

Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; and the Special Rapporteur on the situation of human rights defenders

REFERENCE: UA
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Excellency,

We have the honour to address you in our capacity as Working Group on Arbitrary Detention; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; and Special Rapporteur on the situation of human rights defenders pursuant to Human Rights Council resolutions 24/7, 25/2, 24/5, and 25/18.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning allegations of acts of intimidation and reprisal, in the form of harassment, arbitrary arrest and detention, and charges of manslaughter, against **Mr. Douglas Bulongo**, a human rights defender, for his cooperation with the United Nations human rights mechanisms.

Mr. Douglas Bulongo is a human rights defender who focuses on refugee rights. He is the Executive Director of **United Association for Peace and Development (UAPD)**, a refugee led organization based in Kampala, Uganda. He has organized various activities for refugees such as informal education, health services, micro finance, peace education activities and urgent actions for those who are arrested and detained by the police. He contributed to a Universal Periodic Review (UPR) submission of Uganda organised by the Lutheran World Federation (LWF) in March 2016, and mobilized refugee opinion leaders to develop a separate UPR submission on refugee civic rights.

According to the information received:

From 28 February to 1 March 2016, Mr. Douglas Bulongo has participated in a workshop in Uganda, along with approximately 50 other civil society organizations working on refugee issues, organized by the Lutheran World

Federation (LWF) on a submission for the Universal Review Process (UPR) on Uganda.

On 1 March 2016, when he arrived home from the workshop, he encountered two persons outside his home who he spoke to briefly. At approximately 2 a.m., the same night, a group of armed men broke into his home and led all members of Mr. Bulongo's family to one room. Mr. Bulongo was instructed to bring his laptop. However, when he indicated he did not have it, he was instead asked to hand over all documents that he had brought home with him from the UPR workshop. Before leaving his home, the armed men took a number of valuable items along with the documents from the UPR workshop.

On 2 March 2016, Mr. Bulongo reported this incident to the local police in Namasuba, and was promised the case would be investigated. In the weeks that followed, Mr. Bulongo proceeded to report five more incidents to the police involving previous attacks by armed people with knives, sticks and guns. The police gave Mr. Bulongo a phone number to call in case he was attacked. However when he did call, the police did not respond to assist him.

On 19 March 2016, at approximately 2 a.m., when Mr. Bulongo heard people outside his home, he called the police three times and during the third call was told by a police officer: "You are a foreigner, and you came to Uganda with nothing, let Ugandans do what they want". At 3 a.m., as the noise had stopped, Mr. Bulongo went outside and found an unconscious man lying on his drive-way. Mr. Bulongo put the unconscious man in his car and drove to the Namasuba police station. He left the injured man at the police station and drove back home.

On 20 March 2016, at 8.30 a.m., Mr. Bulongo was arrested and detained by the Namasuba police and charged with murder. At 10 a.m., the Criminal Investigation Department (CID) Officer asked that Mr. Bulongo be transferred to Kibuye police station and that his wife and two colleagues also be arrested.

On 26 March 2016, the wife and two colleagues of Mr. Bulongo were released.

On 1 April 2016, Mr. Bulongo appeared before the Makindye Court where he was informed that the initial charge of murder filed against him was changed to manslaughter. He did not have legal representation as he could not afford it. Mr. Bulongo was then transferred to Luzira prison and has not had access to his family since then.

Serious concern is expressed at the recurrent harassment and intimidation of Mr. Bulongo, his subsequent arrest and detention, and the charges filed against him, which appear to be in reprisal for his cooperation with the United Nations, its representatives and mechanisms in the field of human rights, namely the Universal Periodic Review mechanism, and his peaceful and legitimate human rights work in the promotion and

protection of the rights of refugees. Concern is also expressed at the lack of responsiveness by the Namasuba police to the repeated complaints of Mr. Bulongo.

While we do not wish to prejudge the accuracy of these allegations, we would like to draw the attention of your Excellency's Government to the relevant international norms and standards that are applicable to the issues brought forward by the situation described above.

We would like to refer your Excellency's Government to articles 9, 19 and 22 of the International Covenant on Civil and Political Rights (ICCPR), which was ratified by Uganda on 21 June 1995. These provisions concern the right not to be subject to arbitrary detention, the right to freedom of opinion and expression, and the right to freedom of association.

We further would like to draw your Excellency's Government's attention to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders, in particular Articles 1, 2, 5, 6, 9, 12 and 17. We also refer to Human Rights Council resolution 13/13, which urges States to put an end to and take concrete steps to prevent threats, harassment, violence and attacks by States and non-State actors against all those engaged in the promotion and protection of human rights and fundamental freedoms.

We also wish to refer to Human Rights Council resolutions 12/2 and 24/24 which, inter alia, condemn all acts of intimidation or reprisal by Governments and non-State actors against individuals and groups who seek to cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights and calls upon all States to ensure adequate protection from intimidation or reprisals for cooperation with the United Nations, its representatives and mechanisms in the field of human rights.

We would also like to refer to Human Rights Council resolution 22/6, which provides for the right to "unhindered access to and communication with international bodies, in particular the United Nations, its representatives and mechanisms in the field of human rights, including the Human Rights Council, its special procedures, the universal periodic review mechanism and the treaty bodies, as well as regional human rights mechanisms".

Moreover, the 2015 report of the Secretary-General on cooperation with the United Nations, its representatives and mechanisms in the field of human rights (A/HRC/30/29) reiterates the Secretary-General's firm position that any act of intimidation or reprisal against individuals or groups for their engagement with the United Nations, its mechanisms and representatives in the field of human rights is completely unacceptable and must be halted, immediately and unconditionally (para. 47).

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of Mr. Bulongo in compliance with international instruments.

It is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or any comment(s) you may have on the above-mentioned allegations.
2. Please provide the full details and where available the results of any investigation, or judicial or other inquiry undertaken in relation to the several complaints filed by Mr. Bulongo. If no inquiries have taken place or if they have been inconclusive, please explain why. Please also provide details about the alleged lack of police assistance to Mr. Bulongo when he requested help following attacks against him.
3. Please provide the full details of the initial police investigation undertaken on 19 March 2016, when Mr. Bulongo brought the unconscious man to the police station to report the crime. If no initial investigation took place, please explain why.
4. Please provide information concerning the legal grounds for the arrest and detention of Mr. Bulongo and how these measures are compatible with international norms and standards as stated, *inter alia*, in the UDHR and the ICCPR.
5. Please provide detailed information about the outcome of the trial against Mr. Bulongo, and explain the justifications for not providing him with legal representation. Please explain how this is compatible with international human rights norms on due process and fair trial.
6. Please provide information on the legal procedures to review and appeal the decision to detain Mr. Bulongo, and on the measures taken to provide him a guarantee of a fair and impartial judicial procedure, as provided by international human rights norms.
7. Please kindly indicate what measures have been taken to ensure that human rights defenders in Uganda are able to carry out their legitimate work in a safe and enabling environment without fear of threats or acts of intimidation and harassment of any sort.

In addition, we would like to draw your Excellency's Government's attention to paragraph 23 of the methods of work of the Working Group on Arbitrary Detention, according to which, "after having transmitted an urgent appeal to the Government, the Working Group may transmit the case through its regular procedure in order to render an

opinion on whether the deprivation of liberty was arbitrary or not. Such appeals — which are of a purely humanitarian nature — in no way prejudice any opinion the Working Group may render. The Government is required to respond separately for the urgent action procedure and the regular procedure.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

José Guevara

First Vice-Chair on behalf of the Working Group on Arbitrary Detention

David Kaye

Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Maina Kiai

Special Rapporteur on the rights to freedom of peaceful assembly and of association

Michel Forst

Special Rapporteur on the situation of human rights defenders