

## CSO DOMESTIC ELECTION OBSERVERS STATEMENT ON THE ONGOING ELECTION CAMPAIGNS PRIOR TO THE 2021 GENERAL ELECTIONS IN UGANDA

*For immediate release, November 30, 2020*

Genuine elections presuppose that the electoral process will be conducted in an accountable and transparent manner. That it will provide a real and informed choice for voters, thereby ensuring the overall confidence of the electorate. This can be called into question if a) fundamental rights and freedoms are not respected; b) there is no credible political competition; c) there are unreasonable restrictions on the formation or conduct of political parties; d) or there is no meaningful prospect that voters would have the power to choose their leaders<sup>1</sup>.

We note that recent events call into question the credibility and fairness of this electoral process. The episodes of violence observed and disruptions of opposition campaign programs by the security forces make it impractical for some of the opposition presidential candidates to campaign. The blockages of campaign venues; switching off of radio station signals amidst radio talk shows of some Presidential candidates;<sup>2</sup> and sometimes complete denial of access to radio<sup>3</sup>, contrary to the S.21 (2) of the Presidential Elections Act<sup>4</sup>, defeats the purpose of campaigning.

On November 18, 2020, Presidential candidates Robert Kyagulanyi of the National Unity Platform (NUP) and Patrick Amuriat Oboi of Forum for Democratic Change (FDC) were violently arrested by the Police and other security agents in Luuka and Gulu districts respectively for allegedly not adhering to the Electoral Commission Guidelines. As a result, sporadic protests broke out in different parts of Uganda with protestors demanding their immediate release. Security agents used live bullets and tear gas to disperse crowds.

According to media coverage of the events, the army assumed a central role in the impasse, and plain-clothed gun-wielding men were seen playing a role in the violent events of November 18 and 19 2020. Police reports indicate that 54 people including women, men, and a child had lost their lives and over 3000 suspects were arrested. There were 5 police patrol vehicles damaged including one motorcycle burned, 2 government vehicles were damaged, and four police officers injured<sup>5</sup>. CSO election observers extend their sincere condolences to all the families who lost dear ones in the violence. We do strongly condemn the display of violence on the side of security forces and that of citizens who violently confronted fellow citizens and destroyed some properties.

While Hon. Patrick Amuriat was released on November 18 2020 and Presidential Candidate Robert Kyagulanyi released on bail by the Chief Magistrate's Court in Iganga after two days of detention at Nalufenya Police Station in Jinja district, security agents have continued to block candidates' campaign meetings and in some cases using lethal force to control and disperse supporters of the candidates.

Media reports indicate that on 25 November 2020, the Alliance for National Transformation presidential candidate Gen. Mugisha Muntu's rally in Biguli Sub-county Kamwenge district was blocked by Police<sup>6</sup> whereas, on 24 November 2020, three people were injured and taken to hospital after security forces fired teargas and live bullets to disperse the supporters of Hon. Robert Kyagulanyi in Kasese District<sup>7</sup>.

It is our understanding that an election should be a time for citizens to vet their leaders through listening to the candidates in order to inform voters prior to electing their leaders. We note that the holding of elections amidst COVID-19 has presented real challenges for the Electoral Commission, candidates, and voters. Unfortunately, in a bid to protect lives from being lost to COVID-19, the excessive use of force by security agents has over the past two weeks led to the loss of lives.

<sup>1</sup> Organization for Security and Cooperation in Europe (OSCE) Office for Democratic Institutions and Human Rights (ODIHR) (2007)

<sup>2</sup> See Daily Monitor <https://www.monitor.co.ug/uganda/oped/editorial/ec-must-pronounce-itself-on-agago-police-boss-act-3205052>

<sup>3</sup> Robert Kyagulanyi Robert ejected from Spice Fm radio on November in Hoima district confirmed by observers

<sup>4</sup> The act provides that every candidate may hold individual public campaign meetings in any part of Uganda in accordance with any existing law

<sup>5</sup> NTVNews @NTVTonight November 19 2020, <http://www.ntv.co.ug>

<sup>6</sup> See, Newvision, Police Block Muntu's Rally in Kamwenge: <https://www.newvision.co.ug/news/1533330/police-block-muntu-rally-kamwenge>

<sup>7</sup> See Daily Monitor: <https://www.monitor.co.ug/uganda/news/national/i-will-free-mumbere-bobi-wine-tells-kasese--3209300>

It should be noted that candidates largely have no control over the number of voters who can access the venue. The lack of a publicly known mechanism for controlling crowds at candidate meetings has led to violence and conflict between Presidential Candidate Robert Kyagulanyi (NUP) and the police. In some districts, this has led to stand-offs between the security personnel assigned to the candidates by the Electoral Commission. Observers are very concerned that such incidents can lead to violence between the two groups and ultimately result in injuries and loss of lives and property which Article 212 of the Constitution of Uganda requires the Police to protect<sup>8</sup>.

We acknowledge that the Electoral Commission has come out in a letter to the Inspector General of Police<sup>9</sup>, to request the Uganda Police to stop interfering with the candidates' campaigns. However, it is our opinion that the Electoral Commission is directly responsible for managing electoral processes and as such, the chairperson should direct rather than request the police to adhere to the commission's instructions. We further note that the Police, some Resident District Commissioners, plain-clothed armed men, and women have been seen on various media to play a central role in the management of elections and related preprocess. This effectively relegates the Electoral Commission to the periphery despite the Constitutional provision in Article 61 (b) which mandates it to be in charge of organizing, conducting, and supervising the election in accordance with the Constitution.

**It is therefore our recommendation that:**

- a) The Electoral Commission should be seen to be in charge of the elections. The lack of steadfast directives to players in the election especially the Police and other security agencies which have continued to undermine the provisions of the Presidential and Parliamentary Elections Act has affected the credibility of the Electoral Commission. The EC should be seen to play its central role in the elections by issuing directives to players in the election rather than requests.
- b) The blatant use of lethal force by security agents which has led to the loss of lives should stop. The officers who have been documented to have been responsible for the killings should be individually held accountable for murder under the Human Rights Enforcement Act.
- c) The Electoral Commission should increase communication with the public on key decisions reached with the candidates and continue to dialogue on the best way forward for the elections.
- d) The Uganda Human Rights Commission and the Uganda Police Force should launch a full-fledged investigation into the events of 18<sup>th</sup> and 19<sup>th</sup> November 2020 and subsequent episodes of violence to ensure justice for victims of the unfortunate incidents.
- e) While peaceful protest is a legitimate form of citizens' expression, citizens should desist from using violence to express their grievances.

As civil society, we will continue to observe the activities on the Electoral Commission roadmap and related electoral processes to provide a fair and balanced assessment of the integrity of the electoral process. We also continue to pledge our commitment to support all stakeholders in fashioning feasible and practical pathways out of the prevailing crisis. We have already reached out to the leadership of the Electoral Commission and the Uganda Police Force to request a meeting with them to discuss ideas on how to improve the current electoral process and ensure that citizens' participation in the process is meaningful.

*For God and My Country*

**Annex: List of Accredited Organizations Releasing the Statement**

1. Uganda Youth Network
2. Alliance for Finance Monitoring
3. Center for Constitutional Governance
4. Women's Democracy Network – Uganda
5. Uganda National NGO Forum
6. African Youth Development Link
7. Action for Development

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<sup>8</sup> Article 212 (a) of the Constitution of Uganda states that: The functions of the Uganda Police Force shall include the following: to protect life and property

<sup>9</sup> Electoral Commission letter to Police dated November 28 2020 and accessible on [www.ec.or.ug](http://www.ec.or.ug)