



## Press Freedom Index Report - 2015

Uganda

# Political Coverage *Criminalized*



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Press Freedom Index Report - 2015  
*Uganda*

**Political Coverage**  
*Criminalized*

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## ACRONYMS

A.I.G.P	Assistant Inspector General of Police
ACHPR	African Charter on Human and Peoples' Rights
AU	African Union
CBS	Central Broadcasting Services
CSO	Civil Society Organization/s
DISO	District Internal Security Organization
EAC	East African Community
EACJ	East African Court of Justice
HRNJ-Uganda	Human Right Network For Journalists-Uganda
IGP	Inspector General of Police
K.C.C.A	Kampala Capital City Authority
MLDI	Media Legal Defence Initiative
OSIEA	Open Society Initiative for Eastern Africa
PFI	Press Freedom Index
POMA	Public Order Management Act
R.D.C	Residential District Commissioner
UCC	Uganda Communications Commission
UN	United Nations
U.P.D.F	Uganda Peoples' Defence Forces
U.P.F	Uganda Police Force
U.R.N	Uganda Radio Network
USAID	United States Agency for International Development

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## WHO WE ARE

Human Rights Network for Journalists-Uganda is a network of journalists in Uganda working towards enhancing the promotion, protection and respect of human rights. We research, document, monitor and advocate against attacks, threats and abuses aimed at media practitioners in Uganda. We offer legal aid and support to media practitioners whose rights to expression have been threatened and/or suppressed. We train and educate journalists on various thematic issues in order to enhance their competence and capacities on human rights and good governance. We endeavor to provide medical and psycho-social support to media practitioners injured in the course of their duty.



The Press Freedom Index 2015 is based on the 143 cases of attacks and abuse of journalist's rights, local and international, documented and analyzed by Human Rights Network for Journalists-Uganda. It is built on the assessment of the abuses, the patterns they take and state and none actors involved.

It is all encompassing; no distinction has been made in relation to journalists and other categories of people working with and contributing to media. HRNJ-Uganda has also paid attention to both public and private media.

The diversity of location of these media houses and employee journalists has been traced under notions of rural, urban or peri-urban to monitor trends of impact of location on safety and security of journalists.

The PFI report 2015 is constructed on the assessment of the legal, policy and institutional framework and the general operating media environment. In this category, HRNJ-Uganda assesses whether the existing media laws, policies, regulations and government institutions support media to freely disseminate information. HRNJ-Uganda acting upon complaints received and investigations done scrutinizes the general working environment for media in Uganda and particular attention is accorded to their safety and security during the course of their work.

Uganda continues to host laws that undermine the enjoyment of media rights and freedom of expression. Its media legal regime is restrictive in spite of her constitutional guarantees to freedom of the press and being a state party and signatory to international treaties and conventions.

The State authority responsible for electronic media and telecommunications regulations, Uganda Communications Commission, is not independent. The Uganda Communications Act, 2013 gives the Minister extensive and indeterminate powers with potential to impede its operations.

The Public Order Management Act, 2013 (POMA) continued to be invoked by the state machinery in contravention of various Articles of the Constitution of Uganda that guarantee freedom of speech and expression; assembly and peaceful demonstration. In 2015 over hundred journalists fell victim of police brutality and others incapacitated as it quelled and dispersed peaceful demonstrations and assemblies.

Media gagging continues to reign through the draconian provisions of sectarianism, defamation under the Penal Code Act and the Press and Journalist Act (2000) with restraining provisions is still in existence.

The Official Secrets Act of 1964 continues to inhibit transparency and accountability and renders the Access to Information Act (2005) impractical. The Anti-Terrorism Act (2002) and the Regulation of Interception of Communications Act (2010) remain in force with lethal provisions that put at risk sources of journalists in the name of fighting terrorism.

### **Police brutality against journalists**

The Uganda Police Force remains the principal violator of rights and freedoms of journalists in Uganda. HRNJ-Uganda documented 107 cases against police compared to 40 in 2014 an increment of 100%.

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The violations include assault, inhumane arrests, detention and release without charge. Journalists were brutally assaulted, their cameras confiscated and arrested for taking photos of police using extreme force than put up by the suspects especially during public meetings and demonstrations. A WBS TV reporter, Andrew Lwanga, was brutally assaulted and incapacitated by a senior police officer while three journalists on duty were shot and wounded. Although most of the violent attacks by police were dismissed by the police leadership as mere actions of individual officers no effective investigations were carried out to punish the perpetrators.

The police also dubbed the media as oppositional leaning and as thus deserving what they were getting. In October 2015, the Inspector General of Police Gen. Kale Kayihura warned journalists for dire consequences for giving live coverage to opposition politicians. He said that police would crack down on journalists who have turned into political activists by giving live coverage to political opposition events.

### **Harassment by Resident District Commissioners (RDCs)**

The RDCs continue to harass journalists and media owners particularly on matters concerning the President and governance issues. Journalists were arrested and detained on their orders for being critical of the President or Presidential initiatives. Such cases exhibited lack of tolerance for divergent speech that is central in a democratic society that Uganda aspires to be. HRNJ-Uganda documented five (5) cases of this nature.

### **Attacks by individuals and communities**

Members of the public took second position in curtailing journalists from undertaking their duties. Twenty five (25) cases were registered from different regions and investigated similar to 2014. Journalists were targeted more especially during demonstrations by individuals and groups. The findings further highlight the need to sensitize the public on the role of the media and journalists to curb the belief that journalists are not independent actors.

### **Employers as violators**

Self-censorship increased among journalists working for media owned by politicians or businessmen affiliated more particularly the ruling National Resistance Movement (NRM) party. Journalists hosting programs on governance issues fell victim of

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witch hunt and summary dismissal for hosting political opposition leaders or their sympathizers.

A journalist working for an NRM leaning media house had one choice to undertake; 'over-coverage' of what the owner deems right and maintain a minimal or complete news blackout for opposition political issues.

Journalists were turned into mouthpieces of the ruling party which compromised their professional ethical values. The Uganda Communications Commission remained tight lipped on the matter in spite its responsibility to ensure that the airwaves are used responsibly by the owners.

### **Break into HRNJ-Uganda offices**

Human Rights Network for Journalists-Uganda's (HRNJ-Uganda) offices were broken into in June 2015 by yet to be identified persons. Desktop computers, laptops, documents-and unspecified amount of money was taken. The break in marked the second time in a period of 24 months that the offices of HRNJ-Uganda have been broken into with numerous foiled attempts by the security guards. The guard of the day is since on the run having left the gun behind and yet to be apprehended. The break in put HRNJ-Uganda in a precarious position disorganized it from defending the rights of journalists in light of the shrinking space.

### **Mysterious death of Journalist**

A 23-year old, Scovia Anena, of Favor FM, in Gulu district was found dead under mysterious circumstances. Her decomposing body was discovered on Monday 15th June, 2015 lying in clotted blood in her house, at Kolo quarters in Layibi Division, Gulu Municipality in Northern Uganda. Anena was pregnant. By the end of 2015, there was no known conclusive investigation carried out by police.

Several journalists died in the past years under similar circumstances with no conclusive investigations conducted by the police.

**Robert Sempala**

**National Coordinator**

**HRNJ-Uganda**

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*“Freedom of the press affords the public one of the best means of discovering and forming an opinion of the ideas and attitudes of their political leaders. In particular, it gives politicians the opportunity to reflect and comment on the preoccupations of public opinion; it thus enables everyone to participate in the free political debate which is at the very core of the concept of a democratic society.”* European Court of Human Rights

## INTRODUCTION

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Press freedom is beneficial to every person who values exchange of ideas and knowledge in a free society. Humanity cannot be free without a free media through which it can communicate to each other, dialogue over issues and express its dissatisfaction over matters that concern it. Harassment, intimidation, manipulation, physical incapacitation of journalists and suppression is detrimental to the growth of our community.

The media's primary functions are to inform people what is happening around them to make informed decisions, to provoke public debates, to expose injustice, make the leaders informed of the people's concerns, provoke people into exchange of ideas and to alert them about the dangers likely to affect them.

When media work is criminalized and journalists become targets of police and government agencies, these functions cannot be carried out. If the media is gagged the public's right to know is affected, access to information is denied and communication is curtailed. The existing environment in Uganda points to this direction.

The struggle for media freedom in Uganda is far from over despite of the constitutional guarantees. Inhibitive laws are enacted as the ruling party continues to undertake all available means at its disposal to consolidate power. The entrenchment of democracy and the attendant benefits such as rule of law and free media have been relegated to the periphery and only invoked when it suits the ruling government.

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The above scenario has not been mitigated by the over hyped media freedom with indicators of high numbers of media houses in the country rather than their quality and ability to function without censure. Resultantly, the media houses are lions that are toothless towing the ruling party wishes to avoid being shut down or denied business. This has created a media that must divert and steer clear of the murky waters of good governance and politics. The days ahead for the media in Uganda are characterized by uncertainty.

Ugandans have a responsibility to ensure that conditions favorable to media operations exist. This is not the time to sit and watch but to act. Press freedom is for everyone.

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*“When a State party invokes a legitimate ground for restriction of freedom of expression, it must demonstrate in specific and individualized fashion the precise nature of the threat, and the necessity and proportionality of the specific action taken, in particular by establishing a direct and immediate connection between the expression and the threat.”* UN Human Rights Committee

## LEGAL, POLICY AND INSTITUTIONAL FRAMEWORK

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### International Human Rights Mechanisms and Standards on Media Freedoms

Uganda is party to the 1945 Universal Declaration of Human Rights; the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights.

Article 19 of the UDHR, states that: ‘Everyone has the right to freedom of opinion and expression; this right includes the right to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.’ Additionally, Article 19(2) of the ICCPR provides for the right to freedom of expression and media:

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

Freedom of expression is however limited under Article 19(3) of the ICCPR as long as these limitations are acceptable under the law and found necessary and not arbitrary. These limitations are important to ensure that as one exercises his or her freedom of expression, he or she also respects the rights or reputations of others; national security or public order (ordre public). Limitations can be imposed for purposes of public health and protection of morals.

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The above tripartite international norms provide to the formation of the foundational standards that Uganda should aspire towards in its mandate of promotion and protection of media rights and freedom of expression. These standards are the basis of Chapter Four of the Constitution of the Republic of Uganda-1995.

### **Regional Human Rights Standards-the African Union benchmarks**

Uganda is also a party to the African Charter that provides for a diverse range of standards. Article 9 provides that; every individual shall have the right to receive information. Every individual shall have the right to express and disseminate his opinions within the law.

In the same vein, the African Charter on Democracy, Elections and Governance (2007) under article 2(10)-Uganda as a State Party is obligated to; "Promote the establishment of the necessary conditions to foster citizen participation, transparency, access to information, freedom of the press and accountability in the management of public affairs.' Article 17(3) which is more instruction on media and political participation is to the effect that state parties are to; 'Ensure fair and equitable access by contesting parties and candidates to state controlled media during elections.'

### **Media rights and freedom of expression in the domestic perspective**

Media rights and freedom of expression in Uganda are buttressed under Article 29(1) (a) of the Ugandan Constitution. The Article provides that: "Every person shall have the right to freedom of speech and expression, which shall include freedom of the press and other media." To further facilitate the operational ease of the aforementioned freedoms, Article 41 buttresses the right of access to information within State agencies. "(1) Every citizen has a right of access to information in the possession of the State or any other organ or agency of the State except where the release of the information is likely to prejudice the security or sovereignty of the State or interfere with the right to the privacy of any other person..'

The Constitution grants mandate to the Parliament to make laws prescribing the classes of information referred to in Article 41 and the procedure for obtaining access to that information. The Access to Information Act and the attendant rules and



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regulations there under have since been enacted to give effect to Article 41 of the Constitution.

In consonance with international human rights standards, the above rights too are subject to various limitations provided for under Article 43 of the Constitution. It provides that:

(1) "In the enjoyment of the rights and freedoms prescribed in this Chapter, no person shall prejudice the fundamental or other human rights and freedoms of others or the public interest";

(2) "Public interest in this article shall not permit – (a) political persecution; (b) detention without trial; (c) any limitation of the enjoyment of the rights and freedoms prescribed by this Chapter beyond what is acceptable and demonstrably justifiable in a free and democratic society, or what is provided in this Constitution."

The notion of Public Interest remains an ambiguous statement that has often been invoked by the State to infringe on freedoms and rights. However, Article 27 provides for privacy rights. "No person shall be subjected to interference with the privacy of that person's home, correspondence, communication or other property."

The Article is an indirect limitation on how far the journalists can go in their quest for information and stories-to remain within the limits of privacy laws. The existing laws do not pass the above standards.

*"... a government should not determine what ideas or information should be placed in the market place and information and we dare add, if it restricts that right, the restriction must be proportionate and reasonable."* East African Court of Justice

**Table I:**

**Prohibitive legislations negatively impacting on media rights and freedom of expression**

LEGISLATION	EFFECT ON MEDIA FREEDOMS	STATUS
<p><b>1. Public Order Management Act 2013-Enacted to provide for the procedure of exercising the right to peaceful demonstrations and processions as a form of political participation.</b></p>	<p>Several provisions within this law are in contradiction with Articles 29 (1) (a) (b) (c) (d) and (e) of the Constitution of Uganda that guarantee the freedom of speech and expression; freedom of thought, conscience and belief; freedom to assemble and to demonstrate together with others peacefully and unarmed and to petition; freedom of association. Resultantly, the law has serious negative repercussions to journalists' associational rights.</p>	<p>Human Rights Network –Uganda and a consortium of other NGOs have since challenged this Act before the Constitutional Court. The petition is pending.</p>
<p><b>2. The Press and Journalist Act (2000)</b></p>	<p>The law is restrictive in its definition of a journalist together with strenuous identification modalities. It is riddled with mandatory ownership of a practicing certificate by a journalist as one means of recognition of a journalist. To get this certificate, one must register with the Media Council established within the Act. The certificate once received can be suspended for six (6) months if the holder is adjudged guilty of professional misconduct. The possibility of politically censoring journalists with threats of suspension cannot be wished away. This fear further underpins the need to reform the law.</p>	<p>The Constitutional Court of Uganda has been petitioned to give direction on the constitutionality of some of the provisions within the law that clearly have negative effects on the enjoyment of media freedoms.</p>

LEGISLATION	EFFECT ON MEDIA FREEDOMS	STATUS
<p><b>3. The Penal Code Act (1950 amended in 2007)</b></p>	<p>This largely colonial legacy Act is characterized by various provisos that infringe on free speech and by extension media rights. These include 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 not more than five years. Furthermore is section 53 which provides, 'Any person who, without such justification or excuse as would be sufficient in the case of the defamation of a private person, publishes anything intended to be read, or any sign or visible representation, tending to degrade, revile or expose to hatred or contempt any foreign prince, potentate, ambassador or other foreign dignitary with intent to disturb peace and friendship between Uganda and the country to which such prince, potentate, ambassador or dignitary belongs, commits a misdemeanor.'</p> <p>Other sections are 179 (libel) and 180 (defamation) which continue to be used by public officials to circumvent questions on accountability as propounded by the media fraternity.</p>	<p>The East African Court of Justice has commenced hearing a reference from Uganda supported by HRNJ-Uganda challenging criminal defamation as a contradiction of the values and aspirations of the Treaty that establishes the East Africa Community.</p>

LEGISLATION	EFFECT ON MEDIA FREEDOMS	STATUS
<p><b>4. The Access to Information Act (2005) –a novel law aimed at open governance more so easing accessibility to information within the spheres of government. The law gives effect to Article 41 of the Constitution which provides for right of access to information.</b></p>	<p>The law provides for access to information and records in possession of government and its agencies both at the central and local government level as directed by Article 41 of the Constitution of the Republic of Uganda. The foremost rationale of the Act is: ‘to empower the public to effectively scrutinize and participate in Government decisions that affect them.’ Despite its well meaning provisions, the law has been rendered ineffectual by the Official Secrets Act of 1964, which buttresses concealment of official information amongst public officials.’ To circumvent this, journalists have to undertake investigative journalism to reveal government dark secrets of governance which has come with countless risks.</p>	
<p><b>5. The Anti-Terrorism Act (2002).</b></p>	<p>Of particular concern in this law is Sections- 9 (1) which criminalizes the publication and dissemination of news materials ‘that promote terrorism’, a phrase that is incomprehensibly defined and is prone to exploitation by the power holders. More alarmingly, the Act subjects Journalists’ materials to terrorism investigations and cannot profit from exclusion/immunity hence an infringement on sacredly protected ideas of confidentiality of sources in the media fraternity.</p>	

LEGISLATION	EFFECT ON MEDIA FREEDOMS	STATUS
<p><b>6. The Regulation of Interception of Communications Act (2010)</b></p>	<p>The Act provides for the issuance of an ‘interception warrant’ by a judge on receipt of an oral application from a government agency that has ‘reasonable grounds’ to believe that: a) felony has been or will probably be committed; b) the gathering of information concerning an actual threat to national security or any national economic interest is necessary; c) the gathering of information concerning a potential threat to public safety, national security, or any national interest is necessary; or d) there is a threat to the national interest involving the state’s international relations or obligations. Characteristic of the law are ambiguous provisions for surveillance prone to abuse. The law in its current state jeopardizes work in the media fraternity considering that sources of information to journalists can be disclosed without regard to the fact that this is the pillar of journalism-protection of sources.</p>	
<p><b>7. The Anti-Pornography Act 2014</b></p>	<p>The Act provides for Sections 2, 3, 13, 16 and 14 that have immense probability to hamper media freedom in Uganda. S.3 (1) provides that; “A person shall not produce, traffic in, publish, broadcast, procure, import, export, sell or abet any form of pornography.” Under Section 3 (2), on conviction, the offences attract a fine up to Uganda shillings ten (10) million (about USD 5,000) or imprisonment not exceeding 10 years or both.</p>	<p>The law is before the Constitutional Court of Uganda characterized by delays in commencement of the hearing.</p>

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## Criminal Defamation: the rising monster

The above laws continued to threaten media rights in 2015 with the most prominent being the usage of criminal defamation. Four journalists, Madina Nalwanga and Patrick Tumwesigye of Bukedde Newspaper, a government owned paper , Ronald Nahabwe and Benon Tugumisirize of the Red Pepper publication fell victims to this law.

They were charged with publication of defamatory statements against two Kampala businessmen, Drake Lubega and Ephraim Ntaganda that the duo wanted to kill a one Ssegawa Tamale Juma over land matters. On 1<sup>st</sup> December 2015, the Chief Magistrate Court at Buganda Road began the hearing of the case. Research findings also reveal that the charging of the above journalists was largely because they had refused to reveal their sources of the information they published.

Ntaganda told Court:

*'...the case was never filed against the journalists, but they just wrote a story that I and Drake Lubega were trailing Segawa to kill him. We requested the journalists to go to police and make statements that this information had been given to them by Segawa Juma Tamale but the boys and one lady refused to disclose the sources of information and court decided to add them as suspects.'*



***Journalists charged with criminal defamation standing in the dock during their case hearing at Buganda Road Magistrates court***

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1 Ephraim Ntaganda's testimony in Court on July 2015, Kampala.

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Prosecution of the four brings the number of journalists in Uganda with pending criminal defamation cases to thirteen. These charges continue amidst a challenge against Sections 179 and 180 of the Penal Code Act which provide for the offence of criminal defamation before the East African Court of Justice, contending that their continued use is a violation of the fundamental and operating principles of the East African Community Treaty.

### **The East African Court hears Criminal Defamation case**

The First Instance Division of East African Court of Justice (EACJ) in Arusha Tanzania in July 2015 started hearing a case challenging Uganda's continued use of criminal defamation law. In December 2014, the late Ronald Ssemuusi petitioned EACJ challenging his conviction and one year jail term sentence by the Kalangala Magistrates Court on charges of criminal defamation.

Ssemuusi who passed away in January 2015 was replaced by his younger brother Edward Kyeyune as his legal representative. The court in November 2015, allowed David Kaye -the United Nations Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression and Faith Dikeledi Pansy Tlakula the African Commission on Human and People's Rights Special Rapporteur on Freedom of Expression and Access to Information to be part of the case as *amicus curiae*(friends of court).

Twenty other organizations have sought permission from court to intervene in the case and court is yet to rule on the matter. They are Media legal Defence initiative, Africa Freedom of Information Centre, Article 19 Eastern Africa, Centre for Human Rights of the University of Pretoria, Centre for Media Studies and Peace Building, Centre for Public Interest Law, Committee to Protect Journalists, Foundation for Human Rights Initiative, Freedom of Expression Institute, Ghanaian PEN Centre, Human Rights Network-Uganda, Media Council of Tanzania, Media Rights Agenda, Media Institute of Southern Africa, Pan African Lawyers Union, PEN International, PEN Sierra Leon, PEN South Africa, PEN Uganda and World Association of Newspapers and News Publishers.

The late Ssemuusi contends that the continued use by the Uganda government of sections 179 and 180 of the Penal Code Act of Uganda which provide for the offence of criminal defamation is a violation of the fundamental and operating principles of the East African Community Treaty. The late Sembuusi wants Court to determine whether or not these sections of the Penal Code Act place justifiable restrictions on the right to freedom of expression, media and access to information that are protected by the Treaty for Establishment of East African Community.

On June 4, 2009 the Constitutional Court of Uganda, chaired by Justice SBK Kavuma ruled that criminal defamation is a justifiable restriction in a free and democratic society. However, on December 5 2014, the African Court on Human and People's Rights directed Burkina Faso to amend its criminal defamation laws because they do not conform to Article 9 of the African Charter on Human and Peoples Rights. Earlier in June 2014, the Supreme Court of Zimbabwe annulled criminal defamation and said it is not reasonably justifiable in a democratic society.



***A team of Uganda and Tanzanian Lawyers involved in the reference challenging the criminal defamation Law before the East African Court of Justice***



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*“When freedom of expression is violated ... it is not only the right of that individual [journalist] that is being violated, but also the right of all others to “receive” information and ideas. Inter-American Court of Human Rights*

## GENERAL OPERATIONAL ENVIRONMENT OF JOURNALISTS AND MEDIA

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In 2015, journalists faced various blatant and indirect violations from a wide range of government agencies and the general public. The means of violations were also diverse depending on the aim of the perpetrator, the incident giving rise to the confrontation and the level of resistance of the victim journalist. The Uganda Police Force emerged as the lead violator of media rights and freedoms as was the case in 2014.

### **Sources of violations of rights of Journalists 2015**

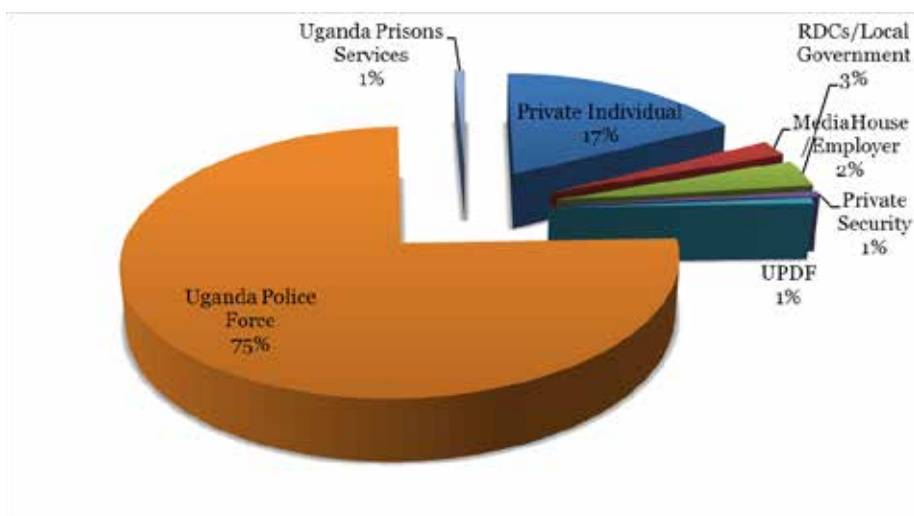
For accountability and justice to reign, the sources of these violations against journalists must be known -either as individual officers or as government entities in whole. Uganda Police Force topped the list of perpetrators with 107 (75%) cases, followed by the community/ private individuals with 25 (17%), RDCs in third position with 5 cases (3%) to their name and media houses came 4th with three cases (2%). The other perpetrators included the Uganda Prisons Services, Uganda People's Defence Forces and private security guards with one case against each of them (1%) respectively. This brings the total number of violations to 143 cases, making it the worst year for the media in the last six years since HRNJ-Uganda started monitoring the media operating environment and producing Press Freedom Index Reports.

**TABLE II:****Sources of violations of rights of Media Practitioners 2015  
(Numerical Representation)**

In the table and graphs below is a representation of the various perpetrators of violations against journalists in 2015 as computed from the complaints received and investigated by the Human Rights Network for Journalists-Uganda.

Number Of Violations In 2015	Source/Perpetrators (Individually and Collectively)
107	Uganda Police Force (UPF)
1	Uganda Prisons Services (UPS)
1	Uganda Peoples' Defence Forces (UPDF)
25	Private Individuals/Non State Actors
3	Media House/Employer
5	Resident District Commissioner (RDC) /Local Government
1	Private Security Guard
<b>TOTAL: 143</b>	

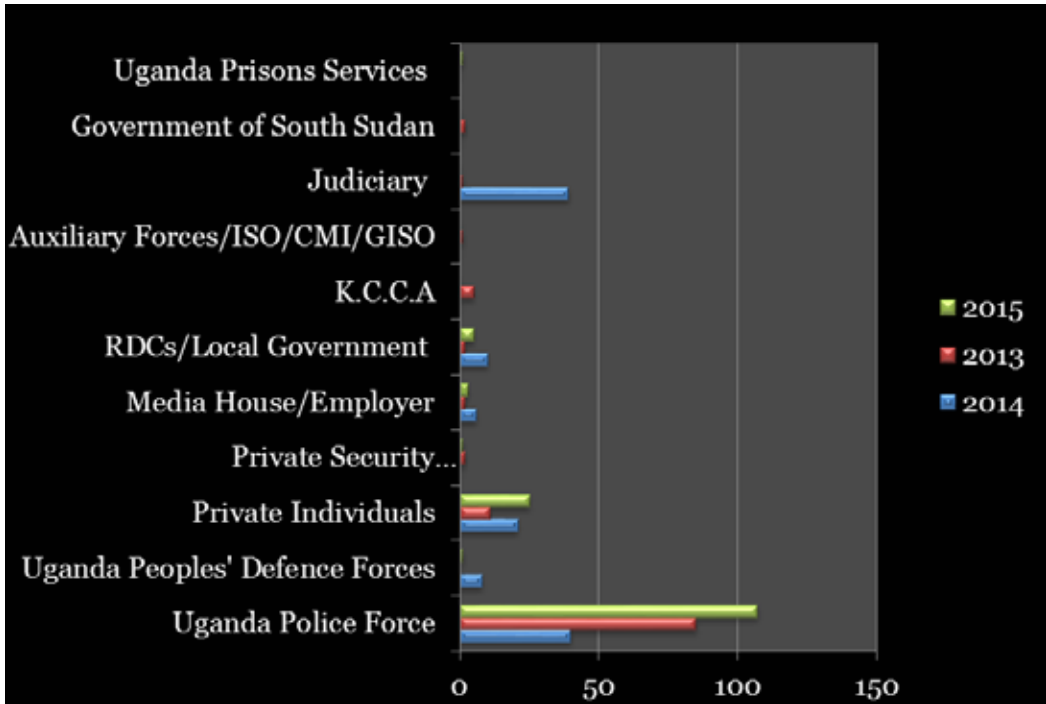
**Figure 1: Sources of Violations of Rights of Media Practitioners 2015 (% Representation)**



**TABLE II:****Comparative Analysis of Violations by Different Perpetrators for 2013-2015**

Source	NO. of Violations In 2015	NO. of Violations In 2014	No. of Violations In 2013
Uganda Police Force (UPF)	107	40	85
Uganda Prisons Services (UPS)	1	-	
Uganda Peoples' Defence Forces (UPDF)	1	8	-
Private Individuals/Non State Actors	25	21	11
Private Security Companies	1	-	2
Media House/ Employer	3	6	2
Resident District Commissioner (RDC) /Local Government	5	10	2
K.C.C.A	-	-	5
Auxiliary Forces	-	-	1
Judiciary	-	39	1
Government of South Sudan	-	-	2
	143	124	124

**Figure II: Comparative Analysis of Violations by Different Perpetrators for 2013-2015**



**The Uganda Police Force: Unrelenting impunity against journalists**

For the 4<sup>th</sup> straight year running, the findings reveal that the Uganda Police Force has maintained its top position as the principal violator of rights and freedoms of journalists in Uganda.

**Detention and release without charge**

These violations have been wide ranging but centrally taking the character of arrests and detention beyond the constitutionally guaranteed 48 hours. Majority of such arrests have not been followed by any charges rather the victims are granted bond and told to repeatedly present themselves before the investigating officers of the case every week within periods spanning from 4-12 weeks depending on the particular Police officer handling the case.

One such incident where police harasses journalists and later releases them without charge involved Kataggwa George, a journalist working with NBS television. He was arrested and detained by police for a night on 26<sup>th</sup> October 2015. The Police justified

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its actions that he was covering a meeting at Musana restaurant at Muhooro, Kibaale district in Western Uganda that was deemed “political” and not open to the public and journalists.

The journalist was covering a standoff between the Buyaga West County Member of Parliament Barnabas Tinkasimire and Dennis Namara during the ruling party-NRM primaries. Both were competing for the NRM flag for the 2016 parliamentary elections. Barnabas Tinkasiimire accused Dennis Namara of bribing police officers to intimidate his supporters. Kataggwa’s camera was confiscated by Police. He was later released without charge and his camera returned to him; however the news of the day was consequently failed from airing.

### **Assault and Inhumane arrests**

The physical assault by the Police also continued to take centre stage as a mechanism of intimidating and instilling fear within the media fraternity. This happened mainly in politically tense situations or demonstrations. Reporters and their camera persons were the biggest recipients of this brutality meted out as the Police tried to stop them from filming the brutal suppression of peaceful demonstrations.

In one such incident, Betty Amamukirori, of the Vision Group, was threatened with undressing if she did not delete the photographs of Patrick James Bamwise Kakaire, 64 years, who had been convicted on 18<sup>th</sup> June by the Anti-Corruption Court in Kololo, a Kampala suburb. Betty was detained for almost 2 hours in a bid to force her to delete the photos led by the police officers at the court. Betty told HRNJ-Uganda that:

*‘The police were ordering me to delete the photo, they threatened to undress me and search everywhere for the camera which I had used to take the convict’s photo. I identified myself to them twice as a Vision Group reporter, but they continued harassing me. The police were not helpful at all!’<sup>2</sup>*

The harassment continued despite the fact that the Court clerk had explained to the police that for the journalist to photograph the convict during the break of the session was not tantamount to contempt of Court.

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2 HRNJ-Uganda Interview with Betty Amamukirori, June 2015, Kampala.

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Derrick Kiyonga, a court reporter for the Observer Newspaper was on the 23<sup>rd</sup> September 2015 arrested by the Counter Terrorism Police from the High Court premises in Kampala while covering the trial case of the 13 persons suspected of having planted the twin bombs in Uganda in 2010. He was accused of passing chits from the suspects to their lawyer! Mr. Kiyonga told HRNJ-Uganda:

‘As I was coming out of the court room, a counter terrorism police officer stood in front of me and said am under arrest. He took me to a police patrol car, forced me in and drove off at a break neck speed to a place I did not know. Three men started interrogating me. They asked me what relationship I have with the suspects in court, my family background, my parents and so many other things.’<sup>3</sup>



***Derrick Kiyonga (white shirt) standing outside the High court premises***

Upon his arrest, he was put in a room, his phone and note book were taken, and ordered to remove his shoes. Kiyonga’s charge, according to the Police Spokesperson for Kampala Metropolitan Area, Onyango Patrick, Derrick was arrested ‘for doing work which was not his’, a crime that does not exist in Uganda’s legal framework. The

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3 HRNJ Interview with Derrick Kiyonga, September-2015, Kampala.

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journalist was released after the matter was brought to the attention of the trial judge who refused to continue with the case unless the journalist was brought back.

In some of the cases, police arrested journalists for just taking photos of incidents in which it was involved albeit using extreme force than put up by the accused persons. On 15<sup>th</sup> October 2015 Alfred Ochwo, a journalist for The Observer newspaper was arrested for taking photographs of the police arresting an opposition politician, the Kyaddondo East MP, Ibrahim Ssemujju Nganda at his home in Kira Town Council in Wakiso District. Ochwo was detained for close to four hours at Naggalama police station outside of Kampala, and later released without charge. He was driven back to Kampala. Ochwo notes that:

*"I was arrested on the orders of afande Siraje Bakaleke, the Kampala Metropolitan Police Commander for Southern region, when he saw me taking photos as the police were beating Ssemujju during his arrest"<sup>4</sup>*

Ochwo further adds that he was forcefully arrested and thrown under the seats of the police patrol car and driven to Naggalama police station; from where he was ordered to surrender all his belongings and kicked to force him remove his shoes.

Criminalizing media coverage of public meetings

On several occasion police interfered and blocked live transmission of events as they unfolded. In October 2015, Police officers at Kira Police station blocked and assaulted journalists from NTV and NBS- Julius Ssenkandwa, Sheila Nduhukire, Abubaker Zirabamuzaale, Joseph Sabiiti and Remmy Bahati as they covered that detention of Hon Semujju Nganda. Joseph Sabiiti told HRNJ-Uganda that:

*'The police did not want us to cover the events. They confronted us and pushed us from the police premises all through across the road. They used force and body amours to push us. They wanted to destroy our gadgets and interfere with our live coverage'<sup>5</sup>*

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4. HRNJ-Uganda Interview with Alfred Ochwo, October-2015, Kampala.

5 HRNJ-Uganda Interview with Joseph Sabiiti, October-2015, Kampala.

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A day before, the Inspector General of Police Gen. Kale Kayihura warned the media 'that police would crack down on journalists whom he said had turned into political activists by giving live coverage to opposition events.'<sup>6</sup> , He promised to deal with media houses which cover opposition related political activities. He singled out NBS TV and NTV for their live coverage of such events alleging these were 'partisan because of their continuous coverage of opposition events', threatening that he would soon take action 'against what he claimed was 'unethical behaviour.'<sup>7</sup>

Rather than deal with complaints of police excessive use of force against the media executing its work, the Inspector General of Police dismissed this as 'all propaganda calculated to harm the image of the police force and the entire country.'<sup>8</sup>

The IGP then launched an Inter-Agency media team -to counter negative publicity from what he termed as 'unethical behavior' of media houses and journalists. The inter-agency allegedly included the Uganda People's Defence Force (UPDF), Uganda Media Centre, the Media Council, Uganda Communications Commission, Ministry of Information and National Guidance, Ministry of Information Communications Technology (ICT) and the police. The agencies present were supposed to take on these 'negative messages' using their 'teams and social media platforms to defend government institutions.'<sup>9</sup>

The attack on the media as being opposition leaning was occasioned by events of 10<sup>th</sup> October in Kiruhura District in Western Uganda. The Forum for Democratic Change leaders while travelling to Rukungiri district in Western Uganda were blocked and some arrested by the Uganda Police Force at Kanyaryeru on Masaka-Mbarara highway. The Police sought to block the FDC party presidential flag bearer Kizza Besigye from going to Rukungiri for party consultations in preparation for the 2016 elections. In the milieu that ensued as the FDC personnel resisted what they dismissed off as police harassment, there is television footage from a number of journalists present that filmed the incident, showing a woman, Ms Fatuma Zainab Naigaga, being undressed by the police officers in an inhumane arrest.

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6 *Ibid.*

7 *Ibid.*

8 Stephen Kafeero, 'Kayihura sets up team to clear police image,' *Saturday, October 24 2015, The Daily Monitor.*

9 *Ibid.*



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The Police dismissed the accusation claiming that the Media had manipulated the videos to depict the Police as undressing the woman yet she undressed herself in a move to resist arrest. This was a clear manifestation of 'black mailing the media as a way of covering up for its alleged brutality and unprofessional conduct', according to human rights activists.<sup>10</sup> To many, the warnings to media to stop 'coverage of Opposition politicians were aimed at instilling fear and self-censorship among independent media houses and subsequently suffocate freedom of expression... intended to criminalize and intimidate the media.'<sup>11</sup>

Majority of the cases involving police are a manifestation of an institution that becomes aggressive when cameras are directed to its highhanded response to public disorder. As such, journalists that seek to expose this to the world, as a form of accountability of the Uganda Police Force, are treated with contempt and outright brutality. The repercussions of this kind of frontline journalists have been precarious in the extreme cases occasioning disability of the journalists arising from assault by police.

One of such absurd cases involved Mr. Andrew Lwanga, a journalist with WBS Television. Lwanga was brutally attacked by the then Division Police Commander of Old Kampala Police Station, Joram Mwesigye on 12<sup>th</sup> January 2015. Lwanga was covering a peaceful demonstration by the unemployed youth group in Kampala.<sup>12</sup> In the process, the DPC spitefully smashed two video cameras belonging to Mr Lwanga and another journalist, Mr. Joseph Ssettimba. Mr.Lwanga's injuries were more serious than had been earlier adjudged; for later it emerged he sustained a broken spine.

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*10 Ephraim Kasozi, 'Don't muzzle the press, police urged, 'Monday, October 19 2015, The Daily Monitor*

*11 Ibid. The events sparked off both local and international criticism for police brutality with the Office of the High Commissioner of Human Rights (OHCHR, a United Nations rights body)-Uganda office, calling for independent investigations into the incident of undressing the woman among other reports of police excesses in handling civilians.*

*"...of particular concern are allegations that a woman was publicly stripped by police officers as she was being arrested. We urge the government to promptly launch an independent investigation into this and other related incidents and to hold accountable any officers who may have used excessive force or subjected individuals to cruel, inhuman or degrading treatment..." Uchenna Emelonye, country representative of UN-OHCHR, said in a statement. No investigation was launched into the matter; instead police went on the defensive depicting itself as an unappreciated entity suffering image tainting propaganda.*

*12 At the time of writing this report, Joram Mwesigye was under suspension from the Uganda Police Force.*



*Andrew Lwanga lying helpless on the ground after he was assaulted by a police officer.*

During his tearful testimony in Court in the case against his attacker Joram Mwesigye, charged with assault occasioning bodily harm and malicious damage of property, he narrated:

*'I am not sure whether I will be able to walk again without the help of crutches or even go back to work...Despite getting treatment from Nsambya Hospital; I am still in great pain. Your worship I cannot sleep, sit or move without a cloth tightly wrapped around my waist...The injuries I sustained have rendered me helpless; my child has not gone back to school and I cannot pay my rent because I have since stopped working.'*<sup>13</sup>

<sup>13</sup> See also *Faustin Mugabe, 'One year later: Journalist crippled by police yet to get justice,' January 9, The Daily Monitor; Lilian Namagembe, 'Journalists assaulted as police arrest members of unemployed youth group,' January 12 2015, The Daily Monitor.*



Andrew Lwanga on clutches being supported by a colleague at Buganda Road Magistrates court.

Earlier Mr. Lwanga had detailed what transpired when he was covering the demonstration and the accompanying scuffle between the Police and the Uganda Unemployed Youth:

*'Suddenly, a speeding Toyota Mark II white in color, Registration No: UAT150L came. It was driven by the DPC himself. That is Joram Mwesigye – and four men. The one who was in the co-driver's seat was wearing a jacket. And Joram was in police uniform and two other policemen were armed with AK-47 rifles. When he [Mwesigye] jumped out of the car, he had a long black cable. He beat up a guy who was carrying a placard.*

*The guy ran across the road towards City oil fuel station. Others [UYU] ran to the opposite side to Old Kampala Secondary School playground. Joram wanted to chase them. When he [Mwesigye] tried to chase them, somehow he missed a step and fell on the road. I was so close to him, I filmed that incident. When he got up, he made some noise; I think he was in pain. And when he got up, he attempted to hit my camera with his cable. I jumped off, so he missed and I ran away. We dispatched. But the UYU converged again. And their leader started talking to the journalists who had gathered around him. Before he had finished talking to us, the same white car returned. It was Joram driving. So when they [UYU] saw Joram, they took off again to different directions. Others ran toward the Jaguar Bus terminal down on Namirembe Road.<sup>14</sup>*

<sup>14</sup> See Betty Ndagire, 'DPC Mwesigye shattered my dreams, says battered journalist,' February 26 2015; Lilian Namagembe, 'Journalists assaulted as police arrest members of unemployed youth group,' January 12 2015, The Daily Monitor.

From Mr. Lwanga's narration of the days' events, it's evident that journalists were deliberately targeted for covering police brutality and exposing unprofessional conduct as it suppressed peaceful demonstrations. Mr. Lwanga further narrated that the DPC continued chasing him after arresting the demonstrators;



*Joram Mwesigye standing in the dock during one of the case hearings.*

*'Joram came again with his car. He came out holding a club and started beating the boys who had been arrested. Later they were put on the police pick-up truck. I was filming all the police actions. Immediately, the last boy was pushed onto the car, Joram turned on me. I don't know why, because we were four journalists. He hit me with the club, I grabbed it. Remember I had a camera in one hand. He hit on the head about four times and I fell down. And I could not see anything anymore. But the police men picked me threw me into Joram's car as another police man sat on me as they drove to Old Kampala police station.'*<sup>15</sup>

Lwanga narrates that he was later taken to the Police and held there until he was transferred to Mulago National Referral hospital for medical treatment.

<sup>15</sup> See Faustin Mugabe, 'One year later: Journalist crippled by police yet to get justice,' January 9, The Daily Monitor; See also Johnson Mayamba, 'When journalists are abused in the line of duty,' January 28 2015, The Daily Monitor.



*'When I regained consciousness, I found myself at Mulago hospital surrounded by workmates and journalists. It was them who told me what had happened to me...And the third day, I tried to go to the bathroom and collapsed. My legs were weak. I could not stand. My whole body was numb. Even if you pinched me, I could not feel anything. And my bladder could not keep urine either. It was flowing all the time. As a mature person to see urine flowing like that when people are there it...but I endured it.'*

Mr. Lwanga continues to struggle to regain his health in what has proved to be an expensive medical treatment. In the meantime, the perpetrator remains suspended from the Uganda Police Force as the criminal case against him too continues. This is precisely the first time a police officer was suspended for perpetrating violence against journalists after HRNJ-Uganda addressed a press conference the next day and led a peaceful demonstration of journalists to the police headquarters demanding that the IGP suspends Joram. On that day, three journalists including the HRNJ-Uganda National Coordinator Robert Ssempala, Ivan Mpaata and Ronald Bukonya were arrested at Jinja Road Police station while a dozen others were pepper-sprayed and others tear-gassed. The public exerted a lot of pressure on the Police on seeing the footage of Mr. Lwanga being battered. Lwanga's case has been the most widely publicized media incident in 2015.



*HRNJ-Uganda National Coordinator Robert Ssempala (2nd left) being interviewed during a peaceful demonstration with journalists to police headquarters in Naguru.*

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In the extreme cases recorded as perpetrated by police was the shooting and injuring journalists on duty; three journalists fell victim to shootings. Ivan Vincent Mukisa – a Radio One correspondent in Jinja district in Eastern Uganda was reportedly shot at on the 15<sup>th</sup> October, 2015. Mukisa was covering a brawl between police and supporters of Dr. Kizza Besigye, the Forum for Democratic Change (FDC) presidential flag bearer for the 2016 general elections in Jinja. Police fired teargas and rubber bullets at Besigye’s supporters who were protesting the arrest of one of their area leaders. Mukisa was admitted at a local health center, and was recovering. Isaac Kugonza of Delta TV was another victim of police shooting. He was covering the arrest of the opposition politician, Erias Lukwago – the Lord Mayor of Kampala City. The third victim was Enoch Matovu a correspondent for NTV in Mubende district who was reporting the alleged rigging of votes by contestants of the ruling party members during the party primaries. None of the cases were investigated by the police to the best of our knowledge.

The above cases especially those involving covering of demonstrations further highlight the emerging worrying trend of ‘criminalization of coverage of civil liberties/ demonstrations.’<sup>16</sup>

Reporters without Borders warn that this pattern is fast spreading, noting that, ‘fear of the spread of anti-establishment movements is leading governments to take increasingly harsh steps to limit freedom of assembly and media coverage of protests.’<sup>17</sup> In Africa, perhaps this fear is informed by the events of the Arab spring in North Africa-Egypt, Libya and Algeria where dictatorial regimes have been toppled by people during mass demonstrations, a trend many agree was partly made possible by the vigilance of media in relaying events as they happened.

Most of the violent attacks by police documented above were dismissed off by the police leadership as mere actions of individual officers and not the entire institution. Despite promised investigations to facilitate the eventual prosecution of these perpetrators, there has been no deliberate effort in that regard beyond words. This indifference and inaction on the part of the police to hold their own accountable has come off as condoning of the violent way these officers behave.

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<sup>16</sup> See *Reporters Without Borders*, ‘World Press Index 2015,’ accessible at <https://index.rsf.org/#!/themes/demonstrations-becoming-hazardous> Accessed on 1/03/2015.

<sup>17</sup> See *Reporters Without Borders*, ‘World Press Index 2015,’ accessible at <https://index.rsf.org/#!/themes/demonstrations-becoming-hazardous> Accessed on 1/03/2015.

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The undeniable absurd result of this has been the emboldening of impunity within the police institution. The available cases of progress in relation to prosecution of individual police officers have been largely efforts of HRNJ-Uganda, human rights defenders and victim journalists to seek justice at their own highest cost. Police is yet to discipline one of its own for justice. This lack of vigilance in prosecuting these perpetrators further spells more trouble ahead for media rights and journalists especially those covering demonstrations.

### **Tracing the efforts of accountability**

In 2015, there were some efforts to have the perpetrators especially from Police to be brought to book.

On the 24th July 2015, a police officer Edward Tibamwenda, attached to Lungujja police station was arrested to answer charges of assaulting Frederick Kiwanuka, a Vision Group correspondent in Luweero District. The case had dragged for long without arresting Tibamwenda. When HRNJ-Uganda intervened, Tibamwenda was arrested by the Professional Standards Unit (PSU) in Bukoto and taken to Luweero Central Police Station. The arrest arises from a 3rd April, 2014 incident in which Frederick Kiwanuka while covering a demonstration by truck drivers at the Luweero Weigh Bridge against police officers and Uganda National Roads Authority officials who were being accused of extorting money from the drivers was confronted by Tibamwenda Edward. Tibamwenda was by then attached to Luweero Police Station. He allegedly arrested, handcuffed and pepper sprayed Kiwanuka's eyes. He was taken to Luweero police station where he was detained for over six hours and charged with inciting violence. The charge was later dropped by the Director of Public Prosecutions- the case lacking merit. The matter was amicably settled out of court.

### **Resident District Commissioners**

Incidents involving RDCs reduced drastically in 2015 up from 10 in 2014 to 5 cases in 2015. The RDCs have been very active perpetrators particularly on matters concerning the President. The victims of their under hand methods in 2015 were arrested and detained allegedly because of being critical of the President or Presidential initiatives in the specific areas where they operate.

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On 21<sup>st</sup> July 2015 Payira Bonny, a radio talk-show host and also Programmes Manager of Jal Fresh FM, was arrested on orders and in the presence of the Resident District Commissioner (RDC) Andrew Moses Awinyi and the District Police Commander for Gulu District, Martin Okoyo for his remarks during a talk-show. His perpetrators alleged that he had used abusive language against President Yoweri Kaguta Museveni for commissioning the Gulu-Atiak road that is reportedly not complete. An eyewitness told HRNJ-Uganda that:

***'They arrested Payira and put him in their car without informing him the reason for his arrest. He was taken to Gulu Police Station, where he recorded a statement before being locked up in the cells.'*<sup>18</sup>**

Payira was arrested along with Okot Thomas Oloya, a student at Gulu University, Okyak Silva -a former Guild President of Gulu University and Agwen Samuel the Local Councilor for Laroo Division in Gulu Municipality. The Regional Police Commander for Northern Region Wilson Kwanya justified the arrest as sanctioned by law. He noted,

***'What caused the problem is abusive language against the Head of State. They have hatred against the president. They were abusing him on radio. So when we got information about that, we went and arrested them for questioning. We intend to take them to court.'*<sup>19</sup>**

Tolerance for divergent speech is lacking which is critical in a free and democratic society that Uganda aspires to be. This arrest was criminalization of free speech and objective debate on public interest matters. The RDCs being heads of security committees at the district level yield immense power and use it to subordinate many to their whims. They have maintained their grip on stakeholders operating at district level. Majority of the recipients of RDC inspired intimidation have been media practitioners.

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18 HRNJ-Uganda Interview with Payira Bonny, July-2015, Gulu.

19 HRNJ-Uganda Interview with Wilson Kwanya, July-2015, Gulu.



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## Private individual and communities

Members of the public took second position in curtailing journalists from undertaking their duties. Abuses emanating from the community in 2015 were not any different from those in 2014. Twenty five cases were registered from different regions and investigated. The repercussions for the victim journalists included damage to their tools of trade-. The incidents involved individuals and groups of people targeting journalists. Most prominent among these were supporters of some of the candidates for various political offices for Member of Parliament

On the 22<sup>nd</sup> December 2015 at Aket Ket Primary School in Lalogi Sub County, Gulu District, journalists became victims of a struggle between opposition Forum for Democratic Change (FDC) presidential candidate, Dr. Kizza Besigye campaign team and the Deputy Speaker Jacob Oulanyah's supporters. The campaign venue had earlier been booked by Besigye team only for him to arrive to the sight of Deputy Speaker team occupying it. Journalists that were covering the scuffle that followed became a target for the mob. One of the victims of this community oriented attacks- NTV's Ronald Galiwango narrates the ordeal;

*'It was a very bad and ugly incident-only that we were not badly injured. Oulanyah's supporters just stoned me. One of them nearly hit me with a hoe on the head if it was not removed from him by another supporter. The Deputy Speakers' guard just looked on as one Nuwagaba commanded them to block us.'*<sup>20</sup>

Another of the victims who sustained injuries, NBS TV's Anthony Palapande, maintains that:

*'Oulanyah's guards tried to block us when they saw us recording the events. This prompted the supporters to attack us. I got injured on the knee because I fell as i tried to flee the mob. I was hit on the back. My video camera fell in the process and saved by NTV' Brian who picked it up and ran away. One of Oulanyah's police body guards grabbed me by the neck and collar as i tried to flee ...he wanted to hand me over to the mob. I feel a lot of pain on the neck and shoulder.'*<sup>21</sup>

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20 HRNJ-Uganda Interview with Ronald Galiwango, December-2015, Kampala-see also Eriasa Mukii-bi Sserunjogi, 'Chaos unfolds at Besigye, Oulanyah Gulu gatherings,' December 23 2015, The Daily Monitor.

21 HRNJ-Uganda Interview with Anthony Palapande, December-2015, Kampala.



*NBS TV journalist holding a camera trying to free his life from a crowd that had become rowdy in Gulu District*

Journalists interviewed on the scene maintained that despite the fact that the police was present including Hon. Oulanyah's guards, no arrests were made. Trends show that it is mostly journalists deployed to cover the campaigns of the opposition leaders that were at the receiving end of these attacks. This is perhaps informed by the fact that most of the opposition campaigns were characterized by police break ups and tear gas including rubber bullets and live ammunitions.

In another case, journalists were roughed up by candidates during the NRM Primaries. On November 19th 2015 during the NRM re-election of flag bearers in Rwampara

county, two journalists Farouk Tumwesigye and Michael Tumwakire of Red Pepper and TV West respectively went to Mbarara police station to cover the receiving of voting materials sent from the NRM Secretariat in Kampala that were later tallied and distributed to different sub-counties. The journalists proceeded to Mwiizi sub-county which has a record of electoral flaws such as beating up of voters and vote rigging. As they reached the sub-county headquarters, the locals chased them in the presence of heavy deployment from police and UPDF saying that they did not want any person who is not a native from Mwiizi.

The journalists then proceeded to Bugambo, but on their way, they were intercepted by a vehicle Toyota land cruiser registration Number UAW 326F. The journalists moved out of the white salon car in which they were travelling and Charles Ngabirano, one of the NRM candidates who was contesting to be the NRM flag bearer of Rwampara constituency and his agents moved out of the land cruiser holding sticks and started

beating the journalists Farouk and Tumwakire thereby damaging their cameras beyond repair. The two journalists were saved by UPDF soldiers who intervened forcing those beating them to run away. The two reported a case of malicious damage to property and assault at Mbarara police station

Similarly, On October 27, 2015, Haruna Mugerwa was allegedly assaulted by Ssansa Eddie and his agents while covering the internal elections of the NRM party. This was after he had gone to cover a story involving a police man who was allegedly involved in ballot stuffing during the NRM primaries. Mugerwa told HRNJ-Uganda that at about 3:00am he received a call from Ssansa Eddie one of the contestants in the NRM primaries for the party flag for Member of Parliament for Bukoto Mid-West in Lwengo District, about the arrest of a police officer one Corporal Mbirimu Michael who was allegedly found with ballot papers hidden in his shirt and gum boots a few hours to the elections. Mugerwa immediately proceeded to Mbirizi trading center where the police officer had been arrested and locked up in a private Toyota Premio Car.



*Eddie Ssansa standing at Lwengo police station in Masaka District*

At about 5:00am, the Lwengo District Police Commander (DPC), Muhwezi Ronald arrived at the scene and started shooting in the air causing people to disperse. Mbirimu was removed from the Premio and put on the police patrol car which Haruna Mugerwa boarded after realizing that the crowd had turned rowdy. This angered Ssansa and his agents accusing him (Ssansa's agents

were angered by Mugerwa's boarding of a police car that was carrying the said police officer). They followed Mugerwa up to Lwengo Police Station, and started beating him up thereby injuring him around the neck and destroying his camera. He opened

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up a case of assault and malicious damage to property at Lwengo police station. A civil suit has been filed against Ssansa in the chief magistrates' court in Masaka.

Other casualties arose from covering demonstrations of citizens demanding for among other things social services. The journalists, as the trend was in 2014, it continued to build with demonstrators targeting journalists covering these events. This pattern has been decried as worrying with journalists now being considered as 'enemies with a stake in the conflict', and not as 'independent observers' to provide news.<sup>22</sup> This practically but erroneously places them to a particular side of a conflict hence making them 'eligible' for attacks from those that deem them as enemies. The findings further highlight the need to sensitize the public on the role of the media and indeed journalists to curb what is slowly building as a belief that they are not independent actors.

The electoral period tensions began manifesting as early as July 2015 impacting negatively on the media fraternity through various ways. One such victim of political tension was Isaac Kugonza, working with a local station, Delta TV. Mr. Kugonza was on Monday 16<sup>th</sup>/November/2015 covering a scuffle involving the arrest of Kampala City's Lord Mayor, Erias Lukwago. The Lord Mayor was slated to walk to the Electoral Commission headquarters in Kampala to return Mayoral nominations papers, despite an earlier indication by the Uganda Electoral Commission to adjourn the nomination process, a move Lukwago adjudged as targeting at subjugating him from the electoral process. Police fired teargas, rubber and live bullets to disperse Lukwago's supporters at his home at Wakaligga in a Kampala suburb. Kugonza was injured; fell down with blood oozing from his head and in the mouth. In a later interview with Delta TV News Editor, Prossy Margaret Kisitu, narrated that;

*'Isaac's skull had been cracked...A scan shows that his skull has cracked. He is in severe pain. He can't open his mouth, he can't talk. He lay unconscious for the rest of the day since he was hit.'*<sup>23</sup>

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22 See Reporters Without Borders, 'World Press Index 2015,' accessible at <https://index.rsf.org/#!/themes/demonstrations-becoming-hazardous> Accessed on 1/03/2015.

23 HRNJ-Uganda Interview with Prossy Margaret Kisitu, November-2015, Kampala. See also Stephen Kafeero & Yasiin Mugerwa, 'Lukwago arrested as government makes U-turn on KCCA Bill,' Tuesday, November 17 2015, The Daily Monitor.



*Isaac Kugonza lying helpless after he was hit on the head*

Kugonza's video camera was also damaged in the process. Kugonza had no protective gear during such highly volatile situations of political tension. This explains the gravity of the injuries he suffered. This further depicts the precarious situation frontline journalists find themselves especially with minimal investment in their safety and security protective gear by their respective employers.

Employers –Media houses

Journalists were also victims of witch hunt and summary dismissal for commenting on issues about governance in the country. Hosting opposition leaders or perceived opposition politician sympathizers on what are NRM leaning media entities was a risky venture in 2015.

Anyole Innocent -a talk show host on Baba FM in Jinja town, was fired for hosting an opposition politician, Dr. Kiiza Besigye of the Forum for Democratic Change (FDC). Besigye was vying for the candidature of FDC party and was on his campaign trail in Jinja. Baba FM is owned by Mr. Moses Grace Balyeku, a Member of Parliament for Jinja West constituency, and also ruling NRM party chairperson for Jinja district. Anyole who doubles as programmes manager had hosted the show since 2010. He narrated to HRNJ-Uganda that:

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'The program ended abruptly just after about 15 minutes into the scheduled one hour duration. It is the listeners who walked into the studios and informed me that the radio had gone off. The engineers were not aware of what had happened...On 22<sup>nd</sup> July, 2015, I was suspended indefinitely by my immediate boss, the General Manager, Michael Kifubangabo that I hosted Besigye without the knowledge of management. The suspension was communicated verbally'.<sup>24</sup>

The witch hunt at Baba FM extended to other journalists that aired their views beyond their work place and those perceived to be sympathizers of the opposition. Isabirye Aga David -the Station's News Editor and Alton Kasolo—a morning show presenter were fired as well. It was alleged that Isabirye was a sympathizer of the opposition while Kasolo apparently had posted in his Face-book wall material that was deemed by his employers as 'oppositional' in nature.

Despite the promises that the Station Board of Directors would look into their suspensions, their positions were later filled. The journalists were later reinstated due to public pressure on the proprietor of the media house. Such cases demand that the journalists cease to be objective and fair in the execution of their work for fear of being victimized.

This conduct is intended to 'control and manipulate media coverage. A journalist in such situations has only one choice-to undertake 'over-coverage' of what the owner of the Station deems right.

The private radio owners with affiliation to the ruling party NRM operate over and above the law. They are obligated under the Uganda Communications Act to ensure fair and equal treatment to all players using their airwaves. Schedule 4 (d) of the Uganda Communications Act provides that broadcasters must ensure that 'where a programme that is broadcast is in respect to a contender for a public office, each contender is given equal opportunity on such a programme.' Amidst these attacks on the media fraternity, the Uganda Communications Commission remained tight lipped.

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**24** *Human Rights Network for Journalists-Uganda Interview with Angole Innocent, July 2015, Jinja.*



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## Break in of Human Rights Defenders' Offices

In another of attacks against the Media fraternity was the targeting of the media rights entity of the Human Rights Network for Journalists-Uganda (HRNJ-Uganda) by yet to be identified persons. On the 29th June 2015, the offices of HRNJ-Uganda situated in Kayanja Triangle Zone in Rubaga, a Kampala suburb, were broken into. The organization's property including all desktop computers, laptops, documents-in hard copy as well as vital information on computers and unspecified amount of money for project activities were taken. In summing up the paralysis that the attack caused to the organization, the HRNJ-Uganda National Coordinator, Robert Ssempala noted:

*'It is hard for us to comprehend. This was a highly sophisticated intrusion. The organization is paralyzed, a lot of our important information was taken, we can't tell what they intend to use it for. We suspect this to be a reprisal for the work we do in defending and promoting media freedoms and journalists' rights in the country. Their interest was to access our information which they did because how do you explain the fact that expensive and portable machines like printers, projectors and photocopiers were not taken! They targeted specific offices within the premises, making us more suspicious of the intentions of the attackers. We hope that the police will investigate this matter to its logical conclusion.'*<sup>25</sup>



*HRNJ-Uganda safe box that was vandalized and found at Rubaga police post*

The attackers broke all internal office doors, vandalized drawers and scattered documents on the floor as they made away with others including the money-safe which was vandalized and found at the Rubaga Police Post, (situated in the same vicinity of Rubaga division) by one of the HRNJ-Uganda staff who had gone to report the incident.

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<sup>25</sup> HRNJ-Uganda Interview with Robert Ssempala, July-2015, Kampala.

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The break in marked the second in a period of 24 months that the offices of HRNJ-Uganda have been broken into with numerous foiled attempts by the security guards. The guard of the day is since on the run having left the gun behind and yet to be apprehended.

The break in at HRNJ-Uganda adds to the long list of many other NGOs engaging in governance, rule of law and human rights defending work across the country that have been attacked in the past 2 years in a similar manner. Reports indicate that over 15 organizations have suffered this fate including Anti-Corruption Coalition Uganda (ACCU), Foundation for Human Rights Initiative (FHRI), EHAHRDP, AGHA, ACFODE, HURINET-Uganda, ACME, among others. At the writing of this report, there had not been any known investigative reports released by the Police on the matter and the aforementioned organizations as well. This situation leaves the work of human rights defenders such as HRNJ-Uganda in a precarious position but most importantly disempowers them from defending the rights of journalists in light of the shrinking space of operation.

### **Unresolved deaths of Journalists**

In 2015, another journalist was murdered. The decomposing body of Scovia Anena , 23-years old, a freelance journalist working with a Christian based radio, Favor FM was discovered on Monday 15th June, 2015 lying in clotted blood in her rented house, at Kolo quarters in Layibi Division, Gulu Municipality in Northern Uganda. Anena was said to have been pregnant for her first child.

According to Caroline Ayugi, the News Editor at Favor FM, Anena had last reported to work on Friday 12<sup>th</sup> June, 2015, left for her home thereafter with not decipherable signs of distress what so ever. One person was arrested in connection to this death. At the writing of this report, there was no known conclusive investigation leading to the resolution of this murder. Anena joins another growing list of journalists, reproduced below, that have died in similar mysterious circumstances with no conclusive investigations leading to prosecution of the perpetrators of these heinous crimes.



**TABLE IV:****Un-resolved cases of deceased journalists in 2015 and before**

HRNJ-Uganda is concerned that some of these cases have taken more than 4 years without any progress either in apprehending and/or prosecuting the perpetrators of this heinous crime of murder against these fallen journalists. The table below has been adopted verbatim from the last PFI-2014 in tandem with HRNJ-Uganda resolve to continue appealing to the relevant authorities of Uganda Police and the Director of Public Prosecutions to attend to these cases expeditiously. The resolution of these cases is central to establishing if at all the death of these journalists is intrinsically linked to their work or rather simply murder cases.

Deceased Journalist	Date and Venue of Death	Level of Case Prosecution
1. Scovia Anena	Date of death is unknown but her decomposing body was discovered on Monday 15th June, 2015 lying in clotted blood in her rented house, at Kolo quarters in Layibi Division, Gulu Municipality in Northern Uganda.	One person was arrested in connection to this death. At the writing of this report, there was no known conclusive investigation leading to the resolution of this murder.
2. Mubiru Percy	Mubiru was a photo journalist with the Vision Group. He sustained the injury that eventually caused his death while on duty taking random photographs at a boat cruise on Lake Victoria. One of the participants on the cruise, a one Percy Nanyondo attacked him with a broken bottle. He passed away on 12 <sup>th</sup> March, 2014.	Case pending.

<p>1. Pere Thomas, 36 years, News Features' Writer and Photographer with New vision paper</p>	<p>Body found dumped in a field on 16<sup>th</sup> June 2013, in Masajja village, Kawuku, Entebbe. Post Mortem revealed collar bones were broken, with a depression to his forehead using a 'blunt force.'</p>	<p>Case pending. No prosecution yet.</p>
<p>2. Alex Kule, 25, a freelance journalist working with Messiah Radio in Western Uganda.</p>	<p>His body was discovered on the 14<sup>th</sup> December, 2013 in a transmission room near the station mast where he had gone to guard the place, in Kigabira, Rugazi sub-county in Rubirizi district. The cause of death was not established by the post mortem.</p>	<p>Death mysterious, case remains pending.</p>
<p>3. Amon Thembo Wa'Mupaghasya, 42 years and the director of the Mupaghasya Community Television Centre in Kasese Town.</p>	<p>Attacked and shot by unknown assailants in Kyogha Village in Bwera Sub-county on the night of 11<sup>th</sup> May 2012. He died at Bwera Hospital where he had been rushed for treatment.</p>	<p>There has been no court arraignment of suspects since, case pending.</p>
<p>4. Dickson Sentongo, a newscaster at Prime Radio based in Kampala City.</p>	<p>Attacked on his way to work at 5am, September 2010.</p>	<p>Case is pending, no arrests made.</p>

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

**TABLE V:**

**Summary of Methods of Violations against Journalists in 2015.**

The violations witnessed in 2015 took different forms depending on the category of perpetrator and his or her goal. As such in relation to perpetrators that wield power, the state institutions were used to suppress journalists through unlawful detentions, arbitrary arrests and in a few instances trumped up charges that eventually failed to take off. In situations where the perpetrator’s goal was deletion of the footage captured by the journalists, the harassment was characterized by destruction of recording equipment and intimidation with threats of assault if deletion was not executed. For the employers, their greatest weapon was threats of/ and actual suspension and sacking of journalists for matters that are far detached from mis-conduct or breach of the media practitioners’ ethical code. A summary of these methods of exerting violations against journalists is represented here in.

Class of Perpetrator(s)	Method of Violation(s)
1. The Government of Uganda acting through its agencies and agents-mainly the Uganda Police Force, etc	<ol style="list-style-type: none"> <li>1. Arbitrary arrests and detention with no accompanying statement taking and charges as per the law;</li> <li>2. Prolonged uncorroborated interrogations lasting hours and weekly reporting to the interrogating entity-mainly police;</li> <li>3. Denial of accessibility to news scene/locations;</li> <li>4. Assault characterized with beatings.</li> </ol>
2. Non-State Actors [Individuals ]	<ol style="list-style-type: none"> <li>1. Assault manifest in beatings using stones, sticks etc;</li> <li>2. Destruction of camera equipment through deliberate smashing or/and breakage;</li> <li>3. Denial of accessibility to news-scenes/locations</li> </ol>
3. Employing entities	<ol style="list-style-type: none"> <li>1. Undue dismissal and suspension from employment-no fair hearing offered to the journalists.</li> <li>2. No protective gears/ gadgets for frontline journalists especially those that cover demonstrations.</li> </ol>

### **Incidental Rights and Freedoms violated**

The media rights and freedoms of expression violations meted out against journalists have also in the long run occasioned other attendant injuries and/or violations of human rights generally as summarized below. As such, the infringement on freedom of expression and media rights must be contextualized and conceptualized in a wider sphere under the notion that human rights are indivisible and inter-dependant. Resultantly, the breach on one leads to breach of other incidental and attendant rights and freedoms.

**TABLE VI: Summary of Attendant Rights and Freedoms violated in 2015.**

RIGHTS AND FREEDOMS VIOLATED	INCIDENTS OCCASIONING THE VIOLATIONS
1. Freedom of movement and liberty	<ul style="list-style-type: none"> <li>a) Noticeable in arbitrary arrests of journalists, was detention in unknown and/or un-gazetted places within the law;</li> <li>b) Inflexible conditions of police bond denying one right to free movement.</li> </ul>
2. Freedom from torture and inhumane, degrading treatment	<ul style="list-style-type: none"> <li>a) Witnessed during the inhumane arrests of journalists by police some times in the process occasioning destruction of their cameras and other occupational tools;</li> </ul>

### 2.3 Gender proportions of violations against Journalists

Research findings also reveal that there is no significant reduction of women journalists whose rights were violated in 2015 compared to 2014 all standing at 27 and 26 respectively as depicted below.

**TABLE VII & VIII: Comparative Gender Distribution of violations against Journalists in 2015 and 2014 respectively****Table VII: 2015**

Year	Gender	Number of Journalists
2015	Male	116
	Female	27
	Total	143

**Table B: VIII 2014**

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

As observed from the above, the male journalists were the most affected by the violations compared to the female journalists. In the investigated cases, findings reveal that female journalists were largely physically attacked by private individuals. The attacks however carry a sexist characteristic considering that in all the incidents, the perpetrators sought to subdue the female journalists with force targeting their breasts.

One such case was on 28<sup>th</sup> October 2015, Shamim Jjingo Nakawooya working with the Daily Monitor Newspaper was assaulted and her recording tools destroyed by a one Eddie Ssansa who was National Resistance Movement party flag bearer contestant for Lwengo district. Shamim narrates that Ssansa slapped her on the cheeks, boxed her in the chest and her breasts were fondled by him. He consequently smashed her smart phone which she was using to record the interview and threatened to run over her with his car if he ever met her on the way. She narrates:

*'When I asked him about having huge personal debts, he lost his temper; he started abusing me, slapped me on the cheek, in the chest and destroyed my smart phone which I was using to record the proceedings of the interview when he hit it on the ground.'*<sup>26</sup>



Shamim Jingo Nakawooya (2nd right) standing with her lawyer Kalule Fredrick and fellow journalists.

26 HRNJ-Uganda Interview with Shamim Jjingo Nakawooya, November-2015, Kampala.

She reported a case of assault and malicious damage to property at Masaka Regional Police headquarters. Hearing of the case commenced at the Chief Magistrates' Court of Masaka and three witnesses have so far testified. A civil suit seeking for damages has also been filed in the chief magistrates' court of masaka and is pending a hearing date.

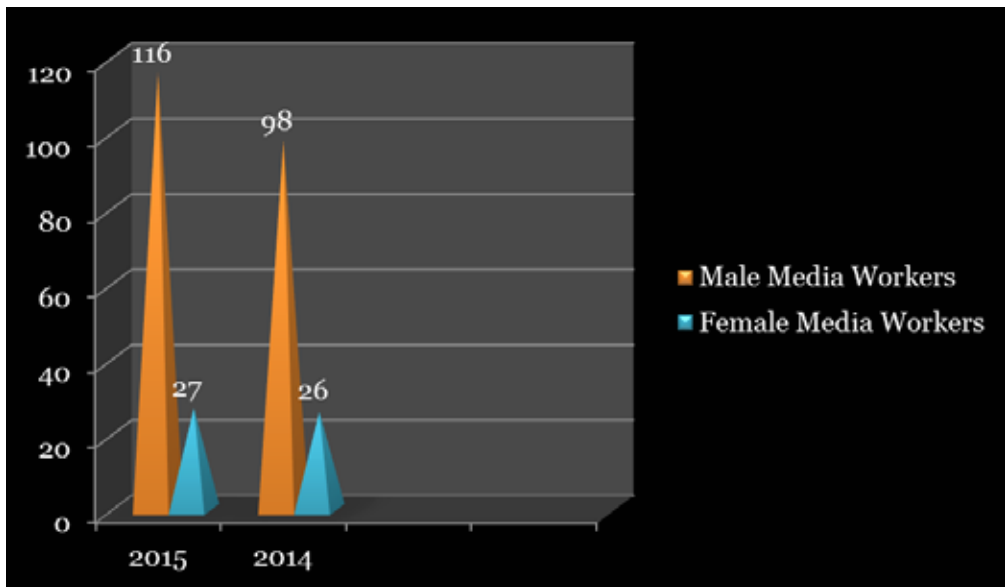
In the same vein, on the 24<sup>th</sup>/November/2015, Agnes Najjuma, a Vision Group correspondent in Mpigi District was assaulted by Tumwesigye Charles, the Principal of Nsamizi Institute of Social Development while covering a story involving a suspected thief who was being beaten by the students of the afore mentioned institute. She narrates:

*'As I approached the principal's office, he grabbed my camera and hit it on his office table; he then grabbed me and pressed my ribs occasioning me a lot of pain.'*<sup>27</sup>

Ms. Najjuma reported a case of assault and malicious damage to property at Mpigi police station. Whereas in an interview with HRNJ-Uganda the Principal admitted to damaging Najjuma's camera, he denied assaulting her. The Police maintain that according to the medical forms from Najjuma, there are signs of assault.

However few they may be, such attacks on female journalists may stand in the way of expanding the female journalism base especially in frontline field assignments for fear of such repercussions.

**Figure III: Comparative Gender Analysis for 2014-2015**



<sup>27</sup> HRNJ-Uganda Interview with Agnes Najjuma, November-2015, Kampala.

## Accountability

The quest for accountability and justice for the various violations by the government state agencies and indeed private individuals has for the past three years running prompted action. Aggrieved journalists either in their own capacity or through organizations such as Human Rights Network for Journalists-Uganda have continued filing cases against perpetrator agencies and agents before various adjudicative foras across the country and before international judicial bodies. Some of these cases are challenging restrictive legislations that impede journalism/media work and generally the freedom of expression and access to information. Among these foras include the Uganda Human Rights Commission Tribunal, the Courts of Law, administrative and disciplinary bodies with the government entities whose officers perpetrate these violations against the journalists. The table below summarizes the various cases filed by journalists seeking justice and their current progressive status.

**TABLE 9:**

**Cases in the Quest for Accountability and Justice**

	CASE NAME	BRIEF FACTS	COURT/ TRIBUNAL/ POLICE	STATUS
1.	Hasifa Nakyenzi V Attorney General [The case was brought against the government of Uganda for which the Uganda Police Force is an agency].	Hasifa Nakyenzi got assaulted when covering a procession of politicians on the 11 <sup>th</sup> of March 2011 in Jinja Town and lost two front teeth. She instituted a case against the perpetrators-the Uganda Police Force- before the Uganda Human Rights Commission.	Uganda Human Rights Commission Tribunal	Ongoing- The parties are still negotiating to settle out of the Tribunal.



2	Gideon Tugume V Attorney General	Gideon Tugume is pursuing justice before the Uganda Human Rights Commission Tribunal following his shooting below his right knee by the body guard to the Inspector General of Police, General Kale Kayihura. Tugume was a reporter with Capital FM, a radio station based in Kampala.	Uganda Human Rights Commission Tribunal.	Ongoing- There is an ongoing negotiation to settle the matter between the Attorney General and Gideon Tugume. A mediation report, if successful, will thereafter be filed at the Commission.
3	HRNJ-U , CEPIL EAMI –V- Attorney General Constitutional Petition No. 009 of 2014	This is a Constitutional Petition seeking the Constitutional Court's decision on the constitutionality of some of the provisions of the Press and Journalists Act.	Constitutional Court	Ongoing- The Registrar of the Court is yet to fix a hearing date for the case.
4	Mulindwa Mukasa V Julius Caesar Tusingwire Miscellaneous Cause No. 58 of 2014	In the case, Mulindwa Mukasa, a journalist working with the Associated Press filed an application at the High Court in Kampala challenging the arbitrary acts by the District Police Commander of Wandegaya Police Station- Julius Caesar Tusingwire of detaining, slapping, unlawful search, unlawful arrest and assault against him. Mulindwa is seeking orders for exemplary damages, general damages and discharging Tusingwire from the police force.	High Court.	Ongoing- The Court directed both parties to consider settling the matter out of court. The case continues.  Suffice to mention the case seeks to establish a precedent where security agencies are personally liable for perpetration of inhumane and degrading treatment against members of the populace such as Journalists.

5	Ronald Ssembusi V Attorney General Reference No. 16 Of 2014	On 2 <sup>nd</sup> December 2014, Ronald Ssembusi (now deceased) filed a reference at the East African Court of Justice challenging criminal defamation laws in the Uganda Penal Code Act CAP. 120 specifically sections 179 and 180(1) as being in violation of Article 6(d) and 7(2) of the Treaty to the East African Community. Following his death before the disposal of the case, the HRNJ-Uganda amended the reference and letters of administration for his legal representative were secured.	East African Court of Justice	Ongoing- The case came up for hearing on 12th November 2015. Various international and national organizations have taken interest in the case by filing applications to be amicus in the matter.
6	Uganda V Joram Mwesigye	Andrew Lwanga was on 12 <sup>th</sup> January 2015 assaulted by Joram Mwesigye, the former Division Police Commander of Old Kampala Police Station while covering a procession of the National Association of the Unemployed Youth. His camera was also damaged in the process.  He opened up a case of assault occasioning bodily harm and malicious damage to property. The State continues to prosecute Joram Mwesigye.	Chief Magistrates Court of Buganda Road at Buganda Road, Kampala.	Ongoing.
7	Herbert Zziwa	On 23rd May 2014, Zziwa working with KFM was assaulted by a police officer as he was covering the Luweero Woman Parliamentary by-elections in Central Uganda. The Professional Standards Unit of Uganda Police is hearing the case against the perpetrator police officer.	Professional Standards Unit of Uganda Police Force. (PSU)	Ongoing

8	Centre for Domestic Violence Prevention & 8 Others V Attorney General	The petitioners, including HRNJ-Uganda in 2014 challenged among others the criminalization of production, publication, broadcast, procurement, importation and exportation, sale or abetment of prohibited acts of pornography whose definition is overly broad, vague and subjective and is likely to criminalize legitimate debate, commercial activities and private pursuits, and is inconsistent with and in contravention of the principle of legality, the right to privacy, freedom of expression, the press and other media, freedom of thought and conscience, academic freedom, freedom of assembly and association, and the right to practice one's profession and to carry on a lawful occupation, trade or business guaranteed under Articles 2(1) & (2), 28(12), 27, 29(1), 40(2) and 44(c) of the Constitution of the Republic of Uganda 1995. The case is pending conferencing.	Constitutional Court of Uganda	Ongoing
9	Human Rights Network for Journalists-Uganda V Attorney General	This Constitutional Petition filed in 2014, seeks a constitutional interpretation of the provisions of the Uganda Communications Act, 2013 against Article 29 (1) of the Constitution, which provides for freedom of expression, the declaration of principles of freedom of expression in Africa and basic standards of regulation of communication under international law in so far as they promote political interference by giving unfettered powers to the Minister of ICT to manage and make decisions for the Communications Commission, compromising its impartiality and independence.	Constitutional Court of Uganda	Pending- The case is pending conferencing.  The case is one of the various complimentary avenues of strategic impact litigation aiming at legislative reforms to extend the frontiers of media freedoms.

8	Uganda V Eddie Sansa	On 28 <sup>th</sup> October, 2015, Shamim Jjingo Nakawooya, a Daily Monitor-Masaka based correspondent, was assaulted by Eddie Ssansa, who lost in the ruling NRM party primaries.	Chief Magistrates Court of Masaka	Ongoing
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Findings reveal that much as there are more violations recorded against journalists majority of which warranting court prosecution of the perpetrator, not all of these cases ended up in court. Some of the efforts of court action end prematurely while some do not even take off due to the back door negotiations that take place between the perpetrators and the victim journalists. The perpetrators take advantage of the dire working conditions of the journalists characterized by poor pay and buy off their cases in the name of settlement.

Whereas it is not the policy of HRNJ-Uganda to negotiate criminality, in situations as the above, these negotiations take place without HRNJ-Uganda's involvement and in most cases will only get to know at the withdrawal of the case by the victim or indifference and non-appearance during the scheduled court hearings when the victim journalists never show up. HRNJ-Uganda continues to sensitize the journalists on the need not to negotiate criminal cases such that impunity of the perpetrators, who get emboldened by the possibility of negotiating their way out of these violations, is tackled.

In the same vein, on June 22<sup>nd</sup> 2015, the Magistrates Court acquitted Mulindwa Mukasa, a journalist with the Associated Press, of charges of obstructing a police officer. Mr. Mulindwa had been accused of obstructing the former Division Police Commander, Wandegaya Police station, Julius Ceaser Tusingwire while executing his duties.

The events giving rise to the charges that were clearly trumped up took place in November 2013. Mulindwa in solidarity with other journalists had gone to the rescue of Kasule Richard alias Kamaggu, a radio journalist with Top Radio who had been arrested for hosting an opposition politician, the Deputy Lord Mayor, Sulaiman Kidandala. In the melee that ensued between journalists and the police at the Wandegaya Police Station in Kampala, Mulindwa was inhumanely handled on the

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orders of and in the presence of Julius Ceaser Tusingwire, the then Division Police Commander, too taking part. Mulindwa instituted civil proceedings in the High Court against Tusingwire accusing him of harassment while covering the arrest and detention of Kamagu. The matter is currently before Justice Lydia Mugambe. In what seemed like a retaliation move, the police charged Mulindwa for obstruction, the case that continued all through 2015 at Law Development Centre Magistrates' Court.

In her ruling, the Senior Principal Magistrate at the Law Development Centre Court, Jolly Nkore Shwanda noted:

'...Directing my mind as Court to the law and the evidence provided on record, there were great differences especially the testimony of the second prosecution witness having been discredited during cross examination. I fail to find that the accused has a case to answer. I accordingly acquit him as prayed for by defense Counsel!'



*Mulindwa Mukasa (grey suit) posing for a group photo with HRNJ-Uganda members just after the court ruling.*

The victory was for the media fraternity against misuse of the law by the Police to harass and intimidate the journalists.

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## RECOMMENDATIONS

In view of the above, HRNJ-Uganda recommends:

Respective arms of the government of Uganda

1. Undertake investigations into the violence meted out against journalists by police officers and prosecute the involved officers to completion.
2. Investigate and make public all cases pending before the Professional Standards Unit (PSU) of the Uganda Police Force that have been reported there by journalists against police officers for several years now.
3. Judiciary should expedite hearing of cases involving journalists against various state perpetrators.
4. Uganda Police Force should investigate all cases involving deaths of journalists in mysterious cases for the past four years.
5. Parliament should refrain from passing overly restrictive and prohibitive legislations.

### Media fraternity

1. Undertake further trainings of journalists for risk management, safety and security especially those operating in political sensitive coverage such as demonstrations;
2. Undertake to provide protective gear to journalists to minimize injuries during the execution of their work;
3. Provide better working conditions for the journalists in their various work stations with better pay commensurate with the cost of living in Uganda at a particular time.
4. Stand in solidarity and collectively with victim media practitioners who choose to pursue justice.

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## General public

1. Desist from treating journalists as enemies and partisan and instead render them any support required for them to professionally undertake their work;
2. The international community and Uganda' development partners bear pressure and call for systematic investigations in cases of attacks on journalists. They should also call for fair and enabling legislations for the media in Uganda.
3. Civil Society and Human Rights Organizations should mainstream the defence and promotion of free speech and the media in Uganda.



## PICTORIAL



*National Coordinator Robert Ssempera arrested at Jinja road police station when leading a demonstration by journalists protesting brutal assault of a WBS TV journalist Andrew Lwanga.*



*Police-battle-journalists-at-Kira-road-police-station*







*Journalists protesting police brutality on the media*



*Delta TV journalist Isaac Kugonza lying down after he was shot on the head*



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