



Refugee Documentation Centre (Ireland)
LEGAL AID BOARD

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Treatment of members of the FDC in Uganda

A January 2010 news article from *The Daily Monitor* newspaper under the heading 'Kampala', states:

"Forum for Democratic Change has completed its nomination exercise for the party's flag bearer for 2011 general elections, with a call on the Police chief to provide security to candidates as they traverse the country for votes.

The two-day nomination exercise ended on Wednesday with two candidates, Dr Kizza Besigye and Maj. Gen. Mugisha Muntu getting nominated." (The Daily Monitor (15 January 2010) *FDC calls for Police protection as vote-searching kicks off*)

The same article under the heading 'Campaign programmes', continues:

"'We shall officially write to the Inspector General of Police and give him our campaign programmes,' said Mr Dan Mugarura, the party's electoral commission chief.

'We shall ask them to give us security, although sometimes we ask for security and they give us insecurity. We hope that they will respect our gatherings and meetings,' he said.

FDC deputy electoral commissioner Micheal Kabaziguruka said the nomination exercise was free and fair and that they expect all the candidates to conduct themselves according to the party's established guidelines.

He warned that candidates could face expulsion or pay heavy fines if they fail to maintain sanity during the campaign. Gen. Muntu attended the meeting while Dr Besigye was represented by his political assistant, Mr Sam Mugumya." (ibid)

Under the heading 'Freedom of Assembly and Expression', the January 2010 *Human Rights Watch* report on Events of 2009 in Uganda, states:

"In August police beat and detained members of the opposition, Forum for Democratic Change, who were demonstrating in Kampala against extensions of office terms for the chairman and commissioners of the Electoral Commission, despite accusations of election malpractice. Several demonstrators were arrested and charged with organizing an illegal assembly. Throughout the year

the police tried to block peaceful demonstrations and assembly in several other parts of the country.

The government's clampdown on freedom of expression intensified in 2009, especially after the September riots. Although the constitutionality of sedition has been pending before the Constitutional Court since 2005, police continue to use the charge to harass journalists and opposition leaders. Opposition members Erias Lukwago and Medard Segona were charged with inciting violence and sedition for statements made on a radio program. Unknown security operatives arrested and beat prominent journalist Robert Kalundi Sserumaga after he criticized the president's upbringing on television; Sserumaga was charged with six counts of sedition. By October at least 17 journalists had pending criminal charges against them for charges such as forgery, criminal defamation, sedition, and promoting sectarianism. All are free on bail, awaiting trial." (Human Rights Watch (20 January 2010) *Uganda: Events of 2009*)

The July 2009 *Freedom House Freedom in the World* report for Uganda, under the heading 'Overview', states:

"A leading Museveni opponent, Kizza Besigye of the Forum for Democratic Change (FDC), returned from exile in 2005 and announced his intention to run for president. He was subsequently arrested on charges of treason, terrorism, rape, and unlawful possession of firearms. Museveni defeated Besigye in the 2006 election with 59 percent of the vote, and the NRM also won a large majority in concurrent parliamentary elections. Besigye was later cleared of the rape charges, but the treason case remained outstanding at year's end." (Freedom House (16 July 2009) *Freedom in the World 2009: Uganda*)

A June 2009 news article from *The Daily Monitor*, states:

"The 14 years sentence is a very lenient sentence. He should have been sentenced to life imprisonment because he caused death and maimed people. The sentence is not a strong punishment and falls short of proper justice being delivered,' he said.

The spokesman for the opposition Forum for Democratic Change (FDC), Mr Wafula Oguttu, said Magara should have been convicted of murder because 'his action was premeditated'.

'Magara knew that the rally was for FDC but went ahead to attend it, provoking people to smash his car,' argued Mr Oguttu. 'We shall not be surprised that Magara appeals and comes out of prison because we are wondering how he managed to hire an expensive lawyer to defend him.'

During the trial, the State asked court to convict Magara for the murder of two individuals and attempted murder of a third when he shot into a crowd of supporters of the FDC president, Dr Kizza Besigye, during the then presidential candidate's February 15, 2006 visit to the seat of Buganda Kingdom in Bulange,

Mengo.” (The Daily Monitor (25 June 2009) *Uganda: Anger as Magara Gets 14 Years in Jail for Killing FDC Supporters*)

Section 1b of the February 2009 *United States Department of State Country Report on Human Rights Practices* under the heading ‘Disappearance’, states:

“There were no reports of politically motivated disappearances during the year; however, some disappearances from earlier years remained unresolved. The Forum for Democratic Change (FDC) reported that the whereabouts of party member Robert Mugenyi, who disappeared in 2006, remained unknown at year's end.” (United States Department of State (Bureau of Democracy, Human Rights, and Labor) (25 February 2009) *2008 Country Reports on Human Rights Practices – Uganda*)

Section 1e of the same report, under the heading ‘Political Prisoners and Detainees’, states:

“On May 29, FDC opposition party members Asaph Ntanda, Yusuf Mukwate, Proscovia Naikooba, Cathey Ayebare, Olive Mbabazi, and Daniel Katumba were arrested on allegations of engaging in paramilitary training. All six were released on May 31 without charges. One week before the arrest, in Kawempe, the FDC held a workshop which the government alleged was intended to teach young members how to overthrow governments by force; the FDC claimed the workshop was to mobilize young members.

Charges of treason remained pending in the High Court against FDC opposition leader Kizza Besigye and nine other FDC members; a hearing in the Constitutional Court on Besigye's petition challenging the constitutionality of the treason charges was scheduled for December 2008. Besigye and five of the nine FDC members were released on bail and one died in 2007; the remaining four were released on bail during the year. The charge of unlawful possession of firearms against all but Besigye was pending at year's end.” (ibid)

References

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This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

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