

**Mandates of the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the right to education; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the rights to freedom of peaceful assembly and of association**

Ref.: AL UGA 3/2024  
(Please use this reference in your reply)

8 October 2024

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the right to education; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and Special Rapporteur on the rights to freedom of peaceful assembly and of association, pursuant to Human Rights Council resolutions 52/4, 53/7, 52/9 and 50/17.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the alleged increasing harassment against Students for Global Democracy and its members in Uganda, who allegedly face intimidation, harassment, and are prosecuted for their legitimate human rights work, including Mr. Mike Gesa Munabi, Mr. Samuel Kayiwa and Mr. Johnbosco Mutyaba.

**Students for Global Democracy (SGD) Uganda** is a student-led, non-partisan nonprofit organisation founded in 2005 with the goal of creating a platform that empowers young people, particularly students who are passionate about democracy and sustainability. The organisation focuses on equipping these individuals with the tools and knowledge needed to actively participate in the democratisation process and drive sustainable action. By fostering engagement, it aims to inspire and enable the next generation to play a meaningful role in shaping democratic governance and promoting sustainable development in Uganda.

**Mr. Mike Gesa Munabi** is a human rights defender and SGD Founder and Policy Advisor.

**Mr. Johnbosco Mutyaba** is a human rights defender and SGD field officer.

**Mr. Samuel Kayiwa** is a human rights defender and the project officer of the "Human Rights and Civic Space for Students" project of the NGO Global Democracy Uganda, and a supporter of SGD.

Concerns regarding the harassment of student human rights defenders were raised in several previous communications sent to your Excellency's Government by special procedures mandate holders, including UGA 3/2019 and UGA 3/2017. We regret that no response has been received from your Excellency's Government.

According to the information received:

Students for Global Democracy Uganda (SGD) has reportedly been the target of continuous harassment, which has intensified in recent months. Such harassment includes two break-ins at its offices, one on 2 December 2023, and

another on 19 December 2023. During these incidents, several pieces of office equipment were vandalised and destroyed. It is suspected that this was committed by government security agencies, as both incidents occurred at a time when the organisation was advocating in order to release a group of students and pro-democracy youth activists who had been arrested and jailed for supporting opposition politician Robert Sentamu Kyagulanyi in the 2021 presidential elections.

*Mr. Samuel Kayiwa*

On 2 June 2024, Mr. Samuel Kayiwa received a phone call from an anonymous number. The caller requested a meeting to discuss sensitive information related to Mr. Kayiwa's work in the field of human rights. Mr. Kayiwa declined the request, however, on 4 June 2024, the same anonymous individual called again, with the same request. When Mr. Kayiwa once again refused, they began issuing physical threats, warning him of potential physical harm, and accusing him of tarnishing the Ugandan government's international reputation. The caller accused Mr. Kayiwa of allegedly using human rights work as a cover to undermine the government's standing abroad, particularly with regard to the rights of young people. The threats escalated as the anonymous individual claimed to be monitoring Mr. Kayiwa's phone conversations and tracking his movements. In addition to these personal threats, the caller also accused the SGD of receiving foreign funding in order to destabilise the Ugandan government.

On 25 July 2024, Mr. Kayiwa received further phone calls from individuals who reiterated earlier accusations, claiming that he and the SGD Uganda were accepting foreign funding to support the #March2Parliament protests which took place on 23 July 2024. These protests had gained significant traction, with participants calling for action against rampant corruption in government institutions, specifically targeting the Ugandan Parliament. These threats came shortly after Mr. Kayiwa had advocated for the release of students and members of SGD Uganda who had been arrested during the #March2Parliament protest on 23 July 2024. On 27 July 2024, Mr. Kayiwa was followed by two men on a motorcycle, who pursued his vehicle and attempted to seize his laptop bag in what appeared to be an act of intimidation and possibly an effort to steal sensitive information related to his human rights work.

*Mr. Mike Gesa Munabi*

On 21 June 2024, Mike Gesa Munabi was arrested by the police in Iganga under the accusations of "inciting violence" under chapter 120 of the Penal Code Act, and "offensive communication" under section 25 of the Computer Misuse Act. He was released on state bond the following day, 22 June 2024. These charges appear to be linked to Mr. Munabi's role in SGD, and his outspoken stance on democracy, human rights, and good governance. Mr. Munabi had been particularly vocal in his support of the aforementioned 50 pro-democracy youth activists who were arrested by authorities in August and September 2023. After his release, Mr. Munabi has been ordered to report to the police on a monthly basis, with the possibility of his case either being dismissed or sanctioned for a court hearing. On 7 July 2024, Mr. Munabi made

his first required appearance at the police station, where his release bond was extended until 9 August 2024, when he would be expected to return and report on the status of his case.

*Mr. Johnbosco Mutyaba*

On 23 July 2024, Johnbosco Mutyaba was arrested at the Central Police Station in Kampala. Mr. Mutyaba had been seeking the release of pro-democracy student activists who were part of Students for Global Democracy's university chapters in Uganda. These students had been arrested following the #March2Parliament protests, which took place earlier the same day. Mr. Mutyaba was detained for several hours before being released later that evening on police bond, without any formal charges being filed against him.

Students for Global Democracy intends to lodge a complaint with the Uganda Human Rights Commission against the government for the continued harassment of their staff and members.

Without prejudging the accuracy of the information received, we wish to express our deep concern at members of SGD allegedly facing intimidation, harassment, arrests and potential prosecution for their legitimate human rights work. There are serious concerns that such actions may be in retaliation for the human rights activities of the human rights organisation SGD and its members. We are concerned about the allegations indicating that staff members of the organisation have reportedly been continuously subjected to acts of intimidation and close surveillance, including external actors reportedly monitoring the NGO's activities and its employees closely, creating an atmosphere of fear and unease. SGD Uganda appear to have been particularly singled out in a climate of mounting political tension as Uganda approaches the 2026 General Elections, where many opposition groups and organisations critical of the government report facing increased pressure and threats. We are also concerned about the notable chilling effect for other human rights defenders and civil society organizations that the above-described allegations are prone to trigger.

In addition, we have noted challenges and threats to the enjoyment of fundamental freedoms in the context of previous elections in the country: increased spread of disinformation and misinformation; hate speech, attacks, harassment and intimidation of LGBTQI+ people, civil society, journalist, human rights defenders and political activists as well as arrest of opposition leaders. crackdowns on opposition parties and leaders; suppression of freedom of peaceful assembly and association rights in general.

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 as to the factual and legal basis for the arrests of Mr. Johnbosco Mutyaba and Mr. Mike Gesa Munabi, as well as any information regarding the possibility that charges may be brought against Mr. Mike Gesa Munabi. Please also provide updates on the human rights defenders' judicial process.
3. Please provide information on the steps taken by the relevant authorities to investigate the allegation of harassment of members of Students for Global Democracy Uganda, notably the raids that occurred in SGD offices on the 2 and 19 December 2023 and the threats received by Mr. Samuel Kayiwa. If no investigations have taken place, please explain why.
4. Please provide information about the measures taken to protect the rights to freedom of peaceful assembly, association and of expression, as well as the physical and psychological integrity of persons protesting peacefully against the law.
5. Please provide detailed information as to the specific measures that have been put in place by your Excellency's Government to ensure human rights defenders, pro-democracy activists, development workers, and other members of civil society in Uganda can carry out their legitimate work in a safe and enabling environment, without fear of harassment and intimidation from the authorities or any other agent acting on their behalf or with their acquiescence.

We would appreciate receiving a response within 60 days. Past this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

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(s) responsible for the alleged violations.

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

Mary Lawlor  
Special Rapporteur on the situation of human rights defenders

Farida Shaheed  
Special Rapporteur on the right to education

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

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

## Annex

### Reference to international human rights law

In connection with above alleged facts and concerns, we wish to draw the attention of your Excellency's Government to the applicable international human rights law and standards:

Articles 6, 19, 20, 21 and 22 of the International Covenant on Civil and Political Rights (ICCPR), acceded to by Uganda on 21 June 1995, guarantee the right to life and physical integrity, freedom of opinion and expression and the right to freedom of peaceful assembly and of association.

Article 21 of the International Covenant on Civil and Political Rights (ICCPR) guarantees the right to freedom of peaceful assembly. It states that "[t]he right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law, and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others". Article 22 of the ICCPR protects the right to freedom of association with others. As stated in a report by the Special Rapporteur on the rights to freedom of peaceful assembly and of association, States not only have a negative obligation to abstain from unduly interfering with the rights of peaceful assembly and of association but also have a positive obligation to facilitate and protect these rights in accordance with international human rights standards [A/HRC/17/27, para. 66; and A/HRC/29/25/Add.1]. This means ensuring that the rights to freedom of peaceful assembly and of association are enjoyed by everyone, without discrimination on the basis of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status (article 2 (1) of the International Covenant on Civil and Political Rights).

We underline that States obligation on States Parties to ensure the protection of the rights contained in the Covenant against violations by its agents and to take all necessary measures intended to prevent arbitrary deprivations of life by their law enforcement officials. We note that the duty to investigate arises in circumstances in which a serious risk of deprivation of life was caused by the use of potentially lethal force, even if the risk did not materialise and that a failure to investigate and bring perpetrators of such violations to justice could in and of itself give rise to a separate breach of the ICCPR (CCPR/C/21/Rev.1/Add.13 and CCPR/C/GC/36).

We would like to appeal to your Excellency's Government to take all necessary steps to secure the right to freedom of opinion and expression in accordance with fundamental principles as set forth in article 19 of the ICCPR, which provides that everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds either orally, in writing or in print, in the form of art, or through any other media of his choice. This right applies online as well as offline and includes not only the exchange of information that is favourable, but also that which may criticize, shock, or offend. In this regard, we would like to refer to the Human Rights Committee's general comment 34 which states that political discourse is part of the right to freedom of expression and that free communication on political issues, whether by individuals or elected representatives, is essential and guaranteed under article 19. The Human

Rights Committee has furthermore noted that restrictions on freedom of expression must not impede political debate, and that the value placed by the ICCPR upon uninhibited expression is particularly high in the circumstances of public debate in a democratic society concerning figures in the public and political domain. Moreover, those exercising the highest political functions are subject to legitimate criticism. The Committee further asserts that there is a duty of States to put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression and stresses that “all such attacks should be vigorously investigated in a timely fashion, and the perpetrators prosecuted, and the victims, or, in the case of killings, their representatives, be in receipt of appropriate forms of redress” (CCPR/C/GC/34).

We would also like to refer to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms (A/RES/53/144, adopted on 9 December 1998), also known as the UN Declaration on Human Rights Defenders. In particular, we would like to draw your attention to article 1 and 2 of the Declaration which state that everyone has the right to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels. Articles 5 and 6 guarantee the right to meet or assemble peacefully; as well as right to freely publish, impart or disseminate to others’ views, information and knowledge on all human rights and fundamental freedoms, while each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms. We would further wish to stress the following articles of the Declaration:

- article 6(b), which holds that all persons have the right to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms;
- article 6(c), which guarantees the right to study, discuss, form and hold opinions on the observance, both in law and practice, of all human rights and fundamental freedoms and to draw attention to these matters;
- article 9, paragraph 5, which holds that States shall conduct a prompt and impartial investigation or ensure that an inquiry takes place whenever there is reasonable ground to believe that a violation of human rights and fundamental freedoms has occurred in any territory under its jurisdiction; and
- article 12, paragraph 2, holding that States 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 their legitimate exercise of the rights referred to in the Declaration.

We would also like to recall the report of the former Special Representative of the Secretary-General on the situation of human rights defenders to the General Assembly in 2006 (A/61/312), where the Special Representative urges States to ensure that law enforcement officials are trained in and aware of international human rights standards and international standards for the policing of peaceful assemblies

and to investigate allegations of indiscriminate and/or excessive use of force by law enforcement officials.

Finally, we would like to refer to the report of the Special Representative of the Secretary-General on the situation on human rights defenders to the General Assembly in 2007 (A/62/225), which recommends States to create a safe and conducive environment for young adults and students to participate in demonstrations. Student protests have a high educational value as they are among the first experiences of public participation and human rights defence of students.

In this context, we draw Your Excellency's Government's attention to the Principles for implementing the right to academic freedom (A/HRC/56/CRP.2) calling on states to ensure that student unions and associations are formed and operate without political interference (principle 3(g)). States, state officials, departments and agencies, including police and security services, have a duty to respect, protect and promote human rights and fundamental freedoms, including academic freedom (principle 9). Threats to, or violations of the rights of students and organized student groups, including by means of arrests, prosecutions, imprisonments and surveillance, by state and non-state actors, undermine academic freedom (principle 8).