

**Mandates of the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the right to privacy and the Special Rapporteur on violence against women and girls, its causes and consequences**

Ref.: AL UGA 6/2022  
(Please use this reference in your reply)

9 December 2022

Excellency,

We have the honour to address you in our capacities as Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the right to privacy and Special Rapporteur on violence against women and girls, its causes and consequences, pursuant to Human Rights Council resolutions 45/3, 44/5, 43/4, 43/16, 46/16 and 50/7.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning Ms. **Esther Alexandra Marinos** and human rights defender Mr. **Mushldi Zalqaw Mutebi**, who were allegedly subjected to enforced disappearance, arbitrary detention, torture and ill-treatment, including sexual assault by members of the Ugandan security forces. We are also concerned about information received concerning journalist Mr. **Lawrence Kitatta**, who is subjected to harassment, intimidation and retaliation for his journalistic work.

Concerns regarding human rights violations against individuals and civil society actors in Uganda on the basis of perceived support or affiliation with the political opposition are not new and have been the subject of several communications by several Special Procedures' mandate-holders (including most recently: [UGA 4/2021](#); [UGA 3/2021](#); [UGA 1/2021](#); [UGA 5/2020](#); [UGA 4/2020](#); [UGA 3/2020](#); [UGA 3/2019](#)). Additionally, the Working Group on Enforced or Involuntary Disappearances adopted a [General Allegation](#) during its 127<sup>th</sup> session in May 2022, regarding serious allegations of human rights violations committed by the Ugandan security forces before, during or after the January 2021 general election. More specifically, on a series of extrajudicial killings, enforced disappearance, torture and ill-treatment, and arbitrary detention of several government critics. Moreover, allegations of serious human rights violations against the LGBTAQ+ community in Uganda have also been transmitted to your Excellency's Government on numerous occasions (including most recently: [UGA 3/2022](#); and [UGA 5/2021](#)).

We regret that, despite the seriousness of the matters raised in these communications, your Excellency's Government has consistently failed to provide a response to any of these allegations. We urge your Excellency's Government to provide precise and detailed responses to each of them at the earliest convenience.

According to the new information received:

*Systematic use of Government “drone” vehicles to target Government critics*

Security agencies in Uganda, namely the Chieftaincy of Military Intelligence (CMI), Internal Security Organization (ISO), Special Forces Command (SFC), are carrying out with complete impunity abductions and enforced disappearance of civilians and journalists in Kampala and its outskirts.

These practices are reported conducted by armed personnel, who carry out surveillance in unmarked Toyota Hiace vans with no registration or number plates. These vans are popularly known as “drones”. After having been subjected to surveillance, persons are forcibly abducted, forced into these “drones” and transported to secret detention facilities, where they are held for varying periods of time. There, they are usually subjected to torture and ill-treatment, before being dropped off back on to the streets. In certain cases, the fate and whereabouts of persons abducted remain unknown.

In the lead up to, during and after, the January 2021 general election, the use of “drones” to carry out arbitrary arrests significantly increased. The systematic use of “drones” and their association to arbitrary arrests, enforced disappearance and police brutality has instilled fear among people, journalists and political opposition members, so much so that, when spotting such “drones” in the streets, many people flee and seek refuge.

*Case of Ms. Esther Alexandra Marinos*

Ms. Esther Alexandra Marinos, a 31-year-old resident of Mbuya, Kampala, was abducted from her home by members of the CMI, for being a supporter of Mr. Robert Kyagulanyi (pen name “Bobi Wine”) and playing his music. She was subsequently forcibly disappeared. Bobi Wine is a 40 year-old musician turned politician, he is the leader of the National Unity Platform (NUP), the main opposition party in Uganda. He was a presidential candidate in the concluded 14 January 2021 general elections.

On 30 March 2022, at around midnight, six armed men went to Ms. Marinos’ house in a “drone” and knocked on the door, asking to speak to her. Four were dressed in military uniform and two in plain clothes. She recognized the two men in civilian clothing who had on a previous occasion detained her. They questioned her about Bobi Wine’s next steps and specifically about his son’s sexual orientation and behavior. She told them she is just a supporter and had no details about his plans. During the questioning, they hit her at the back of the neck with an object. They grabbed her, handcuffed her, put her in the “drone” vehicle and drove to an unknown location.

Upon arrival, Ms. Marinos, who was blindfolded and handcuffed, was taken into a building. She heard voices of several people echoing in adjacent or near rooms. After about ten minutes, she was moved to a separate room. They passed a rope through the handcuffs and tied it to a beam above her head with her toes suspended on the table, still blindfolded. The men started beating her on her buttocks, while pouring liquid on her. They accused her of being associated with Bobi Wine and questioned her about his plans. They asked her

if she had ever been injected with substances in her nails and told her that they would continue to beat her until she told them what they wanted to hear. When they concluded, one of the men was told to return her back with the other detainees. The man untied her and told her “you now can realize that we can torture”. He bent her on a chair and raped her. He then took her back to another room with the detainees.

On 2 April 2022, Ms. Marinos was dumped on the roadside. The men threatened to kill her if she ever disclosed her arrest, detention and treatment to the media. They told her they would bring paperwork to her home to sign. Ms. Marinos asked a person passing by about her whereabouts. She was told she was in Kitintale, a suburb in Kampala. Ms. Marinos travelled to reach a person known to her, who rushed her to a local clinic. When the doctor saw her, he was at first sceptical about providing her medical care for fear of reprisals after he had discovered what happened to her, but later tended to her injuries. Ms. Marinos later spoke to the media and gave an interview about her abduction and torture.

On 6 April 2022, Ms. Marinos went to Kinawataka Police Station to file a case, she explained her ordeal and told them the hospitals could not record her rape case without a police reference. The policemen refused to record her testimony or give her a reference, and they advised her to go to another Police Station. They shut off the lights and left the reception and locked themselves in their offices. For fear of her life, Ms. Marinos decided to leave the Station.

Ms. Marinos continued receiving care privately at her home for a few days. On 14 April 2022, Ms. Marinos went to Kisubi Hospital (Our Lady of Consolata Kisubi Hospital) on Entebbe Road to receive further treatment.

On 17 April 2022, the military officers returned to Mr. Marinos’ home, in uniform and armed and beat her up. She was rescued by neighbours who came to her aid.

#### *Case of Mr. Mushldi Zalqaw Mutebi*

Mr. Mushldi Zalqaw Mutebi, a 34 year-old vendor and polling agent (monitor) in Entebbe, was reportedly abducted, forcibly disappeared for eight days in an unknown detention facility and subjected to torture and ill-treatment.

On 14 January 2021, when voting for presidential elections were being held across the country, Mr. Mutebi was assigned to observe the polling station at Omega International Ministries at Namasuba, Entebbe Road. At around 7pm, Mr. Mutebi and three others were leaving the polling station and were approached from behind by four armed security agents in military uniform and two other men in plain clothes.

One of his colleagues, who was carrying copies of the declaration forms (voting results forms) ran off. The remaining three were instructed to be quiet and not make a sound. The officers proceeded to arrest them. One of the officers kicked Mr. Mutebi in the chest and placed his boot on his neck. They put them in a “drone”, put black hoods over their heads and drove off to an unknown location. During the drive, the officers were speaking in several

languages including Swahili and English.

Upon arrival at their location, Mr. Mutebi was undressed: his shirt, pants and shoes were taken off, his hands were tied in his back, and he was suspended to the wall on a hook. He was interrogated about the work he was doing. They asked him who had the declaration forms and what was “Bobi Wine’s plan B”. The men said that they would not give him food. He was left tied up overnight.

The following day, the officers came back and started beating him while pouring water on him. They continued to ask him about the declaration forms and “Bobi Wine’s plan B”. For the next 8 days Mr. Mutebi remained tied up. He was forced to drink his own urine and forced fed while his hands were tied behind his back. One day, an officer told him that he would be interrogated again and that if he told the truth, the officers would give him an agreement to sign and he would be released. Mr. Mutebi agreed to this.

Shortly afterwards, three men came in and asked him about “Bobi Wine’s plan B” and asked why he supports him. Mr. Mutebi denied having any knowledge any plan and said he only followed him for fun. He was informed that he would be released. Threats were made against his family and his life should he continue to support Bobi Wine.

On the following morning, at around 5am, Mr. Mutebi was put in a “drone” and dumped around Aero beach on Entebbe Road. On the way, one of the officers suggested that they cut his neck and leave him to die. Another officer sliced his neck with a surgical blade, and they dropped him on the roadside. Mr. Mutebi was assisted by a passer-by and taken to a local clinic, where he received treatment and called his family. Mr. Mutebi did not report the incident to the Police out of fear of reprisals.

#### *Case of Mr. Lawrence Kitatta*

Mr. Lawrence Kitatta, a 31-year-old photojournalist and reporter at New Vision located at First Street, Industrial Area, Kampala, has been the subject of repeated harassment and intimidation by security personnel for his reporting about human rights abuses in Uganda.

On 22 February 2022, Mr. Kitatta was covering a demonstration at Nakasero, near the home of the Speaker of the Parliament, when he and a few other journalists were approached by security officers, some wearing blue-dotted uniforms, and were asked for their work identification cards. The officers dispersed and chased away the protestors the journalists. One of the officers put on a balaclava and started beating the journalists, while Mr. Kitatta continued taking pictures. The same officer then turned to Mr. Kitatta and kicked him so hard in the testicles that he fell onto the road, and was nearly run over by a vehicle.

The next few days, Mr. Kitatta was kept under surveillance and followed by unknown persons on multiple occasions while going about his day-to-day business. On 28 February 2022, his surveillance was confirmed by his office which was advised to report to police.

On 12 March 2022, at around lunch time, security officers camped outside New Vision offices. There were 12 armed men operating a “drone”. The armed men were wearing black sunglasses, gumboots, and black overalls. They were spread out in groups conducting surveillance of both the entry and exits of the office premises and a “drone” with running engine was parked across the street. The described situation continued for about 5 hours. Mr. Kitatta was at the office during this time and was advised for security reasons not to exit. His office colleagues were questioned by the officers about Mr. Kitatta’s whereabouts.

On 14 March 2022, armed men driving in a “drone” wearing plain clothes raided Mr. Kitatta’s home in Bweyogerere at around 2pm. They closed off all the streets leading to Mr. Kitatta’s home and entered the gate and his home. They looked for his computer and ransacked his house but did not find the device. They took his relative’s cell phone. Following this, Mr. Kitatta and his lawyer reported the case to the Jinja Road Police Station and opened a case under reference GEF: 14/2022. He also recorded a statement at the police station detailing what was happening.

On a separate occasion, Mr. Kitatta received a phone call from a family member who informed him that armed men had raided his house again, looking for him. This time they did not take anything. After a few days, Mr. Kitatta’s family relocated to a new house.

For a few months Mr. Kitatta was out of the country. Upon his return in July 2022, he learnt that the security officers were still watching his home: they would park outside for hours and ask his wife about his whereabouts.

Mr. Kitatta has fled the country out of fear of his life.

While we do not wish to prejudge the accuracy of this information, we express our grave concern at the allegations of enforced disappearance, arbitrary detention, humiliation, torture and ill-treatment, including sexual assault of Ms. **Esther Alexandra Marinos** and Mr. **Mushldi Zalqaw Mutebi**. We are also deeply concerned by alleged deliberate and systematic attempt to intimidate and silence Mr. **Lawrence Kitatta**. We are gravely alarmed by the systematic use of “drone” vehicles by security personnel to conduct surveillance and incite fear, intimidation and harassment.

Should the facts alleged above be confirmed, they would amount to a violation of the absolute and non-derogable prohibition of arbitrary deprivation of liberty, enforced disappearance and torture and other cruel, inhuman or degrading treatment or punishment, which are respectively codified in article 7 of the United Nations Declaration on the Protection of All Persons from Enforced Disappearance and articles 2 and 16 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), ratified by the state of Uganda in 1986. These acts would also constitute a violation of articles 6, 7, 9, 10, 16, 17, 19, 22 and 25 of the International Covenant on Civil and Political Rights (ICCPR), which Uganda ratified in 1995. These articles guarantee the right to life, rights to liberty and security, the prohibition of torture and other cruel, inhuman or degrading treatment or punishment, the right to recognition as a person before the law, the freedom of expression and association, and the right to take part in public life and service.

Similarly, they would entail a violation of article 2 (3) of the ICCPR, which enshrines the right to an effective remedy.

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

As 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 comment(s) you may have on the above-mentioned allegations.
2. Please provide information about the legal and factual ground justifying the arrest, abduction, detention for several days in a secret detention facility of Ms. **Esther Alexandra Marinos** and Mr. **Mushldi Zalqaw Mutebi**.
3. Please provide information about the legal and factual grounds justifying the beating and ill-treatment on 22 February 2022 of Mr. **Lawrence Kitatta** by security officers and the subsequent systematic surveillance, harassment and intimidation likely aimed at arresting and silencing him.
4. Please provide detailed information about the legal authority defining the powers of arrest, detain, interrogate of civilians of the Chieftaincy of Military Intelligence (CMI), the Internal Security Organization (ISO), Special Forces Command (SFC), and the precise location of the office where they are authorized to detained persons.
5. Please provide detailed information, and where available the results, of any investigation, and judicial or other inquiries carried out in relation to what appears to be the arbitrary arrest and detention, enforced disappearance and torture of Ms. **Esther Alexandra Marinos** and Mr. **Mushldi Zalqaw Mutebi**. If no investigation has been initiated, please explain why and how this is compatible with the international human rights obligations of Uganda.
6. Please provide precise information about the steps taken by the relevant authorities to investigate the allegations of sexual abuse and rape of Ms. **Esther Alexandra Marinos** while she was secretly held by the security personnel who abducted and detained her.
7. Please provide information on the protection measures taken to ensure the physical and psychological integrity of Ms. **Esther Alexandra Marinos**, Mr. **Mushldi Zalqaw Mutebi** and Mr. **Lawrence Kitatta** after they reported receiving death threats.
8. Please provide detailed information on the steps taken to investigate what appears to be an attempt to murder Mr. **Mushldi Zalqaw Mutebi**

by slicing his throat with a sharp blade before being dropped early in the morning near Aero beach on the side of Entebbe Road.

9. Please explain how the alleged harassment and intimidation of journalist Lawrence Kitatta is compatible with the state of Uganda's obligations under articles 19 and 22 of the International Covenant on Civil and Political Rights (ICCPR) that respectively guarantee the right to freedom of opinion, expression, information and association.
10. Please provide detailed information about the reporting lines/chain of command of the different state security agencies authorized to arrest and detain persons in Uganda, and what mechanisms exist to supervise and control their activities.
11. Please indicate what precise legal, institutional, and procedural measures are in place in Uganda to meet the state's international human rights obligations about the respect, in policy and practice, of the absolute prohibition of torture, arbitrary detention and enforced disappearance.
12. Please provide detailed information on existing measures to ensure that forced confessions and any self-incriminating evidence obtained under duress or while intimidating secret interrogations are effectively identified and declared inadmissible in judicial proceedings.
13. Please provide information on measures to ensure the right of persons to obtain redress and an effective remedy for such human rights violations as arbitrary arrest and detention, enforced disappearance, sexual assault and torture and ill-treatment. If no such measures exist, please explain how this is compatible with the international human rights obligations of Uganda.
14. Please provide information on how the Government ensures that any person having knowledge or legitimate interest, who alleges that a person has been subjected to enforced disappearance is able to lodge a complaint to a competent and independent State authority. How does the Government ensure that complaints are promptly, thoroughly, independently and impartially investigated by that authority?
15. Please provide information on current measures in place to protect the legitimate work of members and supporters of the political opposition, activists and human rights defenders in the country. Numerous and similar allegations highlighting the continuing and systematic practice of arbitrary arrest, secret incommunicado detention and enforced disappearance as well as torture and ill-treatment, throughout the country have been transmitted to your Excellency's Government in the past. In this regard, please kindly provide specific details of any measure or public engagement by the authorities aimed at ensuring that these persons can freely carry out their legitimate human rights work without fearing harassment, threats or any form of violence by the security forces or state institutions.

16. What steps are taken to prevent and punish acts of reprisals against individuals or groups for cooperating with the United Nations, including its human rights mechanisms.
17. Article 17 of the ICCPR provides that no one shall be subjected to arbitrary or unlawful interference with his or her privacy. Please provide information on how the reported surveillance measures (use of unmarked vehicles known as “drones”) and practices aimed at spreading fear among the population, which under international human rights law, must be prescribed by law, must be necessary to achieve a legitimate aim, and must be proportionate to the aim pursued, are in accordance with that ICCPR provision.

This communication and any response received from your Excellency’s Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we call on Your Excellency’s Government to halt the alleged violations against Ms. Esther Alexandra Marinos, Mr. Mushldi Zalqaw Mutebi and Mr. Lawrence Kitatta; to ensure the effective protection of their life, personal security and integrity; to prevent the re-occurrence of the acts alleged against them; and, in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible.

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

Aua Baldé  
Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances

Morris Tidball-Binz  
Special Rapporteur on extrajudicial, summary or arbitrary executions

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

Mary Lawlor  
Special Rapporteur on the situation of human rights defenders

Ana Brian Nougrères  
Special Rapporteur on the right to privacy

Reem Alsalem  
Special Rapporteur on violence against women and girls, its causes and consequences



## Annex

### Reference to international human rights law

In connection with above alleged facts and concerns, we would like to remind your Excellency's Government of its obligations under the International Covenant on Civil and Political Rights (ICCPR), ratified on 21 June 1995, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), acceded to on 3 November 1986, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), ratified on 22 July 1985, and the United Nations Declaration on the Protection of All Persons from Enforced Disappearances.

In particular, we refer your Excellency's Government to articles 6, 7, 9, 10, 16, 19, 22, and 25, read alone and in conjunction with article 2(3), of the ICCPR which guarantee the rights to life, not to be subject to torture or to cruel, inhuman or degrading treatment or punishment, to liberty and security, to be treated with humanity when deprived of liberty, to recognition everywhere as a person before the law, to freedom of opinion and expression, to freedom of association and to participate in political and public affairs, respectively and to the right to effective remedy. The right to life enshrined in article 6 of the ICCPR and article 3 of the Universal Declaration of Human Rights (UDHR) constitutes an international customary law and *jus cogens* norm from which no derogation is permitted under any circumstances. Moreover, we would like to remind your Excellency's Government of the absolute and non-derogable prohibition of torture and other cruel, inhuman or degrading treatment or punishment as an international norm of *jus cogens*, is reflected inter alia, in article 5 of the Universal Declaration of Human Rights (UDHR), as well as articles 2 and 6 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). Similarly, the prohibition of enforced disappearance and the corresponding obligation to investigate and punish those responsible have attained the status of *jus cogens*.

We would like to remind your Excellency's Government of the absolute and non-derogable prohibition of torture and other cruel, inhuman or degrading treatment or punishment, as an international norm of *jus cogens*, and as reflected inter alia, in Human Rights Council Resolution 25/13 and General Assembly Resolution 68/156.

We would also like to recall the Special Rapporteur on Torture's report to the Human Rights Council, in which he stressed that "rape and other serious acts of sexual violence by officials in contexts of detention or control not only amount to torture or ill-treatment, but also constitute a particular egregious form of it, due to the stigmatization they carry" ([A/HRC/7/3](#), para. 69).

In this context, we would also like to draw the attention of your Excellency's Government to paragraph 1 of General Assembly Resolution 74/143 (2019), which "[c]ondemns all forms of torture and other cruel, inhuman or degrading treatment or punishment, including through intimidation, which are and shall remain prohibited at any time and in any place whatsoever and can thus never be justified, and calls upon all States to implement fully the absolute and non-derogable prohibition of torture and other cruel, inhuman or degrading treatment or punishment".

Furthermore, we would like to draw the attention of your Excellency's Government to paragraph 27 of General Assembly Resolution 74/143 (2019), which, "[r]eminds all States that prolonged incommunicado detention or detention in secret places can facilitate the perpetration of torture and other cruel, inhuman or degrading treatment or punishment and can in itself constitute a form of such treatment, and urges all States to respect the safeguards concerning the liberty, security and dignity of the person and to ensure that secret places of detention and interrogation are abolished"

We draw your Excellency's Government's attention to the United Nations Declaration on the Protection of All Persons from Enforced Disappearances, which establishes that no State shall practice, permit or tolerate enforced disappearances. The Declaration also proclaims that each State shall take effective legislative, administrative, judicial or other measures to prevent and terminate acts of enforced disappearance in any territory under its jurisdiction. We also make reference to articles 7, 10 to 13 and 19 of the Declaration on the Protection of all Persons from Enforced Disappearance, which states no circumstances may be invoked to justify enforced disappearances; that persons deprived of liberty shall be held in an officially recognized place of detention; and that their release is conducted in a manner permitting reliable verification; that national laws shall indicate those officials authorized to order deprivation of liberty and stipulate penalties for violations; that any person having knowledge or a legitimate interest who alleges that a person has been subjected to enforced disappearance has the right to complain to a competent and independent State authority and to have that complaint promptly, thoroughly and impartially investigated by that authority. Whenever there are reasonable grounds to believe that an enforced disappearance has been committed, the State shall promptly refer the matter to that authority for such an investigation, even if there has been no formal complaint. Article 13 also states that steps shall be taken to ensure that all involved in the investigation, including witnesses, are protected against ill-treatment, intimidation or reprisal. Lastly, article 19 provides that victims of acts of enforced disappearance and their family shall obtain redress and shall have the right to adequate compensation.

We also note the importance of providing legal remedies for victims of sexual and gender-based violence and to strengthen gender responsiveness and gender sensitivity of the justice system, in reference to the Committee on the Elimination of Discrimination against Women general recommendation No. 30 (2013) on women in conflict prevention, conflict, and post-conflict situations (CEDAW/C/GC/30) and general recommendation No. 33 (2015) on women's access to justice. These concerns were reiterated in the Committee's recent concluding observation on the combined eighth and ninth periodic report for Uganda (CEDAW/C/UGA/CO/8-9).

We further make reference to Working Group on Enforced or Involuntary Disappearances' General comment on women affected by enforced disappearances (A/HRC/WGEID/98/2), which highlights that, when women are victims of enforced disappearances because they are women, they are also victims of gender-based violence, consequently State are obligated to protect them with proper understanding and underscoring their needs. We also make reference to the Working Group's study on Enforced disappearance and economic, social and cultural rights (A/HRC/30/38/Add.5), in particular paragraph 33-37 which highlights the chilling effect of the disappearance of journalists and human rights defender and states are called on to, "ensur[e] the existence of and respect for cultural diversity and the

existence of space where multiple opinions, positions and interpretations of history can find their expression in the public sphere diminishes the level of vulnerability of those questioning in one way or another mainstream ideas and positions, and so prevents against targeting of human rights defender” (para 49).

Under article 9.1 of the ICCPR “[n]o one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.” Moreover, article 9.2 stipulates that the person must be informed, at the moment of the arrest, about the reasons for such deprivation of liberty; in addition, the information about the charges against the person should be provided without delay. According to article 9.3, anyone deprived of his or her liberty “shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release.” Article 9.4 provides that “[a]nyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful”. Furthermore, article 10 states that, “all persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person”.

We would like to draw your attention to the right to privacy, which is enshrined in article 12 of the Universal Declaration of Human Rights and article 17 of the ICCPR, which state that no one should be subjected to “arbitrary or unlawful interference with his privacy, family, home or correspondence”. Article 17(1) of the ICCPR provides for the rights of individuals to be protected, inter alia, against unlawful or arbitrary interference with their privacy and correspondence, and provides that everyone has the right to the protection of the law against such interference. “Unlawful” means that no interference may take place except in cases envisaged by the law which in itself must comply with provisions, aims and objectives of the ICCPR. Arbitrariness “is not confined to procedural arbitrariness, but extends to the reasonableness of the interference with the person’s rights under article 17 and its compatibility with the purposes, aims and objectives of the Covenant” (CCPR/C/59/D/558/1993).

UN resolution A/HRC/RES/34/7 recognises “that the right to privacy can enable the enjoyment of other rights and the free development of an individual’s personality and identity, and an individual’s ability to participate in political, economic, social and cultural life, and noting with concern that violations or abuses of the right to privacy might affect the enjoyment of other human rights, including the right to freedom of expression and to hold opinions without interference”.

Article 19 of the ICCPR guarantees the right to freedom of expression, which includes “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”. Under article 19 (3) of the ICCPR, any restriction on the right to freedom of expression must be: (i) provided by law; (ii) serve a legitimate purpose; and (iii) be necessary and proportional to meet the ends it seeks to serve. In this context, we would like to underscore that the deprivation of liberty as punishment for the legitimate exercise of the rights to freedom of opinion and expression and freedom of assembly and association is arbitrary. As such, article 19, provide protection for, inter alia, political discourse, commentary on one’s own and on public affairs, discussion on human rights, journalism, among others

(Human Rights Committee, General Comment no. 34, para. 11). While all restrictions must comply with the requirements of necessity and proportionality, the penalisation of a journalist solely for being critical of the government or the political social system espoused by the government can never be considered to be a necessary restriction of freedom of expression (CCPR/C/GC/34 para. 42). In this connection, we recall that the Human Rights Council, in its Resolution 12/16, called on States to refrain from imposing restrictions which are not consistent with article 19(3), including: discussion of government policies and political debate; reporting on human rights; engaging in peaceful demonstrations or political activities, including for peace or democracy; and expression of opinion and dissent, religion or belief, including by persons belonging to minorities or vulnerable groups. We would like to remind your Excellency's Government of its positive obligation as required by article 2 of the ICCPR, to ensure that they are fully discharged not just against violations of Covenant rights by its agents, but also against acts committed by private persons or entities that would impair the enjoyment of Covenant rights in so far as they are amenable to application between private persons or entities (General Comment 31, para 8).

Article 22 of the ICCPR guarantees the right to freedom of association. In particular, we wish to remind your Excellency's Government that any restrictions to the exercise of these rights must be provided by law and be necessary and proportionate to the aim pursued.

We would like to remind your Excellency's Government of its obligations under article 25 of the ICCPR, which protects the right of every citizen to "take part in the conduct of public affairs, directly or through freely chosen representatives." The Human Rights Committee has notably observed that "persons entitled to vote must be free to support or oppose their government" and "should be able to form opinions independently, free of violence or threat of violence, compulsion, inducement or manipulative interference of any kind." (Human Rights Committee, General Comment no. 25 para. 19).

We would like to further refer to General Comment 36 of the Human Rights Committee. The Committee affirmed in this Comment that the obligation of States parties to respect and ensure the right to life extends to reasonably foreseeable threats, including those emanating from private persons and entities. The duty to protect the right to life requires States parties to adopt special measures of protection for persons in vulnerable situations who have been put at particular risk because of specific threats, including human rights defenders. According to the Committee, States parties must respond urgently and effectively to protect persons under specific threat, including by adopting special measures such as the provision of 24-hour police protection (paras. 22, 25 and 27). States parties may violate article 6 even if such threats and situations do not result in loss of life (para. 7).

In relation to death threats allegedly directed at Ms. Esther Alexandra Marinos, Mr. Mushldi Zalqaw Mutebi and Mr Lawrence Kitatta, we also recall paragraph 4 of the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, adopted by the Economic and Social Council in its resolution 1989/65, according to which it is incumbent upon States to provide "effective protection, judicial or otherwise, to individuals and groups at risk of extra-legal, arbitrary or summary execution, in particular those receiving death threats."

We would also like to refer to the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions on the investigation, accountability and prevention of intentional killings by the State of human rights defenders, journalists and prominent dissidents (A/HRC/41/36, para. 38), which notes that the jurisprudence on the application of the principle of due diligence and its implementation by police forces points to the consideration of several elements, including:

- (a) Whether there are credible threats that are objectively verifiable; that is, whether they are supported by a number of sources of information;
- (b) Whether the perpetrators intend to carry out their threats, are in a position, including physical proximity, and have the capacity to carry them out;
- (c) Whether the risk is immediate, i.e. continuing and proximate;
- (d) Whether the victim's identity places her in specific situations of vulnerability or risk;
- (e) Whether there are patterns of violence against groups of individuals by virtue of their identities.

The report calls on states to review and, if necessary, strengthen policies and procedures to ensure that security agencies and other relevant actors comply with their obligation of due diligence to protect the right to life of those who may be targeted by states and non-state actors for their peaceful expression and activities, both online and offline (para. 89 (h)).