

Effective Access to Justice for Victims of abuse and violations: 18th & 19th Nov 2020

Information Dissemination Media Breakfast Meeting

Wednesday 17th November, 2021



Starting Point

- ❑ Access to justice (A2J) is a basic principle of the rule of law.
- ❑ In the absence of access to justice, people are unable to have their voice heard, exercise their rights, challenge discrimination or hold decision-makers accountable.
- ❑ Access to justice is a right

State Duty

- ... to **Respect**, **Protect** and **Fulfil** rights including particularly the duty of states to ensure that the rights are implemented through the provision of legislative measures and judicial remedies, in accordance with the national legal system.
- The State is obliged to take appropriate steps both to prevent rights violations and to investigate, punish and redress such abuse when it does occur - in other words, to provide access to remedy.

State Duty

- ... to take all necessary steps to provide fair, transparent, effective, non-discriminatory and accountable services that promote access to justice for all

18th and 19th November, 2020 Killings

The Report - *The 2021 General Elections' in Uganda: Human Rights Violations & the Spectacle of Violence*

- Classifies the killings as **Extra judicial killings**

2019 - 2021 Enforced disappearance

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- Classifies the 'arrests' as **Enforced Disappearance ... (to date some are unaccounted for)**

18th and 19th November, 2020 Killings

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Extra judicial killings

The UN Economic and Security Council resolution 1989/85 of 24 May 1989, 'Principles on Extra-Legal, Arbitrary and Summary Executions' states that:

Governments shall prohibit by law all extra-legal, arbitrary and summary executions and shall ensure that any such executions are recognized as offences under their criminal laws, and are punishable by appropriate penalties which take into account the seriousness of such offences. **Exceptional circumstances** including a state of war or threat of war, internal political instability or any other public emergency may not be invoked as a justification of such executions. Such executions shall not be carried out under any circumstances including, but not limited to, situations of internal armed conflict, excessive or illegal use of force by a public official or other person acting in an official capacity or by a person acting at the instigation, or with the consent or acquiescence of such person, and situations in which deaths occur in custody. This prohibition shall prevail over decrees issued by governmental authority.

Facts:

- ❑ At least **54** people including women and children were reported extra judicially killed
 - ❑ **32** were adjudged rioters, hit by stray bullets (Criteria?)
 - ❑ **22** persons were innocent and these included juveniles.
- ❑ The Basic Principles on the Use of Force and Firearms by Law Enforcement Officials
 - ❑ notion of **precaution**, **proportionality** and **necessity** in the application of lethal force (Justification?)

Facts:

- ❑ Some of the dead and injured were shot at while fleeing from the scenes of the chaotic protests to safety, in the back (Threat?)
- ❑ The use of live ammunition as a first and only option, opting out of the less-lethal (Justification?)
- ❑ The elusive quest for accountability (Who perpetrated the killings? What was the Chain of Command?)

Rights Accountability:

- ❑ The right to recognition as a person before the law and the right to an identity
 - ❑ Is there a record of the detail of the primary and secondary victim?
- ❑ The right not to be subjected to torture and other cruel, inhuman or degrading treatment or punishment
- ❑ The right to know the truth regarding the circumstances of the killings and the disappearance
- ❑ The right to **an effective remedy**, including reparation and compensation