

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

Ref.: AL UGA 1/2026
(Please use this reference in your reply)

16 January 2026

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders; Working Group on Arbitrary Detention and Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, pursuant to Human Rights Council resolutions 52/4, 60/8 and 52/9.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the arrest of Ms. Sarah Bireete on 30 December 2025 in the Mukono District, and her ongoing arbitrary detention in Kampala.**

Ms. Sarah Bireete is a Ugandan lawyer and human rights defender who is active in constitutional advocacy, civic education, and election monitoring. She is the Executive Director of the Centre for Constitutional Governance (CCG), which promotes accountability, the rule of law, and citizen participation. She also chairs the East and Horn of Africa Election Observers Network (EHORN) and the Global Network of Domestic Election Monitors (GNDEM).

Special Procedures mandate holders have expressed their concerns regarding human rights violations against individuals and civil society actors in Uganda on the basis of electoral advocacy and perceived support or affiliation with the political opposition in several communications, including UGA 6/2025; UGA 5/2025; UGA 2/2025; UGA 6/2022; UGA 4/2021; UGA 3/2021; UGA 1/2021; UGA 5/2020; UGA 4/2020; UGA 3/2020; UGA 3/2019. We regret that we have not received a reply from your Excellency's government to any of these communications.

According to the information received:

In the months leading up to the general elections on 15 January 2026, Ms. Bireete has been advocating for greater transparency and accountability in the electoral processes including criticism on the government's restrictions on the importation and use of Starlink equipment as well as limitations on the use of Uganda's national flag during electoral activities.

On 30 December 2025, at approximately 3:00 PM, police officers and security forces in civilian clothing arrested Ms. Bireete at her home in Mukono District without being informed of the reason(s) for her arrest. She was then transported to Nateete Police Station in Kampala. The Uganda Police Force reported the arrest the same day, stating she was detained for ongoing investigations and would be brought to court once the case file was complete.

On 31 December 2025, the Uganda Human Rights Commission visited Ms. Bireete in detention and reported that she had access to family members and legal counsel.

On 2 January 2026, Ms. Bireete was brought before Buganda Road Chief Magistrate's Court in Kampala and formally charged with the offence of "unlawful obtaining or disclosing of personal data" under section 35(1) and (2) of the Data Protection and Privacy Act, Cap. 97. According to the stated charges, between January and December 2025, she and unidentified others "unlawfully obtained or disclosed National Voters' Information" controlled by the Electoral Commission without its consent, in various locations including Kampala, Mukono, and Wakiso Districts. The law provides for penalties of up to ten years' imprisonment or a fine. Ms. Bireete denied the charges. During the hearing, the Court denied her bail application and ordered her to be remanded until 21 January 2026 to allow further investigations. She remains in detention at Luzira Upper Prison Women's section pending the next court appearance.

The arrest and charging of Ms. Bireete occur within an environment of heightened political tensions and reports of human rights violations, including enforced disappearance, the disproportionate use of force against opposition supporters, and the suppression of civil society, ahead of the general elections on 15 January 2026.

Ms. Bireete's case unfolded alongside the suspension of civil society organisations and a nationwide internet shutdown shortly before the elections. On 9 January 2026, authorities in Uganda suspended several civil society organisations, ordering them to stop all activities with immediate effect, including the Centre for Constitutional Governance. Police were directed to ensure that the orders were followed while the authorities carried out further inquiries. On 13 January 2026, the Uganda Communications Commission shut down internet access nationwide, with no fixed date for restoration. The shutdown cut off social media, email services, messaging platforms, and general internet browsing, limiting access to information two days before the beginning of the elections.

Without wishing to prejudge the information received, we express our concern over the reported arrest and detention of Ms. Bireete, which appears to be directly connected to her human rights work and exercise of her right to freedom of expression. We fear that these actions constitute an arbitrary measure by the authorities to silence a human rights defender that advocates for fair, transparent, and independent elections in Uganda. If confirmed, the arrest and detention of Ms. Bireete constitute a violation of Art.9(2) of the International Covenant on Civil and Political Rights (ICCPR) as she was arrested without being informed of the reason(s) for her arrest on 30 Dec 2025 and was not promptly informed of any charge(s) against her until being arraigned to court on 2 January 2026.

While the Ugandan authorities frame the case as a matter of data protection compliance, the timing and Ms. Bireete's prominent role in electoral advocacy and election observation raise concerns about the possibility of political motivations behind her arrest and detention.

Ms. Bireete's arrest and detention appear to be part of a broader trend of silencing critical voices and violations against human rights defenders engaged in election monitoring. Arresting and detaining Ms. Bireete not only prevents her from observing and documenting the general elections but also has a chilling effect on other human rights defenders and activists that are engaged in electoral advocacy.

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 on the factual and legal basis for Ms. Bireete's arrest, detention, criminal prosecution, and denial of bail, and explain how these can be compatible with international human rights law, including article 19 ICCPR. Please further indicate the measures taken by your Excellency's Government to guarantee her right not to be deprived arbitrarily of liberty and to fair proceedings before an independent and impartial tribunal, in accordance with articles 9 and 14 of the ICCPR.
3. Please explain how the suspension of several civil society organisations and nationwide internet shutdown shortly before the general election is compatible with international law, particularly articles 19 and 22 of the ICCPR.
4. Please provide information on the measures taken by your Excellency's Government to guarantee that human rights defenders and other civil society actors who advocate for fair, transparent, and independent elections in Uganda can conduct their work in a safe and enabling environment, particularly in the pre-election period.

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 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.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate

a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

Further, we would like to inform your Excellency's Government that after having transmitted the information contained in the present communication to the Government, the Working Group on Arbitrary Detention may also transmit the case through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. The present communication in no way prejudices any opinion the Working Group may render. The Government is required to respond separately to the letter of allegation and the regular procedure.

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

Mary Lawlor

Special Rapporteur on the situation of human rights defenders

Matthew Gillett

Vice-Chair on communications of the Working Group on Arbitrary Detention

Irene Khan

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

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 by Uganda on 21 June 1995.

Article 9 of the ICCPR protects the right to liberty and security of person and prohibits arbitrary arrest or detention. It requires that any deprivation of liberty must follow lawful grounds and procedures. A person who is arrested must be informed at the time of arrest of the reasons and must be promptly notified of any charges. Anyone detained on a criminal charge must be brought without delay before a judge and is entitled either to trial within a reasonable period or to release, with pre-trial detention treated as an exception. Individuals deprived of liberty have the right to challenge the lawfulness of their detention before a court, which must decide promptly. Those subjected to unlawful arrest or detention have the right to obtain compensation.

Article 19 of the ICCPR guarantees the right to freedom of opinion and the right to freedom of expression, which includes the right "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". This right applies online as well as offline, protects the freedom of the press as one of its core elements and includes not only the exchange of information that is favourable, but also that which may criticize, shock, or offend. In its general comment No. 34, the Human Rights Committee stated that States parties to the ICCPR are required to guarantee the right to freedom of expression, including "political discourse, commentary on one's own and on public affairs, canvassing, discussion of human rights, journalism, cultural and artistic expression, teaching, and religious discourse" (CCPR/C/GC/34, para. 11).

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 (para. 23). Recognizing how journalists and persons who engage in the gathering and analysis of information on the human rights situation and who publish human rights-related reports, including judges and lawyers, are frequently subjected to threats, intimidation and attacks because of their activities, the Committee 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" (para. 23).

Any restriction on the right to freedom of expression must be compatible with the requirements set out in article 19(3) ICCPR. Under these requirements, restrictions must (i) be provided by law; (ii) pursue one of the legitimate aims for restriction, which are the respect of the rights or reputations of others and the protection of national security or of public order (*ordre public*), or of public health or morals; and (iii) be necessary and proportionate for those objectives. The State has the burden of proof to demonstrate that any such restrictions are compatible with the Covenant, and restrictions must always be "the least intrusive instrument among those which might achieve their protective function" (CCPR/C/GC/34, para. 34).

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 provides 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).

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”.

In her recent report on “freedom of expression in turbulent times”, the Special Rapporteur on freedom of expression once again called on States to “refrain from blocking platforms or websites, as such disruptions are inherently disproportionate” (A/80/341, para. 109).

Article 22 of the ICCPR guarantees the right of every person to freely associate with others, including the ability to form and join trade unions to protect their interests. Any restriction on this right must be established by law and may only be applied when strictly necessary in a democratic society for reasons such as national security, public safety, public order, public health or morals, or to protect the rights and freedoms of others.

In her recent report on the impact of the 2023-2024 “super election” cycle on the rights to freedom of peaceful assembly and of association (A/HRC/59/44), the Special Rapporteur on freedom of peaceful assembly and association noted that protests raising certain critical issues or opposing authorities' policies were met with undue restrictions and excessive use of force by law enforcement, thereby preventing selected groups' right to participation through the silencing of their voices. (...) the use of force, often as the first choice, and the wide, indiscriminate use of crowd control weapons, by authorities in many countries, suggest an intentional crackdown on dissent and political participation. Closing the space for people to raise their concerns and repression of peaceful protests and political rallies resulted in electoral violence in some countries.

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. Moreover, 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, which state 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. In this regard, we recall the 2019 Guiding Principles for the Search for Disappeared Persons which consolidates good practices in searching effectively for disappeared persons, arising from States' obligation to search and also make reference to the Guidelines on the Protection of All Persons from Enforced Disappearances in Africa. 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 would also like to draw the attention of 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 (A/RES/53/144), also known as the "United Nations Declaration on Human Rights Defenders", and in particular articles 1 and 2, which stipulate that everyone has the right, individually and in association with others, to promote the protection and realization of human rights and fundamental freedoms at the national and international levels, and that every State has the primary responsibility and duty to protect, promote and fulfil all human rights and fundamental freedoms. Similarly, we would like to draw the attention of Your Excellency's government to the following provisions of the Declaration on Human Rights Defenders:

- Article 6 (b), which stipulates that everyone has the right to "freely publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms," and (c) "to draw public attention to those matters."
- Article 9 (3a), which provides everyone has the rights to "complain about the policies and actions of individual officials and governmental bodies with regard to violations of human rights and fundamental freedoms, by petition or other appropriate means, to competent domestic judicial, administrative or legislative authorities or any other competent authority provided for by the legal system of the State, which should render their decision on the complaint without undue delay."

- Article 12, paras. 2 and 3, which stipulates that the State shall take all necessary measures to ensure the protection of all persons from violence, threats, reprisals, de facto or de jure discrimination, pressure or other arbitrary action in the context of the legitimate exercise of the rights referred to in this Declaration.