



## UGANDA

### Stakeholder Report on the Death Penalty for the United Nations Universal Periodic Review

Submitted by **The Advocates for Human Rights,**

a non-governmental organization in special consultative status

**Foundation for Human Rights Initiative**

and

**The World Coalition Against the Death Penalty**

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Founded in 1983, **The Advocates for Human Rights** (The Advocates) is a volunteer-based non-governmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publication. The Advocates is the primary provider of legal services to low-income asylum seekers in the Upper Midwest region of the United States. In 1991, The Advocates adopted a formal commitment to oppose the death penalty worldwide and organized a death penalty project to provide pro bono assistance on post-conviction appeals, as well as education and advocacy to end capital punishment. The Advocates currently holds a seat on the Steering Committee of the World Coalition against the Death Penalty.

**The World Coalition Against the Death Penalty**, an alliance of more than 160 NGOs, bar associations, local authorities and unions, was created in Rome on May 13, 2002. The aim of the World Coalition is to strengthen the international dimension of the fight against the death penalty. Its ultimate objective is to obtain the universal abolition of the death penalty. To achieve its goal, the World Coalition advocates for a definitive end to death sentences and executions in those countries where the death penalty is in force. In some countries, it is seeking to obtain a reduction in the use of capital punishment as a first step towards abolition.

The **Foundation for Human Rights Initiative** (FHRI) is an independent, non-governmental, non-partisan and not-for-profit human rights advocacy organisation, registered in Uganda under the Non-Governmental Organizations Act, 2016. FHRI Vision is a society based on a human rights and civic culture as a foundation for peace, stability, democracy, social justice and sustainable development. FHRI's Mission is to promote respect and observance of human rights practices and civic values, enhance best practices through training, education, research, advocacy, ICTs, and strategic partnership. The organisation has Observer Status with the African Commission on Human and Peoples' Rights, is a member of the World Coalition Against the Death Penalty (Paris) and is affiliated to the International Federation of Human Rights Defenders, (FIDH) in Paris, France. It is a membership organisation with a total of 1,515 members. FHRI commands a 29-year experience and expertise in human rights activism in Uganda. FHRI has been at the forefront in monitoring and documenting human rights violations, publication of periodic human rights

reports, legal aid service provision to victims of human rights abuse; reporting before regional human rights treaty bodies, the judiciary, parliament, police and prisons; actively campaigns for the abolition of the death penalty including carrying out programmes that promote citizen participation and state accountability. Currently, it is spearheading five campaigns namely; *My Rights, My Power, Access to Justice, Rights and Rule of Law, Freedom from Pre-trial detention and the Campaign against the death penalty in Uganda*. FHRI is located at the Human Rights House, Plot 1853, John Kiyingi Road, Nsambya, Kampala Uganda.

## I. EXECUTIVE SUMMARY

1. This report addresses Uganda's compliance with its international human rights obligations with respect to the death penalty. The report examines and discusses the current state of the death penalty in Uganda, including (1) the broad scope of crimes that are eligible for the death penalty; (2) the lack of effective access to counsel in capital cases; (3) the occurrence of extrajudicial killings.
2. This report recommends that Uganda adopt a number of key steps to better align its death penalty practices with Uganda's international human rights obligations. These steps include the following: establishing an official, *de jure* moratorium on the death penalty; reducing the number and scope of crimes that are eligible for the death penalty; reducing the maximum possible sentence from death to one that is fair, proportionate and in compliance with international human rights standards; and other measures.

## II. BACKGROUND AND FRAMEWORK

### A. 2016 Universal Periodic Review of Uganda

3. During the 2016 Universal Period Review, Uganda received 18 recommendations related to the death penalty, 16 recommendations related to torture, 1 recommendation related to detention conditions, 4 recommendations related to the administration of justice, 14 recommendations related to freedom of expression and opinion and human rights defenders, and 2 recommendations related to the excessive use of force by police.

#### 1. *Moratorium on the death penalty, abolition of the death penalty*

##### **Status of Implementation: Not accepted, not implemented.**

4. Uganda received 7 recommendations to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights,<sup>1</sup> and 11 recommendations to consider imposing a formal moratorium on the death penalty or to abolish it entirely.<sup>2</sup> Uganda did not accept these recommendations and it has not implemented them.

#### 2. *Torture*

##### **Status of Implementation: Partially Accepted, Not implemented.**

5. Uganda received 10 recommendations to sign or ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,<sup>3</sup> 4 recommendations to implement the Prevention and Prohibition of Torture Act,<sup>4</sup> and 2 recommendations to investigate all allegations of torture to hold perpetrators accountable.<sup>5</sup> Uganda accepted the recommendations to implement the Prevention and Prohibition of Torture Act and to investigate all allegations of torture, and is considering whether to ratify the Optional Protocol to the Convention against Torture.

### 3. *Detention Conditions*

#### **Status of Implementation: Accepted, not implemented**

6. Uganda received 1 recommendation to separate juveniles from adults in detention and rehabilitation centers.<sup>6</sup> Uganda has accepted this recommendation but has not implemented it.

### 4. *Administration of Justice*

#### **Status of Implementation: Not accepted, not implemented.**

7. Uganda received one recommendation to cease harassment and arbitrary detention of political opposition leaders and supporters and ensure peaceful political dissent and discourse,<sup>7</sup> two recommendations to ensure the separation of powers, the independence and funding of judiciary;<sup>8</sup> and one recommendation to strengthen the juvenile justice system.<sup>9</sup> Uganda did not accept the first recommendation but accepted the other three. Uganda has not implemented these recommendations.

### 4. *Freedom of Expression and Opinion/Human Rights Defenders*

#### **Status of Implementation: Partially accepted, not implemented.**

8. Uganda received three recommendations to review the Public Order Management Act and the Non-Governmental Organizations Act to ensure the right of freedom of association;<sup>10</sup> two recommendations to ensure freedom of assembly and freedom of expression;<sup>11</sup> four recommendations to consult a broad range of civil society actors and recognize and protect the work of human rights defenders;<sup>12</sup> and five recommendations to investigate and punish threats against human rights defenders and civil society organizations.<sup>13</sup> Uganda noted the recommendations related to the Public Order Management Act but accepted the other recommendations. Uganda has not implemented these recommendations.

### 5. *Excessive Use of Force by Police*

#### **Status of Implementation: Accepted, partially implemented.**

9. Uganda received one recommendation to enact laws on legal aid and transitional justice<sup>14</sup> and one recommendation to investigate excessive use of force cases fully.<sup>15</sup> Uganda accepted these recommendations but has not made significant progress in implementing them, despite occasional directives issued by the Inspector General of Police urging officers to adhere to accepted policing standards.

## **B. Domestic Legal Framework**

10. Uganda's domestic legal framework has remained largely unchanged since the previous UPR in 2016. The Constitution of Uganda was adopted in 1995 and it is the supreme law of the land. Acts of Parliament, regulations made by executive authorities, case law (some from English Common Law, some as developed by Ugandan courts), international treaties and conventions, and customary law also contain applicable law. Uganda is a common law country. The Supreme Court is the final court of appeal. The Court of Appeal of Uganda

is the second highest court, and it can also sit as the Constitutional Court, determining all questions relating to the interpretation of the Constitution.

11. Uganda's Constitution articulates a qualified right to life, providing that "[n]o person shall be deprived of life intentionally except in execution of a sentence passed in a fair trial by a court of competent jurisdiction in respect of a criminal offense under the laws of Uganda and the conviction and sentence have been confirmed by the highest appellate court."<sup>16</sup>
12. The following crimes are eligible for the death penalty under the Penal Code: crimes related to treason and offenses against the state<sup>17</sup>; rape<sup>18</sup>; aggravated defilement<sup>19</sup>; murder<sup>20</sup>; aggravated robbery<sup>21</sup>; smuggling while armed with a deadly weapon<sup>22</sup>; detention with sexual intent<sup>23</sup>; and kidnapping or detaining with intent to murder.<sup>24</sup> There are also military offenses that are eligible for the death penalty, enumerated under the Ugandan Peoples' Defense Forces Act.<sup>25</sup> Additionally, the Anti-Terrorism Act provides for the death penalty for terrorist acts resulting in the death of any person.<sup>26</sup> Uganda has the highest number of capital offences (28) in East Africa.<sup>27</sup>
13. Consistent with international human rights standards, Uganda does not authorize the death penalty for juvenile offenders,<sup>28</sup> pregnant women,<sup>29</sup> people who are experiencing psychosocial disabilities,<sup>30</sup> or people with intellectual disabilities.<sup>31</sup>
14. Following the landmark 2009 *Kigula* case, the death penalty is no longer mandatory for capital offenses.<sup>32</sup> In *Kigula*, the Ugandan Supreme Court held that various provisions of the laws of Uganda prescribing a mandatory death sentence were inconsistent with the Constitution insofar as they were contrary to the principles of equality before the law and of fair trial. Consequentially, the decision of whether to impose the death penalty is now discretionary in all capital cases, with the presiding judge deciding the sentence based on consideration of all the relevant circumstances surrounding a particular case. The Court further held that "where after three years from the date of sentence no decision has been made by the Executive to carry out the Court Order for execution of the convict, the death sentence shall be deemed commuted to imprisonment for life without remission."<sup>33</sup> As a result of the *Kigula* decision, Section 23 of the Penal Code act and sections 7 and 8 of the Anti-Terrorism Act (2002) were declared unconstitutional.
15. In 2017, the Ugandan Parliament passed the Anti-Terrorism Amendment Bill. This law imposed a mandatory death penalty for acts of terrorism. (Anti-Terrorism (Amendment) Bill, 2017, § 2, amending § 7 of the Act.)<sup>34</sup> A terrorist is defined as someone who:
  - Carries out or perpetrates any act, whether occurring in Uganda or elsewhere, that constitutes a crime in accordance with agreements, protocols and treaties described in the annex to the International Convention for the Suppression of the Financing of Terrorism, 1999; or
  - Travels outside Uganda for the purpose of the perpetration, planning, or preparation of, or participation in terrorist acts or the providing or receiving of terrorist training.<sup>35</sup>
16. On November 4, 2019, President Museveni signed into law the Law Revision (Penalties in Criminal Matters) Miscellaneous (Amendment) Act 2019. The Act amended the Penal Code Act and the Anti-Terrorism Act to: (a) remove the mandatory death penalty prescribed by these laws; (b) restrict the death penalty to the most serious crimes under

these laws; (c) remove the restriction on mitigation in the case of convictions that carry a death penalty; and (d) define life imprisonment or imprisonment for life.<sup>36</sup>

17. On March 26, 2021, the Constitutional Court nullified Section 8 of the Public Order Management Act (POMA), which had been used to block, restrict, and disperse peaceful assemblies and demonstrations.<sup>37</sup>
18. The Constitution prohibits torture.<sup>38</sup> The Prevention and Prohibition of Torture Act of 2012 also penalizes torture with up to 15 years' imprisonment, monetary fine, or both. The penalty for conviction of aggravated torture is life imprisonment.
19. The Judiciary Administration Act, 2019, provides for independent funding for the judiciary.

### **III. IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS OBLIGATIONS**

#### **Right or area 2.1. Acceptance of international norms**

20. Uganda ratified the International Covenant on Civil and Political Rights in 1995, but it has not ratified the Second Optional Protocol to the ICCPR.<sup>39</sup> Uganda ratified the Convention against Torture in 1986, but it has yet to sign and ratify the Optional Protocol to the Convention against Torture.<sup>40</sup>

#### **Right or area 6. Human rights education and training**

21. On July 20, 2020, the Uganda People's Defence Force instituted human rights refresher training courses for its Local Defense Unit (LDU) officers to increase the respect for human rights in light of repeated allegations of torture and inhuman treatment committed by these forces.<sup>41</sup>

#### **Right or area 12.3. Extrajudicial, summary or arbitrary executions**

22. Numerous reports have surfaced about the government and its agents carrying out arbitrary and unlawful killings.<sup>42</sup> Reports by local media and human rights activists note that security forces killed individuals that the government had identified as dissidents and people who participated in protests against the government.<sup>43</sup> For instance, opposition politician Robert Kyagulanyi (Bobi Wine) reported that on February 24, 2020, a Uganda Police Force truck deliberately killed one of his supporters.<sup>44</sup> Over one year later, officials still have not released the results of the investigation.<sup>45</sup> On February 25, 2020, Kyagulanyi also reported that an officer attached to the Local Defense Unit (a branch of the military) shot into a crowd of Kyagulanyi's supporters, killing one of them.<sup>46</sup> The military has not released the results of the investigation.<sup>47</sup>
23. UN human rights experts expressed concerns about the deteriorating human rights situation in Uganda ahead of the 2021 January parliamentary and presidential elections.<sup>48</sup> In the run up to the elections, numerous human rights violations were reported, including arbitrary deprivation of life, arbitrary arrest and detention, and torture.<sup>49</sup> Between November 18-20, 2020, at least 54 people were killed during riots and protests.<sup>50</sup>

#### **Right or area 12.4. Death penalty**

24. As discussed in paragraphs 12-17, the death penalty remains available penalty for 28 offences, the most in East Africa.<sup>51</sup> Ugandan law does not limit the death penalty to the most serious crimes. In October 2019, Uganda announced plans for a bill that would impose the death penalty on homosexuals.<sup>52</sup> A presidential spokesperson later denied these plans, after major aid donors objected and said that they were monitoring the situation.<sup>53</sup>
25. Uganda does not authorize the death penalty for juvenile offenders,<sup>54</sup> pregnant women,<sup>55</sup> people with psycho-social disabilities,<sup>56</sup> or people with intellectual disabilities.<sup>57</sup>
26. As of 2018, there were 145 people on death row in Uganda, which is a decrease from the 250+ people reported on death row in 2017.<sup>58</sup> The last civilian execution occurred in 1999<sup>59</sup> and the last military execution occurred in 2005.<sup>60</sup> In Uganda, death sentences are carried out by hanging in the civilian system and by firing squad in the military justice system.<sup>61</sup> On January 19, 2018, President Museveni announced that the country could resume executions.<sup>62</sup>
27. Courts have significantly reduced the number of death sentences issued since *Kigula*, with no recorded death sentences in 2017, 5 recorded death sentences in 2018, 2 in 2019, and none in 2020.<sup>63</sup>
28. After a court sentences a person to death, the case record is submitted to the Advisory Committee on the Prerogative on Mercy, a committee that is made up of the Attorney General and six Ugandan citizens appointed by the President. The Committee reviews the defendant's case and makes a recommendation to the President on clemency, with the President making the final decision.
29. In December of 2020, Uganda voted against the General Assembly's Resolution on a Moratorium on the Use of the Death Penalty.<sup>64</sup>

#### **Right or area 12.5. Prohibition of torture and cruel, inhuman or degrading treatment**

30. Uganda has ratified the Convention against Torture but not the Convention's Optional Protocol.<sup>65</sup>
31. The Uganda Human Rights Commission (UHRC) frequently receives allegations of torture committed by security agencies, particularly in cases of lengthy pretrial detentions.<sup>66</sup> Authorities do not always carry out investigations into credible allegations of mistreatment.<sup>67</sup> Prolonged pretrial detention is the result of an under-resourced judiciary, inadequate police investigations, and the absence of a time limit for the detention of people awaiting trial.<sup>68</sup> The UHRC and Uganda Prison Service (UPS) reported that numerous suspects were being held for longer than eight months without arraignment, and that 48% of the country's inmates were in fact pretrial detainees.<sup>69</sup>
32. Opposition members and activists have made numerous credible reports of torture.<sup>70</sup> For instance, opposition member Kyagulanyi reported that Special Forces Command soldiers

tortured him when the military detained him for 10 days.<sup>71</sup> Francis Zaake, an opposition Member of Parliament, has also given detailed descriptions of his torture by the Uganda Police Force (UPF).<sup>72</sup> Civil society organizations and opposition activists reported that security forces arrested, beat, and killed civilians as punishment for allegedly violating regulations related to the COVID-19 pandemic.<sup>73</sup>

33. On April 4, 2020, local media reported that police and military forces raided a community in Elegu Town, beat people with sticks and iron bars, and forced them to remove their clothes, roll in the dirt, and engage in other acts that would qualify as torture.<sup>74</sup>
34. Impunity remains ongoing and widespread in the police and military forces, such as the UPF, the Uganda People's Defense Force, and the UPS, as well as within the executive branch.<sup>75</sup> Investigations are often lacking, and even officials do undertake investigations, they do not release their findings or hold perpetrators accountable.<sup>76</sup> Authorities often give judicial and political cover to officials who are implicated in human rights violations.<sup>77</sup>

#### **Right or area 12.6. Conditions of detention**

35. Conditions in detention centers and prison are harsh and often life-threatening. The most common issues are overcrowding, forced labor, physical abuse of detainees, and inadequate resources, including a lack of food.<sup>78</sup> Overcrowding is particularly serious. In 2020, the prison population rose from 59,000 to 65,000 within the span of four months as the government arrested thousands of people alleged to have violated COVID-19 restrictions.<sup>79</sup> The prison population reached more than three times its capacity.<sup>80</sup> There were reports of death due to prison conditions, including media reports of pretrial detainees dying in Atopi prison after having to work on a prison farm despite being ill.<sup>81</sup>
36. Authorities do not carry out impartial investigations into credible allegations of mistreatment.<sup>82</sup>

#### **Right or area 13.3. Arbitrary arrest and detention**

37. Security forces continue to arbitrarily arrest and detain opposition leaders, politicians, activists, journalists, LGBTI persons, and members of the population who allegedly violate COVID-19 restrictions.<sup>83</sup> LDU officers have reportedly raided communities at night, while UPF officers raided an LGBTI shelter and arrested occupants, accusing them of violating COVID-19 restrictions. UPF officers arrested journalists for hosting opposition politicians on radio stations.<sup>84</sup>
38. While authorities are supposed to try people who are arrested for capital offenses within 360 days or release them on bail, they often do not respect this requirement. If prosecutors present a case to the court before the 360 days expire, the court may extend the pretrial detention indefinitely.<sup>85</sup> Detainees are often not immediately informed of the reasons for detention.<sup>86</sup> While detainees have the right to legal representation, authorities often do not respect this right and indigent defendants charged with capital offenses often experience significant delays in getting access to an attorney.<sup>87</sup> Case backlogs, due in part to an under-



resourced judiciary and inadequate police investigations, are significant and can lead to prolonged pretrial detention.<sup>88</sup> UPS reported that in August 2020, COVID-19 restrictions halted court sessions, further increasing backlogs and lengthening pretrial detention.<sup>89</sup>

39. Uganda's 2021 elections were also marred by arbitrary arrests. In the run up to the elections, numerous human rights violations were reported, including arbitrary deprivation of life, arbitrary arrest and detention, and torture.<sup>90</sup> Between November 18-20, 2020, at least 54 people were killed during riots and protests.<sup>91</sup>
40. On March 4, 2021, Internal Affairs Minister Jeje Odongo presented a list to Parliament of 177 people in military detention who had been arrested between November 18, 2020 and February 8, 2021, allegedly for participating in riots, possession of military stores, and attending meetings to plan post-election violence.<sup>92</sup> On March 8, President Museveni said that 50 people were being held for "treasonable acts of elements of the opposition."<sup>93</sup> Human rights observers note reports of arbitrary arrests and torture of opposition members.<sup>94</sup> The National Unity Platform announced on March 5, 2021, that 423 members and supporters had been abducted and were still missing, and 41 members had been released.<sup>95</sup>
41. In November 2019, the Committee on Human Rights submitted a report on alleged torture in detention centers around the country.<sup>96</sup> The report found that security forces detained and tortured people in unofficial detention centers ("safe houses") across the country.<sup>97</sup>

### **Right or area 14.3. Freedom of opinion and expression**

42. Ugandan authorities continue to carry out arbitrary arrests of the press, dissidents, opposition leaders, and activists.<sup>98</sup> They also impose other restrictions on the press and citizens' right to free speech.<sup>99</sup>
43. The 2021 elections were marred by widespread violence and repression.<sup>100</sup> For instance, the police blocked public meetings by presidential candidate Robert Kyagulanyi in Gayaza in January 2021, alleging a violation of the Public Order Management Act.<sup>101</sup>
44. The government introduced new requirements that restrict freedom of expression online.<sup>102</sup> The Uganda Communications Commission (UCC) issued a public notice that requires providers of online data and communication to seek authorization from the body by October 5, 2020 and pay a fee. This restriction applies to bloggers and online TV providers.<sup>103</sup> Two days before the January 14, 2021 elections, the UGC ordered internet providers to block access to social media, and the day before the elections, the government shut down internet access across Uganda for five days.<sup>104</sup>
45. In 2019, the UCC directed 13 radio and television stations to suspend their staff based on accusations that they were airing programs that were "unbalanced, sensational, and often give undue prominence to specific individuals."<sup>105</sup> Also in 2019, three radio stations were switched off for hosting opposition politicians.<sup>106</sup>

#### **Right or area 14.4. Right to peaceful assembly**

46. The police have used the Public Order Management Act of 2013 to block, restrict, and disperse peaceful assemblies by opposition groups, often with excessive force.<sup>107</sup> In 2019, the Constitutional Court declared unconstitutional Section 36 of the Act, which allowed the police to use unlimited force when dispersing crowds and gatherings with no liability for death and injuries.<sup>108</sup> As noted above, the Inspector General of Police has issued occasional directives urging police officers to adhere to accepted policing standards, but these directives have not resulted in any significant progress in reducing the excessive use of force by police officers.

#### **Right or area 15.1. Administration of justice & fair trial**

47. In Uganda, people charged with capital offenses are entitled to legal aid under the state brief system. Ugandan courts appoint state briefs or private lawyers required to provide pro bono representation. Defending a capital case is usually not well-compensated, therefore state briefs often go to inexperienced graduates or “failed lawyers.”<sup>109</sup> This lack of dedicated legal aid and funding results in inexperienced or ineffective legal representation. About 75% of capital defendants are represented by state briefs.<sup>110</sup> Observers note that during capital offence trials, state briefs “invariably met with their client for the first time on the morning of the trial,” spending only a few minutes discussing the case with the defendants.<sup>111</sup> Co-accused are routinely represented by one state brief despite potential conflicts of interest.<sup>112</sup> State briefs rarely cross-examine or call witnesses, and the prosecutor’s evidence mostly goes unchallenged.<sup>113</sup>
48. Efforts have been underway to expand legal aid services through the expansion of the state brief system, and the Justice Centres Programme, under which the government has created legal aid clinics and justice centres at courts and prisons.<sup>114</sup> A draft National Legal Aid Bill is still pending.<sup>115</sup> A major part of the proposal is the establishment of an independent National Legal Aid Body that would oversee the rollout and delivery of a comprehensive legal aid package across Uganda.<sup>116</sup>
49. As noted above, the Judiciary Administration Act, 2019 provides for independent funding for the judiciary. Nonetheless, the judiciary remains under-resourced.
50. In the military justice system, even though the accused has a right to a lawyer, some of the military defense attorneys lack adequate training, which often leads to poor quality representation.<sup>117</sup>

### **IV. RECOMMENDATIONS**

51. This stakeholder report suggests the following recommendations for the Government of Uganda:

- Abolish the death penalty and replace it with a sentence that is fair, proportionate, and in compliance with international human rights standards.

- Impose an official, *de jure* moratorium on executions with immediate effect, halting all executions, with a view to complete abolition of the death penalty.
- Reduce the number of crimes eligible for the death penalty and ensure the death penalty is limited to the most serious crimes, as defined by the Human Rights Committee in General Comment 36.
- Improve legal assistance for individuals charged with capital offences and people who are sentenced to death. Strengthen the state brief system through adequate funding and appropriate, mandatory training, in collaboration with civil society organizations. Improve the training of military defense attorneys.
- Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights.
- Ratify the Optional Protocol to the Convention against Torture.
- Fully implement the Prevention and Prohibition of Torture Act.
- Support the next UN General Assembly Resolution in favor of a moratorium on the use of the death penalty.
- Introduce mandatory human rights training to members of the Uganda Police Force, the Uganda People’s Defence Force, the Local Defense Unit, and Uganda Prison Services, including on the detection and prevention of torture.
- Improve prison detention conditions, consistent with the Nelson Mandela Rules, particularly with respect to overcrowding and provision of food.
- Improve efficiency and fairness in the legal process, particularly with a view to shortening the length of pretrial detention.
- Introduce a public awareness and educational campaign about the death penalty, to assist in shifting the public opinion around the death penalty.
- Increase accountability for human rights violations committed by security forces by fully investigating violations and holding perpetrators to account.

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<sup>1</sup> Report of the Working on the Universal Period Review: Uganda (27 December, 2016), U.N. Doc. A/HRC/34/10. ¶ 117.25 Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (Iceland) (Portugal); ¶ 117.32 Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (Montenegro) (Rwanda); ¶ 117.34 Consider accession to the Second Optional Protocol to the International Covenant on Civil and Political Rights, a de facto and de jure moratorium on the imposition of the death penalty and converting capital offences to life imprisonment sentences (Namibia); ); ¶ 117.51 Ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and the Second Optional Protocol to the International Covenant on Civil and Political Rights (Ukraine); ); ¶ 117.56 Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights without reservations (Uruguay); ¶ 117.60 Establish a formal moratorium on the death penalty with a view to ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights (Australia); ¶ 117.62 Consider ratifying the Second Optional Protocol to the International

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Covenant on Civil and Political Rights (Belgium); available online at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/441/95/PDF/G1644195.pdf?OpenElement>.

<sup>2</sup> Report of the Working on the Universal Period Review: Uganda (27 December, 2016), U.N. Doc. A/HRC/34/10. ¶ 117.6 Amend, as a first step, relevant laws that impose mandatory capital punishment (Cyprus); ¶ 117.11 Promulgate and implement the Law Revision (Penalties in Criminal Matters) Miscellaneous Amendment Bill, with a view to a definitive abolition of the death penalty (France); ¶ 117.26 Abolish the death penalty and any legal provisions that provide for the death penalty (Iceland); ¶ 117.29 Consider taking all necessary steps to introduce a de jure moratorium on executions with a view to fully abolishing the death penalty (Italy); ¶ 117.34 Consider accession to the Second Optional Protocol to the International Covenant on Civil and Political Rights, a de facto and de jure moratorium on the imposition of the death penalty and converting capital offences to life imprisonment sentences (Namibia); ¶ 117.41 Abolish the death penalty and commute to prison terms the death sentences that have already been pronounced (Panama); ¶ 117.42 Fully abolish the death penalty (Paraguay); ¶ 117.43 Adopt a formal moratorium on the death penalty with a view to fully abolishing capital punishment, both in practice and in law, for all cases and under all circumstances (Portugal); ¶ 117.47 Make progress towards the abolition of capital punishment by adopting a de jure moratorium (Spain); ¶ 117.55 Abolish the death penalty for all crimes and commute all death sentences into custodial sentences (Uruguay); ¶ 117.60 Establish a formal moratorium on the death penalty with a view to ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights (Australia); Also available online at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/441/95/PDF/G1644195.pdf?OpenElement>.

<sup>3</sup> Report of the Working on the Universal Period Review: Uganda (27 December, 2016), U.N. Doc. A/HRC/34/10, ¶ 116.6 Ratify and accede to the International Convention for the protection of All Persons from Enforced Disappearance and the Convention on the Rights of Persons with Disabilities and withdraw reservations to the Convention against Torture and the International Convention on the protection of the Rights of All Migrant Workers and Members of Their Families (Sierra Leone); ¶ 117.7 Ratify the Optional Protocol to the Convention against Torture and establish an effective mechanism for investigation of allegations of torture in line with the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Chechia); ¶ 117.10 Intensify efforts to ratify the Optional Protocol to the Convention against Torture (Denmark); ¶ 117.12 Adopt national legislation in accordance with the Optional Protocol to the Convention against Torture (France); ¶ 117.17 Ratify the Optional Protocol to the Convention against Torture, promote strict adherence to the prohibition of torture, inhuman or degrading treatment or punishment and prosecute violations thereof (Germany); ¶ 117.20 Ratify the Optional Protocol to the Convention against Torture (Ghana) (Montenegro) (Morocco) (Rwanda); ¶ 117.22 Promptly ratify the Optional Protocol to the Convention against Torture and accede to the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169) (Guatemala); ¶ 117.26 Sign and ratify the Optional Protocol to the Convention against Torture, as well as the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (Italy); ¶ 117.33 Fulfil the conditions set forth in paragraph 17 of the national report, so as to be able to consider ratification of the International Convention for the Protection of All Persons from Enforced Disappearance, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol to the Convention against Torture Mozambique); ¶ 117.44 Ratify the Optional Protocol to the Convention against Torture (Portugal); ¶ 117.51 Ratify the International Convention for the Protection of All Persons from Enforced Disappearance, the Convention on the Reduction of Statelessness, the Optional Protocol to the Convention against Torture (Ukraine); ¶ 117.65 Speed up the process of ratification of the Optional Protocol to the Convention against Torture (Burundi). Also available online at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/441/95/PDF/G1644195.pdf?OpenElement>.

<sup>4</sup> Report of the Working on the Universal Period Review: Uganda (27 December, 2016), U.N. Doc. A/HRC/34/10. ¶ 115.4 Adopt the Prevention and Prohibition of Torture Regulation to make the Prevention and Prohibition of Torture Act operational (Denmark); ¶ 115.5 Implement the Prevention and Prohibition of Torture Act, whose definition of torture complies with the Convention against Torture, in order to ensure an effective system for preventing all forms of torture (Portugal); ¶ 115.6 Implement, in practice, the Prevention and Prohibition of Torture Act, including through

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the establishment of an effective system of prevention of all forms of torture and other cruel, inhuman or degrading treatment (Switzerland); ¶ 115.7 Put in place the necessary regulations to ensure the full implementation of the Prevention and Prohibition of Torture Act of 2012 and that appropriate training on the Act is carried out for security services to ensure its effective application (Ireland). Also available online at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/441/95/PDF/G1644195.pdf?OpenElement>.

<sup>5</sup> Report of the Working on the Universal Period Review: Uganda (27 December, 2016), U.N. Doc. A/HRC/34/10, ¶ 115.86 Ensure that the police force, the Directorate of Public Prosecution and the Uganda Human Rights Commission investigate all allegations of torture to hold perpetrators accountable (Denmark); ¶ 115.88 Investigate all alleged acts of torture and hold accountable State security agents who are found culpable (Ghana). Also available online at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/441/95/PDF/G1644195.pdf?OpenElement>.

<sup>6</sup> Report of the Working on the Universal Period Review: Uganda (27 December, 2016), U.N. Doc. A/HRC/34/10, ¶ 115.85 Separate juveniles from adult in detention and rehabilitation centers (Zambia). Also available online at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/441/95/PDF/G1644195.pdf?OpenElement>.

<sup>7</sup> Report of the Working on the Universal Period Review: Uganda (27 December, 2016), U.N. Doc. A/HRC/34/10, ¶ 117.53 Cease the harassment and arbitrary detention of political opposition leaders and supporters, and ensure that peaceful political dissent and public discourse about human rights, elections and government policy are allowed to take place freely in public spaces and in the press (United States of America). Also available online at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/441/95/PDF/G1644195.pdf?OpenElement>.

<sup>8</sup> Report of the Working on the Universal Period Review: Uganda (27 December, 2016), U.N. Doc. A/HRC/34/10, ¶ 115.82 Ensure the separation of power and the independence of the judiciary and prevent government officials from interfering in judicial proceedings (Slovenia); ¶ 115.83 Ensure the full functionality and adequate resourcing of levels 1 and 2 local council courts, which provide the first access points for justice for 80 percent of Ugandans (Austria);

<sup>9</sup> Report of the Working on the Universal Period Review: Uganda (27 December, 2016), U.N. Doc. A/HRC/34/10, ¶ 115.85 Separate juveniles from adults in detention and rehabilitation centres (Zambia). Also available online at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/441/95/PDF/G1644195.pdf?OpenElement>.

<sup>10</sup> Report of the Working on the Universal Period Review: Uganda (27 December, 2016), U.N. Doc. A/HRC/34/10, ¶ 117.18 Amend the Public Order Management Act, 2013, and the Non-Governmental Organizations Act, 2016, to ensure free assembly and association in line with international human rights standards (Germany); ¶ 117.50 Amend the Non-Governmental Organizations Act, adopted in January 2016, which restricts the right to freedom of association, to bring it into conformity with the Constitution and the International Covenant on Civil and Political Rights (Switzerland); ¶ 117.63 Review the Public Order Management Act in order to repeal the disciplines which allow public authorities to prohibit, without due justification, peaceful protests, thus better protecting freedom of expression and of assembly (Brazil). Also available online at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/441/95/PDF/G1644195.pdf?OpenElement>.

<sup>11</sup> Report of the Working on the Universal Period Review: Uganda (27 December, 2016), U.N. Doc. A/HRC/34/10, ¶ 115.19 Ensure that the enforcement and implementation of laws is in compliance with the Constitution and the country's obligations under international and regional law to respect and protect the right of everyone in Uganda to exercise their human rights to freedom of expression and peaceful assembly (Sweden); ¶ 115.103 Take measures to guarantee the right to peaceful assembly and avoid abuses in police activities and, if such abuses occur, ensure that they do not go unpunished (Spain); ¶ 115.94 Ensure that civil society organizations and human rights defenders can operate in a safe environment and that all allegations of intimidation, harassment and violence are fully investigated (Ireland). Also available online at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/441/95/PDF/G1644195.pdf?OpenElement>.

<sup>12</sup> Report of the Working on the Universal Period Review: Uganda (27 December, 2016), U.N. Doc. A/HRC/34/10, ¶ 115.106 Consult a broad range of civil society actors and reflect their views to the Non-Governmental Organizations Act, 2016, to ensure an open, accountable and vibrant NGO sector (United Kingdom of Great Britain and Northern Ireland); ¶ 115.110 Explicitly recognize the legitimacy of the work carried out by human rights defenders, publicly

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support their work and provide protection for them (Uruguay); ¶ 117.2 Amend Section 44 of the Non-Governmental Organizations Act, 2016, to ensure its compliance with the national constitutional requirement that every criminal offence be well defined and adopt NGO Act regulations to enable and protect the rights to freedom of expression, peaceful assembly, and association, both online and offline (Canada); ¶ 117.8 Review the Public Order Management Act and the Non-Governmental Organizations Act so that the legal framework is conducive to safe and unhindered operation of independent NGOs (Czechia). Also available online at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/441/95/PDF/G1644195.pdf?OpenElement>.

<sup>13</sup> Report of the Working on the Universal Period Review: Uganda (27 December, 2016), U.N. Doc. A/HRC/34/10. ¶ 115.94 Ensure that civil society organizations and human rights defenders can operate in a safe environment and that all allegations of intimidation, harassment and violence are fully investigated (Ireland); ¶ 115.95 Investigate the alleged harassment of human rights defenders and prosecute offenders (Ghana); ¶ 115.96 Thoroughly investigate the threats against human rights defenders and civil society organizations, bring to justice those responsible and guarantee reparations to the victims, especially those working for women’s rights (Uruguay); ¶ 115.102 Strengthen measures to end any possibility of alleged police brutality, arbitrary arrests and politically motivated prosecution of opposition leaders (Australia). Also available online at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/441/95/PDF/G1644195.pdf?OpenElement>.

<sup>14</sup> Report of the Working on the Universal Period Review: Uganda (27 December, 2016), U.N. Doc. A/HRC/34/10. ¶ 115.22 Speedily enact the respective policies and bills on legal aid and transitional justice to fulfill the constitutional mandate to provide justice for all (Austria). Also available online at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/441/95/PDF/G1644195.pdf?OpenElement>.

<sup>15</sup> Report of the Working on the Universal Period Review: Uganda (27 December, 2016), U.N. Doc. A/HRC/34/10. ¶ 115.87 Conduct full and transparent investigations into alleged cases of excessive use of force by security agents, especially during and after the 2016 elections, ensuring accountability for possible human rights violations (Austria). Also available online at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/441/95/PDF/G1644195.pdf?OpenElement>.

<sup>16</sup> Constitution - Article 22, Section 1.

<sup>17</sup> Section 23, Penal Code Act, Cap 120, Laws of Uganda (Offenses against the state include, “compelling by force or constraining the government to change its measures or counsels or to intimidate the parliament, or instigating any person to invade Uganda with an armed force, adversely attempting to incite any person to commit an act of mutiny or treacherous act; incite any person to make a mutinous assembly”).

<sup>18</sup> Section 124, Penal Code Act, Cap 120, Laws of Uganda.

<sup>19</sup> Section 129, Penal Code Act, Cap 120, Laws of Uganda.

<sup>20</sup> Section 188, Penal Code Act, Cap 120, Laws of Uganda.

<sup>21</sup> Section 286(2), Penal Code Act, Cap 120, Laws of Uganda.

<sup>22</sup> Section 319(2), Penal Code Act, Cap 120, Laws of Uganda.

<sup>23</sup> Section 134, Penal Code Act, Cap 120, Laws of Uganda.

<sup>24</sup> Section 243, Penal Code Act, Cap 120, Laws of Uganda.

<sup>25</sup> Uganda Peoples’ Defence Forces Act, 2005, Cap 307, Laws of Uganda.

<sup>26</sup> Anti-Terrorism Act of 2002, as amended by Act 12 of 2015.

<sup>27</sup> *Museveni: Uganda May Reintroduce Executions*, BBC News, January 19, 2018. Also available online at <https://www.bbc.com/news/world-africa-42746172>; Augustine Obura, *Situation of the Death Penalty in Uganda*, October 7, 2015. Also available online at: [2015-10-07-Obura.pdf](https://www.pgaction.org/2015-10-07-Obura.pdf) (pgaction.org)

<sup>28</sup> The Trial on Indictments Act, sec. 103, Consolidated Laws of Uganda 2000 Ch. 23, Aug. 6, 1971, as updated through to Sept. 2020.

<sup>29</sup> The Trial on Indictments Act, sec. 103, Consolidated Laws of Uganda 2000 Ch. 23, Aug. 6, 1971, as updated through to Sept. 2020.

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- <sup>33</sup> *Attorney General v. Susan Kigula & 417 Others* (Constitutional Appeal No. 03 OF 2006) [2009] UGSC 6 (21 January 2009).
- <sup>34</sup> Library of Congress, *Uganda: Parliament Passes Anti-Terrorism Amendment Bill*, June 8, 2017.
- <sup>35</sup> Anti-Terrorism (Amendment) Bill, 2017, § 2, amending § 7 of the Act.
- <sup>36</sup> Amnesty International *Global Report: Death Sentences and Executions*, Uganda 2019. Also available online at <https://www.amnesty.org/en/latest/news/2020/04/death-penalty-in-2019-facts-and-figures/>.
- <sup>37</sup> Human Rights Watch, *World Report 2021, Uganda Events of 2020*. Also available online at <https://www.hrw.org/world-report/2021/country-chapters/uganda#>.
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- <sup>113</sup> Counsel, *Death Row in Uganda*, July 31, 2012. Also available online at: <https://www.counselmagazine.co.uk/articles/death-row-uganda>.
- <sup>114</sup> See Justice Centres Uganda. Available online at: <https://www.jlos.go.ug/index.php/about-jlos/projects/legal-aid/justice-centers>.
- <sup>115</sup> The Independent, *Lack of Political Will Slowing Legal Aid Policy*, July 12, 2019. Also available online at: <https://www.independent.co.ug/lack-of-political-will-slowing-legal-aid-policy/>.

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<sup>116</sup> The Independent, *Lack of Political Will Slowing Legal Aid Policy*, July 12, 2019. Also available online at: <https://www.independent.co.ug/lack-of-political-will-slowng-legal-aid-policy/>.

<sup>117</sup> Cornell Center on the Death Penalty Worldwide, *Uganda Country Profile*. Also available online at: <https://deathpenaltyworldwide.org/database/#/results/country?id=82>.