Press Freedom Index Report - 2016
Uganda

Tough Times
Political Intolerance Stifles Media
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Tough Times

Political Intolerance Stifles Media
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## Abbreviations

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
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<tbody>
<tr>
<td>A.I.G.P</td>
<td>Assistant Inspector General of Police</td>
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<tr>
<td>ACHPR</td>
<td>African Charter on Human and Peoples’ Rights</td>
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<tr>
<td>BBS</td>
<td>Buganda Broadcasting Services</td>
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<td>CBS</td>
<td>Central Broadcasting Services</td>
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<tr>
<td>CEON-U</td>
<td>Citizens Elections Observation Network Uganda</td>
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<tr>
<td>CSO</td>
<td>Civil Society Organization/s</td>
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<tr>
<td>DISO</td>
<td>District Internal Security Organization</td>
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<tr>
<td>HRNJ-Uganda</td>
<td>Human Rights Network for Journalists-Uganda</td>
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<tr>
<td>ICT</td>
<td>Information and Communication Technology</td>
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<tr>
<td>K.C.C.A</td>
<td>Kampala Capital City Authority</td>
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<td>NBS</td>
<td>Nile Broadcasting Services</td>
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<tr>
<td>NRM</td>
<td>National Resistance Movement</td>
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<td>NTV</td>
<td>Nation Media Television</td>
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<tr>
<td>POMA</td>
<td>Public Order Management Act</td>
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<tr>
<td>R.D.C</td>
<td>Resident District Commissioner</td>
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<tr>
<td>SFC</td>
<td>Special Forces Command</td>
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<tr>
<td>UNDP</td>
<td>United Nations Development Programme</td>
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<tr>
<td>U.P.D.F</td>
<td>Uganda People’s Defence Forces</td>
</tr>
<tr>
<td>U.P.F</td>
<td>Uganda Police Force</td>
</tr>
<tr>
<td>U.R.N</td>
<td>Uganda Radio Network</td>
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Acknowledgement

Human Rights Network for Journalists-Uganda (HRNJ-Uganda) extends its gratitude to Freedom House for the financial support towards the development and publication of the Press Freedom Index 2016. We appreciate the Executive Board, Legal department and the entire staff of HRNJ-Uganda for their support towards the finalization of this publication.

We acknowledge the members of HRNJ-Uganda for providing support during the investigation of these cases documented herein. We are grateful to the enormous efforts by Mr. James Nkuubi, a Human Rights lawyer, for the analysis and compilation of this Index.

In a special way, we are grateful to our esteemed development partners the USAID/ Rights and Rule of Law Activity (implemented by Freedom House) and Open Society Foundations (London) for the support towards the research, production and launch of this index.

Further, we appreciate the support extended to HRNJ-Uganda by the Democratic Governance Facility (DGF), Media Legal Defence Initiative (MLDI), Stitchting Doen Foundation, AJWS, Embassy of Finland (Nairobi), International Freedom of Expression (IFEX), Embassy of Canada (Nairobi) and the Open Society Initiative for Eastern Africa (OSIEA) among others.
Preamble

A free media is bedrock to democracy. Any society that claims to be democratic without press freedom is a sham. If the citizens cannot express themselves freely, access information when they need it, assemble and convey their opinions without hindrance, then there is no doubt their country falls below the known democratic principles. It is the duty of every citizen to ensure that these principles are upheld.

The 2016 political environment in Uganda came with serious challenges to the media in general and journalists in particular. The level of political intolerance, fusion of state agencies into the arms of the ruling party, commercialization of politics and abuse of state organs placed journalists in a precarious situation.

Human Rights Network for Journalist-Uganda has noticed that threats against media and journalists in particular are taking new forms and shape; attacks on female journalists are on the rise; and enemies of free expression have extended their reach to social media platforms. The laws are unjustifiably applied by state organs to harass and intimidate journalists by opening up unmerited charges.

The Uganda Police Force has continued to unfairly hurt, block and arrest journalists in the course of their work as the Press Freedom Index 2016 indicates. Attacks by the members of the public have also persisted. These two categories continue to worry the media. The Police is meant to maintain law and order using standard operating procedures; the public are the very people media is supposed to inform and represent in the corridors of power.

The media fraternity is targeted with intended violence and hatred. We must rise up and stand firm against such.

HRNJ-Uganda Index does not seek to condemn any group; it is an effort to point out shortcomings in society in order to strengthen the democratic process in Uganda. Press freedom is our freedom.

We are thankful to Freedom House for the support to produce this Index. We are equally grateful to all our partners for their unreserved backing to our work. Our members, the Executive Board, the National Coordinator and all the Secretariat staff are highly appreciated for making this Index possible.

JULIUS ESEGU - CHAIRMAN EXECUTIVE BOARD
Introduction

The Press Freedom Index 2016 is the eighth successive annual summary of the state of media freedoms in Uganda. This edition summarizes the 135 violations and deplorable conduct of State agencies in 2016 documented and analysed by HRNJ-Uganda staff.

The issues presented are tested against Uganda’s national, regional and international human rights obligations of which it is a party. Specific attention is given to those particular human rights instruments that protect media rights and freedom of expression.

This Index comes at a time when Uganda held its presidential, parliamentary and Local Council elections during which media was expected to provide information to the public to make informed choices. The post-election period was characterised by a catalogue of events that posed a serious challenge to journalists. These events included arrests, “Preventive arrest”, detention and confinement of opposition leaders; illegal closure of political opposition party offices, defiance campaigns by the opposition and inter-ethnic clashes in Bundibugyo and Kasese region in Western Uganda.

The year under review was characterized by killings of civilians by both police and the army in November when the military stormed the Rwenzururu Kingdom palace in Kasese, leaving over one hundred people dead and others arrested following a prolonged misunderstanding between the government and the Rwenzururu Kingdom.

This period was also marked by disproportionate and unjustified use of force against President Museveni’s political opponents; unnecessary directives and restrictions of media work and a shutdown of social media by the telecommunications regulator, Uganda Communication Commission.

Under these tough times, journalists found themselves in a precarious situation as they endeavored to disseminate information. The Press Freedom Index 2016 examines how this state of affairs impacted on the practice of journalism and provides a telescope view of the protection of media rights and freedoms in Uganda.

The Index analyses the media regulatory regime and how it was manipulated to curtail media freedoms. It examines how facilitative the operating environment was to the practice of journalism in 2016. The Index discusses the extent to which law enforcement agencies held institutions and individuals accountable for violating journalists’ rights and interventions by government to enhance press freedom.

ROBERT SSEMPALA - NATIONAL COORDINATOR
Executive Summary

In 2009 HRNJ-Uganda, launched its first annual Press Freedom Index report. This 2016 edition is the eighth Index and it is an investigation into the state of media freedoms in Uganda in the past year.

The Index analyses;

a) The extent to which the legal regime and policy frameworks enhance media freedoms.

b) The proposed bills and administrative instruments as well as their impact on the media environment.

c) What the regulatory institutions and media managers have done to advance or curtail media freedoms.

In compiling data for this Index, HRNJ-Uganda researchers employed qualitative approaches and methods to capture information. These included field trips and investigations, document review, photographic documentation; in-depth interviews with a range of victim journalists, alleged violators and accomplices.

This Index captures data on a range of media violations including attacks on journalists from a wide scope of media actors: reporters, editors, producers, photographers, presenters and support teams. It covers the whole country and all media platforms irrespective of ownership patterns.

Observations

HRNJ-Uganda has realized considerable achievements in creating an atmosphere where abuses of media freedoms and impunity are documented, exposed and challenged in courts of law and through speaking truth to power.

First, as the Index shows, HNRJ-Uganda, has followed violations of media freedoms wherever they have been reported in the country. As a result, 135 cases of violations have been recorded and followed up.

Secondly, HRNJ-Uganda has through the Index, identified emerging trends of media violations, where the security forces, especially the Police top the list of violators of media freedoms. For the fourth year running, the Police Force has topped the list of offenders
with 83 recorded violations accounting for 61% (two thirds) of all violations. Attacks from ordinary citizens acting individually or as mobs accounted for the second highest percentage at 17%. There were also violations recorded, to a much lesser extent, by the UPDF, Uganda Prisons Service and Resident District Commissioners.

Thirdly, by compiling the violations against journalists and media institutions, HRNJ-Uganda, through the Index, has provided a platform that builds confidence in media workers that abuses against them will not go unchallenged, and to those who abuse media freedoms that they will be held to account.

Fourthly, through various capacity building interventions, HRNJ-Uganda, has continued to build capacity of journalists to know and fight for their rights even in the face of adversity, as attested to by details in the Index.

**Key findings**

The Index highlights the challenge of practicing journalism in Uganda; it exposes growing threats to journalists and media houses by security agencies, politicians, state agents, private individuals, mobs and in some cases threats from media employers.

- The election year exposed journalists to unprecedented attacks on journalists with an increased number of female journalists falling victim of attacks.
- The Uganda Police Force for the fourth consecutive year has topped the list of violators of media rights and freedoms.
- Police, other state agents and powerful individuals manipulated laws to suit their aims of curtailing media freedoms and silencing journalists.
- Some media owners also abuse the rights of their employees by not paying them and not defending when they come under attack.
- There was no government intervention to improve the legal and policy framework to enhance media freedoms.
Background

In 2016 Uganda held the third multiparty general elections. President Yoweri Museveni, who has been in power for 30 years and contested for his fifth time as president was declared winner amidst protest from the opposition. Local and international election observers described the process as falling “short of international standards for the conduct of democratic elections.”

“There are international standards for holding free and fair elections. These include: adherence to the legal framework for an election; right of assembly and movement; democratic electoral campaigns; equal access to the media; equal participation of men and women in the elections; rights of citizens to freely choose who governs them. The overall findings by CEON-U indicate some serious shortcomings in adherence to these standards,” the Citizens Election Observers Network – Uganda (CEON-U) is a consortium of 18 (eighteen) national and 23 sub national civil society organisations observed on their Preliminary statement of 19th, February 2016.

Over 400 members of parliament were elected in the absence of electoral reforms widely demanded by politicians, civils society organizations. The general elections were conducted under restrictive legal regime on freedom of assembly, association and expression that restricted movement of those canvassing for votes. The elections lacked credibility as described by His Excellency Olugusen Obasanjo, Chairperson of the Commonwealth Observer team in their report.

“We have strong concerns that many of the administrative and operational processes undertaken during the electoral cycle were flawed, to the extent that the election results cannot be said to ascertain fully the true will of the people of Uganda. Such concerns also extend to the restrictions placed on the free movement of key opposition members and their supporters at all stages of the elections.”

The pre-election period was preceded by intimidation of media and civic society coupled with a media restrictive regimes and overzealous government officials who worked to control the information flow. Many journalist expressed concern over the local government leaders where interference with their work.

“As Ugandans head to parliamentary and presidential elections in February 2016, freedom of expression and association are under serious threat. Political tensions are running high and the government faces public discontent on a range of issues, such as government allocation for health and education services, corruption, widespread unemployment combined with a massive youth population and the rising cost of living. In response, during the past year, numerous state agencies and officials – police, internal security officials, and resident district commissioners (presidentially appointed senior civil servants who monitor government programs and security in each district) – have engaged in a range of tactics to intimidate and obstruct speech critical of the government, particularly in rural areas and during non-English radio broadcasts outside of Kampala, where government action is subject to less international and domestic scrutiny,” Human Right Watch stated in their January 2016 report. 4

The process that would have been based on persuasion turned into a commercialized process characterized by buying of the electorates for voters. This put financial strain on the candidates and increased the likelihood of violence amongst the contenders as they struggled to ‘save their investment.’ Many candidates distributed money and inducements to voters contrary to the elections laws 5

During the post-election the space for media freedom and freedom of expression was severely constrained in the name of national security. The runner up Dr. Kizza Besigye, of the Forum for Democratic Change (FDC) party refuted the results and declared a national wide ‘defiance’ campaign calling upon all Ugandans to reject what he called an ‘illegitimate’ government that had ‘robbed them of their victory.’

4 “Keep the People Uninformed” Pre-election Threats to Free Expression and Association in Uganda in harassment of media https://www.hrw.org/news/2016/01/10/uganda-intimidation-media-civic-groups
He was not allowed to leave his home while his visitors were scrutinized and only allowed in by the Police senior leadership. Media followed and relayed the events surrounding house arrest and the defiance campaign as they happened but the State reacted in a manner that affected free flow of information.

In November, 2016, Uganda Peoples' Defence Forces (UPDF) with Uganda Police Force (UPF) stormed the offices of the Rwenzururu Cultural institution and the palace of King-Charles Wesley Mumbere, killing a number of his royalists and more than 180 arrested. In retaliation Bakonzo royalist attacked several police station killing 14 police officers. Those arrested face charges murder, treason, terrorism and aggravated robbery including the King.

Security agencies were faltered on the use disproportionate force against the institution’s royalist and human rights organizations called for a thorough investigation into their conduct.

In spite of the constitutional guarantees on press freedom and Uganda remaining a party and signatory to international instruments and commitments relevant to media rights, the government continued to invoke laws, practices and tabling of bills before parliament that defeats the principles of free expression. The executive, parliament and the media regulatory body issued directives and acted in manner restraining media rights resulting into self-censorship.

There was a rise in the continued used of criminal defamation against journalist with complainants ranging from government officials and politically connected business people. Other penal laws such as criminal trespass were routinely invoked by police.

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Methodology

The HRNJ-Uganda Press Freedom Index is the culmination of a year-long process that involves several stages of data collection, verification through site and field visits, analysis and documentation. The development of the Index comprises the following processes:

a) The strategic planning phase where HRNJ-Uganda, through rigorous discussion and in consultation with sector partners, develops objectives that the Index will seek to achieve.

b) The second process, which runs throughout the year, involves receiving cases of violations from wherever they occur in the country. HRNJ-Uganda has a countrywide network of field monitors, trained by the United Nations Office of High Commissioner for Human Rights (UN-OHCR), and individual journalists who report cases of abuses against journalists and media institutions as soon as they occur. HRNJ-Uganda also makes daily scans of newspapers and monitoring of other media platforms to identify cases of violations and other issues that have potential to impact on freedom of the press and of expression.

c) The third process entails posting alerts to a national and international subscriber base of about 1000 persons and organisations, concerned with human rights in general and media freedoms in particular. The alerts provide details of the suspected abuse and what action is being taken. The alerts serve as a powerful mobilization tool for support and solidarity.

d) When a case is reported, HRNJ-Uganda teams start the process of investigating it to establish the veracity and related circumstances. The investigations entail site and field visits to wherever the reported abuse has occurred. The findings are submitted to the HRNJ-Uganda legal department to determine how the case can be best managed. At this point the cases are documented in the organisation’s database. Some cases are referred to courts of law, others involving state agencies and agents are taken to the Uganda Human Rights Commission, which has the mandate to prosecute human rights abuses.

e) At the end of the year, HRNJ-Uganda commissions a consultant to examine all this data to develop the Index in line with the set objectives.
Scope of the Index

The monitoring, investigation and documentation process of the violations against media in 2016 focused on all categories of persons working in the media industry. These include managers, reporters, editors, producers, photographers, presenters and technical support teams. It also took into consideration freelance writers, columnists and bloggers. The process covered all types of media platforms irrespective of ownership patterns.

Broad Objectives

The 2016 Index had the following three broad objectives that are deemed critical to the enjoyment of freedoms of expression and of the media in Uganda.

1. To examine the legal and policy regimes pertaining to the media and their impact on the practice of journalism and freedom of expression.

In pursuance of this objective, the Index specifically assessed the extent to which the laws and policies that govern the media industry enabled the practice of journalism in 2016.

In pursuance of this objective the Index analysed the data collected over the year and documented thematically under the following categories:

I. Physical attacks, harassment, torture, injuries and killings of journalists;

II. Detention in either gazetted or un-gazetted places of detention or prolonged police detention without charge.

III. Kidnapings and enforced disappearances;

IV. Threats, political pressure or/and interference, unfair dismissals, arbitrary suspensions from work.

V. Convictions of journalists arising from their work.

VI. Censorship by the State and any other institutions

VII. Perpetrators of violence
2. To establish the contribution of the State in advancing freedom of expression and of the media in Uganda in 2016.

Specifically, the Index probed if the State deployed its legislative, judicial and administrative arms to advance media freedom and to exact individual and institutional accountability from perpetrators of abuse.

Data Management

Quantitative data was analysed manually to establish patterns of occurrences and to identify trends of real and emerging threats to media freedoms. Qualitative data was organised according to themes and analysed to generate patterns of behavior, to capture testimonies that expose the degree of suffering endured by victims of violence and to give context to the quantitative and secondary data obtained from the review of documents and other sources.

Ethical Considerations

Wherever possible, efforts have been made to solicit consent of victims of whose names appear in the Index.
Chapter One

Unjust use of the laws to curtail media freedoms

The Constitution of the Republic Uganda guarantees freedom of expression including the press. This is in addition to the country's commitment towards regional and international human rights instruments that protect freedom of expression and media rights. These include the 1945 Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights (ICCPR), the African Charter on Human and Peoples' Rights and African Charter on Democracy, Elections and Governance (2007).

During the 19th Session of the UN Human Rights Council in March 2012, while adopting the Universal Periodical Review (UPR) report, the government of Uganda committed itself to “amend laws that are contrary the State's international obligation to respect, protect and promote freedom of expression. UPR is a mechanism aimed at improving human rights is countries worldwide which assess states on their human rights record.

7 Article 29(1) (a) of the Constitution says: “Every person shall have the right to freedom of speech and expression, which shall include freedom of the press and other media.”
8 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.’
9 Article 19(2) of the ICCPR provides: ‘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.’
10 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.
11 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: Additionally, under article 17(3) states parties are to; ‘Ensure fair and equitable access by contesting parties and candidates to state controlled media during elections.’
Unfortunately, the country still maintains a considerable number of laws that undermine and seriously restrict the enjoyment of press freedom. There has been no deliberate effort to ensure that laws are in tandem with the national Constitution guarantees and international obligations and commitments.

HRNJ-Uganda documented and analyzed several incidences during which the restrictive media legal regime was applied or manipulated to harass journalists in breach of the national and international standards. In some instances, provisions of penal laws such as criminal trespass were invoked by police abusively to curtail media freedom. Orders and directives were issued by ministers, parliament and statutory media regulatory bodies stopping media from carrying out certain activities. Those issuing the directives always claimed to be acting under the existing laws.

**Criminal defamation a tool of intimidation**

Whereas many countries have progressively moved towards repealing criminal defamation laws and struck a balance between legitimately protecting peoples’ reputations and letting free speech reign Uganda still maintains this law. Criminal defamation was commonly used to arrest, and charge journalists which sent a chilling effect to the media fraternity. HRNJ-Uganda noted in 2016 the rise in the use of Section 179 of the Penal Code Act that provides for the offence of criminal defamation. By the end of 2016, HRNJ-Uganda had documented over a dozen of journalists with pending criminal defamation charges. The complainants in these cases range from the President’s office, government officials and politically connected business people who want to be shielded away from public scrutiny.

In 2016, one of such cases of criminal defamation was lodged at the Criminal Investigations Directorate (CID) against Daily Monitor’s Associate Editor, Alex Atuhaire and the political reporter Yasin Mugerwa by the Minister of Defence, Dr. Crispus Kiyonga, following the army attack on the Palace of the Omusinga (king), a kingdom in the Rwenzori sub-region, in Western Uganda. The contentious story was published on April 5th, 2016 resulting from a press conference at Parliament on April 4th, 2016, in which Members of Parliament from Kasese District accused the minister of masterminding the post-election violence.

Sadat Waligo of Red Pepper in prison uniform while on remand at Kakondo Prison

in the district. Mugerwa was released on bond and ordered to return to police after a fortnight while Alex was made to write a statement and was there after released. The Daily Monitor Newspaper, by the close of 2016, had the highest number of journalists facing criminal defamation. The newspaper has been castigated by President Yoweri Museveni as an ‘opposition’ mouth piece.

Criminal defamation cases were prevalent in upcountry. On June 21st, 2016, Waligo Saddati, a Red Pepper reporter in Lyantonde District in Central Southern Buganda was remanded to Kakondo Prison for allegedly defaming the Lyantonde Resident District Commissioner, Sulaiman Tugaragara Matojo. The RDC accused the journalist of publishing defamatory statements against him on his Facebook account in January, 2016. The alleged statements were attributed to Diana Kategaya, a widow of the late Eriya Kategaya the former Deputy Prime Minister of Uganda, during a press conference in her home in January 2016 accusing the RDC of conniving with people to steal her cows and entering her house without permission. On June 22, 2016, Waliggo was granted a non-cash bail of five hundred thousand Uganda shillings (USD 151) by Lyantonde Grade One Magistrate Muinda Tadeo.

In the same vein, Teba Arukol, a freelance journalist in Moroto District, North Eastern Uganda in the Karamoja region was summoned by Police on August, 31 2016 to explain his post on Face Book on Sunday 29th August 2016. Arukol stated that Karimajong leaders rushed to attend a cultural function in Kenya after shunning their own activity that was
organized in Karamoja. He alleged that the leaders were paid 50,000 Kenyan shillings by their host for honoring the invitation. The Karamoja cultural leaders went to Kenya to attend the Turkana Cultural and Tourism event. The police said the post had ‘tainted the images’ of the Cultural leaders. He was later released without charge.

Criminal defamation has proven a blockade in the exercise of the press freedom in Uganda as it is characterized with arrests, detention, charges and expensive litigation. This has forced media practitioners to self-censure themselves other than publish a story about the powerfully connected political class with ability to use the law to their detriment.

In 2010, the African Commission on Human and Peoples’ Rights passed a resolution calling on states to repeal their criminal defamation laws. It noted that “…criminal defamation laws constitute a serious interference with freedom of expression and impedes on the role of the media as a watchdog, preventing journalists and media practitioners to practice their profession without fear and in good faith.”

The Commission called on Member States to “…to repeal criminal defamation laws or insult laws which impede freedom of speech, and to adhere to the provisions of freedom of expression, articulated in the African Charter, the Declaration, and other regional and international instruments.”

14 Ibid
In December 2014, the late Ronald Ssembuusi with the support of HRNJ-Uganda petitioned the East African Court of Justice challenging the continued use of criminal defamation by Uganda which is a member to the East African Community. The Court has so far 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 of 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 friends of court. Other 20 organizations working on freedom of expression were also allowed.

**Using Criminal trespass charges to deter journalist from coverage**

Section 302 of the Penal Code Act establishes the offence of criminal trespass. Although it is not directly related to media, HRNJ-Uganda noted that it was abusively applied by police to harass journalists.

For example two reporters from China Central Television (CCTV) and Red Pepper Publications were arrested for criminal trespass while covering a story of two abandoned piglets in a box dumped outside the State House, in Kampala by unknown people. Police accused the two of criminally trespassing on the premises of State House. One of the reporter’s video camera and smart phone were confiscated by the police and forced to reveal the password. The Red Pepper reporter was set free while that one of CCTV was released on police bond after 7 hours detention in police cells.
Journalist charged with “abetting terrorism”

The most profound case against a journalist in 2016 was the charging of Kenya Television Network (KTN), Joy Doreen Biira, a Ugandan journalist with ‘abetting terrorism’ contrary to Section 26(2) of the Penal Code Act. She was arrested on 28th November, 2016 for posting on her Twitter account photos showing smoke emerging from a burning Rwenzururu kingdom palace attacked by the army and police. Doreen was by the time of the attack on the palace gone to her home village to introduce her fiancé to her parents.

She was arrested from their family home in Kasese with four of her family members including her fiancé by the army and held at the Central Police in Kasese for 24 hours. Security officials demanded to know the source of the video depicting the burning palace which she had shared on social media-Instagram claiming that she had captured an ongoing military operation and risked jeopardizing national security.¹⁵

Her uncle told HRNJ-Uganda that:

“The army stormed my home after seeing a camera flash. They demanded to know who had photographed the scene. They ordered me to bring out all the people inside the house at

the time, lined them up, confiscated all their cellphones and drove them away to unknown destination. It is surprising that Biira and my son who were both in the house at the time were all charged with abetting terrorism, yet even the picture found on the confiscated still camera had not been circulated or used anywhere. I am happy that they were released. We wait to see what happens next,” the uncle told HRNJ-Uganda,

On November 28th, 2016, army men re-appeared at her Uncle’s home, searched it and went away with a still camera, a memory card, laptop and car keys. Biira together with four family members were later released on police bond with a condition-to report to Kasese Police station on December 8th, 2016 and shall continue to appear at police whenever summoned to answer to the said charge until otherwise directed by police.

The case underpins the predicament which journalists face in situations where access to news scenes is limited.

**Attempts to license journalists**

The Press and Journalists Act 2000 enacted in 1995 require every journalist to be registered and licensed before practicing journalism. It creates a Media Council mandated to issue practicing certificates annually to journalists. According to the law it is an offence that can land a journalist into prison to practice journalism without a certificate issued by the Council.

HRNJ-Uganda was dismayed by the attempts by the Media Council with the support from UNDP to conscript journalists to a mandatory registration exercise stemming from a legislation that was under challenge in courts of law.16 The Council in collaboration with the police’s Media Crimes department warned journalists that they will be charged with disobeying lawful orders for practicing journalism without a licence.

However the UNDP offices in Kampala distanced themselves from licensing exercise saying they were only partnering with government Media Council on “post media dialogues to discuss election coverage as well lessons learnt” and where not extending support “to any other functions of the Media Council including registration of journalists”.17

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17 Ibid
The chairperson of the government Media Council Venis Omona defended the attempted exercise saying that: "We need regulations and professionalization of the media to ensure public accountability. Registration and licensing will help to check on the media's irresponsible reporting." Licensing of journalists has been widely condemned by national and regional courts. Uganda Human Rights Commission in its initial annual report listed the Press and Journalist Act as one of the unconstitutional laws.

Ref: MC/PRT/16/003
October 13, 2016

The Managing Director,
Monitor Publications Limited
P.O. Box 12141,
KAMPALA.

Dear Sir,

RE: REGISTRATION OF PARTICULARS OF EDITORS/PRODUCERS OF MEDIA ORGANISATIONS.

Pursuant to Section 5 of the Press & Journalists Act Cap 105 all media organisations are required to register and or update particulars of their Editors/Producers with the Media Council.

The Council is also mandated to prescribe other particulars thereto relevant as may be required by the Council.

Pursuant to the above the Council is in the process of an exercise to register, rationalize and update the particulars of Media Organisations/Editors/Producers.

In light of your obligations under the law we hereby request that you furnish the Council with particulars as prescribed in Form 1 (enclosed herewith) a statement of particulars of Editor/Producer and Organisation, together with indicated documents and return the same to the Council within Fourteen (14) days from the date of this letter.

On registration your organisation(s) will be issued with a certificate of compliance and your relevant staff issued with press cards.

Please note that the registration fee is Ushs. 10,000/- (Uganda Shillings Ten Thousand Only) for each entity.

Yours faithfully,
For: MEDIA COUNCIL OF UGANDA

Paulo Ekochu
CHAIRMAN

Encl. as stated.

Amendment of the communications law

The Minister of Information and Communications Technology presented a bill before parliament seeking to amend Section 93 (1) of the Uganda Communications Act 2013. The bill sought to remove Parliamentary approval of regulations made by the Minister under law. The minister argued that the law had two conflicting sections, one demanding the approval and another requiring the minister to present the regulations before Parliament. The amendment was passed by parliament.

HRNJ-Uganda analysed the dangers of the said proposed amendment and presented before the ICT Committee of Parliament the serious dangers it poses to the communication sector. (See HRNJ-Uganda analysis of the bill 2016 LINK Uganda communication amendment: https://hrnjuganda.org/?page_id=2639.) The law gives the minister in charge unchecked powers to control communication industry. The minister already had the powers to direct the regulator, Uganda Communications Commission on matters of policy and it is mandatory for the Commission to follow the directives.

The minister has the powers to appoint the Executive Director of the Commission and approving the Commission’s budget. The law has vested all the powers in the minister to formulate and implement tyrannical or arbitrary regulations which will affect the right to communication in the country.
MEMORANDUM

As part of operationalising the Uganda Communications Act, 2013, the Minister of Information and Communications Technology is required to make regulations in order to give effect to the provisions of the Act.

In enacting the Uganda Communications Act, 2013, two conflicting provisions were incorporated into the Act by Parliament as follows—

(a) Section 93 (1) which provides that “The Minister may, after consultation with the Commission and with the approval of Parliament, by statutory instrument, make regulations for the better carrying into effect the provisions of this Act”; and

(b) Section 93 (3) which provides that “Regulations made shall be laid before Parliament.”

The object of this Bill is therefore to amend the Uganda communications Act, 2013 to remove the requirement for Parliamentary approval of regulations made by the Minister under section 93 (1).

ENG. JOHN NASASIRA,
Minister of Information and Communications Technology.
Orders and directives by Judiciary, Executive, Parliament and media regulator

Abusing powers entrusted to them under various laws, the judiciary, ministers and media regulators issued several orders and directives against media, such as those banning live TV coverage of opposition political activities.

Judiciary

On April 29, 2016, the Deputy Chief Justice-Steven Kavuma issued a ruling, what was later criticized as unconstitutional, halting the ‘Defiance Campaign’ by the opposition politicians. All activities of opposition protest campaigns were from whence to be treated as illegal. Even as protests continued towards the Court order, the Minister for Information and National Guidance, Jim Katugugu Muhwezi two days after officiating as chief walker on World Press Freedom Day celebrations, struck with an administrative order riding on the judicial Court order.

Executive

The Minister on May 5, 2016, issued an order preventing media houses from live broadcast of the ‘Defiance Campaign’ or risk having their license revoked. He said ‘the ban may extend to social media if it is used as an alternative tool for propagating defiance campaign.’ He said covering these activities was illegal courtesy of the April 29, 2016 interim Order. He revealed that the Cabinet had cleared the Uganda Police Force to begin enforcing the order against the political activists and by extension against live broadcasters of the same. He told journalists that the Uganda Communications Commission which regulates all broadcasters would not give a second chance to any media house which would defy the ban to cover Besigye. ‘…there can’t be any excuse that you didn’t know or you didn’t hear. This serves as a last warning and evidence because it’s live, we are looking at each other, I won’t be held responsible when Godfrey Mutabazi –the regulator switches you off….’
The order came a few days to the Swearing in of the President Museveni Yoweri Kaguta amidst protests from his main challenger in the election, Dr. Kizza Besigye of the Forum for Democratic Change (FDC) who still maintained he was the rightful winner of the elections.

Whereas the Constitution of Uganda under Article 43 provides for limiting freedoms and rights, such a restraint must pass the test of being acceptable and demonstrably justifiable in a free and democratic society. The order did not pass this test.

The pattern of media blockade was clearly systematic. It was not the usual cliché of individual police officers harassing the journalists but rather there seemed to be coordination even at the harassment agenda. After the issuance of the Court order, what had been criticized a day before-the attack on media as a violation, was finally legal as emphasized by the Ministerial Gag Order.19

Uganda Communications Commission

On 21st January 2016, Endigyito FM in Western Uganda was switched off by the Uganda Communications Commission (UCC) under unclear circumstances. The radio had just hosted former Prime Minister of Uganda and Presidential candidate John Patrick Amama Mbabazi.

On the eve of the swearing in ceremony of the President-Elect, May 12th, 2016, the second wave of social media networks blockade by the government of Uganda was witnessed. This was the second time social media platforms were being shut down, the first time having been on the day of the polling. As was in February 2016 on the polling day, UCC cited ‘national security concerns’ as the main justification for the shutdown. The UCC directed telecom services providers in the country to disable all the social media platforms until after the swearing in function.

Parliament

The veiled attack on journalism by the Parliament of Uganda began in 2015 with the draconian requirement to the Media houses to replace all journalists who had spent more than 5 years covering parliament. The move was opposed by the public including majority of the Members of Parliament. On January 11th, 2016, Parliament banned journalists without university degrees from reporting from parliament. In addition, those assigned to cover Parliament should have attained practicing experience of at least three years in journalism. Letters were sent out to the various media houses requiring them to adhere to the new changes and forward the names of the correspondents that meet requirements to Parliament to allow them accreditation. Proof that the nominated journalists had the requisite experience was needed by way of academic transcripts.

The Parliamentary Commission maintained that the bachelor’s degree should be in journalism, mass communication or a field of study related to the two aforementioned. The letter also directed that the accredited journalists ‘...should be fair, accurate and balanced in their coverage of parliament’s proceedings.’\(^{20}\) Even with the submission of the above, it was not guarantee of access to coverage as the Parliament maintained that it reserved the right to grant or revoke accreditation at will. The move was justified on grounds that it was a ‘quest for accuracy and balance in news coverage of the legislature.’\(^{21}\)

Parliament’s Communications and Public Affairs Director-Chris Obore, also a journalist, justified the need for the degrees as a minimum standard to report on Parliament:


“We want journalists with degrees because we believe they are the ones who can ably follow the debate in parliament and report appropriately to the public.”

On the 15th, September 2016, the Speaker of the Parliament of Uganda Rebecca Kadaga called for an investigation by the parliament’s Committee on Rules, Privileges and Discipline into the work methods of the journalists who cover parliament who she accused of reporting about Parliament in a “negative way” in a clear agenda of what she called a ‘Campaign of Malice.’ If found guilty, she said, such journalist would have to be charged with “contempt of parliament.”
The Speaker was reacting to the news-reports that castigated Members of Parliament for their profligate spending in the foreign trips undertaken with seemingly of little value addition to Uganda as a country. The reports appeared in the Daily Monitor (the Nation Group) and the Observer Newspaper, the editors of the two media houses were summoned by the Committee. The Director of Communications at Parliament-Mr. Chris Obore justified the action:

*Parliament is not gagging journalists…MPs are saying we must watch them robustly but fairly and with balance. This is where Parliament’s concerns come from. Parliament is saying can the media play its role without pandering to personal or partisan interests? The idea of the media checking Parliament excess is, indeed, a noble one. But this should be done within the demands of the profession. The fact that courts outlawed the charge of reporting false news does not give journalists a license to report false news. Journalism is not rumormongering. What interest does rumormongering serve?*

In the same drastic measures, the Parliament also sought to revise its media related guidelines in relation to accreditation. Whereas the common trend had been accrediting journalists to cover parliamentary proceedings once for the five years of the Parliamentary term, the changes now demand that journalists will have to be vetted annually and as thus receive annual accreditation.

According to the new guidelines, Parliament will now be accrediting the journalists annually. Whereas the Parliament as an independent institution is entitled to determine to whom it opens its gates, the above course of action raised concerns amongst the media practitioners’ fraternity. The annual accreditation can be abused as a mechanism to weed out the journalists that the Parliament deems unfriendly in the critical manner they report about the proceedings or other excesses within the House. In the same vein, these new guidelines from the Parliament seem to be breathing life into the unfriendly laws governing media work that journalists have for a long time been decrying as inhibitive rather than facilitative of their work.

One of such laws include the Press and Journalist Act, 1995 which prohibits any one from practicing journalism without a valid practicing certificate. These certificates are

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supposed to be issued by the Media Council to only degree holders who must have paid registration fees. Practicing without the certificate is considered criminal and can lead to three months jail or a fine of $120 (Uganda Shs. 300,000). Because this law is in abeyance, it appears the Parliament is relying on such veiled provisions to censure journalists or force media houses to censure journalists that can be sent to cover Parliamentary proceedings.

The Parliament seemed to tag fair, accurate and balanced reporting on holding a degree certificate thereby locating out majority of other journalists not possessing these qualifications.

Indeed, on 28th June 2016, parliament declined to issue accreditation to numerous journalists who had previously been covering parliamentary affairs citing lack of qualifications of a university degree. Among some of the affected journalists included experienced Yasiin Mugerwa of Daily Monitor with over 10 years expertise on the workings of Parliament, who has been covering parliament for the Daily Monitor for the past ten years.²⁴

²⁴ See also Committee to Protect Journalists, ‘Press trying to cover politics in Uganda face restrictions, attacks’, 15th/01/2016. Accessible at https://cpj.org/2016/01/press-trying-to-cover-politics-in-uganda-face-rest.php. The Committee to Protect Journalists noted that ‘the entire democratic process is undermined if journalists are restricted whether through arbitrary regulations or physical violence from covering politicians.’ The action was akin to ‘licensing for journalists…’ guised as a quest for quality.
Chapter Two

Violence against Journalists and Media

One of the objectives of the Index is to document cases of attacks on journalists and specific violations of freedoms of the media and of expression. This chapter presents incidents such as attacks on journalists and emerging trends of threats to media freedoms, compiled in the course of 2016.

Unmasking the leading violators of press freedoms in 2016

HRNJ-Uganda compiled 135 violations committed against individual journalists and media houses across Uganda. Perpetrators included both State and Non-state actors. State actors, as Table 1 below depicts, included the following security agencies: Uganda Police Force (UPF), Uganda Peoples’ Defence Forces (UPDF), Uganda Prisons Services (UPS), Resident District Commissioners (RDCs), the Judiciary and others.

Table 1: Distribution of offences by perpetrator

<table>
<thead>
<tr>
<th>Perpetrator</th>
<th>Type</th>
<th>No. of violations reported</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Uganda Police Force</td>
<td>State</td>
<td>83</td>
<td>61%</td>
</tr>
<tr>
<td>2 Community</td>
<td>Non-state Actor</td>
<td>24</td>
<td>17%</td>
</tr>
<tr>
<td>3 Employer/Radio Management</td>
<td>Non-state Actor</td>
<td>8</td>
<td>6%</td>
</tr>
<tr>
<td>4 Members of Parliament</td>
<td>Quasi-state Actor</td>
<td>5</td>
<td>3.7%</td>
</tr>
<tr>
<td>5 Judiciary</td>
<td>State Actor</td>
<td>3</td>
<td>2.2%</td>
</tr>
<tr>
<td>6 Private Guards</td>
<td>Non-state Actor</td>
<td>3</td>
<td>2.2%</td>
</tr>
<tr>
<td>7 Uganda Peoples’ Defence Forces</td>
<td>State Actor</td>
<td>2</td>
<td>1.5%</td>
</tr>
<tr>
<td>8 Resident District Commissioner (RDC)</td>
<td>State Actor</td>
<td>3</td>
<td>2.2%</td>
</tr>
<tr>
<td>9 Political Party [NRM]</td>
<td>Quasi-state Actor</td>
<td>2</td>
<td>1.5%</td>
</tr>
<tr>
<td>10 Local Council</td>
<td>State Actor</td>
<td>1</td>
<td>0.7%</td>
</tr>
<tr>
<td>11 Uganda Prisons Services</td>
<td>State Actor</td>
<td>1</td>
<td>0.7%</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td><strong>135</strong></td>
<td><strong>100%</strong></td>
</tr>
</tbody>
</table>
The Uganda Police Force was the leading violator of media freedoms after contributing 61% of all violations cases investigated in 2016. It is the fourth consecutive time that the Police emerges as the lead violator of press freedoms since 2009 when Human Rights Network for Journalists started compiling the Press Freedom Index.

**Community abuses**

The Police was followed by the members of the community. Community in this context connotes members of the public acting either as individually or collectively as a mob to attack journalists on duty or simply because of their work. These individuals and groups within the community were responsible for 24 abuses, representing 17% of all reported abuses. Acts of violence by the public against journalists and media in general continue to feature. The year 2016 marked an increase in abuses by members of the public largely because it was an election year where several parliamentary candidates had rowdy crowds that often targeted journalists assigned to report on the campaigns. In other instances, individuals who had ongoing cases in courts wanted to block journalists from covering their cases, and in the process they turned violent, vandalising press equipment and causing injury.

**Media Employers**

Employers of journalists accounted for 6% of the cases of violations. These were manifest largely in the rural radio stations where private media owners care more about profitability than the service to community. As such, they pay journalists very little, but even that little takes long to come. When the journalists demand their remuneration, owners often threaten them with dismissal. In 2016, such cases reported were related to arbitrary dismissal or suspension from work without affording the victim journalists a right to a fair hearing.

**Members of Parliament and others**

In 2016, HRNJ-Uganda documented five cases against members of Parliament, three against each of the following; Judiciary, RDCs and the Private Security guards. The RDCs continued to exploit their power as district heads of security to harass journalists, brand any critical reporting a matter of district security concern and cause arrest of journalists.
Other cases were recorded in relation to Local Council officials (LC1) operating at the village level, the NRM political party (two cases) and the Uganda Prisons Services which had one case against it. The NRM ruling party issued a blanket veiled ban to NTV to stop covering their presidential candidate, also incumbent President Yoweri Kaguta Museveni. The Party had wanted to provide NTV with its own footage of their candidate’s campaign which it deemed favorable to be shown to the public. NTV rejected this and defended its editorial independence and neutrality in the campaigns. Angered by this, the NRM party suspended NTV from covering the Museveni’s campaigns.

Table 2: Year-on-year trends of violations by Perpetrator

<table>
<thead>
<tr>
<th>PERPETRATORS</th>
<th>CASES OF VIOLATIONS BY YEAR</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2016</td>
</tr>
<tr>
<td>Uganda Police Force (UPF)</td>
<td>83</td>
</tr>
<tr>
<td>Uganda Prisons Services (UPS)</td>
<td>1</td>
</tr>
<tr>
<td>Uganda Peoples’ Defence Forces (UPDF)</td>
<td>2</td>
</tr>
<tr>
<td>Private Individuals/Non State Actors</td>
<td>24</td>
</tr>
<tr>
<td>Members of Parliament</td>
<td>5</td>
</tr>
<tr>
<td>Private Security Guards/Companies</td>
<td>3</td>
</tr>
<tr>
<td>Media House/Employer</td>
<td>8</td>
</tr>
<tr>
<td>Resident District Commissioner (RDC)/Local Government</td>
<td>3</td>
</tr>
<tr>
<td>K.C.C.A</td>
<td>-</td>
</tr>
<tr>
<td>Political Party</td>
<td>2</td>
</tr>
<tr>
<td>Local Council</td>
<td>1</td>
</tr>
<tr>
<td>Auxiliary Forces</td>
<td>-</td>
</tr>
<tr>
<td>Judiciary</td>
<td>3</td>
</tr>
<tr>
<td>Government of South Sudan</td>
<td>-</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>135</td>
</tr>
</tbody>
</table>

For the past four years the violations of media rights in Uganda have averaged 132 cases. Findings reveal a trend of repetitive offenders of media freedoms. Uganda Police Force leading this category followed by the Community both individuals and as groups. To a lesser extent, RDCs and Local Government officers also continue to feature with fewer violations. The threats by media owners continue to loom large especially in regional towns, terms of employment, if any, remain quite arbitrary and exploitative.
Assessing the geographical distribution of offences

It is critical to ascertain the patterns of violations in relation to geographical locations. This facilitates the process of crafting evidence based interventions by the various actors in an effort to curb the violations in those particular regions.

Figure 1: Percentage distribution of abuses by region

Map below: Number of cases of violation by District
The largest number of violations took place in Kampala City and neighboring districts of Wakiso and Mukono, as Table 3 shows. Wakiso district is where main opposition leader Dr. Kiiza Besigye of the FDC party lives at Kasangati, just about 20 km from Kampala. His 40-day house arrest and police siege following the elections, made his home daily news beat for journalists. It is here that many violent attacks on journalists happened.

The other equally dangerous zone of operation for journalists was Jinja district in eastern Uganda. Jinja recorded 13 violations against the media in 2016. All these happened during the trial of the Omusinga (King) wa Rwenzururu, Charles Mumbere. Mumbere was arrested together with over 100 youth from his Palace in Kasese Town and detained at the Nalufenya Police Station, in Jinja. The Omusinga is facing charges including murder, treason, and terrorism. Several journalists who were following up this story fell victim to some of the violations aforementioned as the State sought to contain the story.

Other equally perilous areas included Karamoja region where a total of eight cases
of violations were reported, three in Abim district and five cases in Moroto district. In Moroto, the violations followed the transfer of Dr Kizza Besigye, who was flown there for detention after being arrested from Kampala. Journalists who tried to cover his transfer and detention suffered violent encounters with Police. Acholi sub-region in Northern Uganda reported six violations in Gulu district and one case in Kitgum, further north.

Southern Buganda region also known as Greater Masaka recorded 15 violations with about half of them coming from Kalangala district.

Findings manifested that most violations, especially those that involved assault to journalists, happened in politically charged regions especially during the electoral period. Outside Kampala, violations that happened in other regions were reported largely from urban centers where political activities were centered.

The Gender Dynamics of the violations

Out of the 135 violations recorded, 16 (12%) happened to female journalists while 117 (88%) involved male journalists. Even at 12% the number of female journalists suffering attacks during field reporting is indicative of a trend where females are doing more field reporting which was previously a preserve of male journalists.

Figure 2: Distribution of cases of abuse by gender
From the foregoing reflection, of the 16 cases against female journalists, two were registered against Nation Media group particularly NTV Station. The other female journalists were from the other quite noticeably traditional media houses including Nile Broadcasting Services (NBS); Bukedde TV, Baba FM and Buganda Broadcasting Services (BBS) and Observer Newspaper. The other media houses not appearing among the top ten above but whose female journalists suffered a similar fate include Kingdom FM (2 cases), Radio Simba, Central Broadcasting Station(CBS), Arua One FM, and Endigito FM all registering one case each.

From the findings, most of the female journalists that suffered violations work for or in the departments of electronic media either radio or television but still based on frontline field work based news sourcing as correspondents.

Some of the incidents involving female journalists clearly manifest sexism, involving the perpetrators targeting females mainly because they are women, and as thus deemed vulnerable.

- Such was the case of Madiinah Ssebyala, of Bukedde Paper. On 31st August 2016, Ms. Ssebyala was assaulted by one Kasagga Swaibu who further threatened to inflict her with more harm if she continued to cover a case in court involving where land case in which Kasagga was the complainant. She narrated her ordeal:
As I was coming out of Mukono Magistrates court, Kasagga held me by the shoulder and started pulling me, he warned that I should stop covering his case or else I will face problems.\(^{25}\) I was only recused by boda boda men who were near the court. It was the second time this man was assaulting me. On 20\(^{th}\) June 2016, when I was taking photos at the same court, Kasagga grabbed my camera and threatened to crash it if I did not delete the pictures I had taken. Out of fear and intimidation, I deleted them.

In the aftermath of the confrontation, Sebyala opened up a case of threatening violence at Mukono Central Police Station which at the time of writing the report, was still ongoing.

- Judith Naluggwa was on 24\(^{th}\) March 2016 Abraham Byandaala, a government Minister and MP for Katikamu North. Judith, employed by Bukedde Television, was covering the case against the Minister in the Anti-Corruption Court. Byandaala was facing charges of mis-use of public funds amounting to Uganda Shillings 24 billion for the construction of the Mukono-Kyetume-Katosi road as Works and Transport Minister. Byandaala punched Judith in the lower abdomen when she asked him questions at the end of the court session.

  ‘He confronted me as he left court. He asked why I was filming him. He punched me on the stomach and scratched my left hand before he walked away. All this happened in full view of journalists and the people at the Court.’\(^{26}\)

Judith Nalugwa opened up a case of assault against the Minister at Jinja Road Police station, Kampala. The matter was amicably settled out of court with compensation to the Judith Nalugwa.

\(^{25}\) HRNJ-Uganda Interview with Respondent, 2nd /September/2016.
Top 10 media houses that suffered violations

The violations recorded were meted out against journalists from a diverse number of media houses. These included both government owned and private media houses, some operating on national scale while others limited to regional reach. 46 media houses were affected by violations across Uganda. The figure below depicts the top ten media houses whose staff members suffered repetitive violations.

Figure 4: Top 10 most offended media houses
Nation Media House, according to cases documented by HRNJ-Uganda, had the largest number of violations against their staff. In particular—journalists working with the Daily Monitor and NTV all housed under Nation Media suffered the worst treatment. They were followed closely by the New Vision newspaper and Bukedde TV, the two are part of the majority-owned Vision Group. Other key Media houses that suffered attacks included the tabloid Red Pepper, the Observer and NBS Television.

The above 10 Media houses registered 73 violations of the 135 investigated in 2016. Eight (8) of the cases were against Freelance journalists and journalist based organizations such as HRNJ-Uganda and Hub for Investigative Journalism while the remnant 54 violations were spread amongst thirty six (36) media houses with most registering one violation on average.

The above patterns are perhaps explained by the fact that these particular traditional media houses have enough man power that is deployed in various politically tense parts of the country. Additionally, the same houses especially the non-government run entities have built a culture of presenting news as it unfolds without censorship to let the public make its own informed judgement on a particular public matter. They have maintained a stature being more ‘critical of the government and offer a range of contending views.’ 27

Most of this kind of news touching on political agendas is exactly what the government agents, going by their conduct, want stifled.

It should also be noted that there were also free-lance journalists who suffered violations with no particular attachment to any media house. This category is the most affected in situations of violations as they normally have no fallback position in form of a permanent employer to render assistance either medical in case of injury and/or legal in case of arrests. Often, these have relied largely on legal aid and advocacy organizations that operate in spheres of media rights and freedom of expression such as Human Rights

27 Freedom House, ‘Uganda-Freedom of the Press 2015,’ Accessible at https://freedomhouse.org/report/freedom- press/2015/uganda (Accessed on 1st/03/2016) The Freedom House report of 2015 scored Uganda as a partly free in regards to Freedom of the Media; in the Press Freedom Score (0 = best, 100 = worst), Uganda scored 56; Legal Environment—how facilitative of media freedom (0 = best, 30 = worst), Uganda scored 19; Political Environment—and how it affects the media (0 = best, 40 = worst), Uganda scored 23; Economic Environment (0 = best, 30 = worst), Uganda scored 14 largely because the economics of media is tilted to a few private stations with government as the chief monopolist advertiser and as thus with ability to interfere with the independence workings of media.
Network for Journalists-Uganda and they are easy targets for unjustified arrests. In such circumstances freelance journalists have often opted for self-censorship and to desist from undertaking tasks that might bring them into conflict with law.

**Modes of violations media rights**

The methods of violations in 2016 follow similar trend as in the previous year. They were not of any significant difference with those witnessed in 2015. Assault was the most witnessed, cutting across all categories of violators. Some of the cases of assault were severe in nature occasioning harm and prolonged pain that kept some of the victims away from work for some days while under medical scrutiny and supervision.

**Table 3: Method used to violate media freedoms**

<table>
<thead>
<tr>
<th>Violating Entity</th>
<th>Methods of Violations</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Uganda Police Force</td>
<td>1. Assault of Journalists;</td>
</tr>
<tr>
<td></td>
<td>2. Malicious detention for hours in Police cells;</td>
</tr>
<tr>
<td></td>
<td>3. Blocking access to news scenes;</td>
</tr>
<tr>
<td></td>
<td>4. Malicious arrests and dubious charges;</td>
</tr>
<tr>
<td></td>
<td>5. Malicious damage to working tools of journalists such as cameras, recorders etc;</td>
</tr>
<tr>
<td></td>
<td>6. Confiscation of working tools and identification;</td>
</tr>
<tr>
<td></td>
<td>7. Inhumane brutal arrests aimed at humiliation.</td>
</tr>
<tr>
<td>2. Community[Acting both individually and collectively]</td>
<td>1. Assault of Journalists;</td>
</tr>
<tr>
<td></td>
<td>2. Blocking access to news scenes;</td>
</tr>
<tr>
<td></td>
<td>3. Malicious damage to working tools of journalists such as cameras, recorders etc;</td>
</tr>
<tr>
<td></td>
<td>4. Confiscation of working tools;</td>
</tr>
<tr>
<td></td>
<td>5. Threatening violence.</td>
</tr>
<tr>
<td></td>
<td>2. Threatening violence.</td>
</tr>
<tr>
<td>4. Judiciary</td>
<td></td>
</tr>
<tr>
<td>5. Resident District Commissioner (RDC)</td>
<td>1. Assault of Journalists;</td>
</tr>
<tr>
<td></td>
<td>2. Threatening violence.</td>
</tr>
<tr>
<td>6. Radio Management</td>
<td>1. Arbitrary suspension and dismissal;</td>
</tr>
<tr>
<td></td>
<td>2. Unfair hearing</td>
</tr>
<tr>
<td>7. Private Guards</td>
<td>1. Assault of Journalists;</td>
</tr>
<tr>
<td>8. Political Party</td>
<td>1. Assault of Journalists;</td>
</tr>
<tr>
<td>9. Local Council</td>
<td>1. Assault of Journalists;</td>
</tr>
<tr>
<td>10. Uganda Prisons Services</td>
<td>1. Assault of Journalists;</td>
</tr>
</tbody>
</table>
The Media in post-election Uganda

"Journalism is not a crime. It’s a public good. Our only crime is we have the courage to tell stories the way they are... As you can see, we have been arrested by police and they are taking us away to an unknown destination." Tweet by Remmy Bahati, NBS Journalist

The above tweet came on the heels of the media crack down characterized with beatings, brutal arrests, detentions and later release of journalists that were covering events in post-election Uganda. Following the arrest at home of Dr Kizza Besigye, main opposition leader, and FDC candidate, journalists flocked his home just outside Kampala to capture the unfolding story.

The then local Police Division Commander of Kasangati Police Station James Kawalya barred journalists from accessing Kizza Besigye’s home and taking pictures. The situation was worse for the television journalists who were specifically targeted by the police.

On 1st March 2016, for instance, Remmy Bahati a journalist with NBS Television was arrested by the Uganda Police Force as she made live broadcast from a road leading to Besigye’s home. Ms. Bahati was arrested, manhandled before being taken into a police van with tainted windows that was packed at the scene. Remmy Bahati narrates that:

"I was covering a story at the home of Besigye, when police arrested and detained me at Kasangati police station. While in the police van I was beaten and hair pulled by police officers inside the van. My cameraman Badebye Godfrey was also hit on the head and he is in severe pain. I was treated in a very inhumane manner; even when I surrendered, the policemen beat me up and pulled my hair. They kept pushing me around."

She was detained at Kasangati police station for 30 minutes from where she was released without charge. Police warned journalists not to camp near.

From then, it became a crime to report opposition related activities by both the local and international journalists situated at the Opposition leaders’ homes across the country especially Dr. Kizza Besigye’s home.

28 HRNJ Interview with Respondent, Kampala, 1st /03/2016
Many journalists were arrested, released later without charge. Some had their cameras, and other equipment vandalized or confiscated. Other journalists were blocked from accessing the news scene, which was a violation of the right to information.

Below is a list of some of the journalists who were affected by police action outside Besigye’s home.

<table>
<thead>
<tr>
<th>DATE AND VENUE</th>
<th>JOURNALISTS AFFECTED</th>
<th>COMMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. 22nd February 2016</td>
<td>Photo-journalist Isaac Kasamani working with AFP</td>
<td>Isaac Kasamani was pepper sprayed by police while taking pictures of police arresting Dr. Kizza Besigye at his home.</td>
</tr>
<tr>
<td>2. Saturday 27th February 2016</td>
<td>Six Journalists arrested - Abubaker Lubowa and Mukiibi Eriasa Sserunjogi both of the Daily Monitor, Abubaker Muhamed Zirabamuzaale, Nicholas Bumulanzeeki of the Observer, Mugerwa Gerald of Delta TV and Suhair Boss Mugabi of NTV. Arrested near Besigye’s home, released without charge and ordered to vacate the area or risk ‘facing the consequences.’</td>
<td></td>
</tr>
<tr>
<td>3. February/29th 2016</td>
<td>Six journalists arrested were Elijah Turyagumanae of NBS television, Dean Saava Lubowa of NBS, Mukose Arnold of Salt Radio, Sendegeya Mohammed of CBS, Kiwanuka Stephen and Nakiwala Faridah of BBS television. These were arrested in the morning near Dr. Besigye residence on the orders of Kasangati Divisional Police Commander, James Kawalya. They were taken to Kasangati police station, detained for a short time and released without any charge. They were allegedly inciting violence.</td>
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The six Journalists arrested on Saturday 27th February 2016 were standing by the roadside to Besigye’s home. They were waiting for another former presidential candidate, Amama
Mbabazi, who was expected to visit Dr. Besigye when police pounced on them. One of the journalists narrated:

> When they put us in the police van, one of the police officers jumped over and hit me in the back. We were at their mercy, they had guns, tear gas and pepper spray...we suspect the intention was to stop us from covering Amama’s visit to Besigye’s home.  

Dean Saava Lubowa of NBS narrated his ordeal:

Isaac Kasamani, an AFP correspondent narrates his ordeal:

> They did not want us to cover the arrest of Besigye, but when I saw Besigye’s car approaching the police blockade, I moved closer but the police were pushing me telling me not to take pictures. When I took the pictures a plain clothed man pepper sprayed me in the eyes. Another plain-clothed was taking our photographs.

Reporting on opposition activities continued to be a dangerous venture in 2016. On May 11th 2016, in the tension that gripped the country over the swearing-in ceremony of President Museveni, journalists capturing the unfolding events became targets of security

29 HRNJ interview with Respondent.
30 HRNJ interview with Respondent, Kampala, 23rd/February/2016

Police officer in plain clothes pepper-spraying AFP journalist Isaac Kasamani at Kasangati.
agencies. One particular incident involved a demonstration by Forum for Democratic Change (FDC) supporters contesting the swearing in that was to take place on May 12, 2016 in the Capital, Kampala. Denis Kato a journalist with Channel 44 was reportedly shot in his left leg and rushed to a nearby medical facility for treatment; Arnold Mukose of Salt FM and Ndugga Nicholas of Delta TV were arrested. Damalie Muhaye of KFM was caned by soldiers forcing her to give up on covering the news story. Dennis Kato narrated that:

> I was standing at Radio One entrance (along Dustar Street in the Centre of Kampala City) covering from a distance people demonstrating at Nakasero market, when all of a sudden, a rubber bullet hit my left leg.

Ms. Damalie Muhaye, who was caned by army officers, told HRNJ-Uganda that she was covering a story about the unusually heavy traffic jam caused by traffic diversions by police ahead of the swearing in ceremony.

> As I interviewed people, a scuffle ensued when army officers towing Col. Kizza Besigye’s car that had been impounded were pelted with objects. The army responded by caning people at the scene, and that’s how I fell victim of their wrath. I abandoned the story and left the place.31

During the heated political campaign period, journalists also faced challenges at their place of work. Some became targets of suspensions and dismissals if they seemed to be analyzing the news from a point of view that the media owner did not like. At Top Radio, a station affiliated to the Christian Life Church, one journalist was suspended from duty. Radio management was reported to have said that the journalist was ‘commenting positively’ about the big crowds that turned up for Dr Kizza Besigye’s campaign rally in Mbarara, Western Uganda during the Morning Show. The journalist narrates,

> Soon after our morning show, I received a call from the Station Manager, Mr. Busulwa telling me that our boss, Pastor Jackson Ssenyonga had suspended me till further notice. He said that I should not return to the show the next day. I was simply given a call, no reason was given to me for the suspension…. I heard the people who replaced me on the show telling our audience that I was on leave till the Feb 22nd, 2016. It was my first time to learn of my said leave.32

31 HRNJ Interview with the Respondent, Kampala 13th May, 2016
The incident goes to underpin the unfavorable environment that journalists were working within especially during the electoral period. The situation is exacerbated by the fact that most of the owners of private radio stations are close to the ruling NRM party. In such a situation, professionalism is sacrificed at the altar of self-preservation. Self-censorship by private radio station owners can be traced to the need for self-preservation since to them, the business matters more.

**Police and Media Rights: the Unending Usual Story of impunity**

For the 4th year running, since 2013, as earlier noted, police emerged as the leading violator of rights of journalists. In this particular year 2016, these violations were manifest in various forms/methods. Some of these methods were veiled within the law and indeed on the face of them, they would pass as legitimate procedures of the law yet underneath they were a representation of a fatiguing, panic and fear infusion mechanism within the fraternity of journalists.

As in the past, in 2016, the Police relied more on physical confrontation against the journalists it sought to bar from covering particular political or security related events. Police officers assaulted journalists often leading to physical injury and damage to the equipment. Police also relied on threat of, or actual malicious arrests and detention for hours in Police cells in a show of power and authority even when the contention at hand did not require any detentions.

These detentions were characterized by intensive interrogation going on for hours mentally tiring the victim journalist. The other quite popular method police used included blocking journalists from accessing news scenes even...
when majority of these scenes were not crime scenes per say. Additionally, the police confiscated equipment and identification documents of journalists.

Police officers manhandling a journalist at the FDC offices at Najjanankumbi (photo credit: Daily Monitor)

a) Indiscriminate and lethal use of Batons on Journalists

Other violations were more brutal using batons targeted at ‘vulnerable’ parts of the victim journalists. This was the case on the morning of 29th June, 2016, when two journalists, Abubaker Lubowa of the Daily Monitor and Robert Mutebi of Salt Media were assaulted by police officers at Spear Motors in Kampala while covering the arrest of Ingrid Turinawe, the secretary for mobilization of the opposition party, Forum for Democratic Change and her driver. The two were returning from attending a treason case against a former FDC Presidential candidate, Dr. Kizza Besigye at the Nakawa Court. Mutebi narrates:

“I was hit by two police officers; one of the lady officers targeted my private parts which she hit with a baton. This forced me to retreat because I was feeling a lot of pain… Abubaker was hit in the knees with a baton; I don’t know whether he can walk because he was hit seriously.”

33 HRNJ-Uganda Interview with Respondents, 1st July/2016.
To counter this brutality, Abubaker Lubowa noted that he was forced to hold the police officer’s baton in self-defence. However, the offending officer, the woman constable Pamela Agudo was later made to apologize publically after a group of about thirty (30) journalists marched to the Kampala East Metropolitan Police, commanded by Siraje Bakaleke and demanded for action against the errant police officers.

In situations where cameras are destroyed, promises of compensation by the Police leadership have often yielded nothing. Such was the case of Williams Ntege who during his work on 7th October 2012 when he was covering a procession of opposition politician Dr. Kissa Besigye, his camera was smashed by the Police during his arrest. He, on reporting the matter to the Inspector General of Police (IGP) General Kale Kayihura was promised money replace his destroyed camera. The compensation was not forthcoming and as such sought to pursue it by going to the police headquarters in Naguru, a Kampala suburb. He was arrested and charged with being a public nuisance and later released on bond. He narrates his ordeal:

> Since Kayihura told them to compensate me, they started dodging and ignoring my phone calls. So I decided to head to the police headquarters to seek for audience with the IGP. When they saw me there, they hurriedly arrested me and detained me at Jinja Road Police Station with my seven months old baby.\(^{34}\)

These arrests in some instances included not only arresting the journalist/s but also the persons they were engaging on topical issues happening in the country. A case in focus involved News Editor of Radio North FM, Richard Mungu Jakisa based in Lira district in East-Northern Uganda. On 13th February 2016, at 11.47pm, local time, while he hosted a talk show to analyze the Presidential debate of Uganda, Police stormed the Station led by the then Acting Regional Police Commander John Ematu and Lira District Police Commander Ezra Tugume with ten police officers. They arrested and detained the journalist and all his guest panelists. They were reportedly accused of ‘defacing President Museveni’s posters’ during the commercial break of the talk show. The Police stated that whereas the targeted persons of arrest were the politicians on the talk-show, Mr. Mungu the journalist too had to be arrested because he was part of them! Police explained it this way:

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\(^{34}\) HRNJ-Uganda interview with respondent 9thV10/2016, Kampala.
During the break of the show, some politicians moved out of the studio and started defacing Museveni’s posters, one journalist and politicians were arrested……they are still helping us with investigations and at a later time they will be released. They have been charged with defacing campaign posters, and with an investigation you cannot take some and leave others and that’s why the journalist was taken to help in investigations.\textsuperscript{35}

For journalists that had been particularly assigned to cover the campaign trail of Dr. Kiiza Besigye, their predicament was worse with some facing threats of being shot at. On January 10\textsuperscript{th}, 2016 police led by George Obia the police commander in Moroto District, Karamoja region, roughed up four journalists, damaging a video camera and confiscating three others amidst threats to shoot them if they did not heed his orders. The journalists, Ronald Galiwango of NTV, Kenneth Oryema of New Vision, Ernest Kyazze from Bukedde newspaper and the Daily Monitor’ correspondent in Moroto Julius Ariong had gone to Nadiket to follow up on reports that police had mounted a road block in the middle of the road allegedly to block the opposition Forum for Democratic Change Presidential candidate Dr. Kizza Besigye and his team from accessing his supporters through the said road. Speaking to HRNJ-Uganda, Mr. Ariong said that Obia threatened to shoot them if they did not get out of the car they were traveling in. He narrates:

“My colleagues and I went there and found the road block with policemen. I called the Regional Police Commander to find out but he told me to go to his office for further information. As we were leaving, the District Police Commander, SSP George Obia came and told us to get out or else he will shoot the vehicle. I came out of the vehicle and my colleague from NTV also came out with his camera. The DPC ordered him, ‘give me the camera if not I am going to destroy it. My colleague refused and Obia kicked the camera damaging it beyond repair.’\textsuperscript{36}

He said the DPC then descended on other journalists, confiscated their still cameras as he beat up the Bukedde journalist. In an interview with HRNJ-Uganda, the Police Commander Obia admitted to a scuffle with the journalists but denied damaging and confiscating their cameras. He emphasized that the scuffle was occasioned by the journalists’ refusal to hand over their cameras yet they were filming the movement of troops he had deployed to patrol the Nyasaru border post which to him was out of order. In his words;

\textsuperscript{35} Interview with the Police Spokesperson North Kyoga Mansahur Suwed, 15th February 2016.
\textsuperscript{36} HRNJ-Uganda interview with Respondent 15th/01/2016
“I ordered one of my men to stop them from filming as I went to see them. When I reached the scene, I told them you cannot just film the movement of troops, you don’t just film anyhow; you don’t know the purpose of this operation. I demanded for the camera, a one Galiwango refused so I grabbed it but he pulled it away from me and ran to their car.”

Plausible as his explanation was, there had been no communication from the police nor military that there was an ongoing operation and as thus the area was not accessible to the public including journalists. It was rather the same usual explanations of national security that are handed down as scape goats to denying journalists access to news scenes especially if a particular issue involves the opposition politicians.

The tension of the Presidential and Parliamentary elections and the fights between the different players therein brushed negatively on the Press that was covering these events. Of particular concern was the arrest on 7th January, 2016 and incommunicado detention of the Managing Editors of the Red Pepper and its sister paper Kamunye Ben Baryabaha and Mubiru Dickson respectively. The two newspapers had published a picture story where the picture appeared to be a photo montage a dead body alleged to be of one Christopher Aine.

The journalists were interrogated for over 6 hours and detained, at police’s Special Investigations Unit headquarters in Kireka, a Kampala suburb, without access to their legal representatives and kin. They were later released on Friday 8th January, 2016 on Police bond.

The Police action of arresting the journalists would later lead to a severe censure not only amongst the print media but even electronic-with radio and TV stations abstaining from speaking about the subject matter of Mr. Aine’s disappearance and the alleged picture

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37 HRNJ-Uganda interview with Respondent Moroto, 12th/Jan/2016
39 This was probably one of the most sensitive cases of enforced disappearances at the time involving accusations from the different sections of the public towards the State for ‘killing’ Aine. Christopher Aine, was the head of presidential candidate and former Prime Minister of Uganda, John Patrick Amama Mbabazi’s security team. Aine had gone missing for three weeks with word rife that he was last seen during arrest at his home in a Kampala Suburb-called Kisaasi, by armed security men. At the time of his disappearance, he was wanted to answer charges of assault of Presidential candidate (incumbent) Yoweri Kaguta Museveni’s supporters who stormed Mbabazi’s rally in Ntungamo, Western Uganda. The Police and the Presidential Candidate Mbabazi offered a cash reward to whoever was to bring news concerning Aine’s whereabouts. Mr. Aine would later emerge alive and claim that he was in hiding for his safety and security.
of his purported dead body. The story of Aine’s whereabouts became a taboo to carry considering the overt State interest in suppressing its circulation. Aine resurfaced alive, healthy and he was shown on national television.

All through the political campaigns, journalists across the country suffered incidents, sometimes violent ones, at the hands of security officers, particularly the Police.

b) Confiscation of identification papers; Denial of access to news scenes

In some instances, the police not only obstructed journalists from doing their work but also would confiscate their identification credentials that affirm that they are journalists. One of such cases happened in November, 2016 and involved a New Vision Media Group Journalist-Katende Norman, who had been assigned to take photos of Uganda National Roads Authority (UNRA) offices at Kyambogo. He was stopped by the police guarding the premises and his identity card showing he was employed as a journalist attached to New Vision was confiscated.

The Police attacks were also manifest in denying journalists access to news scenes and thereby creating a news blackout on critical national issues to the citizens. One such scenario was on 3rd October 2016 many journalists travelled to Entebbe Airport to cover the return of FDC leader, Dr Kizza Besigye. They were all stopped at a roadblock manned by Police and the military. All were denied access to the Airport and some journalists who were filming had their equipment temporarily confiscated.
c) Police Unending Interrogations

The violations have not only been physical but they have also manifest in intensive interrogations carried out by police Criminal Investigation and Intelligence Department more particularly the Media Crimes Unit. These involve repeated questioning over long periods of time of victim journalists. Such questionings send a chilling effect to other journalists resulting self-censorship. On 14th September 2016, Benon Tugumisirize, formerly of Red Pepper newspaper was arrested as he left Buganda Road Magistrates court where he had gone to attend his trial on criminal defamation.

"Emmanuel Mbonimpa arrested me at Buganda Road Court and put me on a commercial motorcycle (Boda boda) then whisked me off to the CIID headquarters. I did not know the crimes labeled against me."\(^{40}\)

Benon underwent an interrogation lasting over five hours, made a statement and was later released without charge. The interrogation was in relation to a complaint of defamation filed by a one Peninah Tukamwesiga who allegedly had been published in a story which appeared in Red Pepper newspaper.

In the same vein, Fred Mukasa Kiku, a journalist with Pearl FM radio and talk show host was also summoned by the Police’s media crime unit and interrogated a talk show he had hosted on 15th July 2016, a guest to the show is alleged to have made defamatory statements against particular persons in government, and that that tribal clashes that had happened in the Rwenzori region in Western Uganda were politically motivated, and secretly financed by notable personalities in government. Again, the interrogation had a close relation to defamation albeit this time round by a talk show guest.

Another police fatiguing interrogation occurred in Abim district, in Karamoja region, in North Western Uganda on the 6th February 2016. Catherine Byaruhanga, a BBC news correspondent in Uganda was arrested by the police for filming Abim Hospital without permission of the district security agents, and wanting to report ‘bad news all the time with bad intentions.’ She was arrested together with her cameraman, Kelvin Brown and Sam Lawino a news correspondent for NTV based in Gulu district. The three journalists were interrogated and detained for about four hours at the Abim Central police station, as they asked them to delete their recorded footage or record statements in relation to their ‘crimes.’ In an interview with HRNJ-Uganda, Catherine Byaruhanga narrated:

\(^{40}\) HRNJ-Uganda Interview with Respondent, 15th/September/2016, Kibuli.
We first approached the Ministry of Health for permission to access the hospital so that we follow up on earlier news of the hospital being in pathetic situation. When they denied us access, we went away, and decided to film from outside. The DPC found us recording and immediately stopped us, asking us for identification documents, which we presented. He told us that we needed to get out of our car and follow him to the station. We declined to record the statements. We were released after about four hours. This time it was already night.⁴¹

According to Sam Lawino, their alleged crime was accessing the hospital which is a public place, without permission! Abim District Police Commander David Eliamu said that they had committed an offence of criminal trespass because the ‘hospital is a no go area.’ The DPC asked them why they wanted ‘to film bad news all the time with bad motives.’⁴² The journalists were released without any charges preferred against them.

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41 HRNJ-Uganda interview with respondent, 6th/February/2016.
42 HRNJ-Uganda interview with respondent, 6th/February/2016. Abim hospital shot to light on December 05th, 2015 when the opposition Forum for Democratic Change presidential candidate, Dr Kizza Besigye visited the hospital during his campaign trail within the area. NTV and NBS Televisions carried footages of the sorrow state of the hospital operating without doctors for some years and the available beds being supported by sticks, which made patients to shun the hospital and seek treatment from the local clinics within the district. A Senior Nursing Officer, Adong Santina who took Besigye around was suspended by the Abim district leadership to face ‘disciplinary proceedings.’ Moments after, the Electoral Commission stopped all political candidates from accessing the hospital and other health centers in the country. Police was deployed to stop any access by politicians.
Similar interrogations were carried out in other parts of the country including in Karamoja region-in Moroto district, in the North East of the Country to freelance journalist, Teba Arukol, over a Facebook post about the Karamajong cultural leaders in August, 2016. These summonses are characterized by statement taking, retention of identification documents by police in some instances, release on police bond and repeated trips to police by the victim journalists over a prolonged period of time.

Eventually, the journalists are released from such entanglements of the police procedure, the effects limit free exercise of media rights. The repeated trips to the police drain resources in regards to time, and funds used for transportation. More profoundly however is the chilling effect the summonses and subsequent police procedures have on the journalists that therefrom undertake self-censure.

**Violations Perpetrated by the Special Forces Command (SFC)**

Violations from the Special Forces Command (SFC), an elite unit of the Uganda Peoples’ Defence Forces also was related to the tense electoral period towards the general Parliamentary and Presidential Elections. One of their victims, a *Radio Simba* journalist, Margaret Kayondo was on February 1\(^{st}\), 2016, mobbed up by four army officers of the Special Forces Command.

She was covering a scuffle between NRM supporters and the police at Lwemiyaga town, in Ssembabule district, where the police tear-gassed the incumbent Member of Parliament for Lwemiyaga County, Theodore Ssekikubo’ supporters, who in turn reacted by throwing stones at the police. The army joined the police by firing gun shots and tear-gas to suppress the escalating stand-off which lasted for about four hours. Ms. Kayondo had her mobile phone and audio recorder smashed. She narrates:

> I had just finished recording the scuffle between Ssekiyobo’s supporters and the police assisted by the SFC. The SFC were shooting at Ssekiyobo supporters. When they saw me, they asked me to surrender all my gadgets, but I declined telling them that I was a journalist. They forcefully twisted my arms until they confiscated my audio recorder and phone which I was using to take photos. Four SFC officers emerged and asked me to delete everything…they deleted both my audio recordings and photographs, especially those that captured the army beating and shooting at the locals.\(^{43}\)

\(^{43}\) HRNJ-Uganda interview with respondent, Sembabule, 03rd/February/2016
In another incident, Diana Kibuuka of CBS Radio was on the 4th March 2016 intimidated by a female army captain while covering a confrontation between supporters of the ruling NRM Party and the opposition politicians over suspected rigging of elections at Entebbe Municipal Council Offices. The female army captain told her not to cover the chaos or she risked being beaten. It is alleged that the female army captain further sent an emissary to Diana warning her that she has a pistol and a car which she can use to harm her. A case of threatening violence vide SDREF: 69/04/3/2016 was filed on the same day at Entebbe Police Station. The file was later transferred to Uganda Police Headquarters (Political and Electoral Crimes Desk) headed by Ms. Suzan Kasingye. Written summons were sent out to the captain to appear for questioning but she is yet to make an appearance.

**Attacks from Private Individuals**

The electoral tension and its subsequent negative impacts on journalists were not only perpetrated by people in authority but also private individuals collectively as supporters of a particular political party or political figure. A case in focus occurred on 4th March 2016, at Entebbe Municipal Council offices, in Wakiso district when three journalists - Kigongo Ssebalamu, and Godfrey Ssempijja both of Vision Media Group and George William Kakooza of Central Broadcasting Services (CBS) were attacked and allegedly assaulted by five supporters of the NRM party during the local council elections. The attacked journalists sustained bodily injuries and their cameras were destroyed in the process. The journalists reported the matter to Police and the offenders were arrested and charged with assault and malicious damage to property.

The first time of hearing this case on the 8th of August 2016 at Entebbe Magistrates Court, a town near the International Airport of Entebbe was characterized by further attacks on media personnel. After the hearing of the bail application in which the five NRM supporters accused of assaulting the journalists were remanded to Kigo prison, in Wakiso District for failing to fulfil the bail conditions, the journalists that were covering the case were attacked by yet another mob of NRM supporters.44

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44 The accused had been granted bail of Ug. Shs. 1,000,000 (400 USD) cash and non-cash bail of Ug. Shs. 1,000,000 (400 USD) cash for each of the ten sureties presented as a requirement of Court. Because the required cash bail was not paid in time, the presiding Grade 1 Magistrate Mulondo Mastula remanded of all the five accused persons to Kigo prison, on the outskirts of Kampala, in Wakiso district.
In what seemed to be a ‘revenge’ attack, the 12 journalists covering the story were surrounded by the mob of over 50 NRM supporters who attempted to block the journalists from covering the suspects. It took the intervention of a prison’s warden who fired in the air to disperse the rowdy NRM supporters in a scuffle that almost lasted over half an hour. At the writing of this report, the case was ongoing.

Benon Kanamwanje of the Red Pepper Publications was on January 31st, 2016, attacked by the supporters of the incumbent Mukono Municipality contestant on the Democratic Party ticket, Hon. Betty Nambooze. The supporters led by Mukono Municipality Youth Councilor, Godffrey Kisawuzi accused Kanamwanje of biased reporting. He narrates that these private individuals acting collectively also damaged his camera.
They deleted 114 of my photographs, leaving only 11 on the camera, which was also damaged in the process. They accused me of biased reporting and that journalists had not been invited to cover Nambooze’s campaign rally held at Seeta Ward, Buguba Village, Guma division, Mukono. I reported a case of malicious damage to property at the Mukono police.\(^{45}\)

Another of the attacks by a mob against journalists occurred on 10\(^{th}\), August 2016. The Inspector General of Police, Gen. Kale Kayihura and seven other Senior Police Officers were to appear to answer charges of torture before the Chief Magistrate, Richard Mafabi, of Makindye Magistrates Court in Kampala. The Case was the first ever attempt by Public Interest Litigation lawyers to privately prosecute the IGP for personal responsibility in torture cases. A rowdy crowd and boisterous people came in support of the Inspector General of Police protesting that he was being witch hunted and should not stand trial. They laid a siege around the Court attacking the lawyers of the three complainants and journalists. Joseph Mutebi, a Bukedde newspaper journalist, fell victim when he was assaulted by part of this crowd mainly comprised of commercial (boda boda) cyclists while covering them smashing Lawyer Abdalla Kiwanuka’s car.

Mutebi recalls the events of the day:

\(\text{I was taking photos of ‘boda boda’ cyclists smashing lawyer Kiwanuka’s car, suddenly I heard them shouting, that is a Bukedde journalist beat him, they attempted to snatch my camera but was saved by an unidentified man who grabbed it and threw it in the nearby shop while saying this is a journalist don’t beat him.}\(^{46}\)

Ronald Galiwango, a journalists with NTV who witnessed the beating said General Kale Kayihura’s supporters were afraid of Joseph’s coverage of the scuffle. ‘We were at court, and Kayihura’s supporters did not want people to move out of the court premises, they did not want Mutebi to cover the scuffle that had ensued and when he did so, they beat him up,’ Galiwango told HRNJ-Uganda.

Some of the violations against journalists during the political campaigns period were executed by private guards of the various politicians vying for public office. One of such victims of these private guards was Journalist Ali Golooba working with a Masaka-based
Buddu FM radio, in Central Uganda. Mr. Golooba was attacked on the 11th, January 2016 by a mob of six private guards of the ruling National Resistance Movement flag bearer for Bukoto South Parliamentary seat, Hajji Muyanja Mbabaali at Kiwangala Trading Center in Lwengo district, Central Uganda region. Golooba was covering a political rally in which Mr. Mbabaali launched his campaigns when he was attacked by men dressed in black asking him why he was recording their candidate’s speech. He averred:

“I was recording Hajji Mbabaali’s speech from one of the loud speakers when one of his private security guards with black sunglasses confronted me demanding to know why I was recording their candidate. As I explained myself, about five others pounced on me and started kicking, boxing and slapping me. They grabbed my audio recorder which they confiscated.”

The scuffle lasted for over ten minutes as the men roughed him up and tried to whisk him away, but saved by other journalists covering the event. He was injured and his gadgets confiscated. Golooba reported a case of assault at the Masaka Central Police Station.

Inexplicable attacks on Media Rights Advocates

The attacks experienced by HRNJ-Uganda in 2015, were extended to its former Board Chair Person. On 12th/January/2016, unknown people broke into Mulindwa Mukasa’s house and took his laptops, two video cameras, a mobile phone, three external drives and 500,000/= Uganda shillings (US Dollars 130).

“These were not ordinary thieves. It was a highly sophisticated intrusion into my house which I believe did not last long. They were interested in items where I store my information. They specifically went for information gadgets and ignored items that I would expect an ordinary thief to carry such as TV, Radio and even a brand new (boxed) home theater system among other things...I am paralyzed, all the information I have gathered for a very long time is lost, I do not know the motive of the attackers and what they intend to do with it.”

Mr. Mulindwa, also working with Associated Press has been a prominent defender of rights of journalists in Uganda, arrested, detained and released without charge often. In May 2013, he was arrested and detained at Kisugu Police station for several hours while protesting the closure of Daily Monitor and Red Pepper newspapers. Police accused him of inciting violence but was released without charge. In 2015, he was acquitted by a Magistrate’s Court in Kampala on charges of ‘obstruction’ brought against him by the then Wandegeya District Police Commander Julius Ceaser Tusingwire.

The charges were brought against Mulindwa after he had dragged the said police officer to high court over inhuman and degrading treatment following his brutal arrest by the officers under his command. The case is before Justice Lydia Mugambe in which Mulindwa is seeking court to declare Tusingwire unfit to hold any public office among other prayers.

At the time of reporting, there was no report from the police investigations on the potential suspects and recovery of the stolen tools of work. This trend is not different from the increasing break-ins of offices of Human Rights Defenders across the country in the past 3 years totaling to 31 organizations including the HRNJ-Uganda. There has since been no police report on the perpetrators of this clearly patterned intrusion into and stealing of information related holding gadgets from these offices. The indifference of authorities into this issue has left many Human Rights Defenders working in uncertainty bordering on fear and self-censure.
Chapter Three

Milestones in advancing media rights and freedom of expression

The State through its institutions is obliged to uphold, protect and promote the rights of its citizens by putting in place laws, regulations policies that help in achieving the same as well as holding the perpetrators accountable.

Steps must always be taken to ensure accountability, both civil and criminal for State agents that abuse the laws protecting journalists. HRNJ-Uganda in 2016 documented two cases where victim journalists were accorded justice under criminal law and one apology by a State actor.

On November 11th, 2016, in Masaka district, Central Southern Buganda, the Grade 1 Magistrate Her Worship Aisha Nabukeera convicted and sentenced Eddie Ssansa Luwagga to a suspended custodial sentence of twelve months, a fine of Uganda shillings 500,000 (USD 150) and ordered him to compensate Shamim Jjingo Nakawooya Uganda shilling 2,000,000 (USD 600) for malicious damage of her property.

Mr. Ssansa, a prominent businessman and ruling party politician from Lwengo district, on October 28, 2015, slapped Shamim Jjingo Nakawooya of Daily Monitor Newspaper, smashed her Samsung cell phone, and squeezed her breasts accusing her of provoking him during an interview. Ssansa was charged with assault and malicious damage to her property.

49 Under Uganda’s criminal law, a suspended custodial sentence is one handed down to a convict but only served upon committing a similar offence. If and when that offence is committed, the convict is directly jailed to serve the said sentence without first going through another round of trial.
“I have noticed with great concern that there are rampant attacks on journalists going on in this country, yet these are poor men and women who are just doing their job. So when they report and prove their cases, courts should protect them by punishing the offenders irrespective of their status, colour, sex, race, religion or tribe...” Magistrate Nabukeera said in her judgment.

This showed that even the powerful can be subjected to the law and its full force. Therefore journalists in similar should take advantage of the legal system in place. The case was critical particularly in the gender perspective. It revealed, from the hearing of the complainant, the plight facing female journalists. They are prone to sexist oriented assaults. While giving her testimony in Court Ms. Shamim decried the embarrassing manner the accused assaulted and squeezed her breasts with impunity.

“When I asked him to say something about his debts, which was said to be the reason for his arrest, Ssansa brutally turned against me and asked why I was asking such a question if I had not simply been given money to ask him such a question. He grabbed my phone and smashed it, slapped me in the face and indecently squeezed my breasts in the presence of my fellow journalists.” Shamim told court.

*Ssansa Eddie (white shirt) standing in the dock during a court session in Masaka.*
Rogers Mulindwa, a senior party official within the ruling National Resistance Movement (NRM) party official was sued for assaulting a journalist, Eddie Bindhe of Uganda Radio Network (URN), based in Greater Masaka, in Central Southern Uganda in 2015. Bindhe alleges that Rogers Mulindwa on 12th May 2015 assaulted and dragged him by the neck while he was covering the launch of the NRM members’ registration exercise in Masaka, officiated by the party Secretary General Justine Kasule Lumumba. In the process Bindhe’s eye glasses were broken.

In this civil case, Eddie Bindhe through his lawyer Kalule Fredrick had tried numerous times to serve Mr. Mulindwa with Court summons to appear in court but in vain. Mr. Bindhe sought Court’s intervention to give him leave to serve the defendant through newspapers. Under the Civil Procedure Rules, where summons cannot be served in person, court can grant permission to notify a party by substituted service. The Masaka Chief Magistrate Samuel Munobe, granted the application allowing issuance of summons for service in newspapers.

The failure to have Mr. Mulindwa served had stalled this case that relates to accountability. With the granting of substituted service, the case resumed effectively and a verdict is anticipated.

On June 29th, 2016 Abubaker Lubowa of the Daily Monitor and Mutebi Robert of Salt Media were assaulted by police Constable Pamela Agudo in Kampala while covering the arrest of Ingrid Turinawe, secretary for mobilization of the FDC party and her driver.

About thirty (30) journalists who witnessed the incident marched and camped at Jinja Road Police Station demanding for action from the Kampala East Metropolitan Police Commander Siraje Bakaleke. Constable Agudo was made to apologize to the journalists for brutal actions and undertook never to do such actions that disrupt the work of journalists. The Journalists forgave her.

“The journalists were assaulted, they were able to identify the officers and one of them was, Woman Constable Pamela Agudo. She was made to apologize to the journalists. We have internal disciplinary action against such police-officers but the journalists discouraged us from doing it after accepting the apology,” Kampala East Metropolitan Police Commander Siraje Bakaleke told journalist after.
Whereas the ideal course of action in cases such as the above is to proceed to Court, we must also recognize that when the journalists are one in solidarity in denouncing such behavior, they achieve much more than in isolated individual efforts.

It is vital that laws that inhibit exercise of media rights are chipped away. HRNJ-Uganda in 2016 did not register any efforts by government to either amend or repeal these laws.

However, the Minister of Information and Communication Technology instituted a Committee to review the working of Uganda Broadcasting Corporation (UBC). UBC was set up by law and is regarded as a public broadcaster.

The minister mandated the review committee to “studying the current situation of UBC with a view to unearthing the root cause of its shortcomings and reviewing the structure, products and processes to come up with recommendations that will enable UBC to realise its maximum potential.”

The Review Committee in its findings noted that; "UBC which is now mired in debt, and can hardly pay the salaries and benefits of its staff, has been mismanaged, chronically underfunded, and not treated like a public institution of strategic value. There appears to be little clarity or even agreement within key areas of government and the Corporation itself on the place and role of UBC; many continue to look at it at best as a state or government broadcaster and at worst as a ruling party mouthpiece. The character of a public broadcaster envisaged in the Broadcasting Policy of 2006 is not fully embraced by the legislation and operations of UBC.”

The Committee further noted that the review was “based on the premise that UBC is supposed to be a public broadcaster that serves and is accountable to the public; and that it is supposed to be an autonomous institution that serves all sections of society, not only the government of the day, driven by the key principles and values of editorial independence, impartiality, accountability, distinctiveness, excellence, diversity and universality. Like all public broadcasters, UBC must be funded by public funds (in a predictable manner) even as its management and board are encouraged to pursue innovative methods of generating extra revenue to enable the broadcaster deliver on its mandate. It should be recalled that the Broadcasting Policy of 2006 enjoins the government to “adequately fund the public broadcaster in a manner that protects [it]"
from arbitrary interference with [its] budgets”\textsuperscript{51}

The Minister promised to the public that the report will be used to revamp UBC. “This report will be my guide as we start our revamp of UBC...UBC should be the embodiment of professional ethics and virtue.”\textsuperscript{52}  

\textsuperscript{51} Ibid
**Recommendations:**

The 2016 Index makes some important recommendations, notably that:

a) Police authorities should popularize the Prevention and Prohibition of Torture Act 2012 throughout the force particularly the imperative of individual accountability.

b) The UHRC acting on its own initiative as per Article 52 (1) (a) of the Constitution of the Republic Uganda should conduct comprehensive and effective investigations into the numerous cases of violations against journalists by State agencies specifically the Uganda Police Force.

c) The government should review the mandate Uganda Communication Commission with a view of splitting it into two distinct bodies one to handle telecommunication and another to handle broadcasting with a mandate to which combine media development and regulations.

d) A broadcasting frequency is a public asset loaned to an operator under license, Uganda Communications Commission should develop a robust regime of obligations on the licensee respecting the welfare of journalists.

e) Journalists should at all times conduct themselves in accordance with the professional code conduct, adhere to the laws of Uganda and rules of engagement.
Police officers blocking journalists from accessing the Dr. Kizza Besigye’s home

Police officers fighting a journalist as he laid live events in Kasangati
Police officer trying to block journalists from covering the arrest of Dr. Kizza Besigye
A letter to Daily Monitor from Directorate of Legal Services
Tough Times

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Uganda

Political Intolerance Stifles Media

Press Freedom Index Report - 2016