

# Press Freedom Index Report 2011

## Uganda



## Shrinking and sinking



Human Rights Network for Journalists - Uganda  
with the support of  
Open Society Initiative for East Africa



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### *Cover Photo:*

Micheal Mugabi Regional Police Commander Kampala North holding a video camera at Lubigi wetland after confiscating it from a journalist Umar Kyeyune of Uganda Broadcasting Corporation, on 18 May 2011.

HRNJ-Uganda Photo

**Februray 2012**

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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 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 endeavor to offer legal support to journalists who are in need of these services because of their work.

We do provide medical and psycho-social support to media practitioners injured in the course of their duty. We train and educate journalists on various thematic issues in order to 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 journalists, individuals, lawyers, editors and media houses that contributed to the documentation of these cases and production of this year's Press Freedom Index 2011.

Special thanks to Mr. Geoffrey Wokulira Ssebaggala the Programme Coordinator HRNJ-Uganda, Ms. Catherine Anite the Litigation Officer, Mr. Robert Ssempala the Advocacy, Research and Documentation Officer, and all our staff who tirelessly worked to put together this report.

We would like to thank our development partners DANIDA, Foundation for Open Society Initiative (FOSI), Open Society Initiative for East Africa (OSIEA) and Media Legal Defence Initiative for the support that has enabled HRNJ-Uganda to not only produce this report but their contributions towards defending journalists to promote human rights and change people's lives.

## **Background**

The process of publishing periodic press freedom index reports was initiated in 2009 by HRNJ-Uganda to highlight the plight of journalists and propose ways of improving the state of the media in light of the human rights situation in the country. It is a local review mechanism to study, measure and monitor the trends of freedom of expression and other media freedoms against the nationally and internationally acceptable standards.

## **Report objective**

This report highlights the suffering, insecurity and difficulties journalists face on a day-to-day basis while doing their journalistic work. It documents the events where journalists' rights have been violated by state and non-state actors as well as exposing those who impede on media freedom. It shows consistent and constant attacks on journalists countrywide. It also draws the attention of the executive, judiciary, legislature, development partners, treaty bodies, human rights defenders and the public at large towards the state of press freedom and freedom of expression in Uganda.

## **Our Methodology**

Human Rights Network for Journalists-Uganda regularly receives complaints through its toll free telephone lines from journalists alleging violations on their media freedoms and rights. The organization initiates interviews and follow ups with every journalist and other actors involved in these incidences. Victims, witnesses and alleged

perpetrators are interviewed to establish the facts of the matter. In cases involving various actors, HRNJ-Uganda tries to ascertain the facts by contacting the authorities, and corroborating the information with other witnesses at such places. The victims are followed up in hospitals and courts of law depending on the nature of the case. Based on these interactions, HRNJ-Uganda records and documents the occurrences. Action is taken based on the nature of the violation. On its own initiative, HRNJ-Uganda, initiates investigations on violations based on its monitoring, media reports and tip-offs. This report is built on information gathered, documented and analyzed between January-December 2011.

# Introduction

By Geoffrey Ssebagala Wokulira  
Program Coordinator

Although freedom of the press is guaranteed by the Constitution of Uganda, in practice it remains elusive to many journalists seeking to enjoy these freedoms in their course of work.

Increasingly, journalists are being attacked, injured, and threatened and their property vandalized by the institutions that are mandated to guarantee enjoyment of these freedoms and protecting them. The constant attacks on journalists contravenes the Constitution of Uganda, regional and international conventions that Uganda has ratified.

In 2011, Human Rights Network for Journalists-Uganda documented 107 cases of attacks on journalists compared to 58 in 2010 and 38 in 2009. The attacks range from shootings, physical attacks, unlawful arrest and detention, incarceration of journalists, denying access to news scenes, confiscation of equipment, defective and trumped up charges, to verbal threats. The violations happened countrywide under different commands of mainly the police and the army.

The trend indicates a systematic and calculated move by these institutions to hamper journalists from executing their duties. There is notably a high degree of impunity by the law enforcement agencies and other institutions to pursue perpetrators in spite of HRNJ-Uganda's concerted efforts to engage them. The victims of these abuses deserve and await justice from the relevant institutions. This therefore is an obligation the government must fulfill.

Raiding of newspapers continues to happen with limited investigations by the Police to establish the culprits. In other instances, the police has stormed media houses claiming to be searching for subversive materials. As a result, landlords, suppliers and printers of different considered anti-government papers face intimidation and threats from security operatives. This conduct has led to temporary closure and ceasure of publications of newspapers.

Constant non expeditious trials of journalists is causing tension among media practitioners and derailing their work. About 30 journalists have pending charges against them in the courts of law. None has had their cases disposed of and some have been in court for almost ten years. The principle of natural justice demands that justice must be speedy and be seen to be done. The courts are going against their basic principles of equity and administration of justice.

The legal and policy frameworks regulating the media infringe on enjoyment of the freedom of expression and the press. No notable efforts from government to bring into conformity the existing media legislation with the Constitution of Uganda and International standards. Unfortunately, proposals are being made to introduce measures that undermine the enjoyment of press freedom.

Sadly, there is glaring silence from statutory bodies that should be at the forefront of protecting and defending media freedoms. It is a matter of concern that the Uganda Human Rights Commission has not taken initiative to investigate and expose these abuses.

# Attacks on journalists

During the reporting period, a number of journalists faced various threats and limitations while exercising media freedom. A total of 107 journalists were attacked by state and non-state actors in 2011. The attacks took several forms including but not limited to direct confrontation, arrest, confiscation of equipment and verbal attacks.

Attacks were mainly by the police, UPDF, Resident District Commissioners, individuals linked to government and others. The attacks took place mainly during the *Walk to work* demonstrations in different parts of the country. Security officers accused journalists of portraying them negatively as they executed their work.

## Journalists physically attacked and injured

Majority of the physical attacks came from security agencies as well as politicians. Attacks by politicians were mainly through ordering their supporters to beat journalists during election campaigns. Many reporters were beaten by soldiers and army men while covering the demonstrations. Majority of the attacks were deliberately aimed at scaring journalists from covering the events. These attacks heightened in May, along Entebbe Road, when journalists covered the return of Kiiza Besigye from Nairobi after acquiring medical treatment<sup>1</sup>.

In April, Besigye had been violently arrested, an action that angered his supporters sparking off demonstrations

<sup>1</sup> Kiiza Besigye had gone for treatment in Nairobi following police/army pepper spraying him near Mulago hospital. His return followed a series of events including Kenya Airways refusal to transport him. Finally he was allowed to return and the return coincided with president Museveni's swearing in at Kololo. While events were unfolding at Kololo Kiiza Besigye the Key opposition figure was also returning amidst demonstrations.

that left a number of people dead and hundreds injured. The police assisted by the army were keen on limiting occurrence of similar demonstrations on Besigye's return as well as media coverage. The press became a direct target of security agencies. More than 21 journalists were beaten and sustained serious body injuries.

*"I was beaten on the day Kiiza Besigye returned from Nairobi .... We were covering the procession in Entebbe. Soldiers came and got me together with two other journalists. They beat us using gun butts and sticks. All of us were injured; we managed to run to the Daily Monitor pick up where we continued moving towards Kampala," a journalist told HRNJ from the hospital*



Gideon Tugume, Capital Radio reporter with a plastered leg after he was shot by Police at Kibuye Round about in Kampala in May 2011

Gideon Tugume, a Capital FM reporter was shot and seriously injured on his right leg by the bodyguard of the Inspector General of Police Lt. General Kale Kayihura as he approached the IGP to record what he was saying.

*"I held my identity card in the air and shouted: 'Don't shoot me, I'm a journalist,' this officer aimed directly at me,"* Tugume told HRNJ-Uganda in May while at his hospital bed. Police offered Tugume 500,000/+ (200 US dollars) for his treatment. However the police officer who shot him has never been held accountable.

Mukasa Mulindwa a WBS TV reporter was beaten and sustained injuries as he filmed the events. Joseph Mary Buule of Uganda Broadcasting Corporation was also hit by a security officer as he recorded the happenings. Kaweesa Peacock, Nassanga Regina, Dean Lubowa Saava, Rogers Kibirige, Robert Mutebi, Luswa Anatoli, Ayebare Allan, Michael Kakumirizi, Eddie Sejjoba, Mercy Nalugo, Barbara Among, Simon Njala Kaggwa, Nasser Kayanja, Kigongo Sebalamu, Namaganda Brenda and Steven Otago were all beaten by security forces sustaining body injuries.

Another journalist told HRNJ-Uganda *"I was beaten by policemen who were targeting my camera. They came and attacked us as we were approaching Kibuye on Entebbe road. They were beating every journalist they saw. We ran to a pickup belonging to the New Vision; however this was also not safe. They blocked the pickup and beat everyone on it. I got on a Bodaboda (motorcycle) that is how I managed to escape."*

On the 23rd February 2011, eight journalists were beaten by stick wielding men suspected to be supporters of NRM mayoral candidate for Kampala, Mr. Ssematimba Peter.

HRNJ-Uganda recorded 11 attacks on journalists at Super FM covering the events of the day<sup>2</sup>. They had gone to cover the candidate as he cast his vote.

Journalists were told that Sematimba was going to address the press from his station on allegations that he was involved in ballot stuffing. As journalists were waiting, stick welding men emerged from the station and started beating every journalist in sight.

Dixon Bbaale, a Channel 44 TV reporter was hit on the head by suspected supporters of Mayoral Candidate Peter Sematimba and sustained a deep cut on his head.



**Bbaale Dixon**  
**Reporter - Channel 44**

<sup>2</sup> On that day several pre-ticked ballot boxes were discovered in Kampala, majority of the boxes were ticked in favour of Peter Ssematimba, this brought about confusion that resulted in the EC canceling the elections.

Nabukeera Florence, of Bukedde Newspaper was also seriously beaten and injured. *"They got me, took my camera and started beating me. They were asking why I was giving them a bad image,"* a reporter from one of the local dailies told HRNJ-Uganda. He managed to escape from further harm.

In March, Hasfa Nakyanzi of Top TV lost her two front teeth when a teargas cannister hit her mouth tearing her lower lip as police dispersed opposition politicians in Jinja in eastern Uganda who were marching in the town. The police regretted the incident but no one has ever been held accountable.

In, October, a New Vision reporter was slapped several times on his cheek and arrested by Sam Omala, the Kampala Metropolitan North area commander, blaming him for accessing FDC leader Kiiza Besigye's home without police permission to cover a press conference.

*"A policeman got hold of me took me before their commander Sam Omara who slapped me three times and ordered that I should be handcuffed,"* the journalist told HRNJ-Uganda in October.

A photographer of a local daily was beaten by the guards of the Mayor, Kampala Central Division for taking his photos. In Aleptong district in Northern Uganda, a reporter with a local daily was beaten by the ruling party supporters as he photographed politicians distributing money to people to discourage them from attending their opponents rally. He sustained body injuries.

In Masaka, three journalists were beaten by the UPDF sol-

diers as they filmed and took photographs of demonstrators during the walk to work demonstration.

In Mbale district eastern Uganda, a TV reporter was beaten by supporters of the then State Minister for Housing Micheal Werikhe Kafabusa, while covering the presidential and parliamentary elections. Julius Odeke a journalist was shot by military men on February as he covered elections in Budadiri West constituency in eastern Uganda.

### **Foreign journalist killed**



Charles Ingabire, a Rwandan journalist killed in Kampala Uganda in 2011. He was a critic of the Rwandan government

Charles Ingabire, a Rwandan journalist was in November killed in Kampala by unknown assailants. He was the editor of Inyenyeri News an online publication known of being critical to the President of Rwanda. Police said they were investigating the matter. The Rwandan President Paul Kagame told journalists in Kampala in December that Ingabire was "*a wanted criminal in Rwanda*" who had fled the country in fear of being arrested for theft of huge sums of money that belonged to an orphanage home of genocide victims. "*This Ingabire stole money of this organization*" Kagame said adding that he had run away from justice claiming political persecution like others.

### **Arrest and detention**

Journalist continued to face arrest, interrogation and detention by police and other security agencies. More than 30 journalists were arrested or interrogated by police on matters related to stories they wrote or were covering. Some journalists were also arrested for demanding for their salary arrears from bosses

Police in January 2011, arrested the editor of Summit Business Review magazine Summit for publishing a cartoon of President Museveni cutting a cake on independence day 2009. When the Director of the magazine went to find out the reason for the arrest, he was also detained. The two were questioned over the publication which the police said could cause hatred to the president.

In March 2011, Tabu Butagira, a Daily Monitor senior reporter, was summoned by the Commandant of the Special Investigations Unit Directorate of Criminal Investigations where he was temporarily detained and interrogated over an article in the newspaper where he interviewed

FDC leader Kiiza Besigye. Another daily Monitor reporter based in Gulu, Northern Uganda was in February arrested and detained at Gulu Central Police station while covering local council elections.

In February, a Top Radio presenter in Masaka was arrested and questioned for allegedly inciting violence after hosting a talk show in which guests discussed electoral malpractices in Masaka. He was later released on bond.

Police in May, arrested the Managing Director, Editor, Administrator and security guard of Gwanga newspaper distributing 'subversive' materials of Activists for Change a political pressure group . Three of them were charged with publishing seditious material and there is information that the Government of Uganda made an attempt to cancel their operating license.



The Managing Director of Gwanga newspaper, Kizito Serumaga, while under arrest on May 24th 2011 when Police rounded off the newspaper offices in Kampala. Three of his workmates were also arrested on allegation of distributing subversive materials.

A New Vision journalist was arrested in October on orders of Sam Omara, Kampala Metropolitan Commander North whisked off to Kasangati Police station and detained for two hours before being released without charge. He was covering police besieging of Forum for Democratic Change President Kiiza Besigye.

A Bukedde TV reporter was arrested by police, detained for 12 hours at a police post as he covered a scuffle at Kampala University-Mutundwe campus. He was released without a charge.

In August, Owen Baruka, Wilson Asiimwe and Daniel Kingtonole, of Grace Radio in Lubirizi District were arrested by a traffic police officer and detained at Ndekye police station for a night on allegation of theft and switching off the radio. The station manager told police they had stolen a computer, internet modem, voice recorder and a stamp pad. The trio was demanding their cumulative salaries which were paid when HRNJ-Uganda intervened. However their services were terminated.

Vincent Nzaramba, author of the book "*People power-battle the mighty General*" which lists 198 non-violent ways of dislodging a dictator, was arrested in September by ten plain clothed men from the disbanded Rapid Response Unit (RRU) and held at their headquarters in Kireka, a Kampala suburb. He was detained for six days before his release on police bond.

### **Media houses raided**

Raids on media houses were recorded in 2011. In May police raided Gwanga newspaper premises located along Wakaligga road in Lubaga division, Kampala district Police alleged that it was being used to house materials used by

a pressure group, Activists for Change (A4C) to advocate against high fuel and commodity prices.

The paper's Managing Director, Kizito Sserumaga, the Editor Alex Lubwama, administrator Patricia Serebe and a security guard Lukyamuzi Peter were arrested. Lukyamuzi was, however, set free while other three charged and released on bond. Police also impounded a computer and other documents which were allegedly inciting violence

The following day, the anti-riot police raided and searched the premises of Prime General Supply Limited a company that prints Ggwanga newspaper as a possible source of the documents allegedly confiscated from the Ggwanga premises. The police search yielded to nothing.

The printing company had discontinued offering printing services to the paper but later accepted after hiking the printing prices.

*"Before the raid, we could print on credit but after they changed they told us to pay cash before printing. They even increased the price,"* staff of Gwanga told HRNJ-Uganda in July

The owner of the premises the paper was operating from was scared of continuing to house Ggwanga newspaper, HRNJ-Uganda learnt recently. In June, the paper relocated to Makerere Kikoni-a Kampala suburb. However it seized publication in June.

In September, unknown assailants attacked Eddoboozi newspapers killing the guard and took away all the computers. The paper stopped for one week before resuming publication.



Eddobozi newspaper offices along Masaka Road raided in Septmeber by unknown people. Police promised to investigate the matter.

## **Confrontations and verbal attacks**

Verbal attacks mainly came from Resident District Commissioners, Police Officers, Soldiers and the public. A Bukedde Newspaper reporter was verbally attacked by a clergy accusing him of taking his photograph during a court session. He charged at him before he was restrained by onlookers.

A reporter at Kasangati while waiting to cover the opposition politician, Kiiza Besigye, as he walked to work was confronted by a policeman who told him *“you and your group, what are you doing here? We will arrest all of you. You are here to give us a bad image. Go and tell your friends if we get them we shall arrest all of you.”* The reporter remained at the scene worried but cautious.

In Ntinda, as journalists covered the blockage of Democratic Party President, Norbert Mao, by police from coming out of his home, a soldier told a journalist in Kiswahili "*Nyinyi wa Journalist, munafanya nini hapa nitawapiga musipotoka hapa* 'you Journalists, what are you doing here, we will beat you if you do not leave this place'.)The journalists run away from the scene.

A radio presenter at Kagadi community radio received a telephone call from the area MP Hon. Kabonesa threatening to harm him. She accused him of supporting her opponent whom he had hosted at the radio. He reported the matter to Kagadi Police Station and by the end of the year, investigations were still going on. Similarly, a radio Simba reporter received hostile calls from Police for his continuous coverage of *walk to work* demonstrations.

### **Confiscation of tools of trade**

A considerable number of still and video cameras were confiscated by security officers from journalists in the course of covering different events during 2011. The cameras were returned to their respective users upon deletion of all the materials on them. Other tools confiscated have not been returned to date. No reason has ever been given by police for acting in this manner. In some cases, the individual police officers blamed journalists for portraying them negatively before the world.

In April and May 2011, 10 cameras were confiscated from journalists while covering the *walk to work* demonstrations. In an incident, in May, the then Kampala Metropolitan Police Commander North, Michael Mugabi, was

filmed holding a reporter's camera from a local TV station after confiscating it and stopping the journalist from recording the events. Journalists were covering the police as it evicted people who had encroached on a wetland near Kampala. The camera was later returned to the journalist.

The Special Forces Group (SFG), a unit in the Uganda Peoples Defence Forces, in January, impounded a camera from a Nation TV reporter as he filmed a confrontation between a minister's security guards and a member of parliament in Sembabule district. SFG returned the camera after erasing the recorded material. In April, the same reporter was confronted by UPDF soldiers who took away his camera as he covered protests in Masaka town. In a related incident in April, UPDF officers grabbed his camera, removed the memory card, and destroyed it before handing it back.

In May, Military Policemen forced a Radio Simba journalist to seat down, searched him and took away his audio recorder saying they did not want any recordings of the events. To date the recorder has never been returned. The reporter was covering the return of Dr. Kizza Besigye from Nairobi where he had gone for treatment after he was violently arrested by security personnel.

Central and local government officials impounded journalists' cameras accusing them of taking pictures or filming them without permission while on public duties. In April 2011 a senior official in the Ministry of Tourism Trade and Industry, grabbed a video camera from local TV reporter as he filmed him over land wrangles. He accused the journalist of filming him without his permission.

In February 2011, a photographer with a local daily had his camera seized by men on the orders of Kampala Central Division chairperson. They accused him of taking the Chairperson's photo without his permission as he was campaigning. The matter was reported to police and no action was taken.

### **Journalists in Prison**

The number of journalists in prison increased from one to two. They are charged with treason. In July, Augustine Okello a.k.a Rouks of Radio Rhino was arrested and charged in August with treason. He was held incommunicado for two weeks at the Chieftaincy of Military Intelligence headquarters before he was produced in court when HRNJ-Uganda filed a habeas corpus application on his behalf. His attempt to be released on bail failed because court was not satisfied by his grounds for it. He was committed to trial in the high Court on 6th of January 2012. Otim Patrick arrested in 2009 on treason charges and committed to High Court in May 2011 still languishes in prison awaiting trial. Early 2011, Uganda High Court denied him bail for lack of substantial sureties.

### **Journalist with pending cases in court**

The number of journalists with pending cases in the courts of law increased to 28 and none has been brought to its logical conclusion. Cases range from treason, forgery, uttering false documents, promoting sectarianism to criminal defamation. Of the 28, ten are from the Daily Monitor, a local daily.

In March, the Managing Editor, Uganda Records, an on-line publication, Timothy Kalyegira was charged with

criminal libel after publishing an opinion that the July, 2010 bombings in Kampala were masterminded by the Ugandan security forces. Government blamed the attacks on Al-Shabab a terrorist unit linked to Alqaeda.

In November, prosecution opened a case against two Daily Monitor editors, Daniel Kalinaki and Henry Ochieng after two years of their arrest and charge. The case is still pending before a magistrate court awaiting ruling on whether or not there is a case to answer.

### **Journalists with pending charges at police**

The number of journalists with pending charges at various police stations throughout the country sky rocketed in 2011. Over 20 journalists have pending files at various police stations in Uganda compared to 15 in 2010. The status of the files remains unclear.

### **Journalists charged under nullified laws**

Police continues to arrest and charge journalists under laws that were nullified by the Constitutional Court six years ago. A CBS FM correspondent, Yoweri Musisi, was in March charged with publication of false news, an offence which no longer exists. HRNJ-Uganda challenged the charges and court dismissed the case. The prosecutor argued that the offence is still existent in the law books. In 2004, the Supreme Court of Uganda, nullified section 50 of the Penal Code that made it an offence to publish false news. The Court argued that it was not justifiable in a free and democratic society.

## **Interference in media operations**

Several cases of interference in media operations were registered in 2011 from politicians, security agencies, Resident District Commissioners, Broadcasting Council and the Uganda Communications Commission (UCC).

In April, Uganda Communication Commission issued a directive to internet service providers to block all social networks for 24 hours. UCC said it had received complaints from security agencies that these networks were escalating violence. In a letter signed by Quinto Ojok UCC said: *"We have received complaints from security that there is need to minimize the use of the media that may escalate violence to the public in respect of the ongoing situation relating to walk-to-work mainly by the opposition in the country. You are therefore required to block the use of Facebook and Tweeter for 24 hours as of now, that is; April 14, at 3:30pm to eliminate the connection and sharing of information that incites the public."*

UCC also ordered TV stations to stop airing live demonstrations during the walk to work. A local TV manager told HRNJ-Uganda in April: *"I received a phone call from the UCC. I was told our TV will be closed down if we continued airing live pictures of demonstrations. My bosses agreed with them and that is why we have stopped airing them."*

Two KFM talk show hosts, Charles Mwanguhya and Bernard Tabaire were in June summoned and questioned by the Police Special Investigation Unit after hosting Forum for Democratic Change president Kiiza Besigye. Officers told them they will call them *"should there be need"*.

In October, a political talk show host on a radio in Hoima was temporarily stopped by management and his programme suspended due to pressure from the area Resident District Commissioner claiming that it was misleading the public. However, it was later re-instated and the host returned.

In 2009, the Broadcasting Council switched off five FM radio stations accused of inciting violence during the September riots sparked off by government refusal of the Kabaka (king) of Buganda to visit Kayunga district. Programmes were also suspended. Since then, many media houses censure themselves for fear of a backlash from government.

### **Reporters caught in crossfire**

The unnecessary use of force by police to disperse demonstrators has led to a number of journalists being injured. On a number of occasions, police resorted to using un reasonable force, indiscriminate shooting and beating of people. This has not spared journalists who undertake to cover the scuffles. Although journalist in some cases have press jackets, police have gone ahead to hit at them under the guise of dispersing people.

*"I had gone to cover the release of Norbert Mao from prison. His supporters were celebrating his release after two weeks in prison. Police started shooting. As we tried to run, something hit me and I fell. I later realized I had been shot in the leg. I could not move, I was helped by people passing by who took me to hospital,"* a journalist in crossfire told HRNJ-Uganda.

A number of journalists interviewed indicated that it was becoming extremely difficult under such circumstances to get both sides of the story. *"I was hit by a teargas canister as we tried to follow demonstrators. .... The challenge always is you have to get both sides. You have to cover the story from the demonstrator's side of view and the police side,"* said a journalist who was hit by a teargas canister as he tried to follow the demonstrators.

Lack of safety and protection mechanisms for reporters in the field exposes them to more dangers. Media houses in Uganda do not provide bullet proof jackets or offer personal security training for their reporters covering volatile situations. Besides, health insurance is only provided to top level staff leaving out majority of the reporters who are exposed to dangerous environments during reporting.

There are no rescue plans and other interventions such as lawyers provided by media houses. Majority of the media houses have failed to provide the basic protection measures such as reflective jackets, identity and press cards, among others. Ugandan journalists do not have a national press card.

## **Impersonation**

In April, a confrontation between journalists and the police ensued at Mulago roundabout when an unidentified person donning a WBS TV press jacket was blocking the police from arresting Dr. Kiiza Besigye. Police blamed this act on all the journalists present. After establishing that he was not a journalists, reporters at the scene tried to arrest the man and hand him over to police, however police intervened and took him away; he was

later seen chatting with the police. On seeing him again, reporters confronted him and he was whisked off to safety by police. To date no charges or explanations have ever been given by police as to the identity or motive of this man.

The police commander for Kampala Metropolitan first blamed reporters for blocking the police from doing its work and threatened to arrest them. Later it transpired that the persons blamed to have been blocking the police were not reporters and the police did nothing to arrest them. Media practitioners need to demand for accountability for state agencies to ensure such cases are limited.

# **Legal framework not conducive for press freedom**

Press freedom in Uganda is greatly hindered by laws and policies that are maintained in different statute books although it is guaranteed under the Uganda constitution<sup>3</sup>. However, existing laws have clauses that take away this freedom. Little has changed both in penal and administrative laws that are still in place. Journalists continue to be charged under these laws and media houses practice self-censorship for fear of being closed under the same laws.

## **Restrictive penal laws**

The Penal Code Act<sup>4</sup> has sections restricting media freedom. Whereas many of these provisions have been ruled unconstitutional, police continue to arrest and charge journalists under these offences. Section 179 of the PCA creates an offence of criminal libel. Criminal libel has its history in the old English system where publishing false news against the crown was punishable<sup>5</sup>. This was exported to all common wealth countries, however today many countries have dropped it for being unconstitutional and limiting press freedom<sup>6</sup>. However Uganda has maintained this offence.

Sections 33 to 36 of the PCA prohibit importation of news items that are prejudicial to the state. These sections give police powers to inspect, confiscate and arrest publishers and importers of such materials.

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<sup>3</sup> Article 29(1) of the constitution provides that every person shall have the right to freedom of speech and expression which shall include freedom of the press and other media. Several laws have been made to enforce this article include the Press and Journalist Act; the Electronic Media Act, the Uganda Communications Commissions Act among others.

<sup>4</sup> Cap 120 Laws of Uganda

<sup>5</sup> See *The News Media & The Law*, Spring 2001 page 15

<sup>6</sup> Ibid

Section 33 gives the minister absolute discretion to determine what material to restrict. S. 35 seeks to punish any person who publishes, imports, sells, offers to sell or distributes materials restricted by the minister. In essence, the section will punish the whole chain from the publisher to the reader of the newspaper. Much as this section has not been implemented, it has a potential of undermining media freedom and the media industry in Uganda generally by limiting 'foreign' publications in the country.

Section 41 of the PCA under the guise of preventing incitement to tribal segregation criminalizes speech and effectively bars the media and the public from questioning the imbalance in distribution of national resources. A media person can be punished if his/her publication is to the effect that resource distribution is along tribal or religious lines. A person who complains for being discriminated against along tribal lines can be a victim of the offence of sectarianism. Victims of this law include; Opposition Presidential Candidate under the Uganda Federal Alliance (UFA) Ms. Betty Kamyu, Semujju Ibrahim Nganda, the former Political Editor of the Observer Newspaper and his managing editor James Tumusiime.

### **Restrictive administrative laws**

Under the Electronic Media Act<sup>7</sup>, of 1996, the Broadcasting Council enjoys unprecedented powers of regulating media content. On several occasions the institution has abused its powers by closing down media houses, ban public debates and order the suspension of critical journalists. The Broadcasting Council continues to threaten media houses

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<sup>7</sup> Cap 104 laws of Uganda

with closure as seen in the reporting period where a TV station was ordered to stop live broadcasts of demonstrations and internet providers ordered to block social networks as means of communication.

The Anti-Terrorism Act 2002, under Section 9 prohibits publication of news or items that promote terrorism. However the Act does not define precisely 'Acts that promote terrorism' this vagueness puts media practitioners at risk of being charged with terrorism for publishing information about a group considered terrorists. The fact that the definition of 'terrorism' in itself is vague<sup>8</sup> increases and causes risk to journalists. Under the Act, a journalist can be forced to reveal his source of information and material in cases of investigations – a fact that is not only unethical to the profession but also undermines the work of journalists.

In 2010, Government passed the Interception of Communications Act which gives powers to the Minister of Security to tap all forms of communication in the country. Like the Anti-Terrorism Act, the Interception of communications act will inevitably lead journalists to revealing confidential information which is against their profession.

### **Proposed amendments and bills**

The proposal by the Ministry of Information to amend the Press and Journalists Act contain great restrictions on media freedom. One of the aims of the proposal is to create offences and penalties for journalists. The proposed amendments include restriction of starting a newspaper, its registration and licensing by the Media Council, capital requirements and many others.

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<sup>8</sup> The definition provides that an act of terror is any act or omission aimed at forcing government to change anything (policy, law practice etc) and through doing that act a person dies

The Public Order Management Bill, 2010 before parliament, challenges the enjoyment of freedom of expression, speech, and assembly which are fundamental freedoms and human rights guaranteed by the 1995 Constitution and in several regional and international human rights instruments. The bill gives the Inspector General of Police (IGP) and the Minister of Internal Affairs wide discretionary and unjustifiable powers over the management of public meetings, Places extensive and impractical obligations on the organizers of public meetings, which are impossible to satisfy, and seeks not only to regulate the conduct of public meetings but also the content of the discussion.,

Fears have been expressed by law experts, the clergy and human rights activists that if these proposals are passed into law, they will undermine freedom of expression in Uganda.

## **Government's Duty to protect the media**

Uganda ratified the International Covenant on Civil and Political Rights which gives a state the responsibility to respect and to ensure that all individuals within its territory and those subject to its jurisdiction have their rights respected and observed and in cases of violation, the individuals are given redress. Article 20(2) of the Uganda Constitution provides that rights and freedoms of the individual and groups enshrined in the constitution shall be respected, upheld and promoted by all organs and agencies of Government and by all persons.

Article 221 makes it a duty of the Uganda Peoples' Defence Forces and any other armed force established in Uganda, the Uganda Police Force and any other police force, the Uganda Prisons Service, all intelligence services and the National Security Council to observe and respect human rights and freedoms in the performance of their functions.

The Uganda government is obliged to protect freedom of expression which includes press freedom, the right to seek, receive and impart information and ideas of all kinds and freedom to hold a different opinion.

# Victims, perpetrators and violations in 2011

VICTIMS	MEDIA HOUSE	VIOLATIONS	PERPETRATORS
<b>JANUARAY</b>			
Mustapha Mugisa	Summit Business Review	Arbitrary arrests and detention Degrading treatment and punishment Arbitrary deprivation of property	Police Special Forces Group-UPDF Member of Parliament NRM supporters
Dr. Samuel Ssejjaaka	Summit Business Review		
Mutegeki Geoffrey	Voice of Tooro		
Michael Kakumirizi	Red Pepper		
Issa Aliga	NTV		
Ssozi Ssekimpi	Top Radio Masaka		
Issa Aliga	NTV		
<b>FEBRUARAY</b>			
David Opio	Radio Kyoga Veritas	Denial of security to person Interference in seeking, receiving and imparting information and ideas Arbitrary arrest	L.C 3 Chairman Local Government councilor Supporters of M.P and minister Para-military groups Media owner Police
Ismael Kasooaha	Kagadi Kibaale Community Radio		
Gerald Mutembu	WBS TV		
George Fidel Arinaitwe	Red Pepper		
Livingstone Okumu	The Daily Monitor		
Nabazziwa Lydia	Nabazziwa Lydia		
Namatumbwe Christine	Metro FM		
Nixon Bbaale	CH 44 TV		
Florence Nabukeera	Bukedde Radio and TV		
Brian Nsimbe	CH 44 TV		
Jane Anyango	UBC TV		
Steven Mbidde	KFM		
Michael Kigozi	Radio One		
Ssozi Ssekimpi	Top Radio Masaka		

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

Article 19 Universal Declaration of Human Rights

		<b>MARCH</b>	
Sadab Kitatta Kaaya	WBS TV	Denial of security to person	Police Resident District Commissioners Councilors
Goodluck Musinguzi	New Vision		
Robert Muhereza	Daily Monitor	Arbitrary deprivation of property	
Tabu Butagira	Daily Monitor		
Edward Bindhe	Uganda Radio Network		
Brian Luwaga	Kamunye	Interference in seeking, receiving and imparting information and ideas	
David Lukakama	Voice of Busoga		
Hasfa Nakyanzi	Top TV		
Patson Baraire	New Vision		
Yoweri Musisi	CBS FM		
Sadab Kitatta Kaaya	WBS TV		
		<b>APRIL</b>	
Patson Baraire	New Vision	Interference in seeking, receiving and imparting information and ideas	Police UPDF Auxiliary forces Judicial Officers Legal officer Government officials
Yoweri Musisi	CBS FM		
Ssemakula Bambilazabwe	Bukedde TV		
Paddy Nsobya	Bukedde News paper		
Francis Mukasa	WBS TV		
Ronald Muyinda	Radio One	Arbitrary deprivation of property	
Stuart Iga	Red Pepper		
Yunusu Ntale	CBS FM		
Ali Mabule	New Vision		
Isa Aliga	NTV		
Norman Kabugu	Kamunye News Paper		
Dismus Buregyeya	New Vision		
Justine Dralaze	Reuters		
Joshua Mmali	BBC		
Ismael Kasooaha	Kagadi Kibaale Community Radio		
Matridah Nabukalu	Eddoboози News paper		
Betty Namukasa	Radio Buddu		
Mulindwa Mukasa	WBS TV		

**Every person shall have the right to-**  
**(a) freedom of speech and expression, which shall include freedom of the press and other media:**

Article 29 Constitution of Uganda 1995

	<b>MAY</b>		
Williams Ntege	WBS TV	Interference in seeking, receiving and imparting information and ideas	Police UPDF Auxiliary forces
Christine Nabatanzi	Radio Simba		
Goodluck Musinguzi	New Vision		
Mulindwa Mukasa	WBS TV	Arbitrary deprivation of property	
Joseph Mary Buule	UBC TV		
Stephen Otago	The Daily Monitor		
Francis Tumwekwasize	Freelance journalist	Degrading treatment and punishment	
Ayebare Allan	The Razor News paper		
Michael Kakumirizi	The Red Pepper		
Eddie Ssejjoba	The New Vision	Denial of right to security of person	
Robert Mutebi	Bukedde News Paper		
Luswa Anatooli	Eddoboosi Newspaper		
Mercy Nalugo	The Daily Monitor		
Barbara Among	The New Vision		
Gideon Tugume	Capital FM		
Simon Njala Kaggwa	Radio One / Two		
Nasser Kayanja	Radio Simba		
Dean Lubowa Saava	CBS FM		
Rogers Kibirige	The New Vision		
Kigongo Ssebalamu	Bukedde News Paper		
Peacock Kaweesa	The Red Pepper		
Nassanga Regina	Radio Mama		
Namaganda Brenda	Radio Mama		
Stephen Otago	The Daily Monitor		
Suleiman Mutebi	Bukedde TV		
Ivan Mukasa	Eddoboosi News paper		
Umar Kyeyune	UBC TV		
Kizito Sserumaga	Ggwanga News paper		
Alex Lubwama	Ggwanga News paper		
Patricia Serebe	Ggwanga News paper		
Prime General Supply Ltd	Printing Press for Ggwanga		
Timothy Kalyegira	Uganda Records		

<b>JUNE</b>			
Charles Mwanguhya Mpagi	KFM	Interference in seeking, receiving and imparting information and ideas	Police
Bernard Tabaire	KFM		
Kigongo Ssebalamu	Bukedde TV		
<b>JULY</b>			
Amosias Ayebazibwe	Red Pepper	Arbitrary arrest Illegal detention	Police Internal Security Organization UPDF Non-state actor
Augustine Okello	Radio Rhino		
<b>AUGUST</b>			
Owen Baruku	Grace Radio	Arbitrary arrest Unfair treatment	Police Media owner
Wilson Asiimwe	Grace Radio		
Daniel Katongole	Grace Radio		
<b>SEPTEMBER</b>			
Vincent Nzaramba	Author	Interference in seeking, receiving and imparting information and ideas	Police District officials
Edward Bindhe	Uganda Radio Network		
Ssemuusi Ronald	CBS		
<b>OCTOBER</b>			
Samuel Kajumba aka Lucky Sam	Kitara FM	Interference in seeking, receiving and imparting information and ideas	Police Resident District Commissioner Media proprietor
Julius Ssenkandwa	NTV		
Herbert Ssemppoogo	The New Vision	Degrading treatment and punishment	
<b>NOVEMBER</b>			
Ronald Ssemuusi	CBS FM	Interference in seeking, receiving and imparting information and ideas	District Internal Security Officer Resident District Commissioner Police
Stephen Komakech	Mighty Fire FM		
Eddoboosi New paper	Eddoboosi News Paper		
<b>DECEMBER</b>			
Charles Ingabire	Inyenyeri	Deprivation of life	Unknown

**Where there is freedom of speech  
there must be freedom after speech**

**Ahmed Sadik Somali journalists activists 2010**

# Appendix 1

## A petition submitted to the Defence and Internal Affairs committee of Parliament in 2011

The Chairman  
Defence and Internal Affairs Committee  
Parliament of Uganda

2nd/August/2011

### PETITION ON THE MISTREATMENT OF JOURNALIST BY SECURITY ORGANS

We the undersigned petition your committee on the systematic and continuous ill-treatment of journalists in course of their duty by Uganda Police Force and Uganda People's Defence Forces.

The harm include arbitrary arrest and detention, harassment, shooting, beating and injuring journalists, blocking journalists from accessing news scenes, confiscation and damaging of their tools.

The actions by the security organs show a pattern as it has occurred on different days and areas by different officers but of the same nature.

Between April and July this year over 30 journalists from various parts of the country have been hurt, while performing their duties of gathering and dissemination of information, by police and military personnel whose duty is to protect and uphold the rule of law and provide security to all citizens irrespective of their profession.

In March this year a journalist in Jinja was beaten by police and lost her tooth while covering a function which involved politicians. On April 14th four journalists were roughed up by Police and Army personnel around Kampala. On the same day, four journalists in Masaka were assaulted by the UPDF officers while covering events within Masaka town.

On 4th May, a radio journalist was deliberately shot at by police at Lugogo, Jinja road. She sustained a big wound on her right leg which doctors said, it contained hard particles. Eight days later, on 12th May, sol-

diers in car registration number H4DF 632 battered eight journalists and violently confiscated their cameras while covering events along Entebbe road. Also, a body guard to the Inspector General of Police shot a journalist who sustained injuries on his right leg. He spent two months without work.

Barely six days later, on the 18th May, police officers unlawfully impounded and tampered with cameras of five journalists covering the eviction of people who allegedly encroached on Lubigi swamp. All the footage and pictures were deleted on return of the cameras.

We have also witnessed acts of intimidation and threats as well impersonation by people believed to be from Uganda Police Force and security organs. For example on 28th April a man suspected to be a police operative was caught by journalists wearing a WBS TV jacket posing as a camera man. The station denied knowledge of the man.

Uganda ratified the ICCPR which gives a state the responsibility to respect and ensure that all individuals within its territory and those subject to its jurisdiction have their rights respected and observed and in cases of violation the individuals are given redress. Article 20(2) of the Uganda Constitution on the other hand provides that all persons in Uganda should respect human rights. It provides thus, the rights and freedoms of the individual and groups enshrined in the constitution shall be respected, upheld and promoted by all organs and agencies of Government and by all persons.

Uganda government is obliged to protect is the right to freedom of expression which shall include the freedom of press, the right to seek, receive and impart information and ideas of all kinds and freedom to hold a different opinion

Article 221 of the Constitution states: It shall be the duty of the Uganda Peoples' Defence Forces and any other armed force established in Uganda, the Uganda Police Force and any other police force, the Uganda Prisons Service, all intelligence services and the National Security Council to observe and respect human rights and freedoms in the performance of their functions.

The acts outlined in this petition violate the Constitution, the Disciplinary Code of Conduct of Police personnel as spelt out in the Uganda Police Act, specifically section 2 and 24 and the UPDF Code of Conduct. Unfortunately, no administrative action has been taken against the responsible officers and men.

The main culprits are;

- DPC Kira Road Police station James Muhwezi
- DPC Old Kampala Police station Siraje Bakaleke
- DPC Masaka Edward Sserunjogi
- Katwe police station DPC Wasima
- DPC Jinja Road Police Denis Kamugisha
- Deputy Police Spokesperson Vincent Ssekatte
- Fred Ssekiwere, former RPC southern Region
- The Military Police Commander Col Dick Olum
- The Masaka based Armored Brigade Commander Col. David Muhoozi
- The DPC Kabalagala Police Station
- The DPC Jinja Central Police Station Musinguzi

The Defence and Internal Affairs Committee is mandated by parliament to oversee the ACTIVITIES and programs of the Uganda Police Force and the Ministry of Defence which is responsible for Uganda People's Defence Forces.

We are petitioning the committee to demand for explanation from the leadership of these institutions as to:

1. Why police and army officers and men treat journalists in this manner which against the law?
2. Why they confiscate journalists' tools of trade without due proper process of the law?
3. What action is taken against the responsible officers as per the established rules and regulations of their operations?

Presented by:

Geoffrey Wokulira Ssebagala

Programs Coordinator - Human Rights Network for Journalist

Haruna Kanaabi

Executive Secretary – Independent Media Council of Uganda

Moses Kajangu

Organising Secretary – Uganda Parliamentary Press Association.

On behalf of the undersigned members include;

1. Uganda Parliamentary Press Association
2. Human Rights Network for Journalists-Uganda
3. Independent Media Council of Uganda
4. Uganda Media Development Foundation
5. Africa Centre for Media Excellence
6. Mubende Journalists Association
7. Uganda Journalists Union
8. Uganda Journalists Association
9. Kayunga Journalists Association
10. Southern Buganda Journalists Association

## Appendix 2

### A petition submitted to the Uganda Human Rights Commission 2011

The Chairperson  
Uganda Human Rights Commission  
Kampala – Uganda

16th /August/2011

Dear Sir,

RE: DEPRIVATION OF JOURNALISTS RIGHTS BY LAW ENFORCEMENT OFFICERS

We draw your attention to the continuous and systematic deprivation of journalists human rights by law enforcement officers contrary to constitution of Uganda and international conventions, standards and principles.

Human Rights Network for Journalists has between April and July this year documented over 30 cases of journalists whose rights have been violated or denied in the course of their duty by law enforcement officials.

The rights denied are guaranteed by in Article 24, 26 and 29 1(a) of the Constitution of Uganda as well as in Article 19 of the Universal Declaration of Human Rights. The acts of the law enforcement officers against journalists as per our investigations are not only against the established laws of Uganda but also in total conflict with UN Code of Conduct for Law Enforcement Officers and UN Basic Principles on the use force and fire arms by Law Enforcement officers.

The violations of rights range from cruel, inhuman and degrading treatment, deprivation of property, denial to exercise freedom of expression which includes freedom of the press and movement. Our investigations show that the acts of the laws enforcement officers have a pattern as

they have happened in different parts of the country by different officers under different commands.

The violations happened under the command of the following laws enforcement officers:

- DPC Kira Road Police station James Muhwezi
- DPC Old Kampala Police station Siraje Bakaleke
- DPC Masaka Edward Sserunjogi
- Katwe police station DPC Wasima
- DPC Jinja Road Police Denis Kamugisha
- Deputy Police Spokesperson Vincent Ssekatte
- Fred Ssekiwere, former RPC southern Region
- The Military Police Commander Col Dick Olum
- The Masaka based Armored Brigade Commander Col. David Muhoozi
- The DPC Kabalagala Police Station
- The DPC Jinja Central Police Station Musinguzi

In March 2011 a journalist in Jinja was beaten by police and lost her tooth while covering an assembly by politicians. On April 14th 2011 Police and Army manhandled four journalists Kampala while another four in Masaka were inhumanly treated by the UPDF officers.

On 4th May 2011, a radio journalist was deliberately shot at by police at Lugogo, Jinja road. She sustained a big wound on her right leg which doctors said, it contained hard particles. Eight days later, on 12th May, soldiers in car registration number H4DF 632 battered eight journalists and violently confiscated their cameras while covering events along Entebbe road. Also, a body guard to the Inspector General of Police shot a journalist who sustained injuries on his right leg. He spent two months without work.

Barely six days later, on the 18th May, police officers unlawfully impounded and tampered with cameras of five journalists covering the eviction of people who allegedly encroached on Lubigi swamp. All the footage and pictures were deleted on return of the cameras.

We have also witnessed cases of intimidation and threats as well impersonation by people believed to be from Uganda Police Force and security organs. For example on 28th April a man suspected to be a police operative was caught by journalists wearing a WBS TV jacket posing as a camera man. The station denied knowledge of the man.

These acts outlined above, violate the Constitution, the Disciplinary Code of Conduct of Police personnel as spelt out in the Uganda Police Act, specifically section 2 and 24 and the UPDF Code of Conduct.

Article 24 of the constitution says: No person shall be subjected to any form of torture or cruel, inhuman or degrading treatment or punishment whereas article 26 guarantees protection from deprivation of property. Article 29 1(a) of the 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.

Article 221 of the Constitution states: It shall be the duty of the Uganda Peoples' Defence Forces and any other armed force established in Uganda, the Uganda Police Force and any other police force, the Uganda Prisons Service, all intelligence services and the National Security Council to observe and respect human rights and freedoms in the performance of their functions.

Sec. 9 of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials states that: Law enforcement officials shall not use firearms against persons except in self-defence or defence of others against the imminent threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving grave threat to life, to arrest a person presenting such a danger and resisting their authority, or to prevent his or her escape, and only when less extreme means are insufficient to achieve these objectives. In any event, intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life.

Article 2 of the UN Code of Conduct for Law Enforcement officers says: In the performance of their duty, law enforcement officials shall respect and protect human dignity and maintain and uphold the human rights of all persons.

While Article 5 of the same says: No law enforcement official may inflict, instigate or tolerate any act of torture or other cruel, inhuman or degrading treatment or punishment, nor may any law enforcement official invoke superior orders or exceptional circumstances such as a state of war or a threat of war, a threat to national security, internal political instability or any other public emergency as a justification of torture or other cruel, inhuman or degrading treatment or punishment.

Uganda Human Rights Commission is constitutionally mandated to investigate human rights violations. Article 52 1(a) of the constitution states: The Commission shall: investigate at its own initiative or on a complaint made by any person or group of persons against the violation of any human right.

We urge the Commission to conduct an investigation in these cases and invoke its powers in Article 53 1 (a), (b), (c), (d) and 2 (b), (c) of the Constitution of Uganda.

In order to facilitate the process, we have attached a list of cases as they happened in different parts of the country and days and video clips.

Looking forward for your attention to these issues.

Yours

**Ssempala Robert**  
**Chairman**  
**Executive Board**

## Appendix 3

### A petition submitted to His Excellency the President of Uganda

H.E. Yoweri Kaguta Museveni  
The President of the Republic Of Uganda  
P.O. Box 24594, Kampala  
Fax: +256 414 256143  
E-Mail: secretary@op.go.ug  
State House

16th/May/2011

#### A PETITION CALLING FOR THE RESPECT AND PROTECT THE DETERIORATING PRESS FREEDOM AND FREEDOM OF EXPRESSION

We, the undersigned media organizations, are concerned and standing together to voice our dissatisfaction with the state regarding the deteriorating safety and security of journalists and the legal regime in Uganda. Violation of press freedom and freedom of expression increased in the pre and post election period. The situation has worsened during the 'walk to work protest' with more than 20 journalists either assaulted, arbitrary arrested and detained, equipment forcefully confiscated and damaged or others shot by security apparatus.

On 14th/ March/2011 8 eight journalists were arbitrary arrested and detained, assaulted and their equipments confiscated namely; Ronald Muyinda a Radio one journalist was roughed up by military personnel at Wampeewo from where he was relaying live scenes of gun fire. Muyinda was properly identified as a journalist because he was in his radio station branded jacket.

Men in military police attires charged at Muyinda brutally injuring him. He suffered serious injuries in the pelvic and the left leg.

Ali Mabule a journalist with the New Vision in Masaka was beaten up by a UPDF soldier as he tried to take a photograph of a UPDF soldier beating up a protestor near New Vision offices in Masaka. Isa Aliga an NTV Masaka correspondent was clobbered and his video camera confiscated by UPDF soldiers. In the process Aliga sustained cuts on his left eye and arm.

On 2nd/May/2011, radio Simba reporter Christine Nabatanzi was shot in her right leg while covering the opposition Democratic Party (DP) supporters who were celebrating the release of their leader Norbert Mao. On 12th/May/2011 more than 14 journalists were physically attacked, sustained bodily injuries and their tools of trade were confiscated. One of them was Mulindwa Mukasa a reporter with Wavah Broadcasting Service (WBS) TV sustained injuries on his left arm. He testified that he was assaulted before his camera was forcefully confiscated while filming anti riot and military police that were dispersing Dr. Besigye's supporters.

Other photojournalists who have suffered injuries at the hands of military police and Uganda Police Force include, Joseph Mary Buule a reporter with a state owned television Uganda Broadcasting Service (UBC), Stephen Otage a photojournalist with the Daily Monitor, Francis Tumwekwsize a freelance journalist, Ayebare Allan a photojournalist with the Razor new paper, Michael Kakumirizi a photojournalist with the Red pepper who sustained a big cut on his head, Eddie Ssejjoba a photojournalist with the New Vision, Robert Mutebi a photojournalist with Bukedde News Paper and Luswa Anatooli a photojournalist with Eddo-boozi News paper.

More journalists assaulted in line of duty include Mercy Nalugo a reporter with the Daily Monitor, Gideon Tugume a reporter with Capital fm, Simon Njala Kagwa a reporter with radio One, Nasser Kayanja a reporter with radio Simba who lost his recorder.

These and many more attacks amount to breach of press freedom, freedom of expression, conscience and movement.

## Limits on Freedom of Expression through Defamation Laws;

The Constitutional Court nullified Uganda's seditious law on August 25, 2010. Nonetheless, several journalists and activists still face seditious charges even though the court found this law in contravention of Article 29 of the Ugandan Constitution, which guarantees freedom of expression, opinion, and conscience. The court nullified section 39 and 40 of the Penal Code, Cap 120 which defined and established the law on seditious. However, such recommendations have not been implemented. Individuals charged under the nullified law include: Andrew Mwenda, Charles Bichachi, Siraje Lubwama, John Njoroge and Musa Kigongo and others.

Section 41 of the Penal Code of Uganda (Cap. 120), under the guise of preventing incitement to tribal segregation, criminalizes speech and effectively bars the media and the public from questioning the imbalance in distribution of national resources. The law contravenes Article 19 of the Universal Declaration of Human Rights (UDHR) and Article 19 of the International Covenant on Civil and Political Rights, to which Uganda is a party. Victims of this law include; Semujju Ibrahim Nganda, the former Political Editor of the Observer Newspaper and his Managing Editor James Tumusiime.

Penal Code section 179 establishes charges of criminal libel for releasing defamatory stories. Despite efforts across the world to abolish such criminal defamation rules, the law stands in Uganda and has resulted in self censorship for most private individuals and journalists. Henry Ochieng, Sunday Monitor editor and Angello Izama, a staff writer, were charged with criminal libel at the Makindye Chief Magistrates Court over an article the state claims that it defamed you the President. Individuals like Radio One talk-show host Kalundi Robert Sserumaga was denied serving in private owned radios and print media by Government. There are several other journalists who have lost their jobs under duress.

## Restrictive Legislation on media

Uganda has a number of restrictive laws that have made it difficult for media owners, journalists, human rights activists and the public to enjoy fundamental media freedoms and freedom of expression.

The Press and Journalists Amendment Bill 2010, that is under cabinet scrutiny seeks to control media outlets. The bill gained momentum in the wake of the September 2009 riots that saw several media houses shut down.

Under the Electronic Media Act, Cap 104 of 1996, the Broadcasting Council enjoys unprecedented powers of regulating media content. On several occasions the institution has abused its powers by closing down media houses, ban public debates and order the sacking of critical journalists. As witnessed in September 2009, the Broadcasting Council arbitrarily closed down five (5) private radio stations namely: Central Broadcasting Service (CBS) 88.8FM and 89.2FM, Radio 2 (Akaboozi FM), a Catholic Church run FM station Sapientia, and Suubi FM.

The Public Order Management Bill, 2009 challenges the enjoyment of freedom of expression, speech, and assembly which are fundamental freedoms and human rights guaranteed by the 1995 Constitution and in several regional and international human rights instruments, such as the African Charter on Human & Peoples Rights, the International Covenant on Civil & Political Rights, and the Universal Declaration of Human Rights. The proposed Bill seeks to reintroduce the provisions of the Police Act, Cap 303 which were nullified by the Constitutional Court in the case of *Muwanga Kivumbi vs. The Attorney General of Uganda* (Constitutional Petition No. 9/05); Is contrary to Article 92 of the 1995 Constitution of Uganda, which prohibits the enactment of legislation designed to defeat or overturn a judicial ruling; Grants the Inspector General of Police (IGP) and the Minister of Internal Affairs wide discretionary and unjustifiable powers over the management of public meetings, Places extensive and impractical obligations on the organizers of public meetings, which are impossible to satisfy, and seeks not only to regulate the conduct of public meetings but extends to regulate the content of the discussion of issues at such meetings, in contravention of the right to freedom of speech.

In 2010, your government passed the Interception of Communications Act. The law permits the Minister of Security to tap all forms of commu-

nication in the country. The law violates the right to privacy as enshrined in the 1995 Constitution and other treaties (IICPR, UDHR). It grants over-reaching powers to the Minister of Security who is the government Official charged with providing oversight for its enforcement and effecting penalties for any breaches as opposed to courts of law.

The 1958 Secrecy Act bars public officials from releasing classified information of government. However this contradicts the 2005 Access to Information Act (ATIA) which provides for free and easy access of information from public bodies. The continued existence of the conflicting Secrecy Act has enabled some officials of government to deliberately classify information demanded for by public members thus contravening the ATIA Act and Article 41 of the Ugandan Constitution.

In light of the foregoing it's our firmly held and treasured opinion that the deteriorating safety and security of journalists and the restrictive legal regime are very much in contravention of our rights and freedoms as set out in Chapter four of our Constitution and do state further that the said abuses are demonstrably unjustifiable in a free and democratic society like ours [sic art. 43 (c)]

We hereby pray that;

Your government recognizes and respects its duties and obligations as imposed upon it by Article 20(2) of the Constitution

We also demand for immediate release of all journalists' tools of trade and replacement of all damaged equipments.

- Immediate investigation and prosecution of errant officers both in military police, Uganda Police Force and other security agencies
- That your government meet all medical expenses incurred by victim journalists
- A written apology to the media fraternity and members of the public whose right to be informed and to know were infringed upon
- An assurance from government that press freedom and freedom of expression will be enjoyed fully as per the Constitution, regional and

international conventions and treaties

- The Press and Journalists amendment Bill 2010 should be dropped by the cabinet given the number of laws regulating the media
- We also call for the repeal of the draconian laws namely: Anti Terrorism Act, Interception of Communication Act, Law on Promoting Sectarianism, and Criminal Libel among others.

In light of the above demands, we the undersigned organizations below met in Kampala on the 13th May 2011 and agreed to apply a boycott on all activities of the Uganda Media Centre, Uganda Police Force and the UPDF and other Government security agencies.

We remain open to dialogue and shall engage with stakeholders to find a constructive way forward.

Signing organizations:

Uganda News Paper Publishers and Editors Association

Human Rights Network for Journalists-Uganda

Uganda Journalists Association

Uganda Parliamentary Press Association

Uganda Media Development Foundation

Editors' Forum

C.C. Inspector General of Police

C.C. CDF

## **Human Rights Network for Journalists - Uganda**

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Information & Media Freedom

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