

# THE CSOs - POLICE DIALOGUE ON MANAGEMENT OF PUBLIC ASSEMBLIES

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**UNIK HOTEL**

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**JUSTICE  
ACCESS  
POINT**

# INTRODUCTION:

The dialogue is part of the interventions to support civil society engagement and contribution to improving management of public assemblies in Uganda.

Uganda has been beleaguered by incidents of public disorder that have preeminently caught the attention of the media , been the subject of domestic litigations and the subject of recommendations to Uganda under the 1<sup>st</sup> , 2<sup>nd</sup> and the 3<sup>rd</sup> cycle of the universal periodic review (UPR) of the United Nations. With support from CSSA/USAID, JAP facilitated the development of a standardized comprehensive tool for monitoring public assemblies. The use of the tool has been piloted on some selected public assemblies between 1<sup>st</sup> July and 30<sup>th</sup> August 2022.

**This issues paper draws upon the report on public assemblies for the period 1<sup>st</sup> July to 30<sup>th</sup> August 2022 and other reports including The assessment of the Uganda Police's progress towards meeting the common standards for policing in Eastern Africa; the report on monitoring freedom of assembly and association in Uganda during the scientific Presidential and general elections 2021; and the issues validation by over 30 civil society organisations who participated in the virtual dialogue on management of public assemblies in Uganda held on 21<sup>st</sup> September 2022.**

## ISSUES OF CONCERN

- a. Most of the public assemblies monitored were organized without due regard to the requirement of section 5(1) of the Public orders Management Act, 2013 (Act 9 of 2013) thereby putting the organizers and participants of the public assemblies in conflict with the law. Whereas POMA removes the burden of notification from spontaneous gatherings, in practice the police require notification for all public assemblies. Thus while organizers proceed as if all their public assemblies are spontaneous, on the other hand, law enforcement agencies by default do not recognize any spontaneous public assembly;
- b. Both the organizers/participants and the law enforcement agencies exhibited aggressive behavior towards each other at the different stages of the public assemblies. This is a manifestation of a trust deficit between the two;



*Photo of police officers rounding up  
protestors at Mafubira trading center*

- c. There is a tendency for demonstration to degenerate into civil disturbance which complicates the policing of the public assembly. While the demonstration is a legal assembly of persons who have organized primarily to express political, or social views; a civil disturbance is an unlawful assembly and is usually defined by law eg the Penal Code Act (Chapter 120).
- d. There are instances where police officers involved in policing public assemblies have conducted themselves in unprofessional manner. For instance destroying the petition of protestor;
- e. While joint operations between UPF and other security agencies in the containment of protests has operational benefits, this has tended to blur lines of accountability and increase the potential for human rights violations.



# 01

## RECOMMENDATIONS

- a. Enhance public awareness and knowledge on human rights, the law on public assemblies; and the essence of Non-violent protest;
- b. There is need for guidelines on the management of spontaneous assemblies;
- c. UPF and other allied security agencies should facilitate and enforce responsible use of fire arms and force during policing of public assemblies including use of de-escalation measures during public assemblies, early warning and response , non-lethal force and accountability for misuse of fire arms and abuse of force during public assemblies;
- d. Amendment of existing laws relating to use of force during public assemblies;
- e. Training of crowd marshals to help in the management of public assemblies;
- f. Human rights and civic education to empower the different stakeholders with knowledge on freedom of assembly and the tennets of non-violent protest;
- g. There is a need for continual community based monitoring of public assemblies or maintenance of standby commissioned monitors to ensure proper documentation of the management of public assemblies. This should be coupled with building the capacity of CSOs to analyze the data collected using the comprehensive standardized tool. This will facilitate the compilation of a National status report on public assemblies in Uganda;
- h. Civil society should consider utilizing existing internal accountability tools within UPF such as Police Form 105 to address issues of professional misconduct of police officers. This will require popularizing the police form 105 and other internal mechanisms such as the police standby disciplinary courts; similarly, the same pathway could be followed with UPDF in cases where military officers are participating in joint operations with UPF are accused of professional misconduct.

### ISSUES OF CONCERN

- a. There were also blurred lines of accountability among security agencies participating in assembly management;
- b. The use of excessive force by law enforcement officer;
- c. Challenges related to crowd management and dispersal actions degenerated into reckless acts, including the of live rounds on unarmed protestors spraying of teargas in residential areas and School and the use.

# 02

## RECOMMENDATIONS

- a. Address the multiplicity of policing units and the overlapping chain of command (between different policing units and between the military and the UPF). (This is necessary in order to ensure that specific perpetrators can be identified and held accountable for human rights violations);
- b. Develop and implement a statutory instrument of cooperation to address the nebulous relationship between the UPF and other security agencies regarding operational matters so as to ensure proper accountability for excesses committed during joint operations;
- c. Amend the Police Act of 1994 to facilitate freedom of assembly and to regulate the use of force and firearms in accordance with United Nations (UN) guidelines;
- d. Implement the Prevention and Prohibition of Torture Act by investigating all claims of torture and holding security personnel accountable for acts of torture.

### ISSUES OF CONCERN

- a. The use of excessive force and fire arms on demonstrators (torture and extra-judicial killing of suspected protestors);
- b. Enforce disappearances of persons on the eve of public assemblies or in the aftermath of public assemblies;
- c. Absence of comprehensive independent investigations into gross human rights violations by law enforcement officers;
- d. Increased dependency of the UPF on the military in the management of public orders including public assemblies which tend to blur accountability for excesses committed by law enforcement officers during or in the aftermath of public assemblies;
- e. The harassment of human rights defenders including journalists that are covering public assemblies.

# 03

## RECOMMENDATIONS

- a. Amendment of section 36 of the Police Act;
- b. Amend the police act to provide for the establishment of an independent police oversight authority or enact a law on independent police oversight in Uganda;
- c. Develop guidelines to provide for crowd management including the authorization of crowd management Marshal to assist in public order management especially public assemblies;
- d. Police officers should be brought to speed with relevant laws protecting human rights including the human rights (enforcement) Act 2019 and the protection of human rights defenders legislation once passed.

# CONCLUSION:

The issues raised and recommendations presented in this issues paper is intended to provide a back drop to the dialogue between civil society and Uganda Police force and will contribute to the development of an outcome document for further advocacy and collaboration between civil society and UPF on areas of improvement in the management of public assemblies in Uganda.