



Inter-Parliamentary Union
For democracy. For everyone.

Uganda

*Decision adopted unanimously by the IPU Governing Council at its 209th session
(Nusa Dua, 24 March 2022)*



© Francis Zaake

UGA-19 – Robert Kyagulanyi Ssentamu (aka Bobi Wine)
UGA-20 – Francis Zaake
UGA-21 – Kassiano Wadri
UGA-22 – Gerald Karuhanga
UGA-23 – Paul Mwiru

Alleged human rights violations

- ✓ Torture, ill-treatment and other acts of violence
- ✓ Arbitrary arrest and detention
- ✓ Lack of due process at the investigation stage
- ✓ Lack of fair trial proceedings
- ✓ Violation of freedom of opinion and expression
- ✓ Impunity

A. Summary of the case

The complaint was initially received against the background of the by-election in Arua municipality in Uganda on 15 August 2018. Of the five members of parliament listed in the present case, only Mr. Francis Zaake was re-elected in 2021.

The five individuals were violently arrested on 14 August 2018, on the eve of the by-election, together with 29 other people, in the district of Arua, after President Yoweri Museveni's convoy was reportedly pelted with stones. According to credible reports and information gathered on the ground by the IPU Committee on the Human Rights of Parliamentarians, the parliamentarians were tortured and ill-treated while in

Case UGA-Coll-01

Uganda: Parliament affiliated to the IPU

Victims: Five male parliamentarians (including three young parliamentarians and a parliamentarian-elect); four independent and one opposition parliamentarian

Qualified complainant(s): Section I.1.(a) and (d) of the Committee Procedure (Annex I)

Submission of complaint: August 2018

Recent IPU decision: February 2021

IPU mission: January 2020

Recent Committee hearing: Hearing with the Ugandan delegation to the 144th IPU Assembly (March 2022)

Recent follow-up:

- Communications from the authorities:
Letter from the Attorney General (October 2018); letter from the Speaker of Parliament to the Minister of Foreign Affairs (November 2018); letter from the Speaker of Parliament (October 2019)
- Communication from the complainants: February 2022
- Communication to the authorities:
Letter to the Speaker of Parliament (March 2022)
- Communication to the complainants: March 2022

detention. All those arrested, including the five parliamentarians, were charged with treason, which in Uganda carries the death penalty. On 6 August 2019, the following additional charges were reportedly brought against them in relation to the same events: intent to annoy, alarm or ridicule the President, incitement to violence, disobedience of lawful orders, failure to prevent obstruction of traffic, confusion or disorder during a public meeting, and failure to give right of way to the President.

The complainants claim that due process guarantees have been violated from the outset, that the parliamentarians are victims of political repression, as there is no evidence to support the charges brought against them, and that no effective action has been taken to hold to account the security forces that mistreated them while arresting them.

The complainants further state that, at the time the complaint was first lodged, Mr. Kyagulanyi was a popular young parliamentarian, strongly supported, among others, by the four other parliamentarians in this case, and a well-known singer who enjoyed wide popularity among young people. Through his songs and parliamentary work between 2017 and 2021, he had been a vocal critic of President Museveni and his government. The complainants affirm that the authorities were doing everything possible to prevent Mr. Kyagulanyi from staging concerts and thus conveying his music and political message.

From 25 to 29 January 2020, a Committee delegation conducted an on-site mission to Uganda. Despite its specific request, the delegation was not able to obtain concrete information on possible ongoing cases against police officers in connection with the allegations of torture against the five members of parliament. The delegation was told that no information could be disclosed as the matter was *sub judice*. Among other concerns, the delegation regretted that no progress seemed to have been made towards investigating these allegations and urged the relevant authorities to conduct a prompt, impartial and independent investigation, including, where appropriate, the filing of specific torture charges against the perpetrators and the application of the corresponding penalties under domestic law. It also urged parliament to use its oversight powers effectively to this end.

Mr. Francis Zaake was detained by police and the military again on the evening of Sunday 19 April 2020 and released on 29 April 2020. According to information received, Mr. Zaake was severely tortured while in detention, denied access to his lawyer and family, food and independent medical attention. According to the complainants, Mr. Zaake was initially charged with disobedience of lawful orders for distributing food to his community during the COVID-19 pandemic. These charges were finally dropped in August 2020. On 9 August 2021, the Civil Division of the High Court of Uganda in Kampala (Miscellaneous Case No. 85 of 2020) ordered the Government to compensate Mr. Zaake with 75 million Ugandan shillings for the torture inflicted on him while in state custody in April 2020. In its ruling, the High Court declared that the infliction of pain and injury on Mr. Zaake during his detention by the Police infringed his fundamental human rights to dignity and freedom from torture and cruel, inhuman or degrading treatment or punishment protected under Articles 20, 24 and 44(a) of the Constitution of Uganda and that the period during which he was detained before he was arraigned in the Magistrate's Court at Mityana constituted unlawful and illegal detention and was in violation of his personal liberty under Article 23(4) and (b) of the Constitution of Uganda.

According to information received by the IPU, on 11 March 2022 Mr. Zaake lost his seat in the Parliamentary Commission, the governing body of the Uganda Parliament, following a vote on a motion moved to have him removed on grounds of misconduct. Mr. Zaake's removal comes after parliament also adopted a report of the Committee on Rules, Privileges and Discipline, which found him in breach of public trust and confidence because of statements he had made on social media. These statements apparently relate to statements made in parliament that seem to question the fact that he had been tortured in the past. At the hearing held during the 144th IPU Assembly, the Ugandan delegation stated that all legal and parliamentary proceedings that led to Mr. Zaake's removal from the Parliamentary Commission have been conducted in accordance with the law and other applicable regulations but that further information could not be provided at the current stage as the matter was before the courts.

B. Decision

The Governing Council of the Inter-Parliamentary Union

1. *Thanks* the delegation of Uganda for the information provided and for meeting with the Committee on the Human Rights of Parliamentarians during the 144th IPU Assembly to discuss the cases and concerns at hand;
2. *Welcomes* the decision of the Civil Division of the High Court of Uganda in Kampala on Case No. 85 of 2020, which ordered the Government to compensate Mr. Zaake for the torture inflicted on him while in state custody in April 2020; *reiterates*, however, its previous long-standing concerns relating to the impunity that seemingly reigns in the cases at hand with regard to the allegations of torture committed against the members of parliament in 2018; *sincerely hopes* that the above-mentioned court's decision in Mr. Zaake's case will encourage the Ugandan authorities to take more decisive action, in line with the recommendations made in the 2020 IPU [mission report](#), to ensure that the allegations of torture against the five members of parliament in 2018 are fully and effectively investigated, followed by whatever accountability steps are warranted as a result; and *requests* the parliamentary authorities to provide information on any relevant developments in this regard and on any action taken by parliament to this end;
3. *Expresses grave concern* about information received on steps taken to remove Mr. Zaake from the Parliamentary Commission as a result of statements made on social media; *reaffirms* that the freedom of expression of parliamentarians, including through their social media platforms, is a cornerstone of a democratic society and that it is crucial for parliamentarians to be able to express their opinions unhampered and without fear of reprisal; *considers* also that, even where speech can legitimately be sanctioned, an excessively harsh sanction, on its own, could represent a breach of the right to freedom of expression and exert a chilling effect on others, thereby deterring them from engaging even in legitimate speech; *requests*, in this regard, the parliamentary authorities to provide information concerning the reasons and parliamentary proceedings that led to Mr. Zaake's removal from the Parliamentary Commission;
4. *Requests* the Committee on the Human Rights of Parliamentarians to send a delegation to Uganda as soon as possible and as soon as the COVID-19-related public health situation permits, so as to meet with all authorities exercising legislative, executive or judicial powers, and any other institution, civil society organization or individual in a position to provide relevant information regarding the status of implementation of the recommendations made by the IPU 2020 mission report; *hopes* that the competent national authorities will cooperate fully and that the mission will help to swiftly find satisfactory solutions to this case in accordance with applicable national and international human rights standards; and *thanks* the Ugandan delegation to the 144th IPU Assembly for the assurances of support that it has given on this matter;
5. *Requests* the Secretary General to convey this decision to the Speaker of the Parliament of Uganda, the complainants and any third party likely to be in a position to supply relevant information;
6. *Requests* the Committee to continue examining this case and to report back to it in due course.