IMPURITY
A Cry for Media Freedom
Press Freedom Index Report - 2018
Uganda

IMPUNITY
A Cry for Media Freedom
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<td>A.I.G.P</td>
<td>Assistant Inspector General of Police</td>
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<td>ACHPPR</td>
<td>African Charter on Human and People's Rights</td>
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<td>ACHPR</td>
<td>African Charter on Human and Peoples' Rights</td>
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<td>BBS</td>
<td>Buganda Broadcasting Services</td>
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<td>CBS</td>
<td>Central Broadcasting Services</td>
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<td>CIID</td>
<td>Criminal Intelligence and Investigation Directorate</td>
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<td>CIPESA</td>
<td>Collaboration on International ICT Policy for East and Southern Africa</td>
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<td>CMA</td>
<td>Computer Misuse Act</td>
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<td>CSO</td>
<td>Civil Society Organization/s</td>
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<td>DISO</td>
<td>District Internal Security Organization</td>
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<td>DP</td>
<td>Democratic Party</td>
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<td>DPC</td>
<td>District Police Commander</td>
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<td>FDC</td>
<td>Forum for Democratic Change</td>
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<td>HRNJ-U</td>
<td>Human Rights Network for Journalists-Uganda</td>
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<td>ICCPR</td>
<td>International Covenant on Civil and Political Rights</td>
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<td>ICESCR</td>
<td>International Covenant on Economic, Social and Cultural Rights</td>
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<td>IGP</td>
<td>Inspector General of Police</td>
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<tr>
<td>K.C.C.A</td>
<td>Kampala Capital City Authority</td>
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<td>MP</td>
<td>Member of Parliament</td>
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<td>MPL</td>
<td>Monitor Publications Limited</td>
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<td>NBS</td>
<td>Nile Broadcasting Services</td>
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<td>NMG</td>
<td>Nation Media Group</td>
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<td>NRM</td>
<td>National Resistance Movement</td>
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<td>NTV</td>
<td>Nation Media Television</td>
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<td>OTT</td>
<td>Over the Top Tax</td>
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<tr>
<td>Acronym</td>
<td>Full Form</td>
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<td>PFI</td>
<td>Press Freedom Index</td>
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<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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<td>RCC</td>
<td>Resident City Commissioner</td>
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<td>RICA</td>
<td>Regulation of Interception of Communication Act</td>
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<td>SDP</td>
<td>Social Democratic Party</td>
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<tr>
<td>SFC</td>
<td>Special Forces Command</td>
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<td>U.P.D.F</td>
<td>Uganda People's Defence Forces</td>
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<td>U.P.F</td>
<td>Uganda Police Force</td>
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<td>U.R.N</td>
<td>Uganda Radio Network</td>
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<td>UBC</td>
<td>Uganda Broadcasting Corporation</td>
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<td>UCA</td>
<td>Uganda Communications Act</td>
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<td>UCC</td>
<td>Uganda Communications Commission</td>
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<td>UN OHCR</td>
<td>United Nations Office of the High Commissioner for Refugees</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 2018. 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. John Baptist Wasswa, Media Consultant and Trainer, 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) 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), Open Society Foundations among others.
Human Rights Network for Journalists-Uganda (HRNJ-Uganda) welcomes you to the launch of the Press Freedom Index Uganda for the year 2018. This is the 10th edition of the report since 2009 when we released our inaugural index. The report demonstrates the state of press freedom in the country obtaining in 2018.

In this report, we documented a total of 163 cases of violations and abuses during 2018. It points to an escalation of violent acts and abuses aimed at individual journalists and/or their media houses. Going by the statistics, there is a very profound cause for worry as to the course of events in the country in terms of democratization, bearing in mind that press freedom is a key tenet of democracy not only in Uganda but widely around the globe.

Our legal frameworks provide for freedom of the Press as anchored in the Constitution of the Republic of Uganda and other regional and international instruments to which Uganda is a party. This squarely places upon the State a noble duty of upholding freedom of expression and the media. We should therefore continue to demand for protection and preservation of this very important right, which is a bedrock of all others freedoms.

The duty to demand for press freedom should not be left to only media actors but all Ugandans and human rights advocates across the globe. We are happy about the increased vigilance within the media fraternity in Uganda. This manifests in the way victim journalists have been able to collectively demand for justice at different levels. We are also grateful to the general public that has continuously demanded from the authorities to respect the rights of journalists and allow for the flourishing of media freedom.

A free media plays an important role in enlightening the populace, but most prominently hold the leaders accountable through its critical watchdog role. Despite this increased vigilance and activism for press freedom, there is still widely entrenched impunity enjoyed by perpetrators, especially the State actors like the police, army, RDCs and politicians.

This report captures a total of 163 cases of violence and abuses recorded in 2018, with the police force once more taking the lion’s share. The army and RDCs have strangely returned to the fold of perpetrators of violence against frontline reporters and media houses.

We hope that the statistics and empirical data provided in this report will be of essence in informing and fostering robust debates around freedom of expression and the media in order to devise means of how to scale down the attacks against journalists and the media at large as we head into the politically charged campaign times for the 2021 general elections.

We should continually focus on for ethical and professional media practices, which can be realized through training, mentorship and embracing best practices from elsewhere within like-minded media fraternities.

ROBERT SSEMPALA
EXECUTIVE DIRECTOR
Executive Summary

It is ten years since the first Press Freedom Index (PFI) was launched in 2009 by the Human Rights Network for Journalists-Uganda (HRNJ-Uganda). Each edition of the PFI has documented abuses and violations against journalists in Uganda, making the Index a great resource and point of reference for examining the trends and patterns of press freedom protection in Uganda.

The 10th Edition of the PFI contains documentation of abuses and violations\(^1\) committed by different actors in 2018. It examines the legal, policy and regulatory framework that present threats to freedom of expression in the context of the media. This record is important because these constitutionally entrenched freedoms form the basis of all other freedoms. That is why a record must be kept of those who violate these freedoms with a view of holding them to account, but also to inform other structural interventions.

This edition of the PFI is set out in six chapters explored thematically based on the research objectives, research questions and findings thereof.

The first Chapter presents the current media environment as assessed by journalists in newsrooms, and from observations that HRNJ-Uganda has compiled during its interactions with journalists, media houses and other actors across the country in the period of January 2018 to December 2018. The current media environment is also examined from the laws, policies and administrative actions taken against the media.

The national, regional and international legal acceptable human rights law standards for freedom of expression are summarized in Chapter two. This legal framework comprises the internationally recognized standards for freedom of expression and the media that the 2018 PFI used to assess the violations by the Uganda Government and abuses by non-state actors.

Chapter three gives a brief background entailing the contextual analysis of the press freedom over the last two years. It then presents four case studies to set the contexts in which most of the abuses and violations occurred. This chapter also explains the methodology used to seek for, collection and compile information that now forms this Index.

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\(^1\) Violations are committed by state agents while non-state actors commit abuses.
Chapter Four summarises each of the 2018 abuses and violations explained partly by statistical evidence and pictorial or graphic illustration. In this part, the report also provides a brief discussion of the relevant international and regional human rights standards that are breached by the specific violation or abuse. The second part of this chapter adopts a comparative approach in seeking to analyze some aspects of 2018 and 2017 to point out emerging trends that characterize discourse on press freedom in Uganda.

Other findings, specifically on how abuses and violations affected different demographic groups in Uganda, are presented in Chapter Five. The last section, Chapter Six summarizes the key findings and recommendations.

The compilation of this Index was done using a combination of qualitative and quantitative approaches to data collection. The specific methods employed were desk review of documents from a range of sources, scanning of local print, broadcast and online media as well as undertaking in-depth-interviews with key participants. All this data was stored in a database for later analysis. Key Informant Interviews were also undertaken as a means of capturing any other threats not reported to HRNJ-Uganda, but which continue to impact on media freedoms.
Findings depict a general escalation in abuses and violations against media workers. Perpetrators included the Police, members of the Uganda Peoples’ Defence Forces (UPDF) with elements of the elite team of the Special Forces Command; individuals and mobs within communities as well as media managers, the Uganda Communications Commission (UCC) and other unidentified perpetrators.

The PFI documented a total of 163 cases of violations and abuses during 2018. The Police, is for the tenth year running, the leading offender of media rights. Out of the 163 cases the police was responsible for 87 violations representing 53% of all documented cases in 2018.

The percentage of women journalists who suffered abuses and violations stands at 19, that is 12% for the third year running, indicating that women have not backed off frontline activities despite the physical attacks targeted at them. Findings further reveal that three quarters of the women journalists suffered violations at the hands of state agents, who include the Police, Resident District Commissioners and other security operatives.

Reporters, especially from the TV stations suffered most especially during politically tense situations such as during demonstrations. Out of 163 documented cases, a total of 69 (42%) TV journalists were affected followed by 41 (25%) for print media and 40 (25%) for radio (38 journalists and two radio stations). Online journalists affected were 13 representing 8%

In another dimension, in addition to existing restrictive laws, a new tax on social media known as Over the Top Tax (OTT) was introduced in July 2018 amidst an uproar from a large section of the public. The levying of the tax drastically reduced by a third the number of internet users in the first quarter since its introduction thereby impacting on the right of access to the Internet and resultantly blocking access to information.

This Index notes that impunity has persisted with more State agents as offenders especially Police and Special Forces Command (SFC), which is part of the UPDF.

The statistics are of documented cases of violations and abuse as were brought to the attention of HRNJ-Uganda. There are, however, some cases against journalists which were not reported to HRNJ-Uganda for further investigations and hence such are not reflected in this Index.

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1 UCC October Report: OTT subscriptions and revenues; Three months trend.
Recommendations

Based on the findings, the PFI makes the following recommendations:

1. **To the Government of Uganda**

(a) **The Uganda Police Force**
   
i. Undertake transparent and public disciplinary proceedings against police officers who violate freedoms and rights of journalists especially during field operations. In a situation where the Police authorities claim to have taken disciplinary action against the errant officers, the details of such disciplinary action should be shared with the public via the media. The said police officers should be held personally liable

   ii. The Police should also undertake robust and expeditious investigation of cases reported by journalists where they are attacked in line of duty to facilitate prompt prosecution of the alleged perpetrators

   iii. The police leadership should train its forces to ensure the safety of journalists covering various news events especially political activities

(b) **The Uganda People’s Defense Forces (UPDF)**
   
i. Commanders of the UPDF should work to ensure their soldiers deployed to support Police operations conduct themselves in ways that respect journalists’ rights.

   ii. Undertake investigations into allegations by the journalists of Military brutality and bring the culprits to account publically or releasing reports of action taken against them to the public.

(c) **Internet Freedoms**

Government should consider scrapping the social media tax (OTT) since the tax is discriminatory, and an affront to the basic freedoms of expression guaranteed in the Constitution. Moreover, internet access already includes taxes levied on airtime, which makes OTT double taxation.

(d) **Administrative and Regulatory Overreach**

The Government should reign in overzealous Resident District Commissioners who interfere with media rights through acts such as raiding radio studios, switching off stations and causing the arrest of journalists.
The Board of UCC should step in to restrain UCC Executive Director and management from acting beyond its powers and in so doing violating media freedoms.

(e) Parliament

i Parliament should review the mandate of the communications regulator, the Uganda Communications Commission (UCC) with the objective of separating roles. Regulation of content and ethical practice should be assigned to another body, such as a revised Press and Broadcasting Council, while UCC retains the management of spectrum and other issues.

ii Section 60 of the Uganda Communications Act 2013 (as amended in 2016) provides for a tribunal for the Communications sector. This tribunal is long overdue and it should be established at the earliest opportunity. At present the Uganda Communications Commission wields all power, which is contrary to democratic practice.

2. Civil Society

Media rights defenders should work together with the Police to develop a module on media rights, freedom of expression and access to information. This module should be included in the curriculum of the Police Training Schools and aspects thereof incorporated in rules of engagement during field operations.

3. Development Partners

d) Development partners are urged to include respect for media rights among the criteria for donor support to government, more specifically to the Uganda Police Force and UPDF.

4 Media Fraternity

(a) Media Owners, Managers and Journalists

i Owners of media houses and managers should support their journalists through training, provision of safety equipment, pay a prompt and decent wage and support their staff facing attacks.

ii 4.2 Journalists should act professionally at all times, respecting their ethical practice as well as observing duties and responsibilities.
(b) Media analysts and academia

This Index also recommends a new broader approach to examining press freedom in Uganda using the Media Capture framework. Researchers and organisations studying press freedom in Uganda should look beyond government and examine ways that individual people, organisations and systems contribute to preventing journalists from doing their work. This will form the basis of a new approach to addressing the multi-faceted challenges journalists face.
1.0 Introduction

The Press Freedom Index 2018 is the tenth issue since the volumes started in 2009. After the examination of abuses and violations against journalists and the media in 2018, and indeed with comparisons from previous editions of the PFIs, we now ask what these statistics and narratives tell us of the fundamental problems with press freedom in Uganda. The statistics are just a tip of the iceberg of a media sector that is systematically being influenced and potentially suffering under the yoke.

These forces include the State machinery, ownership models and structures, corporate power of big business enterprises that give the much needed advertising. Government, has for a long time, and rightly so been the focus of criticism on media freedoms. It has become more apparent now that media freedoms sphere observers and researchers should look beyond government in order to appreciate the many other forces working to undermine the media at different fronts resultantly undermining the growth of democracy. There is need to interrogate further beyond what, unfortunately, many journalists in Uganda still look at threats to press freedom from the perspective of encounters with Police.

This chapter makes the case for a complementary approach that goes beyond statistics of documented abuses and violations to explore other potential threats against the free exercise of media rights and freedoms and preventing the media fraternity from doing its work; from performing its democratic role in society.

It is a case for a new framework which can be used to study each of these threats, how they manifest themselves, and how they undermine democracy in Uganda. HRNJ-Uganda, which has followed the subject of press freedom for the past decade recommends that it is time to shift gear to the media capture approach, which shall be examined in more detail shortly. Unless journalists and friends of the media in Uganda appreciate these threats and design appropriate interventions, press freedom will continue to be a mere aspiration and not a lived experience.

Suffice to note at this point that HRNJ-Uganda has commissioned studies to establish how and the extent to which these forms of capture aforementioned are manifested in media houses, the impact of the capture on journalism and democracy in Uganda. This PFI 2018 has been compiled with these studies in mind. A complete chapter on media capture also appears at the end of the Index where key media personalities explain their experience with situations of media capture. The narratives of these senior journalists speak volumes about the many threats to media freedoms that are never reported for documentation.
Challenging working conditions

Beyond physical and legal restrictions as well as direct confrontation with security forces during political protests, the media in Uganda is faced with many challenges that make professional journalism practice extremely hard, though not impossible. Across the country, journalists work in conditions that hold them back from doing their job professionally.

Within newsrooms, there exist unprecedented levels of self-censorship, fear of the State, and caution over how to report about big businesses in a time of reduced advertising revenue. Journalists also experience subtle and direct influence from the rich and the powerful, politically connected persons to do journalism that favours their interests. Some journalists are groomed by sources; others live exclusively by handouts given by organizers of events the journalists report about.

What is media capture?

Media capture can manifest in diverse ways including the following;

- A situation in which a certain media organisation is unable to function in an autonomous way; cannot cover the necessary topics, stories and angles that are necessary for media consumers to make informed decisions. Additionally, in such a situation the media cannot act as a watchdog of politically or economically powerful groups due to its dependency on the goodwill of some of these interest groups.

- It is a situation when the media gets muzzled by those whom it is supposed to oversee - whether government, corporations, other institutions in society or powerful individuals and groups in society. Such muzzling erodes the media as the fourth estate, a critical pillar of the set of checks and balances in society.

- It is a situation when regulators become overly empathetic or supportive of those they are meant to regulate.

Media capture can be coercive or non-coercive. Coercive media capture occurs when agents of government (police, military, secret police, RDCs) intervene directly to stop media from doing their work, for example, closing a media house, blocking access, confiscation and/or damaging equipment. These coercive means of capture are reflected in the Index statistics. Non-coercive media capture happens when media houses or outlets fail to report news or information in the public interest even when there is no direct government intervention.
Many of these aspects of capture are happening to the media in Uganda. Threats both open and subtle preventing journalists from reporting freely their messages. The audience, in these situations, are deprived of important information to make meaningful decisions. One commentator summarizes this trend noting that;

“Stories you would have expected to read are not written; angles that should have been followed are not explored; questions that journalists should ask in the public interest are not asked. Instead, you see a pattern of calculated attempts by a media outlet to influence public opinion in a certain direction. That is a pointer to a media house that has been captured,” said Odoobo Bichachi, Public Editor of Monitor Publications Limited.

The objective of the discussion on capture of the media by different forces is to alert journalists and other human rights defenders of the growing danger, and also to encourage conversations on what can be done to save the media industry. A more detailed discussion of this subject is contained in Chapter Seven.
Introduction

Uganda is party to several international and regional human rights instruments that guarantee the freedom of expression and by extension, media rights. These international standards form part of Uganda's legal framework on freedom of expression and the attendant media rights there under. In assessing the freedom of expression for the media in Uganda in 2018, HRNJ-Uganda benchmarked these national, regional and international standards. As such, any alleged violation or abuse is weighed against these standards which are explained in the following sections.

2.1 International human rights law Instruments

There are various international human rights law standards that have been set up that guarantee the freedoms and rights of the media. These international instruments include the following:

The Universal Declaration for Human Rights; the International Covenant Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) of 1966 all collectively constituting the International Bill of Rights.¹

The International Covenant on Civil and Political Rights (ICCPR), under Article 19 of the ICCPR, guarantees the right to freedom of expression in the following terms;

(a) Everyone shall have the right to freedom of opinion.

(b) 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.

The UN Human Rights Committee, the oversight body for the implementation of ICCPR by State parties, adopted General Comment 34, which is an additional interpretation guideline of the freedoms of opinion and expression guaranteed by Article 19 among other provisions.2

Uganda acceded to the Covenant on 21st January 1987, and since, it is obligated to ensure that it implements the provisions of the Covenant.

### 2.2 Continental and Sub-Regional Standards and Instruments

Continently, the African Charter on Human and Peoples’ Rights (ACHPR) – guarantees the right to freedom of expression. These guarantees are largely similar to those found in the ICCPR. The Charter under Article 9 states:

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

Additionally, the African Commission on Human and People’s Rights in its 32nd Ordinary Session meeting on 17th to 23rd October 2002 adopted the Declaration of Principles on Freedom of Expression in Africa.3 According to the Declaration, freedom of expression is ‘…an individual human right… a cornerstone of democracy and… a means of ensuring respect for all human rights and freedoms …’. Principle 1 of the Declaration is to the effect that:

1. Freedom of expression and information, including the right to seek, receive and impart information and ideas, either orally, in writing or in print, in the form of art, or through any other form of communication, including across frontiers, is a fundamental and inalienable human right and an indispensable component of democracy.
2. Everyone shall have an equal opportunity to exercise the right to freedom of expression and to access information without discrimination.

The Declaration elaborates a number of principles and standards on freedom of expression and enjoins State parties to the African Charter on Human and Peoples’ Rights to make every effort to give practical effect to these principles.

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3 hrlibrary.umn.edu/achpr/expressionfreedomdec.html
The African Court on Human and Peoples’ Rights

Beyond the instruments are also institutions that have been set up at Continental level to adjudicate over violations of the human rights provisions. This Court is continental, established by African Union to ensure protection of human and peoples’ rights on the African continent. It is complementary to the African Commission on Human and Peoples’ Rights. It is governed by the Protocol to the African Charter on Human and Peoples’ Rights on the Establishment of an African Court on Human and Peoples’ Rights, (the Protocol) adopted in Ouagadougou, Burkina Faso, in June 1998, coming into force on 25 January 2004 after it was ratified by more than 15 countries including Uganda.

The Force of the International human rights standards in Uganda

These international instruments became part of the Uganda legal system when they are ratified by the legislature and subsequently domesticated through acts of Parliament. As such, they are supposed to be promoted, respected and implemented just like any other law of the land. The Constitution of Uganda (1995) also contains several provisions that were inspired by the aforementioned international human rights obligations and commitments that the country is party to since Independence in 1962. In essence, the same provisions or standards were replicated in the Uganda Constitution, some of which are summarized below;

- Article 28 (XXVIII) (b) that provides the principles on which Uganda should conduct its foreign policy which should include respect for international law and Conventions that the country has ratified.

- Article 287 that saved and adopted all conventions that previous governments had entered with any country or international organisation since Independence Day October 9th 1962, and were still running when this Constitution came into force.

- Articles 119 (4); 123(1) 123(2) all give different perspectives on the accession to, domestication, and execution of international conventions.

It is therefore important for State actors to appreciate the international obligations on freedom of expression and the press that Uganda has committed itself to under the range of international instruments that it has domesticated.
2.3 National Provisions for Freedoms of Expression and the Press

The Constitution of the Republic of Uganda elaborately provides for freedom of opinion, expression and access to information in the various provisions Article 29(1a) provides that everyone shall have the right to freedom of speech and expression which shall include freedom of the press and other media. In the same vein, Article 41(1) provides that everyone shall have the right of access to information in possession of the State.

Additionally, Article 20 guarantees that the freedoms of expression and of access to information are inherent and not granted by the State.

These Constitutional provisions and international instruments discussed earlier provide the framework for the enjoyment of freedoms of expression and of the media. It is against these standards that this Index, like those before it, is holding violators of media freedoms accountable; that provisions of subsequent laws that limit fundamental freedoms of expression and the media are flagged and critiqued; that recommendations for improvement are later made in the last chapter of the Index.

Legitimate limitations to freedom of expression

While granting and guaranteeing freedoms including the freedom of expression and of the press (including other media), the Constitution of Uganda 1995 also provides for instances for limitation of the enjoyment of the prescribed rights to freedoms.

According to Article 43 (1) of the Constitution of the Republic of Uganda, 1995, in the enjoyment of the rights and freedoms prescribed in the Constitution, no person shall prejudice the fundamental or other human rights and freedoms of others or the public interest. Public interest shall not permit any limitation of the enjoyment of the rights and freedoms prescribed by this Chapter beyond what is acceptable and demonstrably justifiable in a free and democratic society, or what is provided in this Constitution under Article 43 (2) (c).

The Three Part Test for a limitation

Article 19, an international civil society organisation that advocates for media rights, has developed a three part test which any limitation must meet before it is considered legitimate.

a) The limitation must be provided by the law, and not made at the whims of a State official; it should be anchored in a known law made by Parliament or any forum representing the people; must be precise and clear so that they are well understood by all.

b) There must be a legitimate aim for such limitation. The legitimate aims are respect for the rights and reputations of others, and protection of national security, public order, public health or morals’.
c) Limitation must be made out of real necessity. Even if a limitation is in accordance with a clear law and serves a legitimate aim, it will only pass the test if it is truly necessary for the protection of that legitimate aim.

Legal Provisions That Limit Freedoms Of Expression

Uganda has various legislative provisions that limit the freedom of expression as provided for in the laws discussed below;

The Penal Code Act, Cap 120

This basic criminal compendium has several sections that undermine freedom of expression. It provides for a range of offences in relation to respective pieces of legislation. For instance Sections 53 and 179 criminalise defamation. Section 41 criminalized sectarian speech and forbids talk along tribal, religious, ethnic or other lines of differences among people. It thus criminalizes media scrutiny of demographic imbalances in the sharing of the national cake.

Sections 49, 51 and 52 criminalise what authorities might interpret as inducing a boycott, incitement to violence and incitement to refuse or delay payment of tax. As such this law restricts free debate on matters of public interest and undermines public affairs journalism.

The Press and Journalist Act 2000

This law was enacted in 1995 by the National Resistance Council that acted as the National Assembly of the Republic of Uganda. In 2000, it was proclaimed an Act of Parliament. Its commencement on 28 July 1995 repealed the Newspaper and Publications Act Cap 305 and the Press Censorship and Correction Act Cap 306 both of which were colonial laws.

This law has many provisions that limit freedom of expression and of the media in unnecessary ways. It limits persons authorized to practice journalism; it imposes requirements for journalists to register before practicing; to have an annual practicing certificate; and to register editors and forces journalists to belong to the government sanctioned National Institute for Journalists of Uganda (NIJU).
Other restrictive laws are listed here below.4

a) The Anti-Terrorism Act 2002
c) The Uganda Broadcasting Corporation Act 2005 (Here the model used to set up and fund the national broadcaster is untenable in modern society.
d) The Public Order Management Act 2013 (POMA)
e) Regulation of Interception of Communication Act 2010
f) Presidential Election Act 2005
g) Referendum and Other Provisions Act 2005
h) Parliamentary Elections Act 2005
i) Uganda Communications Act 2013 (As amended in 2016)
j) Computer Misuse Act 2011

Conclusion

This chapter discussed the legal framework in Uganda for freedom of expression. The laws that govern freedom of expression for media arise from international and regional Conventions as well as from national laws, which include the Constitution of the Republic of Uganda. Protection and promotion of these freedoms by the government of Uganda is an international obligation and their violation is more than a domestic issue. These standards constituted the reference point when HRNJ-Uganda was assessing the state of media freedoms in Uganda in 2018.

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3.1 Introduction

The environment for media practice in Uganda has been deteriorating for some time. Previous issues of the Press Freedom Index have documented violations and abuse of media freedom by several actors, some repeatedly year after year. Every year, State agents particularly the Police Force have been the top violators.

In the same tradition, the Press Freedom Index 2018 documents incidents of abuses and violations against journalists, and media practitioners as reported to HRNJ-Uganda. It also goes a step further to probe other subtle threats, not openly manifested, but nonetheless impact on media freedoms. Due to the fact that most of these unreported subtle threats happen in newsrooms, that is where the probing, through in-depth interviews took place. This Index, therefore, also presents findings from qualitative interviews with editors and journalists from several media houses on political and other pressures they face in course of work and how these affect the practice of journalism in contemporary Uganda generally.

This Chapter presents, first, a background to the year 2018 to show major events that have shaped the media landscape and impacted on journalists and media houses. Secondly, the Chapter explores the context in which journalism was practiced in 2018; the salient social, economic, cultural and political issues in Uganda and how they impacted on journalism practice. Thirdly, the Chapter describes the methodology employed to compile this PFI, limitations and ethical considerations.

3.2 Background

The space for free expression and free press has continued to reduce even further through overt and covert acts by state agents, legislation, policy and administrative actions. It is a trend captured in previous PFIs since 2009.¹

The PFI reports exposed the Police as the leading violator of media freedoms. Police has every year beaten and arrested journalists in course of work; they have vandalized equipment and subjected journalists to various levels of psychological torture through summons, interrogations, and endless reporting to Police over alleged offences. Past

reports also point at high levels of impunity for those state agents who violate press freedoms. Only in countable instances have police officers been prosecuted for violations against journalists and even then, after repeated pressure from CSOs led by HRNJ-Uganda.

The reports highlight how the communications regulator, Uganda Communications Commission (herein after called UCC), has been, over time, gradually extending its reach through administrative actions to force broadcast media into submission and act in self-censorship. UCC, has in the past, closed down radio stations; forced employers to suspend staff; maliciously warned numerous radio stations against breach of minimum broadcasting standards; and forced every radio and TV channel to relay live broadcasts of speeches by the President of Uganda on Christmas Eve; including withdrawing broadcasting licenses in some cases.

In 2017 journalists suffered abuses and violations particularly for reporting on politically sensitive or national security related stories or subjects. These have in the past included Land grabbing and proposed amendments to the Land Act 1998, Follow-up stories on the assassination of Assistant Inspector General of Police Andrew Felix Kaweesi, the then Inspector General of Police Gen. Kale Kayihura and his long absence from office, which sparked speculation about his impending sacking as police boss, debates in Parliament and public campaigns on proposals to amend the Constitution to lift the age limit cap for presidential candidates. The move was seen as meant to benefit incumbent President Yoweri Museveni and opposing views in the media were often met with harsh treatment from State agents.

3.3 The Contexts

In 2018, journalists worked in a climate shaped by the following contexts: First, the socio-political context which was characterized with increased insecurity in the country especially with killings of prominent people in the country; land grabbing and government plans to amend the Constitution to allow for compulsory acquisition of land; increased militarism with the army being used in operations previously conducted by the Police. Politically the civic space continued to shrink as the struggle for political power intensified between the opposition and the ruling party and government. CSO, especially those involved in human rights defence, were subjected to various threats. Within the media industry, there are concerns about the over-concentration of ownership, poor pay and informal working conditions for majority journalists who are freelancers.

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Methodology

The 2018 Press Freedom Index focuses attention on violations and abuses of freedom of expression of the media. The Index is compiled through various methods that include both quantitative and qualitative modes of data collection, investigation and verification. These stages are summarized below.

HRNJ-Uganda and selected experts discussed and developed objectives and other special issues of concern to feature in the Index. Throughout 2018, the data collection centre at HRNJ-Uganda received and documented cases of abuses and violations against journalists and media houses from across the country. The documentation captures the date of abuse or/and violation/s, persons affected, the media houses, geographical location and platform they serve. Other important information captured includes type of abuse or/and violation/s, the context within which the abuse or/and violation/s is alleged to have taken place, the alleged perpetrators and the institutions, if any, where they belong.

Each of these cases was followed up by the HRNJ-Uganda legal and fact finding team to verify its accuracy and to assess which other action, such as litigation, was needed. Cases of abuse/violations are reported by individual journalists, media houses and a network of human rights monitors spread throughout the country who are trained to identify, document and report incidents of abuse and violations.

HRNJ-Uganda staff also scanned, on a daily basis, articles and stories in media outlets particularly newspapers for stories that report incidents, administrative actions, policy statements and actions by government and other actors that have potential to affect the enjoyment of freedoms of expression and of the press as well as access to information. When a violation or abuse is reported, in addition to further undertaking a fact finding mission to establish information to inform further action, HRNJ-Uganda posts an alert to an international subscriber base of about 200 individuals and organisation to draw their attention to such a violation or abuse. The alerts are important to generate support and advocacy actions against such violations and /or abuses.

Verification methods

When information is received, it is subjected to rigorous verification methods by HRNJ-Uganda legal department. These methods include fact finding missions to places where violations and abuses reportedly occurred and interviews with persons of interest related to the case. When the information is verified, then it is entered into a database where the statistical information is analysed. The verified information is also used by HRNJ-Uganda internally to inform its further steps of advocacy or litigation on the matter should it be deemed necessary.
Limitations

The Index is based on two sets of data. First, the information reported to HRNJ-Uganda and was documented; secondly information generated through Key Personnel Interviews. This therefore means that the report is restricted to only those violations or/and abuses that are within the purview of HRNJ-Uganda. It is possible that there were more violations or/and abuses that were not brought to the attention of HRNJ-Uganda. Secondly, the discussion and analysis of freedom of expression was limited to the enjoyment of the same freedom by the media.

Ethical Considerations

In compiling this Index, all efforts were made to get the informed consent of persons whose names appear in the report. As a precautionary measure and in line with the do-no-harm principle characterizes HRNJ-Uganda’s research related works, other names and identities of persons were withheld in some sensitive situations to protect them from potential reprisals.

Conclusion

The state of press freedom in 2018 was anchored in conditions that started long before as this chapter has elaborated. The political background gave rise to national events in 2018 in which journalists suffered abuses and violations during the execution of their work. Four of these situations are presented as case studies. These are:

- The Arua-Bye-Election violence in which the Special Forces Command, an elite unit of the UPDF and the Uganda Police Force beat up people, brutally arrested politicians and journalists and held them incommunicado.
- New legislator Robert Kyagulanyi, alias Bobi Wine, his campaign, eventual arrest, charges in both civilian and military courts and medical trip to the United States of America.
- The closure of Unity FM in Lira district and the threat to close Radio Maria in Gulu district, Northern Uganda over suspected incitement of the public. The Unity FM closure is a case study in how public servants freely violate media freedoms with impunity.
- The challenge of covering the trial of former senior police officer Muhammed Kirumira (RIP) in the Police disciplinary court and his eventual assassination.

These are repeatedly used as reference points for the next chapter that discusses the findings of the Index study.
How Violations and Abuses Were Manifested

4.1 Introduction

This chapter explains how documented violations and abuses against journalists and media houses were manifested in 2018. It also makes comparisons between 2017 and 2018 to show the comparable trends in threats to media freedoms over the two years past. The analysis makes reference to four case studies aforementioned within which many of these violations and abuses occurred.

4.2 Case Studies

Case Study 1: Honorable Robert Kyagulanyi (a.k. a Bobi Wine).

Kyaddondo East Constituency MP, Robert Kyagulanyi also known as Bobi Wine is a young musician -turned politician who has become a news maker because of his criticism of government, his mobilization skills and ability to draw large following of youths during his and other opposition parties/movements political campaigns.

He was part of an opposition group of MPs that campaigned strongly in 2017 against changing the Article 102 (b) of the Constitution of Uganda to lift the 75 year age limit for presidential candidates. Parliament successfully amended the Article paving the way for incumbent President Yoweri Museveni to run again for a fifth term in 2021. The Constitutional Court and the Supreme Court both upheld the Constitutional Amendment.

Bobi Wine’s political strategy involved street protests, mobilizing liberal minded young MPs and other politicians from different parties into a new direction, and campaigning for candidates from other parties who were nominated by the Electoral Commission to stand as independents in by-elections. In July 2018, he led street protests against the newly introduced taxes on social media and mobile money transactions1. He was among a group of young MPs from across party lines who jointly campaigned for either opposition or independent candidates during by-elections in Rukungiri, Jinja Municipality East Constituency and first election for newly created Bugiri Municipality Constituencies. The Jinja Municipality by-election, held on March 15th 2018 was won by opposition FDC’s Paul Mwiru who defeated the NRM candidate and six others. In June 2018, Bobi Wine and fellow liberal MPs campaigned for Asuman Basalirwa of Jeema party.

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Bobi Wine and colleagues again campaigned for Kassiano Wadri from the FDC party but standing as independent. Violent protests broke out on the last day of the Arua by-elections in which Bobi Wine and 30 other politicians were arrested, beaten and later charged in Court in Gulu district, Northern Uganda. Bobi Wine’s driver, Yasin Kawuma was shot dead in Bobi Wine’s car allegedly by the security agents. Bobi Wine was airlifted to Kampala and detained in Mbuya military police barracks, in the suburb of Kampala. He was later also charged with treason amid growing concern and pressure to let him access medical attention. He was later allowed to travel to the United States of America for medical treatment. He returned to Uganda a month later but hundreds of supporters and journalists were blocked from reaching the Entebbe airport to receive him.2 3

In 2018, Bobi Wine was a big story and journalists followed him everywhere he went in the processing occasioning grave repercussions to themselves from security agencies. He had many encounters with Police that always tried to block his way, and to disrupt media attempts to keep up-to-date with the Bobi Wine story in different places. Journalists on assignment to cover Bobi Wine wherever he was suffered different types of violations. Even media houses were not spared. UCC banned radio stations from playing some of his music; and security personnel trailed and threatened journalists who hosted him on talk shows as is later detailed in the preceding part of this report.

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2 https://www.monitor.co.ug/News/National/Journalists-blocked-arrested-along-Entebbe-road/688334-4768782-9g7i47/index.html
Case Study 2: Arua Municipality By-Election Violence

The by-election was meant to replace Ibrahim Abiriga, MP for Arua Municipality in West Nile, who had been assassinated on June 8th 2018 on the outskirts of Kampala. Abiriga was a staunch member of the ruling NRM party. He was shot dead together with his bodyguard near his home in Kawanda along the Kampala-Gulu highway. His killing shocked many but it also left the constituency open to a bitter fight between the ruling NRM party that sought to retain the seat, and the opposition which had previously won three constituencies from the NRM in other by-elections elsewhere.

The battle for the Arua seat was mainly between the NRM, the FDC, and an FDC leaning independent candidate and supported by a loose grouping of young MPs from across party lines who included Robert Kyagulanyi (Bobi Wine), Gerald Karuhanga (NRM, Ntungamo Municipality), Paul Mwiru (FDC, Jinja Municipality East), Francis Zaake (Mityana Municipality), Kassiano Wadri (FDC but independent aspirant for Arua Municipality seat) Micheal Mabikke (SDP, and former MP for Makindye East) among others.

On August 13th 2018, the last day of campaigns ahead of election day, both President Yoweri Museveni and Dr. Kizza Besigye, former FDC president were in Arua to canvass support for their candidates. The big rallies in a small town increased tension and soon chaos and violence broke out. According to reports by the police and the army, unknown persons suspected to have been supporters of Kassiano Wadri allegedly pelted the presidential car with stones, shattering its rear wind screen.4 The presidential guard, the Special Forces Command, reacted with brutal force. They beat up Wadri supporters, arrested journalists and vandalized their equipment 5 and arrested several MPs and over 30 people. In the process, a driver to Bobi Wine was shot dead in one of Bobi Wine’s car.6

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4 https://www.softpower.ug/police-say-presidential-convoy-was-attacked-by-wadri-supporters-34-arrested/
5 https://www.monitor.co.ug/News/National/Video-How-NTV-journalists-were-detained-amidst-Arua-gun-fire/688334-4711422-ias4wq/index.html
The Arua election violence depicted the increasing perils that face journalists in covering news in politically tense environments in which the President of the country directly engages thereby raising the security related protocols. Many incidents reported and documented in this PFI were offshoots of this incident with directly or indirectly.

Herbert Zziwa of NTV (torn vest) outside Arua Police station shortly after his release
Case Study 3: Closure of Unity FM and threats to Radio Maria, Gulu District

Lira Resident District Commissioner, Milton Odongo, on 17th November 2018 ordered the closure of Unity FM in Lira and ordered Police to arrest six journalists and two clients found there at the time. He accused the radio station of inciting violence in town following riots by the public during the funeral of an 11 year old boy, Okello, reportedly killed by two men of Asian origin. Angry mourners rioted during the burial when Police read an autopsy report that indicated that the boy had died of heart-related complications.

The RDC said the reporting of events by Unity FM had incited mobs in Lira town into streets riots. The radio station remained closed for a month. According to the Human Rights Network for Journalists, the arrested staff who were later released, included Charles Odongo, a technical director; Kenneth Opio, an assistant station manager; Felix Ogwang, a presenter; Moses Alwala, a news reporter; Micheal Ogwal, a news anchor and Aron Ebwola, a producer.

The action by the Resident District Commissioner is a case of arbitrary administrative action by a state agent and a violation of freedom of the press. The RDC, however, later told a verification team from HRNJ-Uganda that he was not aware of the closure, and he denied ever issuing such an order to close the station. The one month closure of Unity FM led to loss of revenue for the station and livelihood for staff. On the lapse of the one month, Unity FM was re-opened but under very strict conditions by UCC that included the suspension of four staff members. This action by UCC, of forcing the suspension...
of staff from a media house reveals what this 2018 PFI described as ‘overreach’. UCC is the Regulator and it acted ultra vires (beyond its authority) by taking on roles of a radio station's human resource manager.

The Uganda Communication Commission ordered that seven other radio stations to be placed under investigation on suspicion of having aired similar content.

**Threat of closure for Radio Maria-Gulu**

In February, 2018, the Gulu district security committee, headed by the Resident District Commissioner, Captain Santos Okot Laporo, recommended to the Minister for ICT and National Guidance, Mr Frank Tumwebaze, the closure of Radio Maria, Gulu Station, on accusation of airing anti-government propaganda during Sunday sermons aired on the radio. The sermons were allegedly delivered by the Station Manager, Fr. Charles Onen.

The tipping point was a sermon in which Fr Onen accused Northern Uganda Anglican bishop, Rt Rev. Johnson Gakumba of attacking Catholic practices and burning rosaries. The Bishop denied the accusations. The district security committee investigated the allegations, arrested the journalist who police charged with criminal libel. The RDC said Onen’s sermons would provoke inter-religious conflicts in the district. The issue was resolved amicably by the Inter-religious Council before which Fr Onen apologized. The station was never closed.

Chowoo Willy, a journalist with Radio North, was charged with criminal libel after he posted on his Facebook page an entire sermon by the Radio Maria Gulu director, Fr Charles Onen, which the Gulu district RDC and security committee described as divisive. Chowoo Willy continues to report to police as a condition for his bond to secure him temporary freedom.
A letter from the RDC’s office recommending closure of radio Maria
Case Study 4: The trial of Senior Police Officer (late) Muhammed Kirumira

ASP Muhammed Kirumira was a vocal police officer, critical of some of his superiors particularly the former Inspector General of Police-bush war hero-General Kale Kayihura. He spoke out openly about evils in the Police Force and actions of some senior Police officers. He was a brave, charismatic and outspoken. He was District Police Commander of Old Kampala Police Station and later in Buyende District in Eastern Uganda. He was credited with fighting armed gangs wherever he was deployed. Because of his criticism of the police heads, Police authorities demoted him from rank of Assistant Superintendent of Police to Assistant Inspector of Police, two ranks below. He was arrested after he posted on his social media accounts a critique of the Police Force leadership and also announced he was quitting the Police Force. Police broke into his house after he resisted arrest in a manner that shocked the public about the way Police was brutally handling one of their senior officers telecast live on national reaching television stations.8 9

Kirumira was also charged in the Police Disciplinary Court on charges of corruption and use of excessive force when he was District Police Commander in Old Kampala and Officer in Charge of Station in Nansana town (now municipality) in Wakiso district.

8 https://nilepost.co.ug/2018/02/01/police-breaks-into-kirumiras-house-arrests-him/
9 https://www.softpower.ug/dpc-kirumira-arrested-after-police-break-into-his-house/
Kirumira’s trial attracted considerable media attention because of his criticism and the way he was handled. Police blocked journalists from covering Kirumira’s trial, arguing that it was an internal disciplinary matter\textsuperscript{10}. Kirumira caused drama when he refused to be tried in camera, in the absence of the media.\textsuperscript{11} But after intense pressure, he caved in and was tried in camera.

Courts are normally a privileged space, open to the media. However, courts also enjoy the judicial discretion to decide, depending on the prevalent circumstances to keep the media away, like in cases involving minors or where national security issues may be raised.

From the media perspective, however, the Kirumira Court trial had become a matter of intense public interest because of the issues discussed above. Moreover, his criticism of the Police leadership resonated with criticisms of the Police made earlier by President Yoweri Museveni that the Force was full of weevils-signaling his waning belief in it as a professional force.

\textsuperscript{10} http://www.sunrise.ug/news/201804/journalists-blocked-as-kirumira-is-convicted.html

\textsuperscript{11} https://nilepost.co.ug/2018/04/17/kirumira-refuses-to-attend-police-court-over-barring-journalists/
The trial also came after the Police IGP, Gen. Kale Kayihura had been sacked and charged in a military court over several serious offences, and several senior police officers in strategic positions had been arrested by the Internal Security Organization (ISO) operatives. All were close allies of Kale Kayihura. The public was keenly interested in events happening in the Police. Moreover, the Police is a public institution whose performance the media must legitimately monitor. This is why from a media perspective, blocking journalists from reporting on the Kirumira case was a violation of freedom of access to information in the hands of government as spelt out in the Bill of Rights in the Constitution of Uganda.

The following photos were taken from Naguru Police Headquarters when journalists were blocked from covering the trial of ASP Muhammed Kirumira

12 https://ugandaradionetwork.com/s/tag/kale-kayihura-kayihura-sacked/
4.3 Analysis of the data

Figure 1 below shows that in total 163 cases of abuses and violations against journalists were reported in 2018. These cases mark a considerable increase from the 113 cases reported over 2017 espoused later in Figure 2. Indeed, as will be explained later, there are often many other cases which, for various reasons, are not reported to HRNJ-Uganda.

In 2018, the leading violation was blocking access to news sites and sources accounting for 40 cases or a quarter of all reported cases for that year. It also reflects a major shift to using this tactic from 11 cases in 2017.

**Figure 1: Violations and Abuses against journalists in 2018**

For the second year running, assault on journalists was the second most reported violation in 2018 with 37 cases up from 27 cases in 2017. Assaults are a very worrying trend, especially as the country again prepares for the 2021 elections, because they cause bodily harm to journalists.

Cases of malicious and arbitrary arrests and detention of journalists were 31 in 2018 down from 45 in 2017 when arrests were the leading violation against journalists.

Five cases were reported of causing malicious damage to journalists’ equipment compared to 2017, when seven such cases were reported to HRNJ-Uganda. There was one case of kidnap in 2018 just as was the case in 2017.
Other serious concerns reported included incidents of death threats. Twelve cases were reported in Masaka where anonymous people issued threats to various journalists. The threatening document also gave reasons why each journalist was being warned and targeted.¹⁴

Types of other threats also doubled from three reported in 2017 to seven in 2018. These threats include anonymous callers telling journalists to drop stories, hacking into social media accounts of journalists, targeted breaking in of journalists’ homes, trailing and stalking of journalists.

The number of journalists charged by Police was 7 down from 8 the previous year. Many of these were charged with offensive communication for writing about a former Bank of Uganda’s head of Banks Supervision Division who was being investigated by Parliament.

Unity FM, a radio station based in Lira was shut down on orders of the Lira Resident District Commissioner, who accused the station of inciting violence. Unity FM had been reporting on a riot by residents during the burial of a teenager who had been killed by reportedly by two men of Asian descent (see Case Study 3).

In three instances, journalists of Bukedde Newspaper, part of the Vision Group, were summoned to Police and forced to reveal the source of stories they had written about problems in the Police Force.

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4.4 Inhumane and degrading treatment during arrest

Journalist Kenny Kazibwe being arrested by a police officer while covering the trial of ASP Muhammed Kirumira at Naguru police headquarters (courtesy photo)

There were 31 arrests reported in 2018. Majority of these arrests were related to events surrounding the arrests of opposition politician Hon. Kyagulanyi Sentamu a.k.a Bobi Wine, an MP for Kyaddondo East Constituency.15 (See Case Study 1).

An analysis of these journalists’ arrests, which was done in context of a political contest points to a larger scheme and a new strategy of using various tactics to prevent journalists from reaching news sources and news sites so that they do not inform the public of information that is critical of government. The other tactic of blocking but not arresting journalists is discussed in the next section.

A senior editor with one of the dailies in Kampala summarized it this way:

“They know the violations and use of brute force on journalists destroys the reputation of government. They will not tell the officer to stop violations, but they want the media not to show the world the evidence of these violations. So the security people will do those things that may prevent you from showing that evidence: blocking access, damaging equipment, deleting images, confiscating cameras, phones and recorders. Simply do not show.”


**Arrests by Resident District Commissioners (RDCs)**

Another spate of arrests was caused by the Lira Resident District Commissioner, Milton Odongo, who in November 2018 ordered the closure of Unity FM in Lira.16 (See Case Study 3). The arrested staff who were later released, included Charles Odongo, a technical director; Kenneth Opio, an assistant station manager; Felix Ogwang, a presenter; Moses Alwala, a news reporter; Micheal Ogwal, a news anchor and Aron Ebwola, a producer.17 The Lira arrests brought back the spectre of Resident District Commissioners interfering in media matters and ordering radio stations off air. This behaviour had greatly reduced and the last Press Freedom Index 2017 noted that no abuses had been reported against RDCs.

4.5 **Blocking access to news scenes**

Blocking journalists from accessing news scenes and news sources was the most recurrent violation in 2018 where it contributed 40 cases. The main contexts where journalists were blocked were the return of Hon. Robert Kyagulanyi from the United States and the trial of Assistant Superintendent of Police Muhammed Kirumira in a police disciplinary court.18 19 (See Case Studies 1 and 4)

Blocking journalists from covering an event of immense public interest is problematic because people have a right to know what is happening around them, about their leaders and actions that their government is taking. Blocking journalists from reporting on legitimate news events creates suspicion of sinister motives by those the authorities. Journalists are the eyes and ears of society, whom society legitimately assigned that role of informing them.

18 https://www.monitor.co.ug/News/National/Journalists-blocked-arrested-along-Entebbe-road/688334-4768782-9g7l47/index.html
4.6 Escalation in incidents of assault

Incidents of assault against journalists rose from 27 in 2017 to 37 in 2018 making it the second most recurrent offence in that year during which the Police and the army (the Uganda People's Defence Forces) featured prominently. There were different contexts during which journalists were assaulted but the main ones are listed below:

a) Assaults by security forces (the SFC, Military Police, Regular Police) in political situations.\(^{20}\)

b) Assaults by Police on journalists in context of reporting ongoing in-fighting within groups and sections in the Police Force. \(^{21}\)

c) Assaults by UPDF forces attached to the Royal Guards Units charged with protecting the Kabaka (king) of Buganda, the royal family and the Katikkiro (Premier of Buganda).\(^ {22}\)

d) Assaults by groups of civilians in both political and non-political situations.\(^{23}\)

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\(^{20}\) https://www.monitor.co.ug/OpEd/Editorial/We-condemn-army--attack-on-journalists/689360-4723776-nr2l8u/index.html


\(^{22}\) http://dispatch.ug/2018/05/03/press-freedom-uganda-not-getting-better-journalists/

Violations by the Uganda Peoples Defence Forces

Joshua Mujunga of NBS tv lying on the hospital bed. He was assaulted by UPDF officers has he covered pro-Bobi Wine demonstrations in Kamwokya suburb

Unlike in 2017, sections of the Uganda People's Defence Forces particularly the Special Forces Command and Military Police were in the spotlight for several cases of assault against journalists during the conflicts that followed the Arua Municipality by-election (See Case Study 2)

Several journalists were arrested including an NTV crew of Hebert Zziwa, Leonard Muwanga and their driver while covering the murder of Bobi Wine's driver Yasin Kawuma by suspected security officers. 24 Others, including NBS Tv cameraman Yiga Julius Bakabaage were assaulted. When the pro-Bobi Wine protests spread to other parts of the country particularly Kampala, after his arrest and incommunicado detention, journalists suffered more assaults by Police and Military Police as they covered street battles between security forces and protesters.

On August 21, 2018, James Akena of Reuters News Agency, Ronald Galiwango and Juma Kiirya both of NTV; Julius Muhumuza from Dream TV and Alfred Ochwol from the Observer all sustained body injuries after they were beaten by soldiers.\textsuperscript{25}

On August 31, 2018, Joshua Mujunga, fully clad in his press jacket, was beaten by soldiers while he covered pro-Bobi Wine demonstrations in Kamwokya suburb. The riots erupted after the Government initially refused Bobi Wine and Francis Zaake, another MP who had been badly injured in the Arua elections violence from travelling abroad for medical treatment. Other journalists were assaulted in different parts of Uganda including at Entebbe, and in Eastern Uganda.\textsuperscript{26}

HRNJ-Uganda team met with the Army leadership to protest the arrests and assault on journalists and the Army promised to punish those soldiers who had beaten and abused journalists in the Kampala demonstrations. Action on the soldier perpetrators have never been taken or if taken at all, from the public, the result thereof has not be released to the public.

\textsuperscript{25} https://www.monitor.co.ug/OpEd/Editorial/We-condemn-army--attack-on-journalists/689360-4723776-nr2l8u/index.html
\textsuperscript{26} https://www.monitor.co.ug/News/National/Media-rights-groups-slam-torture-detention-journalists-Uganda/688334-4723346-11f5rpz/index.html
However, HRNJ-Uganda has received reports that several journalists have individually received compensation for the injury, including payment of medical bills and replacement of any damaged equipment. Government spokesman Ofwono Opondo also confirmed this. And the victim journalists have also not pursued prosecution of offending soldiers. HRNJ-Uganda advises that whereas this appears to be a short-cut, it promotes impunity. Moreover, public funds are used in appeasement to cover up abusers.

Violations by the Uganda Police Force (UPF)

Assaults by the Police started early in January 2018 when several officers stormed Rose Gardens Hotel in Kyengera and broke up TV interview by Paddy Sserunjogi alias Ssobi, a leader of Kifeesi, one of the notorious criminal gangs. Ssobi was giving NBS TV crew information linking their criminal group and activities to elements in the Police. Officers broke up the interview and for five minutes beat up cameraman Twaha Mukiibi seriously injuring his legs.27 He was admitted in a Kampala hospital in great pain. 28 29

27 https://hrnjuganda.org/?p=4107
Police harassment of journalists was also reported in Katakwi district in Eastern Uganda where on 13th July 2018 the District Police Commander (DPC) Tonny Ondoga arrested Kenneth Odere of NTV, Eddy Enuru of NBS TV and Simon Emwamu of Daily Monitor for covering a protest against the new mobile money tax.

On 14th July 2018, freelance journalist Emma Alumu and Opio Sneijder Emmanuel of Etop Newspaper were assaulted by police while covering another protest.

On July 17th 2018, Police assaulted Vision Group journalist Ronald Kasasa while covering a meeting called by the Resident City Commissioner (RCC) Nakawa, Jackie Kemigisha to announce the results of the then concluded Local Council Elections. Kasasa reported his case at Jinja Road Police Station. And after?

The Buganda Kingdom Royal Guards

For the third year running, UPDF soldiers who form the protection unit of the Kabaka (King of Buganda) were engaged in assault and mistreatment of journalists during some of the royal functions that normally attract thousands of people to show loyalty to the King of Buganda.

In 2018, just like it was 2017, royal guards assaulted several journalists on duty during the launch of the Kabaka’s Birthday Run, an event that happens a week before the Kabaka’s birthday April 13th.30 Groups of journalists have made several protests to the kingdom officials but no concrete action has been taken to address the situation.31

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30 http://dispatch.ug/2018/05/03/press-freedom-uganda-not-getting-better-journalists/
Assaults by civilian groups

Over the year, there were several cases of assault against journalists by members of the public. These included groups of youths belonging to the National Resistance Movement during by-elections. Such incidents occurred in Arua, and Apac where Moses Okello from Radio Divine was assaulted by supporters of the ruling NRM party. Okello was covering the elections of the Youths and Special Interest groups at Apac Mayor’s Gardens. In Wakiso district, students of St Augustine College beat up journalists who were reporting on a school fire thought to have been caused by disgruntled students. The students were reportedly instructed by a staff member, for unknown reasons, to beat up the journalist.

Why assault is a special problem

Assault is a serious offence which the Uganda Penal Code categorizes into three types: common assault, assault causing actual bodily harm and assault causing grievous harm. They each carry different prison terms on conviction.

The challenge in Uganda is the high level of impunity enjoyed by offenders. Cases of assault against journalists have largely gone unpunished save for some cases a few years ago when two senior police officers were charged at the initiative of HRNJ-Uganda. These officers were the then Old Kampala DPC Joram Mwesige and former Wandegeya DPC.  

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33 https://hrnjuganda.org/?p=3342
Julius Ceasar Tusigwire. Otherwise many agents of the state including Police and the military, have not been prosecuted for these assaults. This situation creates an impression that the State and security agencies lack the political will to prosecute offenders and set an example of respect for the rule of law and natural justice. The biggest challenge is the slow nature of Police investigations.

Secondly, when journalists are routinely beaten by police and soldiers and no action is taken, an impression is created within the public that journalists are mere punching bags and not the neutral messengers of public information. This also explains the increasing incidents of civilians, including students, assaulting journalists at will.

Thirdly, the recurrent cases of assault by security forces deployed to deal with various forms of protest point at a gap in the rules of engagement on how to handle the media, because the media will always be there to capture events and report to the public. A recommendation to this effect is submitted in the recommendations section.

4.7 Threats

4.7.1 Death threats

Threats to journalists occur from time to time, but death threats have been a rare occurrence. However on 5th November 2018, a letter was found at the offices of the Masaka-based Southern Buganda Journalists Association, in which serious threats including death threats were issued to 12 Masaka region journalists. The origin of the letter is not known. A copy of the same letter was deposited at the entrance of CBS Radio offices in Masaka town. It was titled in Luganda language “Bannamawulire bano wammanga tujja kubakuba amasasi, okubatematema n’okubawa obutwa.” It translates as follows in English: “We shall shoot, hack and poison the journalists listed below.”

The document typed in capital letters also indicated why each of the journalists was being targeted but they all revolved around the execution of their journalistic work. The Internal Security Organisation took over investigation of the threatening letter.

35 https://hrnjuganda.org/?tag=julius-ceaser-tusingwire
A death threat document left at the offices of SOBUJA and CBS in Masaka

The journalists whose names were on the anonymous letter include: Tomusange Kayinja, Kalanzi Jamiru, Male John and Ssozi Ssekimpi of the Central Broadcasting Services (CBS FM), Nsubuga Robert of BBS TV, Jacinta Bwanika of Bukedde, Mukasa Kipecu and Kabugu Norman of Kamunye, Dismas Buregeya of New Vision, Mutyaba Gertrude of Daily Monitor, Issa Aliga of NTV and Farisi Magembe of NBS Television. Several of the targeted journalists told HRNJ-Uganda that they lived in fear, given the increased attacks on journalists and unresolved killings of some prominent persons in the country.

A month earlier, Tomusange Kayinja, one of the journalists listed, was ambushed by gunmen who shot at his car and shattered the windscreen. He escaped unhurt. The attack happened not far from his home.

Issuing death threats also constitutes an offence under the Prevention and Prohibition of Torture Act (2012) Section 2(c) --- causing a person to suffer severe pain or harm by living in fear of an imminent death; and Section 1(c) about intimidating or coercing a person (in this case a journalist) to do or to refrain from doing any act.38

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38 https://ulii.org/ug/legislation/act/2015/3-3
Other threats

In January 2018, Police in Kampala and UPDF soldiers in Soroti separately threatened to beat up journalists who were covering opposition rallies. The soldiers reportedly accused the journalists of preferring to report about opposition activities while ignoring government functions. These are just a few among the many that have been documented.

In October, a female journalist working with NBS TV received anonymous telephone calls in which she was threatened with kidnap and torture following an interview she had conducted with a victim who had been tortured by soldiers of the SFC during the Arua by-election fracas during which Bobi Wine and over 30 people including MPs were arrested.

During the same period, a journalist with the Daily Monitor received anonymous threatening calls warning him to back off the Bobi Wine story. The journalist had covered a press conference by Bobi Wine’s family while the MP was in military detention.

“We know you are hardly 26 years and you are getting involved in affairs of the State. How can you defend these stories you are writing. (That Bobi Wine was injured and needs medical attention). We are watching you. You are too young to die,” the journalist told HRNJ-Uganda.

Threats in general have a chilling effect on journalists and it impairs their ability to provide news and information to the public. Many journalists who have been subjected to threats either self-censure or abandon reporting on controversial and highly political issues altogether to remain safe.

2.6 Criminal libel

In 2018, police summoned and charged seven journalists from seven online publications with criminal libel and offensive communication for writing stories about the wealth of Ms. Justin Bagyenda, former Director of Banks Supervision in the Bank of Uganda. Ms. Bagyenda and several senior Bank of Uganda managers were appearing before a sectoral parliamentary committee investigating the sale and closure of several local banks in the past 15 years.

The writers charged were from Eagle Online, Chimp Reports, Business Focus, Spy Reports, Matooke Republic, Spy Uganda and CEO Magazine publications. They were accused of publishing details about bank accounts and land titles of Ms. Justine Bagyenda and of Mr. Louis Kasekende, the Deputy Governor of the Bank of Uganda. The Police released the journalists on bond and at the publishing of this report, they were still required to report to police regularly to have their bond extended. The same case applied to Chowoo Willy of Radio North (See Case Study 3)
Unreported cases

Because of the nature of the threats that come with criminal libel, media houses sometimes just opt not to report these to HRNJ-Uganda. Felix Osike, Weekend Editor with the New Vision newspaper says:

“We have many of these summons and threats to sue for criminal libel. It is hard reporting some people who are politically connected, individuals and business people. When a journalist calls for a comment to balance the story, the other party involves police but the purpose is to scare off the journalist. I assume it must be worse for smaller media houses, especially upcountry.”

Criminal libel is a contentious offence that is being challenged in many countries. HRNJ-Uganda through the late Ronald Ssembuusi challenged criminal libel at the East African Court of Justice, after the Uganda Court of Appeal in 2009 upheld the offence as being consistent with the provisions of the Constitution. The petitioners say that the law is inconsistent with the Treaty to the establishment of the EAC. The hearing of the Petition continues.

39 Respondent Interview with Felix Osike, Weekend Editor, The New Vision,
40 Constitution Case 01 of 2008 in Buwembo J, Tabaire B., Gyezaho E.D., and Mukasa R. Vs Attorney General. Whether Section 179 of the Penal Code Act (Cap 120) is inconsistent with Article 29(1) (a) of the Constitution. - Whether or not Sections 179 of the Penal Code Act is a restriction permitted under Article 43 of the Constitution as being demonstrably justifiable in a free and democratic society.
There are, however, several other equally progressive judgements to the contrary in other jurisdictions and also in Uganda. One such judgement is by Supreme Court Justice Mulenga, in the Supreme Court in Constitutional Appeal No. 2 of 2002, Charles Onyango Obbo & another vs. Attorney General. In his lead judgement Justice Mulenga stated that the right to freedom of expression extends to holding, receiving and imparting all forms of opinions, ideas and information. It is not confined to categories such as correct opinions, sound ideas or truthful information. The Court also struck out the offence of publication of false news, a key ingredient in proving criminal libel.

The Media Legal Defence Initiative (MLDI) says this of criminal libel,

> ‘Civil libel laws are a proportionate way to deal with reputation management issues, but criminal libel laws are often disproportionate. The police get involved, they arrest a journalist, make a criminal prosecution and the journalist might end up in prison. The journalist will have a criminal record, which can affect their ability to work and to travel in the future. Even if the outcome of a criminal libel case were to be as little as a £1 fine it is still a criminal conviction and will be on the journalist’s record for ever more.’

### 4.8 Damaging and Confiscation of equipment

Incidents of confiscating and vandalizing journalists’ equipment—cameras and other recording equipment more than doubled in 2018 compared to the previous year. Combined, they made up 16 incidents up from 7 in 2017.

The main perpetrators were soldiers of the UPDF, Police and civilians. Majority of these incidents happened when journalists were reporting on protests and demonstrations. The confiscation and damaging of equipment falls in the larger scheme of incapacitating journalists and preventing them from either reporting on anti-government protests or evidence of how the security forces violently deal with demonstrators.

The above conduct by security agencies can perhaps be classified as malicious damage to property. This is a criminal offence as provided for under Section 335 (1) of the Penal Code Act. However, as mentioned earlier, the offending officers are not prosecuted in courts of law. Reliable information indicates that the Police and the UPDF have ‘quietly’ compensated some journalists whose equipment was vandalized in the events that occasioned such damage.
Indeed there is a precedent when in March 2017, Entebbe magistrate convicted five youth supporters of the National Resistance Movement who had assaulted three journalists, when reporting on local elections, causing them actual bodily harm and damaging their equipment contrary to Sections 335 and 236 of the Penal Code Act.

Magistrate Mastula Mulondo rightly observed that ‘offences of this nature were on the rise and it was up to the courts to correct that behaviour.’ She sentenced the five to a fine of three million Uganda shillings (USD 845) each on all the three counts of assault and a community service at the Court premises for two hours daily for a period of 30 days for the offence of malicious damage to property. Failure to pay or do the community service, each of the convicts would serve a jail term of six and four months respectively. Compensation was for assault; but for compensation for malicious damage to property, he was advised to seek remedy in civil courts. Offending members of the security forces should also be charged before courts of law for offences committed against journalists on duty. This seems to be the most preferable mode of holding the perpetrators of malicious damage accountable in comparison to the administrative mechanisms normally used by the security agencies in the exclusion of public oversight during such actions.

4.9 Media Station Closure and staff suspension

In 2018, Unity FM Lira, was closed on the orders of the Resident District Commissioner. A number of journalists were also arrested but later released. (See Case Study 3) Unity FM was reopened one month later under very strict conditions by UCC that included the suspension of four staff members of the Station. UCC also launched investigations into all eight radio stations broadcasting in Lira, which it warned of possible closure.

In a similar dimension, in February, 2018, the Gulu district security committee, headed by the Resident District Commissioner, Captain Santos Okot Lapor, recommended to the Minister for ICT and National Guidance, Mr Frank Tumwebaze, the closure of Radio Maria, Gulu Station, which the committee accused of airing anti-government propaganda during Sunday sermons aired on the radio. The sermons were delivered by the Station Manager, Fr Charles Onen. The issue was resolved amicably by the Interreligious Council before which Fr Onen apologized. The station was never closed. The non-closure notwithstanding, the domineering nature of the UCC and the increasing dominant role of the RDCs as heads of security committees at district level in regulating media, a role they are not mandated to undertake.

The highhanded nature of the UCC was further witnessed in relation to Kampala based television Stations. Uganda Communication Commission ordered the suspension of one journalist, Miles Rwamiti, who presents a music show on Spark TV after one guest and MP-cum- stage actor, Kato Lubwama twice slapped one of the panelists, Andrew Bajjo,
during a live show. UCC demanded disciplinary action on the program presenter and producer for breaching minimum broadcasting standards.

This action by UCC, of forcing the suspension of staff from a media house reveals what this 2018 PFI described as ‘overreach’. UCC is the regulator and it acts ultra vires (beyond its authority) to take on roles of a radio station’s human resource manager. The main argument about UCC’s actions is that they fail the Three Part Test necessary for justified limitations of the freedom of expression.

Part 1: The limitation must be provided by the law, and not made at the whims of a State official; it should be anchored in a known law made by Parliament or any forum representing the people; must be precise and clear so that they are well understood by all.

In the case of UCC, its actions to order suspension of journalists is not anchored in any law. It was made on the whims of the Commission management.

Part 2: There must be a legitimate aim for such limitation. The legitimate aims are respect for the rights and reputations of others, and protection of national security, public order, public health or morals.

UCC in this matter did not present any legitimate aim. It only referred to the vague minimum standards.

Part 3: Limitation must be made out of real necessity. Even if a limitation is in accordance with a clear law and serves a legitimate aim, it will only pass the test if it is truly necessary for the protection of that legitimate aim. In this case, there was no real necessity for such a draconian measure where internal disciplinary measures by the TV station would have sufficed.

UCC has not relented in threats to media houses, include warning letters to abide by ‘minimum broadcasting standards, closure of broadcasting stations, or ordering management to suspend staff over what UCC deems is breach of minimum broadcasting standards.

### 4.10 Forced to reveal sources

As reported in Section 2.6, in February 2018, Police summoned five editors of online publications and interrogated them with a threat of preferring charges of criminal libel. The writers were from Eagle Online, Chimp Reports, Business Focus, Spy Reports, Matooke Republic, Spy Uganda and CEO Magazine publications. They were accused of publishing details about bank accounts and land titles of Ms. Justine Bagyenda and of Mr. Louis Kasekende, the Deputy Governor of the Bank of Uganda.
The Police violated journalists’ rights central to the execution of their work-protecting their sources from identification when it forced them to reveal the sources behind the stories. Section 38 of the Press and Journalist Act on the protection of source of information states that “a journalist shall not be compelled to disclose the source of his or her information except with the consent of the person who gave him or her the information or on an order of a court of law.” The on-line journalists resisted being compelled to reveal their source, seeking refuge in this section of the law. The Police released them on bond.

However, in September 2018, Police again summoned three journalists from Bukedde newspaper to explain the sources of a front page story the newspaper had published on July 30th, 2014 listing senior police officers who had been marked for assassination by a criminal gang. The journalists were Ahmed Mukiibi, Muwanga Kakooza and Joseph Makumbi. That front page of July 30th, 2014 was republished on September 14, 2018 following the assassination of Senior Police Officer, ASP Muhammed Kirumira, formerly and the District Police Commander in Buyende District in Eastern Uganda. Kirumira was the third senior police officer on the hit list to be killed since Bukedde’s first story in 2014. Assistant Inspector General of Police Andrew Felix Kaweesi had been assassinated a year earlier in 2017.

Police interrogated the journalists to reveal the source of the story they had published in 2014 and reprinted in 2018. According to Bukedde newspaper of September 25th 2018, the journalists revealed their source as the late AIGP Andrew Felix Kaweesi. (Kaweesi was assassinated on March 17th 2017 in Kulambiro, a Kampala suburb)

L-R Ahmed Mukiibi, Vision Group lawyer Ms. Natukunda, Muwanga Kakooza and Joseph Makumbi at the CIID.
Muwanga Kakooza explains;

“We were not scared because we had the facts. We in fact did not reveal any new source because the source was clearly identified in the original story of 2014. AIGP Felix Kaweesi had given us the information, we quoted him elaborately; we used his picture; he never even denied the story until his death. Police just needed to read the story and understand the source. They told us they just wanted us to provide them with information, in a friendly way. We had gone with photographers to capture the events but the police declined to be photographed or even to reveal their names.”

But then why summon journalists to the CID Headquarters in order to obtain information in a friendly way?

It follows therefore, that any efforts by security agencies to force or cajole journalists to release their sources goes to the core of journalism practice and gravely renders such practice hard. This is so because sources are the heart and soul of journalism. They must be protected because they share information in trust. Journalism, like in banking industry, is built on trust. Disclosing sources is breach of trust as it puts in harm’s way the sources and has potential to bar other viable sources from providing the necessary treasured information to the media which ultimately causes loss of credibility. In their quest to force journalists to reveal sources of their news, when they are bonded, they are repeatedly told to go back and report to police in various intervals, a situation that further sends fears to alike journalists.

Bukedde News Editor, Richard Kayiira Ssalongo speaks of his suffering with the Police in repeated reporting back scenarios.

‘I was told to report to the Police, and I reported at least 15 times over three and half months. I last went there early 2018. General Kale Kayihura was still Inspector General of Police. The last time I went to report, the Police told me that they would call me. They have never called again.’

Richard Kayiira further decries how the entire ordeal of keeping reporting at the police traumatizes not only the journalist but also their families as it creates a suspense and moment of uncertainty as to whether one is really free or his/her liberties are in the hands of an individual police officer. He avers that;

41 Respondent interview with Muwanga Kakooza
42 Respondent interview with Bukedde News Editor, Richard Kayiira Ssalongo
Being forced to keep reporting to Police can be devastating. First, I am news editor of a daily newspaper. When you report to Police, you should consider a whole day wasted. They keep you for hours waiting for the relevant officer to come. When he appears, he records in the file and gives you another date to report. Secondly, it gives you a natural feeling of fear to deal with topics that have put you in trouble before. You do not want to handle such topics. Thirdly, it traumatizes the family and relatives. Whenever you go to report, you do not know whether you will return to office or to end up in jail. It also sends a fear message to keep you in suspense and a warning to the others.’

Kayiira was summoned to Police in 2017 to explain a story the Bukedde newspaper had published about Gen Kayihura’s long absence from office. It had emerged out of a question a journalist asked during a scheduled police press briefing. The Police Spokesman at the time Asan Kasingye explained that Kayihura was on official duties in Turkey. Bukedde made a follow-up telephone call to Uganda’s deputy ambassador to Turkey Mr. Kalule Kasujja who denied knowledge of Kayihura’s presence in Turkey, because, he noted, he would know about his presence. Police interrogated Kayiira to explain the motive for the follow-call to Uganda’s envoy to Turkey and to know the source of the information.

Police reserves the right to summon anyone to make a statement or/for interrogation. However, when the summons become routine and repetitive, they become a form of psychological torture given the toll such summons take on the journalist, their work and families. Manifestly, this form of torture is prohibited under the Prevention and Prohibition of Torture Act (2012). 43

4. 10 Denial of Accreditation

In September, the working environment for foreign correspondents hit a setback when 10 journalists, names withheld, were denied accreditation to work in Uganda. 44 The Foreign Correspondents Association in Uganda said the process, which had been smooth, was becoming more complicated especially in the prevailing political environment. The denial of accreditation was seen as yet another aspect in gagging the press in Uganda.

The Press and Journalists Act places to duty of accreditation of foreign correspondents in the hands of the Media Council, but strangely, this work is being done by the Media Center. We recommend that this work be taken back to the mandated body the Media Council of Uganda.

43 The Prevention and Prohibition of Torture Act (2012) Section 2(1), 3(d)
Conclusion

This chapter has analysed the data to identify patterns of violations and abuses journalists suffered in 2018. It has also made some comparisons between 2017 and 2018 to point out emerging trends in the nature of violations. The chapter used four case studies as contexts within which many incidences of abuse and violations happened. Chapter Five that follows adds more perspectives from a demographic perspective.
5.0 Introduction

This chapter extends analysis of data from the previous chapter by examining how violations and abuses were manifested through different demographic groups. It looks at the perpetrators, female journalists, violations and abuses against particular media houses/platforms, as well as most affected media groups. The chapter also considers the regional distribution of the violations and abuses.

5.1 The Perpetrators

Figure 3: Showing violations and abuses by perpetrator type in 2018
Uganda Police

For the tenth year running, Uganda Police Force was top violator of media freedoms accounting for half the total violations in 2018. The Police were involved in blocking access to news sites, arrests and assault of journalists and participating in closing a radio station arbitrarily.\(^1\)\(^2\) Additionally, it was Police that summoned online journalists and charged them with criminal libel and offensive communication.\(^3\)

Table 1  Police violations against journalists over the last six years

<table>
<thead>
<tr>
<th>Years</th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Violations</td>
<td>124</td>
<td>124</td>
<td>143</td>
<td>135</td>
<td>113</td>
<td>163</td>
</tr>
<tr>
<td>Police Violations</td>
<td>85</td>
<td>40</td>
<td>107</td>
<td>83</td>
<td>83</td>
<td>87</td>
</tr>
<tr>
<td>Percentage of Violation</td>
<td>68%</td>
<td>33%</td>
<td>75%</td>
<td>61%</td>
<td>73%</td>
<td>53%</td>
</tr>
</tbody>
</table>

Indeed Police is always the first point of call for whoever is aggrieved, but this function does not imply that Police should act outside the law when doing its work.

\(^3\) https://www.spyuganda.com/police-summons-online-journalists-over-bou-bagyendakasekende-stories/
The Police derives its authority from the Constitution, the Police Act and various Standing Orders and Operational procedures. Previous Press Freedom Indexes as well as several human rights organisations have over the years, pointed out the increasing absence of human rights adherence during Police operations especially those dealing with opposition events, protests and by government critics. The senior officers in the Police Force are well educated and understand the human rights standards for police operations. The challenge lies with the frontline field officers who mete out the violence. Several questions arise from this:

- Are these constables well trained in public order management?
- Do they have a module on human rights and recurrent human rights issues such as freedom of assembly and expression?
- Are they properly briefed on rules of engagement during protests and riots, specifically how to deal with neutral parties such as the media, medical workers, Red Cross etc.?
- Can their commanders be exonerated in this gross misconduct?

The contexts of violations where Police was the violator appear to create an impression that at times, Police is used by powerful individuals to use its authority, invoke some law, however remote, in order to arrest, charge and disorganize those persons whom the rich and powerful would want to silence. Those contexts show that the Parliament must do more to make the Police Force more accountable and more respectful of human rights observance.

The Army

The Uganda People’s Defence Forces (UPDF) did not feature among documented violations of media freedoms in 2017. The year 2016 only less than five cases were reported. However, in 2018, the UPDF resurfaced among top violators through four units: regular UPDF soldiers, Military Police, Kabaka’s Royal Guards and the Special Forces Command. All these four units of the UPDF contributed 28 violations (17% of the total).\(^4\) The Special Forces Command, who account for most of the army violations against journalists, meted out the violence in Arua on the last day of by-elections campaigns after the official car of President Yoweri Museveni was reported to have been hit with a big stone that allegedly shattered its rear wind screen. The SFC, which guards the President went out in full force to beat up opposition politicians including Bobi Wine as well several MPs and over 30 civilians.\(^5\) Journalists were caught up in the confusion and even when they clearly

\(^4\) See Case Studies 1 and 3 in Chapter 4
identified themselves, soldiers still assaulted them and vandalized their equipment.6

What happened in Arua during the by-election causes concern about press freedoms in future elections, particularly the general elections scheduled for 2021. The Arua electoral violence and the role of the SFC again raise the recurrent theme of impunity of perpetrators and lack of accountability for human right violations that happen during hotly contested political events.

**Resident District Commissioners**

Resident District Commissioners bounced back among violators of press freedom. They did not feature on the list of reported abuser of media freedoms in 2017. In year 2018, at least seven incidents were reported of violations committed on orders of the Resident District Commissioners. Five cases happened in Lira as indicated in Case Study 3 and two cases were reported in Pader where the RDC assaulted tow journalists during the district public accounts committee meeting.

**Public**

The number and type perpetrators against journalists from the public increased (See Figure 2). In 2018 perpetrators included the anonymous authors of a document threatening death to Masaka journalists; students of St Augustine College Wakiso, who beat up journalist on instruction of one of the teachers; private security officers; civilian mobs affiliated to the ruling NRM party while others were civilians involved in land wrangles. Other abuses were reported within the media fraternity, where a TV journalist from Salt TV, a Christian TV channel, was beaten up by fellow journalists from Kingdom TV channel, another Pentecostal TV channel. The TV channels are owned by rival Pentecostal preachers.

The increase in abuses by members of the public points, on one hand, to a rising trend of intolerance in the population; and on the other, the effect on the population of repeated assaults on journalists by state agents who always get away unpunished. This is arguably the erroneous ‘punching bag’ mentality that you can always beat up journalists and walk away.

Damba Wiziri working for Bukedde TV was assaulted by supporters of Elioda Tumwesigye in Sheema during the by-election campaigns8. In another incident, journalist Sepiriano Tugumisirize beaten up by a group of Christians belonging to one local Pentecostal church. The mob was led by the pastor’s wife, who is also a journalist.

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7 Resident District Commissioners (RDCs) represent the President in districts. They may also have assistants (ARDCs). They chair the district security committee and also monitor implementation of government projects.

Uganda Communication Commission

The Uganda Communications Commission (UCC) contributed to abuse of media freedoms in 2018. First, UCC continued with its practice of intimidating media houses with threats of having their licenses revoked.

UCC also instructed all broadcasting stations to relay live coverage of President Museveni’s New Year messages and State of the Nation’s address. UCC ordered NTV to suspend a program presenter after a scuffle between two guests. The Regulator’s other violations are captured in Case Studies 3 and 4. The role of the Regulator comes under spotlight as UCC extends its reach control the media. The key question is whether the regulator should be concerned with content issues of broadcast stations or if matters of content and professional ethics should be left to the Media Council, which exists legally but not being as active as it should be. This was one of the recommendations in the last PFI 2017, which still remains valid.

5.3 Female Journalists

Violations reported against female journalists were 19 making it roughly 12% of all violations. It should be noted that for the past four years, the percentage of female journalists suffering abuse and violations has remained 12% irrespective of the changes in volumes and type of cases each year. This means, therefore, that extra effort should be put in place to completely eradicate violations and abuses against female journalists. The data also shows that three quarters of the women journalists suffered violations at the hands of state agents, who include the Police, RDCs and other security operatives.
# VIOLATIONS AND ABUSES COMMITTED AGAINST FEMALE JOURNALISTS (Names have been withheld)

## Table 2: Violations committed against female journalists

<table>
<thead>
<tr>
<th>Victim rank</th>
<th>Media House</th>
<th>Platform</th>
<th>Description of violation</th>
<th>Context of violation</th>
<th>Nature of violation</th>
<th>District</th>
<th>Region</th>
<th>Perpetrator</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Reporter</td>
<td>New Vision PRINT</td>
<td>She was assaulted and manhandled by the Royal guards</td>
<td>Kabaka Birthday Run</td>
<td>Assault</td>
<td>Kampala</td>
<td>Kampala</td>
<td>UPDF</td>
</tr>
<tr>
<td>2</td>
<td>Reporter</td>
<td>NBS Tv TV</td>
<td>Assaulted, blocked</td>
<td>Kirumira Case</td>
<td>Blocked Access</td>
<td>Kampala</td>
<td>Kampala</td>
<td>Uganda Police</td>
</tr>
<tr>
<td>3</td>
<td>Reporter</td>
<td>NBS Tv TV</td>
<td>Assaulted, blocked</td>
<td>Kirumira Case</td>
<td>Blocked Access</td>
<td>Kampala</td>
<td>Kampala</td>
<td>Uganda Police</td>
</tr>
<tr>
<td>4</td>
<td>Reporter</td>
<td>Top Radio RADIO</td>
<td>Assaulted, blocked</td>
<td>Kirumira Case</td>
<td>Blocked Access</td>
<td>Kampala</td>
<td>Kampala</td>
<td>Uganda Police</td>
</tr>
<tr>
<td>5</td>
<td>Reporter</td>
<td>Delta Tv TV</td>
<td>Blocked</td>
<td>Kirumira</td>
<td>Blocked Access</td>
<td>Kampala</td>
<td>Kampala</td>
<td>Uganda Police</td>
</tr>
<tr>
<td>6</td>
<td>Reporter</td>
<td>STAR Tv TV</td>
<td>Blocked</td>
<td>Kirumira</td>
<td>Blocked Access</td>
<td>Kampala</td>
<td>Kampala</td>
<td>Uganda Police</td>
</tr>
<tr>
<td>7</td>
<td>Reporter</td>
<td>Luo FM RADIO</td>
<td>Assaulted by the RDC</td>
<td>District Council Reporting</td>
<td>Assault</td>
<td>Pader</td>
<td>Northern</td>
<td>RDC</td>
</tr>
<tr>
<td>8</td>
<td>Reporter</td>
<td>NBS TV TV</td>
<td>She was threatened kidnap and death.</td>
<td>Arua by-election campaigns</td>
<td>Threatened</td>
<td>Arua</td>
<td>West Nile</td>
<td>Plain-clothed security operatives</td>
</tr>
<tr>
<td>Reporter</td>
<td>Block/Access</td>
<td>Location</td>
<td>Incident</td>
<td>Action</td>
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<td>CBS Radio</td>
<td>Central UPDF</td>
<td>Kampala</td>
<td>Assault</td>
<td>Arrested</td>
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<tr>
<td>CBS Radio</td>
<td>Central UPDF</td>
<td>Wakiso Central</td>
<td>Assault</td>
<td>Arrested</td>
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<tr>
<td>Luo FM Radio</td>
<td>Central UPDF</td>
<td>Kampala</td>
<td>Assault</td>
<td>Arrested</td>
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<tr>
<td>Daily Monitor</td>
<td>Central UPDF</td>
<td>Wakiso Central</td>
<td>Assault</td>
<td>Arrested</td>
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<tr>
<td>CBS Radio</td>
<td>Central UPDF</td>
<td>Wakiso Central</td>
<td>Confiscation of Gadgets</td>
<td>Blocked Access</td>
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<tr>
<td>CBS Radio</td>
<td>Central UPDF</td>
<td>Wakiso Central</td>
<td>Confiscation of Gadgets</td>
<td>Blocked Access</td>
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<tr>
<td>NBS TV Radio</td>
<td>Central UPDF</td>
<td>Wakiso Central</td>
<td>Confiscation of Gadgets</td>
<td>Blocked Access</td>
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<tr>
<td>UBC TV</td>
<td>Central UPDF</td>
<td>Wakiso Central</td>
<td>Confiscation of Gadgets</td>
<td>Blocked Access</td>
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<td>Daily Monitor</td>
<td>Central UPDF</td>
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<td>Confiscation of Gadgets</td>
<td>Blocked Access</td>
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<tr>
<td>Bukedde TV</td>
<td>Central UPDF</td>
<td>Wakiso Central</td>
<td>Confiscation of Gadgets</td>
<td>Blocked Access</td>
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**Incidents:***
- **Death of American**: Reporter was arrested.
- **Return of Bobi Wine**: Reporter was assaulted.
- **Confiscation of Gadgets**: Reporter’s camera was confiscated.
- **Blocked Access**: Reporter was blocked from the news scene.
- **Summoned**: Reporter was summoned.
- **Threatened with death**: Reporter was threatened.

**Locations:**
- Central UPDF: Kampala, Wakiso Central
- Northern UPDF: Pader
- Central UPDF: Kampala, Wakiso, Central
- Unknown: Central, Masaka, Unknown

**Action:**
- Arrested
- Assaulted
- Confiscated
- Blocked Access
- Summoned
- Threatened with death
All but one of these female journalists were reporters from across media platforms (print, TV and radio but none from online publications). They work for leading daily newspapers, urban and rural radio stations, government owned and private media. They suffered similar abuses as their male colleagues: arrests, assaults, confiscation of their equipment, blocked from accessing news scenes and death threats.

3.7 Media platform share of violations and abuses.

The biggest number of journalists who suffered abuses and violations work with television stations. As the share of violence by TV as a platform stands at 69 cases or 42% of all violations and abuses up from 39% in 2017. Figure 5 below shows this comparison between 2017 and 2018. Radio and print platforms stood at 25% representing 40 and 41 cases respectively. However, fewer print journalists were victims as opposed to 2017 when print media share of violations and abuses stood at 31%.

At the same time, radio share of violation and abuses increased to 25% in 2018 from 22% in 2017. For online media, the share of violations remained the same for both years at just 8%.
Print media share of violations and abuses stood at a quarter of all cases documented in 2018. But journalists from the New Vision Group platform suffered some of the worst violations including assault, arrests, and death threats. The Editor-in-Chief of the New Vision Group, the biggest media house in the country was also summoned to the Police for interrogation.

### 3.8 Most affected media groups

**Vision Group**

The Vision Group was the most affected by violations and abuses. The journalists included 11 from Bukedde and three from TV West, 11 from New Vision newspaper seven from Bukedde newspaper and three from Arua One radio station. In total the Vision Group suffered 35 abuses and violations accounting for 21% of all documented cases in 2018. The New Vision is a semi-government media group with 53% government shareholding.⁹

<table>
<thead>
<tr>
<th>Vision Group outlet</th>
<th>Bukedde Tv</th>
<th>Tv West</th>
<th>New Vision Newspaper</th>
<th>Bukedde newspaper</th>
<th>Arua One fm</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. of Violations and Abuses</td>
<td>11</td>
<td>3</td>
<td>11</td>
<td>7</td>
<td>3</td>
<td>35</td>
</tr>
</tbody>
</table>

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⁹ [https://visiongroup.co.ug/shareholders/](https://visiongroup.co.ug/shareholders/)
**Nation Media Group**

The Nation Media Group (NMG) came in as the second most affected media group. The NMG media houses include The Daily Monitor newspaper with 16 journalists affected; NTV Uganda (14 journalists) and Spark TV (one journalist). In total, 31 journalists suffered abuses and violations and accounted for 19% of documented cases in 2018.

*Table 4: Cases for Nation Media Group (NMG)*

<table>
<thead>
<tr>
<th>NMG outlet</th>
<th>Daily Monitor</th>
<th>NTV</th>
<th>Spark TV</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. of Violations and Abuses</td>
<td>16</td>
<td>14</td>
<td>1</td>
<td>31</td>
</tr>
</tbody>
</table>

**Next Media Group**

NBS TV had 19 journalists affected making 11.6% of all cases of violations and abuses recorded in 2018. Although NBS TV has sister media products, all the victims came from the NBS TV media house. It is also worth noting, however, that for a single media outlet, NBS with 19 journalists affected, had the biggest share of violations and abuse.

**Pepper Publications**

The Pepper Publications had five journalists affected: three from the Red Pepper newspaper and two from Kamunye, a sister newspaper published in Luganda—a local language. The Pepper Publications share of violations and abuses in 2018 stands at 3%. Towards the end of 2017, six journalists of the Pepper Publications, including five editors, were arrested, charged and remanded in Luzira Prison for a month following publication of a story that alleged that Uganda planned to attack Rwanda. They were released only after protracted negotiations with the Government, and interventions by several media support organisations, including HRNJ-Uganda.

*Table 5: Cases for Pepper Publications*

<table>
<thead>
<tr>
<th>Group outlet</th>
<th>Red Pepper newspaper</th>
<th>Kamunye newspaper</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. of Violations and Abuses</td>
<td>3</td>
<td>2</td>
<td>5</td>
</tr>
</tbody>
</table>

10 https://www.monitor.co.ug/News/National/Red-Pepper-editors-court-/688334-4204616-g1tg3dz/index.html
11 https://www.independent.co.ug/red-pepper-editors-charged-treason/
BBS TV and CBS radio, both owned by the Kingdom of Buganda had 15 journalists (six from BBS and nine from CBS) affected by abuses and violations. Together they made up 9.2% of all cases documented in 2018.

At the public broadcaster-UBC and sister TV channel Star TV, five journalists suffered violations at the hands of the police who blocked their access to news scenes. They represent 3% of all cases documented in 2018.

Other media houses with less than four cases of violations or abuse were: Chimp Reports, Top Radio, KTV, and Prime Radio, Salt TV and Radio Sapientia, Top TV, Radio Devine, Radio Pacis, Kingdom TV and Pearl FM each had one case.

### 3.9 Regional distribution of violations and abuses

**Figure 7: Distribution of abuses and violations by region**

![Distribution of violations and abuses by region](image)

The majority of violations and abuses happened in Kampala (64 cases) and neighboring Wakiso district. Kampala is the capital and seat of government, and that is where major political contestations happen. The main contexts for the abuses and violations were the detention of Bobi Wine, his release and return from the United States which happened within Kampala and Wakiso.

Central region and West Nile’s share of violence against journalists is also linked to the crackdown on selected opposition politicians and their supporters in the aftermath of the Arua Municipality by-election. (See Case Study 1 and 2).
Total violations and abuses per year over six years

Figure 8: Year on Year violations since 2013

Figure 8 above shows the trend of violations and abuses committed against journalists since 2013. As the trend line indicated, the general trend is upwards, meaning the threats to freedoms of expression of speech and the press are just increasing.

Conclusion

This chapter has analysed how cases of violence and abuses affected different population groups and media houses. Majority of perpetrators were state agents; as many female journalists still suffer abuses and violations as they did three years earlier. Also important to note is the fact that the government owned media house took the biggest hit in violations against journalists and media houses. Government owned or privately owned, the journalists from these media houses suffer the same fate.
6.1 Introduction

The year 2018 started with noted concerns over threats posed by the cyber legal environment. Tough laws meant to control aspects of the cyber environment were already starting to bite, and their effect felt on the enjoyment of freedom of expression over, and access to the Internet as the new public sphere. Internet freedom is now an internationally acknowledged human right.1 2

These laws include the Computer Misuse Act (2011); the Uganda Communications Act (2013 as amended in 2016.) The amendment effectively empowered the Minister in charge of Communication to pass legal instruments related to controlling the media without prior parliamentary approval. Other laws include the Anti-terrorism Act (2002); the National Technology Act and the Regulation of Interception of Communications Act (2010). This specific law was introduced to allow for legal interception of communications in the course of transmission through any communication channel, including postal services. It also provides for, in Section 3, the setting up a monitoring centre overseen by a Minister.

There is also the Anti-Pornography Act and the Data Protection and Privacy Bill (now an Act of Parliament after it was assented to by the President.) The Data Protection and Privacy law is essentially a progressive law to ensure privacy of data and internet users. However, other emerging legal and policy actions appear to contradict the spirit of the new law.

The 2017 PFI elaborated on how the cyber laws have been misused to curtail the constitutional rights to freedom of expression that also include freedom of speech, press and freedom of conscience. Several journalists were charged with offensive communication contrary to Section 25 of the Computer Misuse Act (2011) and disturbing the peace of certain personalities including the former Inspector General of Police Kale Kayihura under the Computer Misuse Act.

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1  United Nations: Internet is a human right http://ahumanright.org/press/releases/2012/06-07-12%20A%20Human%20Right%20Release.pdf
2  https://www.article19.org/data/files/Internet_Statement_Adopted.pdf
In the digital media ecology, journalists are always interacting via computer systems, including mobile phones, over social media platforms. The cyber laws have some truly progressive attributes such as fighting money laundering, frauds, cyber-bullying and other vices. But as far as media practice is concerned, the laws create an intrusive agenda against journalists.

The Uganda Police and Uganda Communications Commission each now has a computer monitoring centre. The Police specifically established, under General Kayihura, a Cyber Crimes Monitoring Unit and a Media Offences Desk.

The biggest fear for the media is that the various legal, policy and administrative actions executed by the Uganda Communication Commission, the regulator, easily enable the State to collect meta-data on persons of interest, including journalists. Under that cyber climate, and with elastic application of laws by both Police and UCC, many media houses and individual journalists are opting for increased self-censorship and taking refuge in safe journalism such as farming, lifestyle and entertainment.

6.2 The global and regional contexts

Governments around the world are pushing for more control and regulation of the Internet, and social media in particular following discovery of abuses in digital spaces:3

• The manipulation of elections in other countries by governments and lobby groups and companies such as Cambridge Analytica.

• Terrorist propaganda via channels such YouTube.

• Child trafficking

• Hate speech by right wing groups

In Africa, however, many governments have laws and policies to control cyber space and specifically to restrict the enjoyment of Internet freedoms.4

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Cameroon, Tanzania, Uganda, Ethiopia, Nigeria, and Benin have in the recent past witnessed internet shutdowns, the imposition of taxes on blogging and social media use, and the arrest of journalists. Media workers and citizens have been jailed on charges ranging from publishing “false information” to exposing state secrets to terrorism.

‘African countries are witnessing worrying developments on the internet freedom front including an increase in digital rights violations such as arrests and intimidation of online users, internet blockages and social media shutdowns, and a proliferation of laws and regulations that undermine internet access and affordability, and weaken ICT’s potential to improve livelihoods, catalyze free expression and civic participation,’ according to the CIPESA Report.

This report which surveyed several countries including Uganda, also adds that, “many states are legitimizing and increasing their surveillance capacity, including by requiring mandatory registration of personal details and increasingly compelling service providers to hand over users’ data. The surveillance is often not guided by judicial or other independent oversight, and in some instances there is no clarity as to which individuals and government departments have the authority to order surveillance or demand customers’ metadata from telecom companies.”

In Tanzania, government introduced a controversial US $930 tax on bloggers following increased criticism over social media of President John Magufuli and his government. In Kenya, President Uhuru Kenyatta signed into law the Cyber Crimes Bill which criminalizes the publication of fake news and imposes hefty fines and a two-year jail term for those found guilty. Zimbabwe, Malawi and other Southern African countries have all developed cyber-crimes laws, which also include vague clauses that can obstruct Internet freedoms of expression and access to information.

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6.3 Uganda’s Social Media Tax

The defining moment for Internet freedoms in Uganda in 2018 was the introduction of two controversial taxes: the Social Media Tax of Ug. Shs 200 per day and a tax on mobile money transactions.

The taxes prompted outrage particularly given the conflicting reasons fronted for the taxes, especially the social media tax (Over the Top Tax or better known as OTT). To access sites such as WhatsApp, Facebook, Twitter, LinkedIn, YouTube and others, one had to pay the tax first on top of the data bundles. President Yoweri Museveni had earlier said that the tax was meant to curb gossip over social media. But Finance Minister Matia Kasaija said the tax was meant to raise money to pay for national security. Internet service providers were to levy the tax and pass it over to the Uganda Revenue Authority. The taxes became effective on July 1, 2018.

As Figure 5 below shows, figures released by Uganda Communication Commission for the first quarter indicated that three million out of 15 million users had abandoned the Internet and only half of Internet users actually paid the OTT tax. Many turned to Virtual Private Networks (VPNs) to access the Internet and bypass the OTT.

Arguments against the OTT were that it would alienate the poor from Internet access; that it was legally wrong as it meant taxing a fundamental and constitutional right of access to information and freedom of expression; that the tax was discriminatory as it did not target entirely access to the Internet but only those accessing specific social media sites.

Figure 9: Social Media Tax subscription and revenue

![Figure 9: Social Media Tax subscription and revenue](image)

**OTT subscriptions and revenues: Three months trend. Source UCC.**

6.4 Effect of social media tax on journalistic practice

The OTT tax shows that government must do more to improve the communicative environment in the country. For both journalists and their audiences, these social media platforms are modern ways of communicating and interacting.

Social media use is driven by the growing mobile phone subscription that by September 2018 had grown to 23.2 million, according to figures obtained from Uganda Communications Commission (UCC). Social media empowered every citizen to access information where, when and how each citizen wants and at low cost. It empowers citizens to interact with media in real time and have their say. It gives them voice and platform to participate directly or indirectly in their governance. It brings them into the marketplace of ideas at very little cost. In this marketplace of ideas, the market sieves out the bad ideas and the good ones thrive. Attempts to disrupt the marketplace will lock out even the good ideas that can build society.

When liberalization of broadcasting freed airwaves, hundreds of FM radio stations were established where discussion programs enable citizens to air out their views and the public picks the good and scoffs at the bad ones. In the end, even authors of bad ideas leave with the satisfaction that they have had their say, and return home in peace.

Social media also provides journalists with a huge harvest of content from citizen journalists and other users, which mainstream media can then curate and refine into rational debate. Taxing social media, therefore, disrupts and weakens this new communicative environment.

Denis Jjuuko, a journalist and social media activist says that OTT increases the cost of doing business for journalists who are already poorly paid. ‘If you look at the typical Uganda journalist, the monthly OTT charge is money paid for a story. So a journalist loses income for a single story every month. Secondly, some sources may be constrained in sharing information with journalists because of OTT. Thirdly journalists may also wait to access social media until they reach office or until they have access to free Wi-Fi, which might delay work.’

If the social media tax had a veiled intention of stifling criticism of government and its officers, then it works against a cardinal tenet of democracy: Those who hold public offices, both elective and appointed, must exercise a higher level of tolerance to legitimate criticism because the offices they hold are public and as such the general public must hold them to a higher level of scrutiny. This Index makes some recommendations in relation to the social media tax.

13 https://mobile.monitor.co.ug/Business/technology/Mobile-phone-users-grow-23-2-million/-2471068-5012688-format-xhtml-17yh0a/index.html
6. 5 Registration of Online Publications

Another aspect of the Internet freedoms climate in Uganda in 2018 was the order by the Uganda Communications Commission for all online publications to be registered with the Commission.

“Hence, under the Uganda Communications Act 2013, the provisions of any services that involve the communication to the public of any content, whether by way of audio, video, sound, still or moving pictures or a combination thereof, is a communication service that is subject to regulatory control of the Commission,” the notice signed by Mr. Godfrey Mutabazi, the UCC Executive Director stated.

“Online data communication service providers, including online publishers, online news platforms, and online radio and telephone operators are therefore advised to apply and obtain authorization from the Commission,” said a public notice from the Uganda Communications Commission

The order falls with the mandate of UCC under Section 5 of the Communications Act 2013, to monitor, inspect, license, supervise, control and regulate all communications services. It is yet to be seen what effect the latest order will have on online journalism experience.
Beyond the Statistics

Media under capture at different fronts

1 Introduction

The Press Freedom Index 2018 is the tenth issue since the volumes started in 2009. After the examination of abuses and violations against journalists and the media in 2018, and indeed with comparisons from previous editions of the PFIs, we now ask what these statistics and narratives tell us of the fundamental problems with press freedom in Uganda. The statistics are just a tip of the iceberg of a media sector that is systematically being influenced at hijacked by powerful forces.

These forces include the State machinery, ownership models and structures, corporate power of big business enterprises that give the much needed advertising, and which continues to drop. Government, has for a long time, and rightly so been the focus of criticism on media freedoms. It is even more apparent now that media observers and researchers should look beyond government in to appreciate the many other forces working to undermine the media. It is a media system that has been captured at different fronts, and this is not good for democracy. Unfortunately, many journalists in Uganda still look at threats to press freedom from the perspective of encounters with Police.

This chapter makes the case for a new approach that goes beyond statistics documented abuses and violations to explore all those threats that are capturing media and preventing it from doing its work; from performing its democratic role in society.

It is a case for a new framework which can be used to study each of these threats, how they manifest themselves, and ways in which these threats undermine democracy in Uganda. HRNJ-Uganda, which has followed the subject of press freedom for past decade recommends that it is time to shift gear to the media capture approach, which shall be examined in more detail shortly. Unless journalists and friends of the media in Uganda appreciate these threats and design appropriate interventions, press freedom will continue to be a mere academic enterprise and not a lived experience.

HRNJ-Uganda has commissioned studies to establish how and the extent to which these forms of capture are manifested in media houses, the impact of the capture on journalism and democracy in Uganda. This PFI 2018 has been compiled with that these studies in mind. A complete chapter on media capture also appears at the end of the Index where key media personalities explain their experience with situations of media capture. The narratives of these senior journalists speak volumes about the many threats to media freedoms that are never reported for documentation.
Challenging working conditions

Beyond physical and legal restrictions as well as direct confrontation with security forces during political protests, the media in Uganda is faced with many challenges that make professional journalism practice extremely hard, though not impossible. Across the country, journalists work in conditions that hold them back from doing their job professionally.

Within newsrooms, there exist unprecedented levels of self-censorship, fear of the state, and caution over how to report about big business in a time of reduced advertising revenue. Journalists also experience subtle and direct influence from the rich and the powerful, politically connected persons to do journalism that favors their side of stories. Some journalists are groomed by sources; others live exclusively by handouts given by organizers of events the journalists report about.

The abuses reported to HRNJ-Uganda totaled 163 during 2018. But this figure looks small when considered within the context of all media houses and all journalists operating in Uganda. Surely, threats must be happening there but they are not reported.

What is media capture?

- A situation in which a certain media organisation is unable to function in an autonomous way; cannot cover the necessary topics, stories and angles that are necessary for media consumers to make informed decisions. It is a situation where the media cannot act as a watchdog of politically or economically powerful groups due to its dependency on the goodwill of some interest group.

- It is a situation when the media gets captured by those whom it is supposed to oversee ---whether government, corporations, other institutions in society or powerful individuals and groups in society, whereas the media as fourth estate is a critical part of the set of checks and balances in society.

- It is a situation when regulators become overly empathetic or supportive of those they are meant to regulate.

Media capture can be coercive or non-coercive. Coercive media capture occurs when agents of government (police, military, secret police, RDCs) intervene directly to stop media from doing their work, for example, closing a media house, blocking access or even damaging equipment or confiscating broadcasting equipment. These coercive means of capture are reflected in the Index statistics. Non-media capture happens when media houses or outlets fail to report news or information in the public interest even when there is no direct government intervention.

Many of these things are happening to the media in Uganda. Threats both open and subtle preventing journalists from reporting freely their messages. The audience, in
these situations, are deprived of important information to make meaningful decisions. “Stories you would have expected to read are not written; angles that should have been followed are not explored; questions that journalists should ask in the public interest are not asked. Instead, you see a pattern of calculated attempts by a media outlet to influence public opinion in a certain direction. That is a pointer to a media house that has been captured.

The objective of the discussion on capture of the media by different forces is to alert journalists of the growing danger, and also to encourage conversations on what can be done to save the media industry. A more detailed discussion of this subject is contained in Chapter Seven.

**Origins of the Concept of Media Capture**

The concept of media capture has roots in economics, especially in the great financial crisis of 2008. It was coined to describe how financial regulators failed to properly regulate the banks and financial institutions that caused the crisis. Some argued that regulators became too close to those they were supposed to oversee, so that after leaving the regulatory bodies, they would end up in those institutions they once regulated. It refers to an intimate relationship between big business and market regulators.

Capture as a term as also been recently used widely in South Africa where, very wealthy Asian family of the Guptas was so close to President Jacob Zuma that the Guptas influenced, and often dictated what the South African President and his government would do. The South African media called that condition State Capture.

**Media Capture in Uganda**

HRNJ-Uganda has not done a comprehensive study into the extent to which the Uganda media has been captured by various forces. However, the organisation's interactions with journalists across the country, engagements with different levels of stakeholders in media, and the constant studies on media and analyses of reports, allow HRNJ-Uganda to confidently describe the predicament of journalism as media capture at different fronts. However, comprehensive studies shall be needed on the extent and impact of capture in the Uganda media. Taking this broader approach will help in various ways:

- To go beyond counting the number of abusive policemen to examining what prompts the Police to treat journalists as punching bags and what interventions are needed for the Police to appreciate and respect press freedoms.
- To interrogate ways in which politics, corporate and private interests collude to influence media bias and to expose the dangers of such bias to press freedom, credibility and on democracy in Uganda.
To examine how ownership structures, while appearing pluralistic and independent of the State, actually undermine critical quality and robust journalism in order to enjoy state protection and privileges for their other businesses.

To reflect on struggling business models that are failing to sustain journalism and journalists, leaving them vulnerable to unethical practices, erosion of public credibility and trust, as well as political and corporate capture of the media.

To reflect on the many other structural challenges such as arbitrary and temporary employment systems, lack of benefits, shortage of professionalism all prevent journalists from doing their work as expected with serious implications for freedom of the press, and for the democratic practice in the country. Journalists working under these conditions will have neither the energy nor courage to question authority; to speak truth to power. They are easy prey for capture.

5.2 Various forms of media capture in Uganda

State Capture

The Uganda media finds itself between a rock and a hard place. Already, as indicated in the previous chapters, there are numerous overt actions, including acts of violence meant to threaten, deter and punish the media. These include the military, police and other security agencies arresting, assaulting journalists, blocking them from accessing news scenes. At another level, the government employs legal and administrative actions to deal with critical media. Several media houses have faced periods of closure especially from 2009 riots in the Central region that saw several radio stations closed.

All these actions contribute to a climate of fear that has led to considerable self-censorship. When media, out of fear, cannot report that which it should report, then that media outlet has been captured.

State capture of media is now manifest in subtle ways it uses to influence positive coverage.

- The Uganda Communication Commission, as noted earlier, uses the law elastically to warn broadcast stations about minimum broadcasting standards and thereby hold them in check.

- UCC uses licensing as a powerful weapon. It can delay, reject or even threaten to withdraw a broadcasting license. It can command all broadcast stations, including private ones, to interrupt programs and relay a Christmas message from the Head of State, with threat of serious consequences in case of default. It has issued many controversial directives, some of which are now being challenged in courts.
• It has introduced laws under which journalists can be sanctioned.

• Government is the biggest advertiser, and it determines where to place advertisement. It can deny critical media of the much needed advertisement. It should be noted that government has refrained from this course of action since the mid-1990s, but it is still a possibility.

• It controls the flow of information through the Uganda Media Centre, where high profile and savvy former journalists are the spokespersons and know all too well how to get government information and get it into the media.

• The Police uses summons, the Media Offences Desk and the Cyber Crimes Unit to keep journalists in check.

Felix Osike, Weekend Editor of the New Vision adds, “Business pressure also comes in often. Business people who become subject of a story often call the Editor and threaten this way: “This is a government newspaper, why do you want to write this? Why do you want to frustrate the investment climate? I will sue for criminal defamation.” Very often we have the evidence, but even then they will threaten to sue in order to keep you off the story, if you are weak. And if they happen to be advertisers, then you have to think twice.”

The security side

Osike adds. “This has become a difficult beat to cover. Police’s new tactic is to drag the journalist to court, where the journalist has to defend him/herself on behalf of the newspaper. They assume you know a lot more than what you wrote. They want to squeeze you. In fact it should be the editor to go there. They want court to force you provide evidence that will help police in its investigations: contacts, documents, photos, links and many more. So Police keeps summoning journalists to create a climate of fear. Some journalists have abandoned stories and the profession altogether.”

When the Police attempts to use these methods to extract information from journalists, it creates a situation that poses a great danger to journalism. Rather, the Police should improve on its research and investigative methods using budgets available to it. Police may refer to published material and then do their own research but not force journalists to assist investigating officers. Sources will run away when they learn that journalists assist Police with material to complete investigations.

Sometimes the capture involves a collusion between corporate power and agents of the state such as rich and politically powerful people using police to gag the media by preferring trumped up charges against journalists.

Charles Odooboo Bichachi, former Executive Editor of the Monitor Publications, now it’s Public Editor, also shares his experience with how state capture of the media is manifested:
“It is present especially during peak political periods such as elections and during controversial legislative process in Parliament such as the highly charged debate for constitutional amendment to remove the 75 year age limit for presidential candidates. You come under all sorts of pressure.”

At one point in September 2017, there was a fist fight and chaos in the Chambers of Parliament as some opposition politicians protested the way the Government was pushing through the amendment. Security men in suits raided the Chamber, fought with and overpowered the protesters, whom they arrested and ejected from the Chamber. The identity of the security men was not disclosed and the Speaker later wrote to the President of Uganda seeking explanation as to which forces had raided Parliament.

Bichachi adds,

“At the Daily Monitor, we planned to expose the faces of the security men with a view of identifying where they belonged. We did our investigations but even before we could publish the story, I got a call; a friendly call from someone who was privy to a security meeting that had discussed our planned revelations leaked to them apparently by one of our journalists. The friendly source told me the mood of the security meeting: ‘You can write whatever rubbish you want but should you expose the identity including names of men who raided Parliament like you have planned to do, then you will know who are the forces in charge of this country.’ We never revealed the identities of the security men. We told the story without their names. You know, these are times when you have to navigate troubled waters.”

This, according to Bichachi shows one of the ways the state can capture media by embedding journalist spies in the newsroom. They give you away; they create fear within the newsroom. You may not know them but they are there. These spy journalists have destroyed the spirit of collegiality that used to reign in newsrooms. Not anymore. Even when you disguise the author using the standard ‘By Our Reporter;’ still state agents will know the author, and even your sources if you have recklessly handled the information.

**Corporate Capture of media**

Old business models of legacy media have come under intense pressure with spread of the Internet and digitization. Circulation for print media continue to fall, so is advertising revenue. As a result, traditional print media now accept advertising arrangement they frowned upon in the past. Paid inserts (native advertisement) replacing editorial pages; and innovative compromises with advertisers preventing journalists from objectively reporting critical stories about advertiser businesses. Instead, there are often favorable stories about advertisers.

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1 The Supreme Court in April upheld by a 4-3 majority, a decision of the Constitutional Court that the removal of age limit was done lawfully.
The corporate capture of much of legacy media often undermines freedom of the press and expression as journalists and the media houses they work for lose the independence and courage to report objectively. At other times, the cozy relationship between big business and the media managers will lead to worthy good stories not be published at all. That is corporate capture, and a threat to democracy.

Said another senior journalist with a daily newspaper. “The situation is quite serious. A big media house has a running project sponsored by a local bank. Even when the bank was coming under intense criticism over its operations, the newspaper could hardly write anything, save for official press releases that would come out from time to time.”

In another incident, a big multinational and one of the newspaper’s biggest advertisers got into serious problems with the Government. The newspaper could hardly initiate an enterprise story about the multinational company.

James Tumusiime, former Editor-in-Chief of the Observer, comments:

“It is all over the place. For newspapers especially, advertising is hard to get by. Newspapers are desperate, even radio stations are so desperate. They will take whatever little there is in exchange for whatever the advertiser demands. It is that bad. One time an official with a leading local bank wanted to force advertisement on the Observer just to get the newspaper drop a story.”

On corporate capture of the media, Bichachi says smaller media houses must be coming under even more pressure. A case in point are the online publications which are created solely to make money from advertising. Bichachi adds,

“Whoever pays the advertisement calls the tune. It is a real recipe for capture. Media capture by either the state, politicians or business entities is a danger. It takes away from the media the ability to tell the story. Press freedom is undermined and citizens are denied the chance to understand the facts.”

Ownership Capture of Media

Media owners in Uganda include: the government, which owns in public trust, the national broadcaster, Uganda Broadcasting Corporation and its string of 11 FM radio stations and four TV channels; The New Vision Group in which it owns 53% stake. The Vision Group owns five news titles, including the New Vision; four TV stations and several regional radio stations. It is the biggest multi-platform media house and this gives the government a very big influence on media audience. Nonetheless, even the impact of the 43% private shareholding can be felt.

Media houses normally have in-house policies that set out expected conduct and relations with the owner. But there are also many unwritten rules and conventions that managers put in place to ensure the owner interest is promoted.
New Vision cartoonist, Ras Manyanga (pen-name) explains:

“My editor-in-chief always tells me that RAS, even before you sketch, you must remember the foundation on which this media group stands. It is a government owned media group. Be careful not to rock the boat. So I take that advice seriously. There are topics which are taboo; there are people I shall never draw, except in very rare circumstances. And if the cartoon has something to do with an advertiser, it must be positive. That is how it is.”

Other owners include regional Nation Media Group with two TV channels, two radio stations and two newspapers. The broadcast sector has dozens of owners of both radio stations and TV stations.

The majority of broadcast station owners are, however, are either business people with close relations with the party and government in power, or they are actual politicians who identify with the NRM. Other stations are owned by faith based organisations.

In majority of these broadcast stations, journalists will do the normal safe reporting and are often discouraged from stories critical of government, and often barred from reporting about their political opponents, except when the story portrays those opponents in the negative light. The freedom of the press in many of these private media houses is limited. A guest pays to appear on a radio talk show program and dictates questions to be asked or decides to talk alone throughout.

The plurality of media ownership has not guaranteed the much needed media diversity, although from time to time a good piece of journalism appears in some of these private media.

When HRNJ- Uganda team went to Kitgum district to plead for the re-instatement of suspended journalists and their program on one radio station, the district chairperson who had, who had caused the suspensions opened up. “These people of the radio depend on me. I can decide whether or not to keep them on air. When they want fuel for their generator, they come to my office, borrow money and promise me airtime on their radio to say what I want when I feel like.’

Ownership also brings added concerns. Many media businesses are struggling, yet the owners keep them. Journalists from many rural radio stations, included those owned by church organisations decry their working conditions: little pay, which comes just occasionally; freelance employment without any appointment letters or benefits; low educational qualifications without opportunities to upgrade. Owners keep these stations even when they are struggling just as platforms to push their private agendas.

Impact of ownership capture of media
When owners prevent their journalists from exercising free expression; when owners allow structural and employment conditions that undermine the practice of good journalism, then they have captured the media. Their journalists will not report in such a way that enables their audience to get information needed to make informed decisions.

**Conclusion**

The 2018 Press Freedom Index presents the state of press freedom as examined from the abuses and violations against journalists and media houses in 2018. However, an examination of these violations points to a bigger problem in the country that should be studied and addressed in a broader way.

This Index proposes using media capture as a framework that should, in the future, be employed to examine the factors that impact on enjoyment of press freedom and freedom of expression by the media. For now press freedom has been assessed in the context of freedom from government control. This chapter shows, however, that the factors that lead to media capture and prevent the media from doing its work go far beyond the State. They include corporate influence, ownership, structural factors and the influence of the rich, powerful and politically connected people who use their power and influence to prevent the media from doing its work.

Lastly, we have noted how most media organisations are just struggling as businesses especially as audiences migrate to free online platforms for news and information. Sustainability of media business is emerging as one of the determining factors for freedom of the press and expression. Media business that cannot be sustainable will slowly get captured by the State, corporate power and even powerful individuals with connections and money to buy influence.

This Index encourages studies and conversations around the concept of media capture; the extent to which it undermines freedom of the press and expression; its impact on the democratic practice in Uganda.
Observations

This chapter summarises the major observations made from analyzing the data collected on reported violations and abuses and from interviews with a range of experts observing the Uganda media sector from civil society, the industry and academia. The following issues stand out:

(a) Concern over increased violations

There is increasing violations against journalists in situations of political contests and growing intolerance by government of criticism manifested by excessive use of force by security forces when dealing with political protests. This is relevant to the media because journalists get caught up in the fracas and branded as part of the opposition.

(b) Gaps in rules of engagement

Whereas commanders of security forces engage in meaningful and intellectual discourse about press freedom and other human rights, the rank and file of those deployed at the frontline of handling protests and other expressions of dissent lack in their rules of engagement clear guidelines on how to deal with the media. This serious anomaly leads to many yet unnecessary violations of media freedoms.

(c) Blocking access to news sites

The data shows that blocking journalists from accessing news scenes and sources is the new normal. Blocking can be physical, effected by confiscating or even vandalizing cameras and recorders. Blockage has also been manifested in measures security agencies and the Uganda Communication Commission have taken at times to interrupt channels of communication and online activity.

(d) Uganda Communications Commission

The Regulator, the Uganda Communication Commission, continues to explore the law to extend its reach. The Regulator is only concerned with regulation and control and lacks provisions in the law that would commit it to media development.

(e) Alarming levels of impunity

For the sixth year running, the Police tops the list of people violating press freedoms, and in only a few cases have Police officers been charged in courts over these abuses. In 2018,
officers of the UPDF, including the SFC and Royal Guards to the Kabaka (King) of Buganda were committed offences against journalists as elaborated in Chapter Two but none had been prosecuted. The UPDF only promised to discipline some of the officers identified in assaulting journalists in protests in Kampala. None has appeared in court. The army, Police and Prisons are part of the ‘disciplined forces’ who should ensure discipline in their conduct, including prompt disciplining of offending staff.

(f) Social Media Tax is a bad tax

It has been observed that the social media tax introduced mid-2018 has not achieved the revenue targets it was expected to meet; it is discriminatory; it just caused resentment, and exposed how its proponents misconstrue Internet freedoms as luxury goods which can be subjected to a sin tax. Access to the Internet is a human right and it should be sinful and unconstitutional to tax it.

(g) Media Capture

Reports of violations and abuses are so recurrent over the years. Yet they are but one aspect in the bigger picture of the state of media freedoms in Uganda. The big picture is the worrying phenomenon of media capture in Uganda. Government has been the main target of criticism for media woes, however, many other institutions, individuals, systems and structures all contribute to stifling and stunting the media in Uganda. It is all the more critical now, not to exonerate government and its agents per se, but to take a brave and radical new approach in analyzing how the Uganda media has been captured at so many fronts and what needs to be done.
Recommendations

The Index makes the following recommendations:

1 To the Government of Uganda

1.1 The Uganda Police Force

The Government should ensure that the Uganda Police Force (UPF), which has for the tenth year running topped the list of violators of media freedoms, disciplines officers who commit offences against journalists especially during field operations. The said police officers should be held personally liable. In a situation where the Police authorities claim to have taken disciplinary action against the errant officers, the details of such disciplinary action should be shared with the public via the media. Offences that Police officers commit against media workers are punishable under Uganda law and as such Police offenders should not enjoy impunity. The Police should also undertake robust and expeditious investigation of cases reported by journalists where they are attacked in line of duty.

1.2 The Uganda People’s Defense Forces (UPDF)

The UPDF has previously been reputed as a disciplined force. Commanders of the UPDF should work to ensure their officers deployed to support Police operations conduct themselves in ways that respect human rights to protect the otherwise good name of the Force. In some cases, the UPDF has apologized for misconduct of its soldiers and committed to investigate and punish the culprits. However, there are no reports released on the course of action taken. The UPDF should release these reports to the concerned journalists as a sign of public accountability.

1.3 Internet Freedoms

Government should consider scrapping the social media tax (OTT) since the tax is discriminatory, and an affront to the basic freedoms of expression guaranteed in the Constitution. Moreover, internet access already includes taxes levied on airtime, which makes OTT double taxation.

1.4 Administrative and Regulatory Overreach

The Government should reign in overzealous Resident District Commissioners who interfere with media rights through acts such as raiding radio studios, switching off stations and causing the arrest of journalists. In the same way, the Board of UCC should step in to restrain UCC Executive Director and management from acting beyond its powers in violating media freedoms.
1.5 Parliament

i. Parliament should review the mandate of the Communications regulator, the Uganda Communications Commission (UCC) with the objective of separating roles. Regulation of content and ethical practice should be assigned to another body, such as a revised Press and Broadcasting Council, while UCC retains the management of spectrum and neighboring issues.

ii. Section 60 of the Uganda Communications Act 2013 (as amended in 2016) provides for a tribunal for the Communications sector. This tribunal is long overview and it should be established at the earliest opportunity. At present the Uganda Communications Commission wields all power, which is contrary to democratic practice.

2. Civil Society

Media rights defenders should work together with the Police to develop a module on media rights, freedom of expression and access to information. This module should be included in the curriculum of the Police Training Schools and incorporated in rules of engagement during field operations.

3. Development Partners

d) Development partners are urged to include respect for media rights among the criteria for donor support to government, more specifically to the Police Force

4. Media Fraternity

4.1 Media Owners, Managers and Journalists

i. Owners of media houses and managers should support their journalists through training, provision of equipment especially for journalists’ safety, pay a prompt and decent wage and stand with their staff in times of trouble.

ii. Journalists should act professionally at all times, and stick to ethical practice.

4.2 Media analysts and academia

This Index also recommends a new broader approach to examining press freedom in Uganda using the Media Capture framework. Researchers and organisations studying press freedom in Uganda should look beyond government and examine ways that individual people, organisations and systems contribute to preventing journalists from doing their work. This will form the basis of a new approach to address the multi-faceted challenges journalists face.
# CASE SUMMARIES

Table 6: Showing cases handled by the legal department of HNRJ-Uganda

<table>
<thead>
<tr>
<th>No.</th>
<th>Journalists's Name</th>
<th>Gender</th>
<th>Media House</th>
<th>Brief facts</th>
<th>Court/Tribunal plus Citation</th>
<th>Remedy</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Amacha Goli M</td>
<td></td>
<td></td>
<td>Amacha together with four others was sued for allegedly defaming the RDC, DPC and National Forestry Authority.</td>
<td>High Court, Arua</td>
<td>Legal Advice and representation</td>
<td>Ongoing, hearing of plaintiffs' case concluded.</td>
</tr>
<tr>
<td></td>
<td>Perez Rumanzi M</td>
<td></td>
<td></td>
<td>Rumanzi was assaulted, beaten and arrested by two police officers including Kabale DPC while covering Kizza Besigye and colleagues.</td>
<td>High Court, Mbarara</td>
<td>Legal Advice and representation</td>
<td>Pending Hearing</td>
</tr>
<tr>
<td></td>
<td>Kigongo Ssebalamu M</td>
<td>New Vision</td>
<td>On 4\textsuperscript{th} March 2016 Kigongo Ssebalamu attacked by a mob led Tibandeke while covering the Entebbe Local Council elections. Camera was damaged. On 29\textsuperscript{th} March 2017, Court convicted accuseds of assault and malicious damage to property.</td>
<td>Entebbe Magistrates Court</td>
<td>Legal advice and representation</td>
<td>Negotiations for settlement for a possible consent judgment are ongoing.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Sheikh Abdurhatifu M</td>
<td></td>
<td></td>
<td>On 1\textsuperscript{st} December 2017, Sheikh was assaulted by Dr. Asiimwe Davis, the Administrator of Kabwohe Health Centre IV.</td>
<td>High Court, Mbarara Circuit Misc. Cause No. 0179 of 2018</td>
<td>Legal Advice and representation</td>
<td>Pending Hearing</td>
</tr>
<tr>
<td>Name</td>
<td>Gender</td>
<td>Organization</td>
<td>Description</td>
<td>Court</td>
<td>Legal Advice and Representation</td>
<td>Status</td>
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<tr>
<td>Akiiki John Nyanzi &amp; Life FM</td>
<td>M</td>
<td>Life FM</td>
<td>Akkiki John Nyanzi, a programme manager at Life FM was sued together with Life FM for allegedly defaming Grace Rujumba, the political assistant for woman Member of Parliament Kyenjojo District in the Rwenzori Sub-region.</td>
<td>Fort Portal Chief Magistrates Court CS 046/ 2018</td>
<td>Legal advice and representation</td>
<td>The case is still under meditation at Fort Portal Chief Magistrates Court.</td>
<td></td>
</tr>
<tr>
<td>Damba Wiziri</td>
<td>M</td>
<td>TV West</td>
<td>He was assaulted in July 2018 at Kabwohe in Sheema District while covering a demonstration of FDC supporters protesting by-election results for MP.</td>
<td>High Court, Mbarara Circuit Misc. Cause No. 14 of 2018</td>
<td>Legal advice and representation</td>
<td>Pending Hearing.</td>
<td></td>
</tr>
<tr>
<td>Twaha Mukiibi</td>
<td>M</td>
<td>NBS</td>
<td>Twaha Mukiibi, a journalist working with NBS Television was on the 15th day of January 2018 assaulted by police officers under the command of Peter Ochiengh and Ali Kakooza during the course of his work.</td>
<td>High Court, Civil Division Kampala Misc. Cause No. 067/ 2018</td>
<td>Legal advice and representation</td>
<td>Pending Hearing.</td>
<td></td>
</tr>
<tr>
<td>Augustine Okello</td>
<td>M</td>
<td>Rhino FM</td>
<td>Augustine Okello, a radio presenter from Rhino FM in Lira was kidnapped on the evening of 13th of July 2011 on allegations that he had committed treason, which charge was later changed to Abuse of inferiors under the UPDF Act.</td>
<td>High Court, Criminal Division Kampala Criminal Session Case No. 45/2012</td>
<td>Legal advice and representation</td>
<td>Closed, charges withdrawn after 8 years</td>
<td></td>
</tr>
<tr>
<td>Name</td>
<td>Gender</td>
<td>Station</td>
<td>Incident Description</td>
<td>Location</td>
<td>Legal Advice</td>
<td>Status</td>
<td></td>
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<tr>
<td>Tolbert Edait</td>
<td>M</td>
<td>Etop Weekly</td>
<td>Edait, a reporter of Etop newspaper was allegedly assaulted by Okello Sam by pulling the chair on which Edait was seated, causing him to fall down with legs up. Edait sustained a blunt trauma on the posterior part of the head, lower back and the lower abdomen. He filed a case of assault occasioning actually bodily harm.</td>
<td>Ngora Magistrates Court</td>
<td>Criminal Case No. 15/ 2017</td>
<td>Closed, accused convicted and Tolbert was compensated.</td>
<td></td>
</tr>
<tr>
<td>Moses Adoko</td>
<td>M</td>
<td>Radio Divine</td>
<td>Moses Adoko, a reporter and News Anchor of Radio Devine was manhandled, beaten and his Voice Recorder stolen by a mob of youths. He was covering the Special Interest Groups Elections at Apac Mayor’s Gardens.</td>
<td>Central Police Station, Apac</td>
<td>Legal Advice</td>
<td>The Regional DPP is reviewing the file which the Resident State Attorney had closed prematurely.</td>
<td></td>
</tr>
<tr>
<td>Oguzu Ronald</td>
<td>M</td>
<td>Arua One Fm</td>
<td>Oguzu, a correspondent of Arua One Fm in Arua was allegedly assaulted by residents while covering a reconciliatory meeting called to help resolve land wrangles between two families.</td>
<td>Central Police Station, Arua</td>
<td>Legal Advice</td>
<td>The suspects are still on the run.</td>
<td></td>
</tr>
</tbody>
</table>
Four journalists appeared at the Criminal Investigations Directorate Headquarters Kibuli on 22nd May 2018 following the summons that were issued by Mr. Kototyo William, the Director of Cyber and Financial Crimes. Andrew Irumba, Bob Atwine, Tadeo Ssenyonyi of Spy Uganda, Spy Reports and Business Focus respectively were grilled in relation to their online publications about the leaked bank and mobile money transaction details of Ms. Justine Bagyenda, the Director in Charge of Supervision at Bank of Uganda. Though Raymond Wamala of Spy Reports appeared, he was not interrogated.
<table>
<thead>
<tr>
<th>Name</th>
<th>Gender</th>
<th>Affiliation</th>
<th>Incident Description</th>
<th>Location</th>
<th>Legal Advice</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alomu Delux &amp; Anor</td>
<td>M</td>
<td></td>
<td>Alomu Delux and Opio Emmanuel, based at the Soroti Bureau were allegedly beaten and arrested by the stick wielding civilians in the company of the police two Police officers. Alex Abonya Alex Oitakon alias “MC” a resident of Katakwi town council who manhandled the journalists, tore their clothes and slapped them several times inflicting injuries on them.</td>
<td>Central Police Station, Katakwi</td>
<td>Legal Advice</td>
<td>The suspect is at large.</td>
</tr>
<tr>
<td>Watala Jean Paul</td>
<td>M</td>
<td>New Vision</td>
<td>On 24th July 2018, youths led by Wamunga Fred allegedly assaulted Jean Paul Watala a New Vision Reporter and damaged his camera, while covering local council elections.</td>
<td>Central Police Station, Mbale</td>
<td>Legal Advice</td>
<td>Investigations are still ongoing.</td>
</tr>
<tr>
<td>Ayub Kirinya</td>
<td>M</td>
<td>IUIU FM</td>
<td>On 16th August 2018 Ayub Kirinya, an IUIU FM journalist was allegedly assaulted by a police officer attached to Mbale Central Police Station, Richard Nzoge. Ayub was covering a demonstration by Mbale Market vendors who were protesting against the installation of a MAST by Mbale Municipal Council on the balcony of the market without their consultation.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
|------------|---|--------|---------------------------------------------------------------------------------
|             |   |        | Referred to National Coalition of Human Rights Defenders for medical support. |
|             |   |        | Case Closed, Journalist decided not to pursue the matter. |
Pictorial
13th June 2018

ALL BROADCASTERS

WARNING AGAINST PROMOTION OF HATE SPEECH AND INCITEMENT TO VIOLENCE

The Uganda Communications Commission has noted with concern the increasing incidences where broadcasters offer a platform to members of the public to express views that are inciting, discriminating, and stirring up hatred or violence against persons and groups in society. The Commission has noted an increase in this trend following the brutal murder of Hon. Ibrahim Abonga and his body guard on Friday the 8th of June 2016.

This platform is provided in the form of interviews, talk shows or people calling into stations during live phone-in shows, where presenters permit persons to promote views that express hatred, discrimination, stereotype against other persons and groups in our society on the basis of their political opinions, religions, tribes and offices.

As you are well aware, the Uganda Communications Commission (UCC) is mandated under sections 5(1)(b) of the Uganda Communications Act 2013 to set standards, monitor and enforce compliance relating to content.

Further, section 31 and schedule 4 of the Uganda Communications Act require all broadcasters to ensure that programs broadcast on the licensed platforms comply with the Minimum broadcasting standards and all laws of Uganda.

The Commission reminds broadcasters that they have an obligation to sieve content that is likely to cause undue offence, and breach of the Minimum Broadcasting Standards as clearly laid out in Section 31 and Schedule 4 of the Uganda Communications Act No. 1 of 2013.

The purpose of this letter, therefore, is to warn and remind all broadcasters to STRICTLY comply with their statutory and license obligations, failure of which will leave UCC with no alternative but to invoke regulatory sanctions under section 41 of the Uganda Communications Act 2013 and/or institute criminal proceedings against offending broadcasters at their own peril.

[Signature]

Fred Ocunu
AG. EXECUTIVE DIRECTOR

[20th anniversary logo]