



TORTURE PREVENTION AND ACCOUNTABILITY IN UGANDA AMIDST THE ELECTION PERIOD AND ENFORCEMENT OF THE COVID19 GUIDELINES AND DIRECTIVES

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Background

The African Centre for Treatment and Rehabilitation of Torture Victims (ACTV) is a Non-Governmental Organisation (NGO) established in 1993 with a mission to advocate against torture and provide holistic care to survivors of torture. ACTV has a multidisciplinary team comprising of Lawyers, Medical doctors, Clinical Psychologists, Physiotherapists, Nurses and Social workers who provide treatment and rehabilitation services including legal advice to torture survivors. ACTV is the only NGO in Uganda that provides holistic care in Uganda to both Nationals and Non-Nationals at no cost.

The violation of the freedom from torture and ill treatment remains a national concern in Uganda with a notable worrying trend of torture reported by ACTV despite the legislative framework in place. To illustrate this, in 2015; 1,277 (916 males and 361 females) survivors of torture were registered, In 2016;1,346 (991 male and 355 female)survivors of torture were registered, In 2017;834 (632 male and 202 female) survivors of torture were registered, in 2018; 1071 (317 female and 754 male) torture survivors were registered and in 2019, 2020 (707 Female and 1,313 Male) survivors were registered. This means that in 5 years, ACTV has provided services to 6,548 survivors of torture; 4,606 being Male and 1,942 being female!

Introduction

On Wednesday, 1st July 2020, the Justice and Constitutional Affairs minister, Hon. Ephraim Kamuntu accompanied by the Attorney General and the Electoral Commission (EC) officials, appeared before the Legal and Parliamentary Affairs Committee to assure the electorate that nothing would stop Ugandans from casting the ballot in exercise of their right to Vote as guaranteed under Article 59 of the 1995 Constitution of the Republic of Uganda. Despite the COVID-19 pandemic and the dangers it poses to the notions of a credible election in a democracy like that of Uganda, the Electoral Commission has stood its ground and realised considerable progress in the electioneering period ever since the issuance of the summary of the revised Roadmap for the 2020/2021 General Elections on 16th June 2020. However, in the course of implementing this Roadmap, the nation has witnessed a number of processes marred with violence resulting to allegations of Torture and ill treatment by a number of people including those cited in the media reports. Therefore, as the polling period (10th January 2021 to 8th February 2021) for the General Elections edges closer, it should be noted, the Right to Freedom from Torture and Cruel, Inhumane, Degrading Treatment or Punishment as enshrined in Article 24 and subsequently Article 44 (a) is absolute and enjoyable to all Ugandans regardless of age, sex, tribe, gender, colour and Political party affiliation. Besides, the violation of this freedom is criminal and penalised under Sections 4 and 7 of the Prevention and Prohibition of Torture Act No.3 of 2012, respectively.

Torture trends during and post the election period

ACTV statistics indicate that there is usually a rise in number of cases of torture which peak during the election years i.e. 2006, 2012 and 2016 as highlighted below;

ACTV annual trends of torture cases registered during and after electioneering years.

Years	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Number of Victims	438	754	1145	1400	1410	1350	1,385	1,132	1,337	1663
Years	2014	2015	2016	2017	2018					

Number of victims	1154	1277	1346	834	1070
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Number of torture allegations registered at ACTV in 2020

Month	ACTV KAMPALA			ACTV GULU			Grand Total
	Male	Female	Total	Male	Female	Total	
January	11	5	16	3	0	3	19
February	22	23	45	0	0	0	45
March	27	18	45	16	9	25	70
April	1	0	1	0	0	0	01
May	0	0	0	0	0	0	00
June	8	13	21	4	8	12	33
July	11	2	13	6	6	12	25
August	21	12	33	12	33	45	75
Total	101	73	174	41	56	97	271

status	ACTV KAMPALA			ACTV GULU			Grand Total
	Male	Female	Total	Male	Female	Total	
Related to COVID19	26	14	40	3	1	4	44
Not Related to COVID19	75	59	134	41	56	97	227
TOTAL	101	73	174	44	57	101	271

The African Centre for Treatment and Rehabilitation of Torture Victims (ACTV) condemns the acts of violence, torture and ill treatment allegedly meted out on the citizens of Uganda as was evidenced in the recently concluded primary elections for the ruling party.

We also continue advocating for a torture free Uganda this year under the theme: **“Stop Torture During and after COVID19!”**The same appeal calls for a free and fair election period where every Ugandan is respected and protected in exercising their constitutional right to vote a growing democracy like Uganda.

Therefore, The African Centre for Treatment and Rehabilitation of Torture Victims (ACTV) recommends that the following measures be taken to ensure that Uganda, especially the Electoral Commission (EC) delivers a torture and violence free General Election(s) to Ugandans;

- a) The Electoral commission should invest in awareness creation campaigns for civic empowerment about their role and responsibilities during and post the election period to reduce on the possible cases of violence leading to torture.
- b) The Directorate of Public Prosecutions should ensure that perpetrators of the Right to Freedom from Torture and Cruel, Inhumane, Degrading Treatment or Punishment are prosecuted under the Prevention and Prohibition of Torture Act No.3 of 2012.
- c) In solidarity and support of the spirit of Torture Prevention and Accountability, the security agencies deployed through this electioneering period; Uganda Police and the Uganda Peoples Defense Forces among others should ensure their officers are trained in human rights observance and further investigate errant officers and ensure they are prosecuted as provided for by the law. Professionalism also needs to be emphasized and seen to be observed.
- d) In furtherance of accountability for acts of torture and ill treatment, the victimised, and general public should exercise their duty under Section 20 of the Prevention and Prohibition of Torture Act No.3 of 2012 and report all cases of torture and ill treatment to the Uganda Police, the Uganda Human Rights Commission, the Office of the Directorate of Public Prosecutions and any other relevant authority like ACTV, the Coalition Against Torture members and its partners to support access to justice and promotion of human rights.
- e) We urge the State to respect the decision of the Constitutional court on the Public Order Management Act and facilitate freedom of peaceful assembly in addition to complying with its State obligations under the African Charter and other regional and international human rights instruments, and to take all

necessary measures to preserve and protect the credibility of the electoral process in Uganda.

CONCLUSION:

In conclusion, we take this opportunity to call upon government and all stakeholders to play their part and re-dedicate their commitment to a torture free Uganda despite the current COVID-19 pandemic amidst the electioneering period.

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