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## AFRICAN HUMAN RIGHTS LAW JOURNAL

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To cite: J Nkuubi 'When guns govern public health: Examining the implications of the militarised COVID-19 pandemic response for democratisation and human rights in Uganda' (2020) 20 *African Human Rights Law Journal* 607-639  
<http://dx.doi.org/10.17159/1996-2096/2020/v20n2a11>

# When guns govern public health: Examining the implications of the militarised COVID-19 pandemic response for democratisation and human rights in Uganda

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**Summary:** *The article is premised on the hypothesis that the Uganda Peoples' Defence Force (UPDF) and the attendant auxiliary forces are not an ideal force for domestic deployment in contending with public health pandemics such as COVID-19. The UPDF has been the main architectural tool that has been deployed by the National Resistance Movement party, a former guerilla movement, to perpetuate militarisation in the country for the past 30 years. The conduct, power, authority and prominent position accorded to the UPDF in the management of COVID-19 and the enforcement of the prevention measures laid bare this reality. Thus, unlike in other jurisdictions where the militaries were deployed because of their superior capability to adapt and provide extra and immediate professional services to support the civilian authorities, in Uganda this deployment was different. It was informed by the long-held and widely-documented belief by the President of Uganda, Museveni, that the UPDF, which developed from his personal guerrilla army of the National Resistance Army (NRA), only holds a legitimate vision for the country*

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*and is far more reliable. The COVID-19 pandemic, therefore, was an opportunity to continue the deliberate build-up and normalisation of the infiltration of the military in what have hitherto been spheres of operation for the civil and public servants. Thus, a critical question arises as to whether the primary motivation factor for the UPDF deployment was political, to accentuate the presidency of Museveni in power through militarisation. The question is also whether any positive harvests from the deployment of the military in the fight against COVID-19 were unintended consequences and, if they did materialise, how they were used to further glorify the centrality of the military in dealing with societal crises, further entrenching militarism. The article concludes with some recommendations emphasising the need for accountability – more so, parliamentary oversight in the deployment of the military in such situations to counter a breach of rights and freedoms. Additionally, this would check the current trend of the executive having the exclusive power to deploy the military, making it susceptible to hijacking and eventual politicisation and militarisation.*

**Key words:** *militarisation; Uganda Peoples Defence Forces; COVID-19; democratisation*

## 1 Introduction

As the scourge of the COVID-19 pandemic ravaged different parts of the world, it caught nations unaware and unprepared. To counter its spread, many nations across the world, including more prominently in African countries, in addition to the public health civilian institutions, enlisted the support of their respective military forces in an unprecedented militarisation move. There is compelling evidence across the world that there can be ‘transformative’ militarisation which contributes positively to the development of the country.<sup>1</sup> This is precisely why some countries often turn to the military in situations of crisis and emergencies. Arguably, no country can effectively plan a perfect emergency plan for the very reason that it comes unannounced. The majority of countries, more so in Africa, cannot effectively mobilise their often tattered and inefficient civilian health institutions to combat these often fast-spreading health pandemics such as COVID-19. The long legalistic operating bureaucratic nature of the civilian institutions also often is a stumbling block to quick

<sup>1</sup> K Mani “‘The soldier is here to defend you.’ Latin America’s militarised response to COVID-19’ *World Politics Review* 21 April 2020, <https://www.worldpoliticsreview.com/articles/28700/from-peru-to-venezuela-military-forces-take-the-lead-in-coronavirus-responses> (accessed 24 July 2020).

interventions in emergencies. Therefore, it is not surprising and certainly not illegal to have countries all over the world turning to their military forces to harness their efficiency and swiftness in managing such emergencies. By their training and structural setup based on a strict hierarchical command and control characterised by unquestionable obedience to orders by subordinates, the execution of tasks often is meticulous and expedient delivering almost instant results.<sup>2</sup>

Further, the singling out of the military as the ideal institution to confront such emergencies is attributed to its overly-emphasised values that define the military identity. These include 'loyalty, honour, conformity, and obedience' that are increasingly projected as superior to civilian values and 'desirable for civilians and as panacea to particular kinds of social problems'.<sup>3</sup> Consequently, the military is projected as the institution deserving of an 'ambivalent status' almost tending to cultic in nature, wherein every other civilian entity must be subordinate; after all, they are not as organised as the military.<sup>4</sup>

Having a standing effective military with the ability to offer human resource in such emergencies is both a great milestone but also a call for concern. The latter is premised on the way in which these military institutions are hijacked by the ruling political class to consolidate their often authoritarian rule prevalent before the outbreak of such pandemics, as has been witnessed in Myanmar, Thailand, Indonesia and the Philippines.<sup>5</sup> In addition, there is the contested manner – often militant – dubbed 'martial law-like lockdown' in which these institutions work by approaching pandemics as an 'insurgency to quash – not a crisis that requires long-term health reforms'.<sup>6</sup> These modes of work often restructure the constitutionally-guaranteed power relations in the country through toppling and subordinating of civilian authority to the military in deliberate 'claw back on civilian power'.<sup>7</sup> More fundamentally is the way in which such pandemics are weaponised to further militarise society and general governance with grave ramifications for the progression of the rule of law, human

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2 As above.

3 P Higate et al 'Militarisation, stigma, and resistance: Negotiating military reservist identity in the civilian workplace' (2019) *Critical Military Studies* 5, <http://eprints.lse.ac.uk/100347/> (accessed 22 July 2020).

4 As above.

5 N Chandran 'The pandemic has given armies in Southeast Asia a boost' *FP News* (Washington) 15 June 2020, <https://foreignpolicy.com/2020/06/15/coronavirus-pandemic-army-military-southeast-asia-boost-indonesia-philippines-jokowi-duterte-authoritarianism/> (accessed 20 September 2020).

6 As above.

7 Higate et al (n 3).

rights and constitutionalism.<sup>8</sup> Using Uganda and its COVID-19 containment framework, managed by the military, as a case study, the article investigates this understudied phenomenon of militarised emergency response.

The article is divided into four parts, and probes how the COVID-19 pandemic was weaponised in Uganda to accentuate the militarisation agenda of the ruling party, the National Resistance Movement (NRM). Part 1 is the conceptualisation of the notion of militarisation and how, in practice, it was adapted to the public health emergency response, its trends and patterns and the motivating factors behind its deployment. In parts 2 and 3 the article further examines the impact of the militarised COVID-19 response on the rule of law and human rights in Uganda respectively. In part 4, without necessarily denouncing the use of the military in such situations, the article examines what is acceptable military response and under what circumstances should it be involved by way of recommendations.

## 2 Conceptualisation, trends and patterns of militarisation of the COVID-19 emergency response

Militarisation has been defined as

a step-by-step process by which a person or a thing gradually comes to be controlled by the military or comes to depend for its well-being on militaristic ideas. The more militarisation transforms an individual or a society, the more that individual or society comes to imagine military needs and militaristic presumptions to be not only valuable but also normal.<sup>9</sup>

Adelman further expounds on this, drawing in comparatively militarism. She argues:<sup>10</sup>

Militarism blurs the boundaries between what can be defined as military and what can be viewed as part of civilian life. Militarism demands that an entire society become permeated with and built according to military values and priorities ... the concept of militarisation draws attention to the simultaneously material and discursive nature of military dominance.

8 J Smith & N Cheeseman 'Authoritarians are exploiting the Coronavirus. Democracies must not follow suit' *FP News* (Washington) 28 April 2020, <https://foreignpolicy.com/2020/04/28/authoritarians-exploiting-coronavirus-undermine-civil-liberties-democracies/> (accessed 20 September 2020).

9 C Enloe *Maneuvers: The international politics of militarising women's lives* (2000) 3.

10 M Adelman 'The military, militarism, and the militarisation of domestic violence' 9 September 2003 Arizona State University 23-24.

Adelman concludes that 'in a militarised society, one is always oriented toward war'.<sup>11</sup> Uganda is not any different from this kind of society. To an innocent onlooker, the deployment of the military to contain COVID-19 in Uganda may have appeared as a necessary action and in sync with the trend that was witnessed worldwide, including in the United Kingdom, Belgium, France, Spain, Hungary, Germany, Sweden and Italy, in Europe, and Tanzania, Kenya, Uganda, South Africa and Nigeria.<sup>12</sup> A criticism of this, therefore, may have come off as lamentationist and dismissed as the usual rubble-rousing of human rights activists bent on failing, unfairly, genuine efforts of a concerned government saving its citizens from the scourge. This is plausible if one chooses to concentrate only on the period of COVID-19. However, further historical scrutiny manifests evidence of a deliberate agenda, facilitated by a permissive legal framework and an increasingly benevolent authoritarian executive towards reliance on militarism/militarisation to consolidate power in Uganda.

The use of the military might and its signature violence in Uganda to achieve and maintain political power dates back to the most immediate years of independence in 1962.<sup>13</sup> As Asiimwe rightly notes, since 1966 Uganda's political landscape has been 'characterised by unconstitutional governance; strangulation of civil institutions of governance; totalitarianism, state repression and violation of human rights' with the military as the central player.<sup>14</sup> Militarisation sustained the brutal regimes of President Milton Obote (1966-1971); President Idi Amin, who ruled by decree with the military as the source and guarantor of his power from 1971 to 1979; and a number of military governments between 1980 and 1986 when the guerilla movement of the National Resistance Army (NRA) took over power.<sup>15</sup> Upon the takeover of government in 1986 by the NRA, Mr Yoweri Museveni preached hope for the battered country through his momentous speech:<sup>16</sup>

11 As above.

12 J Kazibwe et al 'Using military health systems in the response to COVID-19' Centre for Global Development 15 June 2020, <https://www.cgdev.org/blog/using-military-health-systems-response-covid-19> ; D Olewe 'Coronavirus in Africa: Whipping, shooting and snooping' *The BBC* (London) 8 April 2020, <https://www.bbc.com/news/world-africa-52214740> (accessed 20 September 2020).

13 S Namwase 'Uganda's army and violence: How COVID-19 is offering hints of change' *The Conversation* (Parkville) 13 May 2020, <https://theconversation.com/ugandas-army-and-violence-how-covid-19-is-offering-hints-of-change-138331> (accessed 20 July 2020).

14 GB Asiimwe 'Of fundamental change and no change: Pitfalls of constitutionalism and political transformation in Uganda, 1995-2005' (2014) 39 *Africa Development* 21; Council for the Development of Social Science Research in Africa 24.

15 Asiimwe (n 14) 24; S Lindemann 'Exclusionary elite bargains and civil war onset: The case of Uganda' (2010) 2 *Crisis States Working Papers Series 2-4*.

16 Asiimwe (n 14) 24; Lindemann (n 15) 31.

No one should think that what is happening today is a mere change of guard: it is a fundamental change in the politics of our country. In Africa, we have seen so many changes that change, as such, is nothing short of mere turmoil. We have had one group getting rid of another one, only for it to turn out to be worse than the group it displaced. Please do not count us in that group of people.

Political commentators at the time applauded this as a ‘watershed in the political architecture of Uganda’,<sup>17</sup> but not for long, as manifestations of ‘continuities with the past, some of which were in different forms and magnitude’ since emerged.<sup>18</sup> Key to these emerging old trends is the reliance on the military to consolidate political power to the detriment of the fledgling constitutionalism in the country.<sup>19</sup> To date, the NRA/military ideological orientation reigns supreme clothed in civilian tendencies including cosmetic elections to create what some scholars insist is a ‘benevolent dictatorship’ maintained by the coercive force of the military.<sup>20</sup> As a result, as Namwase opines, the military’s use of excessive force against perceived enemies has always been ‘pervasive and entrenched ... [and] this has been magnified during the COVID-19 crisis’ which has witnessed strengthened militarisation.<sup>21</sup>

It is not surprising, therefore, that the Uganda Peoples’ Defence Force (UPDF) and its attendant auxiliary forces are firmly under government control aided by ‘propaganda, neo-patrimonial practices and ethnicity’ as the principal traits of the civil-military relationship.<sup>22</sup> The militarism and militarisation continue to take a stronghold in Uganda’s political, economic, social and cultural life spheres, albeit at varying degrees of permeation and acceptability and/or resistance by the populace. The following is a brief synthesis of a litany of efforts by the executive geared towards militarisation.

### 3 Manifestations of militarisation in Uganda

Evidence of the government of Uganda’s militarisation agenda can be deciphered from its foreign policy and domestic ‘rebirthing’ of the public sector. One such manifest action was the proliferation of the Ugandan military contingents in various parts of sub-Saharan Africa mostly projected as a pacifying force, deployed exclusively

17 As above.

18 As above.

19 As above; also see J Okuku *Ethnicity, state power and the democratisation process in Uganda* (2002) 22.

20 J Oloka-Onyango ‘Uganda’s “benevolent” dictatorship’ (1998) 2, <https://ssrn.com/abstract=3621118> (accessed 22 July 2020).

21 Namwase (n 13).

22 L Heiberg *Civil-military relations in Uganda: A cultural approach* (2010) 57.

by President Museveni amidst protests from Parliament. This was witnessed in the Democratic Republic of the Congo (DRC) and Central African Republic in pursuit of the Lord's Resistance Army (LRA);<sup>23</sup> also in South Sudan allegedly to protect Ugandans who were there at the height of the civil war, and in Somalia as part of the African Union Mission to Somalia (AMISOM), and in Guinea Bissau controversially as a mercenary force at the beckon of the President of Bissau who was facing resistance from the populace.<sup>24</sup>

Domestically, perhaps no institution has suffered the dominance of the military ideology over its own more than the Ugandan police force, which is also central to this COVID-19 pandemic in its cardinal role of enforcing law and order. Between 2001 and 2017 President Museveni consistently appointed senior military personnel as inspectors-general of police (IGP): Major-General Katumba Wamala (2001-2005), later replaced by General Kale Kayihura (2005-2017).<sup>25</sup> Career police officers called out on his reign as having 'damaged the professional capacity of the force in ways which will have lasting repercussions in Uganda. His militaristic policing grossly and negatively impacted on the criminal justice system of the country.'<sup>26</sup>

General Kayihura was replaced by a veteran career police officer, Okoth Ochola, deputised by a serving military general, Major General Sabiiti Muzeeyi, who was the former commander of the military police under the UPDF.<sup>27</sup> Political analysts maintained that, in reality, power in the police was concentrated in the military deputy more than the career policeman (IGP).<sup>28</sup> In July 2019 President Museveni deployed four more senior military personnel into the police, placing them in the most strategic four positions of the institution: the Chief Joint Staff (CJS) Assistant Inspector-General of Police (AIGP); Brigadier Godfrey Golooba; AIGP Brigadier Jack Bakasumba; Colonel Jesse

23 R Mugabe 'UPDF on the spot over DR Congo mission' *The New Vision* (Kampala) 30 December 2017, <https://www.newvision.co.ug/news/1468255/updf-spot-dr-congo-mission> (accessed 20 September 2020).

24 E Biryabarema 'Uganda says will withdraw troops hunting rebels in Central African Republic' Reuters 10 June 2016, <https://www.reuters.com/article/us-uganda-rebels/uganda-says-will-withdraw-troops-hunting-rebels-in-central-african-republic-idUSKCN0YW1HE> (accessed 20 July 2020); RR Atkinson 'From Uganda to the Congo and beyond: Pursuing the Lord's Resistance Army' (2009) *International Peace Institute* 275.

25 J Kamoga 'More military men don police uniform as Uganda polls loom' *The East African* (Nairobi) 14 July 2019, <https://www.theeastafrican.co.ke/tea/news/east-africa/more-military-men-don-police-uniform-as-uganda-polls-loom-1422504> (accessed 20 July 2020).

26 H Karugaba 'Stop using soldiers to fight internal crime' *The Daily Monitor* (Kampala) 23 July 2019, <https://www.monitor.co.ug/OpEd/Commentary/Stop-using-soldiers-fight-internal-crime/689364-5206640-x4o9hy/index.html> (accessed 20 July 2020).

27 Kamoga (n 25).

28 As above.

Kamunanwire; and Colonel Chris Damulira.<sup>29</sup> To many this was a 'systematic takeover, a fusion of the police and the military that they say stems from a historic discomfort with the Police that President Museveni has expressed since 1986, when he took over the country's leadership'.<sup>30</sup>

Beyond the militarisation of the police, the President systematically extended the dominance of the military into other strategic sectors of the government, especially in relation to service delivery. This was often implemented riding on the highly-hyped reputation of the UPDF as a professional army, a tag that finds comfort in a comparative analysis with the rogue and violent past militaries of Uganda.<sup>31</sup> Military doctors were deployed to cover the duties of striking doctors in government hospitals in November 2017.<sup>32</sup> The military was heavily deployed across the country to 'transform' the heavily-funded Operation Wealth Creation project (OWC) in preference to the highly-technical National Agricultural Advisory Services (NAADS) under the Ministry of Agriculture.<sup>33</sup>

In the same vein, the Directorate of Immigration at the Ministry of Internal Affairs too was effectively under military governance by 2013 under the leadership of the General Aronda Nyakairima, formerly the Chief of Defence Forces under the UPDF who introduced compulsory military training to civilian staff.<sup>34</sup> In December 2018 the President appointed more military personnel in this ministry in strategic positions of Director of Immigration and Citizenship, Commissioner of Immigration and Commissioner of Citizenship and Passports.<sup>35</sup> In 2017 the military took over the fisheries department under the

29 'Museveni names four new police AIGPs from UPDF' *The Independent* (Kampala) 2 July 2019, <https://www.independent.co.ug/museveni-names-four-new-police-aigps-from-updf/> (accessed 23 September 2020).

30 Kamoga (n 25). Part of this militarisation of the police is traced to Mr Museveni's disdain for the police in the 2001 general presidential elections when many of the poll results conducted in the police barracks were for his opposing candidate, retired Colonel Dr Kizza Besigye. Mr Museveni then lamented that he could still lose even if he were to 'stood against a cow' at a police barracks.

31 Namwase (n 13).

32 C Kasujja 'UPDF deploys military doctors at public hospital' *The New Vision* (Kampala) 16 November 2017, <https://www.newvision.co.ug/news/1465832/updf-deploys-military-doctors-public-hospital> (accessed 13 July 2020).

33 F Musisi 'Museveni: Why I entrusted Naads programme with army' *The Daily Monitor* (Kampala) 16 June 2014, <https://www.monitor.co.ug/News/National/Museveni--Why-I-entrusted--Naads-programme-with-army/688334-2349720-1guvia/index.html> (accessed 13 July 2020).

34 C'Obore 'Aronda takes immigration officers for army training' *The Daily Monitor* (Kampala) 19 October 2013, <https://www.monitor.co.ug/News/National/Aronda-takes-Immigration-officers-for-army-training/688334-2038242-6dtkc6/index.html> (accessed 13 July 2020).

35 M Gyagenda 'Museveni nominates senior army officer to immigration amid heightened illegal dealings' *Soft Power News* (Kampala) 22 December 2018, <https://www.softpower.ug/museveni-nominates-senior-army-officers-to-immigration-amid-heightened-illegal-dealings/> (accessed 12 July 2020).



Ministry of Agriculture, Animal Industry and Fisheries, supposedly to crack down on what President Museveni called ‘illegal fishing’ and the depletion of the fish stocks in the water bodies.<sup>36</sup> This take-over, creation and deployment of the Uganda Peoples’ Defence forces (UPDF) Fisheries Protection Unit has since been marred by extreme human rights violations against the fishing community in the various water bodies of Uganda, including Lake Albert, Lake Victoria, Lake Edward, Lake George and Lake Kyoga.<sup>37</sup> Similarly, despite having formal, constitutionally-established anti-graft institutions such as the Inspector General of Government (IGG), the President created an ad hoc anti-corruption unit headed by serving military personnel within the state house.<sup>38</sup>

The militarisation permeated Ugandan society to the extent that it often was invoked in sarcasm. A case in point was at the height of the African championships, held in Egypt, when the Uganda Cranes – the national soccer team – threatened to strike due to no remuneration. Social media was awash with Ugandans joking of how the President should ‘send soldiers’ to play in place of professionals.<sup>39</sup> A joke it may be, but drawn from the reality surrounding them – the scourge of militarisation.

#### 4 Legislative framework for military deployment in the COVID-19 response

The first choice of deployment of the military was justified through reliance on various legal provisions both within the Constitution and the subsidiary laws. Of course, some of these provisions, although

36 P Mudliar ‘Fire on the water: Militarisation of fisheries management on Lake Victoria’ *Secure Fisheries* 19 April 2018, <https://securefisheries.org/news/militarization-fisheries-lake-victoria> (accessed 20 September 2020).

37 ‘UPDF fisheries protection unit to be deployed on Lake Albert’ *The Independent* (Kampala) 18 June 2020, <https://www.independent.co.ug/updf-fisheries-protection-unit-to-be-deployed-on-lake-albert> (accessed 20 September 2020); ‘Parliament halts UPDF fisheries operations’ *The Daily Monitor* (Kampala) 19 December 2019, <https://www.monitor.co.ug/uganda/news/national/parliament-halts-updf-fisheries-operations-1865750> (accessed 20 September 2020); A Otto ‘Cabinet to investigate UPDF fisheries protection unit’ *Uganda Radio Network* (Kampala) 28 January 2020, <https://ugandaradionetwork.net/story/cabinet-to-investigate-updf-fisheries-protection-unit> (accessed 20 September 2020).

38 S Nabwiiso ‘State house anti-corruption unit vows to end corruption in local governments’ *EABW* (Kampala) 27 January 2020, <https://www.busiweek.com/state-house-anti-corruption-unit-vows-to-end-corruption-in-local-governments/> (accessed 20 September 2020); Uganda Media Centre ‘Achievements by the state house anti-corruption unit since inception’ (Kampala) 28 April 2020, <https://www.mediacentre.go.ug/media/achievements-state-house-anti-corruption-unit-inception> (accessed 20 September 2020).

39 J Bahingwire ‘Uganda government accused of militarising the public service’ *The Independent* (Kampala) 19 April 2018, <https://www.independent.co.ug/uganda-govt-accused-of-militarizing-the-public-service/> (accessed 21 July 2020).

rightly cited, were interpreted narrowly to fit into the grand scheme of militarisation and unquestionable state authority as the last line of defence against the pandemic. In this part we examine the legislative framework used by the Ugandan government in combating the pandemic and how permissive it was of militarisation, thus negatively impacting on the protection and promotion of human rights.

To start with, Objective 23 of the Constitution of Uganda of 1995 provides that 'the State shall institute effective machinery for dealing with any hazard or disaster arising out of natural calamities or any situation resulting in general displacement of people or disruption of their normal life' as, arguably, COVID-19 had done.<sup>40</sup> It should be noted that the Constitution does not conceptualise 'effective machinery', a term that, arguably, is susceptible to permissive interpretation by the government to justify the deployment of the military as part of such machinery.

The UPDF is established under article 208 of the Constitution of the Republic of Uganda to be 'non-partisan, national in character, patriotic, professional, disciplined, productive and *subordinate to the civilian authority* as established under this Constitution'.<sup>41</sup> The institution is subordinated to civilian authority at all levels in the country, at least on paper, a departure from Uganda's violent history when the military reigned supreme over civilian authority. However, perhaps more critical in accentuating militarisation in the Constitution is article 209 which provides for the functions of the UPDF. Among these function are the preservation and defence of the sovereignty and territorial integrity of Uganda, which essentially places the mandate of the UPDF outside the domestic realm of Uganda. Second, the UPDF is called upon to cooperate with the civilian authority in emergency situations and in cases of natural disasters. The other is 'to foster harmony and understanding between the defence forces and civilians' and, lastly, 'to engage in productive activities for the development of Uganda'.<sup>42</sup> Opportunistically used to cause deployment, the same provisions unfortunately were not followed in practice as the UPDF eventually took over and sidelined the civilian authorities, as shown later in the article. The government relied largely on the foregoing functions, arguing that the deployment of the UPDF was constitutional in as far as it was cooperating with the Ministry of Health to deal with the emergency

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40 Constitution of the Republic of Uganda 1995 (as set out under Objective 23).

41 Art 208(2) Constitution of the Republic of Uganda.

42 Arts 209(a)-(d) Constitution of the Republic of Uganda.

situation of COVID-19. The spokesperson of the UPDF at the time averred:<sup>43</sup>

UPDF had to rise to the occasion during the campaign against COVID-19, we could not afford disappointing Ugandans, we had to fulfill our Constitutional obligation. Article 209 speaks out on the functions of the Defence Forces and one them is to cooperate with the civilian authority in emergency situations and also in case of disasters. There is no doubt that COVID-19 situation is an emergency because it has been serious and indeed it is serious, it was unexpected, it is very dangerous and required immediate action.

In the same vein, article 212 of the Constitution establishes the Ugandan police force directing that it 'shall be nationalistic, patriotic, professional, disciplined, competent and productive; and its members shall be citizens of Uganda of good character'. Its functions include '(a) to protect life and property; (b) to preserve law and order; (c) to prevent and detect crime; and (d) to cooperate with the civilian authority and other security organs established under this Constitution and with the population generally'.<sup>44</sup> The most immediate preceding function was opportunistically relied on to bring in the military as a means of the police to cooperate with 'other security organs'. Indeed, the narrative went that the UPDF was only supporting the police; yet, as shown above, the police had already been subordinated to the military through the elaborate process of militarisation explained earlier. The spokesperson of the UPDF, Brigadier-General Richard Karemiere, averred:<sup>45</sup>

UPDF has played a very supportive role to the Police alongside other friendly security forces without excluding our brothers and sisters-the LDUs. We always conduct joint operations in support of each other and that is why the country is peaceful with few incidents of crime. The joint security forces have spent hundreds of hours on check points, border patrols, enforcement of curfew, which measures have saved our people and the country from the pandemic.

The other central law was the Public Health Act, chapter 281 under the laws of Uganda which empowered the Minister of Health to undertake necessary measures to combat the spread of an infectious disease in the country. Under this law, a number of statutory instruments were published to legitimise and ratify the presidential directives that had been announced haphazardly with no force of law. These instruments included Public Health (Notification of

43 AA Kungu 'Interview: UPDF speaks out on role in COVID-19 fight, attacks by civilians and conduct of Idus' *Soft Power News* (Kampala) 6 June 2020, <https://www.softpower.ug/files/interview-updf-speaks-out-on-role-in-covid-19-fight-attacks-by-civilians-and-conduct-of-Idus/> (accessed 20 September 2020).

44 Arts 212 (a)-(d) Constitution of the Republic of Uganda 1995 (emphasis added).  
45 Kungu (n 43).

COVID-19) Order, SI No 45/2020; Public Health (Prevention of COVID-19) (Requirements and Conditions of Entry into Uganda) Order, SI No 46/2020; Public Health (Control of COVID-19) Order, SI No 52/2020; and Public Health (Prohibition of Entry into Uganda) Order, SI No 53/2020. Almost all of these were consistently amended as the situation demanded.

Of equal importance was the need to enlist unfettered citizenry participation in situations of pandemics. Under the Penal Code (CAP 120), a person who performs any negligent act, which is and which he or she knows or has reason to believe to be likely to spread the infection of any disease dangerous to life, commits an offence and is liable to imprisonment of seven years. The law invoked mandatory obligations that were supposed to be performed by the citizens in cooperation with government measures.

From the above legal provisions were crafted a litany of guidelines and measures adopted by the government to prevent the further spread of the Coronavirus. These measures, announced on 25 March 2020 by the President, included a ban on public transport and open markets that did not sell foodstuffs. Other bans included saloons, bars, schools and institutions of higher learning, bars and cinema halls, prayers in churches and mosques and open-air prayers, hotels, non-urgent court hearings, and

marriage ceremonies, wedding parties, vigils and funerals, banned except where the people gathered are not more than 10, public meetings including political rallies, conferences and cultural related meetings, indoor and outdoor concerts and sports events, trading in live animals at places designated for this purpose by a local authority, group exercising including group jogging in public places, highways, roads and other public spaces.<sup>46</sup>

The measures also stipulated mandatory quarantine of 14 days for any returning Ugandan from what the government had categorised as high-risk countries.<sup>47</sup> Further measures were announced on 30 March 2020 which extended the ban to all privately-owned vehicles, the institution of a dusk-to-dawn curfew, the closure of all shopping

46 The Public Health (Control of COVID-19) (Amendment) Rules, 2020 (under secs 11 & 27 of the Public Health Act, Cap 281).

47 The Public Health (Prevention of COVID-19) (Requirements and Conditions of Entry into Uganda) Order, which required persons arriving in Uganda to among others undergo isolation and quarantine for 14 days or other period as directed by the medical officer, depending on their countries of departure and transit. Other regulations included the Public Health (Prohibition of Entry into Uganda) Order, which prohibits entry into Uganda by any person with effect from Monday 23 March 2020. This order was set to expire on 23 April 2020, except if and when extended by the Minister.

malls and arcades and non-food shops for a period of 14 days pending revision.<sup>48</sup> It is for purposes of the enforcement of these guidelines and regulations that the security agencies, led by the military, were deployed.

Another equally permissive legal policy framework was the National Policy for Disaster Preparedness and Management of 2010. It provided for the Ministry of Defence – more so the UPDF as one of the central stakeholder institutions that is relied on – to ‘ensure timely provision of support in numbers of human resources, equipment and logistics whenever massive disasters occur, that is beyond the capacities of the regular emergency institutions’.<sup>49</sup> It was noted:<sup>50</sup>

The security forces are standby organised and well-equipped institutions located strategically across the country. They can be called upon at short notice to give a full range of support (rescue, transport and recovery) during emergencies. The security agencies are a major source of equipment, well organised personnel and other logistics for emergency management.

The same policy, however, warns and places limitations on the capabilities of security forces.

The security forces, however, are not well placed for vulnerability assessments, risk mapping, public awareness sensitisation and education, mitigation, preparedness and contingency planning which are better performed by the civilian technical institutions.<sup>51</sup>

In relying on the UPDF as a partner, the policy provides various guidelines that are supposed to be followed. Among them is the principle that ‘the armed forces shall not take over leadership from the civilian authority when called upon to give support’.<sup>52</sup> Clearly, this guideline only remained on paper.

Uganda did not declare a state of emergency in the country despite the elaborate provisions in article 110 of the Constitution which guarantee the President the latitude of making this declaration for a period lasting not more than 90 days.<sup>53</sup> It is very difficult not to

48 The Public Health (Control of COVID-19) Rules, 2020; the Public Health (Control of COVID-19) (No 2) (Amendment) Rules, 2020; the Public Health (Control of COVID-19) (No 2) Rules, 2020; the Public Health (Prohibition of Entry into Uganda) (Amendment) Order, 2020; Public Health (Prevention of COVID-19) (Requirements and Conditions of Entry into Uganda) Order, 2020.

49 Directorate of Relief, Disaster Preparedness and Refugees office ‘National Policy for Disaster Preparedness and Management’ October 2010 56-57.

50 As above.

51 As above.

52 As above.

53 Art 110 Constitution of the Republic of Uganda 1995.

read political expediency into this government's decision. The reason perhaps is to be found in the need to circumvent the expansive accountability and human rights framework that the Constitution establishes should the executive declare a state of emergency. The first layer of accountability and oversight in such a situation is incarnate in the Uganda Human Rights Commission. The Constitution grants the Uganda Human Rights Commission power to review the case of a person who is restricted or detained in accordance with the enforcement of the state of emergency.<sup>54</sup> The aim of this mandate is to ensure that there is no abuse of rights and freedoms during such a state of emergency. The Commission has the power to 'order the release of that person, or uphold the grounds of the restriction or detention'.<sup>55</sup>

The second layer is Parliament upon which the Constitution bestows powers to receive and scrutinise the reports of the responsible minister detailing the number of the people who have been detained and his actions on the reports of the Uganda Human Rights Commission.<sup>56</sup> Parliament also reserves the power to extend the period of the declared state of emergency should it deem it necessary. It can also revoke the declaration in addition to having veto power over the first instance declaration by the President.<sup>57</sup> The epitomisation of this parliamentary power and oversight over the presidency is the directive by the Constitution for the President to 'submit to Parliament at such intervals as Parliament may prescribe, regular reports on actions taken by or on behalf of the President for the purposes of the emergency'.<sup>58</sup>

Clearly, declaring a state of emergency would have brought about a different – a progressive and human rights-sensitive – direction. Kabumba captures the essence of this path as follows:;<sup>59</sup>

[It establishes] a clear and transparent legal basis for effective state action in responding to Covid-19; while at the same time ensuring that (i) such a response is delicately balanced with the protection of human rights; and (ii) the response is institutional rather than individualised. To be clear, while the guidance and leadership of the President in the current crisis is necessary and welcome, the Constitution did not envisage that he would be the sole or dominant actor in this regard ... all factors considered, both the state and citizens would be better

54 Art 48 Constitution of the Republic of Uganda 1995.

55 As above.

56 Art 49 Constitution of the Republic of Uganda 1995.

57 Art 110 Constitution of the Republic of Uganda 1995.

58 Art 110(6) Constitution of the Republic of Uganda 1995.

59 B Kabumba 'The 1995 Constitution and COVID-19' *Law Africa* April 2020 8, <https://lawafrica.com/wp-content/uploads/2020/04/The-1995-Constitution-and-Covid-19-by-Dr.-Busingye-Kabumba.pdf> (accessed 12 July 2020).

served by the transparency and legal certainty that would be provided by the declaration of a state of emergency. At the very least it would ensure institutional checks and balances in determining the appropriate response to the crisis.

In the end, the President was faced with a choice between militarisation and constitutionalism. The President opted for the former with limited oversight and certainly more powers within his ambit to control the COVID-19 response mechanisms.

## 5 Manifestations of militarisation in the COVID-19 response

### 5.1 'War' narratives, militarised terms and analogies

The first tier of this militarisation took the course of shaping the narrative in militarised terms or analogies. These phrases included 'waging a war against an invisible enemy'; 'we will defeat it'; 'enemy', and 'patriotic duty' as used both in Uganda and by other governments across the world.<sup>60</sup> This narrative, characterised by instilling a 'COVID-19 fear psychosis' in the masses, became a recruitment framework of the public by the government, in the process stifling any critical views of the measures employed to contend with COVID-19.<sup>61</sup> Stringent measures of restricting rights and freedoms and the deployment of violence by the state in their enforcement became normalised without criticism by the already-recruited citizenry. The application of the war metaphors and narratives that were picked on by the media without scrutiny were not meant to simply stop at words. Rather, they were used to aid the framing of a 'problem as a threat – an enemy to defeat – and to zoom into particular aspects of the threat at the cost of many others means to already think violently'.<sup>62</sup>

60 R Acheson 'COVID-19: Militarise or organise?' Women's International League for Peace and Freedom 20 March 2020, <https://www.wilpf.org/covid-19-militarise-or-organise/> (accessed 24 July 2020).

61 D Rajasingham-Senanayake 'Time to end the COVID-19 fear psychosis and militarised curfews' *In-Depth News* (Colombo) 22 April 2020, <https://www.indepthnews.net/index.php/opinion/3512-time-to-end-the-covid-19-fear-psychosis-militarized-curfews> (accessed 20 July 2020). Though Rajasingham-Senanayake used 'COVID-19 fear psychosis' in relation to Sri-Lanka, the same analogy obtains in Uganda.

62 C Laucht & ST Jackson 'Soldiering a pandemic: The threat of militarised rhetoric in addressing COVID-19' 24 April 2020, <http://www.historyandpolicy.org/opinion-articles/articles/soldiering-a-pandemic-the-threat-of-militarized-rhetoric-in-addressing-covid-19> (accessed 20 July 2020).

Viewed from a wider perspective, militarisation connotes aspects of violence. Thus, some scholars maintain that this methodology of militarising the COVID-19 response measures eventually gave way to and indeed bred 'a violent way of thinking that relies on drawing borders and lines of distinction between self and other'.<sup>63</sup>

The 'other' here figures in different ways: as the subaltern whose suffering is neglected and who becomes disposable in comparison to the ... healthy and wealthy; as the 'other' who her/himself becomes understood as the threat, the poor, the migrant, the 'unhygienic'; as the opinionated 'other' who promotes views that challenge the proclaimed necessity that all think and act uniformly against the enemy as an absolute priority'.<sup>64</sup>

It is this narrative of 'waging a war' against the Coronavirus that was the most 'deceptively alluring analogy for mobilising private and public resources to meet a present danger'.<sup>65</sup>

Indeed, in Uganda this militarised response was clad in secrecy, war tones, a lack of accountability, all pointing to the creation of a new citizen, whose patriotism could only manifest in his or her conformist, unquestioning 'values' towards the government. Laucht and Jackson aptly summarise this mind indoctrination that was witnessed in Uganda during COVID-19:<sup>66</sup>

To think violently then also means to invest in the idea that there is only one truth which dictates what uniform action must look like; that the state knows what is best for society and all others are not only wrong but are dangerously wrong ... The 'self' created through these violent ways of thinking is not a democratic body ... Individual agency is confined to passivity: stay home and save lives. In state we trust.

In that line, the decision making was recentralised into the hands of the President and a few of his appointees in the National Joint Task Force on COVID-19, of which the composition is explained later in this article. There was no room for any criticism of the way in which the Task Force performed its work, especially from the citizens further reconstructing the power relations in the decision-making framework of society. Contrary to the constitutional provisions that subject military authority and power to civilian authority, militarised COVID-19 response structures and measures uplifted the military above the civilian institutions. The fear and uncertainty that engulfed the public arising out of COVID-19 provided the perfect cover upon

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63 As above.

64 Laucht & Jackson (n 62).

65 As above.

66 Laucht & Jackson (n 62 above)



which the militarisation quest was built and sustained.<sup>67</sup> Resultantly, there was minimal or no challenge to the authoritarian regulations that were enacted devoid of the requisite declaration of a state of emergency. However, even as the public in a 'multi-partisan backing for most of the edicts aimed at stemming the spread of the virus', joined the state and embraced militarisation to allegedly counter the spread of COVID-19, the pressing fear, perhaps unspoken, was whether the now permeated and strengthened militarisation would be rolled back in the post-COVID-19 pandemic era.<sup>68</sup>

## 6 Overrun of the civilian public health institutions by the military

Whereas Uganda has an ideal public health governance institutional framework running from the central government through to the local government at the district level, the military deployed in the National Emergency Coordination and Operations Centre (NECOC) overrun and sidelined the decision-making power under this ideal structure. NECOC was created under the office of the Prime Minister – Directorate of Relief, Disaster Preparedness and Refugees mandated to 'coordination, support and facilitation in order not to duplicate or take over emergency mandates of existing institutions of government, the private sector, NGOs and Uganda Red Cross Society'.<sup>69</sup> Thereby, by design the NECOC was led by a National Incident Commander (NIC) who at all times must be a seconded senior officer from either the UPDF or the Ugandan police force. This centre was directly linked to the Uganda Police Operations Centre, all district police stations (District Emergency Coordination and Operations Centres) and to the UPDF on a 24-hour basis. This centre was mandated to have 'seconded junior officers from Uganda Police and UPDF to operate communication links the Uganda Police Force and the UPDF systems'.<sup>70</sup> The seconded communications officers were required 'for purposes of managing and keeping separate the confidentiality of information on the military and police communications systems'.<sup>71</sup>

67 I Dolan 'Here in Uganda we have never faced a situation like COVID before' *Relief Web* 2 April 2020, <https://reliefweb.int/report/uganda/here-uganda-we-have-never-faced-situation-covid> (accessed 14 September 2020).

68 I Anguyo 'Unmasking political COVID-19 face coverings in Uganda' *London School of Economics and Political Science* August 2020, <https://blogs.lse.ac.uk/africaatlse/2020/08/04/unmasking-political-covid19-face-mask-coverings-uganda-health/> (accessed 14 September 2020).

69 Directorate of Relief, Disaster Preparedness and Refugees Office (n 49) 35.

70 As above.

71 As above.

Despite criticism of the overly militant structure in charge of the COVID-19 prevention measures, the Uganda Human Rights Commission supported this deployment. It argued that the security fraternity of Uganda led by the UPDF ‘possess a national command network with experience emergency response and disciplined manpower who can be deployed at relatively short notice to help supplement civilian frontline services during national emergency situations’.<sup>72</sup> However, as the policy permissively and conveniently provided, the entire emergency response mechanism was placed under the superintendence of the military while sidelining and subordinating the civilian health system leadership at the periphery.

### 6.1 Military dominance over the Ugandan police force in the enforcement of COVID-19 preventive measures

What was witnessed in Uganda was the extended roles and power that were accorded to the UPDF, playing undoubtedly the most prominent role in the internal security and COVID-19 response structuring of the country. In March 2020 the Ugandan government through the highly-powerful National Security Council established the Inter-Agency Security Joint Task Force (IAJTF).<sup>73</sup> This task force operated at both the national and regional levels with the mandate of supporting the Ministry of Health (MOH) in combating the COVID-19 epidemic.<sup>74</sup> The IAJTF was comprised of officers from the UPDF, the Uganda Police Force (UPF), Uganda Prison Services (UPS), and the National Joint Intelligence Committee, Immigrations and Customs Directorates under the Ministry of Internal Affairs.<sup>75</sup> Other member government entities included the National Water and Sewerage Corporation, UMEME and Kampala City Council Authority and Uganda Revenue Authority. In furtherance of military dominance, the IAJTF was led by the UPDF Deputy Chief of Defence Forces under the directorship of Lieutenant-General Wilson Mbasu Mbadi, a former aide to President Museveni.<sup>76</sup> In relation to its day-

72 P Achan Okiria ‘Legal framework on COVID-19 and implications on enforcement’ 23 April 2020, <https://www.jlos.go.ug/index.php/com-rsform-manage-directory-submissions/services-and-information/press-and-media/latest-news/item/754-legal-framework-on-covid-19-and-implications-on-enforcement> (accessed 21 July 2020). Ms Achan is a commissioner with the Uganda Human Rights Commission.

73 S Masaba ‘Security teams hunt for COVID-19 carriers’ *The New Vision* (Kampala) 27 March 2020, <https://www.newvision.co.ug/news/1517135/security-teams-hunt-covid-19-carriers> (accessed 14 September 2020).

74 W Kamusiime ‘Inter-agency task force formed to combat COVID 19’ *UPF News* (Kampala) 25 March 2020, <https://www.upf.go.ug/inter-agency-task-force-formed-to-combat-covid-19/> (accessed 14 September 2020).

75 As above.

76 ‘UPDF to lead national security council inter-agency task force in response to COVID-19’ *Soft Power* (Kampala) 26 March 2020, <https://www.softpower.ug/>

to-day operations, the IAJTF was led by the Chief of Staff Land Forces, Major-General Leopold Kyanda, with its headquarters at the Uganda Police Force Joint Operation Centre in Naguru, a suburb of Kampala City Capital.<sup>77</sup>

The IAJTF structure was replicated at the regional level in decentralised Uganda, comprising the districts.<sup>78</sup> At the district level the resident district commissioners (RDCs) – who are presidential appointees and also chair the district security committees across the country – were put in charge of the structure. At the time the majority of these RDCs were military personnel either retired, reservists or in active duty. The district police commanders (DPCs), who ideally should have been in command of operational teams at the regional and district levels, were subordinated to the RDCs.

Among its many assignments communicated to the public, the IAJTF was tasked with coordinating any direct support from the member agencies to the MOH.<sup>79</sup> The security forces, more especially from the UPDF and UPF, also provided human resources of over 240 medical personnel in support of the efforts by the MOH in various health centres around the country.<sup>80</sup> It also monitored and enforced compliance with the COVID-19 preventive measures that were periodically issued by the President.<sup>81</sup> The military was also deployed to watch over quarantine centres that were spread all over the country holding suspected COVID 19 patients under isolation.<sup>82</sup>

More fundamentally and in striking support by the public, the IAJTF was also responsible for monitoring the security situation in the country to forestall potential opportunistic crime due to the lockdown and also to oversee and provide security to allow continuous delivery of vital services to the public. The public was provided with toll-free communication lines to contact the police and the UPDF regarding 'vital security related information and non-compliance cases'.<sup>83</sup> The IAJTF would also offer extra evacuation services to the MOH in situations of emergencies of identified COVID-19 suspected cases to the nearest gazetted quarantine/isolation centres run by the MOH. It also hunted down suspected COVID-19 carriers on the run from

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files/updf-to-lead-national-security-council-inter-agency-task-force-against-covid-19/ (accessed 14 September 2020); Achan (n 72 above).

77 Masaba (n 73).

78 Achan (n 72).

79 As above.

80 Masaba (n 73).

81 As above.

82 As above.

83 Kamusiime (n 74)

quarantine centres.<sup>84</sup> The IAJTF also provided security to the over 100 hubs working as testing centres for the various samples picked from suspected carriers from the quarantines and communities across the country. In the same vein, the UPDF and the attendant military auxiliary forces of the local defence units (LDUs) played a leading role in the enforcement of the phased movement curfew that was imposed throughout the country as between 06:30 and 19:00.<sup>85</sup> A combination of the heavily-armed UPDF, LDU and UPF personnel manned numerous road blocks on various roads entering and exiting the capital city, Kampala.<sup>86</sup> Joined by the UPS, they were also at the forefront almost exclusively in delivering the door-to-door food relief package to over one million vulnerable people in the Kampala and Wakiso districts.<sup>87</sup>

The UPDF's operations further involved undertaking countrywide border area inspections, especially after it had emerged that Uganda's COVID-19 cases were mainly imported.<sup>88</sup> These inspections aimed at assessing the level of compliance with the COVID-19 prevention measures by the border communities, immigration officers and customs officers operating at the border points.<sup>89</sup> These were border areas with Tanzania, Kenya, the DRC and South Sudan.<sup>90</sup> The IAJTF leadership used the inspections to also liaise with and supervise the regional task forces based in the various parts of the country to enhance the coordination between the headquarters of the Joint Task Force based in Kampala and the regional teams.<sup>91</sup> Other modes

84 Masaba (n 73)

85 S Yiga 'COVID-19: LDU, Police, resume night operations' 14 August 2020, *The New Vision* (Kampala) <https://www.newvision.co.ug/news/1524756/covid-19-ldu-police-resume-night-operations> (accessed 19 September 2020).

86 'COVID-19: How Ugandans died at the hands of security agents' *The Daily Monitor* (Kampala) 8 August 2020, <https://www.monitor.co.ug/uganda/news/national/covid-19-how-ugandans-died-at-the-hands-of-security-agents-1916380> (accessed 20 September 2020); URN 'Ugandan security have killed 6 while enforcing COVID guidelines' *The Weekly Observer* (Kampala) 4 June 2020, <https://observer.ug/news/headlines/65127-ugandan-security-have-killed-6-while-enforcing-covid-guidelines> (accessed 18 September 2020).

87 'Uganda distributes emergency Coronavirus food supplies' *The International News* 5 April 2020, <https://www.thenews.com.pk/print/639797-uganda-distributes-emergency-coronavirus-food-supplies> (accessed 18 September 2020). For the politics behind this food relief package, see I Anguyo 'The politics of food relief in Uganda's COVID-19 era' London School of Economics and Political Science 1 July 2020, <https://blogs.lse.ac.uk/africaatlse/2020/07/01/politics-food-relief-aid-uganda-covid19/> (accessed 20 September 2020).

88 N Mandela 'Security Task Force inspects problem spots on Uganda's borders' *PML Daily* (Kampala) 31 May 2020, <https://www.pmldaily.com/news/2020/05/security-task-force-inspects-problem-spots-on-ugandas-borders.html> (accessed 18 September 2020).

89 K Kazibwe 'COVID-9: Joint security task force inspects country's border points' *NilePost* (Kampala) 1 June 2020, <https://nilepost.co.ug/2020/06/01/covid-9joint-security-task-force-inspects-countrys-border-points/> (accessed 19 September 2020).

90 Mandela (n 88).

91 Kazibwe (n 89).

of enforcing compliance included impounding motor vehicles and motorcycles, especially in the Kampala metropolitan area, found without the duly-authorised government essential services provider stickers.<sup>92</sup> The operations also focused on curbing the abuse of stickers by motorists who were undertaking non-essential movements and businesses contrary to that for which the stickers had been issued.<sup>93</sup>

All known Ugandan hospitals that were hosting COVID-19 patients as quarantine centres had observable military deployments attached to them at their various entry and exit points, the majority of which were observed by the author. However, even as these guns were deployed to govern the health centres, continued cries of a lack of personal protective equipment (PPE) such as gloves, masks (especially the recommended N95 category), goggles, face shields, gowns and aprons, and the promised monthly risk allowance, from the medical practitioners permeated through the largely opaque framework under which COVID-19 was being contained in the country.<sup>94</sup> In the eastern part of the country, for example, in the Soroti district, the medical workers executed a strike and refused to return to work until such time as the PPEs, as provided for under the Occupational Health and Safety policy and guidelines, were provided to all staff of Princess Diana Health Centre IV.<sup>95</sup> The Uganda Nurses and Midwives Union and the Uganda Medical Association (UMA) would later decry the continued stock-outs of these PPEs despite the large budget for logistics in the COVID-19 prevention/containment national budget.<sup>96</sup>

It therefore is interesting to note that it is this same militarisation employed to combat the spread of the virus that was and remains responsible for the current situation most states across the world face, including Uganda. The inconceivable amount of money, approximately \$2 trillion per a year globally, that is allotted to security and defence budget votes globally as against the meagre resources directed towards the betterment of the public health infrastructure

92 T Malaba 'COVID-19 - Security arrest 83, impound 167 vehicles over non-compliance' *The Daily Monitor* (Kampala) 1 April 2020.

93 'COVID-19 lockdown: Vehicles with forged stickers impounded' *The Daily Monitor* (Kampala) 19 April 2020, <https://www.monitor.co.ug/News/National/Covid-19-lockdown-vehicles-forged-stickers-impounded/688334-5528542-115d6qlz/index.html> (accessed 16 July 2020).

94 E Biryabarema 'Uganda health workers say they lack vital equipment to fight COVID-19' *The Reuters* 3 June 2020, <https://www.reuters.com/article/us-health-coronavirus-uganda/uganda-health-workers-say-they-lack-vital-equipment-to-fight-covid-19-idUSKBN23A218> (accessed 24 June 2020).

95 I Mufumba 'Inadequate protective gear frustrating COVID-19 fight' *The Daily Monitor* (Kampala) 23 May 2020, <https://www.monitor.co.ug/SpecialReports/Inadequate-protective-gear-frustrating-Covid-19-fight/688342-5560988-2356u2z/index.html> (accessed 24 June 2020).

96 As above.

and general medical/health care research was coming back to haunt the world.<sup>97</sup>

Using the above structure, the military had effectively taken over the entire response mechanism in the domestic crisis, whose first call of preference by constitutional mandate would have been the Ugandan police force. Thus, if the law had been followed, any summons of the UPDF to join the UPF for support would have been initiated by the UPF leadership and the UPDF-deployed officers would have worked supervised by and superintended over by the UPF in a clear transparent and accountable chain of command. In such a setup, even in situations of a breach of human rights during the deployment, as discussed below, the UPF would have had the sole responsibility for accountability.

## 6.2 Human rights violations and the elusive quest for accountability in the militarised COVID-19 response

The majority of the documented human rights violations during the COVID-19 pandemic in Uganda revolved around clashes between desperate people and security agencies in the enforcement of compliance with the curfew measures. The lockdown affected the poor and further exacerbated their vulnerability in the country, and plunged them further in an economic predicament with no daily earnings, being devoid of a social security protection plan that characterises Uganda's informal sector.<sup>98</sup> From the outset it was manifest that there would be resistance to the restrictions on movement as the poor sought to survive, besieged by starvation, on the one hand, and COVID-19, on the other.

Indeed, those in support of the forceful mode of enforcement of the lockdown measures maintained, quite persuasively, that Uganda could not manage a full-blown outbreak due to the fragility of the healthcare system, thus having put all its efforts in prevention even if it meant force to prevail upon the masses. This was and remains a legitimate argument, considering the many problems that confront the country, including 'limited resources, fragile health systems, existing disease burden, urban density, conflict, and record levels of population displacement'.<sup>99</sup> However, the cost in relation to human

97 Acheson (n 60).

98 F Musisi 'COVID-19 lockdown exposes Uganda's poverty, inequality' *The Daily Monitor* (Kampala) 28 April 2020, <https://www.monitor.co.ug/uganda/special-reports/covid-19-lockdown-exposes-uganda-s-poverty-inequality-1887226> (accessed 12 September 2020).

99 Africa Centre for Strategic Studies 'African adaptations to the COVID-19 response' 15 April 2020, <https://africacenter.org/spotlight/african-adaptations->

rights of this enforcement led by the military continued to reverberate with dire consequences, including a violation of the right to life.

### **6.2.1 *The extra-judicial killings, torture, degrading and inhumane treatment***

By 24 July 2020 Uganda had only reported one death from COVID-19, a shocking contradiction to an alleged 12 deaths or killings resulting from the violence and brutality meted out by the UPDF-led security agencies involving the Ugandan police force and the Local Defence Unit (LDU) personnel enforcing the government's lockdown measures.<sup>100</sup> For some it was instant death (extra-judicial killings) while some died as a result of bullet wounds and injuries arising from brutal gun butt beatings on sensitive parts of the body. One such case involved was reported in Eastern Uganda, in Budhumbuli, Jinja town, Jinja district where Evelyn Namulondo was shot in the stomach by security personnel at around 05:00.<sup>101</sup> She operated a food stall that necessitated her travelling in the early morning to get merchandise by using a motorcycle.<sup>102</sup> She was accused of moving before the dawn-to-dusk curfew. Three days later in hospital she died from the bullet wounds.<sup>103</sup> Still in Eastern Uganda, in Jinja district, Charles Sanga, a businessman, also succumbed to wounds occasioned by clobbering by soldiers and policemen on the accusation of defying the President's lockdown orders.<sup>104</sup> Most 'offences' were as minor as riding motorcycles, running an open shop, walking after the 19:00 decreed curfew time and carrying passengers on motorcycles. Explanatory pleas by detained people often fell on deaf ears due to the 'take-no-explanation' mode of enforcement reflective of extreme militancy.

Further accounts by victims' families and survivors reveal the impact of this militant response to COVID-19. A prominent account that invoked a national outcry involved the extra-judicial killing of a cleric of a church in Uganda, one Nsimenta Benon, a lay reader of Kogere Church of Uganda operating in Western Uganda in Kasese district, who was killed on 26 June 2020 in Hima village. He was shot in front of his wife, riding on a motorcycle along Karungibati

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to-the-covid-19-response/ (accessed 19 July 2020).

100 Uganda Radio Network 'Ugandan security have killed 6 while enforcing COVID guidelines' *The Weekly Observer* (Kampala) 4 June 2020, <https://observer.ug/news/headlines/65127-ugandan-security-have-killed-6-while-enforcing-covid-guidelines> (accessed 7 September 2020).

101 As above.

102 As above.

103 As above.

104 As above.

on the Hima-Kasese road in Western Uganda. The deceased had written authorisation from the local leadership to ride the banned motorcycle used during the lockdown. His wife, Allen Musimenta, narrated the ordeal as follows:<sup>105</sup>

The soldiers who stopped us didn't even take a minute to ask questions. One of them crossed the road, raised his gun and shot my husband in the neck ... We did our family projects together, talked through everything. We made plans for our children's future. How I am supposed to pay for their education by working our small farm?

Another football coach, Nelly Julius Kalema, nursing head injuries from an altercation with the security agencies asked, 'How many of us must die or be maimed before the security forces change their methods?'<sup>106</sup> One relative of the deceased lamented to BBC: 'I am extremely angry. They beat him, but even the top hospital in the country could not give him proper medical care. My brother died in my arms.'<sup>107</sup>

Another extra-judicial killing occurred in Budaka district in Eastern Uganda on 18 April when Wilber Kawono, a resident of Budaka district, was shot by police on 18 April for allegedly carrying a passenger on his motorcycle against the presidential directives.<sup>108</sup> Margret Nanyunja, aged 80, of Wakiso district bordering Kampala city, died after beatings inflicted on her by the LDU personnel on 10 April at around 01:00 when she protested their entry into her house without a search warrant.<sup>109</sup> The group was allegedly pursuing her grandson who they claimed had breached COVID-19 curfew orders.<sup>110</sup> Another victim was Vincent Serungi, a resident of Wakiso town council, shot dead on 31 March 2020 by security personnel, allegedly for riding a motorcycle against the President's COVID-19 directives.

The brutality, militant order-obey kind of lifestyle exhibited by the military at check points was also criticised as having denied many patients with chronic illnesses, such as cancer and kidney failure

105 BBC 'Uganda – Where security forces may be more deadly than Coronavirus' BBC (London) 23 July 2020, <https://www.bbc.com/news/world-africa-53450850> (accessed 18 July 2020). Her narrative is also corroborated by the *Daily Monitor*. 'They didn't ask him anything. They just stopped him and one of them came close and just fired a bullet into his neck. After seeing that he was down, he stepped back' *The Daily Monitor* (Kampala) 26 June 2020, <https://www.monitor.co.ug/News/National/Widow-of-killed-lay-reader-disputes-army-s-version-of-events/688334-5583486-x2xlet/index.html> (accessed 18 July 2020).

106 As above.

107 BBC (n 105).

108 Uganda Radio Network (n 100 above).

109 As above.

110 As above.



which merit recurrent hospital check-ups, visits even when they had the relevant travel documents to the requisite health centres for treatment. Deaths that resulted from this type of militant rigidity, devoid of reason and reasonable empathy, will never be known.

In Mityana district, outside Kampala, soldiers beat up people for delaying closing up their shops and bars.<sup>111</sup> On 26 March 2020 in Mukono district, two construction workers were shot allegedly for riding a motorcycle after 19:00.<sup>112</sup> On 28 March 2020 police and the military in Bududa, in the east of the country, opened fire against a group of people allegedly engaging in drinking of a local brew in a group, injuring one severely.<sup>113</sup> In the same district, the police beat up motorcyclists allegedly for carrying more than two passengers.<sup>114</sup> The police maintained that it was enforcing COVID-19 guidelines against public gatherings.<sup>115</sup> The most publicised action occurred on 26 March 2020, when members of the LDU auxiliary force under the UPDF unleashed terror using electric wires and sticks to beat motorcycle riders, female vendors selling fruit and vegetables on the streets, which was their source of income in downtown Kampala city.<sup>116</sup>

### 6.2.2 Extortion by military personnel

There were also widespread allegations and complaints by the public of extortion by the military from people who had been arrested for allegedly defying the curfew directives.<sup>117</sup> Officers manning road blocks demanded bribes to let cars pass after the 19:00 curfew commencement, including allowing those that had no essential

111 Human Rights Watch (HRW) 'Uganda: Respect rights in COVID-19 response' 26 March 2020, <https://www.hrw.org/news/2020/04/02/uganda-respect-rights-covid-19-response#> (accessed 18 July 2020).

112 'COVID-19: Two shot for defying presidential directives' *The Daily Monitor* (Kampala) 27 March 2020, <https://www.monitor.co.ug/uganda/news/national/covid-19-two-shot-for-defying-presidential-directives-1882628> (accessed 9 September 2020).

113 B Oketch et al 'Security on the spot over curfew brutality' *The Daily Monitor* (Kampala) 9 April 2020, <https://www.monitor.co.ug/uganda/news/national/security-on-the-spot-over-curfew-brutality-1884624> (accessed 20 September 2020).

114 'Bududa: Boda boda cyclists protest police brutality' *The Nile Post* (Kampala) 30 June 2020, <https://nilepost.co.ug/2020/06/30/bududa-boda-boda-cyclists-protest-police-brutality/> (accessed 10 September 2020).

115 Human Rights Watch (n 111).

116 'Battered vendors narrate ordeal' *The Daily Monitor* (Kampala) 30 March 2020, <https://www.monitor.co.ug/News/National/Battered-vendors-narrate-ordeal/688334-5508806-bnggnx/index.html> (accessed 18 September 2020).

117 A-N Ssemugabi & P Twinamukye 'COVID-19 lockdown: Dark deeds that curfew nights cover' *The Monitor* (Kampala) 10 May 2020, <https://www.monitor.co.ug/uganda/news/national/covid-19-lockdown-dark-deeds-that-curfew-nights-cover-1888974> (accessed 20 September 2020).

service provider stickers.<sup>118</sup> Another aspect of the corruption was directed towards pedestrians who would be threatened with detention at road blocks for not possessing and wearing their face masks.<sup>119</sup> The military officers and LDUs in charge of these road blocks would collude with mask vendors, allow them to be situated near the road blocks to sell masks to the members of the community who would be threatened with detention in exchange for a commission.<sup>120</sup> The bribe fee extorted was between US \$20 and \$65 for the persons or the impounded motorcycles and motor cars to be released.<sup>121</sup>

### 6.2.3 Denial of right to vocation through public market closures

The security Joint Task Force (JATF) was also accused of arbitrary closing down some markets risking famine and access to cheap foodstuffs by the urban poor. They also threatened to close and take over the management of many more markets across the capital of Kampala.<sup>122</sup> They alleged that the market dwellers were not complying with the directives of physical/social distancing (four meters), sanitising hands and masking the face.<sup>123</sup> Even if this were true, the first option of closure speaks to the militancy in enforcement leaving the people no opportunity to correct their mistakes by putting up the necessary stipulated measures of COVID-19 prevention. It took a public outcry for the markets to be re-opened.

### 6.2.4 Media rights violations

Journalists also suffered at the hands of the security in the enforcement of the COVID-19 preventive measures despite the media fraternity being classified by the President as essential service providers and, thus, not subject to the curfew restrictions.<sup>124</sup> Many suffered beatings

118 B Abaho 'LDUs another form of insecurity' *PML* (Kampala) 7 July 2020, <https://www.pmldaily.com/oped/2020/07/brighten-abaho-ldus-another-form-of-insecurity.html> (accessed 20 September 2020).

119 Editorial 'Police, LDUs shouldn't use COVID-19 to extort Ugandans' *The Weekly Observer* (Kampala) 8 July 2020, <https://observer.ug/viewpoint/65578-police-ldus-shouldn-t-use-covid-19-to-extort-ugandans> (accessed 20 September 2020).

120 CR Naggayi 'Mask vendors ejected from police check points' *Uganda Radio Network* (Kampala) 26 May 2020, <https://ugandaradionetwork.net/story/mask-vendors-ejected-from-police-check-points> (accessed 17 September 2020).

121 Ssemugabi & Twinamukye (n 117).

122 K Joseph 'Security task force to close markets for defying COVID-19 Guidelines' *Uganda Times* (Kampala) 2 April 2020, <https://ugandatimes.ug/security-task-force-to-close-markets-for-defying-covid-19-guidelines/> (accessed 19 July 2020).

123 As above.

124 'COVID-19: Media condemns latest assault of journalists' *The Daily Monitor* (Kampala) 5 April 2020, <https://www.monitor.co.ug/uganda/news/national/covid-19-media-condemns-latest-assault-of-journalists-1883966> (accessed 20 September 2020).

and arbitrary detentions as they did their work, documenting social life during the lockdown, including scrutinising the conduct of the security agencies in enforcing the curfew lockdown restrictions.<sup>125</sup> Accounts of cuts on bodies arising from stick and rubber-insulated electric wire-administered beatings by the military, leading some to undergo hospitalisation, emerged since the imposition of the lockdown curfew by the President on 18-19 March 2020.<sup>126</sup> Others had their tools of the trade (cameras) confiscated and were ordered to delete the footage therein by the security agencies on patrol led by the UPDF officers, LDUs and police officers.<sup>127</sup> It emerged that the targeted journalists were those who were covering stories depicting the overt brutality, bribery and extortion, among other violations, and abuses of power exhibited by the security agencies in the name of the enforcement of lockdown measures.<sup>128</sup> Between March and the end of April, a local media rights defence organisation, Human Rights Network for Journalists (HRNJ), had recorded 12 cases involving violations of rights and freedoms of journalists while in all these cases the accountability of the perpetrators remained elusive.<sup>129</sup> These cases were reported by journalists operating in various parts of the country, including Northern Uganda in the districts of Kitgum, Apac, the western district of Ntungamo, Gulu and central Uganda, in Masaka and Mukono.<sup>130</sup>

It should be noted that at the centre of these human rights violations was the brutality of the LDUs. The LDU, an auxiliary force under the UPDF, was mainly composed of youths, who were poorly trained for a short period, were poorly paid, sleeping in filthy tents, but equipped with guns.<sup>131</sup> The militant mode of training them, being an auxiliary force that is less on situation de-escalation, crowd control and more on force, coupled with feelings of inferiority due to poor remuneration and living conditions, created a cocktail of explosive individuals with lethal weapons at their disposal.<sup>132</sup> In

125 CPJ 'Ugandan security personnel enforcing COVID-19 measures assault journalists' 22 April 2020, <https://cpj.org/2020/04/ugandan-security-personnel-enforcing-covid-19-meas/> (accessed 19 July 2020).

126 A Gitta 'Ugandan journalists "assaulted by security forces" amid Coronavirus lockdowns' *DW* (Berlin) 24 April 2020, <https://www.dw.com/en/ugandan-journalists-assaulted-by-security-forces-amid-coronavirus-lockdowns/a-53235644> (accessed 16 September 2020).

127 As above.

128 As above.

129 As above.

130 S Hayden "'I realised my body was burning": Police brutality in Uganda lockdown' *The Guardian* (London) 28 May 2020, <https://www.theguardian.com/global-development/2020/may/28/i-realised-my-body-was-burning-police-brutality-in-uganda-lockdown> (accessed 16 September 2020).

131 *BBC* (n 105).

132 URN 'LDUs complete refresher training, restricted to night operations' *The Weekly Observer* (Kampala) 11 August 2020, <https://observer.ug/news/>

joint operations such as the enforcement of COVID-19 prevention measures, this militarised response dictated the dominance and 'favour of military doctrine' over that of the civilian police.<sup>133</sup>

As a result, this bred an 'imbalance of power between the police and the army' and contributed to the obscuration and blurring of the 'chains of responsibility and accountability', creating a disastrous recipe of the flourishing of human rights violations with impunity.<sup>134</sup> The military and the entire JATF were emboldened by the fact that they were operating under presidential directive or command and authority, which equally heightened tensions between them and local authorities as the JATF sought to assert military dominance. Whereas the JATF was set up as a support structure to the civilian authorities, in some cases it dominated over and subordinated the rightful civilian authorities under them. A case in focus is the distribution of relief, livelihood packages of posho, rice, sugar and powdered milk to the urban poor in the densely-populated districts of Kampala and Wakiso.<sup>135</sup> This exercise was directed by the military assisted by the police, Ugandan prisons services officers with the civilian structure of the local government officials relegated to the periphery only present for legitimacy purposes during the distribution exercises.<sup>136</sup>

Basic human rights and freedoms that were supposed to inform and be at the centre of every government response mechanism to the COVID-19 pandemic could not have been achieved in a largely-militarised response that inherently abhors rights and freedoms. In the end, this militancy approach served to only alienate the masses from cooperating with the authorities. The Africa Centre for Strategic Studies notes the centrality of trust and humane treatment of the masses as some of the fundamental lessons to be learnt from the past pandemics that have hit Africa. It opined:<sup>137</sup>

Effective pandemic responses depend on high levels of trust between the government, health professionals and scientists, the public, and private sector. This takes many forms. Respect for human rights in the

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headlines/66066-ldus-complete-refresher-training-restricted-to-night-operations (accessed 19 September 2020).

133 Namwase (n 13).

134 As above.

135 K Kazibwe 'Lockdown: Government starts relief food distribution to vulnerable people in Kampala' *Nile Post* 4 April 2020, <https://nilepost.co.ug/2020/04/04/lockdown-government-starts-relief-food-distribution-to-vulnerable-people-in-kampala/> (accessed 19 September 2020).

136 SP Tumwine 'Gov't donates food to the vulnerable' *The New Vision* (Kampala) 5 April 2020, <https://www.newvision.co.ug/news/1517534/gov-donates-food-vulnerable> (accessed 19 September 2020).

137 Africa Centre for Strategic Studies 'African adaptations to the COVID-19 response' 15 April 2020, <https://africacenter.org/spotlight/african-adaptations-to-the-covid-19-response/> (accessed 19 July 2020).

course of the response is key if popular support is to be maintained for what will need to be a sustained period of cooperation. Experience shows that heavy-handed responses to enforce stay-at-home orders depletes public trust and triggers defiance. This defeats the purpose of these efforts to limit mobility in the first place ... Trust is also indispensable to elicit the behavior change on which Africa depends to confront this crisis.

The numerous cases of police brutality forced many commentators on the African continent to conclude that the security forces were more dangerous than COVID-19 in countries such as Nigeria, South Africa, Uganda and Kenya.<sup>138</sup> At the time of writing this article, the Ugandan government was considering a new study by scientists at Makerere University College of Natural Sciences which made recommendations that the government should not lift the lockdown until October 2020 in an effort to curb the spread of the Coronavirus, since the health system was unable to support the large numbers of infections.<sup>139</sup> In essence, the lockdown was likely to continue with the military at the helm of the enforcement of compliance as the government sought to counter a predicted deadly second wave. Therefore, a repetition of the violations arising from the militarisation examined in the foregoing discussion could not be ruled out. During all this brutal conduct by the military and militarised police, civil society organisations in Uganda did not have an opportunity to systematically monitor these violations, unlike in other jurisdictions such as in South Africa, which relied on its independent police investigation directorate to monitor police excesses.<sup>140</sup> In addition, the lockdown measures also meant that civil society organisations had limited movement opportunities to go out among victims of these violations for documentation purposes. The majority went unaccounted, hence the thriving of militant impunity.

138 Olewe (n 12).

139 T Abet & S Otago 'Scientists recommend govt to extend COVID-19 lockdown' *The Daily Monitor* (Kampala) 17 June 2020, <https://www.monitor.co.ug/News/National/Study-recommends-govt-extend-Covid-19-lockdown/688334-5578144-106en1qz/index.html> (accessed 19 July 2020).

140 Olewe (n 12); K Trippe 'Pandemic policing: South Africa's most vulnerable face a sharp increase in police-related brutality' *Atlantic Council* 24 June 2020, <https://www.atlanticcouncil.org/blogs/africasource/pandemic-policing-south-africas-most-vulnerable-face-a-sharp-increase-in-police-related-brutality/> (accessed 16 September 2020); K Harrisberg 'South Africans go online to document police brutality' *Thomson Reuters Foundation News* (Johannesburg) 3 August 2020, <https://news.trust.org/item/20200803153908-65o21/> (accessed 17 September 2020).

### 6.2.5 *The elusive accountability for human rights violations*

The violations that characterised the enforcement conduct led to parliamentary intervention. The matter was raised under the agenda of National Importance in Parliament by a Manjia County MP, John Baptist Nambeshe, on the floor of Parliament.<sup>141</sup> The Speaker of Parliament, Rebecca Kadaga, would later call on the government to counter this conduct by prevailing on the security and bringing to accountability the perpetrators of these violations.<sup>142</sup> This was never pursued as violations continued.

The Uganda Human Rights Commission noted, rather half-heartedly with no follow-up action:<sup>143</sup>

There have been some allegations of human rights violation and aggravated torture of several women and some men who were being accused of flouting curfew orders and the ban on public spaces. However, the leadership of both the UPDF and UPF have come out clearly and strongly condemned the outrageous and gross acts of misconduct by the officers, who instead of protecting the constitutional and civil rights of the victims, violated it with the excessive use of force. Such cases have been taken seriously and the concerned officers have been arrested and charged in the court martial.

It rather opted to sound a caution on how 'it is important that the citizens to maintain cooperation with security forces and avoid attacking the security forces and defying the directives on COVID-19', even without establishing what the cause was of the citizenry's resistance to the security agencies.<sup>144</sup> Accountability was even made more difficult given the fact that the newly-recruited and deployed officers of the LDUs had no identity tags on their uniforms as is the case with police officers and the UDF.<sup>145</sup> As such, the individual pursuit of accountability became almost impossible due to the comradery protectionism by fellow security officers. This protectionism and lack of accountability only emboldened the impunity being bred.

For their part, the UPDF exhibited vigilance in watering down these violations as isolated and individual failings rather than a

<sup>141</sup> 'Security might kill more Ugandans than COVID-19, warns MPs' *The Independent* (Kampala) 2 July 2020.

<sup>142</sup> As above.

<sup>143</sup> Achan (n 72).

<sup>144</sup> As above.

<sup>145</sup> JA Lule 'UPDF to issue name tags for LDUs' *The New Vision* (Kampala) 13 July 2020, <https://www.newvision.co.ug/news/1522504/updf-issue-tags-ldus> (accessed 15 September 2020).

representation of the institution.<sup>146</sup> Appearing sincere and concerned, the UPDF spokesperson was consistent in apologies through press statements of the violations, especially by the LDUs, always promising accountability for the individual officers involved in such impunity.<sup>147</sup> One such apology was issued on 30 March by the Army Chief of Defence Forces, David Muhoozi, made publicly to three vulnerable female street vendors of fruit, namely, Hadijah Aloyo, Christine Awori and Safia Achaya, who were attacked and beaten by the LDU.<sup>148</sup> The CDF noted that the UPDF was to hold the officers individually accountable and that a new commander of the LDU in metropolitan Kampala was to be appointed.<sup>149</sup> At the time of writing this also had not materialised.

However, in other cases public trials were conducted in the military courts of officers accused of perpetrating these violations against the civilian population. In particular, in the killing of the cleric on 29 June 2020, the Mountain Division Court Martial at Karusandara in Kasese District chaired by Colonel Felix Nyero charged the four officers implicated, Abraham Lokwap, Joel Atim, Talent Akampurira and Jackson Nyero, with murder, to which they pleaded guilty.<sup>150</sup> The alleged perpetrators were attached to the sixth Mountain Brigade Battalion based in Hima in Kasese district.<sup>151</sup> Private Abraham Lokwap was sentenced to 35 years' imprisonment for the murder; Lieutenant Talent Akampurira was sentenced to 12 months' imprisonment for commanding the unauthorised patrol, while the other two were acquitted.<sup>152</sup> However, this came after much public pressure as the army first denied the shooting, claiming that the victim had succumbed to a stray bullet, a version vehemently rejected by his widow.<sup>153</sup>

146 As above.

147 'UPDF recalls LDUs for fresh training' *The Daily Monitor* (Kampala) 16 July 2020, <https://www.monitor.co.ug/uganda/news/national/updf-recalls-ldus-for-fresh-training-1900200> (accessed 10 September 2020).

148 C Ahabwe 'COVID-19 crisis: Army chief apologises to city lady vendors clobbered by LDUs in Coronavirus crackdown, vows tough action against culpable soldiers' *PML* (Kampala) 31 March 2020, <https://www.pmldaily.com/news/2020/03/army-chief-apologises-to-women-brutalised-by-ldus-vows-tough-action-against-culpable-soldiers.html> (accessed 10 September 2020).

149 As above.

150 P Nansubuga 'Four UPDF soldiers charged with murder of Benon Nsimenta' *The Independent* (Kampala) 30 June 2020, <https://www.independent.co.ug/court-charges-four-updf-officers-with-murder-of-benon-nsimenta/> (accessed 19 July 2020).

151 E Ninsiima & F Basiime 'Four UPDF soldiers charged for killing Benon Nsimenta' *The Daily Monitor* (Kampala) 30 June 2020, <https://www.monitor.co.ug/News/National/Four-UPDF-soldiers-plead-guilty-murder-Kasese-lay-reader/688334-5585272-igjmrnz/index.html> (accessed 18 July 2020).

152 As above.

153 Uganda Radio Network 'Widow of killed lay reader disputes army's version of events' *The Daily Monitor* (Kampala) 26 June 2020, <https://www.monitor.co.ug/news/national/widow-of-killed-lay-reader-disputes-armys-version-of-events-1900200>

On a positive note, at the highest level of political and military leadership the President, Yoweri Museveni, in a televised national speech on the update of COVID-19 preventive measures castigated the brutality of the security agencies, especially the LDU, after the rampant public outcry over their militant conduct in enforcing the lockdown measures.<sup>154</sup> He would later direct that the anti-corruption unit under the state house probe this conduct.<sup>155</sup> This, however, was criticised as a half-hearted, 'short-term intervention' and not independent considering that it was an *ad hoc* unit headed by an army officer of a lower rank of lieutenant colonel, yet the entire combined security apparatus now under scrutiny was being commandeered by a major-general.<sup>156</sup> Namwase argues that this *ad hoc* accountability mechanism raised 'concerns around independence and accountability [since it is] a role based on a presidential appointment ... [with no] legal framework defining its mandate, powers, privileges, limitations and relationship with the civilian population'.<sup>157</sup>

At the time of writing the army had withdrawn all LDU personnel from deployment across the country for re-training with a particular focus on respect, protection and promotion of human rights and freedoms.<sup>158</sup> Indeed, due to the public outcry, as discussed above, there had been two military trials that ended in a conviction of LDU and UPDF personnel for murder with sentences ranging between 20 and 35 years' imprisonment. However, these trials do not restore the lives taken, but they could have been avoided if only there was no glorification of militarisation as a means of combating the COVID-19 pandemic.

## 7 Conclusion and recommendations

The article has attempted to show the increasing militarisation of public health in Uganda, further leading to the digression of democratic values, the rule of law and human rights. There is a permissive legal framework that is manipulated to heighten this

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co.ug/News/National/Widow-of-killed-lay-reader-disputes-army-s-version-of-events/688334-5583486-x2xlet/index.html (accessed 18 July 2020).

154 J Ssebwami 'Stop beating people! Museveni warns LDU's, security personnel they will face it rough for manhandling citizens' *PML* (Kampala) 8 April 2020, <https://www.pmldaily.com/news/2020/04/stop-beating-people-museveni-warns-ldus-security-personnel-they-will-face-it-rough-for-manhandling-citizens.html> (accessed 10 September 2020).

155 As above.

156 Namwase (n 13).

157 As above.

158 'UPDF conducting refresher course for LDUs' *The Independent* (Kampala) 21 July 2020, <https://www.independent.co.ug/updf-conducting-refresher-course-for-ldus/> (accessed 10 September 2020).



agenda. Unfortunately, it has also emerged that not only is there limited and weak civilian oversight of the military but also of militarism as an ideology. As such, the COVID-19 pandemic was used to further strengthen this reality and use it to limit other civil and political rights, especially as the country prepared for the 2021 general presidential and parliamentary elections.

What then is the way forward? To curb the hijacking of such emergencies as conduits to further strengthening militarisation in Uganda, there is a need to build strong parliamentary oversight over the military deployments in such national emergencies. To achieve this, there is a need for the provision of clear rules of engagement for the military in such domestic operations where the exclusive and primary mandate is that of the Ugandan police force. These regulations, possibly emerging by way of an amendment to the parent law of the UPDF Act, should provide the need for parliamentary approval before such deployments take place, should prescribe the period of the deployment, under whose chain and command it will be, and aspects surrounding accountability in case of a violation of citizenry rights. More importantly, the law should re-establish and protect the position of the police as the primary and leading agency in dealing with domestic crises and/or law and order-related issues with close collaboration, first, with the civilian authority and, second, with the military at the prompting officially of the police authorities. Generally, the Ugandan community should commence a public debate on de-militarisation, a genuine country-wide preparation for a transition from the liberation movement of the NRM which is militaristic owing to its creation roots to a fully-fledged democratic atmosphere that respects civilian authority and subordinates the military under it.