed the public to untraceable perpetrators.
6. The reckless use of firearms and the ungoverned use of live bullets which from reports has occasioned most of the deaths reported and numerous cases of injuries currently in hospitals across the country.

Illegal arrests, causing grievously bodily harm, shooting leading to death, violence and restraining journalists is not only contrary to the Biblical principles of loving one's neighbor and the good Samaritan canon spelt out in *Mark 12: 13* and *Luke 10:25-37* and the provisions of the Koran on "... The ways of peace ..." (Quran: 5:16) and against the principles of disturbing peace '.....any disturbance of peace (Quran 2:205) respectively, but also

contravenes Article 22, 24, 27, 28, 29, 41 and 44 of the Constitution of the Republic of Uganda, (1995 Constitution) and the international law which Uganda has ratified and is party too.

It is upon this background that we, the undersigned, recommend that the following measures:

To the Hon. The Right Speaker of Parliament -

- i. The Human Rights Committee should investigate the incidents with a view of holding the errant security officers accountable for the human rights' abuses described above.
- ii. To convene an emergency sitting of parliament to debate and resolve on the issue of electoral processes, human rights' violations amidst covid19, as a matter of national concern
- iii. To demand address to Parliament by the Chairperson Electoral Commission and the Minister of Justice and Constitutional affairs to clarify on whether a free and fair election is still possible in the present circumstances.

To the Hon. The Chief Justice of The Republic of Uganda

- i. As the head of Judiciary which is third arm of government and custodian of Justice, should engage the institutions responsible for meting abuses to stop, including having a candid discussion with the Executive and Parliament.

- ii. Cause an independent judicial led inquest into the circumstances and account for the number of such deaths that have characterized demonstrations in Uganda.

To the Ag. Chairperson, Uganda Human Rights Commission (UHRC).

- i. In compliance with Article 55 of the 1995 Constitution, to commence Investigations and or hear and reprimand through its procedure, the officers in the security forces engaged in aforementioned acts of torture, cruel and Inhuman treatment of politicians and their supporters.
- ii. Recommend to Parliament effective measures to promote Human Rights during this election season.

To the Chief of Defense Forces (CDF).

- i. Prevail over serving officers to desist from acts of torture, shooting, cruel and inhuman treatment of the people and the politicians while enforcing arrests or controlling demonstrations.
- ii. Commence public disciplinary proceedings against UPDF officers who perpetrate human rights violations or hand them over for prosecution.

To the Inspector General Uganda Police Force

- i. Prevail over Police Officers to desist from torture and inhuman treatment of suspects.

- ii. To prevail over the Police officers who use unreasonable and unconscionable force while carrying out arrests and encourage them to desist from violation of rights while effecting arrests.

To the Chairperson, Electoral Commission

- i. To recall candidates for a candid discussion on the best way of ensuring a free, fair and health-risk-free election.
- ii. Take charge and provide a leveled ground for all political actors, electoral rules must be fair and apply to all.

To the Director of Public Prosecution.

- iii. To investigate and bring to book all persons who were involved in looting and acts of violence.

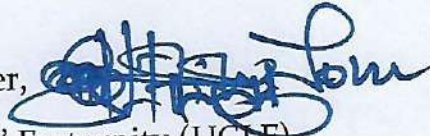
To the General Public


- i. Desist from acts of provocation of violence like stoning of Police Officers or armed soldiers.
- ii. Desist from acts that disrupt public life including businesses and transport like barricading roads.
- iii. Maintain acts of peaceful demonstrations as enshrined in the Constitution without looting or acts that injure the rights of others.


To the Media Fraternity.


- i. Continue documenting, engage in investigative journalism, balanced coverage and broadcasting acts of rights abuses and report them to the general public.

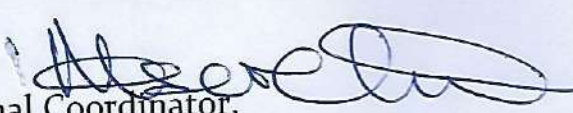
We the undersigned, so state

The Chief Executive Officer, 
Uganda Christian Lawyers' Fraternity (UCLF).

The General Secretary, 
Uganda Catholic Lawyers' Society (UCLS)

The President, 
Muslim Center for Law and Justice (MCJL)

The President, 
Uganda Muslim Lawyers' Association (UMLA)

National Coordinator, 
Network of Public Interest Lawyers (NETPIL)