



LASPNET
LEGAL AID SERVICE PROVIDERS' NETWORK

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PRELIMINARY BRIEFING ON SURVEILLANCE AND LEGAL RAPID RESPONSE BY LASPNET DURING THE GENERAL ELECTIONS HELD ON 18/2/2016

20TH FEBRUARY 2016

Mengo, Kampala.

On February 18, Ugandans went to the polls to elect their President and Members of Parliament. Despite the challenges they encountered, such as long delays in the delivery of election materials in some constituencies like Wakiso and Kampala, we want to commend and appreciate Ugandans for turning up in large numbers to exercise their constitutional right to vote, and determine the destiny of their country for the next 5 years.

Legal Aid Service Providers Network (LASPNET) would also like to commend the government, particularly the Electoral Commission, for making the voting process possible for Ugandans, in particular for taking remedial actions, such as extending voting hours and also allowing for an extra day of voting on February 19th 2016. We also want to appreciate the actions of police and other security agents, who have done their best to maintain law and order during the election exercise.

As a National network of 47 organizations spread over 70 districts, LASPNET undertook to provide rapid legal response during the 2016 general elections, focusing on cases of violence and/or human rights violations. We deployed over 23 Legal Aid Service Providers (LASPs) in 22 districts and in this statement we are providing our preliminary observations and actions undertaken in a bid to shed light on some incidences of concern that affected the standards of elections and rights of the citizens during the election exercise.

General Comment

We wish to state that in general the elections were largely peaceful and went on smoothly despite isolated cases of violence primarily related to the delays in the arrival of election materials. This background information is based on information as provided by our Rapid Legal Response team and previously released reports under the larger umbrella of Citizens Election Observers

Network of Uganda (CEON-U), of which LASPNET is a member. Specifically, under our surveillance undertaken, our legal team has reported the following incidences:

The findings from the election surveillance indicate that:

- In Tororo district, at specifically Lions Park polling station, elections were held amidst racial tensions, with police using tear gas to disperse crowds and making subsequent arrests. Our advocate (from MIFUMI), was denied entry to the Police station and therefore could not ably assist those who were arrested. She still following up on this matter.
- In Nakaseke sub-county, Nakaseke district at Mulungi Omu polling station, two presiding officers were suspended from their work and replaced by electoral officials after one of the candidate contesting for MP on the NRM ticket, Mr.Ssekabira Denis's car picked them and took them for lunch and also took those who were going to vote to other polling stations. In Nakaseke county headquarters, the polling agents encouraged children to assist People with Disabilities (PWDs) to vote which is contrary to election regulations.

Updates on the Rapid Legal Response:

According to our sources under the Rapid response team, we are informed that a total of 83 arrests were made mainly in Kampala, Mukono, Lamwo and Iganga. Of those arrests, our team was able to support the release of 18 suspects on police bond with 3 additional suspects released without charge. As we await more information about the arrests and cases handled so far we would like to share a few incidents:-

Murder incident in Iganga: It is reported that a UPDF Captain only identified as Katende shot at a Councilor only identified as Festus and his supporters as they were walking along Iganga highway on their way to Hon. Abdu Katuntu's home, killing 3 people and injuring one. Police intervened and arrested both parties including the UPDF Soldier who has been charged with murder. The advocate secured police bond for the 6 suspects from the Councilor's entourage. In this case, we commend the police for making an arrest and charge in the case, and hope that the law will take its course (**Reported by an advocate of the Muslim Centre for Justice and Law**).

Unlawful arrest of polling agents in Mukono: In the early morning hours of 18th February 2016, a group of over 80 opposition supporters of the incumbent MP Hon. Betty Nambooze was arrested at Goma while they were being allocated polling stations to work as party agents. In a scuffle with police, 3 people were injured and admitted in the hospital, while 60 were arrested and charged with unlawful assembly. Our rapid response legal team followed up but later discovered that the suspects were not at Mukono police station and their

whereabouts remain unknown till now. **(Reported by Uganda Public Rescue Foundation).**

In a similar incident in Kyebando, Kampala, 8 youth were arrested from Kusalosalo zone on allegations of disrupting the tallying process disguised as polling agents. They were detained at Kira Road police station. The rapid response team advocate is still trying to establish more information and also get them released on police bond. **(Reported by an advocate from Uganda Land Alliance).**

Harassment / intimidation of agents in Lamwo: Mr. Moses Lajum, an agent of the incumbent Woman MP, was helping a group of women voters travel to Lebule Okejo polling station when the Personal Assistant of Hon. Hillary Onek started taking photos of them which he used to alert the Police, he was charged with bribery and his car was impounded. Our advocate intervened and had him released on police bond and is still following up the matter to ensure that the car is released as well. **(Reported by Justice and Rights Associates).**

Voter bribery and rigging in Kibaale, Buyaga East – Allegations of voter bribery and rigging at this polling station led to a scuffle amongst the voters. Police intervened and arrested 4 suspects. Our Rapid Response team intervened, engaged the DPC and three of the suspects were released without charge. **(As reported by World Voices Uganda).**

Concluding Remarks

In conclusion, as a network of Legal Aid Service Providers charged with the responsibility to protect through ensuring access to justice for all Ugandans especially the poor, vulnerable and marginalized;

WE TAKE COGNIZANCE of the emerging riots and reactions from the government which has led to uncertainty and fear before the votes have been declared. As a human rights organization, our concern is that there is peace, security and justice for all and that the rule of law prevails.

WE URGE all players in the electoral process to exercise caution and restraint, and to observe, protect, and promote the fundamental rights of all Ugandan citizens as enshrined in Chapter 4 of the Ugandan Constitution, and international conventions such as the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the African Charter on Human and Peoples' Rights to which Uganda is a signatory.

Specifically, we call upon the following Institutions to uphold their mandates and the laws of Uganda as enshrined:

- The **POLICE** to exercise their mandate, as provided under Article 212 of the Constitution, and display restraint in terms of how they treat the people;

- The **ARMY** not to override the mandate of the police in a civil process;
- The **ELECTORAL COMMISSION** to remain impartial and transparent as per the Electoral Commission Act;
- The **UGANDA COMMUNICATIONS COMMISSION** to allow people to access information, as per Article 41 of the Constitution, and restore the communications mechanisms immediately;
- The **JUDICIARY** to exercise independence in adjudicating matters as per Article 128 of the Constitution, and allow people to get effective redress as and when sought;
- The **CANDIDATES AND THEIR PARTIES** to refrain from interfering in the work of the Electoral Commission when it is still doing its work and if not satisfied with outcome to desist from unrest but seek remedy in the courts of Law;
- The **GENERAL PUBLIC** to remain calm, peaceful and resist any conduct that would cause them to be on the wrong side of the law.

We are calling upon all stakeholders and the public to maintain the smooth process that began on February 18th 2016 especially now that the tallying is taking place as well as after the announcement of the winners has been made so that peace and justice prevails in our land.

As LASPNET utilizing our membership platform, we are recommitting to providing the necessary support to any deserving cases.

FOR GOD AND OUR COUNTRY

THE BOARD OF DIRECTORS ON BEHALF OF LASPNET

For details on LASPNET's legal rapid response support call phone No.+256-772-691316.