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The Honorable Mr. Med S.K Kaggwa
Uganda Human Rights Commission - Head Office
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Kampala, Uganda
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Dear Mr. Chairman:

We write to commend the intervention of the Uganda Human Rights Commission (the “Commission”) in the case of Hon. Betty Nambooze, MP, who was recently released on bond to travel to India for treatment of spinal injuries incurred while in the custody of the Ugandan security forces.¹ We are extremely concerned for her security inside Uganda and urge that you continue to ensure her safety and well-being when she returns from India. The New York City Bar Association, founded in 1870, is an independent non-governmental organization with more than 24,000 members in over 50 countries. Its mission is to harness the expertise of the legal profession to identify and address legal and public policy issues in ways that promote law reform, ethics and the fair and effective administration of justice, and respect for the rule of law at home and abroad. The Association has a long history of dedication to human rights, particularly through its Committee on International Human Rights, which investigates and reports on human rights conditions around the world, and the Cyrus R. Vance Center for International Justice, which strengthens democratic transition by engaging lawyers across borders to advance fundamental justice in countries undertaking legal and institutional reform. In addition, the Association’s African Affairs Committee closely monitors rule of law developments in Africa.

As you know from news reports and the Commission’s own inquiries, Nambooze’s spine was severely damaged twice at the hands of Ugandan security forces. On the first occasion she

¹ Letter dated June 21, 2018 from Uganda Human Rights Commission to Inspector General of Police re: Detention of Hon. Betty Namooze MP Mukono Municipality.

was manhandled during the security forces raid on Parliament in September 2017.² She had been a leader in the “Togikwatako” campaign to filibuster the amendment to the Presidential age limit clause in Uganda’s constitution.³ According to reputable polls, the amendment was opposed by roughly 80% of Ugandans.⁴

During the raid, according to Nambooze, two plainclothes operatives grabbed her from behind and, using their hands and knees, contorted her body in such a way that several of her vertebrae were broken and she was rendered crippled.⁵ She then was driven to a police station where she remained, in great agony, until late in the evening.⁶ Finally, she was released and taken to a hospital, where doctors determined that her injuries required surgery that was beyond the capabilities of Uganda’s health care system. After a month in hospital in Uganda, she was finally able to assemble the necessary permissions and funds to travel to India⁷ where she underwent a six-hour operation inserting metal implants in her spine so she could walk again.⁸

Nambooze returned to Uganda in late November 2017, but early in the New Year, she began experiencing increasing pain and prepared to return to India for further treatment and consultation with her surgeon.⁹ She was due to fly out on June 15, 2018, but on June 13 she was arrested allegedly in connection with a Facebook message of condolence to the family of another MP who had recently been murdered.¹⁰ The post states:

Uganda will be better not through elimination of those we don't agree with...but because of our effort to put up systems that will work for us all irrespective of our political beliefs. Every life must be respected and every murder must be condemned.

² https://www.newvision.co.ug/new_vision/news/1467289/beaten-pressed-hard-nambooze; <http://www.monitor.co.ug/Magazines/PeoplePower/Age-limit-Nambooze-injured-police-Parliament-/689844-4222324-14j2bt/index.html>; <http://www.monitor.co.ug/News/National/Speaker-Kadaga-asks-President-Museveni-explain-House-raid/688334-4166396-qad91xz/index.html>

³ <https://allafrica.com/stories/201711140129.html>; Uganda: Museveni Is Panicking Over Age Limit Change, Say MPs The Independent (Kampala) November 14, 2017.

⁴ <http://observer.ug/news/headlines/56340-85-of-ugandans-opposed-to-age-limit-amendment-survey.html>; <http://afrobarometer.org/press/ugandans-overwhelmingly-favour-age-limit-president-afrobarometer-survey-shows>

⁵ Statement of Betty Nambooze “My September 27th Ordeal”; Uganda: Nambooze Takes to the Witness Stand As Age Limit Petition Resumes. The Observer (Kampala) 17 APRIL 2018

⁶ IBID

⁷ IBID

⁸ https://www.newvision.co.ug/new_vision/news/1466308/nambooze-returns-india-referred-mulago-hospital

⁹ Referral Dr Waiswa Gonzaga, Mulago Hospital to The Chairperson, Uganda Medical Board: Review of Hon. Betty Nambooze in India. May 11, 2018.

¹⁰ <http://www.monitor.co.ug/News/National/Abiriga-killing-MP-Nambooze-arrested/688334-4609806-fsj2pgz/index.html>.

Nambooze was released on bail, but her spine was further damaged while being driven around in police vehicles, and she checked into a hospital in her constituency.¹¹

The following day, President Museveni announced that bail for “killers” would be cancelled.¹² According to Chief Justice Bart Katureebe, Uganda’s Constitution guarantees citizens the right to apply for bail regardless of the offense.¹³ Nevertheless, Nambooze was rearrested at once and spent the next two days lying on a wooden bench in Naggalama police post in the most extreme agony. A doctor from a nearby clinic was called but he could do nothing for her and issued an urgent referral to a hospital.¹⁴ She was finally taken to Kiruddu Hospital in Kampala on June 16.¹⁵ However, on the way, a police car collided with the ambulance transporting her, further rupturing her damaged spine.¹⁶ At the hospital, doctors determined that one of the metal screws implanted in her back had been dislodged and was pressing on a major nerve, causing paralysis and excruciating pain.¹⁷ Even within the hospital, she claims, she was denied available treatment.¹⁸

The Commission visited Nambooze on June 21 and released a letter urging the police to release her on bond so she could finally travel to India for urgent treatment of her injuries.¹⁹ She was finally released on bond on June 27 and flew to India on July 4.²⁰

The Commission’s intervention is consistent with Uganda’s constitutional and international legal obligations, while her treatment by officials until her release seemingly violates these obligations. Article 23.5.b of the Ugandan Constitution guarantees detainees like Nambooze reasonable access to their families, attorneys, and medical personnel. Her treatment constitutes apparent violations of Article 24, which prohibits the infliction of any form of torture, cruel or inhuman treatment, and Article 28 which guarantees a fair hearing.

The events, as alleged, also constitute a breach of Uganda’s obligations under the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, ratified by Uganda on November 3, 1986, which obligates a state party to take

¹¹ Nambooze, personal communication

¹² <https://observer.ug/news/headlines/57942-bail-to-suspected-killers-must-stop-museveni-tells-courts.html>

¹³ <http://www.monitor.co.ug/News/National/Chief-Justice-Museveni--Bail-constitutional-matter-/688334-4616382-gyvommz/index.html>

¹⁴ <https://observer.ug/news/headlines/57982-nambooze-my-rights-are-being-violated.html>

¹⁵ <https://newslexpoint.com/nambooze-rushed-hospital/>

¹⁶ Letter M/S Lukwago and Co. Advocates to the Chairman Uganda Human Rights Commission. June 18, 2018

¹⁷ IBID

¹⁸ <https://www.youtube.com/watch?v=lg6fIMSrqqc>

¹⁹ Letter dated June 21, 2018 from Uganda Human Rights Commission to Inspector General of Police re: Detention of Hon. Betty Namooze MP Mukono Municipality;

²⁰ <http://www.monitor.co.ug/News/National/Bedridden-MP-Betty-Nambooze-sets-off--India/688334-4646148-12x429sz/index.html>

“effective legislative, administrative, judicial or other measures to prevent acts of torture.” Article 12 requires a state party “to ensure that its competent authorities proceed to a prompt and impartial investigation” in every instance where “there is reasonable ground to believe that an act of torture has been committed.”

Similarly, the International Covenant on Civil and Political Rights, adopted by Uganda on June 21, 1995, in Article 7, explicitly prohibits torture. Article 10.1 sets out the right of all detained persons to be treated “with humanity and with respect for the inherent dignity of the human person.” This clause would be violated not only by the acts of torture that have apparently taken place but also by the deplorable conditions in which Nambooze reportedly was held.²¹ Article 14.3.b guarantees every detainee the right “to communicate with counsel of his own choosing.” On a number of occasions, Ugandan authorities have arbitrarily prevented Nambooze from communicating with her counsel, in contravention of this provision.²²

In addition, the African Charter on Human and Peoples' Rights, which Uganda adopted on August 18, 1986, also protects the life and integrity of individuals in Article 4, and expressly prohibits torture, in Article 5. Nambooze’s treatment certainly seems to have breached these obligations.

We understand that Nambooze is expected to return to Uganda later this month and has been summoned to appear before the police on July 29, 2018. We urge the Commission to continue to monitor the situation and provide whatever protection is required to ensure Nambooze’s safety and well-being, in accordance with Ugandan law. We note that Nambooze has been arrested and harmed by security forces on numerous past occasions, as have other MPs.²³

Respectfully,



Roger Juan Maldonado
President

²² “Buganda Officials Narrate Their Ordeal in Detention.” The Monitor. August 2, 2008.

²³ <https://allafrica.com/stories/201606220511.html>; <https://allafrica.com/stories/201510220502.html>; Uganda: MP Nambooze, Four DP Officials Arrested The Monitor (Kampala) 20 OCTOBER 2015; Uganda: Nambooze - I Was Poisoned The Observer (Kampala) 22 JUNE 2016; Uganda: What Has Changed Since Buganda Riots The Monitor (Kampala) 11 SEPTEMBER 2017; Uganda: Police Prepare Charges Against Nambooze and Team The Monitor (Kampala) 25 APRIL 2017; Uganda: Journalists, MPs Arrested in Masaka At Democratic Party Rally The Observer (Kampala) 23 APRIL 2017; <http://www.monitor.co.ug/News/National/Former-MP-Lulume-Bayiga-arrested-688334-4213148-66yikgz/index.html>; <http://www.monitor.co.ug/News/National/Kabaziguruka-MP-treason-charges--poor-health/688334-4099120-q0u71xz/index.html>

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H.E. Rebecca Kadaga, Speaker of Parliament
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