

A4C ban

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Makes violent revolution inevitable, say experts

In 1962, the year Uganda became independent, former US President John F. Kennedy made the following quote; "Those who make peaceful revolution impossible make violent revolution inevitable". Makerere University political scientist Yasin Olum says as Uganda edges towards its golden jubilee celebrations, this is one quote on which its leaders need to reflect.

By Attorney General Peter Nyombi issuing an order banning the pressure group

Activists for Change (A4C) and A4C activists vowing to continue with their activities, Olum says the stage could be set for "worse times".

Olum's prediction is even more important given what has happened in practice. Where in the world did banning political activism ever permanently bottle up agitation? In pre-colonial Uganda or during former dictator Idi Amin's time? In apartheid South Africa? In Egypt and Burma recently? Nowhere.

So why does the government of Uganda feel that is the policy to adopt in 2012? And why, in an attempt to realise the objective of A4C, does the NRM government have to resort to a colonial law and not to any of the laws enacted during its 26 years? These questions are critical and are being answered differently by people from different political shades.

Mike Mukula, the ruling NRM's vice chairman for eastern Uganda, told *The Independent* that the banning was warranted because there was "no end in sight to riots." Mukula is one of the people usually viewed as liberal within the NRM and has in the past taken positions considered conciliatory towards the opposition. His latest stance may worryingly be a pointer that even moderates with the NRM have reached a tipping point.

Demonstrations organised by A4C since April 2011 under the banner of Walk to Work have led to the death of at least 10 civilians, mainly shot by security agencies. Several others have been injured. The impression that has been created is that A4C rallies and demonstrations have always been generally peaceful until police intervenes.

This in turn has led to a breakdown in relations between the police and civilians who attend A4C activities and on March 21, policeman John Ariong was killed by what police says is a blunt object thrown by a civilian during a tour of public works in Kampala by Lord Mayor Erias Lukwago and a string of other politicians including FDC President Kizza Besigye. At a requiem mass for Ariong, Mukula had called for passing stringent laws to foil the demonstrations.

Mukula had expected that the laws that had been proposed, particularly the one to incarcerate

demonstrators for six months without bail and the Public Order Management Bill that critics have castigated as aiming at curtailing freedom of association and assembly, would now be passed to scare off protesters. But inside government, a more radical move was in the offing and on April 4 Attorney General Peter Nyombi issued a Declaration of Unlawful Societies Order, banning A4C. Nyombi cited section 56(2) (c) of the Penal Code Act, Cap.120, which was put in place by the colonial government.

The ban is significant because according to Makerere University Historian, Prof. Kazenga Tibenderana, “A4C will enter the annals of history as the first civil organisation to be singly banned in independent Uganda.” The earlier practice was to collectively ban opposition political parties, as was the case under Amin and during the first part of the NRM government.

Its historical significance aside, former DP President Paul Semogerere says the ban has implications for the rule of law in Uganda. Semogerere knows a few things about banning since he had to work around an official political party ban by the NRM and earlier governments for a long time. He says the “inherent” problem with the ban on A4C “is that the government takes over the role which would ordinarily be for the judiciary of deciding which organisation is at fault and should be banned”. He says if the government felt A4C deserved to be banned, it should be required to “argue its case before the courts of law but not act arbitrarily”.

In countries like Germany, Semogerere says, the government files an application with the courts whenever it feels a particular organisation is working against democracy and should be banned. “The judges should be upheld as the ones with the highest competence to interpret the law,” Semogerere says. In most cases, he says, the courts have thrown out the requests.

But the tone of Nyombi’s executive order suggested urgency. Nyombi said A4C is dangerous to peace and order in Uganda. To back up Nyombi, Inspector General of Police Kale Kayihura told journalists shortly after the ban that “A4C have openly called for the overthrowing of Government,” adding that it “openly called on civilians to take up arms and turn them against police and government.” Kayihura wasn’t done, “A4C have used stones and other weapons at these rallies, leading to mass injury amongst civilians, journalists and police alike, and most recently loss of life.”

Kayihura fumbles

Kayihura was duty-bound to back the ban the moment it was issued but he didn’t seem well prepared for it. By the time it was issued on the morning of April 4, the police was still sending out invitation messages to journalists to witness a planning meeting between police and A4C activists at Kololo Airstrip. What business did the police have facilitating a banned society?



Kayihura said since the rally had been okayed earlier, it was prudent to allow the rally “this one last time and future rallies will be banned”. But the rally of April 5 in effect didn’t take place. The police deployed heavily and blocked all the roads leading to the venue except Lugogo Bypass.

The rally had originally been planned for April 3 but was pushed to April 5, the final day of the Inter-Parliamentary Union (IPU) assembly in Kampala and A4C’s subject was police brutality. The International Day Against Police Brutality falls on March 15, but A4C had planned to mark it belatedly, and poignantly during the much publicised IPU assembly. To show there is no love lost between police and A4C, the activists wanted to seize the occasion when there was a measure of international media spotlight on Kampala to show a one-hour video of the “atrocities” they say the Uganda Police Force has committed against Ugandans.

Trading allegations has been a common practice between Kayihura and especially A4C Coordinator Mathias

Mpuuga. Mpuuga now says Kayihura's latest allegations that A4C urged people to disarm the police are "ridiculous". But he is used to the charge that A4C activists throw stones at police during their rallies. Mpuuga has always thrown the accusation back at police, saying it is actually the "police stone throwing squad" that wrecks havoc at rallies to discredit the pressure group. After all, says Mpuuga, "stoning people and police is criminal and the police should be able to seek redress in courts of law".

Daudi Mpanga, the lawyer who has defended FDC President Kizza Besigye since the Walk to Work protests started in April 2011, says considering the allegations Kayihura makes, the police should stand a chance in the courts. Mpanga says that if the police has evidence that A4C has "openly called on civilians to take arms and turn them against police and government" as Kayihura alleges, "the easier thing to do is to charge the perpetrators with treason instead of invoking a colonial law to ban their activities."

But resorting to the courts to stop A4C has so far not worked for the government. All the A4C activists, including Besigye, who were indicted before courts for cases related to round one of Walk-to-Work that started in April 2011 were acquitted, usually for want of prosecution and lack of evidence.

The activist group insists its activities are legal and peaceful and that the challenge is for the government to prove otherwise. When A4C was launched in April 2011, its stated objective was to force the government to act on the escalating cost of living given that inflation had hit double digits for the first time in over a decade and was still increasing. Fuel and food prices were particularly high. A4C activists argued that by walking to work, they would show empathy with the poor who couldn't afford motorised transport and also put the government under pressure to act by reducing extravagance in government.

Their mission, as it appeared on their website (www.activists4change.org) on April 7, is to "effect democratic change of government through mobilising the masses and setting in motion a process to remove obstacles to free and fair elections by peacefully dismantling the pillars of the authoritarian regime in Uganda and erecting the pillars of democratic rule."

Besigye speaks out

Besigye and his colleagues argue that they are within their constitutional right to mobilise the people to peacefully rise up against the government. In the recent Walk-to-Work Reloaded rallies, they called on the people to rise up and "reclaim their power" now that the NRM government has become a "government of thieves". They told them that President Yoweri Museveni's government should be overthrown this year.



Security's heavy-handed reaction to the Walk-to-Work protests, through sometimes violent arrests of protest leaders especially Besigye and sometimes confining them to their homes whenever they planned to walk, to worsen matters, seemed to create the feeling the strategy was working. FDC Women's League Chairperson Ingrid Turinawe told *The Independent* that calls on them to abandon Walk to Work are "misplaced because you don't abandon a winning strategy".

In a telephone interview with *The Independent* on April 7, her Party President Besigye challenged the police to prefer charges against him "if there is anything legally wrong with it (pushing on with his activism)". "We do whatever we do following the law and I want to repeat that the people have power to peacefully demonstrate and throw out a dictatorial government of thieves like this one," Besigye said.

He said he remained "unbothered by Nyombi's ban" and wouldn't even personally move to challenge the ban in court. "Anyone can challenge the ban (in court) but I doubt that it needs any challenging," Besigye said, "We shall just continue with what we have been doing." Besigye said the provision under which A4C was banned was put in place by the colonial government and "it is redundant". "Banning activism is like saying

you are banning Christianity; it is just a belief (and) the activists are everywhere,” Besigye added.

Besigye takes solace in the fact that “it is formerly banned organisations which are now in power in several countries”. DP President Norbert Mao’s take on the banning of A4C may serve to send a message to the decision makers. Mao is known to be Besigye’s political rival but he realises that even if the A4C has mostly been associated with Besigye, it is important that opposition forces unite at this moment.

Mao suggests that the ban could have a galvanising effect on the anti-Museveni forces. He said, “For those who for one reason or another do not like A4C, this is not about whether you agree with A4C. This is about freedom of expression and association,” adding, “If every government were to ban every organization that irritates them then there would only be room for sycophants and political debate would degenerate to cheerleading and fear-mongering”. Mao added, “Today it is A4C tomorrow it will be another.”

This is why President Museveni will need all the help he can get to sustain the ban. When he addressed IPU delegates at the opening ceremony at Speke Resort Munyonyo on March 31, he appeared to warn them about what they could witness. After arguing that democracy was only important if it offers economic benefits to the citizens, he went biblical about those who engage in acts of “public relations” like attending rallies, funerals and eating in markets. “We shall know them by their fruits,” Museveni said, quoting from the book of Matthew. Was this a veiled warning?

Shortly afterwards, Museveni mounted a tour of Teso sub-region during the week the A4C was banned and at a rally in Kumi, he apologised for the death of policeman Ariong and argued for “stronger” laws to handle demonstrators. At another rally, he promised to launch an investigation into alleged atrocities by National Resistance Movement soldiers (now UPDF) in the counter-insurgency war that followed the capture of Kampala 26 years ago.

Observers say Museveni’s latest tour may have been aimed at strengthening his support in preparation for taking drastic action against the opposition or at least to threaten his opponents into submission. But whatever his game plan, Kennedy’s advice may come in handy.

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