



Press Freedom Index Report 2014

Uganda



The Rise of Tribulations of
Frontline Journalism
'Who will protect the media?'

Press Freedom Index Report 2014 Uganda

The Rise of Tribulations of **Frontline Journalism** *‘Who will protect the media?’*

With the support from:



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Human Rights Network for Journalists-Uganda

Plot No. 18 Stensera Road Block 12 Kayanja Triangle Zone Lubaga

P.O.Box 71314 Clock Tower, Kampala Uganda.

Tel: 256-414-272934/414-667627

Hotline: 256-75226158 Toll Free: 0800144155,

Email: info@hrnjuganda.org, Website: www.hrnjuganda.org

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ACRONYMS

A.I.G.P	Assistant Inspector General of Police
ACHPR	African Charter on Human and Peoples' Rights
CBS	Central Broadcasting Services
CSO	Civil Society Organization/s
DISO	District Internal Security Organization
GISO	Gombolola Internal Security Officers
HRNJ-U	Human Right Network For Journalists-Uganda
ICCPR	International Covenant on Civil and Political Rights
KCCA	Kampala Capital City Authority
PFI	Press Freedom Index
POMA	Public Order Management Act
RDC	Resident District Commissioner
UDHR	Universal Declaration of Human Rights
UPDF	Uganda Peoples' Defense Forces
UPF	Uganda Police Force
URN	Uganda Radio Network

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Who we are

Human Rights Network for Journalists-Uganda is a network of journalists in Uganda working towards enhancing the promotion, protection and respect of human rights.

We research, document, monitor and advocate against attacks, threats and abuses aimed at media practitioners in Uganda.

We offer legal aid and support to media practitioners whose rights to expression have been threatened and/or suppressed.

We train and educate journalists on various thematic issues in order to enhance their competence and capacities on human rights and good governance.

We endeavor to provide medical and psycho-social support to media practitioners injured in the course of their duty.

METHODOLOGY

This report is an assessment of the state of media rights and freedom in Uganda for the year 2014. It is based on information regarding threats and violations against freedom of expression received from different sources across the country and through our monitoring mechanisms. Our informants mainly contact us through the toll free line, emails and social media. This data is then investigated further, documented and subjected to analysis by HRNJ-U to establish its correctness and authenticity. Victims, witnesses and alleged perpetrators are then interviewed and where necessary, fact-finding missions are conducted.

Basing on the outcome of the investigations, appropriate course of action is then undertaken, through alerts, urgent rescue, advocacy, mediation, legal action among others.

Some of the identities of the victims identified during the interviews have either been changed or totally withheld for purposes of their safety due to the sensitivity of the cases they are involved in.

For purposes of this report, the term media practitioners includes; staff/freelance journalists, editors, producers, photographers, presenters, camera/sound people, bloggers/writers or columnists. The index focuses on print and electronic media.

SCOPE OF INDEX

The index is based on assessment of two main factors that are considered to have a critical impact on the effective and unfettered functionality of the media in Uganda. These include;

- a) **Legal, Policy and Institutional Framework/Atmosphere:** This assesses the prevalent laws, policies, rules and regulations that have an effect on media freedom in Uganda, and the role played by some of the media regulatory bodies in impacting media freedom.
- b) **General Operational Environment of Journalists and Media Practitioners:**

This assesses the safety and security of journalists and media practitioners during execution of their duties both at places of work and in field work; this security includes physical non-physical security and safety as well as job security at work places-how the fluidity or certainty of both affects journalists and media practitioners in Uganda. Additionally, this also assesses the political terrain of the country and how it affects media freedom.



INTRODUCTION

The quest for media freedom and freedom of expression in Uganda remains a mirage as challenges threaten and undermine the milestones and successes attained. Uganda boasts of a progressive Constitutional framework upon which media rights and freedom of expression are buttressed, however, some of the supporting national media legal legislation falls short of the Constitutional and international standards.

Akin to 2013, HRNJ-U recorded 124 cases of violations against journalists in 2014 by both State and non-state actors including the Uganda Police, the UPDF, the Judiciary, local government entities, individuals and employers of media practitioners. The Uganda Police, just like in previous years scored the highest number of cases of violations and abuses reported. It is however important to note that there was a drastic reduction of attacks by the police in 2014 to 40 cases from 85 in 2013. This clearly indicates that the force may be starting to understand the noble importance the media plays in the governance of a country.

A worrying trend also revealed that the Judiciary, which for long has been widely considered by the public as the temple of justice and custodian of rights, is increasingly starting to undermine the importance of the media and the right to freedom of expression and access to information. In 2014, a number of judicial officers blocked journalists from covering public hearings with some ordering security officers to confiscate journalistic tools of trade and destroy materials. In extreme scenarios, journalists were detained for covering court proceedings. Article 28 (1) of the Constitution provides for public hearings before independent and impartial courts or tribunals unless these public hearings will prejudice morality, public order or national security, as may be deemed necessary in a free and democratic society. In a positive turn of events, Higher Courts have restored the rule of law by overturning some of the irrational decisions, which unjustifiably barred journalists from covering open court sessions.

The political conflict (manifest or perceived) between President Museveni and the then Prime Minister, Amama Mbabazi that raged on for the wider part of 2014 also created a negative impact on the media fraternity undermining freedom of express and media rights. The conflict pitted the media, allegedly into different camps, a scenario that depicted some members of the media as partisan and exposing them

to ridicule and potential backlash from groups that perceived them as enemy camps.

The celebrated liberalization of the media in Uganda has not necessarily given off the much anticipated benefits of diversity and pluralism in information flow mainly due to the ownership and majority shareholding of media houses by the government, politicians and private investors who are more concerned about economic gain than rights of their media practitioners. As such, journalistic standards, editorial policies and independence have been grossly interfered with, contributing to self-censorship and a decline in content quality.

The onslaught of media freedom through attacking journalists and/or media practitioners has not only impacted negatively on the media fraternity but has had a slip-over effect to more importantly the progression towards strengthening rule of law, democratization, and good governance. A crack down on the media therefore has continued to negate the progress towards public accountability, rule of law, combating of corruption, democracy and enjoyment of human rights.

The trend of violations against media practitioners, it is feared, may continue unabated and arguably go higher considering the fact that Uganda is just months away from holding the general Presidential and Parliamentary elections in 2016. The past experience has shown that during such campaigns, media houses especially those owned by politicians or business men leaning to the ruling political party dictate who is to be given coverage and who cannot be hosted on their radios or televisions. The rush to make profits in the election year by these media houses most times relegates ethics of journalism, professionalism and rights of employees-journalists to the periphery. As such 2016 remains a critical year to watch as election years doom or uphold the profession.

LEGAL, POLICY AND INSTITUTIONAL FRAMEWORK/ATMOSPHERE

In 2014, there was minimal improvement in the media legal and institutional framework of Uganda. A number of inhibitive laws, rules and regulations have been maintained within the legal framework and invoked at will and convenience against journalists. Dozens of these laws do not meet prescribed international standards on restrictions or limitations on freedom of expression. Indeed, the State and non-state actors' actions/or omissions documented in this report as having impacted on media freedom in 2014 are measured against Uganda's obligations in domestic, regional and international human rights instruments.

Internationally, under the United Nations Human Rights System, the 1945 Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights (ICCPR) provide the bedrock for media rights and freedom of expression. On the African continent, the African Charter on Human and Peoples' Rights (ACHPR) also provides various benchmarks to adhere to by its Party States such as Uganda in fulfillment of freedom of expression and media rights.

Article 19 of the UDHR provides that;

'Everyone has the right to freedom of opinion and expression; this right includes the right to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.'

Many State laws on freedom of expression and media laws have since been framed around this provision as the inspiring document. In the same vein, Article 19(2) of the ICCPR provides for the right to freedom of expression and media by the proviso:

'Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art or through any other media of his choice.'

Article 19(3) of the ICCPR however provides limitations to freedom of expression. But these limitations must be acceptable under the law and found necessary :(a) For respect of the rights or reputations of others ;(b) For the protection of national security or of public order , or of public health or morals.

Regionally, under the African Union, the African Charter on Human and Peoples' Rights-Article 9 guarantees media freedom and freedom of expression by providing that;

"...every individual shall have the right to receive information. Every individual shall have the right to express and disseminate his opinions within the law."

The African Charter on Democracy, Elections and Governance (2007) under article 2(10)-governments of State Parties are obligated to;

"Promote the establishment of the necessary conditions to foster citizen participation, transparency, access to information, freedom of the press and accountability in the management of public affairs.' Additionally, Article 17(3); which obliges State Parties to; 'Ensure fair and equitable access by contesting parties and candidates to state controlled media during elections.'

The Constitution of the Republic of Uganda-1995 provides for various media related rights. Article 29(1) (a) of the Ugandan Constitution states that:

"Every person shall have the right to freedom of speech and expression, which shall include freedom of the press and other media." Additionally, Article 41 provides for the right to access information, as hereunder

"(1) Every citizen has a right of access to information in the possession of the State or any other organ or agency of the State except where the release of the information is likely to prejudice the security or sovereignty of the State or interfere with the right to the privacy of any other person;

2) Parliament shall make laws prescribing the classes of information referred to in clause (1) of this article and the procedure for obtaining access to that information.' Article 41 is operationalized by the Access to Information Act, 2005 and the attendant rules and regulations there under.

All the above rights and freedoms however must be exercised cautiously paying adherence to Article 43 (2) (c) which provides for various limitations. It provides that:

"Any limitation of the enjoyment of the rights and freedoms prescribed by this Chapter beyond what is acceptable and demonstrably justifiable in a free and democratic society, or what is provided in this Constitution."

The notion of public interest has been manipulated owing to its ambiguous phraseology by the State and its agents and subjected it to diverse interpretations, hence curtailing various freedoms and rights.

Additionally, Article 27 cautions journalists against interfering with the privacy of other people.

However, a number of national legislation pertaining to media rights and freedoms fall short of the Constitutional and international standards

2.1 Inhibitive Regulations on Compulsory Accreditation

In February 2014, the then Minister of Information and National Guidance issued a Statutory Instrument specifying fees journalists must pay to practice their profession. A person practicing journalism is required to pay Uganda Shillings 285,000 for enrollment and registration and Uganda Shillings 100,000 annually for renewal of a practicing certificate. Editors, according to the Statutory Instrument are required to pay Uganda Shillings 295,000 for registration and enrollment. A journalist who practices journalism without a practicing certificate is liable on conviction to a fine not exceeding Uganda Shillings 300,000 or imprisonment of three months.¹

Such measures violate the African Charter on Human and People's Rights and the Declarations of Principles on Freedom of Expression in Africa. Although they are provided for in the law, they neither serve a legitimate purpose nor are necessary in a free and democratic society. The African Commission on Human and People's Rights has ruled that compulsory accreditation of journalists violates Article 9 of the African Charter on Human and People's Rights of which Uganda is signatory.

2.2 Draconian directives for free broadcast air time

In March 2014, the Ministry of Information and National Guidance issued a ten point directive to all broadcasters in the country demanding free airtime for government programmes. The directives titled: "Guidelines on the provision of free broadcast air-

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time to publicize government programs” requires all radio and television stations in the country to provide government officials with a one hour live broadcast once a week during prime time. The unsigned directives state:

“The first (40) forty minutes should be for the interview of government officials by program moderators and the last 20 minutes for feed-back through phone calls and text messages from listeners. For television, it is proposed to 30 minutes.’

The Ministry further directed that: ‘To prepare audiences for the up-coming topics and guest panelists, the stations will be required to offer prior promotion for the programs through jingles and presenter mentions of the upcoming program. The prior promotions will air for at least three days ahead of the live program. For uniformity, government will provide provisional material.”

The aforementioned directives are indicative of a shrinking space of media freedom with the government bent to cajole media houses to programme according to the wishes of the government. This is tantamount to interference in the programming and production policies of media houses.

A summary of these legislations and the particular provisions under scrutiny is herein attached.

Table I: Legislation affecting Media Rights and Freedom of Expression

LEGISLATION	EFFECT ON MEDIA FREEDOMS	STATUS
<p>1. Public Order Management Act 2013-Meant to govern modalities surrounding holding of peaceful demonstrations and processions.</p>	<p>The law contravenes Articles 29 (1) (a) (b) (c) (d) and (e) of the Constitution of Uganda that guarantee the freedom of speech and expression; freedom of thought, conscience and belief; freedom to assemble and to demonstrate together with others peacefully and unarmed and to petition; freedom of association which shall include the freedom to form and join associations or unions, including trade unions, political and other civic organizations respectively.</p>	<p>The law is being challenged in the Constitutional Court of Uganda by a consortium of CSOs led by Human Rights Network-Uganda.</p>

<p>2. The Press and Journalist Act (2000)</p>	<p>It entails restraining provisions surrounding the debatable question of who is a journalist; and the attendant qualifications modalities. The law obliges a journalist to enroll and possess a practicing certificate upon registration with the responsible statutory Media Council established within the Act. The certificate is subject to suspension for six (6) months in alignment with a proviso of finding the certificate holder guilty of professional misconduct. The potential to use this law to witch hunt and subdue journalists using the certificate bait is enormous hence the need for reformation of the law.</p>	<p>The Law is before the Constitutional Court of Uganda-to determine the constitutionality of some of the provisions there under that infringe on media freedom and the practice of journalism.</p>
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<p>3. The Penal Code Act (1950 amended in 2007)-Largely a colonial legislation meant to protect the interests of the colonialists, some of the offending anti-freedom and rights provisions remain prevalent therein to date.</p>	<p>This Act still maintains some provisions that are injurious to free speech such as sections 41, 179 and 180 among others. Section 41 provides that : a person who prints, publishes, makes or utters any statement or does any act which is likely to (a) degrade, revile or expose to hatred or contempt; (b) create alienation or despondency of; (c) raise discontent or disaffection among; or (d) promote, in any other way, feelings of ill will or hostility among or against any group or body of persons on account of religion, tribe or ethnic or regional origin commits the offence of promoting sectarianism and is liable on conviction to imprisonment for a period of no more than five years.</p> <p>Additionally, section 53 provides, 'Any person who, without such justification or excuse as would be sufficient in the case of the defamation of a private person, publishes anything intended to be read, or any sign or visible representation, tending to degrade, revile or expose to hatred or contempt any foreign prince, potentate, ambassador or other foreign dignitary with intent to disturb peace and friendship between Uganda and the country to which such prince, potentate, ambassador or dignitary belongs, commits a misdemeanor.'</p> <p>Moreover, sections, 53 (foreign dignitaries) 179 (libel) and 180 (defamation) have been invoked by various government officials with questionable credentials</p>	<p>Human Rights Network for Journalists has supported a journalist to institute a Reference to the East African Court of Justice challenging criminal defamation.</p>
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<p>4. The Access to Information Act (2005) - enacted to operationalize Article 41 of the Constitution which provides for right of access to information within government agencies' confines.</p>	<p>The law provides for access to information and records in possession of government and its agencies both at the central and local government level as directed by Article 41 of the Constitution of the Republic of Uganda. The foremost rationale of the Act is: 'to empower the public to effectively scrutinize and participate in Government decisions that affect them.' Despite its well meaning provisions, the law has been rendered ineffectual by the Official Secrets Act of 1964, which encourages concealment of official information amongst public officials.' To circumvent this, journalists have to undertake investigative journalism to unearth issues of bad governance.</p>	
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<p>5. The Anti-Terrorism Act (2002)-Enacted at the peak of global efforts and debates on how to combat terrorism.</p>	<p>Section 9 (1) criminalizes the publication and dissemination of news materials ‘that promote terrorism’, an expression that is obscurely defined and is predisposed to misuse and exploitation by the echelons of power. Further chillingly though, the Act provides that journalists’ material can be subjected to terrorism investigations and cannot profit from exclusion/immunity. This offends journalism and its attendant ideas of confidentiality and fortification of sources.</p>	<p>The law is before the Constitutional Court of Uganda to assess the Constitutionality of some of its provisions.</p>
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<p>6. The Regulation of Interception of Communications Act (2010) - Meant to be a framework to legitimize surveillance, tracking, intercepting and monitoring communications (telecommunications and any other related mode of communication) of persons injurious to national security.</p>	<p>The Act provides for the issuance of an ‘interception warrant’ by a Judge on receipt of an oral application from a government agency that has ‘reasonable grounds’ to believe that: a) felony has been or will probably be committed; b) the gathering of information concerning an actual threat to national security or any national economic interest is necessary; c) the gathering of information concerning a potential threat to public safety, national security, or any national interest is necessary; or d) there is a threat to the national interest involving the State’s international relations or obligations. With such over sweeping provisions for surveillance, there is fear that sources of journalists shall be prone to disclosure, a negative precedent in the quest for media rights.</p>	
<p>7. The Anti-Pornography Act 2014</p>	<p>Sections 2, 3, 13, 16 and 14 have great potential to inhibit media freedom in Uganda. S.3 (1) provides that; “A person shall not produce, traffic in, publish, broadcast, procure, import, export, sell or abet any form of pornography.” Under Section 3 (2), on conviction, the offences attract a fine up to Uganda shillings ten (10) million (about USD 5,000) or imprisonment not exceeding 10 years or both.</p>	<p>Some provisions of this law have been challenged on the Constitutional Court.</p>

3.0 GENERAL OPERATIONAL ENVIRONMENT OF JOURNALISTS AND MEDIA PRACTITIONERS

A comparative analysis was undertaken to highlight trends of violations in 2012, 2013 and 2014

3.1 Violations of Rights of Media Practitioners 2014

As noted earlier, 124 cases involving violations of media rights and freedoms were received and investigated by HRNJ-U in 2014. As depicted herein below, these violations came from different sections of society carried out by the diverse arms and agencies of government ranging from the Uganda Police Force, Judiciary, Local Government officials as well as non-state actors either acting collectively or individually.

TABLE II: Violations of Rights of Media Practitioners in 2014

No.	Sources/ Perpetrators	Number of violations	%	Manifestation of violations
1	Uganda Police Forces	40	33%	<ul style="list-style-type: none"> Arbitrary arrests and detention; Protracted unsubstantiated interrogations lasting weeks; Barring journalists from accessing news scene; Bodily assault (Manifest in tear gas, and direct eye pepper spray, mugging and beatings); Capricious deferment from covering stories in some institutions; Terrorization (noticeable in verbal threats, at gun point etc.)

2	Judiciary	39	31%	<ul style="list-style-type: none"> • Barring Journalists from accessing courts of law to cover stories. • Unwarranted detentions. • Making Legitimate but without legitimacy decisions.
3	Private individuals/ Non state actors	21	17%	<ul style="list-style-type: none"> • Bodily assaults (evident in kicking, beatings and punches collectively by a group or individually); • Malevolent smash up of occupation paraphernalia such as cameras (apparent in deliberate splintering by perpetrator(s)); • Thievery of occupation apparatus; • Terrorization an harassment to cause injury (visible in denial of right of entry to the crime scene); • Injury occasioning death (Murder).
4	RDC	10	8%	<ul style="list-style-type: none"> • Abuse of power (Ordering the other security bodies to man handle the journalists). • Barring Journalists from covering stories.
5	UPDF	8	6%	<ul style="list-style-type: none"> • Barring Journalists from covering stories • Drawing guns at media practitioners • Delete the journalists' footage. • Physically assaulting the journalists

6	Media houses	6	5%	<ul style="list-style-type: none"> • Adherent editorial policies; • Failure to pay salaries or paltry salaries • Unlawful deferment from service/employment; • Unreasonable dismissal/discharge
	TOTAL	124	100%	

TABLE III: Comparative Analysis of Violations for 2012-2014

		NUMBER OF VIOLATIONS		
No	Sources/Perpetrators	2014	2013	2012
1	Uganda Police Force (UPF)	40	85	42
2	Judiciary	39	1	4
3	Private Individuals/Non state actors	21	11	8
4	Residence District Commissioner (RDC)	10	2	14
5	Uganda People's Defence Forces (UPDF)	8	1	14
6	Media houses	6	2	-
7	Kampala Capital City Authority (KCCA)	-	5	1
8	Private security companies	-	2	-
9	Government of South Sudan	-	2	-
10	Auxiliary forces	-	1	14

a) The Uganda Police Force

The findings show that the Judiciary and the Uganda Police Force contributed most to the infringement of rights and freedoms of journalists and media workers in 2014 compared to other agencies and individuals. For the last 3 years the Uganda Police Force continues to be the leading violator of rights and freedoms of media workers. Nevertheless, the number of violations by Police decreased by over 50% (40) in 2014 from 85 cases in 2013. Some of the journalists that suffered at the hands of the police officers experienced this brutality during their field work-mainly outdoor news gathering, during demonstrations, by-elections among other politically charged events. One of the victim journalists working with KFM radio narrated that he was covering the Luweero Woman Parliamentary by-elections when he was hit by Police.

‘I was beaten on the head with a baton by a policeman as I recorded the jubilating supporters of the opposition candidate at about 01:30am. After the police hit me, I shouted for help as I bled profusely, but about seven other policemen kept pushing me and other people away. I was assisted by a fellow journalist who works for a local TV station.’²



Inpunity:L-R; Journalists Mubiru Ali of Pearl FM, HRNJ-U National Coordinator Robert Ssempala, Herbert Zziwa of K-FM and Brian Luwaga of URN at Luweero Police Station to demand for prosecution of police officers who assaulted Zziwa when covering the Luweero Woman bye-elections.

In a similar event of the coverage of Luweero district women parliamentary representative bye-elections, another Uganda Radio Network (URN) journalist was assaulted by a senior police officer, Director of Operations-Assistant Inspector General of Police (AIGP) Grace Turyagumanawe. The victim narrates that:

I was covering Nabukeera's last political rally which turned chaotic when police fired tear gas to disperse her rally. I approached the regional police spokesperson, Lameck Kigozi for a comment as the situation calmed down. When Turyagumanawe came, he questioned why I was there and what I wanted as he reached out for my camera which I held onto. He pushed me away and kicked me as I ran away. We were at Kasana playground, Luweero Town Council, Luweero district.³

Other physical attacks investigated and documented took place during demonstrations. Members of the media fraternity were targeted for recording the physical confrontations and excessive use of force by the security agencies, specially the police during the quelling of these demonstrations. One of the victims of demonstration-induced attacks in Hoima narrated the manhandling by the police which was barring him from capturing the strike by butcher men against new taxes by Hoima Municipal Council authorities at Hoima Central Market in Western Uganda;

'While I was recording the scuffle, an armed policeman emerged from behind and slapped my left upper jaw. When I turned to look at him, he slapped me again and said, who called you here, what are you doing here? Why are you recording us? He told me to stop while trying to grab my camera. When I declined surrendering it, I was slapped again. I however managed to escape.'⁴

The battered journalist has since instituted an assault charge against the implicated police officer to seek justice in the courts of law.

The brutal and inhumane manner in which unarmed journalists are arrested and treated by armed police officers is appalling. In the course of these arrests, tools of

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HRNJ-U interview with the Journalist-Luweero, May 2014

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HRNJ-U interview with the Journalist-Hoima, July 2014

trade are destroyed, dignity undermined among other gross violations. A victim of this deplorable method of work by police narrates that he was covering a story involving the arrest of a prominent land dealer in Kasangati-on the outskirts of Kampala city accused of defrauding the complainant of land:

*'I was assigned by my News Editor to cover the story. I came together with the Complainant to police. I covered the arrest but was surprised when a police officer confronted me after he had spoken to the arrested suspect, whom I believe master minded my arrest. I was brutally arrested by five police officers. My video camera was confiscated and I was confined in a police cell. I introduced myself as a journalist but the officer said he did not care if I was a journalist.'*⁵



Adrina Bbaale Bwanikaof the Vision Group being led to Court on handcuffs at Kasangati

Such assaults have often been vehemently denied by the Uganda Police establishment as concoctions despite candid evidence of witnesses that see this abhorrent conduct by men in uniform as it goes on. The impunity has been maintained by the unwritten rule prevalent in security forces of protectionism, a trend that media freedom activists are breaking through by holding the offending journalists personally liable.

In the same vein, even where the perpetrators of the violence against journalists is not done by police, it has exhibited overwhelming delay and extreme indifference, in executing timely investigations to cause arrests and eventual prosecution of the perpetrator. In majority of the cases under review, it took the involvement of HRNJ-U to complain to Police bosses in the respective regions where the victim journalists reside to investigate and arrest the perpetrators for prosecution. This lamentable kind of conduct by the custodians of the order undermines accountability thereby exalting impunity.

The police in what is fast becoming a mode of operation deliberately present the arrested journalists to court late in the evening for arraignment. Even when the courts grant bail to these charged journalists, they cannot pay the requisite fees to secure their release as the banks are closed at that time. Ultimately, the charged journalists are remanded to prison pending the next hearing, yet this could be avoided if and when they are presented before court earlier.

In the incident above, the journalist was granted cash bail of 100,000/= (USD 40). He failed to secure his release because the banks where he was obligated to make the payment had closed by the time he was arraigned before court for the plea and bail application.

b) The Judiciary: From Custodians of Media Rights to Violators?

The Judiciary in 2014, emerged as one of the violators of rights of media practitioners, signifying a departure from its hitherto fundamental, constitutionally mandated role of being the custodians of these media freedoms. From one case reported in 2013, to 39 cases in 2014, the Judiciary's curtailing of media freedoms manifest in various aspects ranging from barring journalists from accessing and covering public trials to unwarranted detentions on orders of judicial officers. This unfortunate leap is

explained by the fact that one single action by an officer of the Judiciary, 'legitimate but without legitimacy' can adversely affect a wider number of media practitioners and citizens who have a right to access information.

In particular, the Judiciary became a centre of attention in June 2014. During a public hearing of a property dispute at the Commercial Court, Justice Flavia Ssenoga ordered journalists to leave court without any request from the parties in the case. The same Judge is also implicated in 2 other incidents where she threw out journalists from her court room and ordered for deletion of materials from their gadgets.

In a similar scenario, during the trial of a police officer Ronald Poteri accused of leaking sensitive security information in his possession to the public, Chief Magistrate Lillian Bucyana ordered journalists out of the court room. It was not until after a challenge of her decision in the High Court by Uganda Court Reporters Association that in-camera proceedings were quashed and a re-trial ordered allowing journalists to attend and document it.



Court victory: HRNJ-U legal head, Catherine Anite(R) pose for a group photo outside of the High Court in Kampala after a court hearing in which journalists under the Uganda Court Reporters' Association (UCRA) successfully challenged a decision by the Buganda Road Court to lock journalists and the general public out of police leaks trial case.

Other incidents involved judicial officers ordering security to confiscate cameras and in extreme circumstances some journalists were detained in cells on orders of the judicial officers allegedly for defying court decorum. In some of these cases, misunderstandings leading to detention would have been dispensed off by a mere warning and caution by the judicial officer. Some officers of the Judiciary are yet to appreciate the role of the media.

c) Resident District Commissioners: violations behind the smokescreen of 'national security!'

The number of cases involving the local government entities also increased up to 10 in 2014 from 1 investigated in 2013. The Resident District Commissioners (RDCs) again accounted for the biggest portion with 8 cases while the District Chairpersons were involved in 2 cases of abuse of media practitioners' rights. The unabated lush towards media practitioners at the decentralized level of governance in the districts has been reinforced by the centralization of power within individuals in the name of RDCs and other security agencies operating at that level.

The RDCs are the District Security Committee heads and as such their influence extends to every security organization within the districts namely the Police, UPDF, DISO and GISOs among other paramilitary outfits at local government level. RDCs have often used or ordered these security agencies to intimidate, arrest or threaten to close down radio stations/ arrest journalists they consider to be covering stories that threaten 'security of the country.' The violations of rights and freedoms of media practitioners at the district level have often been carried out under the cover of the plausible but questionable quest to maintain security in the country. In some situations, according to investigations into the reported cases, some of the issues journalists pursue for oversight have nothing to do with security at all but are clothed in this convenient phrase (national security) to render them a no-go-zone for scribes. Lamentably, what is a security matter is defined exclusively by the RDC and his/her security committee at the district hence opening it to abuse.

The violations at this level by the district power holders has been manifest in overt actions such as ordering talk shows that interrogate topics deemed not favorable

to the government. In the cases reported and investigated by HRNJ-U, these orders not to host programmes are passed through phone calls with hidden identities but expressly asserting to be from the RDCs' offices. Additionally, the cases also involved blocking media workers from covering field stories that power holders at the districts had an interest in especially matters concerning land wrangles and evictions. Those that persisted to cover such stories were often threatened with arrest hence the withdrawal.

Clearly, all the cases involving oversight on matters of social accountability and community service delivery complaints such as bore hole drilling and maintenance, corruption and illegal land evictions have attracted backlash from RDCs and other local government officials towards media workers.

In one of the documented cases, two journalists working with Vision Group based in Masindi and Kiryandongo districts in Mid-Western Uganda were subjected to unlawful arrest by the district chairperson for Kiryandongo on 20th July 2014. The two were arrested on their way from interviewing the local populace on a story they were following up involving the construction of a bore hole that had allegedly been diverted to personal use by the chairperson other than serving the community. The journalists narrated their ordeal in their quest for social accountability stories;

*'He intercepted us, ordered us into his car which had his wife, son and two local council leaders inside, then drove us to Diima Police Post where we were detained for a night. He returned the following day and drove us to Kiryandongo Police Station from where we were charged with criminal trespass and released on bond. We declined to surrender our cameras and cell phones to them. He has a bore-hole in his home but we do not know if it is personal property, that's what we wanted to ask from him.'*⁶

The journalists were only saved by the District Police Commander who disagreed with act of their detention which he averred was baseless since they had committed no crime in asking about the bore-hole.

d) Private persons and/or communities

There is a worrying trend involving increased attacks on media practitioners by the private individuals and/or communities. From 11 cases documented in 2013 to 21 cases documented in 2014. These attacks from the public have often manifested during demonstrations and/or public protests regarding service delivery and local government decisions considered anti-people. In the particular incidents investigated in 2014, these attacks involved physical violence against media practitioners taking the form of beatings, shoving, threats, assaults, and also destruction of their tools of work beyond repair. The physical violence was carried out with potentially dangerous objects such as big sticks. Many community members involved in these demonstrations attack media practitioners for fear that they will provide the captured images to Police for potential reprisals.

What is happening today is an offshoot of the police action during the height of Walk to Work protests that paralyzed Kampala and its environs in 2012. The Uganda Police Force deployed officers with cameras capturing images of the protesters under the then dubbed 'Evidence Gathering Unit.' The captured images were then published in news dailies calling for the arrest of the individuals appearing therein for unlawful gathering and incitement of violence.

This move would later put the media practitioners especially camera crews of various media houses in harm's way as the public did not decipher between the police officers covering the demonstrations and the journalists. All were adjudged as one and subjected to harsh treatment from demonstrators and protestors. The effects of this move by police continue to haunt the media fraternity in some radical communities that are yet to appreciate the role of the Media. One of such communities is the commercial cyclists (Boda Boda)-who form part of the perpetrators of this violence against journalists.

Ddamba Ismael, working with Vision Group's Bukedde Newspaper on 12th April 2014 faced the wrath of these communities in Kitebi, Rubaga Division, Kampala district. He was attacked by a mob of commercial motor cyclists (Boda Boda) while he covered a story involving them protesting the 'arrest and detention' of one of their cyclists by their leadership. The detained cyclist had apparently failed to pay operational fees. The mob of these cyclists attacked Ddamba accusing him of being a police spy filming them for future arrests and prosecution. Ddamba narrates that:

'It (scuffle) started by a man questioning why I was photographing them. They surrounded me and started beating me. I got serious injuries on the head, arm and leg. I lost a finger nail on my thumb. I was rescued by the police who fired bullets in the air. My still camera was shattered and I also lost my wallet. I was rushed to Mulago clinic in Kabowa for treatment. I got stitches on the head. .'⁷

Three of the perpetrators of this violence were arrested and charged with assault.

A few of the attacks were from private individuals acting solely against media practitioners. Some of these included entertainment celebrities who perceive media practitioners as giving them negative publicity. One of the journalists who suffered at the hands of a re-known musician, Edriisa Musuuza a.k.a Eddie Kenzo narrates the ordeal:

'He has had grumblings with me since 2013, accusing me of unfavorable reporting. When I asked him questions at the press briefing...he jumped over the table and attacked me beating and punching me until I landed on the ground. I did not fight back. He hit me on the head and neck until I was saved by the owner of the venue and other people at the press briefing who restrained him. I went for medication and later reported a case of assault at Kiira Road Police Station.'⁸

Political celebrities mainly Members of Parliament too featured as perpetrators of violence against journalists. They apparently sought to 'defend' their names by attacking media practitioners that run what they termed 'negative stories' about them and likely to damage their political careers. In one such incident, a Member of Parliament for Bushenyi Ishaka Municipality in Western Uganda -Hon. Odo Tayebwa stormed the studios of Bushenyi (BFM) and assaulted a journalist-a one Moses Byendwa during a radio program. Moses Byendwa was carrying out a daily press review wherein he discussed a story involving the MP as published in the State owned New Vision.

7

HRNJ-U interview with the Journalist-Kampala, April, 2014

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HRNJ-U interview with a radio journalist and presenter Isaac Katende, Kampala, September 2014. The case was settled out of Court between the two parties with payment of damages by the perpetrator.

*'He forced his way into the studios. He found me in a commercial break, punched me and slapped me in the face while shouting at me amidst scolding me as to why I had not first consulted him before reviewing the newspaper story. He kept bragging that the radio station was in his constituency. I was bruised on my face and developed chest pain due to the punch. I was rescued by my workmates who made him retreat to the reception and waited for me to come out but I used another exit to escape.'*⁹

The incident later culminated into a demonstration by the Bushenyi Journalist and Media Association denouncing the obnoxious actions of the MP. The police was yet to arrest him for criminal trespass and assault.

In a similar incident, a mob in Masaka district descended upon Margaret Kayondo, a female journalist working with Radio Simba,. Ms. Kayondo was covering a story on a reknown rally driver Ponsiano Rwakataka facing charges of illegal fishing. The crowd argued that the journalists were 'exaggerating Rwakataka's case' hence they sought to settle the score by attacking journalists. Kayondo was rescued by police. Clearly, some of these cases have highlighted grumblings of lack of professionalism and unethical conduct of journalists in execution of their work by various sections of the public.

Another such incident included three journalists working with Joy FM Radio, Baba FM and Galaxy FM, two male journalists and one female as victims of assault while they covered a protest by business persons. The offending section were members of the business fraternity based in the Central Business District in Kampala, who were protesting increment of rent fees and poor sanitation imposed by owners of these commercial buildings. The affected journalist notes:

*'I told him (alleged attacker) that I was a journalist and showed him my press card, but he said he did not care. He hit me around the chest using a tripod stand, I started bleeding and my blouse got soaked in blood. I later bought another one to put on before I left the city.'*¹⁰

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HRNJ-U interview with the Journalist-Bushenyi, May, 2014

HRNJ-U-U interview with Journalist Aminah Nalule who was brutalized by the business men Sembatya Edward and Mubiru Ibrahim, August 2014, Kampala.

Zimula Joel, the other affected journalist narrated:

*'He tried to hit me on the neck with a tripod stand but I moved fast and he hit my right hand with which I was holding an audio recorder. In the process, I lost my recorder.'*¹¹

The two perpetrators were arrested by the Uganda Police and charged with assault.

In another incident, an individual caused the death of one of the journalists-late Mubiru Royce Kakebe in 2014. Mubiru was a photo journalist with the Vision Group. He sustained the injury that eventually caused his death while on duty taking random photographs at a boat cruise on Lake Victoria. One of the passengers on the cruise, a one Percy Nanyondo attacked him with a broken bottle stabbing him on the hand leading to deep cuts that gave way to tetanus. Nanyondo alleged that the late had taken unauthorized pictures of her despite his explanation that he was a journalist taking random pictures of the cruise. Mubiru later died in March, 2014.

Another Vision Group journalist faced a similar fate of violence in Mpigi district. The journalist was covering a story following a fire break out in Lowell Girls' School on 7th April 2014. He was confronted by three teachers ordering him to stop recording. He narrates:

*'A teacher who was seated next to the Director of the school confronted me as I was recording. He ordered me to stop. He tried to grab my camera, when I resisted, he wrestled me down. He was joined by two other male teachers, but the police acted in time to rescue me. My camera lens was damaged in the scuffle.'*¹²

The Police quickly intervened and rescued the journalist. The prevalent findings above show that there is need to further sensitize the public on the importance and the role of the media fraternity in the community to better be appreciated and not regard them as foes.

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HRNJ-U interview with Journalist Zimula Joel, August 2014, Kampala
HRNJ-U interview with the Journalist-Mpigi, April 2014

e) Employers

In 2014, the number of violations perpetrated by employers of media practitioners increased from 2 in 2013 to 6 cases.. Majority of the media practitioners do not necessarily report violations by their employers for fear of grave repercussions including dismissal from employment. The skyrocketing rate of unemployment in the country has only exacerbated the already precarious situation. As such, there is a prevalence of a high rate of labour related rights violations of media practitioners but only talked about in corridors and not reported.

The cases reported in 2014 revolved around non-payment and delayed payment of salary to journalists. Some of the victims of these violations were suspended from their work stations for merely asserting their right of payment for work done. Some had gone for a full year without pay despite repeated promises of the same from their employers. In some of the cases documented, journalists were dismissed without justification largely disadvantaged by the fact that they did not have running contracts with their employers. As such they could be dismissed at will of the employer.

Conclusively, the working environment for the journalists in Uganda in 2014 continued to be exploitative characterized by meager payment where available, delayed or at most non-payment of the little remuneration promised. Majority of the media practitioners continue to work without contracts. As such, when their rights are infringed, they have no basis to seek recourse in the courts of law since they have no valid contracts and supporting documents. Majority of these media practitioners work in fear of dismissal if they do not dance to the tunes of the Media House owners especially in the upcountry areas whose media houses are largely owned by politicians.

“Additionally, these violations from employers have thrived unabated considering that majority of the journalists in practice especially in upcountry stations are not informed of their rights and obligations, therefore are highly susceptible to manipulation.”

f) Uganda People’s Defence Forces

The findings reveal that the main stream UPDF also featured as a violator of rights and freedoms of media practitioners. Eight cases were reported and investigated involving officers and men of the UPDF. The violations included blocking of media workers

from covering stories including the UPDF parliamentary by-elections to replace the then renegade General David Sejusa. In some extreme cases, the involved officers drew guns at media practitioners forcing them to delete photographs taken of them. Another victim of UPDF brutality along Masaka road, Lukaya Road Toll Market, was assaulted by three army officers in Uniform, who drew a gun at him for filming them as they bought merchandise from the market. They deleted his footage in a scuffle that lasted 30 minutes. He narrates:

As I was covering activities around the market, 3 soldiers emerged to buy merchandise. They thought I was filming them. They approached me, grabbed my still and video camera, when I inquired about the problem, one of them kicked me as another slapped me hard. They grabbed me by the waist and forcefully pulled me back towards their vehicles. This attracted the rage of the locals.¹³

In another incident, a journalist who was covering a story in which the army was forcefully evicting students of St. Micheal Ssonde from rented apartments was arrested on gunpoint, beaten, his camera confiscated and materials deleted.

In majority of the afore-mentioned cases, journalists had clear identification including press cards and jackets but the perpetrators were not bothered.

TABLE IV: Un-resolved cases of deceased journalists in 2014 and before

Deceased Journalist	Date and Venue of Death	Level of Case Prosecution
1. Mubiru Royce Kakebe	Mubiru a photo journalist with the Vision Group sustained an injury after being hit with a broken bottle by a one Percy Nanyondo, a passenger on a boat cruise on Lake Victoria. He passed away on 12 th March, 2014.	Case pending.
2. Pere Thomas, 36 years, News Features' Writer and Photography with New vision paper	Body found dumped in a trench on 16 th June 2013, in Masajja village. Postmortem revealed collar bones were broken, with a depression to his forehead caused by a 'blunt object.'	Case pending. No prosecution yet.
3. Alex Kule, 25, a freelance journalist working with Messiah Radio in Western Uganda.	His body was discovered on the 14 th December, 2013 in a transmission room near the station mast where he had gone to guard the place, in Kigabira, Rugazi sub-county in Rubirizi district. The cause of death was not established by the post postmortem.	Death mysterious, case remains pending.
4. Amon Thembo Wa'Mupaghasya, 42 years and the director of the Mupaghasya Community Television Centre in Kasese Town.	Shot by unknown assailants in Kyogha Village, Bwera Sub-county on the night of 11 th May 2012. He died at Bwera Hospital where he had been rushed for treatment.	There has been no court arraignment of suspects since, case pending.

<p>5. Dickson Sentongo, a newscaster at Prime Radio based in Kampala City.</p>	<p>Attacked on his way to work at 5am, September 2010.</p>	<p>Case is pending, no arrests made.</p>
<p>6. Paul Kiggundu, 32 a TV journalist in Rakai for Christian-oriented TOP (Tower of Praise) Radio and TV.</p>	<p>Brutally beaten by a mob of motor cycle (Boda Boda) operators in Rakai while filming this mob that was demolishing the house of Francis Kakayi a suspected robber in Kalisizo, Southwestern Uganda in September 2010. He later died of internal bleeding.</p>	<p>Case pending. Arrests made but suspects later released under unclear circumstances.</p>
<p>7. Rebecca Wilbrod Kasujja, 32, working for Buwama FM radio station in Mpigi district.</p>	<p>She was raped and killed by unknown assailants on her way to work in February, 2008.</p>	<p>7 years later and no prosecution has ever taken place or apprehension of the perpetrators of this violence.</p>

HRNJ-U continues to implore the authorities to undertake thorough investigations and to apprehend the suspects.

In the same vein, a number of journalists were charged before courts of law as summarized below.

CASE	FACTS	DEDUCTION
<p>1. Uganda v Ronald Ssemuusi</p>	<p>Ronald Ssemuusi, a Central Broadcasting Services (CBS) journalist was charged (on 3rd/12/2011 contrary to sections 179 and 180 (1) of the Penal Code Act, and convicted of criminal defamation by Kalangala Grade I Magistrate (Kenneth Gimugu) in October 2014. The conviction arose from a story Ssemuusi he reported alleging that the former District Chairman Daniel Kikoola was implicated in the theft of Solar panels meant to pump clean water to serve the community donated by African Development Bank.</p>	<p>Criminal defamation continues to pose a challenge to freedom of information, expression and media rights and freedoms in as far as it creates boundless limitations especially in a society such as Uganda where corruption by public officials is rife. Criminal defamation is a safe haven for public officials who are afraid to account..</p> <p>HRNJ has taken the matter to the East African Court of Justice.</p>
<p>2. Uganda v Mulindwa Mukasa-2013 before Grade I Magistrate at Law Development Centre Court in Kampala.</p>	<p>Mulindwa Mukasa, a journalist and former HRNJ-U Board Chairperson is accused of 'obstruction'. It is alleged that Mulindwa obstructed a police officer, a one Julius Ceasor Tusingwire from arresting a suspect at Wandegeya Police Station on the 26th November 2013.</p>	<p>Trial on-going</p>

<p>3.Uganda v William Ntege -2014 Before grade I Magistrate Court at City Hall</p>	<p>William Ntege was charged with and convicted of criminal trespass and being a common nuisance at the Parliament of Uganda. He had gone to petition the Speaker of Parliament Rebecca Kadaga about the unabated police brutality against journalists.</p>	<p>William Ntege has been in the past at the receiving end of police brutality on several occasions.</p>
<p>4. Uganda v Timothy Kalyegira Nyakahuuma</p>	<p>This seasoned journalist is charged with defaming the President of Uganda-Yoweri Kaguta Museveni under section 179 of the Penal Code Act for publishing a story which alleged that the government of Uganda was responsible for the bombings that killed 80 Ugandans at Ethiopia Village and Rugby club in Lugogo in July 2010.</p>	<p>The case continues to drag on since 2010. During the 2014 hearing, the defence sought to rely on the African Court of Justice's decision that held criminal defamation to be an infringement on freedom of expression. Hearing of the case continues.</p> <p>The case is critical to Uganda's democratization process as it is the first of its kind involving prosecution based on an on-line publication.</p>
<p>5.Uganda v Adrian Bwanika-2014 Before Kasangati Chief Magistrate's Court</p>	<p>Bwanika, working with Vision Group's Bukedde Television was following a story involving a land dispute. Bwanika was arrested and charged with disobedience of lawful orders for covering the events.</p>	<p>In what is clearly a trumped up charge to curtail investigative journalism, Bwanika faces a potential jail term The hearing of the case continues.</p>

In some of the cases involving the journalists as the accused parties, the State has often prosecuted without sufficient evidence. Whereas convictions are not necessarily secured for majority of the cases, the effect is nevertheless felt amongst the fraternity. This is reflected in the fear for prosecution which ultimately breeds self-censorship. Media practitioners often opt to cover non-controversial stories. Less likely to cause conflicting with the law. The charges have also negatively impacted journalists in as far as they are subjected to emotional torture through the rigorous police interrogations and the continued reporting to police stations. These processes are financially straining and time wasting.

Often, when journalists are incarcerated, they receive minimal or no support from their employers, which further demoralizes them because they can barely afford legal redress.

3.2 Attendant Rights and Freedoms violated beyond Freedom of Media and Expression

The above violations should be viewed and contextualized within the wider human rights debate and rule of law in Uganda. Whereas clearly, media rights and freedom of expression were infringed upon in the above cases, there is a wide range of other rights and freedoms as enshrined in the Constitution of Uganda and the attendant plethora of obligations in the various international human rights instruments to which Uganda is a party, that were violated as summarized below.

TABLE V: Summary of Attendant Rights and Freedoms violated in 2014.

RIGHTS AND FREEDOMS VIOLATED	INCIDENTS OCCASIONING THE VIOLATIONS
1. Right to life	a) Physical assault using sharp dangerous objects targeted towards a journalist that eventually sparked off a chain of health complications leading to death.
2. Freedom of movement and liberty	a) Manifest in arbitrary arrests of journalists and charging them with trumped up charges; b) Subjecting journalists to long hours of detention before arraignment in courts of law to seek bail;
3. Freedom from torture and inhumane, degrading treatment	a) Manifesting the inhumane manner of arrests of journalists by police even when they do not resist arrest or armed with any dangerous object; b) Clobbering of journalists during, and after arrest as they are taken to detention cells.

TABLE VI: Monthly Representation of the Violations

JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC
11	04	09	15	06	26	08	11	05	08	11	10

TOTAL =124

As evidenced above, June posted the highest number of violations of media rights in 2014 totaling 26 cases. This was largely occasioned by the one action of a Judicial officer who threw out a majority of journalists from covering her Court sessions. This was so despite the fact that the case being adjudicated upon was of great public concern. February, September and May posted the lowest number of violations against journalists, 4, 5 and 6 respectively. Whereas this section of the report captures this disaggregate data in terms of trends of violations in particular months, there is currently no clear attribution to inform the trends above. HRNJ-U documented these violations as they were reported.

3.3. Gender proportions of violations against Journalists

The quest to assess enjoyment of media rights and freedoms in Uganda must also be contextualized in the gender lens. The gender analysis is critical to inform prevention and mitigation avenues of violations of media rights and freedoms with special attention to female journalists.

TABLE VII & VIII: Comparative Gender Dimension of violations against Journalists in 2013 and 2014 respectively

Table A: VII 2013

Year	Gender	Number of Journalists
2013	Male	106
	Female	18
	Total	124

Table B: VIII 2014

Year	Gender	Number of Journalists
2014	Male	98
	Female	26
	Total	124

When compared to 2013, the number of male journalists that encountered violations during the execution of their duties in 2014 reduced by 10% registering 98 violations against 109 in 2013. However in 2014, violations meted out against female media workers increased by 30% registering 26 out of the 124 compared to 2013 when only 18 female media practitioners experienced violations. The reported violations by female journalists included being barred from covering news, dismissal over demands for salary payment, violent arrests characterized by insults and assaults, thrown out of court among others.

The fact that violations are on the high side in relation to male media practitioners can perhaps affirm the widely held view that there are more male media practitioners compared to the females in Uganda especially front-line reporting. Since most of these infringements do occur during field work assignments/story sourcing, the statistics also deduce that most female media workers have consciously chosen to stay out of field work related activities of news gathering considering the adverse risks that come with it and as thus rated and rendered unsafe.

The findings also point to poor working conditions that do not take into consideration safety and security measures of the journalists during execution of their work. This is more important especially in relation to female journalists. Some of the cases documented reveal that some of the female journalists were arrested in a mistaken identity of being prostitutes during police operations carried out early in the morning. In Gulu district, Atim Brenda Kinyera working with Speak FM was arrested on gun point at 6am, on her way to work. Journalists working at odd hours especially females are at risk of such unfair hazards which could be averted if employers provide safety and security plans.

However the findings in 2014 also explain an upward trend of more female journalists and media practitioners gracing the front-line in the quest for news. This could counter the over rated dominant narrative that the front-line is a no-go zone for female reporters grounded in a highly patriarchal society discriminative of women working in particular professions.

3.4 Violations in 2014 as per media category

TABLE IX: Violations per Media Type.

MEDIA TYPE	Radio	Television	Print	TOTAL
NUMBER OF VIOLATIONS	40	28	56	124
PERCENTAGE OF VIOLATIONS	32	23	45	100%

Clearly, the most impacted media type as shown above was the Electronic-combining television and radio stations/media houses. Majority of the journalists whose rights were infringed upon work with radio or/and television media outlets based both in upcountry stations and within Kampala, the capital and its immediate environs. This is also perhaps informed by the fact that it is this group of journalists that has to be in/at the epic centre of a happening story regardless of how risky such as demonstrations, to best capture and present a true picture of what transpired both in audio and visual coverage.

Additionally, this could be related to the reality that there are more radios and television stations/media outlets in Uganda currently than there are print media houses. Arguably therefore, one is safe to conclude that journalists working with either radio or television are more prone to encounter infringement of their rights including mainly physical attacks. By virtue of their work, they are required to undertake field assignments which as shown from the aforementioned findings do not come without confrontation from different sectors of the community.

Unfortunately, despite the increasing risks of executing media related work in Uganda especially for front-line reporters, the level of preparedness, protection and prevention of the media practitioners by the employers has not been improved. Majority of media organizations across the nation have not provided any commensurate trainings or

resources for personal security/protection purposes. Even none financially demanding protective initiatives such as provision of drivers or car drop offs after particular time of the night are in countable media houses where available.

3.5 Accountability

In 2014, HRNJ-U monitored cases that were reported to the various institutions where officers that perpetrated violations against are based for action. There has been no known action taken against these known perpetrators. The reaction of the government to these violations has been mixed. It has been characterized with meekness, unresponsiveness and sometimes undeviating association in/with the brutality against the media fraternity. Arguably, this unconcern and lack of influential action against officers that perpetrate these violations has only emboldened other state agents to keep on with the impunity against the journalist fraternity.

Some of the violations have been reported to the Professional Standards Unit of the Uganda Police Force to take care. However, in 2014, there was no single report produced by the Unit detailing the measures taken to discipline their wanton officers that perpetrated violence against journalists. The promises have always revolved around the cliché 'we are still investigating the matter' as the answer where ever pressure is mounted for feedback.

The media fraternity has also sought redress from other adjudication bodies for redress. This has included instituting assault cases against individual police officers and other non-state actors, in courts of law. Cases have also been opened with the Human Rights Tribunal of the Uganda Human Rights Commission. Almost all of these cases have been challenged with delays and wanton adjournments. In a few cases, victory has been scored against individuals for assault. A summary of cases handled in 2014 is reproduced hereunder.

TABLE X: Cases in pursuit of accountability and Justice

CASE	FACTS	STATUS OF THE CASE
<p>1. Gideon Tugume V Attorney General-2011.</p>	<p>Tugume is a journalist who previously worked with Capital FM, a local radio station based in Kampala. He seeks justice over the injuries he sustained after he was allegedly shot by the body guard of General Kale Kayihura, the Inspector General of Police. The alleged incident took place in 2011 when Tugume was covering the return of a prominent opposition leader Dr. Kizza Besigye from Nairobi where he had gone for treatment.</p>	<p>The case continues to be heard four years since the incident.</p>
<p>2. Uganda v Ataremwa Justus-2012</p>	<p>Ataremwa Justus is accused of assaulting Mathias Sebwato, a journalist with Vision Group's Bukedde TV in October 2012 when he had gone to cover a story at Old Kampala Senior Secondary School where the accused is a teacher.</p>	<p>The parties amicably resolved the matter before the Magistrate.</p>

<p>3. Hasfa Nakyanzi v A G</p>	<p>Formerly working with WBS TV, Hasfa Nakyanzi accuses the Uganda Police Force of occasioning to her grievous bodily harm and loss of her tools of trade. This occurred when she was covering a demonstration by opposition political leaders in Jinja Town on 11th /03/2011.</p>	<p>The tribunal hearing has been delayed repeatedly by the non-appearance of the Attorney General. The case was brought against the government of Uganda for which the Uganda Police Force is an agent.</p>
<p>4. Mulindwa Mukasa V Julius Ceasar Tusingwire.</p>	<p>Mulindwa Mukasa, a journalist working with the Associated Press News Agency sued the then Divisional Police Commander of Wandegaya Police Station, Julius Ceasar Tusingwire at the High Court in Kampala. Mulindwa alleges that Tusingwire ordered and presided over his arrest in the most inhumane and degrading treatment. He further alleges that he was tortured, sprayed with pepper in his eyes even while in detention. Tusingwire ordered him to delete the footage which he had recorded documenting the forceful dispersal of the media practitioners who were protesting the arrest of their colleague.</p>	<p>The case targets individual responsibility of police officers and other individuals that violate the freedoms and rights of journalists during the execution of their work.</p> <p>The case seeks to establish a new precedent in the quest for protection of journalists, where government officials cannot occasion abuse of journalists and hide under the curtain of government duty.</p>

<p>5. Uganda v Kemba Azizi and Isiko Yakubu-2014 before Grade One Magistrate-Iganga.</p>	<p>The two private security company employees (Accurate Security Services Ltd) are accused of assaulting Solomon Hamala, a journalist working with Red Pepper Publications. They allegedly stole his camera, cell phone and money. Solomon was on duty covering a demonstration against a pending demolition of kiosks by the Iganga Municipal Council on 13th January, 2014. The protest was by the kiosk owners in the town.</p>	<p>Prosecution of the case commenced in 2014. The accused was put on his defence to answer the charge.</p> <p>On 4th /March/2014 Kemba Azizi pleaded guilty to assault.</p> <p>On 18th March, 2014 Azizi was sentenced to 4 years imprisonment for the assault.</p>
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CONCLUSION

The working environment for the journalists in Uganda in 2014 continued to be exploitative characterized by meager, delayed or at most non-payment of the little emoluments promised. Physical threats on safety and security are realities that seem not to be abating. There has been minimal accountability of the identified perpetrators because of the continued protectionism amongst state agencies. The situation is compounded by dwindling levels of professionalism among media practitioners attributed to the fluidity of capacities.

RECOMMENDATIONS**A. Media Houses**

1. Provide conducive working environment for journalists grounded within the requirements of employment laws in Uganda. This includes among others payment of a fair remuneration and on time.
2. Facilitate employees especially majority that work in the field of news gathering with the necessary safety and security gear to minimize on injuries.
3. Join the Journalists' campaigns for independence of the media fraternity in Uganda in a show of solidarity with this noble cause
4. Provide the necessary trainings, sensitization seminars for employees on safety and security as well as professional ethics in the media industry to strengthen professionalism.

B. Respective Arms of The Government of Uganda

1. Parliament of Uganda and the Uganda Law Reform Commission should consider reforming (including repealing) the various laws that impact negatively on freedom of expression, media rights and access to information such as the Official Secrets' Act.
2. Parliament of Uganda should enact a minimum wage law to curb the continued exploitation of journalists by their employers.
3. Judiciary should expedite hearing the cases involving abuse of journalists during the execution of their work by State agents and upon conviction hand down deterrence sentences to end impunity;
4. The Uganda Police Force and Uganda People's Defense Forces (UPDF) should undertake transparent, impartial and expeditious investigations into the numerous cases of intimidation, physical attacks that have been meted out against journalists to prosecute the offenders for justice.
5. More particularly, the Uganda Police Force should investigate the death of 5 journalists in the past 4 years, present a report on progress to alleviate the tension and well alarm gripping the media fraternity that these deaths were connected to the journalistic work of the deceased.

C. General Public

1. Needs to appreciate the role of media freedom and freedom of expression generally to better appreciate the importance of journalists in cultivating a democratic society.

**STATUTORY INSTRUMENTS
SUPPLEMENT No. 2**

10th February, 2014

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STATUTORY INSTRUMENTS

2014 No. 4.

THE PRESS AND JOURNALIST (FEES) REGULATIONS, 2014.

ARRANGEMENT OF REGULATIONS

Regulation

1. Title.
2. Fees

STATUTORY INSTRUMENTS

2014 No. 4.

The Press and Journalist (Fees) Regulations, 2014.
(Under section 42 of the Press and Journalists Act, Cap. 105).

IN EXERCISE of the powers conferred on the Minister by section 42 of the Press and Journalists Act, these Regulations are made this 21st day of January, 2014.

1. Title.

These Regulations may be cited as the Press and Journalist (Fees) Regulations, 2014.

2. Fees.

The fees specified in the Schedule shall be paid in respect of the matters they relate to in the Press and Journalists Act, Cap. 105.

SCHEDULE

	MATTER	Fee (Ug. Shs.)
PART I – REGISTRATION OF EDITORS (section 5)		
1.	On the registration of particulars of editor of mass media organisation	10,000
2.	On notification of change in particulars of editor of mass media organisation	5,000
PART II – ENROLLMENT OF JOURNALISTS (section 16)		
3.	On application for enrollment	5,000
4.	On the issuance of a certificate of enrollment	30,000
PART III – REGISTRATION OF JOURNALISTS (sections 26, 27)		
5.	On presentation by person enrolled under the Act of a certificate of enrollment to be entered on the register of journalists	50,000
6.	On the issuance of a practicing certificate to a person enrolled under the Act	200,000
7.	On the annual renewal of the practicing certificate of person enrolled under the Act	100,000
PART IV - ACCREDITATION OF FOREIGN JOURNALISTS (section 29)		
8.	On application for an accreditation card	\$25
9.	On the issuance of an accreditation card	
	(a) For a period of 2 years	\$300
	(b) For a period of 3 months but not exceeding 6 months	\$200
	(c) For a period of up to 3 months	\$150
PART V – FEES IN RELATION TO DISCIPLINARY PROCEEDINGS UNDER THE PRESS AND JOURNALISTS (DISCIPLINARY PROCEEDINGS) REGULATIONS, 2013		
10.	Filing fee on lodging a complaint	10,000
11.	Response to complaint by respondent	2,000
12.	Ruling/order by committee	10,000
13.	Certification of committee proceedings	15,000

CLASSIFICATION OF FILMS, VIDEO MATERIAL, PLAYS AND RELATED APPARATUSES		
14.	LOCAL PRODUCED FILMS, VIDEO MATERIAL, PLAYS AND RELATED APPARATUSES	
	Application fees	
	(a) 0 - 120 minutes	150,000
	(b) For every extra minute after 120 minutes	2,000
	(c) On the issuance of a Certificate of classification	20,000
15.	FOREIGN PRODUCED FILMS, VIDEO MATERIAL, PLAYS AND RELATED APPARATUSES	
	Application fees	
	(a) 0 - 120 minutes	\$150
	(b) For every extra minute after 120 minutes	\$5
	(c) On the issuance of a Certificate of classification	\$50
16.	Classification labels

NAMAYANJA ROSE NSEREKO, (MP)
Minister for Information and National Guidance.

GUIDELINES ON THE PROVISION OF FREE BROADCAST AIR-TIME TO PUBLICIZE GOVERNMENT PROGRAMS

In Uganda, the broadcast media, particularly radio and television are the most effective in terms of audience reach and message impact. Unlike newspapers and new media tools such as twitter, face-book, u-tube and linked-in, which are still largely urban channels, radio and television have reached even the remotest corners of the country. With 246 as at August 2013, operational radio stations, and 41 television networks, broadcasting in local languages, community radio has become an integral component of development communication.

Broadcast media, therefore, is a real opportunity for government to mobilise citizens to participate in national development programs. Under the Licensing conditions of Uganda Communications Commission (UCC), No.5 states **“From time to time the licensee shall be obliged to allocate time to promote government programmes”**. To derive maximum publicity from this complementary air-time, it is suggested that the following issues be considered; as guidelines:

1. The programs will run during the morning or evening prime time broadcast hours, when listenership is high. It is recommended that the programs are aired in the morning between 6:00 am and 10:00 am as well as between 5:00 pm and 10:00 pm in the evening.
2. The proposed live programs, preferably running for one hour for radio, should be in the format of talk-shows. The first (40) forty minutes should be for the interview of government officials by program moderators and the last 20 minutes for feed-back through phone calls and text messages from listeners. For TV it is proposed to 30 minutes.
3. The programs will air once in a week on clearly designated dates and times which media stations shall follow. A specific week day and prime time will be designated and adhered to. To prepare audiences for the up-coming topics and guest panelists, the stations will be required to offer prior promotion for the programs through jingles and presenter mentions of the upcoming program. The prior promotions will air for at least three days ahead of the live program. For uniformity government will provide provisional material.
4. The Office of the Prime Minister, in particular, the Directorate of Information and National Guidance will liaise with Political Leaders, Permanent Secretaries, Chief Administrative Officers and relevant Communication Units in MDAs plus LGs, to coordinate and develop schedules of issues and topics for government media programs.



Court victory: HRNJ-U legal head, Catherine Anite(R) pose for a group photo outside of the High Court in Kampala after a court hearing in which journalists under the Uganda Court Reporters' Association (UCRA) successfully challenged a decision by the Buganda Road Court to lock journalists and the general public out of police leaks trial case.



HRNJ-U former Board Chairperson, Mulindwa (2nd left) pose with lawyer Isaac Ssemakadde (2nd right) and the HRNJ-U staff Robert Ssemपाल (L) and Moses Magoola (3rd left) outside of the LDC Court after a case hearing in which he is accused by the former Wandegaya police DPC, Julius Caesar Tusingwire



Criminal trespass: A freelance journalist Willaims Buganda Ntege aka Kyumakyayesu stands in the dock at High Court at City Hall in Kampala before he was convicted and sentenced to Luzira prison for 2 months



Ntege at the cells at City Hall Court after being sentenced to jail.



Journalists kidnap: Vision Group journalist, Felix Osujo (2nd left) was arrested from Soroti by plain clothed men and detained at the Special Investigations Unit (SIU) in Kireka under unclear circumstances. He was rescued by the HRNJ-Ug team led by the National Coordinator, Robert Ssempala(2nd right) and lawyer Catherine Anite (Extreme Left)



RIP: Former CBS journalist Ronald Ssemuusi stands in the dock in a criminal defamation case against him over a story he reported about the disappearance of solar panels at Kalangala. Ssemuusi was convicted and died before he served the 1 year jail sentence



Inpunity:L-R; Journalists Mubiru Ali of Pearl FM, HRNJ-U National Coordinator Robert Ssempala, Herbert Zziwa of K-FM and Brian Luwaga of URN at Luweero Police Station to demand for prosecution of police officers who assaulted Zziwa when covering the Luweero Woman bye-elections.

With the support from:



Embassy of Finland - Nairobi



Plot No. 18 Stensera Road,
Block 12 Kayanja Triangle Zone Lubaga
P.O.BOX 71314. Clock Tower Kampala-Uganda
Tel: +256-414-272934, +256-414-667627
Hotline Legal +256-75226158
Email: info@hrnjuganda.org, hrnjuganda@gmail.com
Website: www.hrnjuganda.org
Blog: hrnjuganda.blogpost.com