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UNITED NATIONS
OFFICE OF THE UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS

SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL

**Mandates of the Special Rapporteur on the rights to freedom of peaceful assembly and of association;
the Special Rapporteur on the situation of human rights defenders; and the Special Rapporteur on
violence against women, its causes and consequences.**

REFERENCE: AL Assembly & Association (2010-1) G/SO 214 (107-9) G/SO 214 (89-15)
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Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the situation of human rights defenders; and Special Rapporteur on violence against women, its causes and consequences pursuant to Human Rights Council resolution 15/21, 16/5, and 16/7.

In this connection, we would like to draw the attention of your Excellency's Government to information we have received **concerning repeated acts of harassment and intimidation against Ms. Ingrid Turinawe.**

According to the information received:

On 20 April 2012, Ms. Ingrid Turinawe, who was on her way to the city of Kawempe in order to participate in a public rally organized by the For God and My Country (4GC) group, was stopped by the police. Ms. Turinawe reportedly requested police officers to clarify the reasons of her arrest and further asked them to provide her with a warrant of arrest. It is reported that several male police officers pounced on her. One police officer repeatedly squeezed her breasts with a tight fist while another police officer was trying to pull her out of her car. She was further forced to enter a police van, which brought her to the Kawempe police station. It is reported that while in the police van, two male police officers, who were standing behind her back, held her hands on her back whilst other police officers repeatedly slapped and kicked her body. At the Kawempe police station, she was reportedly subjected to an indecent search by two female police officers, in the presence of male police officers. According to the information received, she was forced to admit that she had committed a traffic-related offence. She was released two hours later.

It is reported that when she arrived at the Nansana Police station where her car was impounded, Ms. Turinawe discovered that the police had removed her number plate and that she had to go to the vehicle inspection division in Nakawa to get it back. In Nakawa, she was told that her car was in a very bad state of repair in contravention of traffic laws and that she would need to replace the damaged items to get her car back. She reportedly argued that the rear windscreen of the car had been broken by the police and that she would not replace it again. According to the information received, her car is still impounded.

A few days later, on 30 April 2012, Ms. Turinawe reportedly received an anonymous call threatening her life.

It is reported that Ms. Ingrid Turinawe as well as other activists calling for political reforms have been, over the past months, continually harassed and intimidated.

In October 2011, Ms. Turinawe, who was having dinner in a restaurant in Kamwokya, was physically assaulted by five men, who stole her bag, her mobile phone and her money. It is reported that one of the five men, who was overcome by the people who had witnessed the scene, explained that he was hired by the Government to obtain information from Ms. Turinawe. The suspect was allegedly released by the police two days later without any charges.

According to the information received, several rallies that the political pressure group 'For God and My Country' (4GC) intended to organize in the past months were denied authorization. It is alleged that this decision is based on the fact that most 4GC group members were part of the 'Activists for Change' (A4C) group, which was declared as an unlawful society by the authorities on 4 April 2012, one day before a planned demonstration.

During the first week of May, the 'For God and My Country' (4GC) group was also declared as an unlawful society as it reportedly used the national motto and contravened sections 3 and 4 of the National Flag and Armorial Ensigns Act.

Concern is expressed that the aforementioned acts of harassments and intimidation could be related to the victim's dissenting views and legitimate exercise of fundamental freedoms. In addition, concern is expressed that these acts form part of an ongoing trend of harassment against individuals and organizations working to ensure greater respect for human rights in Uganda.

While we do not wish to prejudge the accuracy of these allegations, we wish to appeal to your Excellency's Government to take all necessary steps to ensure the right to freedom of association, as recognized in article 22 of the International Covenant on Civil and Political Rights, which provides that "Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests".

In this context, we would like to refer to Human Rights Council resolution 15/21, and in particular operative paragraph 1, which "[c]alls upon States to respect and fully protect the rights of all individuals to assemble peacefully and associate freely,... including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law."

We would wish to recall article 4 (b) of the United Nations Declaration on the Elimination of Violence against Women, which stipulates that States should pursue by all appropriate means and without delay a policy of eliminating violence against women and, to this end, should refrain from engaging in violence against women. Furthermore, article 4 (c & d) of the Declaration notes the responsibility of States to exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons.

In this context, we wish to recall that the Committee on the Elimination of Discrimination against Women (CEDAW) in its general recommendation No. 19 (1992), defines gender-based violence against women as impairing or nullifying the enjoyment by women of human rights and fundamental freedoms, and constitutes discrimination within the meaning of article 1 of the Convention on the Elimination of All forms of Discrimination Against Women (ratified by your Excellency's Government on 22 July 1985), whether perpetrated by a State official or a private citizen, in public or private life. Thus, the Committee considers that States parties are under an obligation to act with due diligence to investigate all crimes, including that of sexual violence perpetrated against women and girls, to punish perpetrators and to provide adequate compensation without delay. In general recommendation No. 19, the Committee sets out specific punitive, rehabilitative, preventive and protective measures States should introduce to fulfil this obligation; in paragraph 9, it makes clear that "under general international law and specific human rights covenants, States may also be responsible for private acts if they fail to act with due diligence to prevent violations of rights or to investigate and punish acts of violence, and for providing compensation".

We would also like to bring to your Excellency's Government's attention to article 7 (c) of the International Convention on the Elimination of all forms of Discrimination against Women, which requires States Parties to take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right: (c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

In this connection, we would like to refer your Excellency's Government to the fundamental principles set forth in 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, and in particular articles 1 and 2 which state that "everyone has the right individually or in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels" and that "each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice".

Furthermore, we would like to bring to the attention of your Excellency's Government article 12 paras 2 and 3 of the Declaration which provide that the State shall

take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

Moreover, 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. Since we are expected to report on these cases to the Human Rights Council, we would be grateful for your cooperation and your observations on the following matters:

1. Are the facts alleged in the above summary accurate?
2. Has a complaint been lodged by or on behalf of Ms. Turinawe?
3. Please provide information concerning the legal grounds for the use of force during the arrest of Ms. Turinawe.
4. In the event that the alleged perpetrators are identified, please provide the full details of any prosecutions which have been undertaken; have penal, disciplinary or administrative sanctions been imposed on the alleged perpetrators?
5. Please provide full details of any protective measures which have been put in place to ensure the physical and psychological security and integrity of Ms. Turinawe in light of the alleged threat against her life.
6. Please provide information concerning the legal grounds for the decision to declare 'Activists for Change' and 'For God and My Country' groups as unlawful societies.
7. Please indicate what measures have been taken to ensure that the legitimate rights to associate freely and to expression are respected and that the physical and psychological integrity of those exercising this right is guaranteed.

We would appreciate a response within sixty days. Your Excellency's Government's response will be made available in a report to the Human Rights Council for its consideration.

While waiting for your response, we urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of individuals and organizations working to ensure greater respect for human rights in Uganda are respected

and, in the event that your investigations support or suggest the above allegations to be correct, the accountability of any person responsible of the alleged violations should be ensured. We also request that your Excellency's Government adopt effective measures to prevent the recurrence of these acts.

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

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

Margaret Sekaggya
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