

**Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment**

REFERENCE: AL  
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Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment pursuant to Human Rights Council resolutions 25/2, 24/6, and 25/13.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **alleged arbitrary arrest, detention, torture, denial of medical assistance, and charges against the journalist, Mr. Augustine Okello, for the exercise of his right to freedom of expression.** Mr. Okello is a journalist and former presenter for Lira-based *radio Rhino FM*.

According to the information received:

On 13 July 2011, plainclothes security officers, arrested Mr. Okello from the Pacific Grand Hotel in the Lira District, without producing a warrant. It is reported that his arrest was in retaliation for hosting numerous members of the opposition party and playing opposition party songs on his radio broadcast "the morning express".

From 13 to 19 July 2011, Mr. Okello was detained at Mbuya Military Barracks, where he was reportedly tortured by state agents who subjected him to electric shocks, poured cold water on him and beat him all over his body. Mr. Okello was forced under torture to sign a false confession. As a result of the torture, he reportedly sustains permanent injuries, suffering from constant chest pain, as well as injuries to his right hand. Although Mr. Okello was subjected to a medical examination, he reportedly did not receive adequate medical treatment for his

injuries. On 19 July 2011, the Government transferred Mr. Okello to the Rapid Response Unit, in Kireka, currently known as the Special Investigations Unit.

On 1 August 2011, Mr. Okello was brought before the Buganda Road Magistrate's Court following a *habeas corpus* petition submitted by the Human Rights Network for Journalists-Uganda. The Court remanded him to Luzira Maximum Security Prison. Mr. Okello was charged with treason based on claims that he has been recruiting and arming rebels in the country; that he is a former member of the Ugandan army loyal to the previous Government under President Milton Obote; and that he attempted to restore the former Government. Mr. Okello reportedly faces charges for treason under section 23 of the Ugandan Penal Code Act and concealment of Treason under section 25 of the Penal Code Act, offences that incur in sentences of the death penalty or life imprisonment, respectively. Mr. Okello denies all charges.

On 26 July 2012, Mr. Okello was released on bail upon the payment of 8,000,000 Ugandan Shillings in cash (approximately US\$ 2,400). His sureties paid an additional sum of 10,000,000 Ugandan Shillings (approximately US\$ 3,000). The Court ordered Mr. Okello to remain within the local limits of the Lira Municipality and to check in with the Deputy Registrar Criminal Division in Kampala once a month.

On 23 January 2015, Mr. Okello requested a review of his bail conditions. He filed an application for review at the High Court, as was instructed by the Government on 22 September 2015. Mr. Okello has not heard from the Court since.

Mr. Okello remains under stringent bail conditions for over three years and is currently awaiting the start of his trial.

We wish to express grave concern about the alleged arbitrary arrest, detention and torture, as well as the pending charges against Mr. Okello and the death sentence or life imprisonment he could face. While we take note of the bail granted to Mr. Okello, serious concern is also expressed for Mr. Okello's right to a fair trial and due process, including the use of a confession extracted through torture as evidence in a trial. We are also concerned that no date has been set for his trial since he was charged in August 2011. We express further serious concern about the physical and psychological integrity of Mr. Okello, in particular as a result of his alleged previous torture and ill-treatment and the lack of adequate and timely medical treatment while in detention.

Serious concern is expressed for the allegations that indicate that his targeting relates to his work as a journalist and the legitimate exercise of his right to freedom of expression and his supposed link with members of the opposition party. Serious concern is expressed about the broader effect that the above-mentioned allegations may have on the enjoyment of the rights to freedom of opinion and expression, and freedom of

association in Uganda, including a situation of fear and self-censorship for individuals and groups, particularly those with dissenting views.

In connection with the above alleged facts and concerns, please refer to the **Reference to international law Annex** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

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 therefore be grateful for your observations on the following matters:

1. Please provide any additional information and comments you may have on the above-mentioned allegations.
2. Please provide detailed information on the legal grounds for the previous arrest and detention of Mr. Okello, specifying how the authorities' actions are compatible with international human rights norms and standards as stated, inter alia, in the International Covenant on Civil and Political Rights.
3. Please provide information about the legal basis for the bail conditions against Mr. Okello, including reference to the period of time for which they have been ongoing.
4. Please provide information about the trial of Mr. Okello, including in relation to the use of a confession allegedly extracted under torture, indicating all the measures taken to ensure his right to fair trial and all the guarantees of due process, in compliance with international norms and standards.
5. Please provide information about the measures taken to ensure the physical and psychological integrity of Mr. Okello, particularly given his health condition as a result of alleged torture suffered during detention, and kindly provide information regarding current policies for ensuring that prisoners have access to adequate medical treatment.

We would appreciate receiving a response within 60 days.

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 persons responsible for 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.

David Kaye

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

Dainius Puras

Special Rapporteur on the right of everyone to the enjoyment of the highest attainable  
standard of physical and mental health

Juan E. Méndez

Special Rapporteur on torture and other cruel, inhuman or degrading treatment or  
punishment

**Annex**  
**Reference to international human rights law**

In connection with above alleged facts and concerns, we would like to refer to the International Covenant on Civil and Political Rights (ICCPR), acceded to by Uganda on 21 June 1995, in particular articles 19 and 22 relative to the rights to freedom of opinion and expression and to freedom of association.

We also would like to recall General Comment No. 34 of the Human Rights Committee that urges States Parties to protect against attacks aimed at silencing those exercising their right to freedom of expression. The Committee has recognized that journalists are frequently subjected to threats, intimidation and attacks, including arbitrary arrest and torture. According to the Committee, Article 19 not only implies an obligation to thoroughly and speedily investigate such attacks, but also to bring the perpetrators to justice and to ensure that victims have access to appropriate forms of remedies (CCPR/C/GC/34).

In this context, we would also like to remind your Excellency's Government of the UN Human Rights Council Resolution 27/5 on the safety of journalists adopted on 2 October 2014, which strongly condemns attacks and violence against journalists as well as impunity for such conduct. The Resolution calls upon States to provide a safe and enabling environment that allows journalist to carry out their legitimate work independently and without undue interference.

We would like to remind your Excellency's Government of the absolute and non-derogable prohibition of torture and other ill-treatment as codified in articles 2 and 16 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), which Uganda ratified on 3 November 1986. In particular, we would like to draw the attention of your Excellency's Government to article 15 of the Convention against Torture provides that, "Each State Party shall ensure that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made".

We would like to draw the attention of your Excellency's Government to "the Mandela Rules" (a revised version of the Standard Minimum Rules adopted unanimously at the 70th session of the UN General Assembly in Resolution A/RES/70/175 on 17 December 2015). Rule 27(1) states that "all prisons shall ensure prompt access to medical attention in urgent cases. Prisoners who require specialized treatment or surgery shall be transferred to specialized institutions or to civil hospitals. Where a prison service has its own hospital facilities, they shall be adequately staffed and equipped to provide prisoners referred to them with appropriate treatment and care". Further, Rule 34 states that "if, in the course of examining a prisoner upon admission or providing medical care to the prisoner thereafter, health-care professionals become aware of any signs of torture or other cruel, inhuman or degrading treatment or punishment, they shall document and report such cases to the competent medical, administrative or judicial authority. Proper

procedural safeguards shall be followed in order not to expose the prisoner or associated persons to foreseeable risk of harm”.

Regarding the physical and psychological integrity of Mr. Okello, in particular as a result of the alleged torture and ill-treatment suffered in detention, and the lack of adequate and timely medical treatment, we would like to refer your Excellency's Government to article 12 of the Covenant on Economic, Social and Cultural Rights, ratified by Uganda on 21 January 1987. Article 12 establishes that States have an obligation to *respect* the right to health by, *inter alia*, refraining from denying or limiting equal access for all persons, including prisoners or detainees to preventive, curative and palliative health services. (General Comment 14, Para.34) In addition, we would like to underline the Basic Principles for the Treatment of Prisoners, adopted by General Assembly resolution 45/111, according to which prisoners should have access to the health services available in the country without discrimination on the grounds of their legal situation (Principle 9).