



ASHAH RAZYN FOUNDATION

PRESS RELEASE

RULE OF LAW, HUMAN RIGHTS VIOLATIONS AND MANHANDLING OF CITY LAWYER DURING IMPEACHMENT OF EMBATTLED MAYOR ERIAS LUKWAGO ON 25TH NOVEMBER 2013 AT KCCA

On the 25th November 2013, the process to remove Kampala Mayor Erias Lukwago continued with Kampala Capital City Authority (KCCA) councillors meeting at City Hall to impeach the Lord Mayor. While carrying out his legal duties of delivering an interim order restraining and immediately stopping the 1st respondent (Kampala minister Frank Tumwebaze) from convening a meeting of KCCA to discuss the Tribunal report and proceeding with a vote for the removal of the Applicant from the office of the lord mayor of KCCA until the final determination of Misc cause No. 445 of 2013, Mr Kiwanuka Abdallah was manhandled by security operatives both in plain clothes and in uniform at the entrance of City Hall gate. He was dragged on the ground, kicked about, his coat and shirt torn and bled profusely. The physical assault on Mr. Kiwanuka has left many Ugandans and the international community wondering about the state of the rule of law in Uganda.

We as ARF therefore express our concerns against the way Police under the command of The Kampala South Regional Police Commander, Mr James Ruhweza who was stationed at KCCA ,as one responsible for overseeing the manhandling of lawyer Abdallah Kiwanuka and all the torture, cruel, inhuman and degrading treatment that he was subjected to . ARF finds such acts of police and state agencies as an assault on a lawyer who was executing his legal duties. These reports are further deeply troubling and raise serious concerns in an increasingly disturbing political context, especially in light of the fundamental nature of the independence of the judiciary to the respect for the rule of law. There is therefore urgent need for the Ugandan government to abide by and respect the rule of law and uphold fundamental freedoms and human rights guarantee in all circumstances; the physical and psychological integrity of all threatened lawyers, in order to preserve the independence and integrity of the administration of justice in line with international principles. ARF is committed and determined to ensure that redress is obtained against the individual perpetrators of this criminal conduct that has no place whatsoever in a democratic state guided by the rule of law.

Aware that Police and plain-clothed individuals threw and manhandled councilor Allan Ssewanyana out of KCCA chambers who was trying to present a court order stopping the censure of Lukwago. It is

hence forth clear that there is lack of independency of the judiciary. At the time of the meeting at KCCA, what mattered was not the genuineness or otherwise of the said order, it is our concern as aware that court orders must be obeyed at all times regardless of whether they are in tandem with our reasoning or wishes.

Also, as we watched several media houses showing the barring of MPs Ken Lukyamuzi and Latif Ssebagala from getting into the council chambers yet the KCCA Act recognizes them as EX-Officio members of the council. We hereby condemn such acts which lack consistence of reliance on rule of law and democracy.

We also watched police blocking journalists from executing their mandate at KCCA and that the days that followed some journalists were detained and charged. This is not acceptable given the fact that the constitution guarantees' media freedom and demand therefore, that action be taken against all those who meted out the violence and those injured or whose rights were infringed be compensated.

We are also concerned with operational commander, Kampala Metropolitan North, Mr. Sam Omala who was stationed in Kiseka market and during the protests responded in force, lobbing teargas canisters and dispersing the gathering crowds. Separate units of police were deployed with teargas as others rushed the protestors, indiscriminately whipping anyone not quick enough to get out of the way which resulted in the bloody operations during the impeachment of Lord Mayor Erias Lukwago.

We at ARF condemn in the strongest terms such acts as brutality of police and state agencies as was done on Monday 25th November 2013 to Erias Lukwagos Lawyer Mr. Abdallah Kiwanuka and Councillor Allan Ssewanyana as it amounted to a travesty of justice and that the incidents did not meet the principles and tenants of democracy.

The actions of the police present serious challenges to rule of law and the democratization process and we fear for the worst as the country gets closer to the 2016 elections. There is desire that greater attention be given to generating the political will in Uganda to pursue sustainable rule of law reform. Whereas the 1995 constitution was praised as an all-inclusive and water tight document, in 2005 it underwent through an amendment. There is need therefore, to carry out an analysis of the constitution and its provisions to assess the extent to which they promote human rights and rule of law and the extent to which state and state agencies have been able to put in place systems envisaged under the constitution. ARF hereby recommends;

That the police as a peace keeping body mandated to keep law and order should respect and uphold people's rights as provided for in the 1995 constitution of Uganda instead of depriving them of their

liberty and subjecting them to inhuman, cruel and degrading treatment as was evidenced through Mondays police actions during the Lord Mayors impeachment at city hall.

Aware that the rule of law in Uganda is a development process, requiring a sequenced approach, there is need to apprehend and strengthen the capacity of national institutions and stakeholders to prevent and bring an end to violations, insecurity and impunity. Rule of law is based on principles of inclusion, participation and empowerment.

We demand that government and its agents as well as institutions such as police adhere to the principles of supremacy of law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, participation in decision-making, legal certainty and avoidance of arbitrariness, procedural and legal transparency.

These challenges and the growing population of Uganda pose a major challenge to sustainable development of the country.

We at ARF have decided to embark on sensitising Ugandans about their rights and the protection they enjoy under the constitution.

In a bid of promoting rule of law, we have set up legal aid and pro-bono departments which are to focus on provision of quality and free legal assistance to indigent and vulnerable people in Uganda not forgetting media freedoms. In all our work, we fight for the restoration and non abuse of human rights ranging from civic, political and socio-economic rights.

We strongly recommend that deliberate efforts be taken to reverse the trend and that all affairs of the country must be anchored on constitutionalism and rule of law without which there cannot be justice and peace.

For God and my Country!

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