



Date: October 16th, 2017

Hon. Sam Kutesa

Minister of Foreign Affairs/ Republic of Uganda

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Dear Hon,

Re: Requesting your office to engage with the Office of the Prime Minister Department of Refugees to spearhead the implement the Universal Periodic Review (UPR) Recommendations made in November 2016 on the protection of Refugee Human Rights Defenders,

Referring to the United Nations Unanimous “*53/144 Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms*” adopted by the UN General Assembly in 1998, which put attention and responsibility to specific organs to ensure its fulfillment as we cite “**Invites Governments, agencies and organizations of the United Nations system and intergovernmental and non-governmental organizations to intensify their efforts to disseminate the Declaration and to promote universal respect and understanding**”

According to the definition of the United Nations Human Rights Council a human Rights Defender is “*is a term used to describe people who, individually or with others, act to promote or protect human rights. Human rights defenders are identified above all by what they do and it is through a description of their actions (section A below) and of some of the contexts in which they work (section B below) that the term can best be explained. [1]The examples given of the activities of human rights defenders are not an exhaustive list*”.

The definition farther more describes Human Rights Defenders as “*They sometimes address the rights of categories of persons, for example women’s rights, children’s rights, the rights of indigenous persons, the rights of refugees and internally displaced persons, and the rights of national, linguistic or sexual minorities*”.

It is on this background that since 2001 we saw the existing of a particular refugee social group called “*Refugee Human Rights Defenders in Uganda*” and currently we estimate that there are around 50 active refugee human rights defenders in Uganda both in urban and in settlements.

What they do: We promote all human rights bills within the refugee context here in Uganda as one among the approaches for Uganda to respond to its obligation to protect refugees on its

territory. Through this we advocate for the linkage of Human Rights approach to Humanitarian and development approaches in addressing challenges affecting refugees in their communities, at national level, regional level and international level,

And the context: We are struggling in a situation where Uganda has only developed humanitarian relief approach in response to refugee needs over the years and currently we seem to observe some sporadic and ephemerous development initiatives while human rights approaches are highly ignored within the refugee affairs in Uganda.

We refugee human rights defenders and refugee leaders followed with so much attention the Universal Periodic Review (UPR) discussions and the commitment your Ministry made on behalf of the Government of Uganda to protect human rights defenders on Uganda territory. We can still mention these few recommendations which enjoyed the support of Uganda in November 2016:

Ensure that Civil Society organizations and human rights defenders can operate in a safe environment and that all allegations of intimidations, harassment and violence are fully investigated (115.94, made by Ireland),

Investigate the alleged harassment of human rights defenders and prosecute offenders (115.95 by Ghana),

Thoroughly investigate threats against human rights defenders and civil society organizations, bring to justice those responsible and guarantee reparation to the victims, especially those working for women's rights (115.97 by Uruguay),

We thank you and your Ministry of Foreign Affairs for that great commitment and strong leadership and for registering Uganda among the nations which are committed to the protection of human rights defenders.

Positive progress from OPM Department of Refugees towards Refugee Human Rights Defenders in Uganda,

Ten months later since you appeared to Geneva and made these commitments in 2016, we are glad to inform you that OPM Department of Refugees has put positive measures on ground to extend services to refugee human rights defenders mainly prioritizing cases of Human Rights Defenders and other profiled people seeking asylum in Uganda, giving recommendation letters without delay to refugee led organizations which seek to register, working on the Conventional Travel Documents for some refugee human rights defenders without delays especially those who want to travel, getting meetings easily with some OPM staffs, interactions and engagement with OPM Protection team through various forums including social media, responding to invitations for meetings organized by refugee leaders in their communities, and considerable efforts in place deployed by InterAid Uganda to collaborate with refugee leaders and refugee led initiatives at

the community levels. On top of that there has been positive recognition of the work carried out by Refugee Human Rights Defenders by InterAid Uganda and some OPM staffs during different meetings.

Challenges and existing gaps over the years faced by Refugee Human Rights Defenders in Uganda

However we observed with concern different ugly situations which have attempted to challenge all these above progress Uganda would be proud of in the eyes of the nations, where Refugee Human Rights Defenders have continued to face threats and all kinds of abuses by different actors, but not much has been done to hold the alleged perpetrators accountable for these abuses.

Let us get this opportunity to bring to your attention some cases which we have described as abuses against refugee human rights defenders and refugee leaders in Uganda.

In 2010 a group of seven (7) Refugee Human Rights Defenders and Refugee Leaders mainly William Kazadi, Jean Paul Nsungibirhi, Kulihooshi Musikami Pecos, Birora Babs, Byamuliro Faustin and the other two who are not mentioned faced threats of deportation by the OPM Directorate of Refugees through letters signed by the Commissioner Mr. David Appolo Kazungu on allegations that teaching refugees their rights would make refugees to revolt against the refugee regime in Uganda. On top of that others faced different forms of arbitrary arrests, blackmailing, and all forms of intimidations among them Francis Mandegu who offered a video coverage to “**Refugee Unaccompanied Minors**” who camped at the Office of the Refugee Law Project in 2011 and up to now Francis was denied the Refugee Status and his camera confiscated by the Police Old Kampala.

The consequences of these abuses to refugee human rights defenders and refugee leaders are so many since then up now, and may need to be documented but also to be addressed in terms of reparations, such as us public apology, granting humanitarian relief aid and resettlement to the third country, encouraging those who left Uganda to come back among other interventions. Basing on our statistics none of the active Refugee Human Rights have ever received any support or assistance from the refugee regime since then up to now, none of active Refugee Human Rights Defenders has benefited from resettlement to the third country since 2001 up to now, and none has benefited for the humanitarian relief aid, and measures for protection when he or she is at risk here in Uganda.

The continued threats faced since then by William Kazadi the refugee male representative of the Congolese refugee refugees in Uganda forced him to go missing in 2012 up to now, we do not know his where about, but also Jeanpi (Congolese) who was one among Refugee Minors who left Uganda to unknown destination when his security situation worsened in 2012, this has greatly and negatively affected their families, friends and fellow refugee human rights defenders who are living here in Uganda but also the Congolese refugee community that benefited from

their services. Questions are being asked if Uganda may be a good place for Refugee Human Rights Defenders and certainly those who have been victims would answer no currently.

A good number of refugee leaders and refugee human rights defenders have been over the years blackmailed by the refugee regime, excluded from accessing humanitarian relief aid, and denied all other humanitarian benefits, this has been perceived as **a punishment** against them because of their engagement towards refugee rights in Uganda. That practice of punishing refugee human rights defenders in Uganda rather than rewarding them has created phobia among refugees at the community levels where it is now a challenge to find refugees who would like to be human rights defenders, there is an urgent need to change this attitude and if nothing is done Uganda is likely to lose the contribution of Refugee Human Rights Defenders because they will disappear completely.

We need different actors in the fields of human rights to document all these abuses and make them public but also hold those responsible accountable for their actions. Unfortunately over the years the Office of the Prime Minister Department of Refugees has not deployed enough efforts to attract Civil Society Organizations and other actors involved in the protection of human rights defenders to extend their services to Refugee Human Rights Defenders in Uganda. Basing on our statistics we do not have a single organization or any other actors who offer services to Refugee Human Rights Defenders over the years up to now, much as there have been some attempts by some organizations. The only thing on ground is denying responsibilities and referring Refugee Human Rights to OPM and UNHCR but also both UNHCR and OPM have defended themselves by blaming refugee human rights defenders of exposing themselves to risks when they get involved in Human Rights.

This has frustrated the efforts of refugee human rights defenders who seek services from actors who are not willing to help and that is seen as discrimination based on social status of refugee human rights defenders active in Uganda which is unacceptable in 21st century and civilized human beings.

But also we need visible actions which can be documented to show that those who choose to engage in the promotion of refugee rights are not punished by services providers because of their choices rather should be encouraged and motivated as fellow colleagues. Since 2001 up to now, threats, arbitrary arrests, attacks, intimidations, harassments, humiliation in public, labeling negatively in public and all other forms of abuses have continued towards refugee leaders and refugee human rights defenders here in Uganda.

Some refugee led organizations have not also been excluded from these attacks and many did not survive such as PEDRU, ASSOREF which no longer operate, and other which are facing challenges and working hardly such as the organization People for Peace and Defense of Rights (PPDR Uganda) which changed its names to Foundation People for Peace and Defense of Human Rights but up to now it has not yet been given the license by the NGO Board since 2015

up to now. The Congolese Refugee Community was one among the active refugee initiatives but since 2012 up to now OPM seems not willing to help them organized in community leadership here in Kampala. Despite the fact that all these are being done in violation of the Uganda Refugee Law called “**Refugee Act 2006**” which recognizes the refugee rights of association.

Our statistics indicate that we have more than 50 Active Refugee Human Rights Defenders and Community Leaders here in Kampala alone but none among them is being granted humanitarian assistance which is given to other refugees in the category of “**Urban Refugees under Caseload**”, despite that they have their own heavy responsibility for themselves but also on top they have carried another heavy community responsibility towards others in support of government efforts to solve refugee challenges. When the situation is worse here in Kampala, in different refugee settlements a refugee human rights defender cannot not even try to identify himself as a Human Rights Defenders and the little work they do it is in the hide, particularly in Nakivale, Kyaka II, and Kyangwali refugee settlements which are Congolese dominant and yet Congolese are perceived as more active in forming associations and groups than others who are also active in many other things.

In most cases the notion of “**refugee human rights defenders**” or “**the refugee leader**” does not attract the attention of many actors involved in the protection of human rights defenders both locally, regionally and internationally. The Government of Uganda needs to encourage other actors to invest in the protection of Refugee Human Rights in Uganda. Yet on ground we have no data of the efforts so far made by the government in order to solve this challenge faced by Refugee Human Rights Defenders and Refugee Leaders in Uganda.

On ground we strongly believe that efforts done by refugee human rights defenders and refugee leaders in the protection process for their fellow refugees are extremely big and it is too much needed, cannot be compromised and therefore the need to protect them once they are in need but also to support their work because they play a role where different agencies do not reach. Too much work for the well being of refugees in Uganda is highly depending on the sole efforts of refugee human rights defenders and refugee leaders. *Failure to protect refugee human rights defenders and refugee leaders will melt away and highly jeopardize all efforts deployed by the international community to support Uganda to assist refugees to live in dignity*, which is why we are now officially asking for your support and your help.

This year 2017 alone the situation of refugee human rights defenders has deteriorated, information on our possession indicate that as per now 11 refugee leaders and refugee human rights defenders are under threats which come from different perpetrators either within the refugee regime or from other actors.

Kulihoshi Musikami Pecos (Congo) was recently arrested on September 13th, 2017 by OPM Directorate of Refugee Security officers when we went to deliver a letter which was addressed to the Commissioner on the situation of Congolese asylum seekers in Kampala who are denied

registration in Kampala. Much as Pecos was arrested for 2 hours and was forced to make a statement, no file number of the case was given to him by the Police Officer who arrested him.

Rasta Marcel (Rwanda) was arrested and detained at Old Kampala in July 2017 Reference number 94/4/07/2017 on order of the Principal Senior Protection Officer who was not comfortable with the report published by Rasta on the situation of refugees who have been abused by the OPM Officers. Rasta was released four days after on a Police Bond from Old Kampala Police Station.

A Congolese Community interpreter whose name is not mentioned here, was arrested and detained at Old Kampala Police Station by orders from the Police Officer in charge of Old Kampala Refugee Front Desk in September 2017, he was accused of getting money from a refugees on false pretense, we was forced to pay 30\$ USA and then was then released on Police Bond after three days in the cell,

While Steven Kighoma (Congolese) was arrested by Musajjalumbwa Police Post on Monday May 22nd, 2017 and detained for two days on ground that he was walking at night without identification despite the fact that he had all his IDs with him and he was arrested around 8 pm. Steven was released two days after by the interventions of his friends who mobilized 50,000 Ug Sh which he gave to Police Officers and no File was opened against him. Steven contracted infections from the cell and up to now he as not got adequate medical treatment.

Zenga Nkoranyi (Congolese) Human Rights Defender was attacked by unknown people on Namirembe Road in April 2014 by the help of other people they managed to catch one person among those who attacked him and took that person to Namirembe Road Police Post but shortly the person disappeared from the Police and Zenga has never seen him anymore up to now. Zenga is still suffering from the wounds he sustained as up to now he has never received any formal treatment and humanitarian aid as he cannot do any work anymore.

A Congolese Community volunteer whose name is not disclosed here was attacked by unknown people from his home one day in May 2017 at night in his home. He was serious injured and up to now he has not yet received adequate treatment and he is living in bad conditions because he cannot also work anymore.

Olivier Mukomezi (Congolese) the president of the organization called “ Refugee Parliamentarians Association” was attacked by unknown people, he was rescued by some people of good will and took him to Kibuye Police Station where he reported the under the reference DREF 12/05/08/2017 the police promised investigations which have never been done up to now.

Dieudonne Mungura (Rwanda) is a one among the Rwanda Refugee Community Leaders in Uganda, he is being threatened by the people he suspect to be from Rwandan Security services operatives attached to the Rwandan Embassy here in Uganda, he reported the case of the Police

Central Police Station (CPS) under the reference number SD REF: 08/09/08/ 2017 but again not much has been done for his security despite work being done by the security services.

And lastly three from South Sudanese Refugee Human Rights Defenders based here in Kampala who did not want their names to be mentioned have been threatened by the intelligence services believed to be from their country of origin and not much has been for their security here in Uganda.

On the attachment is the article published on **Monday September 25th, 2017 by the New Vision News Paper** on the OPM threats towards refugee human rights defenders in Uganda.

Beyond that most of Refugee Human Rights Defenders in Uganda are confronted with also social issues mainly connected to livelihood such as food, education, health, housing not only for themselves alone but also for their families and the mostly affected are the above mentioned who are sustaining threats and injuries and who cannot do much for their survival here in Uganda and who only now waits for miracle from someone else in order to exist.

We have observed with sower bittiness this negative degradation of the situation of refugee human rights defenders in Uganda, just ten (10) months after Uganda commits itself to the Universal Periodic Review to uphold the situation of human rights defenders as mentioned in the above UPR Recommendations which enjoyed the support of Uganda, we therefore appeal to you for the following recommendations:

Our Recommendations

Basing on that and for the solidarity not only with refugees but also with refugee human rights defenders and refugee leaders in Uganda, and basing on the need to support Uganda's effort to help refugees to live in peace and in dignity, and in order to support Uganda efforts to implement the Universal Periodic Review Recommendations of the situation of Human Rights we humbly ask you,

1. We urge you to consider the protection of refugee human rights defenders and refugee leaders in Uganda inclusive to the whole Uganda's efforts towards the protection of human rights defenders, we would like to see cases of refugee human rights defenders and refugee leaders being supported by different organizations and we urge you to use available opportunities in your engagement with CSOs, UN Agencies and Inter-governmental Agencies to lobby for the support to Refugee Human Rights Defenders in Uganda,
2. We urge you to encourage OPM Department of Refugees to monitor and document human rights violations against refugee human rights defenders and refugee leaders in Uganda and make public the findings, and put in place a particular officer working on the protection of Refugee Human Rights Defenders,

3. We urge you to ensure that cases which are forwarded to both UNHCR and OPM and other actors have been granted suggested help they need and this may require a strong follow up, but at the same time we would like your Ministry to be the voice of refugee human rights defenders and refugee leaders to these institutions for all advocacy work on their behalf especially these particular cases above mentions,
4. We urge you to support refugee human rights defenders and refugee leaders with all necessary assistance you offer to all those human rights defenders in need of protection here in Uganda, in the region and at the international level, especially following up with OPM Department of Refugees how far are they implementing these UPR recommendations on Human Rights Defenders and share with us the outcomes,
5. We urge you to collaborate with all partners at different levels national, regional and international in order to strengthen the existing opportunities for the protection of refugee human rights defenders and refugee leaders in Uganda, this will help to create awareness and mitigate myths and misconception towards refugee human rights defenders and refugee leaders at all levels,
6. We urge you to seek from the OPM Department of Refugees to abolish all discriminatory policies and practices at the organization or institutional levels which exclude or fail to recognize the legitimacy of Refugee Human Rights Defenders and Refugee Leaders in Uganda engaged in the promotion of refugee rights,
7. We urge you to engage with the Office of the Prime Minister Department of Refugees and the United Nations High Commissioner for Refugees (UNHCR) to end threats and intimidations against refugees human rights defenders who they are supposed to protect and ensure that all refugee human rights defenders and refugee leaders get access to all humanitarian relief aid given to all refugees and can easily access all other opportunities and privileges granted to refugees in Uganda including resettlement to a third country,
8. We urge you to lobby to both the OPM Directorate of Refugee and the UNHCR to pay a particular attention to the protection needs of the refugee human rights defenders and refugee leaders in a special way because they are different from normal refugees, and put in place follow up mechanisms and reporting mechanisms on the situation of refugee human rights defenders and refugee leaders in Uganda,
9. We urge you in sign of concern and solidarity to consider to issue a statement or a press release which denounce the reactions of OPM Department of Refugees towards refugee human rights defenders and refugee leaders in response to the article published by the **New Vision News Paper on Monday September 25th, 2017**, remember that keeping silence to these threats will add more marginalization towards refugee human rights defenders and refugee leaders in Uganda,
10. We urge you to engage with all the concerned government agencies to maintain close contact and communication with refugee human rights defenders and refugee leaders and monitor their situation on regular basis through a quarterly assessment, and put in place a

reporting mechanism, but also hold accountable all those who are alleged of perpetrating abuses against them,

11. We urge you to consider engaging with OPM Department of Refugees to extending to them financial assistance in a difficult situation when they need it, and lobby to donors to request that projects on the protection of human rights defenders in Uganda do include refugee human rights defenders and refugee leaders in their communities,

Yours sincerely,

Kulihoshi Musikami Luc Pecos

Executive Director

CC:

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