

Uganda

	2016	2017		
Internet Freedom Status	Partly Free	Partly Free	Population:	41.5 million
Obstacles to Access (0-25)	13	11	Internet Penetration 2016 (ITU):	21.9 percent
Limits on Content (0-35)	11	9	Social Media/ICT Apps Blocked:	No
Violations of User Rights (0-40)	18	21	Political/Social Content Blocked:	No
TOTAL* (0-100)	42	41	Bloggers/ICT Users Arrested:	Yes
			Press Freedom 2017 Status:	Partly Free

* 0=most free, 100=least free

Key Developments: June 2016 – May 2017

- Amendments to the Uganda Communications Bill were passed in April 2017, removing parliamentary checks and balances on the ICT minister’s supervision of the communications sector (see **Regulatory Bodies**).
- Vibrant digital activism raised awareness and mobilized around internet freedom violations (see **Digital Activism**).
- The 2011 Computer Misuse Act was used to arrest and charge individuals with “offensive communications” for criticizing the president in two separate incidents (see **Prosecutions and Detentions for Online Activities**). Civil society groups petitioned the Constitutional Court to challenge the constitutionality of the Act (see **Legal Environment**).
- Another user was arrested on terrorism charges for social media posts documenting a violent military raid (see **Prosecutions and Detentions for Online Activities**).

Introduction

Internet freedom in Uganda improved incrementally in the past year, in contrast to the previous year when internet freedom saw a precipitous decline due to unprecedented restrictions on social media platforms and online speech during the contentious 2016 elections period.

Under the seventh term of reelected President Yoweri Museveni, the government took measures that demonstrated its increasing intolerance for critical online content. While social media and communications platforms remained fully accessible during the coverage period, the authorities targeted citizens directly for their critical online commentary. In April 2017, Dr. Stella Nyanzi, a Makerere University academic and activist, was arrested and charged with cyber harassment under the Computer Misuse Act of 2011 for social media posts in which she criticized the president and first lady. In the same month, NTV Uganda television news anchor, Gertrude Uwitware, was abducted by unknown assailants and badly beaten following posts she made on her blog defending Nyanzi's criticisms of the current regime.

The government also used anti-terrorism legislation to target legitimate speech. In November 2016, security agents arrested journalist Joy Doreen Biira on charges of "illegal filming of military raid" on a regional king's palace, which resulted in civilian deaths. In a crude act of censorship, both Gertrude Uwitware and Joy Biira were forced to remove their respective offending posts from social media. An aggrieved lawyer also succeeded in getting allegedly defamatory Facebook posts removed from the popular pseudonymous Facebook personality, Tom Voltaire Okwalinga (TVO), which is known for its political criticism.

Despite growing censorship efforts, citizens proactively mobilized online and off in defense of internet freedom. Campaigns such as #FreeStellaNyanzi and #FreeDoreenBiira called for the release of the two arrested individuals; the critical awareness raised by social media activism helped lead to their release on bail.

Obstacles to Access

Internet penetration remained low and grew marginally in the last year. Amendments to the Uganda Communications Act enacted in April 2017 eliminated the system of checks and balances on the minister's supervision of the communications sector.

Availability and Ease of Access

Internet access increased incrementally in the past year, up from 19 percent in 2015 to 22 percent in 2016, while mobile phone penetration rose to approximately 55 percent, according to latest data from the International Telecommunication Union (ITU). Latest government data from the Uganda Communications Commission (UCC), the communications regulatory body, estimated an internet penetration rate of approximately 54 percent as of March 2017, which included mobile data alongside fixed-line internet subscriptions.¹ The steady growth in internet users can be attributed to the increasing use of mobile broadband for browsing. 4G services are provided by major telecoms,

¹ Uganda Communications Commission, "Q1 Market Report for January-March 2017," http://www.ucc.co.ug/files/download/Market_%20Industry_Report_for_Q1_January_March_2017.pdf

though coverage is limited to central parts of the country. Further, internet speeds are still very slow, averaging 2.4 Mbps (compared to a global average of 7.0 Mbps), according to data from Akamai's "State of the Internet" 2017 first quarter report.

Key Access Indicators		
Internet penetration (ITU) ^a	2016	21.9%
	2015	19.2%
	2011	13.0%
Mobile penetration (ITU) ^b	2016	55%
	2015	51%
	2011	48%
Average connection speeds (Akamai) ^c	2017(Q1)	2.4 Mbps
	2016(Q1)	1.9 Mbps

^a International Telecommunication Union, "Percentage of Individuals Using the Internet, 2000-2016," <http://bit.ly/1cblxxY>.

^b International Telecommunication Union, "Mobile-Cellular Telephone Subscriptions, 2000-2016," <http://bit.ly/1cblxxY>.

^c Akamai, "State of the Internet - Connectivity Report, Q1 2017," <https://goo.gl/TQH7L7>.

While internet access has become more affordable, particularly on mobile phones, costs are expensive for many Ugandans. Limited access to electricity further impedes access to ICTs and is mostly concentrated in urban areas. Meanwhile, only 18 percent of Ugandans live in urban areas,² resulting in a significant urban-rural divide in access.³

New investments in Uganda's ICT infrastructure aim to close the digital divide, with some assistance coming from global technology companies. In February 2017, Facebook partnered with Airtel Uganda and Bandwidth & Cloud Service (BCS) to announce a plan to build 770km fiber backhaul network in the northwestern part of Uganda as part of its Telecom Infra Project.⁴ The social media giant joins companies such as Google who in December 2015 launched its first Wi-Fi network in Kampala as part of "Project Link."⁵

Additionally, Uganda's ICT ministry through the National Information Technology Authority – Uganda (NITA-U) has been developing the National Data Transmission Backbone Infrastructure since 2007, which aims to ensure the availability of high bandwidth data connections in all major towns at reasonable prices.⁶ In October 2016, the government began offering a free trial of wireless internet access in Kampala Central Business District and parts of Entebbe.⁷

Restrictions on Connectivity

There were no reports of deliberate government interference with mobile phone or internet networks during the coverage period.

² Uganda Bureau of Statistics, "2015 Statistical Abstract," June 2015, <http://bit.ly/1ZHSG8g>

³ Uganda's national literacy rate stands at 71 percent among persons aged 10 years and above. See: Uganda Bureau of Statistics, "2015 Statistical Abstract," June 2015.

⁴ Ibrahim Ba, 2017, Airtel and BCS, with support from Facebook, to build shared fiber backhaul connectivity in Uganda, <http://bit.ly/2raxf78>

⁵ Google, "Bringing Better Wi-Fi to Kampala with Project Link," December 3, 2015, <http://bit.ly/1OyL7dq>

⁶ Ministry of Information and Communications Technology, "National Data Transmission Backbone and e-Government Infrastructure Project," Republic of Uganda, <http://bit.ly/1OEBpMj>

⁷ NITA-U, Free Public Internet Access (WIFI), <http://www.nita.go.ug/media/free-public-internet-access-wifi> ; <http://www.nita.go.ug/service/myug-free-wifi-se-vice>

The lack of restrictions contrast sharply to the previous year when the government restricted access to social media platforms and communications tools for the first time, ordering the shutdown of Facebook, Twitter, WhatsApp, and mobile money services on February 17, 2016—the eve of the 2016 elections. The blocks lasted for four days. Platforms were blocked again in the lead-up to incumbent President Museveni's inauguration on May 11, 2016 (see "Blocking and Filtering").

ICT Market

Uganda's backbone connection to the international internet is privately owned in a competitive market.⁸ The country's national fiber backbone is connected to the EASSy international submarine fiber-optic cable system that runs along the east and southern coasts of Africa.⁹ Telecommunications providers are also hooked to TEAMS (The East African Marine System) and SEACOM marine fibers through Kenya. As of June 2017, 26 ISPs are connected to the Uganda Internet Exchange Point (UIXP).¹⁰

The number of industry players has grown over the years, and many now offer comparable prices and technologies. There are no known obstacles or licensing restrictions placed by the government on entry into the ICT sector, and new players have entered the market with ease in recent years.

Currently, there are 26 telecommunications service providers that offer both voice and data services, including MTN Uganda, Airtel Uganda, Uganda Telecom Limited (UTL), Africell Uganda (former Orange Uganda), Vodafone, Smart Telecom, and Afrimax, among others,¹¹ which all offer 4G LTE network speeds. All service providers are privately owned with the exception of state-owned Uganda Electricity Transmission Company Limited, which is a licensed public infrastructure provider and UTL, which the government took full ownership over in March 2017 following the withdrawal of 69 percent of the shares in the company.¹²

Regulatory Bodies

Uganda's telecommunications sector is regulated by the Uganda Communications Commission (UCC), which is mandated to independently coordinate, facilitate, and promote the sustainable growth and development of ICTs in the country. The UCC also provides information about the regulatory process and quality of service, and issues licenses for ICT infrastructure and service providers.¹³ The commission's funds come mainly from operator license fees and a 1 percent annual levy on operator profits.

There is a general perception, however, that comprehensive and coherent information about the commission's operations is not always accessible, and that the body is not entirely independent from the executive branch of the government. For example, the ICT minister has the authority to approve

8 Econ One Research, "A Case Study in the Private Provision of Rural Infrastructure," July 30, 2002, <http://bit.ly/1jxsMXc>

9 Eassy maps, accessed August 28, 2016, <http://www.eassy.org/map.html#>

10 The Uganda Internet Exchange Point, "Connected Networks," <https://www.uixp.co.ug/networks>

11 UCC, "Annual Report 2015/2016," Pg.17

12 Uganda Telecom, Statement On Gov't Takeover Of UTL, <http://bit.ly/2r4tVfw> Accessed May 26, 2017

13 UCC, "Communications Licensing Application Guidelines" Pursuant to the telecommunications (licensing) regulations 2005, UCC issues two types of licenses: Public Service Provider (PSP) and Public Infrastructure Provider (PIP). The application fee for both license types is \$2,500 dollars (a PIP license requires a one-off initial fee of \$100,000), and annual fees range from \$3,000-\$10,000. These licenses allow holders to either set up telecommunications infrastructure or provide telecommunications services. The UCC levies a 1 percent charge on providers' annual revenue, <http://bit.ly/1QI87iX>

the new regulator's budget and appoint members of its board with approval from the cabinet. There are no independent mechanisms in place to hold the regulator accountable to the public.

In April 2017, parliament passed the much criticized Uganda Communications (Amendment) Bill, 2016,¹⁴ which amended Section 93(1) of the Uganda Communications Act, 2013 to eliminate the system of checks and balances on the minister's supervision of the communications sector.¹⁵ The strengthened power of the minister was witnessed when he ignored parliament's motion to extend SIM card re-registration and instead directed the UCC to switch off all unverified ca ds in May 2017¹⁶ (see "Surveillance, Privacy, and Anonymity").

Limits on Content

Politically motivated content removal from social media platforms became a growing issue in the past year, while vibrant digital activism rallied demands for the release of individuals arrested for their online speech criticizing the government.

Blocking and Filtering

There were no known issues with blocking or filtering of online content during this report's coverage period, compared to the previous year when the government blocked access to Facebook, Twitter, WhatsApp, Instagram, and mobile money services on the eve of presidential elections in February 2016.¹⁷ President Museveni declared the blocks a necessary measure to stop people from using the platforms to "tell lies."¹⁸ Access to the platforms was restored on February 21, 2016, four days later after the blockade, but was obstructed again for a day, on May 11, 2016, the day before Museveni's inauguration to another contested five-year term in office, also for security reasons.¹⁹

In March 2017, the digital rights and free expression groups Unwanted Witness Uganda and Article 19 sued the Ugandan government and service providers for the social media blocks during the 2016 elections period, contending that the blocks violated citizens' fundamental rights.²⁰ The case was still outstanding as of October 2017.

Despite the lack of blocks, the ICT and National Guidance minister in May 2017 reaffirmed the government's position on the need to "filter social media content that the public posts on Facebook, WhatsApp, and Twitter" to curb abusive speech.²¹ Later in July, local news reported on the Chinese

14 "Parliament Passes Uganda Communications Amendment Bill, Gives More Powers to ICT Minister," Uganda Today, April 7, 2017, <http://www.theugandatoday.com/news/2017/04/parliament-passes-uganda-communications-amendment-bill-gives-more-powers-to-ict-minister/>

15 Robert Sempala, "Parliament should disregard UCC Bill of 2016," The Observer, March 25, 2016, <http://bit.ly/2aAMQz>

16 "CONFIRMED: SIM-card registration deadline stays," The Independent Uganda, May 19, 2017, <http://bit.ly/2rMvBeY>

17 "Uganda election: Facebook and WhatsApp blocked," BBC, February 18, 2016, <http://www.bbc.com/news/world-africa-35601220>; Morgan Winsor, "Uganda elections 2016 social media: Facebook, Twitter, Instagram, WhatsApp blocked during voting," International Business Times, February 18, 2016, <http://www.ibtimes.com/uganda-elections-2016-social-media-facebook-twitter-instagram-whatsapp-blocked-during-2312671>

18 Tabu Butagira, "Museveni explains social media, mobile money shutdown," <http://bit.ly/1PTKux9>

19 James Propa, "Social Media Blocked in Uganda Ahead of President Museveni's Inauguration," Global Voices (blog), May 11, 2016, <http://bit.ly/2aCLJFd>

20 Unwanted Witness, "Court Adjourns social media shutdown lawsuit," May 2017, <https://unwantedwitness.or.ug/court-adjourns-social-media-shutdown-lawsuit/>

21 Alex Ashaba, "Abuse of social media forcing govt to filter content, says ICT minister," The Daily Monitor, May 31, 2017, <http://bit.ly/2sic0R0>

government offering Uganda a “comprehensive cyber-security solution, including technical capacity to monitor and prevent social media abuse.”²² No further information about the technology and its potential implementation has surfaced to date.

Meanwhile, the 2014 Anti-Pornography Law threatens to hold service providers criminally liable for uploading or downloading vaguely defined pornographic material on their systems,²³ with penalties of up to five years in prison and fines of US\$4,000. In August 2016, the minister of ethics announced that it had purchased a “pornography detection machine” from a South Korean company that would be able to monitor and potentially block pornographic material on electronic devices.²⁴ The announcement led to concerns that blocking and filtering would be employed to target content beyond pornography, which the authorities often conflate with LGBTI content, and other content deemed objectionable. There have been no further updates as to whether the technology had been implemented as of late 2017. In August 2017, the government created a “pornographic control committee” and allocated 2 billion UGX toward new technologies that could reportedly monitor and intercept pornographic material.²⁵

Content Removal

Politically motivated content removal from social media platforms became a growing issue in the past year.

In August 2016, lawyer Fred Muwema sued Facebook in Ireland, where the company is legally registered, after the company refused his request to reveal the identity behind the popular pseudonymous page, Tom Voltaire Okwalinga (TVO), which is known for its political criticism. Muwema accused TVO of defamation for its critical posts, one of which blamed Muwema for a break-in of TVO’s office; another post alleged he received a bribe.²⁶ In its initial ruling, the High Court of Ireland ruled in favor of Muwema, ordering Facebook to reveal TVO’s identity, but later recalled the decision following Facebook’s appeal that the order posed a risk to the personal safety of the person(s) behind the page.²⁷ Facebook also cited a previous case when the Ugandan government had requested TVO’s administrative identity, which it did not grant. In the court’s final decision made in February 2017, the court agreed that the offending posts were defamatory and instructed Facebook to notify TVO to remove the posts within fourteen days. At the time of writing, the posts in question had been removed.

Users have been increasingly forced to remove content from their social media pages. In two known cases, security officials reportedly forced journalist Joy Doreen Biira to delete certain social media posts after she was arrested on terrorism charges in November 2016 (see “Prosecutions and

22 Yasiin Mugerwa, “China to help Uganda fight Internet abuse,” The Daily Monitor, July 26, 2017, <http://bit.ly/2vfHrgu>

23 “Pornography” defined in the law as “any representation through publication, exhibition, cinematography, indecent show, information technology or by whatever means, of a person engaged in real or stimulated explicit sexual activities or any representation of the sexual parts of a person for primarily sexual excitement.” The Anti-Homosexuality Act, 2014, <http://bit.ly/PeaDyk>

24 Yomi Kazeem, “Uganda’s morals police are investing \$88,000 in a ‘porn-detection machine,’” Quartz Africa, August 3, 2016, <http://bit.ly/2ateX95>; Martin Kitubi, “Pornography detection machine arrives September - Lokodo,” The New Vision, August 2, 2016, <http://bit.ly/2elxjKZ>

25 “Lokodo appoints committee to fight pornography,” Daily Monitor, August 29, 2017, <http://www.monitor.co.ug/News/National/Lokodo-appoints-committee-to-fight-pornography/688334-4074914-m7iysl/index.html>

26 Muwema -v- Facebook Ireland Ltd, <http://bit.ly/2rgVi6b>

27 Bailii, 2017, High Court of Ireland Decisions, Muwema -v- Facebook Ireland Ltd [2017] IEHC 69 (08 February 2017), <http://www.bailii.org/ie/cases/IEHC/2017/H69.html>

Detentions for Online Activities”).²⁸ TV news anchor Gertrude Uwitware was also made to delete critical Twitter and Facebook posts when she was abducted by unknown assailants in April 2017 (see “Intimidation and Violence”).

Media, Diversity, and Content Manipulation

In the past year, the government continued its crackdown against the traditional media, barring media outlets from reporting on opposition activities and harassing journalists believed to be reporting for opposition.²⁹ Independent media houses also accused the government of “fostering a climate of fear and paranoia” for failing to investigate a series of media office break-ins that resulted in the theft of journalist computers.³⁰ While online news media outlets remained relatively unscathed compared to their print and broadcast counterparts, the targeted crackdowns engender a culture of self-censorship among journalists both off and online.³¹ Taboo topics include the military, the president’s family, the oil sector, land-grabs, and presidential term limits.

Ordinary users have begun to censor themselves online as well. According to 2016 research by the Africa Media Barometer, Ugandans “practice their freedom of expression, but not without fear.” Social media users reported setting up pseudonymous accounts to protect their anonymity and avoid harassment.³² Nonetheless, blogging continues to be popular among young Ugandans who have boldly taken to the internet to push the boundaries on controversial issues such as good governance and corruption.³³

Online manipulation has become a growing issue in Uganda. Research on social media trends during the 2016 elections found that auto-generated Twitter bots mimicking human users worked to manipulate online conversations by skewing discussions in favor of incumbent candidate President Museveni, leading to suspicions of paid progovernment trolling.³⁴

Content available online in Uganda is somewhat diverse, though news websites provided by the Vision Group, a media company that is partly owned by the government, are only available in four local languages (out of 40 languages and 56 native dialects). Newspapers such as *Bukedde*, *Etop*, *Rupiny*, and *Orumuri* have created online platforms. Other news sites of major privately owned newspapers are only accessible in English, which is not widely spoken across Uganda. The Google Uganda domain is available in five local languages,³⁵ while the Firefox web browser can be accessed in two languages, Luganda and Acholi.³⁶ As of early 2016, Wikipedia can be accessed in Luganda

28 Elsa Buchanan, “Arrest of KTN journalist Joy Doreen Biira in Uganda’s Rwenzururu kingdom sparks outrage,” International Business Times, November 28, 2016, <http://www.ibtimes.co.uk/arrest-ktn-journalist-joy-doreen-biira-ugandas-rwenzururu-kingdom-sparks-outrage-1593765>

29 Reporters without Borders, “News blackout on opposition,” October 06, 2016, <http://bit.ly/2qDlc00>

30 Reporters without Borders, “Second break-in in six months at Ugandan newspaper,” April 04, 2017, <http://bit.ly/2nAdToA>

31 Freedom House, “Uganda,” *Freedom of the Press 2017*, <https://freedomhouse.org/report/freedom-press/2017/uganda>

32 Human Rights Watch, “Uganda: Intimidation of Media, Civic Groups,” January 10, 2016, <http://bit.ly/1ZfWDRd>

33 African Media Barometer, Uganda 2016, http://www.fesmedia-africa.org/uploads/media/Uganda_AMB_Online_2016.pdf

34 Joseph Elunya, “Controversial Ugandan Blogger Won’t Budge,” *All Africa*, August 26, 2012, <http://bit.ly/1W2t7Cb>

35 Ugo News, “Top 10 Ugandan Facebook Pages With Content That Will Change Your Life Forever,” <http://bit.ly/21vfz1s>

36 Uganda Blog Community, <http://ugbloc.com/about/>

34 CIPESA, “Analysis of Twitter Activity During the 2016 Presidential Debates in Uganda,” February 2016, http://www.cipesa.org/?wpfb_dl=210

35 Tabitha Wambui, “Google Uganda Launches Two New Local Language Domains,” *The Daily Monitor*, August 4, 2010, <http://bit.ly/1QMW3Yk>

36 Mozilla, “Interview: Mozilla Uganda translates Firefox into Acholi,” February 16, 2013, <http://mozilla-uganda.org/?p=173>

with 1,000 articles translated.³⁷

Digital Activism

Vibrant digital activism raised awareness and mobilized around internet freedom violations. For instance, on November 27, 2016, the hashtag #FreeJoyDoreen was used to demand the release of journalist Joy Doreen Biira who had been arrested by security agencies on terrorism charges for social media posts about a deadly military raid.³⁸ Although released on bail the following day, she was charged with abetting terrorism (see “Prosecutions and Detentions for Online Activities”).³⁹

Another prominent digital activism campaign involved the use of hashtag #FreeStellaNyanzi calling for the release of Dr. Stella Nyanzi, a Makerere University Research Fellow and activist, who in April 2017 had been arrested over two counts of cyber harassment, which is penalized under the 2011 Computer Misuse Act (see “Legal Environment”). The #FreeStellaNyanzi campaign also successfully raised a target of US \$5,000 to help with her legal fees.⁴⁰ Nyanzi separately initiated a crowdfunding campaign using hashtag #PadsforUganda to raise funds to provide free sanitary pads to school girls. Over US \$5,000 had been raised as of October 2017.⁴¹

Violations of User Rights

Three arrests for online speech were reported during the coverage period, indicating the government’s growing intolerance of critical online commentary, while one individual was abducted and badly beaten, apparently for her social media posts. The authorities cracked down on unregistered SIM cards to enforce SIM registration requirements.

Legal Environment

The Ugandan Constitution provides for freedom of expression and speech, in addition to the right to access information. However, several laws—including the Press and Journalist Act, 2000, sections of the Penal Code Act, 1950, and the Anti-Terrorism Act, 2002—appear to negate these constitutional guarantees for freedom of expression. For example, the Press and Journalist Act of 2000 requires journalists to register with the statutory Media Council, whose independence is believed to be compromised by the government’s influence over its composition. The penal code contains provisions on criminal libel and the promotion of sectarianism, imposing penalties that entail lengthy jail terms. While none of these laws contain specific provisions on online modes of expression, they could arguably be invoked for digital communications and generally create a “chilling effect” on freedom of expression both online and offline.

The 2011 Computer Misuse Act includes provisions that can specifically limit freedom of expression online. Under Section 25 of the law, the dissemination of “offensive communication” is prohibited

37 Wikipedia, “Olupapula Olusooka,” accessed February 1, 2016, https://lg.wikipedia.org/wiki/Olupapula_Olusooka

38 Elsa Buchanan, “Arrest of KTN journalist Joy Doreen Biira in Uganda’s Rwenzururu kingdom sparks outrage,” International Business Times, November 28, 2016.

39 Moris Mumbere, “Kasese clashes: KTN journalist charged with abetting terrorism,” The Daily Monitor, November 28, 2016, <http://bit.ly/2rapb84>

40 Help #FreeStellaNyanzi, <https://gogetfunding.com/help-freestellanyanzi/>

41 Go Fund Me, Dr. Stella Nyanzi’s #PadsForUganda, <https://www.gofundme.com/padsforuganda>

alongside child pornography and cyber harassment, and is vaguely defined as the use of “electronic communication to disturb or attempts to disturb the peace, quiet or right of privacy of any person.” Offenses under this provision of the Act are considered misdemeanors and subject to fines, imprisonment of up to one year, or both.⁴²

In April 2017, Unwanted Witness Uganda and Uganda Human Rights Enforcement Foundation petitioned the Constitutional Court to challenge the constitutionality of Section 25 and “its failure to meet regional and international human rights norms and standards.”⁴³ As of July 2017, the case was still ongoing.⁴⁴

Meanwhile, the 2002 Anti-Terrorism Act criminalizes the publication and dissemination of content that promotes terrorism, which is vaguely defined, and convictions can carry the death sentence.⁴⁵ Amendments to the act enacted in June 2015 may impact internet freedom in its broad criminalization of the “indirect” involvement in terrorist activities and the “unlawful possession of materials for promoting terrorism, such as audio or video tapes or written or electronic literature.”⁴⁶

The independence of Ugandan judiciary has become more tenuous in recent years. As part of his efforts to consolidate power in the lead-up to the 2016 elections, the president promoted new judges to both the Constitutional and Supreme Court in September 2015. The process was criticized for lacking transparency and undermining judicial independence, while other critics called for more public scrutiny in the appointment of new judges.⁴⁷

Prosecutions and Detentions for Online Activities

Three arrests for online speech were reported during the coverage period, indicating the government’s growing intolerance of critical online commentary.

The 2011 Computer Misuse Act has been the government’s most preferred law to criminalize online users’ activities:

- In December 2016, the local chairperson for the opposition party, Forum for Democratic Change (FDC), Swaibu Nsamba Gwogyolonga was arrested for a Facebook post of a Photoshopped picture of the president in a coffin⁴⁸ He was arrested and charged with posting “offensive communication,” then released on bail on January 3, 2017 to await trial. Due to the constitutional challenge of Section 25 of the Computer Misuse Act lodged by civil society groups in April 2017, the court stayed Nsamba’s case until the Constitutional Court decides on the petition.
- Also in April, security officials arrested and charged Dr. Stella Nyanzi, a Makerere University Research Fellow and activist, with two counts of cyber harassment under the Computer

42 Computer Misuse Act, 2011, <https://www.ulii.org/ug/legislation/act/2015/2-6>

43 Unwanted Witness Uganda Petition, April 20, 2017, <http://bit.ly/2vejtCs>

44 Unwanted Witness Uganda, 2017, Court Stays offensive Communication trial for online activist pending a constitutional petition. <http://bit.ly/2vHqjTN>

45 Art.9 (b), The Anti-Terrorism Act, 2002, <http://bit.ly/1ZRELPH>

46 The Anti-Terrorism (Amendment) Act, 2015, <http://bit.ly/1LNfG1>

47 Sulaiman Kakaire & Derrick Kiyonga, “Museveni’s choice of judges for promotion raises questions,” The Observer, September 16, 2015, <http://bit.ly/2aCxZNR>

48 “FDC chairperson arrested over posting Museveni in coffin on Facebook,” The Daily Monitor, December 13, 2016, <http://bit.ly/2jll1TD>

Misuse Act for comments she made on her Facebook page in which she referred to the president as “a pair of buttocks” and his wife, as “empty-brained,” for their apparent failure to fulfil basic governing promises.⁴⁹ Nyanzi was held in detention for over four weeks and eventually released on bail; her case was still ongoing as of June 2017.⁵⁰

- In May 2017, two WhatsApp users were arrested and charged with cyber harassment and offensive communication based on allegedly provocative messages sent in a group message chain about the Uganda Film Producers Association.⁵¹

The government also used anti-terrorism legislation to target legitimate speech. In November 2016, security agents arrested journalist Joy Doreen Biira on charges of “illegal filming of military raid” on a regional king’s palace, which resulted in civilian deaths.⁵² Police accused Biira of circulating graphic photos of the aftermath of a battle between security forces and the regional king’s royal guard to a widely subscribed WhatsApp group. She also posted an Instagram video of the king’s palace burning and wrote about the event on Facebook.⁵³ Although released on bail the following day, she was charged with abetting terrorism, which if convicted, is punishable by death under the Anti-Terrorism Act.⁵⁴ Her digital devices were also confiscated, and she was forced to delete her social media posts. The arrest sparked widespread online condemnation and activism through hashtags such as #FreeJoyDoreen and #JournalismIsNotaCrime. She was released on bail the following day, but her case was still ongoing as of mid-2017.

Surveillance, Privacy, and Anonymity

There is a strong sense that government surveillance of citizens’ communications has expanded in recent years in light of the government’s increasing hostility toward political opposition and online criticism.

In June 2017, the Uganda Media Centre, the government-appointed media regulatory body, publicly announced it had implemented a new social media monitoring unit that scans the profiles of social media users to find critical posts.⁵⁵ In July, the *Daily Monitor* reported on a new deal with the Chinese government for assistance on a comprehensive cybersecurity strategy, which would include the “technical capacity to monitor and prevent social media abuse.”⁵⁶

49 Joseph Kato & Derrick Wandera, “Dr Nyanzi Arrested Over Offensive Communication,” *The Daily Monitor*, April 08, 2017, <http://bit.ly/2rmw54p>; See Stella Nyanzi Facebook post, March 28, 2017, <https://www.facebook.com/stella.nyanzi/posts/10155061624480053>; Stella Nyanzi’s Facebook post, January 28, 2017, <https://www.facebook.com/stella.nyanzi/posts/10154878225000053>

50 Godfrey Nyanzi, “Dr Stella Nyanzi bail extended to June 7,” *The Independent Uganda*, May 25, 2017, <http://bit.ly/2qk2Omg>

51 Isaac Ssejjombwe, VJ Junior to be charged over WhatsApp post, *The Daily Monitor Uganda*, May 25, 2017 <http://bit.ly/2z6X3H9>

52 Elsa Buchanan, “Arrest of KTN journalist Joy Doreen Biira in Uganda’s Rwenzururu kingdom sparks outrage,” November 28, 2016, <http://bit.ly/2rjlmf4>

53 Photo on @joydoreenbiira’s Instagram profile: <https://www.instagram.com/p/BNUHoYBApVd/?taken-by=joydoreenbiira>; “Arrest of KTN journalist Joy Doreen Biira in Uganda’s Rwenzururu kingdom sparks outrage,” *International Business Times*, November 28, 2016, <http://www.ibtimes.co.uk/arrest-ktn-journalist-joy-doreen-biira-ugandas-rwenzururu-kingdom-sparks-outrage-1593765>

54 “Moris Mumbere, “Kasese clashes: KTN journalist charged with abetting terrorism,” *The Daily Monitor*, November 28, 2016, <http://bit.ly/2rapb84>

55 “Uganda creates unit to spy on social networks,” *Reporters Without Borders*, June 30, 2017, <https://rsf.org/en/news/uganda-creates-unit-spy-social-networks>

56 “China to help Uganda fight Internet abuse,” *Daily Monitor*, July 26, 2017, <http://www.monitor.co.ug/News/National/China-Uganda-Internet-Evelyn-Anite-Africa-Internet-Users/688334-4032626-u1l61r/index.html>

The government has been known to surveil critics and opponents in recent years, according to research by Privacy International (PI). In an October 2015 report, PI detailed the government's secret operation codenamed Fungua Macho ("open your eyes" in Swahili), which implanted FinFisher intrusion malware on the Wi-Fi of several hotels in Kampala, Entebbe, and Masaka to illegally spy on targeted activists, opposition politicians, and journalists between 2011 and 2013.⁵⁷ It is unclear whether FinFisher was still being deployed during this report's coverage period.

The government's surveillance powers are governed by the 2010 Regulation of Interception of Communication (RIC) Act, which was hurriedly passed following the July 2010 Al-Shabaab terrorist attack in Kampala. Under the RIC Act, telecommunication companies are required to install equipment that enables real-time electronic surveillance of suspected terrorists. The RIC Act also gives the government permission to tap into personal communications for national security concerns,⁵⁸ which can be requested by the security minister and granted after an order by a High Court judge.⁵⁹ Service providers are further required to retain metadata for an unspecified amount of time,⁶⁰ as well as disclose the personal information of individuals suspected of terrorism to the authorities upon issuance of a court warrant or notice from the security minister on matters related to national security, national economic interests, and public safety.⁶¹ Failure to comply with the provisions in the RIC Act can entail penalties of up to five years in prison for intermediaries, in addition to license revocations.⁶² It is unclear to what extent these provisions in the 2010 RIC Act have been implemented or operationalized.

In addition to the RIC Act, clauses in the 2002 Anti-Terrorism Act give security officers, appointed by the interior minister, the power to intercept communications of individuals suspected of terrorism and to keep them under surveillance, without judicial oversight.⁶³

Anonymous communication is compromised by mandatory registration for mobile phone SIM cards and mobile internet subscriptions first launched in 2012, though implementation has been haphazard. The government actively sought to implement the requirements in 2017. In March, the communications regulator issued new guidelines calling for the deactivation of all unregistered and partially unregistered SIM cards, as well as pre-activated SIM cards sold on the market by the end of the month. On March 31, the requirements were extended to include refugees, who first needed to obtain an official ID from the Office of the Prime Minister.⁶⁴ Then on April 11, the regulator hurriedly directed telecom providers to verify and validate all SIM cards against the National Identification and Registration Authority database within a seven day period, April 13-20.⁶⁵ The directive was reportedly prompted by national security concerns. In response to criticism about the limited timeframe for

57 Privacy International, "For God and My President: State Surveillance In Uganda," October 2015, <http://bit.ly/2aEfs3C>

58 Amnesty International, "Uganda: Amnesty International Memorandum on the Regulation of Interception of Communications Act, 2010," December 14, 2010, <http://bit.ly/1MPUDx8>

59 Lawful interception is granted after issuance of a warrant by a judge if "there is an actual threat to national security or to any national economic interest, a potential threat to public safety, national security or any national economic interest, or if there is a threat to the national interest involving the State's international relations or obligations." See, Regulation of Interception of Communications Act, 2010 Section 5, September 3, 2010, <http://bit.ly/1jQAVpl>

60 The Regulation of Interception of Communications Act, 2010, Section 11.

61 The Regulation of Interception of Communications Act, 2010, Section 8.

62 The Regulation of Interception of Communications Act, 2010, Section 62.

63 The Anti-Terrorism Act, 2002, Part VII—Interception of Communications.

64 Uganda Communications Commission, 2017, Sim Card Registration, <http://www.ucc.co.ug/data/dnews/129/Sim-Card-Registration.html>

65 Uganda Communications Commission, 2017, Public Notice: Extension Of The Simcard Verification Exercise, <http://bit.ly/2sjM4nS>

the verification exercise, as well as concerns from rights bodies that the directive was not supported by existing law, the regulator extended the deadline to May 19.⁶⁶ Unregistered SIM cards were deactivated per the May 19 deadline but subsequently reactivated following the president's directive to extend the deadline to August 30.⁶⁷

The government's renewed efforts to maintain a national database has heightened concerns over the security of data collected in the absence of data protection legislation. Civil society succeeded in pushing for the drafting of the Data Protection and Privacy Bill, 2016, but the draft was criticized for being open to misinterpretation due to the broad and vague conditions in which personal data may be collected, such as for "national security" reasons.⁶⁸

Intimidation and Violence

While print journalists have long faced a high degree of harassment and violence for their reporting, these types of violations are still relatively rare for the online sphere but have increased in the past year. In April 2017, a television news anchor with NTV Uganda, Gertrude Uwitware, was abducted by unknown assailants and badly beaten following posts she made on her blog defending academic Stella Nyanzi's criticisms of the current regime (see "Prosecutions and Detentions for Online Activities").⁶⁹

Technical Attacks

Technical attacks against vulnerable groups and marginalized communities, particularly the LGBTI community, remained a growing concern in Uganda in the past year. According to an LGBTI activist in Uganda,⁷⁰ one social worker at the Most at Risk Populations Initiative had their email and Facebook account hijacked. The activists believed the attack may have been perpetrated by the government given the sheer amount of information the social worker possessed about the LGBTI community through their work and private communications. Hacking attacks against gay individuals for the purposes of blackmail were also reported. In one recent incident, the Facebook account of a closeted gay celebrity was hacked with screenshots taken of private messages pointing to his sexual orientation that were used to blackmail him.⁷¹

66 "Uganda Law Society asks UCC to change position on SIM-cards," The Independent, April 14, 2017, <http://bit.ly/2qLnqum>

67 "UCC orders telecom companies to re-connect unregistered SIM cards," The Daily Monitor, May 24, 2017, <http://bit.ly/2qGXbG7>

68 CIPESA, "Reflections on Uganda's Draft Data Protection and Privacy Bill, 2014," February 2015, <http://bit.ly/1KkFgXg>

69 NTV Uganda, "Gertrude Uwitware kidnapped, blindfolded," <http://bit.ly/2roG5Oy>

"Ugandan journalist abducted, assaulted," Committee to Protect Journalists, April 13, 2017, <http://bit.ly/2rfbKDA>

70 Anonymous interview with Freedom House in September 2016.

71 Anonymous interview with Freedom House in September 2016.

