

27 April 2017

## Uganda – Human rights defenders **Magezi Jackson, Trader Suleiman, Prosper Businge and Kyaligonze Fred** falsely charged

On 25 April 2017, human rights defenders, **Magezi Jackson** and **Trader Suleiman** were arrested and brought before the Grade One Magistrate Court of Fort Portal. Both were released on bail that same day. Police also attempted to arrest **Prosper Businge** and **Kyaligonze Fred**, but were unsuccessful. All four human rights defenders were charged with the use of poison or explosive or electrical devices, following their legal efforts to challenge Ferdsult Engineering Services Ltd's acquisition of 20 crater lakes and eviction of communities in Kabarole District. They are scheduled to appear in court on 3 May 2017.

Magezi Jackson, Trader Suleiman, Prosper Businge and Kyaligonze Fred are members of [Twerwaneho Listeners Club \(TLC\)](#), which is a non-governmental organisation based in Fort Portal, in the Rwenzori Region of Western Uganda. TLC carries out human rights advocacy through weekly radio programs centred on human rights education, capacity building of human rights defenders, civic education, the monitoring and documentation of human rights violations and the challenging of unlawful government actions in court. Since 2006, it has been working on unlawful evictions from public community land. TLC radio programs generally focus on human rights issues with a view to holding public leaders and corporations more accountable. Magezi Jackson was heading TLC's Kicwamba village budget and was a witness in a civil lawsuit against Ferdsult Engineering Services for unlawfully acquiring crater lakes and evicting communities. Trader Suleiman, Prosper Businge and Kyaligonze Fred were also witnesses in the civil lawsuit against Ferdsult Engineering Services Ltd.

On 25 April 2017, the Grade One Magistrate Court issued an arrest warrant and approved criminal charges against Magezi Jackson, Trader Suleiman, Prosper Businge and Kyaligonze Fred for the use of poison or explosive or electrical devices contrary to section 7 (1), 28 & 22 of the Fish Act Cap 197, following an ongoing dispute with Ferdsult Engineering Services Ltd. In December 2016, the four human rights defenders were arrested on charges of illegal fishing after agents of Ferdsult Engineering Services Ltd. filed a complaint with the police on 24 November 2016, alleging that the human rights defenders had participated in fishing activities in lakes involved in the dispute. The human rights defenders were released on bail. When they were called to report to the police on 24 April 2017, they were told that it was related to the same charges of illegal fishing, which was incorrect information. Between their arrest in December 2016 and their arrest on 25 April 2017, the Junior State Attorney changed the charges from illegal fishing to the use of poison or explosive or electrical devices in the lakes. The human rights defenders were unaware of the new charges, until they were read out to Magezi Jackson and Trader Suleiman in court on 25 April 2017. A day earlier, on 24 April 2017, unaware of the new charges, TLC appealed to the Senior Resident State Attorney, asserting that the charges of illegal fishing were fabricated. Following this, the Senior Resident State Attorney, also taking action based on old information, issued a letter to the police to recall the arrest, having noted that the intended charges against the human rights defenders were fabricated. This letter was ignored and the arrest warrant, which contained the new charges of the use of poison or explosive or electrical devices in the lakes, was brought to the Grade One Magistrate Court by the police without the approval of the Senior Resident State Attorney, which is illegal.

On 28 July 2016, members of TLC including Magezi Jackson, Trader Suleiman, Prosper Businge and Kyaligonze Fred filed a civil lawsuit with the high court in Fort Portal, challenging Ferdsult Engineering Services Ltd. for its acquisition of 20 crater lakes, evictions of residents and mistreatment of community members. On 11 November 2016, Ferdsult Engineering Services Ltd. applied for an interim order to stop communities from fishing in the 20 crater lakes. The order was issued by the Deputy Registrar of Fort Portal Court, permitting only Ferdsult Engineering Services Ltd. access to fishing. This order was challenged by TLC, which appealed it in the High Court and on 7 December 2016, Justice Oyuko Anthony Ojok issued an injunction restraining both parties (Ferdsult Engineering Services Ltd. and the communities) from fishing until the court pronounced its final judgement on the matter. Despite this, Ferdsult Engineering Services Ltd. has continued its fishing activities in the crater lakes.

The fabricated charges brought against the four human rights defenders are a direct result of their advocacy work against the actions of Ferdsult Engineering Services Ltd. The use of the judicial system by the company to harass and prosecute Magezi Jackson, Trader Suleiman, Prosper Businge and Kyaligonze Fred, may intimidate other human rights defenders, causing them to desist pursuing justice through court processes.

Front Line Defenders is deeply concerned about the judicial harassment and false charges against human rights defenders, Magezi Jackson, Trader Suleiman, Prosper Businge and Kyaligonze Fred as it believes them to be directly related to their peaceful and legitimate work in the defence of human rights in Uganda.

**Front Line Defenders urges the authorities in Uganda to:**

1. Immediately and unconditionally drop all charges against Magezi Jackson, Trader Suleiman, Prosper Businge and Kyaligonze Fred as it is believed that they are solely motivated by their legitimate and peaceful work in defence of human rights;
2. Carry out an immediate, thorough and impartial investigation into the illegal arrest and charging of Magezi Jackson, Trader Suleiman, Prosper Businge and Kyaligonze Fred, with a view to publishing the results and bringing those responsible to justice in accordance with international standards;
3. Cease targeting all human rights defenders in Uganda and guarantee in all circumstances that they are able to carry out their legitimate human rights activities without fear of reprisals and free of all restrictions including judicial harassment.