



Narrowing space

MEDIA UNDER SIEGE



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Who we are

Human Rights Network for Journalists-Uganda (HRNJ-Uganda) is a network of human rights journalists in Uganda working towards enhancing the promotion, protection and respect of human rights through defending and building the capacities of journalists, to effectively exercise their constitutional rights and fundamental freedoms for collective campaigning through the media.

We research, monitor and document attacks and threats aimed at journalists, as well as abuses of press freedom in Uganda. We offer legal support to journalists who are in need of these services because of their work.

We endeavor to provide medical and psycho-social support to media practitioners injured in the course of their duty. Through training and educating journalists on various thematic issues, we enhance their competence and capacities on human rights and good governance.

Acknowledgement

Human Rights Network for Journalists-Uganda (HRNJ-Uganda) is deeply indebted to all individuals, journalists, lawyers, editors and media houses that contributed to the documentation of these cases and production of the Press Freedom Index Report - 2013.

Special thanks go to Mr. Robert Ssempala-National Coordinator HRNJ-Uganda, Ms. Catherine Anite-Litigation Officer, Mr. Moses Magoola, Ms. Diana Nandudu, and all our staff who worked tirelessly to put together this report. We also acknowledge the immense contributions of Mr. James Nkuubi.

We highly appreciate the support extended to us by Open Society Initiative for Eastern Africa (OSIEA) and the Canadian Embassy in Nairobi that has enabled us to produce this index.

Our deep felt gratitude also goes to Media Legal Defence Initiative, Finnish Embassy in Nairobi, and IFEX for the continued support to HRNJ-Uganda in fostering freedom of the press and media rights.

Methodology

This report is an annual assessment of media rights violations and attacks against journalists in Uganda, based on information gathered, documented and analyzed by HRNJ-Uganda, between January and December 2013.

Human Rights Network for Journalists-Uganda receives both formal and informal complaints from journalists and other sources, detailing alleged violations of media rights and freedoms. This information is received through tip-offs, and the HRNJ-Uganda toll-free telephone line. On its own initiative, HRNJ-Uganda investigates allegations of violations based on its monitoring of the media environment.

Effort is made to interview victims, witnesses and alleged perpetrators, to establish and corroborate the facts of each reported case. HRNJ-Uganda endeavors to ascertain and verify the information by contacting the authorities, witnesses and following up victims wherever they are. Based on these interactions, HRNJ-Uganda records and documents the occurrences. Action is then taken based on the nature of the violation.

Due to the sensitivity of the cases, the identity of some journalists has been withheld. The interviews and any more information substantiating the information in this report is on file with HRNJ-Uganda.

Introduction

By Robert Ssempala , National Coordinator

The Press Freedom Index report-2013 highlights the state of media freedom in Uganda as evidenced by practical cases investigated and documented by HRNJ-Uganda. The report contains patterns and analysis of hostilities towards journalists and media institutions in 2013.

The findings reveal that attacks against journalists emanate from State and non-state actors. Of the 124 violations documented in 2013, 85 were by the Police: of these, 51 were physical in nature. In 2012, however, 46 cases of violations were committed by the Police; an indication of a deteriorating relationship between the Police and journalists.

Physical attacks continued on journalists in 2013, with the Police featuring prominently as the biggest perpetrator of abuses against media rights in Uganda for a 3rd year running. The Police employed various tactics like detention without charges; sometimes the detention going longer than the constitutionally prescribed 48 hours beyond which a detainee must be released. Other tactics have been roughing up journalists, barring them from accessing news scenes and deliberately tear gassing them.

According to the cases investigated in 2013, the public has also continued to be a threat to media freedoms in Uganda. Riotous mobs have, in some instances, attacked and injured journalists in the line of duty. These findings reveal that cross sections of the public are yet to appreciate the cardinal role of the media fraternity in Uganda.

Emerging trends in 2013 show a continued vulnerability of journalists that carry out their work at odd hours. Almost all the journalists that have died under mysterious circumstances in the past 5 years in Uganda met their fate when heading to or leaving

work late in the night or in the wee hours of the morning. Majority of the journalists use public transportation that has become risky with the growing crime rate.

The safety and security of journalists based in countries around East Africa, e.g. South Sudan where there is a break down in the rule of law, is also in question. The fact that these countries are not signatories to international human rights instruments protective of media freedoms, implies that they are outside the known ambits of responsibility and obligations within which they can be held responsible. As such media houses are in the spot light over the available safety and security measures for their journalists.

A plethora of laws inimical to a free press and freedom of expression were enacted in 2013. These laws such as the Uganda Communications Act 2013, and the Public Order Management Act 2013 that are a direct contravention of constitutional provisions such as Article 29 of the Constitution of Uganda which provides for 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 and political and other civic organizations respectively. These laws seek to control rather than regulate freedom of expression.

With no known prosecutions implemented against state agents of Uganda Police Force that have been since implicated in perpetrating abuses against journalists, impunity continued to reign in 2013. Despite reported cases at the Professional Standards Unit (PSU), there has been no report of progress from the police in as far as investigations and bringing the suspects to justice is concerned.

This is in a way perceived as a silent sanction of the unprofessional conduct of the implicated officers. The unabated use of national security to clamp down on media rights in Uganda-butressed by Article 43 of the Constitution continued in 2013 as evidenced by the closure of The Monitor Publications and the Red Pepper for ten (10) days.

The ‘replacement’ of law with negotiated settlement is a precarious precedent in the quest for media freedom in Uganda. The negotiated re-opening of Daily Monitor and compelling it to sign ‘undertakings’ defined outside the law was an avenue for government sneak in its own interests into the laws governing media freedom. Considering that both media houses were never subjected to any court process in respect to infringement of media rights, could mean that the ten day closure was way beyond what is demonstrably acceptable in an aspiring democracy of Uganda.

The report calls for:

1. Action from the Uganda Police Force to identify, investigate and prosecute all officers that have been implicated in these violations against journalists in the execution of their work as a means to deter impunity.
2. The legislative arm of government to desist from enacting and passing any laws that are inconsistent with Uganda’s Bill of Rights in the 1995 Constitution and the attendant international human rights law obligations that it is meant to promote, protect and fulfill.

Hostility towards journalists and media institutions

This particular section assesses the patterns of hostility and other abusive treatment of journalists in 2013 by the government acting through its various agencies, and non-state actors-the public, acting as individuals or collectively as communities. Throughout the year, Human Rights Network for Journalists-Uganda documented over one hundred and twenty cases of hostility towards journalists.

This abusive conduct included harassment, detention, beatings, deliberate and targeted release of teargas towards journalists, obstruction from news scenes, damaging property and in extreme cases, death. Unlike previous years, two journalists were reported dead under unclear circumstances in 2013.

Categories of perpetrators, modes of attack and violations

2013 saw an increase in the means of violation of press freedoms. The groups of perpetrators that emerged in 2013 are classified into 5 categories as summarized below:

TABLE 1:
Classification of perpetrators of violations against journalists in 2013

PERPETRATOR	MANIFESTATION
1. Government	Acting through its security agencies mainly the Uganda Police Force, Uganda Prisons Services, Government semi-autonomous entities mainly Kampala City Council Authority (KCCA) and Uganda Communications Commission (UCC).
2. Non-State Actors	Mainly individuals acting in their personal capacity and collective groups of people attacking journalists as a mob.
3. Private Security Agents deployed by companies to guard premises.	This category is worth highlighting because it wields coercive instruments of power such as guns. This group tends to have an unwavering and sometimes misguided allegiance to its duty station. And because of this, clashes with journalists are bound to erupt in the event that their employees/employers are persons of interest in matters of national interest.
4. Employers	These are mainly rural based government and private owned media houses. The violations tend to take the form of seemingly acceptable administrative measures but with greater negative repercussions on media freedom and labour rights.
5. Unknown	Some press rights violations have not been tagged to any specific group above because of the clandestine and outright criminal manner in which they were carried out. The deaths of two journalists occurred at the hands of unknown assailants in 2013.

TABLE 2:**Summary of number of violations by the different perpetrators in 2013**

The table below reflects the disaggregated findings with specific violations as carried out by the aforementioned groups. One hundred and twenty four (124) cases were investigated and documented by HRJN in 2013.

Cases recorded		Source	Comment
(2012)	(2013)		
85	42	Uganda Police Force	<p>This 100% increase in cases of violations by police can be attributed to a number of reasons:</p> <ol style="list-style-type: none"> 1. Failure to recognize the contribution of media to democracy, good governance and rule of law. 2. The failure to hold accountable police officers who have been singled out previously as prominent perpetrators of violations against journalists. 3. The clamp down on The Daily Monitor and The Red Pepper media houses during which most of these violations occurred as the media fraternity stood in solidarity with the houses under attack.
11	-	Other Government agencies	These include the Ministry of Internal Affairs, Uganda Prisons Services, Uganda Communications Commission (UCC), Uganda Land Commission, Office of the Inspectorate of Government (IGG) and Parliament.
11	8	Private Individuals/ Non State Actors	These involve celebrities, general members of the public during civic scuffles such as demonstrations and cases of 'mob-justice.'
2	-	Private Security Companies	These involved security guards of public institutions

Cases recorded		Source	Comment
(2012)	(2012)		
2	-	Media House/ Station Management	This mostly involves the Management of Media houses and is reflected in unfair dismissals and arbitrary suspension of journalists from work.
2	14	Residential District Commissioner (RDC) /Local Government	With the decentralized system of governance came the decentralization of security agencies creating different layers of power wielding individuals overseeing the media. Rural/upcountry based journalists are on the receiving end of intimidation from these officers especially when they uncover issues considered highly sensitive by the security officials. These include Resident District Commissioners [RDC]; District Internal Security Officers [DISO]; Gombolola Internal Security Officers [GISO].
5	1	K.C.C.A	Journalists were barred from attending a press conference convened by the Lord Mayor because they worked for a media house which he believed was distorting information with intent to tarnish his image. The PRO KCCA also barred a journalist from accessing information.
1	14	Auxiliary Forces	This includes Intelligence Services/ Agencies of Chieftaincy of Military Intelligence, the Presidential Guard Brigade and Special Forces Group.
1	4	Judiciary	This was evidenced in the judicial officers' outbursts against journalists whom they perceived as working to 'bring them down.'
2	-	Government of South Sudan	Two Ugandan Journalists were subjected to arbitrary arrest and detention in Juba-Southern Sudan for five days.
2	2	Unknown	The death of journalists by yet to be identified assailants.
TOTAL: 124	85		

Figure 1:
Sources of violations of rights of journalists 2013

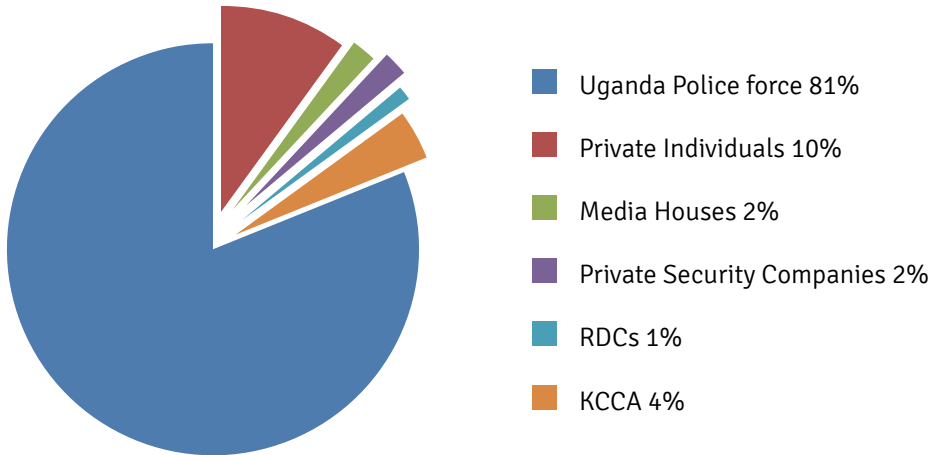
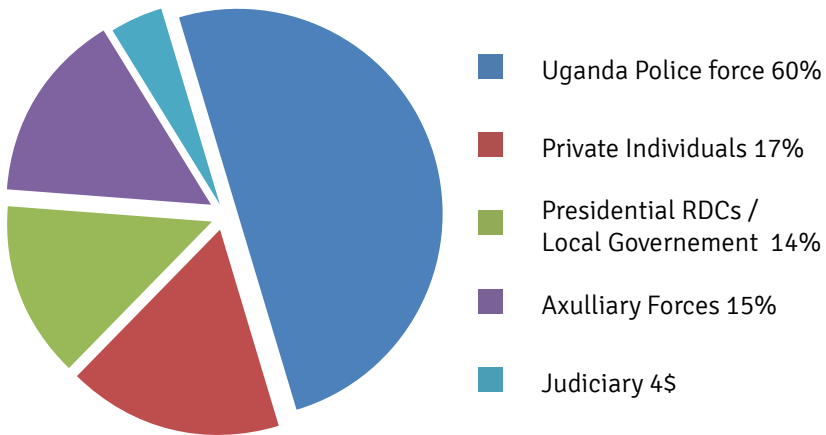


Figure 2:
Sources of Violations of Rights of Journalists 2012



The illustrations above show the Uganda Police Force, as a State Agent, continues to be the largest perpetrator of violation against the press. Statistics show an upward growth from 50% in 2012 to 81% in 2013. This is despite repeated calls by various human rights advocates, and more specifically HRNJ-Uganda, to the Professional Standards Unit (PSU) of the Uganda Police Force to identify, investigate and discipline the Police officers implicated in these cases. Violation of press freedoms by the Uganda Police Force include physical attacks, deliberate tear gas spraying targeting journalists, confiscation and destruction of equipment such as cameras and detention of journalists. In one of the many cases, journalists sustained injuries during such attacks and had their property damaged. One of the victims of this abuse narrates that;

“Police arrested an agricultural produce dealer at Bakuli; I followed the matter up to Old Kampala police station to get the details. As I interviewed the suspect, a policeman in civilian clothes came and started recording the interview, when I asked to know who he was, he threatened me with arrest. He called in two other officers both in civilian clothes, who arrested and detained me for close to two hours. I recorded a statement, and I was released on bond. They charged me with assault”.¹

Some of these violations take the form of obstructing journalists from executing their duties in cases that are politically oriented. A case in point was during the 51st National Independence celebrations on 9th of October 2013, at Rukungiri District stadium, in Western Uganda when former President of FDC, Colonel (Rtd) Kizza Besigye, Kampala Capital City’ Lord Mayor Erias Lukwago and the Kawempe Division Mayor Mubarak Munyagwa Sserunga walked out of the stadium as President Yoweri Museveni was due to address the gathering. The trio was arrested and as a journalist attempted to film the arrest, he was blocked by Uganda Police Force Deputy Spokesperson, Patrick Onyango from covering the event. The journalist narrates that;

1 Human Rights Network for Journalists Interview with journalist detained, Kampala, 22th November 2013.

“When Dr. Besigye walked out of the stadium, he was surrounded by the police, as I tried to capture the incident; Patrick Onyango grabbed my hands as he ordered me not to take anything. I saw the trio being pushed into the waiting police van, but I could not capture the footage. It took about three minutes. When the van was driving them away, he left, and I only managed to capture the fleet of vehicles as they sped off. I did not fight; I only told him that he had succeeded in blocking me. I was the only journalist outside of the stadium. So the incident was not captured by anyone else.”²

In a related incident of obstruction, in September 2013, a female police officer grabbed a journalist’s photo camera and deleted photographs he had taken during a court session at Nakawa in Kampala, despite the court having granted the journalists permission to cover the proceedings.

The veteran journalist told HRNJ that:

“The police officer did not want me to take photos in court, but I told her that we had been given permission to take photos as long as there was no flash light. She went away with my camera, I followed her up until she returned it, but she ordered me to delete the photos I had taken of a suspect when he stood in the dock, which I did. I was surprised since this was an open court and there were other journalists. I have covered court since 1979, I know how courts work, but this officer just wanted to demonstrate her authority”.³

The judiciary spokesperson, Erias Kisawuzi assured HRNJ-Uganda that if the court had allowed the journalists, then there was no problem and no need for the police to stop them from executing their duties.

2 Human Rights Network for Journalists interview with the victim-journalist, Kampala, 10th October 2013.

3 Human Rights Network for Journalists interview with the victim-journalist, Kampala, 25th September, 2013.

On May 28 and 29 2013, police assaulted and tear-gassed more than 30 journalists in an effort to deter them from accessing and covering the continued closure and occupying of the Daily Monitor newspaper, KFM and Dembe radio stations premises by security agencies searching for an alleged malicious document published by the Monitor newspaper. Mulindwa Mukasa of Associated Press and Ntege Williams a freelancer, both sustained wounds on their arms and legs from police beatings.

(Right) NTV reporter arrested by Police as he covered a demonstration in Kampala organized by opposition politicians.



In photos below, former HRNJ-Uganda National Coordinator Wokulira Ssebagala was arrested during the media siege



A freelance journalist Williams Ntege aka Kyumakyayesu was arrested during the media siege and charged with inciting violence



Abusive conduct of RDCs

Journalists faced wrath from Resident District Commissioners with two (2) cases emerging in 2013. In March the then Otuke Resident District Commissioner, Ali Kalungi Salongo, beat up a journalist, for recording his heated exchange with other politicians over environmental issues at St Lira Hotel in northern Uganda. The RDC punched the journalist before taking away his recorder and deleting the footage. The journalist shared his ordeal with HRNJ-Uganda:

“I was recording an exchange between the RDC and councilors from Otuke, when he turned and saw me recording, he slapped my recorder and it hit a wall, I picked it and moved out, he pursued me and grabbed me by the waist. He took away my recorder. I was rescued by other people at the workshop. When I got back the recorder, all the materials had been deleted from it. I filed a case of threatening violence at Central Police Station-Lira, but was shocked when my witness was arrested and detained for over an hour”.⁴

In November, the then Resident City Commissioner of Kampala, Mpimbaza Hashaka wrote to Radio One and Akaboozi accusing both stations of “deliberately tarnishing the image of government, KCCA and frustrating government programs.” He accused the radio stations of hosting “negative elements who include members of the opposition who tell lies” A few weeks later after the delivery of the letter, a talk show host was indefinitely suspended by the station and another told to “relocate to the editorial to share his experience with the young journalists”.

The Uganda Prisons Services also featured as a perpetrator in 2013. Two journalists Pascal Lutabi of WBS television and John Bosco Mulyowa were assaulted by prison warders in Kalisizo Rakai district while covering an escape of inmates from the prison.

⁴ Human Rights Network for Journalists Interview with journalist- Peter Ekol Ekol, Kampala, 22nd March, 2013.

“They nearly killed me; they pounced on me and beat me as if I was a terrorist. I am feeling severe pain on the head and in the abdomen. They kicked, boxed, and hit me with a gun butt and a stick. They destroyed my video camera. I, with my colleague had first gone to the prison reception from where the Officer in Charge of the Station turned us away. As we interviewed the nearby residents, a prison warder identified as Semata Robert came and hit me with a stick; I fell down but continued to protect my camera, until four other prison warders including one Kyomwiri Frank joined him in the beating. The scuffle lasted for over 30 minutes”.⁵

Attacks from members of the public

In a more worrying trend, assault against journalists by the public is on the rise. Unlike previous years, HRNJ-Uganda recorded seven serious cases in which the public was involved in beating up journalists and police provided no protection or follow up on cases even where it was brought to its attention. On 20th, September, Samuel Kaweesi, working with Uganda Broadcasting Corporation, a state owned television was beaten by the mob while covering land wrangles in Naksongola district. Kaweesi explained;

“I first interviewed the person who claims to own the 47 acre land, and then I went to balance the story by interviewing the tenants who were opposed to the surveying of the land. I first saw two of the residents, but as I approached, over 20 men armed with arrows emerged from the bush and surrounded me. They threatened to shoot me, accusing me of working for the police. They confiscated my Identity Card and audio recorder. They also grabbed my photo camera and hit it on the ground. I was alone and too scared. But they ran away when they heard gun shots from the police”.⁶

5 Human Rights Network for Journalists Interview with journalist- Pascal Lutabi, Kalisizo, 22nd March, 2013.

6 Human Rights Network for Journalists Interview with journalist- Samuel Kaweesi, Nakasongola, 24th September, 2013.

Although he reported the matter to police, the authorities were indifferent. District Police Commander Nakasongola, Dickson Ayesigomwe told HRNJ-Uganda that investigation into the matter could not proceed because Kaweesi did not ‘provide concrete evidence’. Ayesigomwe accused the journalist of ignoring police when doing his work. “He made a mistake by going alone without security, yet he knew this was a sensitive matter, and since he could not identify them, it marked the end of the investigations,” the DPC said.

In a similar incident in July, Eddie Bindhe the Uganda Radio Network correspondent in Masaka was hit with a charcoal stove by an alleged cult leader in Kaziru landing site in Bukakata Sub-county Masaka district and threatened to be cut with a panga before he run away. Bindhe and his colleagues were reporting on the cult. When the Police was informed, it did not respond. The Regional Police Commander, Maxwell Ogwal, told HRNJ-Uganda that the area District Police Commander had informed him that: “nothing had happened and there was therefore no need to investigate.”

In another incident, a prominent Ugandan Musician punched a reporter working with Bukedde newspaper because he had written about his incomplete house which was under construction. Journalists were also assaulted by private security companies in the line of duty.

Methods of violations

The documented violations against journalists in 2013 were dissimilar depending on the type of coercive abilities of the perpetrators and their agenda as summarized below.

TABLE 2:
Summary of Methods of Violations against Journalists in 2013.

Classification of Perpetrator(s)	Method of Violation(s)
1. The Government of Uganda.	<ol style="list-style-type: none"> 1. Arbitrary arrests and detention 2. Pro-longed unfounded interrogations 3. Denial of access to news scene 4. Physical assault (By use of tear gas and direct eye pepper spray) 5. Arbitrary suspension from covering stories in particular institutions 6. Intimidation (Manifest in verbal threats) 7. Storming and denying journalists access to offices of some media houses on grounds of alleged possession of subversive material
2. Non-State Actors [Both individual and collective action by communities]	<ol style="list-style-type: none"> 1. Physical assaults (Manifest in kicking, beatings and punches) 2. Malicious damage to tools of trade such as cameras and recorders (Manifest in deliberate breakage by perpetrator(s)) 3. Theft of tools of trade 4. Intimidation and harassment (Manifest in denial of accessing the crime scene)
3. Employers	<ol style="list-style-type: none"> 1. Adherent editorial policies 2. Non-payment of salaries or meager remuneration 3. Arbitrary suspension from employment 4. Unfair dismissal
4. Unknown	<ol style="list-style-type: none"> 1. Murder

Detention and interrogation of journalists by Uganda Police Force

The Police continued to use the pretext of ‘on-going investigation’ to arrest, detain and interrogate journalists. A total of sixteen journalists were detained, interrogated by police on account of their work, subjected to inhumane and degrading treatment whilst some were incarcerated for more than 48 hours contrary to what is prescribed by law.

Police always asserted that they were acting on orders from their superiors and in other circumstances claimed that they were just keeping the journalist in their custody. Majority of the detained journalists were subjected to questioning for more than ten hours in an attempt to force them to reveal their sources of information which is against their professional conduct.

In November, Kasule Richard aka Omugagga Kamagu a presenter with Top Radio was arrested by police after his radio show was stopped mid- air. He was hosting the Deputy Kampala Mayor and when the management of the station feared their establishment would be shut down, they stopped the show. No sooner had Kasule stepped out of the studio than he was arrested by a police officer who told him “he was under instruction to take him to a police station.” Kasule was detained at Wandegeya police post and later transferred to Central police station where he was detained for three days before release on police bond. He was charged with inciting violence through his radio programs. During detention, he repeatedly underwent thorough interrogation. The case was later dropped.

In the same month, Mulindwa Mukasa of Associated Press was arrested by Wandegeya police officers on orders of the District Police Commander, Tusingwiire Caesar, for taking a photograph of policemen forcefully evicting a journalist from the police station. Mulindwa was detained in a small room and sprayed with teargas as he demanded to be recorded in the station diary before detaining him. On 1st October, another journalist who preferred anonymity was arrested while covering a story on a land dispute in Wakiso district and detained for four days.

He was first detained at Kawempe police station for two nights before he was transferred to Nansana and later to Buloba police station in Wakiso district. During the arrest, his camera and laptop were damaged. He was later released without charge. In May, three Daily Monitor journalists were interrogated by ten CIID officers for ten hours over a letter that appeared in the Daily Monitor newspaper authored by a senior army officer alleging that there was a plot to eliminate senior government officials opposed to the idea of the first son Muhoozi Kainerugaba becoming the next president.

Journalists dead; assailants remain at large

In 2013, two journalists Thomas Pere of New Vision in Kampala and Alex Kule of Kasese district in Western Uganda died under unclear circumstances. Pere Thomas, 36 years, was found dead with several wounds on his body and a deep cut on his head on 16th June 2013, in Masajja village, on the outskirts of Kampala City along Entebbe road.

In July, a month after his murder, two suspects both commuter taxi drivers were arrested with a blood stained taxi suspected to have been used in the murder. In September, Katwe police station released the suspects after the DNA results turned out negative according to Paul Mark Odongo, the Kampala South Metropolitan Crime Intelligence officer. The actual assailant(s) behind this gruesome act remain at large.

In December 2013, Kule Alex a freelance journalist operating in Rwenzori region, Western Uganda was found dead in a transmission room of Messiah Radio. The circumstances of his death remain unclear as the postmortem did not reveal the cause of death. The examining medical officer recommended that parts of his body organs be taken to Kampala for further scrutiny. However, HRNJ-Uganda learnt that the police “lacked resources” to have the organ samples brought to Kampala for a comprehensive postmortem.

The two mysterious deaths recorded in 2013 are part of the growing number of cases of journalists that have died at the hands of unknown assailants as summarized below:

TABLE 3:
Journalists deceased at the hands of unknown assailants in 2013 and a few years before

Deceased Journalist	Date and Venue of Death	Level of Case Prosecution
1. Pere Thomas, 36 , News Features' Writer and Photographer with New vision paper	Body found dumped in a trench on 16 th June 2013, in Masajja village. Post Mortem revealed collar bones were broken, with a depression to his forehead using a 'blunt force.'	Case pending. No prosecution yet.
2. Alex Kule, 25, 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 post mortem was not able to establish the cause of death.	Death mysterious, case remains pending.
3. Amon Thembo Wa'Mupaghasya, 42, Director of the Mupaghasya Community Television Centre in Kasese Town.	Attacked and shot by unknown assailants in Kyogha Village in 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.
4. Dickson Sentongo, news-caster at Prime Radio based in Kampala City.	Attacked on his way to work at 5am, September 2010.	Case is pending, no arrests made in relation to the murder.
5. Paul Kiggundu, 32, TV journalist with Christian-based TOP (Tower of Praise) Radio and TV in Rakai.	Brutally beaten by a mob of Motor Cycle (Boda Boda) operators in Rakai. He was filming this mob in the process of demolishing the house of Francis Kakayi a suspected robber in Kalisizo, Southwestern Uganda in September 2010. He later died of internal bleeding.	Case pending. Arrests made but later released under unclear circumstances.
6. Rebecca Wilbrod Kasujja, 32, working with Buwama FM radio station in Mpigi district.	She was raped and killed by unknown assailants on her way to work in February, 2008.	5 years later and neither prosecution nor apprehension of the perpetrators of this violence has been done

In all the above cases, the police investigations have not been conclusive and justice remains a distant aspiration. The Uganda Police Force has maintained the usual plea of ‘investigations are still ongoing’ to establish the cause and those responsible for the death of the journalists but to no avail.

More important, the deaths reveal the extreme dangers faced by journalists in the execution of their work. The risk is higher with journalists that work during odd hours of the night particularly the female journalists, who comprise the highest number of newscasters working either late, early in the morning or both without any clear safety measures in place. There is need for thorough investigations into these deaths to establish the motives of the assailants. It is long overdue.



The late Thomas Pere



The funeral of Late Kule Alex, he died under mysterious circumstances.

Denial and obstruction of journalists from accessing news scenes and information

Accessing what are considered controversial news scenes continued to be problematic as police and other statutory agencies denied journalists access. HRNJ-Uganda recorded 38 incidences in which journalists were obstructed from news sources, forced out of news briefings, denied official information and others forcefully removed from news scenes.

In February, the Kampala City Lord Mayor, Erias Lukwago, ordered four journalists from the Vision Group out of a press conference he had called at the City Hall in Kampala. “Before I start my address, I would like all journalists working for Robert Kabushenga (CEO of Vision Group) or Vision Group to leave immediately. I did not invite you to this press briefing and I do not expect you to be here,” announced the Mayor before the start of the press conference.

He later told HRNJ-Uganda that he had requested journalists from the Vision group not to attend his press conferences but when they ignored his request and turned up for his briefing, he “had to ask them to go out”. “I banned any journalist from Vision Group from attending my upcoming press conferences they are biased and report negatively about me. They can cover other functions at City Hall, but not my press conferences,” he said.

In November, sixteen journalists were barred by the Uganda Police Force from accessing the Kampala Capital City Authority meeting at City Hall during which council members “impeached” the Mayor of Kampala Erias Lukwago. Those who had earlier gained access and went out to obtain nice shots for their stories were also blocked from re-entering the hall.

“Once you got out of the chamber, you would not be allowed in again... the security guys kept pushing us.”⁷

7 Human Rights Network for Journalists Interview with a practicing journalist at the scene of the KCCA Chambers, Kampala, 26th November 2013. The Uganda Police Force blocked close to 20 journalists from accessing the City Hall chambers. The journalists from different media houses engaged the security officers to be allowed entrance in vein. No reason was given by the security agents manning the City Hall.

Another journalist said:

“I was dressed in an NTV shirt with a logo, I was even on the media list of the day, but they blocked me from getting inside much as some of us had been allowed in before. They did not give us any reason, but only blocked us.”⁸

In another incident in February, Sadab Kitatta of the Observer newspaper was given “two minutes to disappear” from a news scene by a senior police officer after taking his particulars. “I give you two minutes to disappear from this Police station. I don’t want to see you anywhere around here taking pictures or interviewing anyone” Commissioner of police Nderekera head of the Anti-Corruption unit told Sadab in Rakai district.

Where journalist tried to access official information from government agencies through the channels stipulated in the Access to Information Act still it was denied. In March Sekyewa Edward Ronald of Kampala Dispatch magazine was twice denied information by the Uganda Land Commission and the Office of the Inspector General of Government after using the lawfully prescribed procedures.

Gender dimensions of violations against journalists

It is important to understand violations against press freedoms in the context of gender. This is particularly important given the vulnerability of female reporters and newscasters that work at odd hours of the day and are susceptible to the risks presented by use of public means of transport. Additionally, Uganda’s predominantly patriarchal society has not necessarily presented opportunities for the professional growth of female journalists especially when covering community related wrangles and demonstrations among others which are considered dangerous for females to cover.

8 Human Rights Network for Journalists Interview with a practicing journalist at the scene of the KCCA Chambers, Kampala, 26th November 2013.

At times, the female journalists have been harassed simply because they are considered easy prey compared to their male colleagues in the industry. Female journalists comprised 14% of the cases of abuse reported in 2013.

**TABLE 4:
Gender Dimension of violations against Journalists**

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

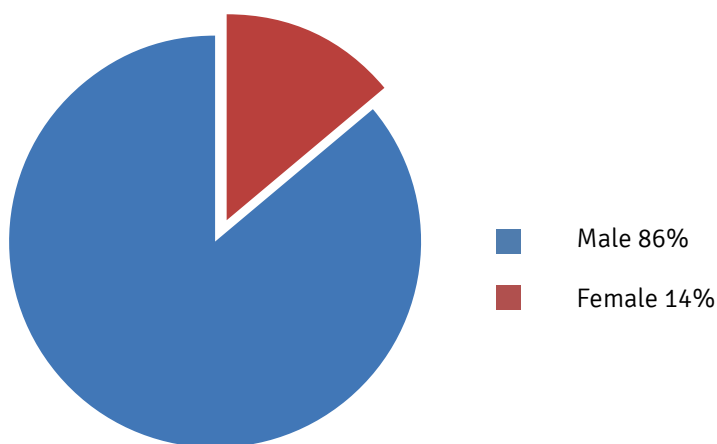
In one such incident, a female journalist was humiliated and obstructed from covering a story. A Kampala Capital City Authority (KCCA) official, Robert Kalumba, the KCCA Deputy Spokesperson, on September 20, 2013 threw a Radio Simba journalist, out of a public meeting claiming that she was not welcome since her media house had not been invited to cover the function at which commercial motor cyclists' leaders were meeting with the Kampala Capital City Authority Executive Director, Jennifer Musisi. The affected journalist narrates that:

“I went through the security check, but no sooner had I entered the meeting and started recording, than Kalumba asked me which media house I was coming from, when I mentioned Radio Simba, he ordered me out claiming that we had not been invited. Other two journalists at the entrance were allowed in by him. I moved out and waited but he declined to have me back to cover the story along with other journalists. I felt very embarrassed and humiliated”.⁹

9 Human Rights Network for Journalists Interview with victim-journalist (name withheld), Kampala, September 20, 2013. When contacted, the official denied saying that they have 'professional issues' with Simba radio that have to be sorted out. The above notwithstanding, such issues if any should be raised officially and not subject the journalists to inhumane and embarrassing treatment in the process of execution of their work.

FIGURE 3: Gender percentages of journalists facing violations in 2013

The various violations have been meted out against journalists both the male and female. In some situations, the females have been roughed up in a humiliating & dehumanizing manner. The male journalists have been affected gravely as depicted below in figure 2.



The above violations have had various effects on the quest for media freedom and freedom of expression in Uganda. The effects include increased self-censorship by journalists and media houses preferring to dwell on social issues, mainly entertainment which are considered ‘safer from the government eyes and non-contentious’, than the politically charged ‘sensitive issues that need one to tread carefully lest one irks the state with grave repercussions.’¹⁰ In some cases, particularly with security agencies’ arrests and detentions, there has been growing fear amongst the media fraternity in relation to covering what are considered ‘controversial issues such as oil, term limits and corruption.’¹¹

10 Human Rights Network for Journalists Interview with victim-journalist (name withheld), Kampala, September 21, 2013.

11 Id.

In highly charged situations like demonstrations and strikes, the cross sections of the media have opted to desist from covering such activities leaving them for the brave and those that work for media houses that equip them fairly well with protective gear in case of any injuries. Hence ‘abscondment has become acceptable for safety reasons.’¹² In some extreme cases, some journalists confess to ‘staying away from investigative journalism because in such a fluid operating environment, one’s protection cannot be easily guaranteed especially if the investigation hinges on critical issues involving the power echelons.’



Vulnerable: Female journalists fell prey to police brutality during the media siege.



12 Id.

Ugandan journalists detained outside Uganda; foreign journalist deported from Uganda

Ugandan journalist working for foreign news agencies within the region were subjected to arrest and arbitrary detention in neighboring countries and a foreign journalist operating in Uganda was deported. In July, 2013 two Ugandan journalists Justine Dralaze and Hillary Ayesiga while on an assignment by Feature News Story were held incommunicado for four days by South Sudan National Security agency for allegedly filming without permission and failure to identify themselves as journalist.

They were released by the South Sudan Military after the intervention of the Uganda diplomatic mission in Juba. In the same month on July 26 an American journalist, Taylor Krauss, who entered Uganda on a tourist visa was “removed administratively” according to the ministry of Internal Affairs Spokesperson Jacob Simunyu and sent back to the United States.

The “removal” came after police apprehended him on July 23rd, in Kampala while filming a police operation in which they towed the former Forum for Democratic Change leader, Dr Kizza Besigye’s car and tear-gassed the accompanying crowds. The police alleged that Krauss had no documents that allowed him to do his journalistic work in Uganda. All foreign journalists who come to Uganda for journalistic purposes must be accredited by the Media Council at a fee depending on the geographical area of coverage.

Figure 5: Geographical allocation of violations in 2013

As illustrated below, journalists operating within the urban centers or municipalities are prone to more violations as compared to the smaller portion operating in the up-country and peri-urban areas. This, perhaps, can be explained by the fact that the urban centers tend to be the hubs of political activity and political activism and events during which some of the journalists have experienced the aforementioned attacks and harassment.

It could also connote that the vibrancy of attention or activism evident in urban centers has contributed to the capturing of these events of media rights infringement compared to the upcountry regions characterized by peasantry communities with strong state machinery in GISOs, RDC at the district level.

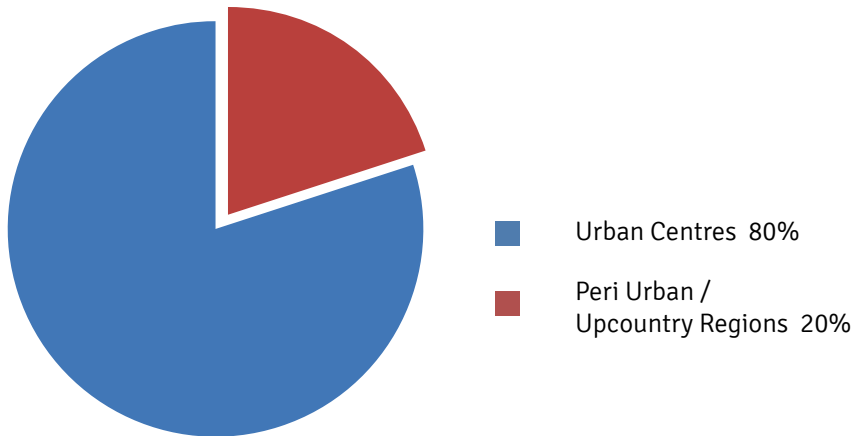
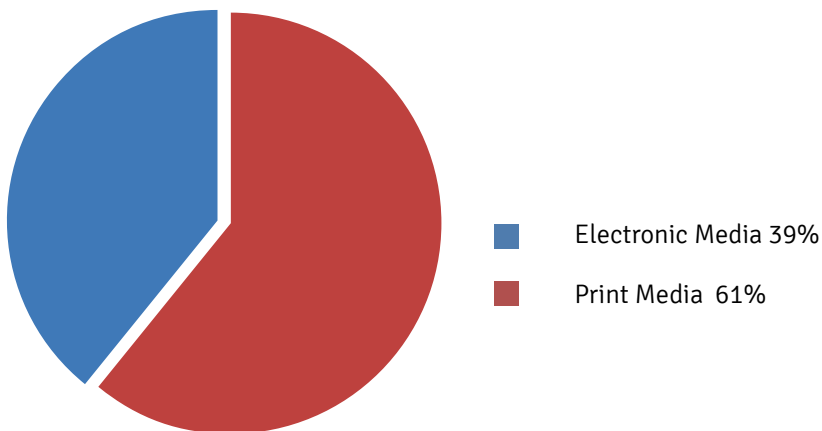


Figure 6:
Manifestation of violations according to type of Media in 2013



In 2013, violations were more targeted at journalists working for the print media in comparison to electronic media. Some of these journalists double as reporters for both print and electronic media in cases where their media houses had sister companies.



Detained in South Sudan, Justin Dralaze, a Ugandan journalist (with a video camera-right) was arrested with Hillary Ayesiga in South Sudan and detained at a military facility.

An American journalist, Thomas Krauss (holding a video camera) was deported after four days detention for covering the arrest of an opposition politician



Quizzed: Daily Monitor journalists Richard Wanambwa, Risdell Kasasira and Managing Editor Don Wanyama, were interrogated over a controversial letter which led to the closure of media houses in May.



Prison warders assaulting a WBS TV and Daily Monitor journalist Pascal Lutabi at Kalisizo in Rakai district. He was later detained and charged with assault



Prison warders in Rakai, beat up journalists and damaged their cameras in the process.

Censorship and editorial interference

The Monitor and Red Pepper siege and its implication on media rights in Uganda

Attacks on media houses in 2013 metamorphosed from warning statements from government to closure, switching off radio stations, disabling computers, turning off printing machines to seizure by security agencies and a regulatory body. The most atrocious acts happened in May when two newspapers and two radio stations were shut down for ten days by police and Uganda Communications Commission (UCC).

What started as a legal process by the Uganda Police Force to obtain a document from the Daily Monitor newspaper turned political with the newspaper publishers being left with no choice but to seek clemency for the re-opening of the paper from President Yoweri Museveni who was attending the African Summit in Addis Ababa Ethiopia. The Nation Media Group “highly regretted the story that led to the closure of the Monitor newspaper and KFM and Dembe Radio stations” and arm twisted into committing itself “to be sensitive to and not publish or air stories that can generate tensions, ethnic hatred, cause insecurity or disturb law and order” and “to tighten their internal editorial and gate keeping processes, to ensure that stories that impact especially on national security are subjected to the most rigorous scrutiny and verification process before they run.”

On May 7th, the Daily Monitor newspaper published an article quoting a leaked confidential letter written by General David Sejjsa, the then coordinator of National Intelligence organizations, alleging that there was a plan to eradicate high ranking government officials who do not support the succession of the President by his son Muhoozi Kaineraguba in what was referred to as the ‘Muhoozi Project’. In reaction to the article, police summoned and questioned the authors Risdell Kasasira and Richard Wanambwa as well as the managing editor Don Wanniyama for ten hours demanding to reveal the source of the letter which they declined. This prompted the police to apply for a court order compelling the paper to reveal its sources which they challenged in court. Meanwhile the broadcast and telecommunication regulator, Uganda Communications Commission, issued a public notice on May 14 titled: NOTICE IN ACCORDANCE WITH THE UGANDA COMMUNICATIONS ACT NO. 1 OF 2013 IN RESPECT TO COVERAGE OF EVENTS ON GENERAL DAVID SEJJUSA BY BROADCAST OPERATORS in which the Executive Director noted that the Commissions Content Monitoring Team had established that the coverage by some media houses of the Gen Sejjsa letter was not “professional and impartial”.

The Director warned that “errant media houses will be disciplined in accordance with the law.” When the Police failed to secure the document, it applied for a search warrant from a Magistrate Court that was granted on May 20 authorizing the police to enter and search for the alleged letter published by the Daily Monitor. A similar search warrant was issued in respect to The Red Pepper publication. The police armed with the warrants, besieged and halted indefinitely the operations of both newspapers and declared the premises crime scenes. However, the search warrant did not permit the police force to close the premises. Immediately, UCC also directed two radio stations, Dembe FM and KFM to “cease broadcast” given their location in a place which had been declared a crime scene. “We have received communication from the Inspector General of Police that the premises that Dembe FM has designated as its location of station and therefore where it currently operates has been sealed off as a scene of crime. This is therefore to direct that Dembe FM ceases to broadcast from this location until the clearance is given by the Uganda police” read the letter by the Executive Director UCC to Manager Dembe FM. A similar letter was written to the Manager KFM.

Four days later, the magistrate of Nakawa court withdrew the search warrant which she had earlier issued but police continued to occupy the media house arguing that it could still stay on the premises citing section 27 of the Police Act. In a statement issued on 30 May, the Minister of Internal Affairs defended the continued closure of Daily Monitor arguing that: "It should be noted that from the time the search commenced, the Police treated the Monitor premises and had them sealed, as a scene of crime, because apart from the letter, certain crimes had been committed by the Monitor Publications Ltd in particular violations of the Official Secrets Act." However, the statement did not mention anything about the Red Pepper. The then Minister of Information Mary Karooro Okurut had earlier stated that: "The General's utterances had unfortunately stirred national anxiety, tended to generate public disaffection against some officers in the UPDF [Uganda People's Defence Forces], as well as the First Family. This anxiety has the negative consequence of undermining national security."

In the process of continued closure the management of Nation Media Group (NMG) which owns Monitor Publications entered into negotiations with President Museveni in Addis Ababa where he had gone to attend the AU summit. In a statement issued by the Ministry of Internal Affairs the NMG officials "highly regretted the story that led to the closure of the Monitor newspaper and KFM and Dembe Radio stations" and "undertook....only publish or air stories which are properly sourced, verified and factual."

As a consequence, the Nation Media Group circulated to all staff EDITORIAL POLICY GUIDELINES ON HANDLING OF CLASSIFIED INFORMATION AND SENSITIVE NATIONAL SECURITY ISSUES which detailed the process of consultation before publishing and how to determine whether the publication is "in the best interest of the Group".

The Monitor and Red Pepper closure reflect

- A) The unabated use of the notion of national security to clamp down on media rights in Uganda-but-tressed by Article 43 of the Constitution;
- B) The 'replacement' of law with negotiated settlement there by establishing a precarious precedent in the quest for media freedom in Uganda. Pundits maintain that the negotiation of re-opening of the Red Pepper and the Daily Monitor and compelling the two media houses to sign 'undertakings' defined outside the law was an avenue for government to sneak in its own interests into the laws governing media freedom. The fact that the two media houses were never subjected to any court process of infringement on media right leads to the conclusion that the closure of the houses for 10 days was way beyond what is demonstrably acceptable in an aspiring democracy of Uganda.

HRNJ-Uganda also documented cases of journalists that were suspended or assigned other duties by their media houses due to pressure from Uganda Communications Commission and government officials. In the same month, a Kampala based radio was forced to stop the program it was running prematurely after receiving threats of closure from UCC.

Uganda's Media Legislative Framework:

Uganda continues to have a restrictive media legal regime in spite of being a state party and signatory to various treaties and conventions as well having promulgating a Constitution that guarantees freedom of expression and press. Laws that are slowly but fundamentally chipping away on freedoms and rights of Ugandan more so, the freedom of conscience, speech, expression and media rights generally were enacted in addition to nine other that directly impact on media.

On 18th January 2013, the Uganda Communications Act 2013 came into force consolidating and harmonizing the Uganda Communications Act CAP 106 and the Electronic Media Act CAP 104, dissolving the Uganda Communications Commission and the Broadcasting Council and reconstituted them into one body known as the Uganda Communications Commission (UCC). The law empowers the Minister of Information and Technology to appoint and direct the governing board of UCC. The law also gives the Minister power to appoint the Executive Director and control over the budgets of the Commission.

Besides, the law gives the Minister broad and undefined powers to interfere with the operations of the Commission such as formulating policy guidelines which must be adhered to. The Act falls short of the Declaration of Principles on Freedom of Expression in Africa which states that, "Any public authority that exercises powers in the areas of broadcast or telecommunications regulation should be independent and adequately protected against interference, particularly of a political or economic nature." Uganda is a party to these principles.

Parliament also enacted the Public Order Management Act 2013. The Act which was passed controversially boasts of provisions that infringe on Uganda's obligations in the Constitution and in international human rights law. It is meant to 'provide for the regulation of public meetings: duties and responsibilities of police; organizers and participants in relation to public meetings; to prescribe measures for safeguarding public order and for related matters. However some of the sections therein are not tenable in a democratic dispensation.

The law contravenes Articles 29 (1) (a) (b) (c) (d) and (e) of the Constitution of Uganda which provides for 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 and political and other civic organizations respectively. The law seeks to control rather than regulate public meetings and what is discussed therein, thereby curtailing free speech which is a key tenet in democracy building in the country.

The Press and Journalist Act (2000) remained on the law books. It contains restrictive and burden-oriented provisions. These provisions provide a diverse range of restrictions on the identity of a journalist. The law provides for mandatory possession of a practicing certificate for one to be dubbed a journalist. This, he or she attains upon successful registration with the statutory Media Council established within the Act that is mandated to issue practicing certificates. The certificate can be suspended for six (6) months if the holder is adjudged guilty of professional misconduct.

The Penal Code Act (1950 amended in 2007) still holds provisions that continue to be employed by state agents in clamping down on freedom of expression and media rights. Some of the provisions have been used against journalists that tread and write about issues the State considers sacrosanct and a no go zone for reporters in the name of protecting national security.

One of such provisions is section 41 which 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. Further, sections 179 and 180 on libel and defamation have respectively been used to corner the press into diverting from matters critical to governance and democratization. In the past, these provisions have been abused by the State and many journalists have fallen prey to such charges.

The Access to Information Act (2005) although aimed at opening up the characteristically closed government, enhance transparency and also contribute to participatory government buttressed by an accountable government to the citizenry, journalists still found problems accessing information from government agencies. 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.' If well implemented, the law is supposed to aid journalists just like other citizens to access information on critical national issues of concern without fear of being witch hunted.

However, the relevance of the law is challenged by the non-repealing of the Official Secrets Act of 1964, which instead emphasizes secrecy amongst public officials and prohibits the release of what is ambiguously termed 'official information.' This takes back journalists to the same position of investigating information that may not necessarily be in the interest of the state to release and hence suffering repercussions of media gagging.

The Anti-Terrorism Act (2002) triggered off by the war on terror by the government curtails human rights and freedoms and of fundamental importance to media rights is section 9 (1) which criminalizes the publication and dissemination of news materials "that promote terrorism", a terminology that is ambiguously defined and remains susceptible to abuse and manipulation by the powers that be. On conviction for such an offence, the punishment is death. More alarmingly however, the Act enlists journalists' material as part of any other documents that can be subjected to investigations in the nature of terrorism and cannot benefit from exemption. This is an affront to journalism and notions of confidentiality and protection of sources.

The Regulation of Interception of Communications Act (2010) provides for surveillance, tracking, intercepting and monitoring communications (telecommunications and any other related mode of communication) of persons injurious to national security. 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. Owing to past state conduct of seeking for details of sources to journalists, there is fear that this mechanism of interception can be misused easily by the state to the detriment of media rights and freedoms.





Human Rights Defenders, Civil Society, the United Nations officers and Members of Parliament stand in solidarity with journalists in times of media suppression





Members of the Civil Society demonstrating in support of media freedom in May





Police brutally handling journalists during the media siege at the Daily Monitor Head office in May.







Human Rights Network for Journalists - Uganda
With support from Open Society Initiative
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