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# **The Status Quo at All Costs**

**Human Rights Abuses  
during the 2021  
Elections in Uganda**

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## Executive Summary

On January 14, 2021, Uganda held a fiercely contested and controversial presidential election, which gave the incumbent president, Yoweri Museveni, a sixth term in office. Museveni, who has been in power for 35 years, beat his closest challenger, Robert Kyagulanyi, commonly referred to as Bobi Wine, by 58.6 per cent to 34.8 per cent. The research discusses the contentiousness of the elections, highlighting the shrinking civic space in Uganda, the clampdown on the media, incapacitated election observers and the massive voting irregularities. In the same vein, the research report shows that the 2021 elections triggered unprecedented levels of human rights abuses by the security forces, which included frequent arrests of opposition candidates, killing of opposition supporters, illegal arrests, incommunicado abductions, detention in ungazetted facilities, disappearance of several citizens, torture and heavy deployment of the military to intimidate voters. This research report takes stock of these violations, analyses their patterns and suggests strategies to minimise violations in future elections.

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## Foreword

This working paper is not only an analysis of the human rights abuses during the 2021 elections in Uganda, but also an outcome of a constellation of international political forces. Its origins go back to a German Research Foundation (the Deutsche Forschungsgemeinschaft—DFG) funded research project on “Policing Africa” (2013-2019) in which Jude Kagoro, Sarah Biecker and I collaborated.<sup>1</sup> At the center of this research stood the Uganda Police Force (UPF), an institution that allowed very liberally all kinds of participant observation of its routine activities, access to its sites, and interviews with officers of all ranks.

This freedom of research contrasts sharply with the restrictions – often impossibility – of research within Western security agencies, including police forces. It also contrasts with a tendency of political closure in Uganda, a topic that is a core theme of the analysis presented here. In opposition to government institutions in Western countries, Ugandan state agencies have been, since colonial times, very much internationalised – with strong external influences in terms of funding, personnel, programs and policies. The possibility to carry out the research for this working paper again is a proof of the remarkable openness of the Ugandan state.

The sharpening of political competition in Uganda, however, has consequences for research. It means, as the author highlights, a shrinking public space in which fewer people dare saying what they think publicly. The paper clearly shows that the state of human rights in Uganda especially in periods of tensed political contestations is seemingly deteriorating.

The politicisation of the security forces had consequences to actors involved in the production of this working paper as well: Its production was commissioned by a Western development agency that usually does not publish the reports produced on its behalf. When accepting the offer to write this analysis, it was clear for us as academics, that this condition could not be accepted. We found a compromise: As the results of this research are highly political in nature, the funding agency accepted its publication under the condition of not being named. The reason for this reluctance becomes obvious in this paper too: Western agencies have been accused by the Ugandan government of intermingling into political competition in Uganda by supporting the opposition, a complaint that many authoritarian and semi-authoritarian governments have uttered during the last fifteen years, especially with regard to non-governmental organizations with a

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<sup>1</sup> This DFG project within the Priority Programme 1448 “Adaptation and Creativity in Africa” realized some publications including (Biecker & Schlichte 2013; Kagoro (Inside and African Police Force: The Ugandan Police Examined); Kagoro, 2018).

political agenda. And whatever one might think about the justification of such claims, it is beyond doubt that there is a global asymmetry in who is commenting and intervening in which political space. Ugandan newspapers report about comments from Western ambassadors, NGO representatives or international organizations on how politics and administration in Uganda should be conducted. However, in no Western country any such comment or counseling on domestic politics by African governments or organisations can be found.

With the decision first to accept the offer of writing a paid report for a non-academic institution on our research subject, and second, to publish the results without disclosing the donor agency that commissioned this investigation, we as researchers act ourselves in a figuration of political forces. This very fact renders something very evident that is often denied: how deeply inscribed social sciences are in politics, be it by establishing "facts", creating discourses, producing justifications or simply by talking about subject A instead of subject B.

This particular "evidence" – the clarity by which this political nature of research comes to the fore here, has its origin in the political nature of the subject itself. What Jude Kagoro shows in this paper and his other writings (2013; 2014; 2015; 2019; 2020) is that policing always entails a direct political element, which is often explicitly called "political police". In this study, it becomes particularly clear what this can mean: the security forces in Uganda are instruments of a regime in power to curtail the chances of the opposition, to shape the fears and attitudes of voters and to control in particular urban masses in their political articulation. In this regard, the Ugandan case is in no way unique (Manning, 1977; Reiner, 1992; Hills, 2007; Brodeur, 2010). Given this direct importance of the security forces for politics in basically any country, the insights of this paper might travel far beyond the boundaries of Uganda. The still minimal literature on the global spread of policing (cf. Deflem 2002; Müller/Hoenke 2016) might be informed by this paper as well.

To contribute to the recent development of social science literature on the security forces during elections, also in political science, is one reason why we publish here a text that is usually not publicly available. We are convinced that the dilemma that are inherent in research on highly contested political arenas and regimes deserve more care and study than to easily label them as "autocracies". More attention to security forces in political science is desperately needed.

After all, the predicaments of any world region and any national arena are products of a shared history, of global entanglements. The outcomes which include human suffering, political crises and hardship cannot just be "endogenized" in the sense that only single regimes attitudes and policies are explaining variables. Quite the opposite: the global production of political repression, the history of these practices, institutions and forms is so global in nature that no one can deny a joint responsibility for why things have gone so far. This does not answer ques-

tions about political responsibility or moral guilt or legal questions. All these are necessary questions to which academia can contribute, the answers, however, cannot be derived from academic judgement alone.

To keep in mind that in a largely interdependent world, in which in particular Western influence has shaped structures and outcomes in other continents, political crises and problems cannot attributed to single national arenas alone, should also be reminder that there is no reason for self-congratulation or feelings of moral superiority of Western observers, researchers and practitioners. Writing in the moral shadow of the German past is probably more telling than other positionalities for engaging in a form of research that does pathologize others to easily and would keep in mind own deficiencies and moral entanglements. This publication might be a trigger for discussing such overlooked moral dimensions of social sciences.

Klaus Schlichte  
Bremen, June 2022



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# Introduction

What we had on January 14th was not an election but urban warfare...I have never seen such an ugly election in Uganda before.<sup>2</sup>

On January 14, 2021, Uganda held a fiercely contested and controversial presidential election, which gave the incumbent president, Yoweri Museveni, a sixth term in office. Museveni won 5.85 million votes (58.6%), while the main opposition contender, Robert Kyagulanyi, better known as Bobi Wine, won 3.475 million votes (34.8%). The 76-year-old Museveni, who will have made four decades in power at the end of his term in 2026, became president of Uganda in 1986 following a five-year guerrilla war. At present, Museveni is one of the longest serving presidents in the world.

The 2021 elections were characterised by widespread violation of human rights, ranging from the ruthless manhandling and detention of opposition presidential candidates, killings of opposition supporters by security forces, illegal arrests and abductions, a crackdown on the media, beating of journalists, and disruption of opposition rallies to the deployment of heavily armed and hard-boiled looking security forces especially in the Kampala Metropolitan Area. Moreover, there was a total shutdown of the Internet, which made access to information and reporting on the elections a nightmare.

Uganda's key development partners, including the European Union (EU), called for an investigation into electoral violence and irregularities. The EU Council of Ministers indicated that there was massive harassment of the opposition by the security forces. In February 2021, the EU Parliament passed a resolution describing the election as undemocratic and condemned the excesses of the security forces (Biryabarema, 2021).

The US State Department said that it was deeply troubled by reports of election violence orchestrated by the security forces, voting irregularities and termed the electoral process as fundamentally flawed (Milliken, 2021). British officials called for an investigation into concerns over the validity of the election and Africa Elections Watch said they observed irregularities (ibid). In the end, however, despite all this backlash, the incumbent was sworn in on May 12, 2021 and remains in power. The key development partners seem to be back in a normal relationship with the same system.

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<sup>2</sup> Interview with Sarah Bireete, the Executive Director at the Centre for Constitutional Governance (CCG), held on September 6, 2021 in Kampala.

Though ten candidates ran against the incumbent, violence was predominantly meted out against the supporters of popular musician-cum-politician Robert Kyagulanyi Ssentamu commonly known as Bobi Wine. At 38 years and half the age of the incumbent, Bobi Wine stood out as the candidate who seriously threatened the status quo. First, he emerged as the leader of the People Power Movement before assuming leadership of a newly reformatted party, the National Unity Platform (NUP), which had before Bobi Wine, existed as the National Unity, Reconciliation and Development Party (NURP).

Generally, there were several violent scenes involving security forces and opposition supporters. To some limited extent the opposition supporters, especially those of the NUP, also sporadically attacked perceived NRM loyalists. On November 18, in Luuka district, eastern Uganda, the police arrested Bobi Wine on the campaign trail for allegedly breaching COVID-19 regulations by mobilising a large crowd, which, in the perspective of the security forces, could have led to the spread of COVID-19. In response, violent protests broke out in different parts of Uganda, especially in the Kampala Metropolitan Area. Though official statistics claim that 54 people died after security forces responded with lethal force, other sources indicate that at least 100 people, including innocent by-standers, died and over 500 were injured (see Cheeseman, 2021). The riots stand out as the deadliest in the history of Uganda.

The 2021 electoral period witnessed hundreds of NUP members being abducted, the majority of whom were held incommunicado, for allegedly participating in riots, possession of military stores, and holding meetings to plan post-election violence. Several of those arrested were charged at a military court-martial for apparently being in possession of ammunition belonging to the Ugandan army. This research has established that armed men picked up people off the streets or from their homes and took them away in unmarked vans without license plates, commonly referred to as “drones”.

The wave of abductions was perpetrated in part by a commando unit that was previously deployed in Somalia (Taylor, 2021). As confirmed by President Museveni “... in the case of Kampala, we also brought a commando unit, which had distinguished itself in fighting in Somalia. And which had destroyed ADF [Allied Democratic Forces]. It was deployed in the Kampala area. And this group quickly defeated the terrorists who had started operating here. They killed a few, who had tried to attack them and arrested scores of those law breakers” (see Athumani, 2021).

This research understands human rights abuses during elections as a major source of democratic instability with palpable threats to the socio-economic and political transformation of Uganda. These election-related contradictions will have to be redressed to consolidate the few democratic gains Uganda has made thus far.

Human rights abuses during elections are not new nor a surprise though during the 2021 elections the magnitude seemed intense. Given the prevalence of electoral related human rights violations in Uganda this research's main objective was to provide a clear understanding of their prevalence, causes, and dynamics, as well as offering some suggestions of what can be done to prevent them, going forward.

The research report takes stock of the human rights violations during the 2021 electoral period, analyses the patterns of those violations and suggests strategies that can address the justice for the victims, as well generating ideas for a sustained and meaningful debate to create awareness and minimise violations in future elections and other periods of high political stakes.

Equally, the research addresses some critical questions: What is it about Uganda's elections that makes them easily susceptible to human rights abuses? In what forms do these abuses manifest? Why the recurrence despite the fact that those violations having been reported and debated? Although this research majorly focused on human rights abuses hinged on explicit security forces vis-a-vis the opposition contradictions, some attention was paid to the less debated phenomenon of subtle forms of violence and intra-party tensions.

## Methods

To answer these questions this research took a qualitative approach conducting 32 in-depth interviews with security officers, politicians drawn from both the opposition and the ruling party, victims of torture, members of the civil society and journalists. Face-to-face interviews were conducted in August and September 2021, while those on-line (via Zoom) were conducted in October 2021. The research reviewed both international and local media reports on the elections, NGO reports and academic publications on political dynamics in Uganda. Fieldwork was conducted in the Kampala Metropolitan Area, where most of the violence happened. Due to the sensitivity of this research most interviewees are anonymised.

Due to time constraints the research did not extensively cover all opposition groups, thus concentrating on the NUP whose supporters were the most affected by the electoral violence and human rights abuses in the 2021 elections. A separate study analysing the confrontations between the security forces and other opposition groups, especially the Forum for Democratic Change (FDC) which until the 2021 elections was the largest opposition in Uganda would, therefore, be ideal.

## Key Findings

Our findings indicate that electoral violence was twofold. First, at a macro-level it was used by security forces on behalf of the incumbent as a strategy to influence the course and outcome of electoral contests. Second, elections are highly emotive and

due to that fact, individual supporters of different political actors inflicted violence on their perceived opponents based on sentimental reasons.

Whoever this research talked to—be it state security operatives, members of the civil society, opposition politicians and supporters, journalists and even sympathisers of the ruling NRM—agreed that the 2021 elections were extremely violent, leading to unprecedented levels of human rights abuses.

As IRI (2021) has argued, electoral violence is rarely monocausal; a confluence of factors triggers violence before, during or after an election. Our research has made a number of major findings that can be used to explain the amplified violence and human rights abuses in the 2021 elections:

- Ironically, the factors for the intensified violence begin with the weaknesses within the NRM that had heightened in the period towards the 2016 election. In that election the NRM lost one of its chief architects, Amama Mbabazi, and later in 2018, President Museveni dropped a party pivot, former IGP Gen. Kale Kayihura, who was essentially the leading mobiliser for NRM and who had recruited millions of youths, some as infiltrators of the opposition, during his reign as the police chief. Our research has revealed that several youths that previously worked with Gen. Kayihura actually joined the People Power and NUP to retaliate against the NRM that had either used and dumped or persecuted them.
- Our findings further reveal that the 2021 elections took place at a time when internal cracks within the security forces were at their peak. Museveni's most organised political power base has always been the security forces and the knowledge of their fragility caused panic, leading to haphazard reactions to opposition activities, with fatal consequences. Later, especially after the November riots, the security forces seem to have re-organised by infiltrating the NUP structures with secret collaborators who both caused some intra-NUP fractures and exacerbated violence through exaggerated reports portraying the NUP as a security threat and giving details about their colleagues who were picked by drones, detained and tortured.
- On the flipside, Museveni was facing a leading opposition candidate several generations his junior and for the first time a generational conflict came to the fore especially given that Uganda's median age is 15 years and more than 75 per cent of the population was born after Museveni had taken power. Through music, an appealing Bobi Wine had managed to mobilise the youths to register for voting and emboldened them that it was time for a revolution to address their challenges.
- In Bobi Wine, moreover, Museveni was facing a strong Muganda and Catholic candidate. He naturally appealed to Baganda, the largest ethnic group in Uganda, with a strong traditional kingdom that can easily sway the hearts and minds of the people in central Uganda. Ethnic undertones, this research reveals, played a critical role in the violence. Moreover, the elections came at a time when the mood in Buganda was very hostile to Museveni yet he had previously been embraced by the Baganda even at the time he was in the bush fighting as a guerrilla leader. Important to keep in mind is that the Catholic church is the largest in the country, and therefore, a huge constituency that could decide who became president if a candidate endeared it to his electoral agenda.

- Many security officers reasoned that in the previous four elections (2001, 2006, 2011 and 2016) Museveni and the security forces had understood the political bases, strategies and weaknesses of the main challenger, Dr. Kizza Besigye, who due to the emergence of Bobi Wine decided against standing for presidency. According to some security officers, Bobi Wine who seemed a political novice, had first been underestimated, but then rapidly grew in stature, throwing the status quo into serious panic. His support sprung up in record time and the political base was simultaneously unpredictable. The security forces had to mediate the relentless support with extreme violence.
- Many enthusiastic opposition supporters continuously professed a 'Plan B', which the state security operatives took seriously. This idea was first mooted by Kizza Besigye who insisted that Museveni can only be removed from power by an insurrection and not an election. The People Power youth, including those in the diaspora, continuously made it look like there were advanced plans to emulate what had happened in Sudan, Burkina Faso and in North Africa where insurrections overthrew long-serving presidents. The supporters made it seem clear that as soon as Museveni was announced the winner an insurrection would be rolled out.
- Finally, our findings encountered suggestions that the emergence of Bobi Wine threatened Museveni's alleged plan of transferring power to his son Muhoozi Kainerugaba in 2026. There are some claims that the pro-Muhoozi forces within the security forces perceived Bobi Wine not as a competitor of Museveni, but a rival of Muhoozi. These forces unleashed extreme violence to destroy the People Power movement before it grows to disrupt their future plans.

This research report is divided into five major parts structured as follows: Part 1 provides a contextual background of electoral violence in Uganda and conception reflections of electoral violence in general. Part 2 discusses the premises of amplified violence in the 2021 elections. The main objective here is to provide explanations as to why there were unprecedented levels of violence and human rights abuses in the 2021 elections compared to the previous elections. Part 3 focuses on the shrinking civic space in which the closure of organisations, the curtailing of election observers and the clampdown on the media are discussed. Part 4 discusses the actual pattern of human rights abuses in the 2021 elections. The guiding question in this part is what kind of abuses took place and why the recurrence. Part 5 provides some recommendations and conclusion and answers the query: what strategies can be put in place to reduce the human rights abuses during elections?

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# Part One: Contextual Background and Conceptual Reflections

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## 1.1 Contextual and Legal Framework for Elections in Uganda

When John Locke argued that men being by nature all free, equal, and independent, no one can be subjected to the political power of another without his own consent (Locke, 1946), he envisioned a society in which the governed possess the sovereignty to choose who governs them. Locke's vision spoke to a democratic system of governance in which elections affirm the sovereignty of the people by which they express their will and consent as to who governs them.

With the exception of a handful of states, including Brunei, China, Eritrea, Qatar, Saudi Arabia, and South Sudan, people across the globe are regularly provided the opportunity to elect their leaders in national elections (Birch et al. 2020). In theory, elections ought to be a mechanism that allows citizens greater say over how they are governed. Yet in practice, elections, especially in weak democracies, are fraught with significant levels of violence during the campaign period, on polling day or in the aftermath of voting (Höglund, 2009; Nordic Africa Institute, 2018; Birch et al. 2020).

Despite their aim of allowing for peaceful transfers of power, most elections held outside of consolidated democracies are often accompanied by substantial violence and human rights abuses (Birch et al., 2020). Particularly, human rights abuses seem to have become a predominant feature of competitive elections in many parts of Africa, including Uganda. A study drawing on statistical data from more than 50 African elections from 2011 to 2017, indicated that nearly all these elections had cases of human rights abuses at some stage of the poll (Kewir & Gabriel, 2018).

Uganda subscribes to the democratic ideal. According to the National Objectives and Directive Principles of State Policy under the Constitution, Uganda is supposed to be governed under democratic principles, which empower and encourage the active participation of all citizens at all levels in their own governance. Under Article 1 (2) of the Constitution, all authority in the State emanates from the people of Uganda and the people shall be governed through their will and consent.

Article 1(4) of the 1995 Constitution (as amended) states that,

The people shall express their will and consent on who shall govern them and how they should be governed, through regular, free and fair elections of their representatives or through referenda.

Uganda's electoral system is premised on both international and national legal instruments. At international level, they include the United Nations Universal Declaration of Human Rights (UN-UDHR); African Charter on Democracy, Elections and Governance (ACDEG); African Charter on Human and People's Rights (ACHPR); and International Covenant on Civil and Political Rights (ICCPR), among others. At national level, legal instruments relating to the electoral system in Uganda include the Constitution of the Republic of Uganda, 1995 (as amended); Electoral Commission Act, 1997 (as amended); Presidential Elections Act, 2005 (as amended); Parliamentary Elections Act, 2001 (as amended); and the Local Government Act, 1997 (as amended), among others.

Uganda is a member of the United Nations (UN) Organisation, and submits to the UN Universal Declaration of Human Rights (UN-UDHR) of 1948. Article 21(3) states that,

The will of the people shall be the basis of the authority of government; this shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Uganda ratified the International Covenant on Civil and Political Rights (ICCPR) in 1995. Article 25 of the Covenant states:

Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:

- (a) To take part in the conduct of public affairs, directly or through freely chosen representatives;
- (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression and the will of the electors.

Furthermore, Uganda signed the African Charter on Democracy, Elections and Governance (ACDEG) in the year 2008. Article 3(4) emphasizes the need to hold regular, transparent, free and fair elections. Article 4(2) of the charter further asserts that, "State parties shall recognize popular participation through universal suffrage as the unalienable right of the people."

The Electoral Commission of Uganda is constitutionally mandated to conduct regular, free and fair general elections, by-elections, referenda, and demarcate constituencies among other functions. According to Article 62 (as amended), ".....the commission shall be independent and shall, in the performance of its functions, not be subject to the direction or control of any person or authority."

The Presidential Elections Act, 2005 (as amended) regulates the manner by which presidential elections should be conducted by the Electoral Commission of Uganda; and how the presidential candidates should conduct themselves throughout the

process of aspiring to be elected among other provisions. In particular, Part Four of the Act prohibits presidential candidates or their agents from voter bribery; procuring prohibited persons to vote; publication of false statements against the opponents; and obstruction of voters.

The Parliamentary Elections Act, 2001 (as amended) stipulates the manner in which the parliamentary elections shall be conducted; and all the acceptable activities and behaviours during the whole process of parliamentary candidates being elected into or out of Parliament. The Local Governments Act, 1997 (as amended) stipulates the conduct of candidates for the election of the candidates for the local governments' council representatives at every local governance level (including district, municipal, division, sub-county, parish, ward, and village councils); the duties and responsibilities of all the local government duty bearers.

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## 1.2 Conceptual Reflections on Electoral Violence

There is a view that electoral violence is a malfeasant effect by a government that wants to stay in power at any cost. That to stay in power while electoral support for it migrated, the argument goes, out-of-favour governments resort to violence against citizens, opposition candidates, and political parties, among other targets (Hafner-Burton *et al*, 2013; see also Tamale, 2015).

This research draws on Hafner-Burton, Hyde, and Jablonski's (2013) framework of electoral violence. Leaders who are unwilling to leave power, according to their thesis, have a greater incentive to crack down if (1) they think or know that an election might remove them, (2) they have few or no constraints on the use of the implements of violence, and (3) they are convinced that there will be no consequences for their violence (Hafner-Burton *et al*, 2013). In that sense, the causal factors for electoral violence are both psychological to the extent that they entail the thinking and attitudes of leaders, and structural because of the facilities that encourage leaders to use violence: collusion between a president and the power centres that would check his or her excesses including incumbent political party, Parliament, the military and the courts.

On the flip side, a government or leader who may also be out of favour with the electorate may not resort to violence if accountability for violent malfeasance is certain. In this sense, the psychological urge for violence is tamped down by structural impediments. Hafner-Burton and Hyde (2014) and Hafner-Burton *et al* (2013) place their faith in the independence of the Judiciary and other checks on executive power such as the legislative check, ruling party constraint, and the military check, contending that when a structural counterbalance to the incumbent's worst impulses exists, election violence becomes less likely even when a leader or party's position in power is seriously threatened. The above thinking is predicated on the



view that that election violence is a symptom of a weakening incumbent government (Hafner-Burton & Hyde, 2014).

This thesis contends that violence is resorted to because of its benefit to an unpopular incumbent, that is, its tendency to keep them in power—and may be used both before and after elections for the same ends. Pre-election violence can alter the election results in the incumbent's favour by reducing the electoral competition when it induces the opposition to boycott an election or influences voter turnout in the incumbent's favour; hence increasing the incumbent's odds of staying in power (Hafner-Burton et al, 2013).

Post-election, if the election was not free or fair to the extent that it galvanises protests against the incumbent, violence becomes a necessary tool for a regime to keep itself in power. This is because post-election rebellion raises the prospect of new elections or forcing the incumbent to step down (see also Bunce & Wolchik, 2006), none of which would be reasonable for or acceptable to the leader; hence the resort to violence to keep power.

What the thesis does not mention is that in some environments, the incumbent government may not act violently owing to weakness or diminished electoral support. Sometimes, a government may act violently due to the treasonous behaviour, violent posture and ill-intention of the opposition (especially supporters of opposition candidates), which may not necessarily possess an electoral edge over the incumbent. The incumbent may activate violence because of the fear to lose power, but not necessarily through elections but extra-election means.

Electoral violence has also been theorised to occur during high stakes elections. According to scholars such as Asunka et al. (2019), Collier and Vicente (2014), Hafner-Burton, Hyde & Jablonski (2014), Straus & Taylor (2012) among others, the more competitive an election is, the more the likelihood of election violence.

However, this construal is contested and as Birch (2020) has observed, the evidence is mixed, in that election violence may occur whether the election is hotly contested or not. Accordingly, high stakes or hotly contested elections may be, but are not the only explanation for election violence. In that sense, Evéquoz (2019), among others, found that voters in opposition strongholds experience higher levels of violence, thus confirming that high stakes elections are associated with election violence. Rauschenbach and Paula (2019) and others also found that voters in opposition strongholds, where there is no cut-throat competition between incumbents and the opposition, experience higher violence.

The type of electoral institution design determines whether or not violence will occur in electoral climates with high stakes (Alesina, Piccolo & Pinotti, 2018; Claes, 2016). In specific terms, Fjelde and Höglund (2016) have argued that majoritarian

elections tend to produce high-stakes electoral contests that are associated with greater levels of electoral violence. Other scholars, including Nellis, Weaver, & Rosenzweig (2016), and Nellis & Siddiqui (2018), have also found a connection between ethnic polarisation, the exclusion of ethnic groups from power, and parties representing particular ethnic or religious identities to be combustible ingredients for electoral violence. It is also argued that international factors do matter. For instance, Daxecker (2014) has shown that the presence of observers can forestall the use of violence as a strategy for attaining political ends.

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### 1.3 Pre-NRM Electoral Violence Cycles

Election results in Uganda's politics have always been disputed and a habitual source of political controversy since the colonial period (Cheeseman et al., 2020). This research underlines that elections in Uganda have become a source, not a cure of, violent accession to and maintenance of power. Often, the violence is unleashed by incumbents; other times, it is instigated by opponents of incumbent leaders while in some cases, it erupts among supporters of candidates or parties. Uganda has never witnessed a peaceful transfer of power since independence from British colonial rule in 1962.

Uganda's elections date back to pre-independence times when the British colonial government made a statute in 1957 that allowed Africans (Ugandans) to participate, starting with the Legislative Council (LEGCO) of 1958. In 1961, the colonial government organised the very first direct elections in accordance with Article 7 and the Second Schedule of the 1955 Buganda Agreement; Section 9 of the Electoral Law; and recommendations by the Constitutional Committee of 1959. These elections were marred by violence, intimidation and boycott mostly perpetrated by Buganda loyalists whose interests of a privileged Buganda within Uganda were being threatened (Ssempebwa, 2015).

Because the 1961 elections were deemed unrepresentative, mainly because of Buganda's boycott, another election was organised in 1962. Though this election led to the formation of the first post-colonial government headed by Prime Minister Milton Obote, a significant level of violence was meted out on the supporters of Benedicto Kiwanuka's Democratic Party (DP) within Buganda (Ssempebwa, 2015).

In 1964, approximately two years into Uganda's self-governance, a referendum was organised to resolve the contentious matter of the "lost counties". The people abiding in Buyaga and Bugangaizi were to choose whether their territory remained in Buganda, to join the kingdom of Bunyoro, or become a separate district. The people overwhelmingly voted to belong in Bunyoro—86% of the vote in Buyaga and 70% in Bugangaizi (Peterson, 2015). However, in the days following the referendum there were riots and violence in Buganda (ibid).

Although the 1962 constitution had provided for elections after every five years, Uganda was the only country in Africa that never organised any form of general elections between 1962 and 1980 (Lindberg, 2004). Moreover, after overthrowing Milton Obote through a coup in 1971 Idi Amin outlawed the Parliament, banned political parties, weakened the Judiciary and dismantled local governments.

In a space of one and a half years—between April 1979, when Idi Amin fell, and December 1980, when elections were held—Uganda experienced three regime changes through violent coups and military manipulation. The political anarchy after Amin’s fall was compounded by messy general elections in 1980 from which Obote emerged in charge (Kagoro, 2015).

In the course of the 1980 elections, presidential candidates, including Yoweri Museveni, were harassed and several of their supporters arrested, beaten and some killed by pro-Obote security forces (Karugire, 2003; Ssempebwa, 2015; Willis et al, 2017). In many constituencies, opposition agents were prevented from guarding the votes while the tallying and declaration of results was interfered with by the partisan military council led by Paulo Muwanga.

One of the losers in the 1980 elections, Yoweri Museveni, and his allies immediately launched a five-year guerrilla war (1981-1986), which they had promised in case the elections were rigged (Kagoro, 2015). In January 1986, Museveni and his National Resistance Movement (NRM) managed to take over power, marking Africa’s first successful overthrow of a regime by a locally-based guerrilla movement (Kasozi, 1994, 175; Karugire, 1996, 90; Hills, 2000, 91; Kagoro, 2016, 155–156; Kagoro, 2018).

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## 1.4 The NRM Grand Promise for Human and Democratic Rights

The NRM took over power promising enthusiastic Ugandans a “fundamental change” premised on its ten-point programme that entailed democracy and protection of human rights. The NRM government established the Uganda Human Rights Commission under the provisions of Article 51(1) of the 1995 Constitution. The functions and powers of the commission were operationalised under the Uganda Human Rights Act of 1997.

Through the establishment of UHRC, the NRM showed signs of committing to promote and protect human rights and freedoms of citizens in recognition of Uganda’s violent and turbulent history characterised by arbitrary arrests, detention without trial, torture and brutal repression with impunity on the part of security organs.

The NRM introduced the no-party democracy or the Movement system, which was 'broad-based', 'all-inclusive' and premised on the principle of individual merit (Mugaju and Oloka-Onyango, 2000, p. 1; Tripp, 2004, p. 7; Lindemann, 2011, p. 395). Elections were held strictly between individual candidates as opposed to political parties (Carbone, 2008, pp. 22–23). The no-party democracy system improved the quality of politics as well as levels of political participation and civil liberties (Wapakhabulo, 2000, pp. 79–94; Rubongoya, 2007, p. 24; Carbone, 2008, p. 23), though it inhibited aggregated political competition (Carbone, 2003, p. 487; Hickey, 2005, p. 998; Girke and Kamp, 2011, p. 53).

Kasfir (2000, pp. 75–76) argues that this system was instrumental in providing the NRM with an important resource to legitimise its rule for a substantial period of time, which also led to considerable social and economic benefits for the country. For 19 years (1986–2005), multiparty politics remained banned based on NRM's discourse that multiparty politics polarise the population and perpetuate violence based on religious and ethnic sectarianism (Kasfir, 1998, p. 60; Museveni, 2000, p. 245; Hickey, 2005, p. 998; Rubongoya, 2007, p. 25).

At the same time, Western powers hailed Uganda as the cherished child of Africa and viewed President Museveni as one of a 'new breed' of African leaders (Mamdani, 2001, p. 276; Oloka-Onyango, 2004, pp. 29–52; Tripp, 2004, p. 3; Schlichte, 2008, p. 371). Uganda's closer relations with the West in the post-Cold War era developed during the same period in which the rest of Sub-Saharan Africa was under immense pressure to democratise according to the paradigm of liberal democracy (Kagoro, 2018).

As a measure to democratise the state, but also as a strategy to establish legitimacy and penetrate the countryside the NRM organised local elections in 1989 that were largely free and fair. These were the first elections for the local leaders in the history of Uganda. In the previous governments, local governance had been the role of administrators appointed by the central government.

The process saw a hierarchy of popularly elected councils called Resistance Councils (RCs) —later renamed Local Councils (LCs)—from R.C 1 to R.C 5; R.C 1 being a village council and R.C 5 being a district council. The exercise led to the expansion of the National Resistance Council (NRC) from 38 to 270 members with the apex authority being the National Executive Council (NEC), which at the time performed the role of Parliament (Golooba-Mutebi, 2008) till 1994.

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## 1.5 The Return of Electoral Violence

Since 1996, Uganda has consistently held regular elections, including two referenda in the year 2000 and the year 2005 to decide on the political system. However, citizens have experienced violence, brutality, and intimidation since then. In addition,

voter bribery and general commercialisation of politics and the electoral processes have been observed as the new normal in Uganda's politics. In 1996, the first general elections under Museveni, saw the rallies of the presidential candidate Paul Kawanga Ssemogerere, who at the time caused limited threat due to Museveni's popularity, severally blocked by the Police, and his supporters beaten (Mwenda, 2020).

In 2001, the NRM, for the first time, experienced internal political fracture when Colonel Kizza Besigye, who had until then entrenched the NRM ideology in the country (a senior member of the NRM that ran government since 1986), ran for the presidency against Yoweri Museveni. The decision by Besigye to run for the presidency evoked arguably the most violent pre-election reaction by state security forces in Uganda's electoral history since the 1980 election. As many as 156 supporters of Besigye were killed in election-related violence (Rubongoya, 2007; Kagoro, 2015; 2016; Mwenda, 2020).

In the aftermath of the election, because of the astronomical scale of the violence, a parliamentary select committee was set up to investigate the violence, while the 2001 Human Rights Watch report offered a catalogue of arbitrary arrests, attacks, and intimidation of the political opposition and its supporters and campaign agents (Tamale, 2015) by state security agents and non-state formations such as the Kalangala Action Plan, in favour of Museveni and the NRM and against Besigye and his Reform Agenda pressure group.

The select committee accused, in its report, the Kalangala Action Plan of "terrorising and intimidating Col. Kizza Besigye's and opposition parliamentary candidates' supporters", yet President Museveni in response to the report, defended the group, calling it a "political action group of the National Resistance Movement which helps in gathering intelligence in disturbed areas" (Immigration Board of Canada, 2003).

Nonetheless, the violence was not lopsided; while Besigye and his Reform Agenda were on much of the receiving end of the violence by state security agents and allied formations on the side of the incumbent, Yoweri Museveni, to a lesser extent, intimidation and assault had been directed at Museveni's supporters or perceived supporters by Besigye enthusiasts (Tamale, 2015).

In the 2006 elections, while the level of violence appeared to have been lower than in 2001, there were still several incidents of violence and intimidation (Tamale, 2015). The main challenger, Kizza Besigye, was in addition to deadly violence against his supporters,<sup>3</sup> personally harassed with arrests, detention, and charged

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<sup>3</sup> See, for instance: <https://www.aljazeera.com/news/2006/2/16/ugandan-opposition-rally-turns-bloody>.

with trumped-up criminal charges (Kagoro, 2015).<sup>4</sup> The military court-martial charged Besigye with possession of illegal arms and for having connections with the shadow People's Redemption Army (PRA) rebel group, spending most of the campaign period between court and Luzira Prison (Africa Yearbook, 2006, p. 387; Kagoro, 2015).

Most notably, on February 15 at Bulange in Kampala, Forum for Democratic Change (FDC)<sup>5</sup> supporters were shot at by a security agent, an incident in which three individuals were killed and many others injured (Tamale, 2015). Moreover, at Summit View Barracks polling station in Kololo, a Democratic Party candidate was stabbed by supporters of his NRM opponent (ibid), among many other incidents. In its ruling in a presidential election petition brought by Kizza Besigye, the Supreme Court, in a unanimous determination, declared that the principle of free and fair elections was compromised by bribery, intimidation and violence in some areas of the country (ibid).

In 2011, the elections were relatively peaceful, but in the immediate aftermath there was deadly violence after the opposition contested the re-election of the incumbent, Yoweri Museveni, and engaged in civil disobedience activities they dubbed 'walk to work', resulting in at least nine deaths and several injuries and arrests, stone throwing, and destruction.<sup>6</sup>

In 2016, there were arrests of presidential candidates and supporters, beatings of supporters of opposition candidates, and certainly deaths. As many as 20 individuals were killed during the 2016 elections.<sup>7</sup> Uganda, therefore, presents an excellent case of a competitive-authoritarian state that is officially democratic but in reality, maintains power through a range of repressive strategies (Tripp, 2010; Kagoro, 2016; Cheeseman, 2021).

Ultimately, we argue that the 2021 general elections only confirmed that violence is a common thread running through the electoral fabric of the Ugandan polity under the NRM. These elections, however, witnessed unmatched levels of explicit violence and human rights abuses as this research shows.

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4 <https://www.bbc.com/news/world-africa-11524243>.

5 By the time the 2006 elections were held, the Reform Agenda had been transformed into a political party called the Forum for Democratic Change, which sponsored Kizza Besigye, instead of Reform Agenda.

6 <https://www.hrw.org/news/2016/04/22/uganda-5-years-no-justice-walk-work-killings>.

7 <https://www.voanews.com/africa/study-many-uganda-voters-fear-violence-next-elections>.

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## Part Two: Premises for Amplified Violence and Human Rights Abuses

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### 2.1 The Emergence of Bobi Wine and the People Power Movement

The 2021 elections were unique because it was the first time in 20 years there was an election without Kizza Besigye. There was a new popular candidate who had no structures but attracted a lot of youthful energy. Key figures who had dominated the opposition space for a long time took a back seat. So, opposition politics were profoundly remodelled.

The 2021 general elections were radically different from the previous five general elections under Museveni (1996, 2001, 2006, 2011, 2016), not least because they presented a political outsider and a much younger individual in Robert Kyagulanyi, 38 years in 2021, as the most serious political foil to a much more politically experienced 76-year-old incumbent, who by the 2021 polls had ruled Uganda for 35 years.

Prior to mounting an electoral challenge to Museveni, Kyagulanyi was a recording artiste who grew up on the socioeconomic margins of society and whose only political experience was being a Member of Parliament between 2017 and 2021, having won the parliamentary seat in a by-election, with 78 per cent of the vote on an independent ticket (The Conversation, 2021).

From an insular constituency he represented in Parliament, Kyagulanyi managed to galvanise support from across the country, organise and lead a fairly robust political movement (People Power) that attracted a mammoth followership, and to form the biggest opposition political party (National Unity Platform) at the expense of the Forum for Democratic Change (FDC), in four short years.

Within his first two years in Parliament, Kyagulanyi had built a reputation as an ardent opponent of Museveni, having fiercely opposed the removal of the presidential age limit article in the Constitution and led protests against the government's proposed tax on social media in July 2018 (The Conversation, 2021). Prior, Kyagulanyi had campaigned for opposition candidates for parliamentary seats in by-elections and helped them to win seats: in Jinja East Constituency for Paul Mwiru of the Forum for Democratic Change (FDC),<sup>8</sup> in Bugiri Municipality Constituency

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<sup>8</sup> See; "Reclaim your Country" – Besigye, Bobi Wine Rally Jinja East to Vote Mwiru - SoftPower News.

for Asuman Basalirwa of the Justice Forum<sup>9</sup>, in Rukungiri for Betty Muzanira of the FDC,<sup>10</sup> and in Arua for Kassiano Wadri on an independent ticket.<sup>11</sup>

All the above candidates won against NRM candidates that President Museveni had personally campaigned for. The streak of electoral wins in the by-elections by Kyagulanyi against NRM candidates was an eye-opener, as it were, to the NRM regarding the rising political momentum of a politician first underestimated as a political novice. With that streak of victories, Kyagulanyi had to be taken seriously at all costs. The NRM government, which is known for treating its foremost political challengers as enemies and securitising their political and electioneering efforts, turned its eyes on Kyagulanyi. To the NRM and the security forces Kyagulanyi was no longer just a politician but a security threat. At least, that is how he was treated after the Arua campaigns, when he and his associates were violently arrested, tortured, and charged with treason.

Kyagulanyi's rising popularity was driven by his support among the country's disenfranchised youth, amid increasing perceptions that the government is out of touch with the needs of the youth population.<sup>12</sup> He also represented the downtrodden of society given his background as a hustler who had surprisingly emerged from the ghetto to run for the highest office (Akumu, 2020).<sup>13</sup>

Kyagulanyi also represented the younger generation, which had seen no other president in their lifetime. Approximately 78 per cent of Uganda's population was under the age of 30 in 2020, when Museveni had been at the helm for 35 years. This was projected as a demographical advantage for Kyagulanyi and his People Power movement, and the political party, the National Unity Platform— and a headache for the incumbent, and mainly so because Uganda had one of the highest youth unemployment rates in Africa (Among & Munavu, 2019).<sup>14</sup>

Kyagulanyi also had a secret tool to his advantage that could have been a threat to the incumbent. He is a celebrated pop star. Even before he jumped into the political fray, Kyagulanyi used his music talent to sing about the plight of the common person while castigating government corruption and indifference. When he joined pol-

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9 See: <https://www.softpower.ug/photos-basalirwa-bobi-wine-engage-in-door-to-door-campaign-in-bugiri/>

10 See: Bobi Wine excites Rukungiri voters ahead of tomorrow's Woman MP Election – Sqaop – Get Uganda entertainment news, celebrity gossip, videos and photos.

11 See: [https://www.youtube.com/watch?v=mcEoK0EzB\\_I](https://www.youtube.com/watch?v=mcEoK0EzB_I)

12 See:

<http://country.eiu.com/article.aspx?articleid=1407158524&Country=Uganda&topic=Politics&subtopic=Forecast&subsubtopic=Political+stability>

13 <https://www.theguardian.com/world/2020/dec/13/ugandas-young-voters-are-hungry-for-change-bobi-wine-museveni>

14 <https://blogs.worldbank.org/nasikiliza/we-want-to-be-heard-the-voices-of-ugandas-young-people-on-youth-unemployment>



itics, he would completely take off the gloves and hit Museveni directly in his lyrics, singing about dictatorship and the need for redemption in more direct ways (Anonymous, 2019).<sup>15</sup> Museveni attempted to belittle Bobi Wine as only a musician who knew nothing about governance (ibid).

Yet, it does not appear that by portraying Bobi Wine in derogatory terms, Museveni did not take his musicality as a serious political threat. In October 2017, Police banned Kyagulanyi's performances (Daily Monitor, 2017)<sup>16</sup> at Museveni's instigation. In a BBC interview, Museveni defended the banning of Kyagulanyi's concerts, charging that Bobi Wine could not be allowed to benefit from Uganda's prosperity because he had attempted to sabotage it by asking investors to boycott Uganda (Musungu, 2019).<sup>17</sup>

Whereas that was Museveni's rationalisation of the ban on Kyagulanyi's concerts, political commentators thought otherwise. According to Golooba-Mutebi (2018), for instance, Kyagulanyi's concerts threatened Museveni because they created a political space for Kyagulanyi to do early campaigns and raise funds ahead of the elections, which Museveni and the NRM had in the past exclusively enjoyed at the expense of opposition candidates and parties.<sup>18</sup> Therefore, Museveni had every incentive to block Bobi Wine's concerts because by doing so, he cut off Kyagulanyi's most vibrant means of political expression (Musungu, 2019).<sup>19</sup>

Bobi Wine, however, asserted his rights and organised an Easter holiday concert. The Police did not allow him to perform although they had previously indicated they would allow him to under conditions agreed upon by both sides (including that the show should not be political) (Lumu, 2019) <sup>20</sup>; Kyagulanyi was arrested on his way to the venue and taken back to his home (Anonymous, 2019).<sup>21</sup> A few days later, he was arrested on his way to the Criminal Investigations Directorate to be interrogated (anonymous, 2019),<sup>22</sup> and was charged with holding an unlawful assembly related to a protest in which he participated in 2018 against taxes on mobile money transfers and Internet access (Athumani, 2019).

Bobi Wine had started his ambition to stand for presidency by mobilising the youth through songs rallying them to get a national identity card to be able to participate

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<sup>15</sup> <https://africasacountry.com/2019/05/singing-truth-to-power>

<sup>16</sup> <https://www.monitor.co.ug/News/National/Bobi-Wine-music-shows-Police-Mukono-/688334-4144840-14drbe5z/index.html>

<sup>17</sup> <https://nairobinews.nation.co.ke/museveni-why-i-banned-bobi-wines-concerts/>

<sup>18</sup> <https://www.theeastafrican.co.ke/oped/comment/Now-Bobi-Wine-finds-he-cannot-sell-old-politics-in-new-bottles/434750-4907838-rwx46g/index.html>

<sup>19</sup> <https://nairobinews.nation.co.ke/museveni-why-i-banned-bobi-wines-concerts/>

<sup>20</sup> [https://www.newvision.co.ug/new\\_vision/news/1498858/police-clears-bobi-wine-concert](https://www.newvision.co.ug/new_vision/news/1498858/police-clears-bobi-wine-concert)

<sup>21</sup> <https://africasacountry.com/2019/05/singing-truth-to-power>

<sup>22</sup> <https://africasacountry.com/2019/05/singing-truth-to-power>

in the elections. Most ghetto youths did not have IDs and of course were not registered voters. When the government realised Bobi Wine's power it tried to counter by buying off other ghetto musicians such as Butcherman and Full Figure to respond to the wave.

These individuals were appointed presidential advisers and then given large volumes of money which they kept flashing in public, making the poor youth in the ghettos even angrier at the regime. At the same time, the government's initiative came rather late and there was principally no time to win the youths over. Museveni went around the ghettos to launch youth groups, but this was only re-enforcing the narrative that he had only remembered them because of their hero, Bobi Wine.

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## 2.2 The Fractured NRM and Rivalry between Security Agencies

Besides the usual general explanations that security agencies were trying to protect the incumbent's power at all costs, this research was able to dig deeper for further context of the 2021 electoral violence. Our findings indicate that the elections seem to have taken place at a time when the ruling NRM party structures were at their weakest and the security agencies in disarray.

The NRM weaknesses heightened in the run-up to the 2016 elections when a hitherto party pillar Amama Mbabazi broke ranks with Museveni eventually running against him. Mbabazi, who had previously served in various capacities including as Minister of Security, Minister of Defence, Prime Minister and Secretary General of the NRM party was one of the key strategists behind Museveni's long rule.<sup>23</sup>

Though the NRM has never been a strong bureaucratic institution, Mbabazi was the key organiser and as Secretary General he had built a semblance of party structures across the country. His daughter, Nina Mbabazi, was in charge of the party's database, including the party register, which disappeared prior to the 2016 elections. In spite of the fact that Museveni won the 2016 elections the party came out of the electoral processes severely bruised, a senior security officer offered.

The absence of Mbabazi weakened the NRM secretariat to the extent that the party could not smoothly organise its primary elections in 2020 based on its registered members. "This caused a lot of problems, leading to chaotic and violent NRM primaries when anybody could line up behind a candidate and vote. The party had lost control of its membership and had no knowledge of who to rely on in the 2021 elections. So, Museveni turned to the military and family members to organise his campaigns in 2021," a senior NRM politician argues.

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<sup>23</sup> <https://www.bbc.com/news/world-africa-33131658>

The President seemed to have entered the elections more as an individual; the NRM structures were not pronounced and the traditional task forces were largely quiet. On the campaign trail, Museveni seemed to have majorly relied on his family, including his daughter playing a pronounced role for the first time.

The rather ugly competition between the two long-time friends, Mbabazi and Museveni, provided an opportunity for the comeback of the then renegade brigadier Henry Tumukunde. High placed sources indicated that Tumukunde was brought to fill the gap left by Mbabazi due to both his organisational skills and pre-existing rivalry with Mbabazi. Tumukunde designed strategies that infiltrated and later neutralised Mbabazi's extensive networks. Thereafter, his long-held wish to retire from the army was also finally granted in September 2015, with a promotion from brigadier to lieutenant general (see Kitatta, 2018).

Large amounts of the campaign resources were then channelled through Tumukunde who went around the country distributing money to win support for the NRM. Our findings indicate that two strong and competing NRM apparatuses emerged, one led by Tumukunde and the other by the then Inspector General of Police, Gen. Kale Kayihura.

Gen. Kayihura had, meanwhile, over the years built a strong nation-wide structure of crime preventers that were essentially NRM mobilisers (Kagoro, 2018). As we shall show later on, some of the radical youth that joined the People Power movement and later NUP were previously crime preventers, while some had worked with Tumukunde during the 2016 elections.

In the months preceding the 2016 general elections the police rigorously recruited millions of crime preventers many of whom received some paramilitary training (Kagoro, 2021; see also Tapscott, 2016). Though the police claimed that the crime preventers numbered about 12 million (see Collord, 2018), police officers, including those involved in the recruitment, estimated the figure to have been about one million (Kagoro, 2018).

As Tapscott (2016) illustrated, crime preventers were not only used as a coercive strategy or a tool to intimidate the opposition, but were majorly seen as potential voters for the ruling party and at the same recruitment seemed to have been designed to keep the disgruntled and employed youth from opposition activities. The recruitment and the active involvement of the police in the elections are clear dimensions of the politicisation and militarisation of the police itself (Kagoro 2014, 2015).

Gen. Kayihura's crime preventers played an active role in mobilising for and attending President Museveni's campaign rallies, an important element since numbers attending rallies would be used in debates to show which presidential candi-

date was stronger (Kagoro, 2018). Several leaders within the crime preventers' structures especially at the national level including the chairperson explicitly professed support for the ruling party, some explaining that the IGP and the President were their patrons (Tapscott, 2016). President Museveni personally presided over many of the graduation ceremonies of crime preventers where recruits-cum-graduates mostly wore yellow T-shirts, the colour of the NRM (Kagoro, 2018).

After the 2016 elections, Tumukunde was appointed security minister while Kayihura continued as the IGP. However, the rivalry between the two was intense and their civilian recruits started clashing in the different suburbs of Kampala. Tumukunde, who was working through the Internal Security Organisation (ISO), External Security Organisation (ESO) and Chieftaincy of Military Intelligence (CMI) seemed to have engaged in serious manoeuvres to undermine Kayihura's work as IGP. The severe rivalry between the two generals started in 2005, when Kayihura, then a brigadier, led a 50-man force to arrest Brig Tumukunde, accused of making unsavoury political remarks on Radio One's evening talk show, Spectrum. The arrest had been premised on a report written by Kayihura, then a chief political commissar of the UPDF and a military assistant to President Museveni (Kitatta, 2018).

When Tumukunde assumed the office of security minister he severally vowed to crush what he termed as "criminal gangs" that were working with the police in the name of crime preventers. Later, military intelligence went against Kayihura's allies, arresting several senior police officers and crime preventers, notably the leader of the Boda Boda 2010 group, Abdallah Kitatta, who had established himself as the pinnacle of boda boda riders in Kampala and beyond.<sup>24</sup>

Other sources insist that Tumukunde's actions were sanctioned by the President who seemed to have become uncomfortable with Gen. Kayihura's countrywide network of crime preventers. This network, our sources argued, had delivered the 2016 election for Museveni and could easily do the same for Kayihura in 2021 in case he turned against Museveni.

President Museveni later dropped both generals from their positions in February 2018. The thousands of youth who were working under them went into disarray. By the time the 2021 elections came, the NRM had already lost Amama Mbabazi a smart and cunning political mobiliser; Gen. Kale Kayihura, an IGP who had built an extensive machinery and network among the civilian youth in the interest of the NRM and a politically robust police forces, which had over the years become ideologically closer to the NRM. Tumukunde, meanwhile, decided to run against Muse-

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<sup>24</sup> <https://www.independent.co.ug/dramatic-week-ends-cmi-targeting-kitatas-boda-boda-2010/>

veni in the 2021 election. While appearing on NTV on July 8, 2020 Tumukunde alleged that Dr. Kizza Besigye had won the 2016 elections despite the Electoral Commission announcing Museveni winner.

Ultimately, the gaps left by Mbabazi, Kayihura and Tumukunde had a huge impact on how the NRM and Museveni would go about the 2021 elections. The youths involved in Gen. Kayihura's network were either abandoned or persecuted by the anti-Kayihura elements within the security agencies. As soon as Bobi Wine and his People Power and, later, the NUP sprung up, some of the youths found the platform to vent and retaliate against the Museveni and by extension the NRM party.

On the other end of the spectrum the leading opposition group, the National Unity Platform (NUP) entered the electoral campaigns as a newly born political party. The party consisted not of a highly centralised, formally organised, tightly knit entity of experienced politicians and political mobilisers, but it was instead loosely structured, with shifting memberships, especially at its lower structures in the ghettos.

Besides some semblance of screening for those that were going to stand on the party ticket it was understandably weak in its organisational capacity. The movement enjoyed massive support yet it had no experience nor structures to galvanise such support. The party could not easily establish who its supporters were and many radical youths started acting in its name daring to take on the state. Therefore, both the ruling party and the leading opposition group in the 2021 elections were highly disorganised. The battle then shifted to security forces against enthusiastic youth tired of Museveni's long stay in power. Ultimately, this toxic environment contributed to the heightened abuse of human rights during the elections.

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## 2.3 The November Riots and Military Takeover of Police's Roles

On November 18, in Luuka, Eastern Uganda, the police arrested Bobi Wine on his way to a planned campaign rally. The arrested was allegedly executed due to Bobi Wine's breach of COVID-19 regulations by mobilising a large crowd. In response to the arrest, violent protests broke out in different parts of Uganda, especially in the Kampala metropolitan area. The security forces responded with lethal force, resulting in the deaths of at least 100 people, many of them bystanders, and injuring over 500 others (see Cheeseman, 2021). Interviewed members of NUP vehemently rejected the official death toll of 54 that was provided by the government. Lewis Rubongoya, the secretary General of NUP, argued that many of their supporters died in far-off places like Butambala, Kayunga and Masaka and the official statistics concentrated on the bodies taken to Mulago Hospital in Kampala or those who died from there.

During the riots, purported NUP supporters were captured on camera targeting individuals wearing yellow NRM T-shirts and some destroying President Museveni's campaign posters. The malign acts by Kyagulanyi's supporters, security officers argue, courted violent reaction from the security agencies endowed with constitutional authority and burdened by the duty to uphold the law and to ensure public safety, order, and security.

President Museveni defended the acts of the security forces, calling them heroes and referring to protesters as terrorists and the protests as an insurrection, and made veiled, derogatory references to Kyagulanyi (who he called the Opposition), including that he was a traitor and an agent of foreign interests.<sup>25</sup>

Museveni also called out those who criticised the security forces for their disproportionate reaction to the protests, saying, "It is dishonest for anybody to talk about the mistakes, if any, of the security forces without talking about the origin of the problem: treason, using terrorism by the Opposition."<sup>26</sup> It is difficult to see how the President would be interested in accountability for those who killed civilians with such a psychological orientation towards the killings. The then security minister, Gen. Elly Tumwine, also defended the killings, saying the security forces had the right to kill civilians if they protested.<sup>27</sup>

Despite the spirited defence by the President and his security minister of the acts of the security forces, an investigation by the BBC, in which 30 eye-witness accounts and 400 video footages were analysed, concluded that security forces targeted several innocent civilians and bystanders who were not engaged in the protests.<sup>28</sup>

President Museveni later acknowledged that some 22 innocent civilians may have been killed in the process and directed the police to investigate the alleged stray bullets fired by security.<sup>29</sup> President Museveni has indicated that investigations have been conducted into the conduct of the security agencies but until the filing of this report, no report has been made public. Further, no known public inquiry, whether by the Parliament or any other public accountability body into the killing of innocent civilians, was ever carried out and, therefore, no one has ever been arrested or punished for the conduct of the killings.

Museveni and the state security agencies overtly blamed the NUP for the riots claiming that whatever happened was a precursor of Plan B, instigating an insur-

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<sup>25</sup> See: <https://www.monitor.co.ug/uganda/news/national/museveni-guards-holding-50-missing-persons-3315436>

<sup>26</sup> See: supra note 17

<sup>27</sup> See: <https://www.bbc.com/news/world-africa-55016519>

<sup>28</sup> See: <https://www.bbc.com/news/av/world-africa-57286419>

<sup>29</sup> See: Uganda to compensate victims of violent riots, pay property lost - Xinhua | English.news.cn (xinhuanet.com)

rection, as one operative put it. In political events such as riots and demonstrations in Uganda, anyone can participate and thus attributing some of the violent actions of the rioters to NUP would be somewhat unfair. Due to the loose character of the NUP and all political groups in Uganda, including the ruling NRM, there is a limited institutionalised way of conducting activities, which often leads to constant shifting of alliances and spontaneous actions. Moreover, Bobi Wine emerged in an atmosphere of intense grievances especially among the youth.

The riots took an ugly turn because the Police had not coordinated with other security agencies before executing the arrest of Bobi Wine. As highlighted earlier, the riots came at a time when the state security infrastructure that had previously penetrated youth groups in KMP had been dismantled due to the in-fighting between pro-and-anti former IGP, Gen. Kayihura groups.

This research does not in any way validate the unconstitutional and underhand methods of the police under Gen. Kayihura, but his removal left a huge gap, thus exacerbating the violence. Kayihura, through the police, had created a large infrastructure that infiltrated opposition groups, while at the same time worked with several senior opposition leaders behind the scenes. Gen. Kayihura would swiftly get information about planned riots in time and put in place measures to contain them.

Many plans to demonstrate had been previously nipped in the bud or quickly disrupted. Gen. Kayihura had managed to contain the pressure of the opposition that were protesting the removal of the age limit. Kayihura's dismissal and the deliberate dismemberment of the network that he had systematically built to infiltrate the opposition, mobilise pro-NRM forces and demobilise the opposition profoundly disoriented the incumbent.

This left a huge vacuum in which over years the forces of anger started incubating without any control and much knowledge of the state. Many youths that worked with Kayihura got disgruntled because this change meant losing the only medium through which they could connect with the regime. NUP and the People Power movement in general became a platform through which to vent against the state which had used and dumped them.

Kayihura had established an illegal stratagem of using the police budget to pay hand-outs to youths and also provided other fringe opportunities such as capital to start small businesses and motorbikes to do boda boda businesses. So, the unconstitutional, yet traditional, strategies of the NRM had, by the time of the riots, a disorganised suppressive capacity.

When the police arrested Bobi Wine, the police, and the regime by extension, only had faint contacts, especially with the youth in the ghettos and downtown Kampala.

Some of the youths who were involved in the riots were previously crime preventers while others were from Boda Boda groups associated with Gen. Kayihura such as Boda Boda 2010.

In the course of the November riots the regime feared that youth would galvanise and severely stretch the regime or possibly cause an insurrection. An arrangement was quickly made to rapidly deploy the UPDF to counter the protests. The police force was then relegated to following orders from the military. In general, the response was haphazard, disorganised and panicky, thus leading to a reckless shooting and several deaths.

In December 2020, a few weeks after the riots, President Museveni appointed Maj. Gen Paul Lokech,<sup>30</sup> who had earned the nickname ‘Lion of Mogadishu’ for his exploits fighting against al-Shabaab in Somalia, as the new deputy Inspector General of Police, replacing another army officer, Maj. Gen Sabiiti Muzeeyi. The President also appointed Maj. Gen. Kayanja Muhanga to co-ordinate joint security operations involving the police, military and intelligence agencies. Maj. Gen Muhanga has previously worked in counter-terrorism operations and also commanded Ugandan troops in the African Union Mission to Somalia.

From then on, UPDF took over the security of Kampala, leaving the police to play a residual role. Though the Deputy IGP, Lokech, was now a police chief he majorly worked with UPDF officers from First Division, many of whom he had worked with in Somalia. Kayanja would later tell Ugandans at the death of Lokech that the first call he got from Lokech was: “Kyanja we have to treat Kampala like Mogadishu,” which can be interpreted to mean that the youth in the opposition were perceived as being as dangerous as the al-Shabaab in Mogadishu. Moreover, the President had already labelled the youths as terrorists following the riots.

A well furnished operation command centre manned 24 hours a day under Gen. Lokech and Gen. Kayanja was established in Naguru, fully equipped with screens showing all the hotspots. The whole map of Kampala was displayed. The problematic ghettos were profiled and keenly watched.

A high placed source explained that Lokech’s first assignment was to contact Gen. Kayihura who helped him to connect with the residue of his previously well rooted networks in the Kampala city. The source also confirmed that Museveni’s younger brother, Gen. Salim Saleh, equally got in touch with Gen. Kayihura to consolidate the plans of re-igniting his networks to counter the relentless People Power youths. Several former crime preventers and other contacts that had previously worked

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<sup>30</sup> In September 2021 Maj. General Paul Lokech died of a blood clot.



with state security but now in the People Power movement were then re-recruited as secret collaborators, as the subsequent section shows.

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## 2.4 Secret Collaborators

This research argues that most commentaries about human rights abuses during the 2021 elections in Uganda seem to have hardly paid any attention to opposition supporters whose allegiance was fluid and shifting from one camp to the other. The role of such individuals was to instead create intra-NUP divisions, spy for vital information and sometimes provoke violence from opposition supporters. Their activities, to a large extent sanctioned by state operatives, were intended to justify the brutal actions of security agencies and to possibly turn public sentiment against NUP.

Security operatives interviewed during this research severally mentioned secret collaborators. To them, their ability to penetrate NUP was their biggest success. So, this raises a number of questions: what role did these collaborators play, or are they still playing? What were/are the consequences of their activities? We certainly needed to know why it was relatively easy to infiltrate opposition groups especially NUP. Our findings show that based on security agencies' perceptions of "threat", NUP was the most targeted party.

It was critical for this research to understand the kind of people that played this role. What was their motivation and how did they end up in the armpit of state security agents? How were these people enrolled and how did they operate during the elections?

From a broader perspective, it is important for us to understand the socio-political implications of this regime strategy in regard to human rights abuses. Our findings indicate that there were those that merely provided information to state agents and those that aggressively sought to influence the actions taken by supporters of NUP. The motivation to counter check accuracy of the information was severely affected because what the secret collaborators told security officers would confirm preconceptions of the nature of NUP which was under surveillance.

As Marx (1974) would argue here, the information was the security agents' own sense of judgement backed by limited, if any, substantive procedural requirements of the law. In the course of this research we were able to interview four secret collaborators, two of whom were introduced to us by security operatives. For a better perspective, we provide a detailed account of what one of the secret collaborators divulged.

### 2.4.1 A secret collaborator in action

Tabu, not real name, is a 31-year-old Uganda man, who only had three years of formal education. Speaking in Luganda, Tabu is eloquent and seems persuasive, to say the least. Since he dropped out of school, due to lack of school fees, Tabu has been hustling in Kampala city. In the course of his hustles Tabu has been in and out of prison several times.

By 2016, Tabu had firmly rooted himself in the boda boda circles in Kawempe. Tabu claims that because of his vocal and fearless character his colleagues have a lot of confidence in him. When the 2016 elections came, one of his friends took him to the Amama Mbabazi camp. He was convinced that they were going to make money by mobilising for Mbabazi in the city. Tabu asserts that he was informally made the coordinator of Kawempe and in the process made about UGX 200,000 in just a few days.

Shortly after, the same colleague who had taken him to Mbabazi came back, telling him that the President's son-in-law, Odrek Rwabwogo needed them. "I of course welcomed the opportunity because I sensed more money and a better role to play in politics...before I was taken anywhere they sent a contact who started giving me little money, like 50,000, for fuel on a regular basis," Tabu asserts.

Instead of being taken to Rwabwogo, Tabu and five other colleagues ended up in the office of Henry Tumukunde in Kololo. "Tumukunde looked at me and said, 'You man we were going to shoot you, but now that you are here you can make a choice. You can either work for us or face the worst; what do you choose?' I answered that we were in campaigns because of poverty and I had accepted to mobilise for Mbabazi because I wanted something to eat," Tabu recalls.

Tumukunde, reportedly convinced them not to waste time with Mbabazi, who he said was a traitor, and personally gave Tabu five million shillings to start working for him. He also promised Tabu five motorbikes for his Boda Boda business and UGX 15 million to be given after the elections as long as Tabu delivered on assignments. Change in fortune and the promise of more convinced Tabu to put more effort into what he was being instructed to do.

He was then assigned a secret security operative who would monitor his movements and activities to ensure that he fulfilled Tumukunde's instructions. Tabu claims to have worked extra hard to bring many boda boda riders to Museveni's campaign rallies. "I managed to bring a huge crowd at Museveni's last rally in Kololo. At that rally, Tumukunde came along with bags of money and the yellow NRM T-shirts in a truck. The numbers excited Tumukunde who decided to double the money he had promised as fuel refund. Instead of UGX 20,000 he gave each rider

UGX 40,000. The riders were extremely happy and this boosted my status in the boda boda community.”

After the elections Tabu was instead arrested on trumped up charges concocted by the rival Boda Boda 2010 group. Tabu was later told that he was not only at the centre of the conflicting boda boda groups fighting for political visibility, but also a pawn in the rivalry between Tumukunde and Kayihura. After three months Tabu was released from prison and though he attempted to see Tumukunde who had been appointed security minister, his efforts did not pay off. Ultimately, Tumukunde’s promises to Tabu were never fulfilled.

“When Bobi Wine came I was very ready to retaliate against Museveni and his Bahiima thieves. I was extremely angry. I now started mobilising for People Power. I became one of the co-ordinators of People Power-inclined boda boda riders in Buganda. We started taking on the state during the anti-age limit campaign. We used to play cat and mouse games with police. I worked hard going around the ghettos to mobilise for the struggle. During the November riots we were given air-time by some opposition leaders to be able to spread false information and instigate more violence. We spread rumours that Bobi Wine could be dead. Even District Police Commanders (DPC) called to bargain with us not to disorganise their areas of command.”

Tabu claims to have an extensive network within the boda boda community in Kampala Metropolitan. According to one police officer, Tabu can indeed connect with any boda boda stage in a matter of seconds. He has gained experience in coordinating movements of opposition leaders. “I know the game. My foot soldiers [regular boda boda riders] are always ready,” Tabu boasts.

He claims that when a certain opposition leader wants his/her presence felt they synchronise by alerting riders along the route that the leader is going to take. By the time that leader approaches a boda boda stage the crowd is already on standby, hooting and making deafening noise to create a great atmosphere that any leader would wish for. Tabu and his colleagues know how to psyche up the crowds before leaders arrive at a given venue.

All that the politician has to do is provide money for fuel and airtime to coordinate. Tabu explains that they use similar strategies in riots and demonstrations. Though most of them are men, Tabu explains that there are some women who work with them, especially in the recent 2021 elections. “The ladies play vital roles of spying for us the positions of the police and also help in smuggling fuel that we use to set up fires in the middle of roads. At police road blocks during riots ladies are rarely checked or suspected.”

At the height of the campaigns in December 2020, a certain District Police Commander (DPC) in Kampala approached Tabu claiming that someone important wanted to meet with him. Tabu asserts that he told the DPC to convey a message to whoever had intentions of meeting him to wait until the struggle was completed. Following persistent pressure, however, Tabu agreed to meet the important person who turned out to be one of the senior military officers deployed in Police at the rank of Assistant Inspector General of Police (AIGP).

In the course of the meeting the officer showed him a list of people that the security agencies were planning to arrest and his name was among them. The officer requested Tabu to divulge information about what NUP was planning and the key people in those plans. Tabu did not hesitate to tell the officer that the people downtown were tired and ready to collapse the regime by all means.

The officer then gave Tabu UGX 300,000 and scheduled another meeting. To Tabu, the UGX 300,000 was a windfall because in NUP he was receiving about UGX 20,000 every time he coordinated an activity. Before long, Tabu was introduced to Maj. Gen. Lokech, the then Deputy IGP and Maj. Gen. Kayanja Muhanga both of whom were in charge of security in Kampala city. The two generals instructed him to keep a low profile and work from within NUP. He later managed to bring many of his colleagues that he referred to as commanders to work in the new arrangement. The security operatives then showed Tabu and his peers a video of opposition leaders making secret deals at State House in the middle of the night. To Tabu, this video changed their perspective of the struggle completely. “How can we struggle downtown when our leaders are making hefty deals with our tormentors?” Tabu wondered.

Tabu’s claims were corroborated by a senior military officer who revealed that security operatives severally met numerous opposition leaders in Kampala and provided them with money to run their campaigns. “The deal was for them to lend us their infrastructure to avoid any form of violence in Kampala. Some of the opposition leaders were actually the ones who tipped us about their own radical supporters.”<sup>31</sup>

According to Tabu, he managed to help state operatives to stop most of the dangerous plans that the People Power supporters in the ghetto were about to roll out. He claims that some opposition members, including prominent leaders in the FDC, had orchestrated a plan to make Kampala ungovernable immediately after the elections.

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<sup>31</sup> Interview with a security officer, X1, held on August 25, 2021 in Kampala.

One of our plans, Tabu asserts, was to set nine petrol stations on fire as soon as the Electoral Commission announced Museveni as the winner of the elections. The petrol stations included: Total Bakuli, Hass Kubiri, Shell Kalerwe, City Oil Kamwokya, Kobil Kibuye, Shell Bulenga, and others in Luzira, Kireka and Zana. There was a ninth one in Kasangati, but it was later eliminated on learning that it belonged to a Bobi Wine supporter.

Tabu claims that he and his peers knew that the police's fire brigade did not have the capacity to respond to all those fires. Moreover, all the petrol stations in Uganda are lightly guarded, or even the guards can be compromised. Most of these guards are equally angry at the status quo, Tabu reasons. The petrol stations were selected based on their strategic locations along major junctions and roundabouts, which would have had a huge impact.

Tabu claims to have later helped the police to conduct an operation recovering all the materials they had prepared to use, including aviation fuel. This operation, however, came at the cost of giving out the names of those involved in the plan. Many were picked by security forces and taken to safe houses.

A few days to the elections, Tabu managed to get many People Power supporters to switch NUP's red T-shirt with the NRM's yellow T-shirt. "That strategy made many state security operatives happy and I earned UGX 3.5 million. In Tabu's honest opinion, however, many of the youth that professed to have switched are still staunch supporters of NUP. It was just a show, a scheme to mobilise money.

As he walked home one evening Tabu was kidnapped by Special Forces Command (SFC) operatives. He was confused because to him he was already working well with the state operatives. He tried to explain to the soldiers who seemed not to bother. He was then surprised to find himself at State House Entebbe. Tabu's claim of having met President Museveni briefly was corroborated by a credible source.

Tabu asserted that the President promised him a lorry and UGX 200 million for his services. "The President told me to go and make sure that elections are peaceful, contain the negative forces that were ready to burn the city and after the elections I would be rewarded." He was rather surprised the President knew that he had always wanted to acquire a lorry, which means he had done some background checks on him. "The President told his people to give me *Entandikwa* and I was given a million shillings and then driven back Kampala. The next day I met my handlers who wondered how I had reached the President." They quizzed him, thinking that he had other contacts.

Tabu claims that he and his peers were promised UGX 5 million each as soon as electoral results were announced. According to him, the main objective of the security operatives was to contain any plans of post-election violence. Because of the

monetary promises, Tabu and his peers had a huge stake in a non-violent post-election. So, they made sure that all the potential trouble causers in the NUP camp were under intense surveillance or thrown into jail.

However, the promises that the regime had made to Tabu and his peers had not yet been fulfilled at the time of this research. Tabu expressed frustration that his hitherto handlers were not picking his calls. He is coming to terms with the fact that he could have been used again, just like in 2016.

Tabu's account reveals a lot about the political spectrum in Uganda during elections. First, the security forces are both political mobilisers and a coercive dimension of the NRM that plays a profound role in suppressing the opposition. Second, elections provide an opportunity for the ghetto/downtown hustlers to make some quick money. The majority do not have a particular political inclination, but are ready to work for any group based on the availability of money. Third, during elections the NRM regime seems to have entrenched a culture of using and later dumping the disadvantaged youths. Fourth, the NRM uses bribery to portray support that seems to have profoundly dwindled. Fifth, the secret collaborators played a critical role in the human rights abuses that were orchestrated against opposition supporters.

#### 2.4.2 Secret collaborators' instigation of human rights abuses

Certainly, the schemes of state operatives to infiltrate the opposition, particularly the NUP, should be viewed as an integral part of the political spectrum within which elections take place. Our findings, including Tabu's account, clearly confirm that the secret collaborators played a profound role in causing illegal arrests and torture of their colleagues, fuelling human rights abuses.

Literature on this phenomenon underlines that the role of secret collaborators can seriously distort the dynamics of an opposition group. These collaborators can serve as mechanisms of containment, prolongation, alteration, or repression. Collaborators that are embedded in the opposition, many scholars have pointed out, mostly tend to elicit the kind of information they are looking for. They may actually pass on to authorities false, exaggerated, or misinterpreted information. When such information goes through the security apparatus it often leads to wrongful arrests and sometimes violent actions against the opposition (Greer, Steven, 1995; Gary, 1997; McClendon and Riedl, 2019).

It seems that state security operatives wanted to portray the NUP as a violent group and explicitly instructed their newly recruited contacts to entrap and give reports that would justify repression. The deceptive youths also seemed to have exaggerated evidence against their colleagues. They presented alarming 'evidence' that would serve to justify their role. This research does not make an explicit claim that all op-

position supporters were peaceful and not planning any form of violence, but at the same time, the claim by security that there was an advanced plan to burn the entire Kampala seems exaggerated. Moreover, wishful thinking, limited exposure, and selective perception could also have led some secret collaborators to believe in NUP's own exaggerated estimate of its power and appeal. They could also have confused NUP's revolutionary rhetoric with specific plans.

The manoeuvres to recruit secret collaborators were actually between the period when the riots took place in November 2020 and a few days to voting day on January 14, 2021. There was basically limited time for the close scrutiny of information. This meant that there were secret collaborators that could have also improperly evaluated what was going on, and obviously some were financially benefiting from the information they generated for state security operatives.

In spite of strong scholarly evidence to the effect that information provided by secret collaborators in many parts of the world is likely to be the most unreliable, the strategy continues to be used widely in security operations (Tapper, 1990, p. 232; Greer, 1995) and in Uganda it is also applied in politics. The infiltration was not about winning the hearts and minds of the youth but cowing them down not to organise any form of protest in case they were not content with the electoral outcomes.

Coercion by the security forces, which principally came in form of threat of arrest, leniency from torture or release from safe houses and material benefits played a big role in the recruitment dynamics. Although the line between the coercion and financial inducement is blurred, some seemed to have purely been motivated by the prospect of financial gain.

Security officers revealed that many of the secret collaborators were recruited after arrests and in order to dispel suspicion they were released after a few days to 'continue' with their activities within the People Power movement as they spied on their colleagues. Many of the secret collaborators are known names within the state security circles and have repeatedly been involved in criminality. Others have worked as crime preventers with the police while a number have an extensive profile of instigating political riots with an aim of making money during periods of high political stakes.

Previously, many of these collaborators frequently crossed from one opposition group to another or shifted their loyalty from opposition to government and back to opposition. Overall, they have been mostly driven by the monetary benefits that come with elections. At the pinnacle of the 2021 elections the collaborators were also under pressure to tell a story sufficiently in order to accrue various rewards on offer.

Most of the recruited agents share some characteristics of an average NUP supporter, uneducated, poor youth residing in ghettos and a Muganda or at least well integrated among the Baganda youths. As Bouza (1967) would have described them, the collaborators were socio-political chameleons, selected precisely because of their ability to blend naturally into the dynamics of the political group that was targeted.

Many of these fellows are masters at deception, a senior police officer offered. The majority are drawn from an urban criminal milieu and financial rewards were at play, but others were typical members of the NUP, including high profile politicians. It is also believed that some had become disenchanted within the NUP especially due to two factors: some found the NUP supporters to be radical while others felt segregated on sectarian grounds thus deciding to secretly switch sides.

The fear of state security agencies appears to have been one of the main pulling factors. When some of the NUP supporters started hearing of and seeing their colleagues being kidnapped and tortured they reverted to becoming informants to preserve themselves. Actually, they felt that they were already targets of the state and others believed that the state would kill them. A security officer noted that they made some of them believe that they were to be killed, and in their perspective, this trick worked.

Some agreed to co-operate with the security agencies, but half-heartedly. A 27-year-old man who preferred to be called a “ghetto-boy” agreed to work for the CMI, but simultaneously yearned to continue promoting Bobi Wine and the People Power struggle, “I was scared of being arrested. The thought of being in a safe-house terrified me, but at the same time, I wanted to continue with the struggle. Museveni and his NRM are really bad for Uganda. I decided to work with the CMI but only gave wrong information. I told them what they wanted to hear. I believed that I could get away with my activism without getting picked by the drones”. Even those who claimed to have given vital information that averted disaster are still ambivalent about their true allegiances and continue shifting their loyalties back and forth.

Asked what kind of wrong information he provided to security, the gentleman confessed that he framed three youths that had cheated him of his money. He claims to have told the security forces that the three were in the scheme to cause chaos in the city on election day. According to him, the security arrested and held one for about five days. This was a clear indication that the security operatives did not have time, or perhaps were not motivated, to verify the information provided by their secret collaborators. At a micro-level, it is clear that the elections provided a platform to settle ghetto rivalries and personal vendettas, further amplifying arrests and torture.



Nalepa and Grigore (2021) have posited that authoritarian regimes are able to infiltrate political opposition depending on the balance between the coercive capacity of the regime and the resistance capacity of the target. In the case of the 2021 elections, our findings show that the extensive infiltration scheme profited from the organisational vulnerability of the opposition. The NUP, and the People Power movement by extension, generally lacked the capacity to prevent infiltration as anyone could profess to be in their struggle, especially the people downtown or in ghettos. One only had to speak ill of the state and due to the impersonal character of urban life, with its many secondary and superficial relations, an opportunity was provided for the secret collaborators to easily blend into the NUP structures. The recruits were instructed to frustrate every effort of the NUP to consolidate its socio-political forces or to recruit new or useful adherents.

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## 2.5 The Post-Museveni and the “Muhoozi Project” Dimension

On September 14, 2021, while reacting to President Museveni’s claims that those responsible for the killing of protesters during the November 2020 riots would be prosecuted, Bobi Wine retorted that the move was hypocritical, maintaining that the president's son, Lt. Gen. Muhoozi Kainerugaba, was the main culprit behind the repression (France 24, 2021).

Some interviewees that this research interacted with argued that there are indeed some elements within the security forces and the NRM structures in general that are promoting Lt. Gen. Muhoozi as the next president of Uganda. This group viewed Bobi Wine not as a competitor of Museveni, but his son’s future plans. In this group’s perspective, the destruction of the People Power movement and Bobi Wine’s support base in general was paramount. Maximum violence was therefore applied, leading to heightened abuses of human rights.

Since April 2013, when the former Coordinator of Intelligence Services, Gen. David Sejusa, revealed that he had gathered evidence that President Museveni was grooming his son to take over power at a future date, the general’s disclosure continues to generate considerable debate. Sejusa insisted that the deliberate ploy to impose Muhoozi on Uganda included the assembling of trusted security personnel to protect what he called the ‘Muhoozi project’ (see Kisakye, 2020).

Though President Museveni has repeatedly denied claims that he is grooming his son, including in a recent interview with France 24,<sup>32</sup> a number of indications seem to show otherwise. For several years there has been a sustained online campaign of

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<sup>32</sup> See details at <https://www.france24.com/en/tv-shows/the-interview/20210908-exclusive-uganda-s-museveni-says-guinea-coup-leaders-should-get-out> accessed on 26.10.2021.

selling the Muhoozi brand. T-shirts with inscriptions praising Lt. Gen. Muhoozi are common and influential media personalities and other celebrities have been pictured wearing them. There are branded car tyre covers with Muhoozi's pictures in military attire that have been distributed and Muhoozi himself has taken over the role of posting throwback pictures of a younger self during military training or in meetings with foreign army officials and presidents, including Uhuru Kenyatta of Kenya, Mohamed Abdullahi Mohamed of Somalia and Paul Kagame of Rwanda (see Kiggundu, 2021).

Muhoozi's elevation as the commander of the Land Forces immediately after the elections has also been interpreted by observers as an initiative to help him ingratiate with the foot soldiers instead of his former position as head of the elite SFC, which was seen as being too detached from ordinary soldiers. Muhoozi unconventionally condemned the September 2021 coup in Guinea insinuating that it would take his forces a day to dispose of the coup executers (Muhimba, 2021) and he has expressed solidarity with Egyptian leaders in conflict with Ethiopia over the Nile waters (Kiggundu, 2021). Such events might be pointing to the actualisation of the 'Muhoozi project' as well as confirm revelations that pro-Muhoozi elements could have had a hand in the 2021 violence.

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## 2.6 Ethnic Undertones

The majority of the youths that died in the riots were Baganda, almost 90% of those picked by the drones and tortured were Baganda...it was sad to see several Baganda mothers and grandmothers appearing on TV searching for the missing sons and some mourning those killed. We did not see other tribes affected.<sup>33</sup>

The 2021 election took place when the mood in Buganda was explicitly hostile to Museveni. Since independence in 1962, Museveni is largely considered the first non-Muganda president of Uganda that was accepted by Baganda, the largest ethnic group in Uganda. On one hand, there seem to be growing tensions between the central government and the Buganda Kingdom at a macro level while on the other disadvantaged Baganda youths appear to attribute their limited opportunities to the pervasive sectarianism that has arguably favoured western youth over those from Buganda.

During the November riots, for instance, some youths mounted illegal roadblocks and engaged in extortionist behaviour, blocked roads to disrupt traffic flow, burnt car tyres to damage their tarmac, attacked police officers, and targeted people of a particular ethnicity.

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<sup>33</sup> Interview with Golooba-Mutebi held on September 6, 2021 in Kampala.

To put these ethnic attacks into context, Kyagulanyi is a Muganda and most of his support was in Buganda. Kyagulanyi's main rival, the incumbent Museveni, is a Munyankore. During the riots, Kyagulanyi's supporters, who were mainly Baganda, targeted Banyankore who they presumed to be natural supporters of the incumbent. The tribal dimension of the violence is concerning because it revealed underlying umbrage by one tribe against another. A respondent from the Uganda Human Rights Commission agrees:

On the November riots, some of the acts are regrettable [by the security forces] but we also noted that some young men and women attacked people; there were incidents of sectarianism and nepotism coming out, they destroyed people's property just because they were perceived to be of a particular tribe, and that's unfortunate but it is an early warning for us as a country to devise mechanisms of bridging gaps and addressing the root causes and the concerns. There were excesses from state intervention but there was also a lot of criminality and abuse from the public. The violence was not only about the election; there were underlying causes that need to be addressed. The elections gave the underlying causes a platform (Ruth Ssekindi).<sup>34</sup>

The anti-Banyankore sentiment among the Baganda was not new, and the November riots were not the first to bring it to the fore. Before the November 2020 riots, the sentiment was on display in 2009, during the so-called Kayunga riots, which were triggered when the Police blocked the Kabaka of Buganda from going to Kayunga district at the request of a chief in Kayunga who sought to assert cultural independence from Buganda.

During the Kayunga riots, Baganda youth also destroyed property, attacked and burnt down a police station and cars, mounted illegal road blocks, extorted money, stripped women, and disrupted public transport (Women's Enews, 2009).<sup>35</sup> Security responded with deadly violence that claimed the lives of at least 40 individuals and inflicted gunshot injuries on several others (HRW, 2014).<sup>36</sup> The government also responded by suspending the broadcasting licenses of several radio stations, including Buganda's Central Broadcasting Service (CBS), that were accused of promoting hatred against the people from western Uganda, who were perceived to have been favoured above other ethnic groups during Museveni's presidency (The New Humanitarian, 2009).<sup>37</sup>

In October 2021, the Director of Public Prosecutions, Jane Frances Abodo consented to charges against an NUP MP Muhammad Ssegirinya representing Kawempe

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<sup>34</sup> Interview with the Director for Complaints, Investigations and Legal Services at Uganda Human Rights Commission, Ruth Ssekindi, held on September 8, 2021 in Kampala.

<sup>35</sup> <https://womensenews.org/2009/09/in-uganda-rioters-strip-women-wearing-trousers/>

<sup>36</sup> <https://www.hrw.org/news/2014/09/10/uganda-5-years-no-justice-protest-killings>

<sup>37</sup> <https://reliefweb.int/report/uganda/analysis-talk-radio-hot-water-over-uganda-riots>

North. The prosecution alleged that between August and September 2020 Ssegirinya made statements on his Facebook account, Ssegirinya Muhammad Fans Page, which could have been interpreted as inciting the public to participate in violence against certain ethnic groups in Uganda.

Ssegirinya is quoted to have posted, “I am warning those who are trying to assassinate Hon. Robert Kyagulanyi Sentamu that what will happen will be forty times worse than the 1994 Rwandan genocide.”<sup>38</sup> It should be remembered that about one million people lost their lives in the Rwanda genocide against the Tutsi, who have close genealogical and cultural relations with the Bahiima (a sub-ethnic group of the Banyankole), Museveni’s ethnic group. The charges came at the time when Ssegirinya and his Makindye West counterpart, Allan Ssewanyana, were battling charges of murder, attempted murder and aiding and abetting terrorism connected with their alleged involvement in the Greater Masaka region machete killings, which claimed the lives of more than 25 between July and September 2021.<sup>39</sup>

Some Baganda are still ethnically agitated against the Banyankore, and Museveni because they believe that the regime, which is run by a Munyankore and has been in power since 1986, is bent on undermining the Buganda cultural institution and its people. This tribal-based anti-Museveni sentiment was captured in an interview with a Muganda academic, in the following terms:

We Baganda think that Obote hated Baganda, but actually I think not. I think Museveni hates Baganda. Museveni has a very vitriolic dislike for Baganda, and I think that it is not driven by just hatred; I think it’s fear. He has a morbid fear of Baganda. I heard that Museveni comes from the lower caste of Bahima. He always felt discriminated against by the higher caste of Bahima, so he grew up with this inferiority complex that makes them hate certain classes of people. I think he has the same attitude towards Baganda. What we saw in 2021 was a manifestation of that: [the attitude that] how dare a Muganda stand against me?

The anti-Banyankore sentiment among some Baganda is reinforced by the fact that the security agencies are dominated by Banyankore or people from western Uganda, and whenever there is a confrontation that has an ethnic dimension, between security agencies and civilians, it is taken as a struggle of the Baganda against the Banyankore. As one NGO leader in an interview observed about the 2021 election violence:

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<sup>38</sup> See the Independent October 14, 2021. Available at: <https://www.independent.co.ug/ssegirinya-wanted-by-buganda-road-court-over-fresh-charges/> accessed on 16.10.2021.

<sup>39</sup> For details see the Observer October 15, 2021. Available at: <https://www.observer.ug/news/headlines/71550-ssegirinya-s-mother-breaks-down-in-court-after-son-showed-torture-wounds> accessed on 16.10.2021.

Ninety per cent of the commanders that brutalised people were Banyankore or westerners. It shows that in the police or army, you rely on your tribe. But also, that creates an angle of enmity within the population. People begin to think that the Banyankore are the ones brutalising them.

Bobi Wine is a Muganda and there were veiled statements attributed to the Prime Minister of Buganda that it is the young red coffee beans that are good for eating, which people interpreted to mean that Bobi Wine was the young coffee bean because his party colour is red. Save for Ben Kiwanuka in the 1960s and Paul Ssemogere in 1980, there has never been a Muganda presidential candidate who had put up such a strong challenge like Bobi Wine. The big diaspora community, which is largely Baganda, mobilised a lot, especially on social media, to push for their candidate.

For the first time since the NRM took power, Museveni lost in Buganda his hitherto stronghold. Kyagulanyi, who hails from Gomba District in central Uganda, garnered 62 per cent of votes cast in Buganda, compared to Museveni's 35.91 per cent. Museveni took this bitterly and in his first address to the nation after being declared the winner on January 16, 2021, complained: "In some of the voting, the pattern which we saw, for instance, in Buganda, very interesting; you can see some sectarianism... I have been following what has been going on. There is nothing I don't know. I know who has been meeting who; who was giving money to who (sic); I know all that...They were talking of a new Uganda. But actually they wanted to bring back the old Uganda that failed. That is what they wanted to bring back: the old way of sectarianism."

Museveni then likened the People Power wave in Buganda to the 1960s Baganda-dominated political party—Kabaka Yekka—a Ganda-centric political organisation that rallied around Buganda causes. Ironically, Museveni did not highlight the parallel that voters in western Uganda, where he comes from, voted overwhelmingly for him, with 80.60 per cent compared to the 14.03 per cent that Kyagulanyi scored.

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## 2.7 The Plan B Rhetoric

Violence and human rights abuses were further precipitated by the general belief by the opposition that power alteration in Uganda cannot be achieved through electoral processes. Relatedly, surveys conducted have shown that the majority of Ugandan voters do not believe that it is possible to change the government via the ballot box (Cheeseman, 2021). Despite the pessimism, the 2021 elections generated considerable public interest due to the emergence of Bobi Wine, a popular musician-cum-politician who rose from the ghettos to the status of running for presidency (Osiebe, 2020).

The opposition continuously advanced the idea that the Electoral Commission (EC) could not work and the courts that are run by the regime and answerable to the President could not work.<sup>40</sup> The narrative that opposition stood a better chance through popular resistance was emboldened. It seems that this idea has sunk deep in the psyche of opposition groups, as well as the security forces. This has created fertile ground for extreme violence. It appears that Bobi Wine and the People Power movement/NUP also adopted a militant strategy suggesting that Uganda was ready for a revolution as was the case in Tunisia, Libya, Egypt, Sudan, Burkina Faso, and to some limited extent Zimbabwe, where the youths had collapsed long-serving presidents.<sup>41</sup> The political patterns elsewhere in Africa seemed to have on one hand emboldened the youths while on the other, scared the status quo.

Yet, some People Power radicals had two years before the elections acted violently towards security agencies. In the Arua incident, presumed supporters of Bobi Wine attacked the President's convoy unprovoked, pelting it stones and shattering its screens.<sup>42</sup> During the elections, therefore, the regime was wary that the opposition were planning sinister and subversive acts to overthrow Museveni.

All security officers interviewed explained that there was a plan to cause massive disruption in Kampala in order to precipitate regime collapse. On asking what kind of plan it was and who was instigating it, operatives insisted that it was many elements in the opposition, including Kizza Besigye, who was working behind the cover of the NUP.

At least many sources in the security circles thought that the plan was not authored by Bobi Wine. The real brain behind the plan was Besigye and radical elements in the People Power movement. The plans to burn Kampala, according to state agents, would work well because Besigye and Bobi Wine share a political base. Besigye has the experience and political acumen that Bobi Wine lacks, a senior police officer reasoned.

Money was distributed to young people to prepare for the mayhem. Security claims that in the ranks of the planners were some retired junior military officers from the Buganda region and other young people who have some combat experience because they previously worked as security guards in Iraq and other places.

They had established a system that covered the entire Kampala. Pseudo commanders had been put in place in all Kampala ghettos. They had a

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<sup>40</sup> Interview with the Country Representative of the Netherlands Institute for Multiparty Democracy, Frank Rusa, held on 07.09.2021 held in Kampala.

<sup>41</sup> <https://www.france24.com/en/video/20190613-bobi-wine-says-uganda-inspired-sudanese-protests>

<sup>42</sup> See; <https://www.aljazeera.com/news/2018/8/22/bobi-wines-arrest-and-what-it-could-mean-for-uganda>

detailed plan of barricading Kampala to slow down security responses. They had planned to overstretch security and wear it down. There was cross-fertilisation between Besigye's secret plans and some radicals within the NUP. The state viewed People Power and NUP as a bastard child of Besigye's defiance campaigns. The sentiments were the same. November 18-20, 2020 was a signal and on the FDC's official Twitter account they announced a Roll out of a Plan B<sup>43</sup> [this Twitter-post was, however, not verified by this research].

In the security circles, however, there was a shared perspective that the majority of the opposition leaders had no interest in burning down the city. Their only interest was to win the lucrative political seats. The young, unemployed and unemployable youths had their own agenda, but the opposition candidates could not openly oppose them because that would mean losing votes.

Some of the NUP leaders that were contesting for several positions, including Members of Parliament, agreed to secretly work with the NRM. A compromise was made that the state machinery provides support to these opposition contestants, including some funds to finance their campaigns, on condition that they also help to contain their supporters who were yearning to make Kampala ungovernable after the elections.

The security operatives and State House had already foreseen that the NUP was sweeping most of the elective positions in the Kampala metropolitan. "The deal was for them [opposition leaders] to win their positions as MPs, but for President Museveni to continue with the presidency. Their role was to help the regime to contain the youths after the elections. It was too late to do political mobilisation for the NRM so the state agents concentrated on mobilisation for no violence," a security officer revealed. In essence, the officer added, these members started working against Bobi Wine in secrecy.<sup>44</sup>

For effective penetration and as a strategy to destroy the NUP, the regime drew a detailed profile of critical NUP supporters that it perceived to have possessed the potential to organise violence against the state. By the first week of January 2021, the NUP had been deeply penetrated and all their activities and secrets provided to the state on a daily basis. The arrests, meanwhile, were mainly coordinated by the secret collaborators who provided details of their colleagues, including places of work, abode and family networks as we have shown in the preceding section.

Opposition supporters were then placed in three categories. First, there were those considered winnable. For these, the task was to either turn them into secret collaborators or change them to start directly undermining the NUP. Second, were the

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<sup>43</sup> Interview with a senior security officer, X2, held on August 25, 2021 in Kampala.

<sup>44</sup> Ibid.

lukewarm whose allegiance was difficult to discern, but at the same time not suspected of turning violent. These were secretly bribed off and some, about 1,500, were taken for a “holiday” outside Kampala one day to the elections. Third, were the radicals (unchangeables) whom the state security operatives were told not to bother approaching for any form of negotiations. These were picked up in drones, arrested and severely tortured to demonstrate to their colleagues that the state was in charge and any form of dissent would be met with maximum coercion.

In October 2021, Besigye, a four-time presidential candidate, and his allies drawn from six political parties, unveiled a new political pressure group, People’s Front for Transition (PFT) geared at removing Museveni from power (see Wandera, 2021). This group, led by Besigye, publicly revealed to be trying to galvanise broader political actors willing to remove Museveni by other means than elections. At the launch, Besigye argued that he and his cohorts had tested all ways to oust Museveni in vain. “I am an expert [in this] ...We tried to vote, but we all agree that a vote alone will not take us anywhere. We are here to fight outside the possibility of an election. Those who think that an election will take us anywhere can continue, but we are here to fight on our own.”<sup>45</sup>

Besigye has severally dismissed elections as a workable option for regime change. After the 2011 elections, he had vowed not to subject himself to the vote, only to make a U-turn and stand for elections in 2016 on the FDC ticket, emerging as runner-up. Upon losing the 2016 election, Besigye and others, including the Kampala Lord Mayor, Elias Lukwago, formed the People’s Government. Besigye, had earlier on in May 2016 been arrested for swearing-in himself as the president of Uganda, just a day before the official swearing in ceremony of President Museveni.<sup>46</sup> Though the NUP has not shown any connection with the PFT arrangement, the formation and launch of this pressure group dismissive of elections validates the fears that the security agencies held about the opposition working towards an insurrection.

On the day of his nomination in November 2020, Museveni revealed that his government would not tolerate the activities of enemies, that he did not name, who were allegedly plotting chaos (Muhumuza, 2020). “There’s nobody who is going to disturb here. Whoever tries will regret. Because for us, we don’t play... The NRM fought to bring peace in this country. Nobody has more guns than us. But we don’t scare people.”<sup>47</sup>

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<sup>45</sup> <https://www.monitor.co.ug/uganda/news/national/new-opposition-pressure-group-names-besigye-chairman-lukwago-deputy-3575710> accessed on 11.10.2021.

<sup>46</sup> See <https://www.africanews.com/2016/05/11/uganda-s-opposition-leader-arrested-after-swearing-himself-to-office/> accessed on 11.10.2021.

<sup>47</sup> <https://apnews.com/article/yoweri-museveni-elections-bobi-wine-arrests-uganda-cbbbe0c26dfca3485f0a99b5f35296b6>.



This was a clear indication that Museveni and his security agencies feared an insurrection. In fact, several pro-NRM individuals revealed that their biggest fear was not losing the election, but the potential insurrection that the electoral period could trigger. Victims of drones, arrest in safe houses and torture all revealed to this research that the prevailing question they were asked was for them to disclose details of Plan B. The more one denied knowledge, the more that person was tortured, many victims explained.

One of the reasons behind shutting down the Internet was the fear that social media platforms would be used to co-ordinate violence aiming at regime collapse. “We asked telecom companies to switch off several numbers of NUP die-hards to disable their organisational capacity. Between January 12 and 16 2021 we must have switched off more than 5,000 numbers, especially in Kampala and Wakiso,” a military officer revealed. Some of the powerful Baganda military officers were entrusted with huge amounts of money to dish out to their fellow Baganda who were the ones behind the planned violence in Kampala. The military officers were also used as conduits to supply money to opposition candidates.

To forestall insurrection the state also emphasised military deployment. Towards the voting day, the military warned of firm action against any dissent (Kamoga, 2021). The military displayed heavy artillery as posture and strategy to cow the relentless youths who had already witness ugly scenes of violence, including the November riots. The military used hard-boiled officers to move around the potential hotspots for violence to encourage whoever was planning violence to abandon the plans. The forces could be seen patrolling the capital Kampala and other towns, and occupying several open spaces. One of the leading political activists, Sarah Bireete, describes the electoral period:

The elections of 2021 were urban warfare... we did pictorial coverage of the elections from nomination to election day. My team took pictures of candidates on the campaign trail. When you open the pictures, it becomes clear that what we had was urban warfare, not an election. It was blood, guns and tear gas everywhere (Sarah Bireete). 48

President Museveni defended the military deployments, claiming that the force was aimed at guarding against violence orchestrated by his political opponents. The President further argued that he had deployed army units that have experience in urban warfare in Somalia because of weakness and corruption within the regular police force (Kamoga, 2021). This message was to also show the population that despite the on-going campaigns he was still in charge and could deploy the forces at

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<sup>48</sup> Interview with the Executive Director at Centre for Constitutional Governance (CCG), Sarah Bireete, held on September 6, 2021 in Kampala.

his discretion, which of course boosts his warrior image, demoralising his opponents and their supporters.

The tension was further heightened by NUP supporters who were full of revolutionary rhetoric. Some professed to have been ready to take on the state though for the majority it was the fantasy of violence, which provided some temporary relief for their oppressed and powerless position in Uganda's politics, one of the NUP politicians reasoned. According to him, such fantasies were not fully analysed or rather were used to justify the violent actions of the security forces. Security institutions were, meanwhile, in direct competition, all trying to show that they are working more than their counterparts.

There was too much political pressure and secret collaborators had to continuously provide information to their handlers that NUP was planning extensive violence. The pressures militated against the careful and thorough assessment of the reliability of the information from the secret collaborators. Moreover, security operatives also benefited from the exaggeration. Based on these exaggerations, they would get more operational funds; the bigger the threat the more the funds availed.

On the drones and post-election violence, it is understood that Museveni took the threat to be very big and wanted to demonstrate to the people who had fantasies of grabbing his power never to dare again. Museveni intentionally wanted these operations to be conducted in the open so that all the enthusiasm went down.

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## 2.8 Weak Gatekeepers of Democracy

It was no surprise that there was intensified violence and unprecedented levels of human rights abuses in the 2021 elections because the previous elections had clearly sowed the seeds of what was reaped, Frank Rusa, who previously worked with the Electoral Commission and is now the Country Director of the Netherlands Institute for Democracy argued.<sup>49</sup> There has been a consistent pattern in:

- Increased commercialisation of politics,
- Enlarged role of the military in the elections,
- Elections becoming a zero-sum game,
- Proliferation of elective positions (approximately every one in 20 Ugandans is a politician of some sort),
- Ethnic undertones for political mobilisation, especially in the 2021 elections.

There seems to be a concurrence that the increasing violence is a result of the incumbent candidate who has been in power for a long time. The incumbent is in

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<sup>49</sup> Interview with the Country Representative of the Netherlands Institute for Multiparty Democracy, Frank Rusa, held on 07.09.2021 in Kampala.

control of all the vital state machinery yet there is increasing restlessness in the population, especially the youths with limited opportunities, who feel that it is their turn. The youthful energy that had rallied along the youthful candidate in Kyagulanyi was met with stiff resistance from the state machinery, leading to many arrests and unprecedented human rights violence.

Our interaction with several members of civil society revealed that politics in Uganda are largely not issues-based, whether among the leaders, political parties or the population at large. It is not clear what the issue differences are apart from one group struggling to enter State House and the other hanging on at all costs.

Though NRM issued a 300-page manifesto, Ugandans did not hear enough of what was in it. Other parties also came up with manifestos, but there was not much to discuss. The lack of issue-based politics has led to the emergence of other considerations like ethnicity, personality cults, religion and the like. There is no solid ideological foundation or a particular belief system which has created a vacuum that is easily exploited.

There has also been a general weakness in state institutions that are mandated to be the gatekeepers of democracy. For instance, the Electoral Commission has not exhibited adequate independence and the Human Rights Commission that is supposed to lead the human rights crusade and civic education has been incapacitated due to the lack of required resources or maybe because of the context.<sup>50</sup>

The Parliament, which is supposed to play an oversight function is largely dominated by the ruling party and now more of a rubber stamp. This has caused people to lose faith in its legitimacy. Citizens have limited faith in the institutions, which makes it possible to resort to extra-legal mechanisms. In the previous elections, the Supreme Court ruled that there were widespread irregularities, military intimidation and violence, but still upheld the electoral victories of President Museveni. The general feeling is that the courts are compromised and lack the requisite independence from the regime and therefore cannot moderate political grievances.

The Electoral Commission was actually at its weakest in the course of the 2021 elections.<sup>51</sup> The Commission was not visible and there is a shared perception among the opposition that its role was captured by the military that was working behind the scenes. The President made it clear that:

I have information that people are planning to steal elections, including election officials bribed to change results, or facilitate multiple voting.

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<sup>50</sup> Interview with the Executive Director at Centre for Constitutional Governance (CCG), Sarah Bireete, held on September 6, 2021 in Kampala.

<sup>51</sup> Interview with the Country Representative of the Netherlands Institute for Multiparty Democracy, Frank Rusa, held on 07.09.2021 in Kampala.

Then we have the ones who want to use violence to alter the wishes of the people...I will not allow the affairs of the people of Uganda to be messed up by criminals and traitors who cheat (see Kamoga, 2021).

The Electoral Commission hardly tried to speak out about the rights of presidential candidates. They would frequently abdicate their role and often deferred to the other state agencies like the Uganda Communication Commission when candidates complained about access to media or the Ministry of Health when matters of breaching COVID-19 standard operating procedures (SOPs) came up.<sup>52</sup>

For instance, the NUP failed to get any space to put up campaign posters on billboards in Kampala and Wakiso and despite complaining to the Electoral Commission, nothing was done. The companies that manage billboards refused to grant them the space. These companies that are subcontracted by the KCCA to run the billboard advertising business intimidated the NUP that providing them space would mean losing their licenses to do business.<sup>53</sup> Apparently, the companies that tried to advertise Kizza Besigye in the previous elections were slapped with exorbitant amounts of taxes. Candidates were not allowed on radio stations and still there was no organ to intervene.

On January 10, 2021, four days before the elections, Bobi Wine expressed concerns that,

... the election is being stolen and rigged and not will be, by the mere fact that I was arrested on nomination day, I have been blocked from campaigning, my posters are not allowed, I am not allowed to have any billboards and blocked from radio and tv stations and that am a presidential candidate not allowed to drive on the main roads or to address people in towns and that the electoral commission came out to block me, just me, from campaigning in more than 30 districts in central Uganda... the election is being stolen because the military and the police have taken over the duty of the Electoral Commission. It is not the Electoral Commission that is in charge but the military (see Sky News, 2021).

The commission seems to have restricted itself to technical aspects of electoral administration and issues related to voting on the voting day. It kept away from the bigger picture of the fairness of the electoral process. Previously, though the Electoral Commission was still compromised, it asserted itself and was somehow more visible. For instance, in 2006 the Electoral Commission went against the wishes of

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<sup>52</sup> Ibid.

<sup>53</sup> Interview with the National Unity Platform (NUP) Secretary General, David Lewis Rubongoya, held on September 8, 2021 in Kampala.

the incumbent who was opposed to the nomination of Besigye as a presidential candidate.<sup>54</sup>

The legal framework seems problematic because the President can hire and fire the commission at his discretion, which compromises independence. During the 2021 electoral period, for instance, the President fired four senior Electoral Commission officials, including the secretary, who is the CEO of the commission. The official reason was that they had retired in the public interest but behind the scenes, it was about their questionable loyalty to NRM and the botched-up procurement process. The fact that one of the candidates can fire members of the Electoral Commission in the middle of an electoral process speaks volumes.

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<sup>54</sup> Ibid.

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## Part Three: The Shrinking Civic Space

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### 3.1 Harassment of the Civil Society

Civic space is significant for a host of logical reasons. International norms root for that space that allows civil society actors to freely and safely advocate human rights, express dissent or opposition and contribute to public deliberation. Despite Uganda being an example in terms of ratifying most, if not all, core international treaties in regard to human rights, our research establishes that there is growing restriction of freedom of political choice, speech, association and assembly, including the tide of obstructive laws propagating a climate of fear and shrinking the spaces for civic engagement.

Uganda is one of the African countries that is not only shrinking the space for civic activism, but also destroying the backbone of democracy and inclusive development (see Smidt, 2018). The country is increasingly witnessing a vicious crackdown on socio-political critics and activists challenging corruption, political impunity, undemocratic tendencies and human rights abuses. The NRM regime intimidates, breaks into premises of civil society organisations, arrest activists, and openly disparages their advocacy work.

It has been argued that if regimes commit significant human rights violations, like what the security forces are doing in Uganda, they will resort to imposing more restrictions on civil society. Regimes devise means of silencing the critical voices of civil society organisations that could otherwise monitor and expose these abuses (Smidt, 2018). Many of such regimes are actually more agitated if they simultaneously face acute international pressure to honour their human rights commitments (see Bakke, Mitchell, and Smidt, 2018).

In March 2016, only two weeks after Museveni had been declared the winner of the 2016 election, he assented to the Non-Governmental Organisations Bill, a repressive law that restricts the operations of over 10,000 NGOs working in the country. The law replaced the Non-Governmental Organisations Registration Act of 1989 (as amended in 2006). The NGOs Act, 2016 establishes an NGO regulatory body, the National Bureau for Non-Governmental Organisations. The Bureau is mandated to maintain a register of NGOs, to issue and renew NGOs' permits. The organ also has powers to 'blacklist' (a term not defined by the Act), suspend, or revoke the permits of an NGO.

The Act provides for subnational bodies, including District NGOs Monitoring Committees and Sub-County NGOs Monitoring Committee, which are both chaired by the Resident District Commissioners (RDCs), a representative of the President

at the district level, and also comprise security officers as members. This severely compromises transparency and credibility, especially when it comes to activities of civil and political rights activists.

Meanwhile, a single organisation in Uganda has to report to a minimum of six government agencies, including the NGO Bureau, the Uganda Registration Services Bureau (URSB) through filling annual returns; the Financial Intelligence Authority (FIA); the Uganda Revenue Authority (URA), the National Social Security Fund (NSSF) and city or local authorities to pay service tax and licenses.<sup>55</sup>

An NRM-leaning politician thought that whereas NGOs provide key services such as health, education and water, their uncontrolled rapid growth has led to subversive methods of work and activities that profoundly undermine the state.<sup>56</sup> A prominent member in the civil society circles intimated that President Museveni's brother, Gen. Salim Saleh, has held several meetings in which he explicitly warned NGOs that the government is only favouring NGOs that are promoting economic rights and wealth creation, but will continue to restrict those with destructive agendas under the guise of civil and political rights.

It seems that at a deeper level some of the senior security officers and the NRM loyalists have little faith in the human rights discourse. A senior loyalist argued that the human rights demand is well intentioned but dangerous for some of the weak states in Africa. According to him the human rights philosophy was transplanted into Africa out of context because it is against too much state, but what we have in most of Africa is too little state.

The state in Africa has not yet established its hegemony over society. To him, the threat to human rights is actually not the state but the absence of the state because order has not yet been consolidated. The state must assert itself to suppress disruptive social forces, including some decontextualised civil society activists promoting perspectives of foreign funders. What we are calling abuses of human rights are the processes that the state has to go through to consolidate.<sup>57</sup>

Probed to explain his understanding further, the NRM loyalist rationalised, "Our expectations are exaggerated and the aspirations are too big and can never match the opportunities. The mismatch between our expectations and the available opportunities has led to widespread social frustration. Several new disruptive forces that are looking for inspiration from the Western world have emerged and are se-

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<sup>55</sup> Interview with the Executive Director at Centre for Constitutional Governance (CCG), Sarah Bireete, held on September 6, 2021 in Kampala.

<sup>56</sup> Interview with an NRM-leaning politician, PO1, held on August 25, 2021 in Kampala.

<sup>57</sup> Interview with Security officer, X2, held on August 25, 2021 in Kampala.

verely threatening order. The violations of human rights could at the same time be the process through which the Ugandan state is consolidating itself.”

“It is not true that the forces that were contending for power against Museveni in 2021 were forces for democracy. We were fighting against forces of anarchy and instability to contain them; we could not use the carrot but a huge stick,” a senior security officer argued.<sup>58</sup> This posture is reflective of President Museveni’s dismissive attitudes towards human rights abuses. As highlighted earlier, Museveni referred to those involved in the November riots as terrorists and has on numerous occasions praised his security forces for beating the opposition.

Such statements by insiders may be reflective of the general thinking of the NRM government in respect of human rights and the nefarious effects on civic space in Uganda. Indeed, such a philosophy is validated by the lived experiences of several civil society actors.

The civic space is narrowing and now parents get scared when their children get interested in national issues. Out of all the rights under Article 29 of the Constitution it is only religious freedom that can be fully enjoyed. Rights of association, assembly, and expression have to be enjoyed in defiance though pro-Museveni people enjoy all their rights.<sup>59</sup>

According to some members in the civil society circles many of their cohorts who were previously active in advocating for civil and political rights are now playing safe or getting under the bed. The majority do not want to engage with critical questions. In today’s Uganda civil society members have now come to terms with normalising the abnormal, as one member emphasised.

Our partners are also caught up in the civil space web; they are also not safe and as you can see the Democratic Governance Facility (DGF) was closed. Whatever is affecting NGOs is also affecting partners. Most of our key partners are also scared and putting us on too much pressure to reduce on our radical approach. So, we are being pressured by both government and partners. Since we have their brand name and also rely on them for finances our hands are tied (Sarah Bireete).<sup>60</sup>

The regime continues to use the Financial Intelligence Authority (FIA) as a tool to crack a whip and suppress civil society organisations (CSOs) who are critical of government’s record on good governance and human rights abuse. At the height of the presidential campaigns in early December 2020, the FIA ordered the freezing of bank accounts of the National NGO Forum, a membership organisation with over

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<sup>58</sup> Interview with a security officer, X1, held on August 25, 2021 in Kampala.

<sup>59</sup> Interview with the Executive Director at Centre for Constitutional Governance (CCG), Sarah Bireete, held on September 6, 2021 in Kampala.

<sup>60</sup> Ibid.



650 organisations, and Uganda Women's Network (UWONET), an entity that brings together 20 women's rights organizations and nine individual activists, accusing them of money laundering and funding subversive activities. The organisations were in essence suspected of having close relations with the opposition (see Draku, 2020; the Independent Magazine, January 2021).

The FIA had earlier on, in late 2019, asked Equity Bank for the account details of 13 non-governmental organisations to establish the source of their funding. The organisations included Action Aid International Uganda, Citizens' Coalition for Electoral Democracy in Uganda, Alliance for Campaign Finance Monitoring, Anti-Corruption Coalition Uganda, National Non-Governmental Organisation Forum, Human Rights Network Uganda, National Democratic Institute, and Great Lakes Institute for Strategic Studies.<sup>61</sup>

In December 2020, a few weeks to the elections, five activists were arrested by the police. Among them was Nicholas Opiyo, a vocal human rights lawyer and the Executive Director of Chapter Four Uganda, an organisation that is known for protecting civil liberties and promoting human rights. Opiyo had been vocal against the government's repressive laws and directives on civil society and had represented two NGOs whose bank accounts had been frozen on allegations of financing terrorist activities.<sup>62</sup>

The others detained with Opiyo included Anthony Odur, Simon Peter Esomu, and Herbert Dakasi, lawyers working for other civil society organisations, along with NUP's Hamid Tenywa. The five were kept for over 24 hours without access to their lawyers or families, prompting the Uganda Law Society to release a statement: "The abduction...and incommunicado detention of Nicholas Opiyo is high handed and unnecessary" (see RFI, 2020).

Opiyo was charged with a case of receiving money knowing that it was proceeds of crime. Though the money was received by Chapter Four it was Opiyo on the charge sheet. When news went out it got the funders concerned and some politicians in the US were troubled because the charges insinuated that a reputable American organisation, American Jewish World Service, was facilitating fraud in Uganda.<sup>63</sup> When the US embassy issued a statement of concern about the arrest, the regime reinforced the narrative that Chapter Four was an agent of the West and clandestinely working with the opposition.

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<sup>61</sup> <https://www.independent.co.ug/govt-probes-13-top-ngo-accounts/> accessed on 02.10.2021.

<sup>62</sup> For more details visit <https://www.ecoi.net/en/document/2044319.html> accessed on 14.10.2021.

<sup>63</sup> Interview with Peter Magelah, an officer at Chapter Four, held on August 27, 2021 in Kampala.

In the lead-up to the 2021 general elections, Opiyo and Kyagulanyi had jointly appeared in a podcast, “International Human Rights Day Special with Bobi Wine and Nicholas Opiyo” that was widely publicised on the German based Friedrich Naumann Foundation (FNF) online portal.<sup>64</sup> According to a senior security officer, Opiyo and Bobi Wine expressed similar views and seemed to represent foreign interests by ‘misrepresenting’ the NRM regime as the worst abuser of human rights.<sup>65</sup>

Generally, pro-human rights organisations in Uganda are under constant government intimidation and harassment, which intensified during electoral campaigns. Often, state operatives, under the cover of night, have broken into offices of several NGOs, stealing computers and documentation. For instance, offices of Human Rights Network (HURINET) were broken into six times. Each of these incidents coincided with a time when the organisation was working on critical issues of human rights abuses by security forces. In 2013, the operatives made off with all computers including the servers and CPUs.<sup>66</sup> Human Rights Network for Journalists’ (HRNJ) premises were broken into five times to destroy records and information regarding security forces’ excesses against journalists.<sup>67</sup>

Between 2013 and 2017, 45 NGOs were raided and not a single investigation was completed by the police. After the enactment of the NGO Act in 2016 the clandestine NGO raids reduced because the government could now use law to attack any NGO. The regime has now institutionalised the administrative harassment. The break-in was now turned into official raids because there was an enabling law. The police can use the NGOs Act 2016 to close any organisation and carry whatever they want for their ‘investigations’.<sup>68</sup>

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## 3.2 Claims of Foreign Interference and the Suspension of Organisations

In April 2021, the US Department of State came out strongly on the mess in Uganda’s elections and sanctioned top security commanders it believed undermined the conduct of elections. The US Secretary of State, Antony Blinken, issued a press statement noting, “Today I am announcing visa restrictions on those believed to be responsible for, or complicit in, undermining the democratic process in Uganda,

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<sup>64</sup> The FNF is foundation associated with one of the biggest political parties in Germany, the Free Democratic Party (FDP – Freie Demokratische Partei). For the podcast visit: <https://www.dailymaverick.co.za/article/2020-12-09-international-human-rights-day-special-with-bobi-wine-and-nicholas-opiyo/> accessed on 20.09.2021.

<sup>65</sup> Interview with Security officer X2 held on August 25, 2021 in Kampala.

<sup>66</sup> This fact was pointed out by a member who was previously part of the management team at the Human Rights Network (HURINET) on September 6, 2021 in Kampala.

<sup>67</sup> Interviews with Robert Ssempera, the HRNJ Executive Director and Moses Magoola, the Deputy Director HRNJ, held on September 6, 2021.

<sup>68</sup> This opinion was expressed by Patrick Tumwine on September 6, 2021 in Kampala.

including during the country's January 14 general elections and the campaign period that preceded it.<sup>69</sup>

The statement further argued that the Uganda government actions represented a continuing downward trajectory for the country's democracy and respect for human rights as recognised and protected by Uganda's 1995 constitution. The statement, however, did not name the officials targeted for travel bans. Our findings reveal that the ban sent some chilling tremors within the security circles, but yet also, re-enforced the narrative that Western governments had sided with the opposition during the 2021 elections.

During the entire campaign period the regime had sustained a perspective that there was foreign interference in the elections by both regional and international actors for various interests ranging from economic and security to ideology. In an interview with Channel 4, a week before the elections, for instance, President Museveni alleged that,

Bobi Wine is confused, he is not ideological and is being manipulated by so many groups, especially the foreigners. Bobi Wine, in particular, is an agent of foreign interests. The foreigners, especially the Europeans, are full of arrogance... the homosexuals are very happy with Bobi Wine and even send him support. The opposition was responsible for what happened in November because they wanted to organise and insurrection... they were being encouraged by Western elements and not necessarily governments.<sup>70</sup>

It was propagated that there were large volumes of money from foreign sources that were channelled through CSOs to destabilise the government. The regime mostly targeted US and EU-based international non-governmental organisations (INGO) that supported programmes in civic education, human rights, good governance and strengthening of political parties. Our findings reveal that the regime believed that the INGOs were not only subversive, but also actively provided support to Bobi Wine and his People Power movement.

Among many erratic actions against INGOs, security operatives barred Roseline Idele, a Kenyan national from returning to Kampala after visiting Nairobi in September 2020. At the time Idele was the acting country director of the National Democratic Institute (NDI) in Uganda. With Idele at the helm, the NDI was supporting programmes to strengthen democratic institutions in Uganda (see Menya, 2020).

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<sup>69</sup> <https://www.theeastafrican.co.ke/tea/news/east-africa/us-visa-ban-on-ugandan-officials-3365588>

<sup>70</sup> See Channel 4 news at: <https://www.facebook.com/watch/?v=224346479238874> accessed on 24.10.2021.

In late November 2020, Simon Osborn a consultant for the EU on projects aimed at strengthening Uganda's electoral process, was picked up from his apartment and detained briefly before being bundled on a plane out of Uganda. Osborn had worked in Uganda for seven years as country director of the National Democratic Institute (NDI).<sup>71</sup>

In the same vein Lara Petricevic, the Director of the International Republican Institute (IRI), an American non-profit organisation, who had left Uganda for Wales to have her child, was also barred from returning to the country. The IRI, which works for advancement of freedoms and democracy worldwide, had earlier on received a warning letter from the NGO Bureau about its activities.<sup>72</sup>

The regime's anger seems to have stemmed from an October 13, 2020 virtual event at which the then US Secretary of State, Michael Pompeo, was honoured with IRI's John McCain Freedom Award while Bobi Wine made a special music performance. Several senators, including Mitt Romney, Lindsey Graham and Connie Newman made keynote addresses.<sup>73</sup>

About two weeks to the contentious elections the government suspended operations of the Democratic Governance Facility (DGF). The DGF that was established in 2011 by the European Union, United Kingdom, Denmark, Ireland, Austria, Sweden, the Netherlands, and Norway is the leading donor agency in Uganda. The DGF provides financial and technical support to both state and non-state actors in areas such as democracy, human rights, and rule of law. President Museveni complained that DGF funds were exclusively foreign managed and were used to finance activities and organisations designed to subvert government under the guise of improving governance (see Freedom House, 2021).

The DGF is critical to the operations of many human rights and good governance advocating CSOs and some government bodies, including the Uganda Human Rights Commission. At the time of this research several leaders of the CSOs that were majorly funded by the DGF intimated that their operations and advocacy activities were seriously paralysed. Some had temporarily closed, while others had downsized, awaiting negotiations between government and the DGF.

Government seemed to have targeted DGF several months before the elections. Marco de Swart, the then head of elections programmes at the DGF, was declared persona non grata in July 2020. De Swart, a citizen of the Netherlands, was running active programmes on elections at the time he was barred from returning to

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<sup>71</sup> For details see: <https://voxpopuli.ug/us-eu-non-profit-organisation-bosses-deported-blocked/> accessed on 16.10.2021.

<sup>72</sup> Ibid.

<sup>73</sup> Ibid.

Uganda following a short trip to Europe (see Mufumba, 2020). One of the reasons which was advanced for his rejection was that he had participated in election-related work outside Uganda and specifically in Rwanda.<sup>74</sup>

The suspension of DGF operations was followed by the interdiction of 54 CSOs and NGOs in August 2021. Though the government insisted that these organisations ‘violated’ a myriad of regulations, including operating with expired permits, failing to file accounts, or failing to register with the authorities, the real reason was the attempt to silence critical voices in regard to the charged 2021 presidential elections.

The regime seems to have unfoundedly targeted the DGF as one of the organisations using foreign funding to destabilise the status quo. Our interactions with those who know DGF deeply strongly reveal that the DGF would be very hesitant to enter into a collision path with the state.

According to one highly reliable source, many ambassadors of the European countries were actually surprised to consistently see accusations that they were meddling in the elections. The source added that many of those ambassadors seemed sceptical about Bobi Wine’s ability to stabilise Uganda and the region.

The source added that other major powers like the US have one overriding interest in the region, which is stability and the thought of Bobi Wine fulfilling this interest seemed farfetched. On the contrary, it is Museveni that has been, and continues to be, their strategic ally in the grand scheme of stabilising the Great Lakes region. A chaotic regime breakdown in Uganda would profoundly damage the vision of Western powers for the Great Lakes region. Uganda is also the largest refugee-hosting country in Africa and many Western governments would prefer a smooth transition to avoid creating uncertainty.

Moreover, under Museveni, Uganda’s partnership with the US has been built on military cooperation, including in Somalia, where Ugandan troops, trained and equipped by the US, are the core of the peacekeeping mission that is battling with the al-Shabaab militants. The US gives about US\$ 1bn per year in security and development assistance to Uganda.<sup>75</sup>

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### 3.3 Curtailing Election Observers

According to the Electoral Commission website, “Election observation is fundamentally an exercise in support of democracy. Election observers serve as impartial

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<sup>74</sup> For details see: <https://voxpopuli.ug/us-eu-non-profit-organisation-bosses-deported-blocked/> accessed on 16.10.2021.

<sup>75</sup> <https://www.theeastafrican.co.ke/tea/news/east-africa/us-visa-ban-on-ugandan-officials-3365588>

watchdogs who can assess whether the results of an election truly reflect the will of the people...<sup>76</sup> However, the 2021 elections were the least observed elections since the NRM took power.

Several organisations and individuals that had expressed interest in observing the elections were severely impeded. The regime seemed to have systematically planned to hold elections that were as opaque as possible.<sup>77</sup> In the end, a handful of what some commenters called friendly short-term observer missions such as the East African Community (EAC) and Intergovernmental Authority on Development (IGAD) were in Uganda. The IGAD preliminary election observation report highlighted that there was absence of domestic observers and limited representation of other international observers in the 2021 elections (IGAD, 2021).

The European Union refused to deploy an observer mission because previous recommendations from their 2016 mission had been ignored. According to an EU 2018 report, none of the 30 recommendations made by the observer mission sent to monitor the last election in 2016 was implemented.<sup>78</sup> Two days to the elections the United States cancelled its plans to observe the election saying that most of its accreditation requests were denied.<sup>79</sup>

A year before elections, a number of organisations applied for accreditation to observe the elections as has been the norm before every election. A coalition representing hundreds of Ugandan civil society organisations, National Elections Watch-Uganda (NEW-U), underscored that it had filed 1,900 accreditation requests but only 10 had been granted.<sup>80</sup> Nevertheless, the organisations that were accredited as long-term observers started their work right from the beginning of the process such as the display of voters register and analysing voter education.<sup>81</sup>

Strategically, the accredited organisations came together to form a loose coalition, NEW-U, in order to create a combined platform for election observation. After doing three press conferences in October 2020 highlighting high violence in NRM party primaries in places such as Ntungamo, Jinja, Bushenyi and other districts, the coalition was banned by the NGO Bureau. Bank accounts of the leading organisations in the NEW-U coalition were subsequently frozen by the FIA as seen in the preceding section.

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<sup>76</sup> For details visit <https://www.ec.or.ug/accreditation/> accessed on 14.10.2021.

<sup>77</sup> interview

<sup>78</sup> See <https://www.reuters.com/article/us-uganda-politics-idUSKBN27W1H1> accessed on 11.10.2021

<sup>79</sup> <https://www.reuters.com/article/uk-uganda-election-idUSKBN29I1AV> accessed on 10.10.2021

<sup>80</sup> Ibid.

<sup>81</sup> Interview with Peter Majelah, a member of Chapter 4, held on September 7, 2021 in Kampala.

There was a suspicion that the coalition's name, NEW-U, coincided with NUP's slogan of promising a "New Uganda" after Museveni was out of power. The ban meant that the organisations that had got accreditation to observe the elections were in the uncertain position of whether the clearance originally granted by the Electoral Commission was still valid or not. Though the coalition was banned, individual organisations were not. Many organisations wrote to the Electoral Commission for clarification, but none of their inquiries were responded to. So, some felt that they had the obligation to observe the elections on behalf of the people of Uganda.<sup>82</sup>

The remaining organisations decided to hire the services of Citizens Watch-IT (CEW-IT), an election and governance watchdog organisation, to develop an online tool for effective filing of observed incidents during the elections. It was envisaged that the organisations would send observers in the field who, during elections, would feed their observations into an online system for further analysis and report drafting.

Following the Internet shutdown, the organisations' strategy was inhibited thus changing from Internet-based technology to agents calling and the clerks at the centre feeding in the information manually. To enable this, the DFG, which was the major funder of the organisations undertaking this endeavour purchased 20 brand-new computers on which data would be entered by clerks at a central location in Kampala. Based on accessibility and centrality, Hotel Africana was chosen as the venue to host the observation centre.

On the polling day the observation team released its first report around 2pm highlighting the late arrival of voting materials and other mishaps at some polling stations. According to some of the team members a number of coincidences made them a target. First, they had via regular sms sent their first report to their Kenyan colleagues who read it out on Kenyan media. This made the paranoid state suspect that the observation team had access to Internet amidst the shutdown.

Second, Hotel Africana is opposite the Electoral Commission headquarters. The Electoral Commission had also hired some extra working space at Hotel Africana. Due to the proximity, security operatives perceived it that the observation centre had either broken into the Electoral Commission's system or was trying to do so. Third, the coalition was using brand new computers, which is usually a strategy used by hackers to avoid being traced as individuals.

Security operatives then acted by storming into the observation team's centre, arresting data entry clerks who were mostly interns recruited from universities on

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<sup>82</sup> Interview with Sarah Bireete the Executive Director at Centre for Constitutional Governance (CCG) held on September 6, 2021 in Kampala.

temporary basis. This provided a basis of placing a charge of observing elections without accreditation. The clerks remained in jail for two days before being realised on police bond, but until the day of filing this report, have not been produced in courts of law.

The regime did not expect anyone to report anything on the elections and when we gave some details, the security thought we had satellite phones and special Internet. They came to our strong room and switched off the data centre. Ironically, we were using ordinary phones. We managed to send the report to Kenya by sms, they read it and the state concluded that we had Internet. We finished at 2pm and at 3pm we were under siege. Twenty-nine people were arrested. They took the computers and everything and that was the end.<sup>83</sup>

In November 2020, meanwhile, Isaack Otieno Okero, a Kenyan national, who had been in Uganda as the acting head of the International Foundation for Electoral Systems (IFES), a US-based NGO that engages in advancement of democracy, was arrested at gunpoint in his room at the Kampala Sheraton Hotel. Security operatives ransacked his room, taking away his passport, phones, laptop and money. He was later bundled into a waiting car and driven to immigration jail in Kampala. To avoid further attention from the media Okero was driven for over four hours to the Uganda-Kenya border at Busia, where there was a standoff since the authorities could not justify the deportation, and they had also denied him a chance to use his return ticket (see Menya, 2020). Though his passport, phones and laptop were then returned to him, his money was stolen by the security operatives.

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### 3.4 Electoral Irregularities and Military Interference

What we had was not an election but a military operation (David Lewis Rubongoya).<sup>84</sup>

Security forces with the military in the lead seem to have taken over the 2021 elections. The military was in charge of closing the space for the opposition and for giving out money on behalf of the NRM. There are heightened allegations, and a shared perceptiveness in the civil society circles, that trusted military elements were actually in charge of preparing the election results.<sup>85</sup>

Any journalist at the EC's tally centre who dared to ask why there was no live streaming of election results was briefly detained. The security forces were the majority at the national tally centre; even prison chiefs were fully represented. The EC national tally centre looked like a mili-

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<sup>83</sup> Interview with a human rights activist held on September 6, 2021 in Kampala.

<sup>84</sup> Interview with the National Unity Platform (NUP) Secretary General, David Lewis Rubongoya held on September 8, 2021 in Kampala.

<sup>85</sup> This opinion was expressed by several interviewed members of the civil society and opposition supporters.



tary event and this was to show that the security forces were dominant (Robert Ssempala).<sup>86</sup>

These allegations are difficult to dispel given that there were hardly any election observers at the majority of the 34,684 polling stations across the country. Moreover, there were difficulties for journalists and the media in general to provide any form of credible reporting on the elections.

Moreover, on January 9, 2021 the EC Chairman, Justice Simon Byabakama, issued a press statement noting that no one was allowed to use his or her phone for recording purposes or taking photographs inside the polling stations, which was the cordoned off area. The EC also banned voters from displaying their choice of candidate by taking a photo or video of their marked ballot papers. This measure, the EC reasoned was in line with Article 68(1) of the Constitution which provides for a secret ballot in presidential and parliamentary elections.<sup>87</sup>

Despite the Internet shutdown and other limitations imposed by the government several videos, some of which were filmed by anonymous security personnel, were later uploaded on the Internet showing massive rigging at different polling stations (Afran, 2021). There seemed to have been repeated instances of ballot stuffing, pre-ticking of ballots, destruction of Bobi Wine's ballots, the absence of voter privacy, the direction by soldiers that voters should mark their ballots for Museveni and high military presence at polling stations, among other irregularities.<sup>88</sup>

The EC's official results from several districts such as Amudat, Isingiro, Kamwenge, Karenga, Kazo, Kiruhura, Kyankwanzi, Mbarara, Nabilatuk, Nakapiripirit, Nakaseke, Napak and Ntungamo seem problematic, or at least raise a number of questions. In these districts, Museveni scored between 95 and 100 per cent and in several cases voter turnout was 100 per cent, all voting for candidate Museveni.<sup>89</sup> Though the EC's official voter turnout was 59.35 per cent (10,744,319 of the 18,103,603 registered voters), 409 polling stations were announced to have had 100 per cent voter turnout.<sup>90</sup> Such voting patterns, some observers have argued, are reflective of direct manipulation and falsification of the vote count by the EC or coercion of voters at the polling stations.<sup>91</sup>

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<sup>86</sup> Interviews with Robert Ssempala, the HRNJ Executive Director, and Moses Magoola, the Deputy Director HRNJ, held on September 06, 2021.

<sup>87</sup> <https://www.independent.co.ug/ec-clarifies-on-phones-and-cameras-restrictions-at-polling-stations/> accessed on 19.10.2021

<sup>88</sup> Follow this YouTube link to watch an example of the voting irregularities <https://www.youtube.com/watch?v=TggSh1kUvTo> accessed on 19.10.2021.

<sup>89</sup> For details see the EC tally sheet at <https://www.ec.or.ug/2021-presidential-results-tally-sheets-district> accessed on 19.10.2021.

<sup>90</sup> Ibid.

<sup>91</sup> See <https://www.aljazeera.com/news/2021/1/16/ugandas-museveni-declared-winner-of-presidential-election> accessed on 19.10.2021.

Two days after declaring Museveni the winner it emerged that the Electoral Commission had not included results from more than 1,257 polling stations. The EC explained that it had a 48-hour period to report a result and could not obtain such information in time from these polling stations. The majority of the uncounted votes were in Kampala and Wakiso where Bobi Wine won by about 73 per cent and 75 per cent respectively, while Museveni polled 24 per cent in both districts.<sup>92</sup> It remains unclear how many other polling stations in NUP's strongholds were not counted by the Electoral Commission. Ironically, immediately after being declared winner Museveni stated: "I think this might turn out to be the most cheating-free elections since 1962, when the country achieved independence."<sup>93</sup>

The opposition candidates had also planned to set up their own tally centres, which the EC argued against, claiming that it was both irrational and illegal. The EC further argued that it would provide every candidate a copy of the declaration of results (DR) forms from each polling station. The EC chairman summed up: "I do not understand the concept of the tally centre, but if you are going to announce your own results, when the law says it is only the EC to declare results, then you are playing a dangerous game and law enforcement will have to come in."<sup>94</sup>

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### 3.5 The façade of COVID-19 SOPs

COVID-19 gave Museveni a new lease of life because he could not have scored even 30%. Previously, Museveni relied on the Public Order Management Act section 8 that the police frequently used to deny people opportunities to assemble. The law was challenged in court and later outlawed in February 2020, before COVID-19 broke out. COVID-19 SOPs rescued the regime because they provided a pretext to disorganise the opposition (a senior academic).<sup>95</sup>

Uganda's strategies to combat the COVID-19 pandemic have been largely praised (Lumu, 2020). Uganda and Rwanda are cited as the first countries in Africa to introduce a wide range of measures designed to halt the spread of the disease. As of August 2020, the Lancet Commission produced data that identified Uganda as the best African country for containing COVID-19, and ranked it 10th of 191 nations worldwide (see Cheeseman, 2021). However, the day Uganda confirmed its first death on July 23, 2020 the BBC ran a story that 12 people had been killed by the

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<sup>92</sup> <https://www.monitor.co.ug/uganda/special-reports/ec-excludes-results-from-over-1-200-polling-stations-3260542> accessed on 19.10.2021.

<sup>93</sup> <https://www.aljazeera.com/news/2021/1/16/ugandas-museveni-declared-winner-of-presidential-election> accessed on 19.10.2021.

<sup>94</sup> <https://www.independent.co.ug/voters-will-not-be-allowed-to-witness-vote-counting-ec/> accessed on 19.10.2021.

<sup>95</sup> Interview with a senior academic, Prof. X1, held on September 8, 2021 in Kampala.

security forces' heavy-handed enforcement of COVID-19 restrictions, more than by the virus itself (BBC 2020).

The 2021 election was unique because it happened during the time of the COVID-19 epidemic, which brought about a number of restrictions on the movements of the candidates. The opposition candidates had limited interactions with their supporters because they were blocked under the guise of the COVID-19 SOPs. The 2021 election, as Cheeseman (2021) inferred, represent a clear case in which COVID-19 restrictions were manipulated for political ends.

Though Uganda had comparatively low cases of COVID-19, during the election period it introduced stringent SOPs that were unevenly enforced. The EC made it clear that rallies were effectively banned, as the maximum number of people allowed to attend an event was set at 70 (Isilow, 2020), although this was subsequently increased to 200 (CIPESA, 2021).

The Electoral Commission also required all actors to respect social distancing measures of two metres, use facemasks and enable regular hand-washing (Cheeseman, 2021). The EC maintained that campaigns would be conducted on radio and television, in newspapers and on the Internet.<sup>96</sup> Reaching out to voters via media platforms as suggested by the EC seemed unfeasible since a 2014 census showed that one million homesteads had television sets and 3.4 million had radio sets yet Uganda had 18 million voters in the 2021 elections.<sup>97</sup>

Civil society and opposition leaders disapproved of the restrictions, suggesting that the number of COVID-19 cases was too low to justify such restrictions. They further insisted that the measures had been introduced to enhance the incumbent to restrict the activity of rival parties. According to Bobi Wine, for instance, Museveni was hiding behind the COVID-19 measures to yet again stage a coup and crown himself life President (Mumbere, 2020).

Security forces frequently cited COVID-19 SOPs as their reason for breaking up political campaigns and arresting opposition leaders and supporters. The opposition and neutral observers, including human rights activists, argued that the forces were using these regulations as a pretext to violate human rights, political freedoms and to incapacitate the opposition for the benefit of the status quo.<sup>98</sup>

On January 8, 2021 the UN Human Rights Office (OHCHR), spokesperson, Ravina Shamdasani, issued a statement expressing concern that they had increasingly ob-

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<sup>96</sup> <https://theconversation.com/why-ugandas-ban-on-open-air-campaigns-could-tilt-the-2021-poll-in-musevenis-favour-144814> accessed on 21.10.2021.

<sup>97</sup> Ibid.

<sup>98</sup> <https://www.bbc.com/news/world-africa-55573581>

served that the COVID-19 restrictions were being enforced more strictly to curtail opposition electoral campaign activities in a discriminatory fashion. Particularly, Shamdasani pointed out that,

such developments increase concern that the COVID-19 measures are being used as a ground to restrict public freedoms and political participation during the electoral process. We are also concerned that the discriminatory enforcement of such restrictions has led to violence, arbitrary arrests and detention, and, in some instances, reports of torture and ill-treatment by security forces.<sup>99</sup>

Generally, both the NRM and NUP held events at which more than 200 people attended, but the EC and the security forces responded by selectively enforcing COVID-19 protocols, shutting down NUP's events and detaining and harassing Bobi Wine, while allowing ruling party meetings to continue without any interference (Schwikowski, 2020). As a result, the CCEDU concluded, the EC failed to strike a balance between public safety, mitigation of health risks from COVID-19 and electoral freedoms and rights (CCEDU, 2021).

Meanwhile, the government's own COVID-19 SOPs were not followed while dispersing and arresting members of the opposition, which defeated logic since that would have put members of the security forces at greater risk of contracting the virus. Generally, the politicisation of COVID-19 increased mistrust of the EC, the security forces and government health authorities among opposition supporters.

The NRM had just held its party primary elections with people lining up behind candidates and the regime did not evoke the COVID-19 SOPs logic. These primaries brought together large numbers of people who frequently converged. To many opposition leaders and civic society members the COVID-19 SOPs replaced the Public Order Management Act which was previously used to crack down on the opposition to give Museveni a breath of life.

On December 26, 2020, about 18 days to the polling day, the EC came up with an order banning campaigns in several areas. The EC stated:

...Guided by Section 12 (1)(h) of the Electoral Commission Act; Section 21 (1) and (2) of the Presidential Elections Act, 2005; Section 20(1) of the Parliamentary Elections Act, 2005; and Section 172 of the Local Governments Act, campaign meetings for all elective offices are suspended with immediate effect, in the Districts/Cities of Jinja (Jinja City inclusive), Kabale, Kalungu, Masaka (Masaka City inclusive), Tororo, Kampala, Luwero, Wakiso, Greater Mukono (Buikwe, Buvuma, Mukono, Kayunga), Mbarara District (Mbarara City inclusive), Kabarole District (Fort Portal City inclusive), Kasese and Kazo, which have

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<sup>99</sup> <https://news.un.org/en/story/2021/01/1081662>

been categorized by the Health Experts as high, sustained and diffuse transmission districts/areas.<sup>100</sup>

Though the EC statement indicated that the ban was a strategy to prevent gatherings in the wake of surging cases of COVID-19, the majority of the interviewees insisted it was to stop Bobi Wine from accessing his stronghold areas, especially in central Uganda. The EC added some areas outside Buganda as a cover-up and ironically Museveni had already campaigned those locations that the ban affected.<sup>101</sup> According to the NUP, the regime was scared because Bobi Wine's presence in the central region and the massive numbers of citizens that would have turned up could have emboldened the voters to massively turn up on the voting day. Relatedly, the youth could have outstretched the security forces, which would have attempted to illegally and unfairly disrupt Bobi Wine's campaign trail like they had in other areas.

On January 6, 2021 the EC Chairman announced that due to COVID-19, voters would not be allowed to witness the counting of votes at polling stations. This was contrary to the norm that Ugandans were accustomed to in the previous elections when they gathered at polling stations to witness the counting as soon as voting closed. Moreover, the prevailing Electoral Commission guidelines and both the Presidential Election Act 2005 and the Parliamentary Election Act 2005 state that for the sake of transparency, voters have a right to attend and witness the process of counting of votes. The EC insisted that only specific people, including candidates' agents, EC officials and security personnel, would be allowed.<sup>102</sup>

The EC argued that the few people allowed at the polling station were to ensure transparency. Because of the excitement that comes with the counting, the EC maintained, people would overcrowd and the possibility of observing social distancing would be minimal. Strangely, the EC chairman added that it was dangerous to keep people of different political parties and supporters of rival candidates in the same area yet this has been the norm in all previous elections. The announcement was made at a time when Bobi Wine had continuously mobilised his supporters to remain at the polling stations after casting their votes in order to protect their votes.<sup>103</sup>

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<sup>100</sup> See EC statement at: <https://www.ec.or.ug/news/ec-suspends-campaign-meetings-specified-districts> accessed on 19.10.2021.

<sup>101</sup> Interview with the National Unity Platform (NUP) Secretary General, David Lewis Rubongoya, held on September 8, 2021 in Kampala.

<sup>102</sup> <https://www.independent.co.ug/voters-will-not-be-allowed-to-witness-vote-counting-ec/> accessed on 19.10.2021

<sup>103</sup> <https://www.radiosapientia.com/news/ipod-asks-ec-to-issue-special-guidelines-for-polling-date/>

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## 3.6 Crackdown on the Media and Attacks on Journalists

The 2021 elections were further overshadowed by unprecedented efforts to block public access to information. Since the last presidential election in 2016, Uganda fell 23 places in the Reporters Without Borders' (RSF) World Press Freedom Index and at the time of filing this report it was ranked 125th out of 180 countries (Reporters Without Borders, 2021).

Human Rights Network for Journalists (HNRJ) Uganda reported over 100 cases of human rights violations against journalists when covering political candidates, including getting teargassed and beaten (Amnesty International, 2020). Between October 2 and November 25, 2021 Reporters Without Borders (RSF) tallied 17 press freedom violations, including seven attacks, four arbitrary arrests of journalists, and many cases of obstruction.

In a move that was seen as a scheme to restrict media access and coverage during the election period the Ugandan Communication Commission (UCC) insisted that all online data communication and broadcasting services must obtain prior authorisation from the UCC before providing such services to the public (Reporters Without Borders, 2021). And a few hours before the polls opened the UCC instructed Internet providers to cut its subscribers off the Internet. The Internet shutdown was preceded with a ban of Facebook and other social media platforms due to what the regime termed as the "arrogant behaviour" of those companies. The UCC wrote, "Uganda Communications Commission hereby directs you to immediately suspend any access and use, direct or otherwise, of all social media platforms and online messaging applications over your network until further notice."<sup>104</sup> The UCC's order did not provide any official reason behind this suspension (see Afran, 2021).

On election day, therefore, news could only be published via radio or TV. The Internet lockdown seriously impacted the ability of media organisations and journalists to competently cover the election and some commentators reasoned that democracy was in darkness (see Maukonen 2021). After voting, moreover, the EC deflected questions about how countrywide voting results were transmitted during the Internet blackout by saying "we designed our own system", but did not explain how it worked.<sup>105</sup>

In December 2020, the Media Council had informed all journalists in Uganda that their accreditations were being revoked and that they needed fresh accreditations

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<sup>104</sup> <https://www.reuters.com/business/media-telecom/uganda-orders-all-social-media-be-blocked-letter-2021-01-12/> accessed on 19.10.2021.

<sup>105</sup> <https://www.aljazeera.com/news/2021/1/16/ugandas-museveni-declared-winner-of-presidential-election> accessed on 19.10.2021.

within a week to cover the elections. This decision was only reversed on January 10, four days to the polling day, following international criticism (IPI, 2021). According to International Press Institute (IPI), media organisations and journalists feared that security forces would resort to violence against them while they were covering the polls.

Many security operatives tend to place journalists in the category of opposition supporters. They are referred to as rumour mongers tarnishing the image of the regime. The President has severally labeled some media houses, especially the Daily Monitor, as opposition newspapers and enemies of Uganda reporting falsehoods. In private, security officers tell us to stop covering the opposition for our own safety.<sup>106</sup>

According to the International Press Institute (IPI), media organizations and journalists feared security forces' violence and thus many kept a distance from covering the electoral campaigns and voting proceedings. In particular, reporters covering opposition candidates were harassed, arrested, beaten and even shot at by the security forces. Among several other attacks on journalists the following provide some perspective:

- On November 5, 2021 freelance journalist Moses Bwayo was shot in the face while covering a story related to NUP and Bobi Wine (Maukonen, 2021; Committee to Protect Journalists, 2021a).
- On November 18, several journalists covering the rally of Bobi Wine were pepper-sprayed and assaulted by the police.
- On December 11, in the northern district of Lira, security personnel used batons and the butts of their guns to assault a group of at least six journalists covering the campaign of Bobi Wine (Committee to Protect Journalists, 2021).
- On December 27, police in the central district of Masaka fired projectiles that injured at least three journalists covering Bobi Wine's campaign (Committee to Protect Journalists, 2021b).
- One of the journalists attacked on December 27 was Kasirye Saif-Ilah Ashraf who was hit with a projectile on the head leaving his left skull cracked. This was a second attack on Kasirye, a professed NUP supporter working with the NUP-leaning Ghetto TV. In the first attack, Kasirye was pepper sprayed in his mouth while covering Bobi Wine's campaign trail that resulted into the November riots.<sup>107</sup>
- On January 8, 2021, a week before the elections, the Inspector General of Police (IGP), Martin Okoth Ochola, warned journalists that the police would not hesitate to beat them if they disobeyed orders. "When we tell a journalist, 'Don't go there' and you insist on going where there is danger, we shall beat you for your own safety. I have no apology. We shall not apologize but we shall continue helping you not to go where there is danger" (International Press Institute, 2021b).

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<sup>106</sup> Interviews with Robert Ssempala Executive Director of the Human Rights Network for Journalists held on September 6, 2021.

<sup>107</sup> Interview with the National Unity Platform (NUP) Secretary General, David Lewis Rubongoya, held on September 8, 2021 in Kampala.

- On February 17, military police beat at least ten journalists covering Bobi Wine on his way to deliver a petition to the United Nations Office of the High Commissioner for Human Rights in Kampala (Nyeko, 2021).

Furthermore, in November 2020, security operatives deported a news crew from the Canadian Broadcasting Corporation (CBC), comprising Lily Martin, Jean-Francois Bisson and Margaret Evans. The deportation disregarded the fact that the crew had been granted accreditations by the Media Council (CPJ, 2021b; IPI, 2021). Prior to the deportation, President Museveni and his loyalists had severally accused foreign media houses and journalists of favouring the opposition candidate in Uganda. In one bizarre tweet, Col. Paddy Ankunda, a military intelligence officer, suggested that international journalists were CIA agents (Reporters Without Borders, 2021).

The deportation of the CBC crew was followed by the Media Council issuing new guidelines to foreign journalists in December 2020. The guidelines required foreign journalists to reapply for their accreditations within one week. Though the state authorities disguised the new guidelines as a strategy to safeguard journalists and rid the field of quack reporters, the true intention was to muzzle credible reporting on the elections. Ironically, the regime claimed that it was the media targeting security forces by portraying them as brutal and siding with government (International Press Institute, 2021; CPJ, 2021b).



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## Part Four: Patterns of Human Rights Abuses and Military Posturing

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### 4.1 Freedom of Political Choice Under Siege

The 2021 elections attracted a large number of young people who enthusiastically rallied behind Bobi Wine with the hope of defeating an ageing incumbent and a system that has not been responsive to their needs. For the first time in the history of Uganda the ghetto youth became a focal point of the elections. The People Power movement, and later NUP, seems to have provided a platform and hope to the downtrodden and the underprivileged youths who certainly saw better prospects in Bobi Wine, a candidate that had risen from the ghetto to running for the highest office in the country.

Large numbers of these youth reached out to the NUP asking about how they could contribute to what they perceived, and continue to perceive, as the struggle. The regime feared that the upsurge of enthusiasm was threatening the status quo and unleashed maximum terror to disenfranchise them. The terror disoriented the NUP and the youth most of whom were actively participating in elections and politics in general for their very first time.

Besides the physical harassment including arrests and torture, the security forces also applied a psychological strain on the enthusiastic youths in the NUP camp. Often, the security forces reached out to the parents of the youths warning them that they should pressure their children to abandon the NUP or else they would face wrath, including death. In turn, the majority of those parents approached by the security forces would put pressure on their children to stay away from politics and Bobi Wine's struggle in particular.<sup>108</sup>

#### 4.1.1 A glimpse of the Effects of Security Forces Terror from the Lenses of NUP's Welfare Department

To illustrate the disenfranchisement better we reproduce here a summary of an interview conducted with Shiphra Rukundo, a 28-year-old lady in charge of welfare, at the NUP Secretariat on September 8, 2021.

I was a music fan and supported Bobi Wine's music before he joined politics. We had a group called the Firebase Army that promoted him on Facebook on voluntary basis. We just liked him and did things out of fun. We started very small and when he stood for MP we went to campaign for him. However, when the government started arresting some

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<sup>108</sup> This opinion was shared by many youthful supporters of the NUP.

of our group members we got scared. We used to be over 100, but now when we call a meeting less than 15 turn up.<sup>109</sup>

Shiphra was then given her first job at the secretariat as an office attendant. She explains that in the early days of the campaigns in October/November, the NUP offices were overwhelmed by the number of youths who came every day asking what they could do to help the struggle. Many wanted specific roles, but it became difficult to create official structures in different ghettos and suburbs in a short period of time. So, the youth were told to go and do whatever they could within their means to enable NUP win the elections. The enthusiasm was really high.

She was then appointed Head of Welfare at NUP's Secretariat, commonly known as Ku'kitebe, as soon as 49 NUP core campaign team members were arrested in Kallangala in December 2020. Security forces targeted Bobi Wine's inner circle including trusted members of his security, the ghetto media people that covered his campaign trail, and very close friends like Nubian Li and Eddie Mutwe.

According to Shiphra, the arrests left a huge gap and psychologically affected the mood in NUP's camp. This must have been the exact intention of the regime, Shiphra reasoned. Shiphra's perspective was corroborated by NUP Secretary General Lewis Rubongoya who thought that by arresting key members of Bobi Wine's campaign team "the state tied the legs of a competitor towards the end of the sprint; this was just two weeks to the polling day."<sup>110</sup>

Shiphra elucidated that the arrested core members were simultaneously bread winners for their families. Soon after the arrests their families started coming for support at NUP's Secretariat. Some had no food, others had rent arrears and the basic needs for those families in general became a problem of NUP. Thereafter, the Secretariat saw it wise to create a welfare department to deal with these issues. Moreover, NUP had already been overwhelmed with several of its supporters who needed money to cover their hospital bills following the brutalisation by state security.

Since she knew the core members well, Shiphra was appointed to head the Welfare Department to coordinate all the support the party would render to them. Shiphra intimated that the overwhelming requests for financial support came at a time when the party had spent most of its resources on the campaigns as would be expected. However, the party decided to prioritise its people rather than putting more

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<sup>109</sup> Interview with the Welfare Officer of the National Unity Platform (NUP), Shiphra Rukundo, on September 8, 2021 in Kampala.

<sup>110</sup> Interview with the National Unity Platform (NUP) Secretary General, David Lewis Rubongoya, held on September 8, 2021 in Kampala.

money in the campaign, which in their perspective was increasingly becoming meaningless and even harmful to their supporters.

NUP had managed to mobilise its diaspora chapters which immensely contributed resources for party activities. According to Shiphra, thousands of Ugandans based in the US, Europe, UK and the Middle East were the largest funders. Given the fact that NUP's foot soldiers (ordinary supporters) in different parts of the country, especially central region, started getting severe health problems as a result of torture and mistreatment by the security agencies an appeal had to be made to the diaspora to start contributing towards medical bills.

Many of the NUP diehards were in jail on the polling day, some were released more than six months after the elections, while others are still with different security agencies. So, the Welfare Department continues to take care of different families.

We [NUP Secretariat] at least got something for all the 49. I got 5m and gave each family at least 150,000. There are many others who were arrested before the Kalangala group and some are still in jail and we are still catering for them. When we started visiting our people who were arrested from Kalangala we discovered that there were over 100 others who were also arrested before and yet we had no knowledge of them. Nubian Li became their leader in jail and would coordinate with the secretariat about the details of those arrested and how to reach some of their relatives. We tried to secure for them bail in vain and getting their relatives continues to be a difficult issue (Shiphrah).

The work became extremely emotional when Shiphra started dealing with issues of her colleagues who died at the hands of state brutality.

We [NUP] financed the building of Frank Senteza's grave who lost his life during the campaign trail. We are also in contact with his mother who lives in Masaka. We have been taking for her some food and empathising with her generally. There are those that died before the campaign trail of 2021. Ritah Nabukenya was deliberately knocked dead by a police truck in Kampala. She had two children and we are paying fees for them. She was very active in the People Power movement. Then we have Kawuma Yasin, Bobi Wine's former driver, who was shot dead in Arua. He left five children and we are paying for three of them. At present, we have over 20 supporters who were badly injured and are still on treatment and NUP is footing the bills. I feel drained emotionally because I see broken people every day and yet we cannot support all of them. The harassment continued even after swearing in, security continued to pick our supporters. Some people get frustrated when we cannot help and blame Bobi Wine as the person responsible for their dilemmas. They think that Bobi Wine has a lot of money. Some think we at the secretariat are hiding the money, but we are overwhelmed, Shiphra agonised.

There are many of supporters that were severely tortured and can no longer work. Those are also expecting NUP to address their concerns. Many youths were already jobless or had manual jobs surviving on what they made on a daily basis, hand-to-

mouth, and when they were arrested their earnings came to an end. Many cannot go back to places where they previously worked for fear of being picked by security operatives again. Some come out of prison after six months without a coin on them to even afford transport fare and their first point of reference is the secretariat. So, several youths go to NUP offices every day seeking for help. The majority require start-up capital, but there is not enough money to fulfil the numerous requests, Shiphra clarified.

Many young people had hope in this presidential campaign and expected jobs after Bobi Wine would take power. One lady in security was very convinced of a better life but now she is depressed. Many people left their jobs to join the movement. We have boda boda riders who abandoned riding for money to join Bobi's campaign trail. They had hopes of a better life after Bobi won the elections. Some of the bikes were confiscated by the police and some got spoilt. Now, these also expect support because they gave up their livelihood for the struggle. We have now decided to get some proposals of how we can help people to get back on their feet. For instance, we might provide some capital or form some SACCOs for people to start small scale businesses, Shiphra says

There was a lady who had two missing sons and kept going to the NUP offices as her only point of reference. The poor lady struggled to raise transport fares from her home in Busabala to the city centre. NUP tried to help by searching for the sons in all detention facilities in vain. Fortunately, after seven months her two sons were released and there were no charges against them, which is of course confusing, Shiphra expounds.

Shiphra's account of events at the NUP headquarters reveals the consequences of human rights abuses by state security organisations. NUP supporters suffered, and are suffering from the regime's approach to dealing with dissent and people of different political choices have limited opportunity to express themselves freely. NUP is the only political party in Uganda that has a welfare department, forced on it by the prevailing circumstances. Instead of mobilising funds to build the young party NUP is operating like an NGO to provide support to those that suffered at the hands of the security forces.<sup>111</sup>

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## 4.2 Lives Lost since the Dawn of the People Power Movement

Human rights violations are accentuated by politics. They are more pronounced during electoral periods when the incumbent reacts by activating the military and

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<sup>111</sup> Interview with the National Unity Platform (NUP) Secretary General, David Lewis Rubongoya, held on September 8, 2021 in Kampala.

other security forces into civilian affairs (Kagoro, 2020). From the moment it became apparent to Museveni that Bobi Wine was the new challenger the security forces started a campaign of harassment, arrests, and killing of his supporters. Bobi Wine himself was severely restricted from embarking on different political activities across the country. Although the restrictions started as baby steps, they grew into a crescendo of full-blown violence and human rights abuses that affected his political associates and supporters, resulting in mass and targeted arrests, tortures, and killings.

As is clear from the preceding sections of this report, a number of People Power supporters have died at the hands of state security agencies. According to NUP's records, over 100 supporters died though details were still being compiled at the time of this research. Below is the list of known cases so far compiled.

People Power/NUP supporters killed by the security forces since the emergence of Bobi Wine as a strong opposition leader			
No.	Name	Circumstances of Death	Date
1.	Asuman Walyendo	Shot by security personnel	19.07.2018
2.	Michael Kalinda	Kidnapped and tortured to death	04.08.2018
3.	Yasin Kawuma	Shot by the military in Arua	13.08.2018
4.	Vicent Sserugoya	Shot by security personnel in Gomba	23.08.2018
5.	Steven Lukoma	Shot by security personnel	07.06.2019
6.	Hakim Sekamwa	Run over by a police patrol vehicle	06.08.2019
7.	Hannington Ssewankambo a.k.a Sweet Pepsi	Brutalized by the military	20.09.2019
8.	John Bosco Kibalama	Kidnapped by the military in 2019	Feared dead
9.	Rita Nabukenya	Run over by a police patrol vehicle in Nakawa	24.02.2020
10.	Daniel Kyeyune	Shot by security personnel at Nansana	25.02.2020
11.	Yusuf Kalende	Run over by a police patrol vehicle	27.08.2020
12.	Frank Ssentenza Kalibbala	Run over by a military truck at Busega	29.12.2020
13.	Charles Mutyabule	Run over by a police patrol vehicle	2020 (unknown date )
14.	Raphael Walugembe	Shot by security personal at Entebbe road	Unknown date
15.	Akim Abile	Drowned by the military in Obongi district	15.01.2021

16.	Nuru Bukere	Abducted in Mukono, murdered and dumped in Kalangala	Unknown date
17	Robert Ssezibwa	Abducted and killed by the military and buried in Ntungamo	January (unknown date)
18	Samuel Mulongo	Run over by a police patrol vehicle in Ssemuto	January (unknown date)

#### Others killed but with limited details on circumstances and dates include:

19	Willy Kayondo of Kubbiri Roundabout
20	Sophie Kusasira of Kalerwe B Market
21	Baker Kato Lubwama shot from Namulanda
22	Martin Owekikye
23	Elijah Tusubira
24	Elijah Mukibi Kaate of Luweero district
25	Umaru Ssemakula of Gomba
26	Katwera Kimuli of Seeta, Mukono district
27	Allan Musisi Kitete of Mukono district
28	Peter Mwanje of Nansana, Wakiso district
29	William Mugerwa of Wankulukuku, Kampala city
30	Sofia Baatio of Obongi, district
32	Fungroo Moro of Obongi district
33	Saraf Shaaba Saraf of Obongi, district
34	Ibrahim Mutaasa

### 4.3 Maltreatment of the NUP Core Campaign Team

The harassment of Bobi Wine and his campaign team started on the day of his nomination, October 2, 2020. Right after he was certified as a presidential candidate, the windscreen of the vehicle he was travelling in was shattered, before security officers roughed him out of the vehicle tearing his suit in the process. Amidst violent scuffles between police and his supporters, Bobi Wine was forcibly put into a police van and driven to his home against his plans (see Muhumuza, 2020). Later, the police released a statement claiming that their actions were aimed at stopping Bobi Wine from holding illegal processions into Kampala that he had planned after his nomination.

Prior to nomination Bobi Wine had tried to do some consultations across the country which were restrained by the security forces. Whereas the law provides for consultations, Lewis Rubongoya stated, NUP was prohibited and when it tried supporters were dispersed. The regime did not want NUP to reach out to the public,

Rubongoya infers. “The more they saw that NUP was gaining strength the more the security forces brutalised us. The police frequently threw tear gas canisters in our vehicles and several of our people were severely hurt. In some districts the military and the police did not allow us to stop over or even step out of our vehicles.”<sup>112</sup>

Nevertheless, the NUP managed gain some momentum and its campaign would comprise a caravan of more than 40 vehicles that moved ahead and behind Bobi Wine, forming long queues on both lanes of the roads they used. Most times, they made the roads a one-way (Wandera, 2021). Their campaigns created excitement amongst the youths everywhere they went. Despite, numerous warnings from security forces the youth would throng campaign venues spiced up with loud music that the team always traveled with. Many NUP supporters interviewed do not seem to remember a single campaign event that was not disrupted by the security forces.

Often police used tear gas and live bullets disperse crowds and there are allegations that in some towns Bobi Wine and his core campaign staff were denied accommodation by numerous hotels at the insistence of the security forces. In some places such as Migere, a small town 140 kilometers north of Kampala, pictures emerged of Bobi Wine sleeping in the car. On November 21, 2021 Bobi Wine tweeted "We had to spend the night on the roadside, sleeping in vehicles! In our own country!!!"<sup>113</sup>

The campaign team was severally denied access to major cities and sometimes they were forced to use back roads. On December 2, 2020, Bobi Wine decided to temporarily suspend his campaign following clashes between the security forces and his supporters during which his car was shot at and members of his campaign team injured (Cheeseman, 2021).

The majority of the core campaign team members were arrested including NUP’s Deputy President in charge of Northern Uganda, Dr. Lina Zedriga, who was put in the same cell with men and subjected to all sorts of maltreatment in Oyam district, northern Uganda, on November 13, 2020. Dr. Zedriga following a massive reception of NUP in the district, which seemed to anger the security forces.<sup>114</sup>

On December 27, 2020, on Bobi Wine’s campaign trail one of his trusted bodyguards, Frank Senteza, was murdered by the security forces. Senteza died from wounds sustained after being crushed and run over by a Military Police truck while attempting to aid Ashraf Kasirye, the journalist, who had sustained a serious head injury after the security forces shot him in the head with a tear gas canister. Though

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<sup>112</sup> Interview with Lewis Rubongoya, the Secretary general of the National Unity Platform, held on September 8, 2021.

<sup>113</sup> <https://www.sowetanlive.co.za/news/africa/2020-11-28-ugandan-presidential-hopeful-wine-says-hotels-in-a-town-refuse-to-host-him/> accessed on 20.10.2021.

<sup>114</sup> <https://www.radiosapientia.com/news/latest-on-the-presidential-campaign-trail-on-the-4th-day/> accessed on 20.10.2021.

Bobi Wine identified the number plate of the military vehicle that killed Senteza, registration number plate H4DF 2382,<sup>115</sup> no action was taken and our findings indicate that this case seems to have been shelved.

To further destabilise the campaign, on December 30, 2020, while on a routine campaign stop in Kalangala Island (Lake Victoria) Bobi Wine was arrested and separated from his team, including close and childhood friends. He was then forcibly escorted to his home by helicopter and his home surrounded by the security forces.

Once they had removed Bobi Wine, the security forces fired tear gas into civilians who had gathered for the campaign event on Kalangala Island.<sup>116</sup> About 124 core campaign staff members were arrested, and on January 8, 2021, 49 of them were produced in a military court and charged with possession of military stores including the UPDF.<sup>117</sup> Kalangala gave the regime an opportunity to engage in excesses quietly. The place is an island with few people who are not much interested in politics and the terrain gave the NUP team limited chances of escaping state terror.

Police claimed that it restrained Bobi Wine because of continuously holding massive rallies amid the threat of COVID-19, in what police called a total disregard of the Electoral Commission and Ministry of Health guidelines. Police further claimed that part of Bobi Wine's advance team was arrested because they were caught on camera deflating the tyres of police motor vehicles, inciting violence, obstructing police officers on duty, violating the health and safety protocols, and various traffic offenses.<sup>118</sup>

Many of those arrested showed signs of abuse and torture when they appeared in court: "When they appeared in court after five days of detention, dozens of them appeared to be limping as they hopped out of the prison truck at Masaka Magistrate's Court. They later displayed wounds on various parts of their bodies before the court as they pleaded for mercy, saying they had been tortured" (Wandera, 2021).

The Kalangala attack and arrests were a premeditated and planned assault on the campaign. Police were observed bringing vans and personnel onto the island's ferry

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<sup>115</sup> See a report filed by Reuters at <https://ca.news.yahoo.com/ugandas-bobi-wine-says-bodyguard-170638095.html> accessed on 20.10.2021.

<sup>116</sup> [https://www.voanews.com/a/africa\\_uganda-authorities-arrest-bobi-wine-during-campaign-stop/6200142.html](https://www.voanews.com/a/africa_uganda-authorities-arrest-bobi-wine-during-campaign-stop/6200142.html) accessed on 20.10.2021.

<sup>117</sup> <https://www.hrw.org/news/2021/01/21/uganda-elections-marred-violence> accessed on 20.10.2021.

<sup>118</sup> Ibid.



ahead of the rally, as the Economist's correspondent reported.<sup>119</sup> Two security officers separately intimated that Bobi Wine's group, especially Eddie Mutwe and Nubian Li, were at the time of their arrest coordinating plans for extensive post-election violence. In the officers' view the arrest was based on carefully analysed intelligence. "Had we not acted there was going to be bloodshed and Ugandans should be happy that we pre-empted disaster," one of the officers alleged.

A week after the Kalangala fiasco the police arrested the last members of NUP's core campaign team. The 17 who had escaped arrest in Kalangala were arrested at Kakoli Village in Budaka District, handcuffed and taken to Mbale Central Police Station (Wandera, 2021). On the same day, January 12, 2021, Herman Ainebyona, the NUP Diaspora Coordinator, who had been tasked with organising support for the party campaign from Ugandans abroad, was arrested 24 hours after arriving in the country. According to an official at the NUP secretariat, Ainebyona had travelled to Uganda with money for the party which the security forces confiscated.<sup>120</sup> These manoeuvres left Bobi Wine isolated from his close friends, inner circle media personnel and private guards, who he always referred to as bouncers. By the voting day the majority of his team was in prison and some had been shot dead or knocked down by vehicles of security operatives and others had died in unexplained ways. Bobi Wine insisted these were state inspired incidents to let him remain alone on the trail, slow him down and weaken him further (see Wandera, 2021).

We were emotionally confused. We would go to mortuaries to pick bodies. Then receive tortured people who needed treatment. A party should not have a welfare department but we have it. Our biggest budget goes to welfare. People come to us asking for help. They are released from prison without a coin. Families of our members who were killed or are in prison come asking for rent; they have no food and no means of survival. It became apparent to us that we had to support people's livelihood. We also created a medical department to take care of those still nursing injuries and other ailments. Most of our resources we get go to welfare instead of building our party structures. On a daily basis people come to my office asking for letters to help them seek asylum abroad. We have many of our supporters still hiding in Kenya and currently looking for an opportunity to go further than Kenya (David Lewis Rubongoya).<sup>121</sup>

On January 7, 2021 Bobi Wine convened a press conference, conducted in his vehicle, that attracted the attendance of the world's major media outlets such as Associated Press, Reuters, The Wall Street Journal, CNN, The New York Times, Vice

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<sup>119</sup> <https://www.economist.com/middle-east-and-africa/2021/01/02/after-34-years-ugandas-president-has-no-intention-of-retiring> accessed on 20.10.2021.

<sup>120</sup> Interview with the personal assistant to David Lewis Rubongoya at the NUP Secretariat, Max Nuwomanya, August 25, 2021.

<sup>121</sup> Interview with the National Unity Platform (NUP) Secretary General, David Lewis Rubongoya held on September 8, 2021 in Kampala.

News, Al Jazeera and The Guardian via video conference. The presser was aimed at announcing the filing of a criminal complaint with the International Criminal Court against President Museveni and other officials relative to human rights abuses, violence, unlawful arrests, torture, political oppression and killings. During the presser, security forces fired tear gas canisters at and into the vehicle and bullets in the air over and in front of the vehicle. Security operatives then made a forced entry into the vehicle and dragged Bobi Wine by the head and neck onto the roadside.<sup>122</sup>

In NUP's view there were several attempts on Bobi Wine's life especially when one looks closely at what happened to the many people who were moving with him on the campaign trail, Rubongoya argued. Whereas Museveni may appreciate that assassinating Bobi Wine would be dangerous, many of his agents may not have a similar appreciation.<sup>123</sup> In fact, at the height of the campaigns, Bobi Wine started putting on a bullet proof jacket and ballistic helmet because he feared that he was a target of assassination by security operatives of the state. Bobi Wine told Sky News on January 10, 2021 that his car had been riddled with bullets more than once (Sky News, 2021).

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#### 4.4 Arbitrary Arrest and Torture of Citizens in the Aftermath of Elections

After the EC announced that Museveni had won with 5.85 million votes (58.6%) against Bobi Wine's 3.475 million votes (34.8%) on January 16, 2021, the latter immediately termed the elections as the most fraudulent in the history of Uganda. Bobi Wine further urged Ugandans to reject the results and as expected the EC dismissed the allegations as baseless (see Deutsche Welle, 2021). Thereafter, security forces unleashed a reign of terror, as Afran (2021) called it, on the opposition, primarily the NUP and Bobi Wine. NUP staff, officials and supporters were hunted down throughout the country. The violent seizures of citizens by state security agents majorly targeted members and campaign organisers for the NUP and those in Bobi Wine's close circles.<sup>124</sup>

They were picked up from various areas in central region, particularly in the areas of Kampala, Mukono, Wakiso <sup>125</sup>, Mpigi, Mityana, Masaka, and Kyotera <sup>126</sup>, among others, in Toyota Hiace vehicles, colloquially known as 'drones', which were num-

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<sup>122</sup> See <https://www.reuters.com/article/uk-uganda-election-bobi-wine/ugandas-bobi-wine-asks-icc-to-investigate-rights-abusesidUSKBN29C2Jl?edition-redirect=in> accessed on 19.10.2021. see also Afran (2021).

<sup>123</sup> Ibid.

<sup>124</sup> See: <https://www.aljazeera.com/features/2021/3/3/they-came-in-plainclothes-with-guns-abducted-by-ugandas-army>

<sup>125</sup> See: <https://observer.ug/news/headlines/68334-kidnappings-the-list-is-endless>

<sup>126</sup> See: <https://www.monitor.co.ug/uganda/news/national/tales-of-abductions-across-the-country-3282010>

berless and mostly used by plainclothes security agents.<sup>127</sup> The central region is where the NUP had the greatest support and the NRM the least—and in fact NUP carried most parliamentary seats for the central region, resulting in ministers in the NRM government and the Vice President of Uganda (then) losing their parliamentary seats.<sup>128</sup>

Not surprisingly, those who were arrested in such an unconventional pattern were not arrested by the Uganda Police. They were arrested by sections of the military and security services, which took over aspects of law enforcement—including a UPDF commando unit that had previously been deployed in Somalia to fight the al-Shabaab terror group, the CMI, the ISO and SFC.<sup>129</sup>

Most of those who were abducted were taken by CMI. Some would be tortured and then dumped at the police stations. The drones mostly took people to Mbuya [CMI headquarters]. Nine of our people were arrested near the airport because they could hear planes moving. Some Ugandans coming from abroad to vote were picked at the airport and taken to prison. Their money was stolen by the security operatives. We were overwhelmed by the numbers and we did not know how many of our supporters were killed, maimed or arrested (Max Nuwamanya).<sup>130</sup>

As noted earlier, the Uganda Police Force, which has the primary mandate of carrying out law enforcement in Uganda, was sidelined. The Minister of Internal Affairs, under whom the Police falls, confirmed in a statement to Parliament that the kidnaps were done in numberless drones and by the military.<sup>131</sup>

According to Section 4 (1) and (2) of the Security Organisations Act, CMI and ISO have no statutory power to on their own carry out arrests and detentions since they are only intelligence organisations, but may act against an individual if so sanctioned by the President or by a person the President may direct to do so on his behalf.

Many of the people this research interacted with were of the opinion that the President must have sanctioned the kidnaps and arrests or turned a blind eye since the actions benefited his objective of keeping power. This leads to the question: why did the regime conduct these arrests, including those executed in the aftermath of the election? Was the government acting out of sheer revenge for an electoral loss in the central region? That would be unreasonable.

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<sup>127</sup> See: <https://www.aljazeera.com/features/2021/3/3/they-came-in-plainclothes-with-guns-abducted-by-ugandas-army>

<sup>128</sup> <https://www.bbc.com/news/world-africa-55755710>

<sup>129</sup> See; <https://www.aljazeera.com/features/2021/3/3/they-came-in-plainclothes-with-guns-abducted-by-ugandas-army>

<sup>130</sup> Interview with the personal assistant to David Lewis Rubongoya at the NUP Secretariat, Max Nuwamanya, August 25, 2021.

<sup>131</sup> See <https://www.aljazeera.com/features/2021/3/3/they-came-in-plainclothes-with-guns-abducted-by-ugandas-army>

Whereas it may be tempting to assume that the actions of the security agencies were reprisals against the huge loss of the NRM in the central region, it would be simplistic to assume so. During the campaign period, youths, and especially the supporters of Bobi Wine in the central region threatened that if Museveni rigged the election they would resort to a Plan B, which was interpreted by intelligence and security to mean looting, killing NRM members, blocking highways, destroying public property and staging massive riots.<sup>132</sup> Therefore, it is reasonable to conclude that the actions of security agencies against certain individuals were intended to avert a violent uprising and/or an overthrow of the status quo.

But, whereas the objective to avert a possible uprising was reasonable, the methods used bordered on a primitive show of force by the security agencies. The arrests should have been done by the Police and in a conventional manner, whereby the rights of the suspects were not trampled upon. Important to note is that presidential candidates had an obligation to lower the temperature and explicitly condemn threats of post-election violence by their supporters, which Bobi Wine did not do with his supporters.

Several hundred people were arrested and while some were released, others were tortured before appearing in military courts. Top party officials, such as the Secretary General, escaped custody but his laptop containing copies of Declaration Returns (DRs), the duplicate of voting data provided to each polling station to enable cross-referencing between the number of persons registered and those voting, was taken by security forces and not returned to the NUP.<sup>133</sup>

The NUP's campaign agents who had DR forms were arrested to prevent the computation of results that the party had planned to do. In the NUP's perspective the results that the Electoral Commission read were a concoction and managed by the military.

After voting on January 14, 2021 security forces with at least a dozen military vehicles surrounded Bobi Wine's residence confining him to illegal house arrest<sup>134</sup> for 11 days until January 26, 2021 following a High Court order for them to vacate (see

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<sup>132</sup> See <https://www.aa.com.tr/en/africa/uganda-s-presidential-elections-mired-in-controversy/2132240>

<sup>133</sup> Interview with the National Unity Platform (NUP) Secretary General, David Lewis Rubongoya, held on September 8, 2021 in Kampala. See also Afran, 2021.

<sup>134</sup> <https://news.un.org/en/story/2021/04/1089642>

United Nations, 2021).<sup>135</sup> No visitors were permitted and even the U.S. Ambassador, Natalie Brown, was barred from accessing the premises.<sup>136</sup>

Two days after the elections, security forces raided the NUP headquarters in Kamwokya and arrested whoever was found, confiscated all crucial files on the elections and locked up the premises for three weeks. For almost one month after the elections the headquarters remained cordoned off and no one could access it. The regime's fear was that the NUP had gathered its own election statistics with overwhelmingly evidence of vote rigging (see Wandera, 2021). Moreover, the security forces also thought that the office could be used as a springboard for a post-election insurrection, one of the security officers intimated.

Bobi Wine's supporters endured even more terror. Sometimes the kidnappers wore police uniform, but in most cases, they wore army fatigues, or plainclothes (Liam, 2021).<sup>137</sup> In normal practice, a person who intends to arrest another has to identify themselves, specify the offence for which a suspect is being arrested, and inform the relatives of the arrest. None of that was done for the victims in the aftermath of the elections.

The relatives of the missing did not know where their loved ones were being held or if they had been charged with a crime (Liam, 2021).<sup>138</sup> While some were set free after several days or weeks, others had not yet been seen at the time of filing this report. Those that reappeared reported beatings, harassment or torture (Liam, 2021).<sup>139</sup> This was corroborated by one of the interviewed victims of arbitrary arrest and torture,

I was arrested at 7:00 AM and forced into a drone. I tried to fight them, but was overpowered, and once I was forced into the drone, I saw a gun and surrendered. They masked me and started hitting me while asking me what I knew about Bobi Wine. Before I knew it, we reached the destination. I was taken in big place but it was extremely cold. I realised I was not alone. I found others, about 7. But they appeared very tortured. It was my turn to be tortured, and the men started plucking out my nails using a pair of pliers. After the nails, they attempted to pull out my tongue, at which point I passed out. My tormenters thought I had died. They took me to a mortuary at Rubaga Hospital, where I spent a week

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<sup>135</sup> [https://www.voanews.com/a/africa\\_uganda-court-orders-opposition-leader-released-house-arrest/6201175.html](https://www.voanews.com/a/africa_uganda-court-orders-opposition-leader-released-house-arrest/6201175.html) accessed on 19.10.2021.

<sup>136</sup> [https://www.voanews.com/a/africa\\_uganda-accuses-us-meddling-after-ambassador-tries-visit-opposition-candidate/6200922.html](https://www.voanews.com/a/africa_uganda-accuses-us-meddling-after-ambassador-tries-visit-opposition-candidate/6200922.html) accessed on 19.10.2021.

<sup>137</sup> <https://www.aljazeera.com/features/2021/3/3/they-came-in-plainclothes-with-guns-abducted-by-ugandas-army>

<sup>138</sup> <https://www.aljazeera.com/features/2021/3/3/they-came-in-plainclothes-with-guns-abducted-by-ugandas-army>

<sup>139</sup> <https://www.aljazeera.com/features/2021/3/3/they-came-in-plainclothes-with-guns-abducted-by-ugandas-army>

unconscious. When I was found still alive, I was given medical treatment but my fingers were cut off to prevent cancer (Ronald Ssegawa).<sup>140</sup>

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## 4.5. Lack of Accountability for Torture, killings

Despite President Museveni's numerous statements in support of beating and human rights abuses, he on August 14, 2021 surprised many observers when he made a strong statement against security officers who engage in torture and other violations. The President stated,

Beating captives is wrong. Why? You undermine your case in court — when the court discovered that you got information through torture. Secondly, on account of beating, somebody may admit what is not true. Torture, assassination, et cetera, are used by lazy people that are not ready to do more work using gaps in the stories of the criminals if they are telling lies (President Museveni).<sup>141</sup>

The President concluded by promising to eliminate torture and use the law to uproot the culture of reactionary behaviour in the armed forces. Though many human rights activists welcomed the President's condemnation of torture allegedly committed by police and the armed forces, they were equally sceptical and considered his statements as usual politicking. Based on the events that had preceded the President's statements, including all the human rights abuses in the 2021 elections as have been discussed in this report, his words do not seem to carry any meaningful weight.

There is clear lack of accountability in Uganda which breeds impunity. The latitude enjoyed by security operatives continues to encourage repetition of human right abuses, as perpetrators feel free to commit further offences without fear of punishment. This research argues that human rights abuses in Uganda are iterate because there is lack of culpability. There is a long laundry list of impunity of violators. This research uses two recent events that led to massive abuse of human rights to show that impunity seems to be rooted in the NRM's pattern of doing politics.

### 4.5.1 The Arua torture (2018)

In 2018, the Director of Public Prosecutions (DPP) ordered the police to investigate allegations that state security agents tortured Bobi Wine.<sup>142</sup> Bobi Wine by that time, although only a first-term MP representing Kyadondo East Constituency (which was part of Wakiso), had established himself as the leading opposition fig-

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<sup>140</sup> Interview with torture victim, Ronald Ssegawa, held on September 08, 2021 in Kampala.

<sup>141</sup> [https://www.voanews.com/a/africa\\_rights-activists-skeptical-musevenis-new-concern-about-torture-uganda/6209634.html](https://www.voanews.com/a/africa_rights-activists-skeptical-musevenis-new-concern-about-torture-uganda/6209634.html) accessed on 21.10.2021.

<sup>142</sup> See: <https://www.monitor.co.ug/uganda/news/national/dpp-orders-police-probe-into-bobi-wine-zaake-torture-1774726>

ure and potential credible challenger of President Museveni in the 2021 presidential elections.

In Arua, both Bobi Wine and Museveni had gone to campaign for their respective candidates in a by-election of the MP for Arua Municipality Constituency. It is alleged that supporters associated with Bobi Wine and the candidate he was campaigning for, Kassiano Wadri, pelted the President's vehicle with stones, prompting retaliatory violence by the SFC, an elite branch of the Uganda People's Defence Forces that guards the President. Although there was no evidence or even likelihood to the effect that they personally participated in the attack on the president's convoy, Bobi Wine and other MPs including Francis Zaake Mutebi (Mityana Municipality), Gerald Karuhanga (Ntungamo Municipality), Paul Mwiru (Jinja East) as well as Kassiano Wadri (the candidate in the by-election) were, together with 28 other individuals, targeted by the SFC. Consequently, some of them were obviously tortured especially Bobi Wine and Zaake, who ended up requiring specialised medical care abroad for the injuries they sustained.<sup>143</sup> Meanwhile, Bobi Wine's driver, Yasin Kawuma, was shot dead in Bobi Wine's vehicle at the scene,<sup>144</sup> prompting suspicion that the bullet was intended for, but missed, Kyagulanyi.

As of the day of conducting this study, three years later, there is neither a public report of the progress or conclusion of the investigations, nor has there been any arrest of the culprits. To understand the likely reason for that, it might be useful to visit the position of the President, the chief executive of the law in Uganda, with regard to the Arua human rights abuses.

At a police graduation ceremony on August 21, 2020 President Museveni told the newly trained officers that the August 2018 beating of Bobi Wine in Arua was correct and appropriate. The President fully endorsed violence upon Bobi Wine stating: "The other day there was a fracas in West Nile where our young friend Bobi Wine was ... fighting with security people and I think they beat him a bit... And then they came and said, oh, a Member of Parliament was beaten. Well, I said, OK let me study how he was beaten. Now when I studied I found the men had beaten properly, in the right way."<sup>145</sup>

Uganda is a country where the principle of unitary executive applies. This means that no executive office may act independently of the chief executive. Thus, the

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<sup>143</sup> See: <https://www.africanews.com/2018/08/31/ugandan-mps-bobi-wine-zaake-cleared-to-look-for-treatment-abroad/> ; See, also <https://www.voanews.com/africa/ugandan-lawmaker-arrives-us-medical-treatment>

<sup>144</sup> See: <https://observer.ug/news/headlines/58520-museveni-praises-brave-sfc-for-legally-beating-bobi-wine.html>

<sup>145</sup> To watch President Museveni's comments watch a UBC TV clip at: <https://youtu.be/vMTAwsHC-TU> accessed on 20.10.2021.

DPP, being an office under the executive branch cannot contradict the President—the chief law enforcer, on matters that fall under the executive branch.

If the President's public proclamation that the MPs including Bobi were 'legally beaten' by state security agents should be taken as an endorsement of the violent acts by security agents against civilians, it may mean that the president was in the case of the Arua tortures, as it were, the source of impunity.

The study established that the Police's Criminal Investigations Department (CID) did not carry out any substantive investigations on the security operatives that beat the MPs, which of course was tantamount to encouraging impunity.

In a related matter, the (10<sup>th</sup>) Parliament of Uganda constituted an ad hoc committee to investigate the violent arrest in Arua and torture of its citizens including MPs. The committee authored a report that confirmed the torture of Bobi Wine, Francis Zaake, Gerald Karuhanga, Paul Mwiru, Mike Mabikke, Asara Night, and Atiku Shaban—and recommended that there had to be accountability for the abuse of human rights.<sup>146</sup>

The report was debated in Parliament, whereupon the then Deputy Speaker (now Speaker), Jacob Oulanyah, who chaired the session, proposed that individuals who were complicit in the human rights violations should be investigated, prosecuted and punished, and asked the then Prime Minister, Ruhakana Rugunda, who was also *ipso facto* the Leader of Government Business in Parliament to report to Parliament within one month from the date of the debate, on the actions taken by government.<sup>147</sup> Until the date of compiling this report no member of the executive had ever reported back to Parliament about actions taken on those that violated the rights of the MPs.

There are also allegations that the President was opposed to the work of the ad hoc committee and its composition.<sup>148</sup> This is significant because it could demonstrate whether or not accountability for the Arua tortures was impeded by the president.

Our findings indicate that at the time of the incident, Col. Don Nabasa was the Commander of the SFC, and as commander of the soldiers who violently arrested and tortured MPs and citizens, he bore the responsibility of punishing or causing to be punished the officers. However, Col Nabasa could not act independently of President Museveni, who is the commander-in-chief. Even if he were desirous of punishing the human rights violators, he was incapable of pursuing the cause of justice

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<sup>146</sup> Report available at: <https://bobiwine.com/2018/08/27/adhoc-parliamentary-committee-report-on-torture-of-bobi-wine/>

<sup>147</sup> See: <https://www.parliament.go.ug/news/2185/parliament-tasks-gov't-investigate-arua-election-violence>

<sup>148</sup> See, *supra* note 10,



without the blessing of the President, who the commander of SFC answers to directly.<sup>149</sup> Yet, the President and commander-in-chief was inclined against the punishment of the soldiers. Museveni made a public pronouncement that he had personally investigated the torture allegations raised by Bobi Wine and his colleagues and found out that the soldiers were only defending themselves from the unruly politicians who attacked them while resisting arrest (The Independent, 2020).<sup>150</sup>

So, were Bobi Wine's torturers and those who took his driver's life in Arua, punished? There is no evidence anyone was punished, despite the UPDF promise that the police would investigate the allegations of torture and that those found culpable would be punished.<sup>151</sup> No individual has until the day of compiling this report, been publicly arraigned in court for the shooting of Bobi Wine's driver or the torture of MPs and others.

However, the key question is why is there no accountability for the commission of human rights violations? The usefulness of this question consists in the fact that the repetitive nature of human rights violations is due to impunity. Thus, if the question of why impunity exists is resolved, then, too, a permanent solution to the recurrence of violations may be found.

Justice anchors stability and the rule of law anchors justice. The rule of law must supplant the rule by the whim of the leader. This is the reason there should not be interference in judicial processes, and therefore, prosecutorial decision making, by political leaders. If that does not happen in a country, the cause of justice would be subverted, culpability would go unpunished and impunity would thrive.

#### 4.5.2 The November 18-20, 2020 violence

The epitome of human rights abuses took place during the November riots as indicated in section 2.3 of this report. From November 18, 2020 to November 20, 2020, when Bobi Wine was released on bail, at least 100 protesters, demanding his release, and bystanders were killed by the security forces (Cheeseman, 2021). Hundreds of others were critically wounded, including persons mutilated by bullets and tear gas canisters fired wildly into crowds or who were run over by vehicles manned by the security forces (Afran, 2021).

The excessive force applied by the security forces was intended to create an atmosphere of terror for the opposition supporters who might have any intentions of pro-

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<sup>149</sup> <https://www.publicopinions.net/index.php/who-is-who/2031-col-don-nabasa-commander-special-forces-command-sfc.html>

<sup>150</sup> <https://www.independent.co.ug/president-musevenis-words-good-evidence-in-arua-case-bobi-wine/>

<sup>151</sup> <https://www.monitor.co.ug/uganda/news/national/-we-don-t-torture-army-responds-to-bobi-wine-torture-allegations-1776268>

testing against the regime in the aftermath of the elections. The security forces seem to have acted under shoot to kill orders. As seen, the President praised their actions and the security minister then, Gen. Elly Tumwine explicitly declared: “Police have a right to shoot you and kill you if you reach a certain level of violence... Can I repeat? Police have a right to shoot you and you die for nothing... do it at your own risk.”<sup>152</sup> Shortly after his first warning Gen. Tumwine was shown on Nation TV on November 20, 2020 further threatening: “We can act in a very short time... those who think they can cause a disruption even if you take us by surprise as was on the 18th, when we organise we shall put you in your place” (see Afran, 2021, p.7).

At the height of the riots on November 19, 2020 President Museveni referred to the riots as the work of foreign forces who wanted to cause instability in Uganda. He warned that the rioters would face the wrath of NRM and soon lose the ‘appetite’ as well as regret their actions. The President used the opportunity to appeal to the largely anti-homosexual sentiments among Ugandans by accusing the Bobi Wine campaign of being financed by foreigners, and, in particular, foreign ‘homosexuals’.<sup>153</sup>

During the riots several videos showing Bobi Wines being forcibly arrested and forced into a military Armoured Personnel Carrier (APC) and the security forces patrolling Kampala, some with machine guns while others firing randomly towards unarmed civilians widely circulated on social media platforms, further infuriating opposition supporters.<sup>154</sup>

The exact number of casualties is not known as records have not been released. Official statistics show that at Mulago Hospital in Kampala 62 gunshot victims were admitted at the casualty ward, but it is believed that several hundred persons were injured during the riots. However, the government has not released figures for other hospitals. As shown in section 2.3 the opposition insisted that over 100 people died some in places far away from Kampala, which corresponds with other sources such as Cheeseman (2021).

The President promised an investigation into these riots but up to the filing of this report, a year later, there are no signs that such a report will ever be authored. This report infers that the supportive statements of the President, coupled with those of the then minister for security, are clear signs of sustaining impunity especially

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<sup>152</sup> See statement at <https://www.bbc.com/news/world-africa-55573581> accessed on 20.10.2021.

<sup>153</sup> Watch Museveni's comments at <https://youtu.be/A0MAf0znaec> accessed on 20.10.2021.

<sup>154</sup> Watch one of the videos published by Agence France-Presse (AFP) at: <https://youtu.be/DTPGBwre4Ow> accessed on 20.10.2021.

when results of the actions that lead to human rights abuses benefited the political status quo.

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## 4.6 President Museveni's Military Posture

In a televised address a day to the election, Museveni put on his military jacket to speak to Ugandans. He claimed that he had held a meeting with the security forces and they were ready to defend the population. “Therefore, don’t fear anything, come out and vote. Nobody will intimidate you, nobody will attack you. If anybody does that we shall get him.”

This was premeditated to systematically show the people that he was a military general. His attire was not random; he chose it carefully and the words he spoke were to clearly assure the population that he is not only a general, but he also has the military under his tight grip. The population was of course reminded that the opposition in general, and Bobi Wine in particular, had no chance. The military attire gives Museveni the much-needed symbolic capital which he frequently uses to dominate his opponents.

Museveni reappeared in a military jacket while casting his vote on January 14, 2021 well aware that the cameras would be on him. He again had on the military jacket while reading out his victory speech on January 16, 2021. Research shows that the general public in Uganda attaches high symbolic value to the military and its associated ethos. Specifically, military attire communicates power and status (Kagoro, 2015).

The military uniform and the gun go to the heart of Museveni's identity as a leader. When he appears in uniform, his military successes, especially against past dictatorships of Idi Amin and Milton Obote, are easily remembered by the people. It seems President Museveni sees everything through the lenses of the military and how to use it to solve problems. Peace and stability, according to Museveni, is a function of the military, not of tranquillity or harmony (Kagoro, 2015). Museveni tends to wear the uniform when his power is threatened. In December 2010, for instance, following arch rival Kizza Besigye's proclamation that he would announce his own election results, Museveni called a press conference which he addressed wearing full military uniform, warning Besigye to dare break the law (Kagoro, 2015).

Having come to power after winning a guerrilla war, Museveni's supremacy is more valid when a military threatening enemy exists—real, imagined or created. It is not surprising, therefore, that Museveni's strongest political rivals have been mostly presented as a security rather than a political challenge. President Museveni continually connected Kizza Besigye to rebel groups, including the Lord's Resistance Army (LRA) and the People's Redemption Army (PRA) (see Kagoro, 2015) and in

the 2021 elections his main challenger, Bobi Wine, was alleged to be promoting terrorism.

To Museveni and the NRM regime in general, Bobi Wine and the NUP were seen from the prism of a security threat. This meant that the supporters were perceived or framed as dangerous criminals that had to be decisively dealt with. This approach, therefore, exacerbated human rights abuses, before, during and after the 2021 elections.

Presenting political rivals as a security challenge enables Museveni to construct different shades of insecurity and to further stage himself as the defender of the people. He has been able to project himself as a security bridge that people can use to cross from insecurity to security. This he has done in two ways. First, by highlighting “looming” security threats and second, by promising to crush all those intending to cause insecurity. This also gives the security forces justification to engage in massive human rights abuses.

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## 4.7. Low Capacity by Security Agencies to Observe Human Rights

In 2015, the UPDF incorporated human rights training into their training curriculum in the hope that the move would improve the Force’s adherence to human rights standards.<sup>155</sup> Yet, that in and of itself has not been sufficient to result in the respect of the rights of citizens by the military. As we have discussed severally, the UPDF was heavily involved in law enforcement during the elections though they lack training in the same.

The function of law enforcement is unlike their traditional role of defending a state against its enemies, in which soldiers are trained to confront, and even kill enemies. They do not aim to simply restrain, detain, or gather evidence with which to build a legal case against criminals or lawbreakers, which is what law enforcement entails.

This is significant because the military in Uganda undertakes law enforcement work.<sup>156</sup> It is unreasonable to expect observance of human rights by soldiers performing police roles while they are not trained in law enforcement. The study observes that whereas police training has a military component,<sup>157</sup> military training in Uganda does not have a law enforcement component. And, although in 2019 the

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<sup>155</sup> See: <https://ugandaradionetwork.com/story/updf-to-introduce-human-rights-in-initial-army-training>

<sup>156</sup> Section 43 (1) and (2) of the UPDF Act empowers soldiers to take up police roles. Also, the Constitution under Article 209 (b).

<sup>157</sup> Interview with a senior security officer, X3, held on September 2, 2021 in Kampala.

UPDF jointly developed a Civil-Military Cooperation (CIMIC) syllabus with the Joint Special Operations University from the US, which was billed as a necessary step in the professionalisation of the UPDF because it would give tools to the UPDF to enhance the Force's relationships with civilians—the syllabus does not offer the skills of law enforcement during peace time.

It is formatted to equip UPDF officers to better liaise with civilian authorities in armed conflict situations (Kiwawulo, 2019),<sup>158</sup> and may, therefore, not be suited for law enforcement settings. Moreover, there is no evidence to suggest that CIMIC principles and structures are implemented by the UPDF within Uganda.

Instead, although the military in Uganda engages in law enforcement as a legal and constitutional duty — and only so when called upon by a civilian authority in an emergency, which includes a riot or a disturbance of peace that are beyond the capacity of a civilian authority to manage—evidence suggests that the military has on several occasions flouted civilian laws and procedures of law enforcement (Namwase, 2021).<sup>159</sup> Instead of subduing and arresting unarmed civilians, the military has on several occasions shot and killed them during law enforcement.

Moreover, when the military is deployed during peacetime law enforcement operations, there is no requirement that the UPDF either receives appropriate equipment or applies standards of training and doctrine or both, which are in tandem with human rights standards fit for peacetime contexts (Namwase, 2021).<sup>160</sup>

The Uganda Police Force has a human rights component in the training of its officers,<sup>161</sup> and conducts human rights training for police officers.<sup>162</sup> Yet, the Uganda Police continued to be listed as one of the top violators of freedom in Uganda, including in 2020.<sup>163</sup>

During the 2020/2021 electoral season, the Uganda Police notoriously assaulted and detained journalists who covered opposition candidates,<sup>164</sup> arrested supporters

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<sup>158</sup> See: <https://www.newvision.co.ug/news/1507923/updf-partners-us-develop-civil-military-syllabus>

<sup>159</sup> See: <https://theglobalobservatory.org/2021/01/roots-pre-election-carnage-uganda-security-forces/>

<sup>160</sup> See: <https://theglobalobservatory.org/2021/01/roots-pre-election-carnage-uganda-security-forces/>

<sup>161</sup> See: training manual at [https://www.law.berkeley.edu/wp-content/uploads/2015/10/Uganda\\_Human-Rights-GBV-ChildProtection\\_Police-Training\\_OHCHR-Uganda-HR-Commission.pdf](https://www.law.berkeley.edu/wp-content/uploads/2015/10/Uganda_Human-Rights-GBV-ChildProtection_Police-Training_OHCHR-Uganda-HR-Commission.pdf)

<sup>162</sup> See: <https://www.upf.go.ug/igp-opens-human-rights-retreat/>

<sup>163</sup> See: <https://allafrica.com/stories/202007300758.html>

<sup>164</sup> See: <https://cpj.org/2021/01/police-beat-detain-journalists-covering-opposition-candidates-ahead-of-uganda-elections/>

of opposition candidates especially in Buganda and arrested members of civil society organisations for computing election results of candidates.<sup>165</sup>

This hints at a gulf between the rhetoric of human rights training in the Uganda Police and the conduct of police officers. It is suggestive of the possibility that training police persons in human rights is alone not sufficient to cause them to respect human rights. This is especially so if police leadership fails to condemn, punish, or even overtly encourages the acts of its field officers. It renders the training in human rights of no effect. The Inspector General of Police, on January 8, 2021 made a sarcastic public remark that the police would continue to assault journalists for their sake, signaling condonation and encouragement of police violence against journalists covering opposition candidates.

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<sup>165</sup> See: <https://www.hrw.org/news/2021/01/21/uganda-elections-marred-violence>

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## Part Five: Recommendations

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### 5.1 Do Not Forget the Victims of Human Rights Abuses

Often strategies to mitigate electoral violence and human rights abuses during elections mainly focus on the perpetrators of violence, and the perspectives of the victims are habitually neglected (see Höglund & Jarstad, 2010). A systematic approach to support the victims of human rights abuses is critical so that those affected can cope with the consequences. At present, most of the victims of the 2021 election are being taken care of by the NUP, which as a political party, does not have the experience and may well discontinue the help if the victims do not add political value to the party's future endeavours. Moreover, it is not sustainable for a political party, which is not a humanitarian organization, to expend its meagre resources on social welfare activities of its supporters.

Many Ugandans have been victims of political violence and human rights abuses since the country gained independence in 1962. It is critical to keep such victims in the country's historical memory through construction of monuments or establishing a culture of commemoration ceremonies. This should realise two-fold results; on one hand it helps to construct positive messages to avoid the repetition of violence, while on the other, it underscores the fact that such victims mattered. Therefore:

- The civil society should work together with government and development partners to come up with ideas of materialising, in terms of constructing monuments and commemorative events, for victims of political violence.
- Civil society, especially those experienced in humanitarian work, should develop a comprehensive database of victims and provide them with the required services including medical treatment, therapy and rebuilding their socio-economic standings.

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### 5.2 Design and Implement Meaningful Economic Inclusion Programmes for Ghetto Youths

The research revealed that several youths are lured into violence because the system has placed them on the lower rungs of the economic ladder, and they are either looking for survival, which makes them susceptible to financial rewards, or are angry at government, which makes them susceptible to manipulation. Although the incumbent government of Uganda has rolled out several economic interventions targeting youth, including the Youth Livelihood Fund, the Emyooga initiative, and now the Parish Development Model, not many ghetto youths have been able to benefit from the interventions.

NGOs and development partners seem to continue paying limited attention, if any, to these youths. Most government-run anti-poverty interventions, meanwhile, have not yielded the anticipated results. Several billions of shillings have been transferred to youths with little to show, as youth unemployment continues to spike. This may be owing to poor programme design and implementation. The design of the Youth Livelihood Programme, for example, is based on the demand-driven model, according to which beneficiaries have to have a project they want to run, for which they make a formal application for support. Unfortunately, the majority of ghetto youth may not be aware of government or formal application processes and may, on account of that impediment, lose out.

This necessitates a review of the design and implementation of the programmes. The implementation should take the form of “graduation approach” that has been applied by organisations such as BRAC, and has been found to be effective in lifting beneficiaries out of poverty. The approach was named the Graduation Approach because it aims to graduate people from poverty, not to address just its symptoms. This is how the Graduation Approach works: Participants are given ongoing business training, receive a productive asset or a cash transfer to launch a small business, and receive dedicated coaching and other forms of social support to help that business succeed. It was pioneered by BRAC in Bangladesh in 2002 with a success rate of 95 per cent poverty graduation, and has since then been tested in over 43 countries (Poverty Alleviation Coalition, 2019).<sup>166</sup>

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### 5.3 Promote a Meaningful Conversation among Political Groups

Elections are symbols of state-building and the democratisation process so undermining them with violence casts doubt on the legitimacy of whoever emerges the winner. This research has clearly shown that during an election cycle the possibility of violence heightens, especially when competing groups view the electoral outcome as a zero-sum game. Therefore:

- Civil society, international partners, the media and opinion moulders in Uganda should pressure all major political players in the country to enter into a meaningful conversation on how to shape a smooth electoral process.
- Key political actors should design shared protocols that guide them in the pre-election, election and post-election phases. Developing protocols before the elections will also provide an opportunity for the parties and those institutions that enforce the rules to coordinate their behaviour during elections.

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<sup>166</sup> <https://alleviate-poverty.org/methodology>



- This research, for instance, finds the Inter-party Organisation for Dialogue (IPOD) initiative to be critical for not only coming up with strategies to avoid violence, but also to build a healthy democratic Ugandan society. The efforts of IPOD to encourage issues-based politics and bring political parties together to improve the quality of competition should be further supported. At present, some political parties, such as the FDC, and recently the NUP, continue to shun IPOD, which is not a good sign. Major opposition groups should be persuaded to participate in any form of dialogue. Outstanding grievances that have affected their participation should be addressed or they should be encouraged to be part of the solution to those grievances.

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## 5.4 NGOs and Civil Society should Focus on De-escalating Violence during Elections

When political stakes are high, such as during elections, both international and local NGOs and civil society in general should aim at de-escalating violence rather than carrying out activities that can be perceived as favouring certain candidates against others. As discussed in section 3.1, at the height of the 2021 campaigns, Bobi Wine appeared on a podcast, “International Human Rights Day Special with Bobi Wine and Nicholas Opiyo” that was widely publicised on the Germany-based Friedrich Naumann Foundation (FNF) online portal. In section 3.2, we highlighted that IRI also invited Bobi Wine to perform at a high-profile virtual event of the US’ Republican Party on October 13, 2020. These two incidents infuriated the incumbent and the security forces, while at the same time strengthening the regime’s perspective that foreigners were meddling in Uganda’s politics. Our findings indicate that these two events amplified the security forces’ paranoia to intensify violent operations against the opposition. Though the intentions of the two organisations may have been noble, conscious considerations should be made during future elections to portray a semblance of neutrality.

- INGOs, the civil society in general and key individuals playing key roles in such organisations should endeavour to maintain a semblance of neutrality during elections.

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## 5.5 Undertake Peace and Unity Dialogues to Address the Ethnic Undertones

The findings of this study have revealed an ethnic dimension underneath electoral violence. Bobi Wine and the National Unity Platform carried electoral areas in Buganda and an overwhelming majority of elected leaders subscribing to the party are Baganda. This prompted the incumbent president to accuse the National Unity Platform of being a tribal party.

The ethnic dimension of violence manifested itself in the fact that an overwhelming majority of the NUP youths who were abducted or arrested and tortured by security agents in the wake of elections were Baganda. It is therefore:

- Imperative that the ethnic sentiments are addressed through open and candid public conversations about grievances ethnic groups and government might have against each other, in a search for common ground.
- Civil society and NGOs in general should not shy away from initiating the conversation on the ethnic question that continues to be the elephant in the room.
- Further research to a comprehensive understanding of the ethnic undertones, their causes and consequences in politics and beyond should be undertaken. This research should be able to provide strategies to addressing the vice.

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## 5.6 Constrain the Security Forces to Respect Human Rights

Although the Constitution and the UPDF Act require the military to aid the police when requested in its law enforcement mandate, there is no requirement for training the army in law enforcement that is in tandem with respecting human rights standards during peacetime. Therefore:

- The study recommends that the Parliament of Uganda amends the UPDF Act to require training of military personnel in law enforcement standards and procedures prior to their deployment for law enforcement.
- The civil society and development partners should cooperate with the UPDF in designing a training curriculum that integrates both the law enforcement and human rights components.

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## 5.7 Strict Measures to Punish Perpetrators of Human Rights Violations

The study found out that one of the causes of recidivism of human rights violations is lack of accountability, particularly by military personnel engaging in law enforcement. Although some have been reportedly detained committing human rights violations, few soldiers have been indicted in the court-martial or punished, especially if they violated the rights of political opponents of the incumbent party and president. They have either been defended or protected from prosecution by the state.

Although human rights violators can be individually criminally liable, and can be prosecuted by private prosecutors, the Constitution stands in the way of meaningful private prosecution. Under the Constitution, the public prosecutor (Director of Public Prosecutions-DPP) has the authority to, at any stage, take over the case from a private prosecutor, and enjoys sufficient wiggle room to discontinue the case without asking leave—and there are instances when such has happened. If the state

is not interested in prosecuting security personnel who violate rights, it creates an air of impunity and it stands in the way of deterring future blatant violations.

- This study, therefore, recommends that the Parliament of Uganda amends the Constitution to empower private prosecutors to prosecute cases of human rights violations by security agencies to their logical conclusion.
- The civil society should engage with different political actors and the media to cause a meaningful conversation as well as advocating for a constitutional amendment to empower private prosecutors in cases of human rights violations.

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## 5.8 Undertake Civic Education

As other experts (see IRI, 2021 for instance) have argued, civic and voter education campaigns should not occur only during election periods. They need to be sustained over a period of time to generate an effect. The campaigns need to be continual to develop a culture of political engagement. They also need to focus on different themes related to political participation, so they are thematically systematic without being redundant.

The political environment in Uganda is usually toxic. Supporters of candidates attack one another physically because they may not understand the value or possibility of civility in electoral politics. This study, therefore, recommends that civil society organisations, the Electoral Commission, the media and political players, ought to play the role of educating the electorate on the need for civility. Political actors should be encouraged, even required, to appeal to their supporters to conduct themselves civilly, and to publicly call them out when they act violently in their name or on their behalf. Some focus should be put on peace messaging to encourage citizens to participate in the elections peacefully and deter them from pursuing violence.

- The study recommends that a comprehensive study is conducted to understand the existing knowledge gaps among citizens in regards to elections. There is urgent need to understand the strengths and weaknesses of civil education programmes that exist in Uganda today.
- Research should be conducted to design civil education that suits the Ugandan context. Here, it would be important to comprehend the most suitable methodology of delivering civic education, the timing of this education and different categories of the recipients.

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## 5.9 Reduce the Zero-Sum Game Character of Presidential Elections

The winner-takes-all disposition of Uganda's presidential elections seems to exacerbate further discontent for the loser, especially the runners-up. This research suggests that a conversation aiming at making the runners-up in presidential elections the automatic leader of opposition in Parliament should take centre stage. For

instance, Bobi Wine received 3.475 million votes representing 34.8 per cent and it does not make sense for him not to attain a recognised office in order to contribute to national politics in a more structured manner. Official recognition and status granted to the runners-up might reduce the discontent of both the leader and his/her supporters.

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## 5.10 Travel Bans to Mitigate Electoral Violence

The Western world could threaten to issue travel bans for political actors (both from the ruling party and the opposition) and security personnel that are responsible for human rights abuses. In the view of this research, these threats should be issued several months before the electoral processes. This could be justified as an attempt of pre-empting a repetition of the violence with reference to a preceding election. As is known, the Ugandan political elites have a high affinity for travel to the developed world. They also tend to seek better medical care and other opportunities for their family members.

Several politicians and security commanders frequently travel to Europe and North America and some are said to have property holdings there. The Western world has the power to revoke the visas of these individual visitors should they participate in human rights abuses and other related violations during the elections. This should not only apply to the ruling party, but also the opposition leaders who incite or participate in electoral violence.

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## Conclusion

Electoral violence in Uganda seems to have become an entrenched practice. Since the tail end of the colonial period, elections in Uganda have been both controversial and violent. This research has shown that the 2021 elections were exceedingly violent and there were unprecedented levels of human rights abuses by the security forces. The abuses ranged from torture, abductions, illegal arrests of opposition leaders and supporters, tear-gassing and dispersing the majority of opposition rallies, clamping down on the media and civil society organisations to killing of opposition supporters.

The elections seemed to suggest that the incumbent regime, the NRM and President Museveni wanted to maintain the status quo at all cost. This argument is in line with our conceptual model which suggests that electoral violence is a malfeasant effect by a government that wants to stay in power regardless of the consequences. Drawing on scholars such as Hafner-Burton et al (2013) this research has demonstrated that because President Museveni and the NRM party, are unwilling to relinquish power there is a greater incentive to crack down on the opposition.

Based on the conceptual lenses of Hafner-Burton et al (2013), therefore, the violence and human rights abuses in the 2021 elections can be understood from three dimensions. First, the NRM feared that the elections could have changed the status quo. Second, they unleashed violence because there are few, if any, constraints on the use of the security forces in their favour. Third, the NRM and President Museveni were convinced that there are virtually no consequences for applying violence. In that sense, the 2021 electoral violence was premised on the attitude of NRM that seems to see violence as one of the means to achieve its ends and structural factors because the prevailing socio-political circumstances facilitate the use of violence with limited, if any, consequences for the perpetrators of human rights abuses.

Although this research mainly interrogated the nature and causes of the violence and human rights abuses in the 2021 general elections, it generally aimed at finding a reasonable path out of electoral violence recidivism in Uganda. The findings in this research show that electoral violence in Uganda is not monocausal. A confluence of factors triggered unprecedented levels of violence before, during and after the 2021 elections. The research has shown that there were specific factors that heightened the violence in the 2021 general elections.

First, there were internal cracks within the NRM after the party lost its pillars that had previously been key in organising party structures or in curtailing the opposition. In that sense, the removal of former Prime Minister, Amama Mbabazi, and the dropping of former IGP, Gen. Kale Kayihura, left the NRM a destabilised entity

which could not withstand the surging opposition pressure without resorting to explicit violence and human rights abuses.

Second, and related to the first factor, is that the elections took place at a time when there were heightened inter-security agency rivalries. The NRM and President Museveni's most organised political power base has always been the security forces. However, following the November 2020 riots it clearly emerged that the security forces were uncoordinated and the fear of the opposition supporters taking control of the capital, Kampala, intensified within the NRM inner circles. This led to the negation of police and the military takeover of law enforcement roles, leading to devastating consequences. The police, meanwhile, had lost its previous ability to infiltrate the opposition, a role that was at the height of the campaigns taken over by the military which resorted to the recruitment of secret collaborators that also exacerbated human rights abuses.

Third, to a large extent the 2021 elections bifurcated Ugandan society along generational lines. The research revealed a polarity between youth with grievances against and even an antipathy for a long-serving and aging incumbent leader and anything he represented. For the first time, President Museveni was facing a main competitor several generations his junior, especially given that Uganda's median age is 15 years and more than 75 per cent of the population was born after Museveni had taken power.

Fourth, the election assumes an ethnic dimension, flaring up violent emotions. This research revealed a conflict during the election that was triggered by ethnogrievances between a section of the Baganda on the one hand, and the Banyankole and related western tribes, on the other. Some Baganda felt that the incumbent regime had preferentially treated the western tribes at the expense of the Baganda, and showed an antipathy towards the tribes and fellow Baganda who associated with the incumbent regime. Bobi Wine, a Muganda, naturally appealed to many Baganda youths at a time when the mood in Buganda was hostile to Museveni.

Fifth, the NRM was facing an opposition group that was new on the scene and whose political base was unpredictable. This research found out that the security forces had a few years prior to elections underestimated Bobi Wine, but to their surprise he grew in political stature, throwing the status quo into panic. This led the security forces to act with excessive force, leading to several human rights abuses.

Sixth, the elections were held in a toxic atmosphere when the opposition repeatedly expressed its mistrust of the Electoral Commission and the voting processes in general. Many opposition leaders professed a Plan B, an unconstitutional strategy of removing the incumbent through an insurrection. The security forces reacted by committing several human rights abuses in the attempt to curtail the Plan B.

Seventh, this research has also shown that the competition between Museveni and Bobi Wine was interpreted as a competition between the latter and the former's son, Muhoozi Kainerugaba. The pro-Muhoozi elements within the security forces are said to have unleashed violence to dismember the People Power movement and Bobi Wine to forestall any eventuality that this group might cause to their future prospects.

This research concludes that electoral violence occurred because the incumbent regime framed the grievances and antipathies against it as security threats. So, grievances, including the overstay in power of an aging president presiding over a population of mainly young, jobless and generally poor people, was skewed as a security threat. Security forces reacted with brute force against the mostly young Baganda youth in central Uganda.

It is also observed that violence is inevitable when contending sides seek to achieve their electoral goals at any cost and by any means necessary. In that case, each side will not hesitate to resort to the use or threat of violence—yet violence begets violence.

This research revealed that the opposition youth were eager to use violence against the incumbent's supporters and anything the incumbent represented. At the same time, the incumbent regime was all too eager to use state violence against its opponents, and all those who sympathised with their cause, including the media and civil society organisations.

Our findings in this research contribute to the general understanding of electoral violence in sub-Saharan Africa and specifically to the comprehension of the human rights abuses in the 2021 elections in Uganda. We recommend for further research to particularly analyse each of the seven factors that contributed to the amplification of violence in their minute details. We conclude that Uganda can have a peaceful election if the identified common triggers are addressed and the recommendations offered by this research implemented.

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## List of Acronyms

AAIU.....	ActionAid International Uganda
ACCU .....	Anti-Corruption Coalition Uganda
ACDEG .....	African Charter on Democracy, Elections and Governance
ACFIM .....	Alliance for Campaign Finance Monitoring
ACHPR .....	African Charter on Human and People's Rights
ADF .....	Allied Democratic Forces
AIGP .....	Assistant Inspector General of Police
APC .....	Armoured Personnel Carrier
CBC .....	Canadian Broadcasting Corporation
CBS .....	Central Broadcasting Service
CCEDU .....	Citizens' Coalition for Electoral Democracy in Uganda
CCG .....	Centre for Constitutional Governance
CEW-IT .....	Citizens Watch-IT
CIA .....	Central Intelligence Agency
CIMIC .....	Civil-Military Cooperation
CMI .....	Chieftaincy of Military Intelligence
DGF .....	Democratic Governance Facility
DP .....	Democratic Party
DPC .....	District Police Commanders
DPP .....	Director of Public Prosecutions
EAC .....	East African Community
EC .....	Electoral Commission
ESO .....	External Security Organisation
EU .....	European Union
FDC .....	Forum for Democratic Change
FIA .....	Financial Intelligence Authority
FNF .....	Friedrich Naumann Foundation
Gen .....	General
GLISS .....	Great Lakes Institute for Strategic Studies
HRNJ .....	Human Rights Network for Journalists
HRW .....	Human Rights Watch
HURINET .....	Human Rights Network
ICCPR .....	International Covenant on Civil and Political Rights
IFES .....	International Foundation for Electoral Systems
IGAD .....	Intergovernmental Authority on Development
IGP .....	Inspector General of Police
INGO .....	International Non-Governmental Organisations
IPI .....	International Press Institute
IPOD .....	Interparty Organisation for Dialogue
IRI .....	International Republican Institute
ISO .....	Internal Security Organisation



KCCA	Kampala Capital City Authority
KMP	Kampala Metropolitan Police
LCs	Local Councils
LEGCO	The Uganda Legislative Council
Lt. Gen.	Lieutenant General
Maj. Gen.	Major General
MP	Member of Parliament
NDI	National Democratic Institute
NEC	National Executive Council
NEW-U	National Elections Watch-Uganda
NGO	Non-governmental Organisation
NRC	National Resistance Council
NRM	National Resistance Movement
NSSF	National Social Security Fund
NUP	National Unity Platform
NURP	National Unity, Reconciliation and Development Party
PFT	People's Front for Transition
PRA	People's Redemption Army
RCs	Resistance Councils
RDCs	Resident District Commissioners
RSF	Reporters Without Borders
SACCO	Savings and Credit Cooperative Society
SFC	Special Forces Command
SOP	Standard Operating Procedures
UCC	Ugandan Communication Commission
UHRC	Uganda Human Rights Commission
UK	United Kingdom
UN-UDHR	United Nations Universal Declaration of Human Rights
UN	United Nations
UN OHCHR	Office of the United Nations High Commissioner for Human Rights
UPDF	Uganda People's Defence Forces
URA	Uganda Revenue Authority
URSB	Uganda Registration Services Bureau
US	United States
UWONET	Uganda Women's Network

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