



Civil Society Coalition on Human Rights & Constitutional Law

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STATEMENT ON THE RECENT GOVERNMENT CLAMPDOWN ON LGBTI ORGANISING IN UGANDA AND A CALL TO ACTION FOR OUR PARTNERS

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Introduction

In light of the stopping of the LGBTI beauty pageant in Kampala on 4th August 2016, the arrest of 16 people who included activists, organisers and attendees, and subjecting them to violence and indignities including beatings by the police, groping of participants, non consensual taking of pictures by police of participants and rough handling, and the statement by the Minister of Ethics and Integrity on 8th August referring to such activities as illegal and promotion of homosexuality, as well as his pronouncement on 5th August that he would incite mob violence against LGBTI Ugandans, the Civil Society Coalition on Human Rights and Constitutional Law (CSCHRCL) through this statement seeks to clarify what happened, our position on these actions, and to guide partners on how to respond.

The facts

On the evening of 4th August 2016 at about 11pm, members of the Uganda Police Force commanded by the District Police Commander (DPC) of Kabalagala Police Station, Isaac Mugerwa, raided Venom Night Club in Kabalagala, Kampala where an LGBTI beauty pageant was being hosted as part of a week-long LGBTI Pride festival. They stopped the event. The more than 200 attendees were locked in the venue for over an hour while the Police confiscated their phones and forced them to sit on the floor. They were later left to go but not before 16 people who included activists, organisers and participants were arrested and taken to Kabalagala Police Station. Those at the venue were also beaten, groped, and police took pictures non consensually of them, threatening to release identifying information to the public. A participant jumped from a 6-storey window to avoid police abuse. Many participants were beaten, those arrested were dumped on police trucks. Three transmen were subjected to humiliating and degrading treatment when they were groped and strip searched by policemen and by the other inmates and also beaten. The 16 were later released without charge after being cautioned. The Police claimed that the pageant was held in violation of the principles of the Public Order Management Act, 2013 as the organisers had not received police permission to hold it, and this was affirmed by the Police's Deputy Spokesperson. Polly Namaye in a statement released on 6th August: <https://ugandamediacentreblog.wordpress.com/2016/08/06/polly-namaye-speaks-out-on->

pride-event-as-per-the-provisions-of-the-public-management-act-such-an-event-would-require-that-the-organisers-notify-the-police/

On 5th August, Hon. Simon Lokodo, the minister of Ethics and Integrity told the public he would ban Pride celebrations, and if they went forward, he would incite mob violence against the participants. On 8th August Min Lokodo issued a statement stating the Gay Pride festivities had not been cleared by the Uganda Police Force. He furthermore stated that the 'the promotion of homosexuality' is against the laws of the Republic of Uganda and thereby confirmed that the meeting was interrupted on the basis that it was perceived as an event 'promoting homosexuality.' He also promised to continue to continue to 'supress' such activities. See: <https://ugandamediacentreblog.wordpress.com/2016/08/08/government-position-on-the-activies-of-lesibians-gay-bi-sexuals-transgender-lgbt-in-uganda/>

The position of the Coalition

The Coalition condemns the violent and unlawful actions of the Police and those of the Minister of Ethics and Integrity. It is the standpoint of the Coalition that the holding of the meeting did not contravene any laws of Uganda. The organisers of the event informed the Police of the plans to host the event. In the previous three years, Pride events were arranged with the knowledge of the Police and took place without any resistance or interruptions by the Police. The stance of the Police and the Minister that the necessary clearance was not obtained is strongly contested. Pride events earlier in the week had taken place without incident.

The Coalition rejects the assertion by the Minister that it is a crime to 'promote LGBTI movement activities.' The Penal Code Act, in section 145 to 148 criminalises the act of 'having carnal knowledge against the order of nature' the High Court ruled to be limited ti oarticualr sexual acts mean in the case of *Kasha Jacqueline, David Kato and Onziema Patience v Rollingstone Ltd and Giles Muhame*, (Miscellaneous Cause 163 of 2010). Even the case of *Kasha Nabagesera, Frank Mugisha, Julian Pepe Onziema, and Geoffrey Ogwaro v. The Attorney General and Hon. Rev. Fr Simon Lokodo* (High Court Miscellaneous Cause No. 33 of 2012) in which the court ruled in favour of the respondents affirmed that LGBTI people are entitled to human rights and they can only be limited in accordance with the limitation clause in the Constitution. Furthermore, the Minister's assumption that all meetings, events and activities organised by members of the LBGTI community 'promotes' homosexuality or is intended to 'recruit' new members into the LGBTI movement is baseless and inaccurate. The Constitution protects the rights of LGBTI people to freely assemble, to associate and to express themselves. Any limitation has to pass the laid down test limits such limitation to what is 'acceptable and demonstrably justifiable in an open and democratic society.'

We are appalled by utterances by a sitting Cabinet Minister that Ugandans should commit unlawful acts, namely that mob violence should attack LGBTI persons. It is the solemn obligation of all Ugandans but in particular government organs to uphold the law. It is the height of irony that a Minister of Ethics and Integrity would foment the commission of unlawful acts—the ultimate expression of unethical behavior.

The Coalition also notes that this display of police brutality is not isolated—it comes at a time of escalating violence by police targeting media, civil society, and political opposition.

Even if the purpose of the raid was to enforce a criminal law, the brutal actions of the Police cannot be justified. The Police reportedly took photos of participants and attendees against their will. A few attendees, transwomen in particular, reported being groped and touched inappropriately by policemen, and some of the arrested activists were hit and beaten by the Police. One of the attendees attempted to escape from the police by jumping from a window on the 6th floor of the building and suffered serious injuries.

The Coalition is particularly perplexed by these acts of brutality considering the various engagements that the LGBTI community has had with the Police leadership and the various promises made to protect LGBTI rights. Indeed, the police on several occasions has stepped in to prevent the violation of human rights of LGBTI persons in recent months.

The Coalition's demands

The Coalition calls upon the government of Uganda to:

1. Protect the rights of all people, including LGBTI persons as enshrined in the Ugandan Constitution and in international instruments to which Uganda is a signatory
2. Publicly apologise for the unprofessional and unlawful conduct of its police officers in brutally breaking up a private event, and subjecting participants to inhumane and degrading treatment
3. Restrain government representatives especially the Minister of Ethics and Integrity from advocating unlawful acts, namely mob violence targeting LGBTI persons, and from uttering hate speech against LGBTI communities, thereby dehumanising these groups and rendering them more vulnerable to abuse and the violation of their rights
4. To assure LGBTI Ugandans of protection of their rights and freedoms as full citizens of Uganda
5. To carry out an independent investigation into the actions of the police and discipline those responsible.

Guidance to our partners on how to respond

The Coalition acknowledges the many messages of goodwill by its partners and members of the international community and their willingness to help. However, to avoid uncoordinated and potentially harmful interventions, the Coalition asks its partners to do the following:

1. Issue statements condemning the violations and calling upon the Uganda government to be accountable and to protect LGBTI persons
2. Link the occurrences of last week to the broader political situation in Uganda especially the recent actions of police brutality
3. Write to their embassies and missions in Uganda as well as their government to reach out to the Uganda government on these violations
4. Where possible, reach out to the Coalition through coordinator@gmail.com before effecting proposed actions