

Mandates of 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 rights to freedom of peaceful assembly and of association; and the Special Rapporteur on the situation of human rights defenders

REFERENCE: AL UGA 5/2016:

29 June 2016

Excellency,

We have the honour to address you in our capacities as 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 rights to freedom of peaceful assembly and of association; and Special Rapporteur on the situation of human rights defenders, pursuant to Human Rights Council resolutions 26/12, 25/2, 24/5, and 25/18.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **alleged harassment, theft and intimidation against human rights defenders, Mr. Edward Mwebaza, Ms. Patience Akumu, Ms. Elizabeth Kemingisha, Ms. Joaninne Nanyange and Mr. Adrian Jjuuko, members of the Human Rights Awareness and Promotion Forum (HRAPF), as well as the assassination of the security guard.**

The HRAPF promotes respect and observance of human rights of marginalised groups, through advocacy, capacity building, research, legal and human rights awareness.

According to the information received:

A series of attacks were carried out against individual staff members of HRAPF. On 11 March, the home of HRPAF's Head of Advocacy, Ms. Patience Akumu, was broken into and electronics were stolen, including a back-up hard drive belonging to HRAPF. On 22 March, two staff members, Ms. Elizabeth Kemingisha and Ms. Joaninne Nanyange, were assaulted and robbed in front of their homes. On 18 April, the Executive Director, Mr. Adrian Jjuuko's work phone was stolen. On 27 April, the home of its Deputy Director, Mr. Edward Mwebaza, was broken into in the early morning by unidentified persons, who took a laptop and several phones with confidential HRAPF information in them, and fled once the alarm sounded.

On 22 May 2016, between 3 a.m. and 4.30 a.m., four unidentified persons broke into the secure compound and offices of the HRAPF in Namirembe, Kampala, Uganda. The intruders beat the security guard on duty, an adult male, to death and dismantled all but one of the CCTV security cameras, the alarm siren, and cut open the iron bars protecting the locked office windows. The remaining CCTV camera filmed the intruders ransacking the office. When persons from the security company arrived, the intruders fled with a television screen and a number of

confidential documents. At 8 a.m., the police arrived on the grounds, but there is no information of any investigation having been pursued in relation to the incident, nor has the police returned to the site ever since or provided the HRAPF with any follow-up information on progress in the investigation.

Grave concern is expressed at the assassination of the security guard of HRAPF, while performing his duties securing the premises of the office of HRAPF, and without whom the safety of the human rights defenders in HRAPF would have been compromised, and the lack of investigation into this case. Concern is expressed at the alleged theft and continuous harassment and intimidation against Mr. Edward Mwebaza, Ms. Patience Akumu, Ms. Elizabeth Kemingisha, Ms. Joanne Nanyange and Mr. Adrian Jjuuko, as well as for their physical and psychological security. These attacks appear to be directly related to their legitimate human rights work in the promotion and protection of the rights of marginalised groups through the legitimate exercise of their right to freedom of expression and association. We also express concern that these attacks on the staff members of HRAPF may be an attempt to dissuade them from continuing their human rights work and from exercising their rights to freedom of association and freedom of expression.

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.

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/or any comment(s) you may have on the above-mentioned allegations.
2. Please provide the details, and where available the results, of any investigation carried out into the assassination of HRAPF's security guard, the alleged theft of the belongings of staff members and the break-in of HRAPF office. If no inquiries have taken place, or if they have been inconclusive, please explain why. Please provide the full details of any prosecutions which have been undertaken in this case.
3. Please indicate what measures have been taken to ensure that human rights defenders in Uganda are able to carry out their legitimate work in a safe and enabling environment without fear of threats or acts of intimidation and harassment of any sort, in particular those advocating for minority rights.

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.

Christof Heyns
Special Rapporteur on extrajudicial, summary or arbitrary executions

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

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

Michel Forst
Special Rapporteur on the situation of human rights defenders

Annex
Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw your Excellency's Government's attention to the following human rights standards:

The above mentioned allegations appear to be in contravention with article 6 (1) of the International Covenant on Civil and Political Rights (ICCPR), ratified by Uganda on 21 June 1995, which provides that every individual has the right to life and security of the person, that this right shall be protected by law, and that no person shall be arbitrarily deprived of his or her life. We also would like to draw the attention of your Excellency's Government to articles 19 and 22 of the ICCPR guaranteeing the right to freedom of expression and freedom of association.

We would like to remind your Excellency's Government of the duty to investigate, prosecute, and punish all violations of the right to life. The Human Rights Committee in its General Comment 6, para. 3, has said that it considers article 6 (1) of the ICCPR to include that States parties should take measures to prevent and punish deprivation of life by criminal acts.

We also want to recall that the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions (resolution 1989/65 Economic and Social Council) also establish States' duty to conduct thorough, prompt and impartial investigations of all suspected cases of extra-legal, arbitrary and summary executions and the obligation to bring to justice all persons identified by the investigation as having participated in those executions. They also establish the obligation of States to ensure effective protection to those who receive death threats and are in danger of extra-legal, arbitrary or summary executions. They further recall that the families and dependents of victims of extra-legal, arbitrary or summary executions shall be entitled to fair and adequate compensation within a reasonable period of time.

We moreover refer to Resolution 12/16 of the Human Rights Council, which calls upon states to ensure that victims of violations of the right to freedom of expression have an effective remedy, to investigate effectively threats and acts of violence, and to bring to justice those responsible to combat impunity.

We would like to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1 and 2 of the Declaration which state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms.

Furthermore, we would like to bring to the attention of your Excellency's

Government the following provisions of the UN Declaration on Human Rights Defenders:

- article 6 (b) and (c), which provides for the right to freely publish, impart or disseminate information and knowledge on all human rights and fundamental freedoms, and to study, discuss and hold opinions on the observance of these rights; and

- article 12, paragraphs 2 and 3, which provides that the State shall take all necessary measures to ensure the protection of everyone against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration.

Finally, we would like to recall resolution 24/5 of the Human Rights Council “States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law”.