MAKERERE UNIVERSITY



SCHOOL OF LAW

TOWARDS THE DEMILITARISATION OF ELECTIONS IN UGANDA

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DECLARATION

I, **Nobert Katsigazi,** declare that this dissertation has been prepared and completed independently by me. It is an original work that has not been submitted to any institution for any form of credit, award, or examination, and all contributions borrowed from any other work in the form of literature have been duly acknowledged through footnotes, quotations, and as complete references

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APPROVAL

The dissertation, *Towards the Demilitarisation of Elections in Uganda*, has been prepared and submitted for examination under my guidance and supervision.

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DEDICATION

This dissertation is dedicated to all victims of militarised politics in Uganda. To all those who have suffered injustice, lost their lives, or had their democratic rights suppressed under the weight of political militarisation. This study is a tribute to your resilience. May this research contribute to the ongoing struggle for true demilitarisation, democratic integrity and the rule of law.

I also dedicate this study to those who have been my pillars of strength thought my academic journey. To my mother Ms. Betesi Naturinda, my father Mr. Albert Katsigazi, my brother Arnold Asiimwe and the rest of my family whose unwavering support, encouragement and love has been my greatest source of motivation. Your belief in me has been my guiding light.

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Finally, I acknowledge myself. I celebrate the discipline, sleepless nights, intellectual growth, and sheer resilience I mustered to see this rigorous project through from a mere concept to completion. This work stands as a testament to my dedication to the legal profession and the pursuit of justice.

TABLE OF CONTENTS

DECLARATION ii
APPROVAL iii
DEDICATION iv
ACKNOWEDGEMENTS v
TABLE OF CONTENTS vi
LIST OF ACRONYMS x
LIST OF DOMESTIC CASES xi
LIST OF INTERNATIONAL CASES xii
LIST OF INTERNATIONAL INSTRUMENTS xiii
LIST OF NATIONAL INSTRUMENTS xiv
ABSTRACT xv
CHAPTER ONE 1
INTRODUCTION 1
1.1 Introduction 1
1.2 Background 2
1.3 Statement of the Problem 6
1.4 Research Objectives 6
1.4.1 Overall Objective. 6
1.4.2 Specific Objectives. 6
1.5 Research Questions 6
1.6 Scope of the Study 6
1.7 Conceptual Considerations. 7
1.7.1 Militarization 7
1.7.1.1 Parliament 7
1.7.1.2 Judiciary. 8
1.7.2 Elections 10
1.7.3 Demilitarization 10
1.8 Methodology 11
1.8.1 Research design 11
1.8.2 Data collection and Analysis 11
1.8.2.1 Questionnaire 11

1.8.3 Ethical Considerations....12
1.9 Literature Review....12
1.9.1 Defining Militarization and Demilitarization....12
1.9.2 History of Militarization 1894 to 1962....15
1.9.3 History of Militarization from 1962 to 1995....16
1.9.4 Assessment of Militarization of elections, 1995 to Present....19
1.10 Significance and Expected Outcomes....20
1.11 Chapter Outline....20
CHAPTER TWO....22
FROM PRE-COLONIAL KINGDOMS TO THE 1995 CONSTITUTION: UGANDA'S JOURNEY OF MILITARISED POLITICS....22
2.1 Introduction....23
2.2 Pre-colonial and Colonial Military Heritage....23
2.2.1 British Colonialism....24
2.2.2 The Establishment of the Colonial Army....25
2.3 Milton Obote 1 Era: 1962 TO 1971....28
2.4 The 1971 Coup d'etat and Idi Amin....30
2.4.1 Idi Amin's Regime (1971–1979)....31
2.5 The Attempted Electoral Transition....33
2.5.1 The 1980 Elections....34
2.6 The National Resistance Army Victory and a Path to Democracy....35
2.7 Conclusion....36
CHAPTER THREE....37
INTERNATIONAL, REGIONAL AND NATIONAL LEGAL FRAMEWORK....37
3.1 Introduction....38
3.2 International Legal Framework....39
3.2.1 The Universal Declaration of Human Rights....39
3.2.2 The International Covenant on Civil and Political Rights....39
3.2.3 Convention on the Rights of Persons with Disabilities....41
3.3 Regional Legal Framework....41
3.3.1 The African Human Rights System....41
3.3.1.1 The African Charter on Human and Peoples' Rights....41
3.3.1.2 The African Charter on Democracy, Elections and Governance....42

3.3.2 The East African Community Framework 44
3.3.2.1 The EAC Treaty 44
3.3.2.2 EAC Election Observation Principles 44
3.4 National Legal Framework (Uganda) 44
3.4.1 The 1995 Constitution of Uganda 44
3.4.2 The Electoral Commission Act (Cap 176) 46
3.4.3 The Presidential Elections Act 48
3.4.4 The Political Parties and Organisations Act 49
3.4.5 The Parliamentary Elections Act 50
3.4.6 The Local Governments Act 51
3.5 Conclusion 51
CHAPTER FOUR 52
AN ASSESSMENT OF THE MILITARISATION OF ELECTIONS IN UGANDA 52
4.1 Introduction 53
4.2 The 2001 Presidential Elections 54
4.2.1 Forms of Military Involvement 54
4.3 The 2006 Presidential Elections 56
4.3.1 2006 Forms of Military Involvement. 57
4.4 The 2011 Presidential and Parliamentary Elections 58
4.4.1 2011 Forms of Military Involvement 59
4.5 The 2016 Presidential and Parliamentary Elections 60
4.5.1 2016 Forms of Military Involvement 60
4.6 The 2021 Presidential and Parliamentary Elections 61
4.6.1 2021 Forms of Military Involvement: An Unprecedented Escalation 62
4.7 The 2026 Presidential and Parliamentary Elections 63
4.7.1 Pre-Election Militarisation: Arrest, Abduction and Rendition 64
4.7.2 Election-Day and Post-Election Military Conduct 65
4.8 Conclusion 66
CHAPTER FIVE 67
COMPARATIVE ANALYSIS: LESSONS FROM STATES THAT HAVE DEMILITARISED THEIR ELECTORAL PROCESSES 67
5.1 Introduction 67
5.2 Namibia: Demilitarisation Through Constitutional Design and International Oversight 68

5.2.1 Namibian Constitutional and Legal Framework 68
5.2.2 Lessons for Uganda 69
5.3 Botswana: Organic Civilian Consolidation and the Rule of Law Tradition 69
5.3.1 Botswana Constitutional and Legal Framework....70
5.3.2 Lessons For Uganda 71
5.4 Mauritius: Constitutional Independence of Electoral Administration Context....71
5.4.1 Mauritius Constitutional and Legal Framework 72
5.4.2 Lessons for Uganda 72
5.5 Conclusion....73
CHAPTER SIX....74
CONCLUSION AND RECOMMENDATIONS TOWARDS THE DEMILITARISATION OF ELECTIONS IN UGANDA....74
6.1 Introduction....74
6.2 Recommendations....74
6.2.1 Express Prohibition of Military Involvement in Electoral Processes 75
6.2.2 Reconstitute the Electoral Commission a Non-Executive Appointment Process....75
6.2.3 Abolish Military Representation in Parliament....76
6.2.4 Repeal the UPDF (Amendment) Act 2025 and Legislatively Implement the Kabaziguruka Ruling 76
6.2.5 Remove Structural Barriers to Judicial Remedy and Establish Electoral Security Protocols..77
6.3 Conclusion....78
BIBLIOGRAPHY....79

LIST OF ACRONYMS

ACDEG	African Charter on Democracy, Elections and Governance
ACHPR	African Charter on Human and People's Rights
AUEOM	African Union Election Observation Mission
BDF	Botswana Defence Force
COMESA	Common Market for Eastern and Southern Africa
CRPD	Convention on the Rights of Persons with Disabilities
DP	Democratic Party
EAC	East African Community
FDC	Forum for Democratic Change
GCM	General Court Martial
IBEACo	Imperial British East Africa Company
ICCPR	International Covenant on Civil and Political Rights
ICJ	International Court of Justice
IGAD	Intergovernmental Authority on Development
KAR	King's African Rifles
NRM	National Resistance Movement
NUP	National Unity Platform
OAU	Organization of African Unity
PPU	Presidential Protection Unit
SADC	Southern African Development Community
SWAPO	South West Africa People's Organisation
UCC	Uganda Communications Commission
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNLF	Uganda National Liberation Front
UNTAG	United Nations Transition Assistance Group
UPC	Uganda People's Congress
UPDF	Uganda People's Defence Forces

LIST OF DOMESTIC CASES

Attorney General v. Hon. Michael Kabaziguruka (Constitutional Appeal 2 0f 2021) [2025] UGSC 1 (31 January 2025)

Paul K. Ssemwogerere, Zachary Olum and Juliet Rainer Kafiire v. Attorney General (Constitutional Petition 7 of 2000) [2002] UGCC 1 (17 April 2002)

Col (Rtd) Besigye Kizza v. Museveni Yoweri Kaguta and Electoral Commission (Presidential Election Petition No. 1 of 2001) [2001] UGSC 15 (6 July 2001)

Col (Rtd) Besigye Kizza v. Electoral Commission and Yoweri Kaguta Museveni (Election Petition No. 1 of 2006) [2007] UGSC 24 (30 January 2007)

Col. Dr. Kiiza Besigye v. Attorney General (Constitutional Petition No. 0013 of 2009)

Joy Kabatsi Kafura v. Anifa Kawooya Bangirana and Electoral Commission (Election Petition Appeal N0.25 of 2007

Hon. Katuntu Abdu v. Hon. Kirunda Kivenjinja Ali and The Electoral Commission (Election Petition No. 7 of 2006) [2006] UGHC 3 (31 December 2006).

Electoral Commission and Bakaluba Peter Mukasa v. Nambooze Betty Bakireke (Election Petition Appeal NO. 1 of 2007)

Kwizera Eddie v. The Attorney General and Electoral Commission (Constitutional Petition N0. 20 of 2018) [2019] UGCC 13 (27 December 2019).

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African Court on Human and Peoples' Rights

Anudo Ochieng Anudo v. United Republic of Tanzania App. No. 012/2015, Judgement, 22 March 2018.

Kennedy Gihana and others v. Republic of Rwanda Application N0. 017/2015, Judgement, 28 November 2019.

African Commission on Human and Peoples' Rights (ACHPR)

Communication 102/93, Judgement, 31 October 1998, *Constitutional Rights Projects and Civil Liberties Organisation v. Nigeria*

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Barcelona Traction, Light and Power Company Limited (New Application, 1962), Belgium v. Spain, Judgement, Merits, Second Phase, ICJ GL No. 50, [1970] ICJ Rep 3.

LIST OF INTERNATIONAL INSTRUMENTS

Universal Declaration of Human Rights (UDHR), 1948

International Covenant on Civil and Political Rights (ICCPR), 1966

UN Human Rights Committee General Comment No. 25 (Electoral Rights and Freedom from Coercion)

UN Human Rights Committee General Comment No. 32 (Article 14 - Independence of Military Courts)

Convention on the Rights of Persons with Disabilities (CRPD), 2006

African Charter on Human and Peoples' Rights (ACHPR / Banjul Charter), 1981

Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court, 1998

African Charter on Democracy, Elections and Governance (ACDEG), 2007

Treaty for the Establishment of the East African Community (EAC Treaty), 1999

EAC Principles for Election Observation and Evaluation, 2012

United Nations Security Council Resolution 435 (1978) - Regarding Namibian independence framework

SADC Election Observation Principles

LIST OF NATIONAL INSTRUMENTS

Republic of Uganda

The 1995 Constitution of the Republic of Uganda (including Articles 1, 59, 60-64, 78, 128, 208, 209, 210)

The Electoral Commission Act, Cap 176 (As revised to 31 December 2023)

The Political Parties and Organisations Act, Cap 178

The Parliamentary Elections Act, Cap 177 (Sections 8, 28, 99, Part X)

The Presidential Elections Act, 2000 (Section 59)

The Uganda People's Defence Forces (UPDF) Act, 2005

The Uganda People's Defence Forces (UPDF) Amendment Act, 2025

The Civilian Courts Transfer Act (Proposed legislative measure)

The Referendum (Political Systems) Act, 2000 / Referendum and Other Provisions Act, 1999

The Constitution (Amendment) Act 13 of 2000

The Legislative Council (Elections) Ordinance, No. 20 of 1957 (Pre-independence colonial instrument)

The Rifles Ordinance, September 1895 (Colonial army governance framework)

Republic of Namibia

The 1990 Constitution of Namibia (Article 17, 94B)

The Namibia Defence Act of 2002

The Electoral Act (including Section 26)

Republic of Botswana

The 1966 Constitution of Botswana (as amended in 1997)

The Electoral Act

The Botswana Defence Force Act

Republic of Mauritius

The 1968 Constitution of Mauritius (Sections 38, 40, 41)

The Representation of the People Act

ABSTRACT

This dissertation examines the militarisation of Uganda's electoral processes and proposes pathways towards their demilitarisation by exploring the historical roots, legal implications and socio-political consequences of electoral militarisation. Historically, the study traces militarisation from the colonial era through the post-colonial regimes of Milton Obote and Idi Amin to the current National Resistance Movement administration. It argues that the political-military fusion under the NRM has transformed elections into a mere façade where power is maintained through state sponsored violence and intimidation rather than popular consent. The research highlights how military, intervention, including physical presence at polling stations undermines the fairness and credibility of elections while violating fundamental human rights.

CHAPTER ONE

INTRODUCTION

1.1	Introduction
1.2	Background
1.3	Statement of the Problem
1.4	Research Objectives
1.5	Research Question
1.6	Scope of the Study
1.7	Conceptual Considerations
1.8	Methodology
1.9	Literature Review
1.10	Significance and Outcome
1.11	Chapter Synopsis

"All power belongs to the people who shall exercise their sovereignty in accordance with the constitution; the people shall express their will and consent on who shall govern them and how they shall be governed, through regular, free and fair elections of their representative or through referenda"

- *Article one of the 1995 Constitution of Uganda.*

1.1 Introduction

Uganda's political landscape from the colonial to the post-colonial era has been characterized with violence, gross human rights violations all caused by military intervention in all state sectors with the security forces being used as apparatus to achieve the political ambitions and goals of the regimes. This goes beyond the physical presence of men and women in camouflage wear at polling stations but it is deeply systematic, rooted in the country's political history and institutional design and decay, with power defined and maintained through coercion rather than popular consent. This phenomenon has been maintained by both legal ambiguities and a consistent normalized pattern of human rights abuses like false imprisonment through abductions, malicious prosecutions of formidable political regime opponents and finally institutional fusion of the Uganda People's Defense Forces through offering the force responsibilities like road construction which should have been normally shouldered by other Government Sectors. This has led to an atmosphere where presence of guns at polling stations not for security reasons but to intimidate polling agents and electorates a new normal. This has

undermined the idea of a democratic state. Additionally, militarization of elections contravenes fundamental human rights protected by different instruments such as the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), African Charter on Human and People's Rights (ACHPR), African Charter on Democracy, Elections and Governance (ACDEG).

Demilitarization of the electoral process would therefore represent a fundamental step towards establishing a political system founded on rule of law, civilian supremacy and genuine popular consent rather than fear, intimidation and uncertainty of the future.

1.2 Background

Elections in Uganda have for a long time been a cornerstone of political legitimacy, yet they are increasingly overshadowed by the pervasive role of the military and other security forces. The militarization of politics and elections is not a recent variation but historical abnormality now considered as part of the country's DNA. Political regimes right from the colonial era have utilized the armed forces in one way or another to maintain power and even suppress any form of resistance and opposition.

During the colonial era, the British are known to have used force to suppress rebellions and resistance setting a new precedent in which the army could be used with impunity to undercut centers of authority. If the army could intervene and overthrow traditional leaders whose claims to power are traditionally justified and were unquestionable, they could as well be expected to-do worse to the future civilian politicians.[1]The British also utilized the King African Rifles to suppress dissent and secure imperial dominance.[2]

The Kings African Rifles was the earliest and first standing force under the British Rule mandated with disciplining Ugandans rather than defending.[3] This is believed to be the origin of militarized

[1] PG Okoth 'History of Military Intervention in Ugandan Politics.' *Trans African Journal of History*, Vol. 22 (1993), pp. 35-54.

[2] Bwiranda Kennedy Max, 'Military Justice in Uganda: A Perpetual Threat to Democracy, *International Society for Human Rights*.
Available at https://ishr.org/uganda-militarized-governance-and-justice-in-uganda-a-perpetual-threat-to-democracy/ (accessed on 29th August, 2025.)

[3] Gertrude Othieno, 'Bayonets and Boundaries: How Uganda was militarized'. *Daily Monitor*, Monday 14th July, 2025.
Available at https://www.montor.co.ug/uganda/commentary/bayonets-and-boundaries-how-uganda-was-militarised-5117256

politics in Uganda with people in authority unbothered by the democratic rights of the people they govern and their call for change in power but instead use the military machinery at their disposal to maintain power.

After Uganda gaining independence, the Kings African Rifles was transformed to Uganda's first national army known as the Uganda Army. The responsibility for the army was transferred from the Ministry of Security and External Affairs under the foreign office to the Ministry of Home Affairs.[4] Placing the army under the sphere of internal affairs indicates that the army in post-colonial era was envisaged not as a defense force against external attack, but as a bulwark of the central government against internal dissent.[5] The first president King Muteesa had reservations about the military domination by northern ethnic groups. The British therefore recommended a native officer Major Augustine Karugaba as the new army chief who was later dismissed by the Prime Minister Milton Obote and replaced him with two less educated officers from the north. This culminated into tensions between the non-executive president and the Prime Minister. By 1966, the army had had gotten deeply involved in matters of state management and politics and deployed in support of the then prime minister Apollo Milton Obote against the president and King of Buganda Kingdom Edward Muteesa II in a struggle for military and political control.[6] On 24th February 1966, Obote announced the suspension of Muteesa from his duties as president, citing his reaction to the lost counties referendum, his ordering of troop movement without ministerial consultation, and his seeking of foreign military support.[7] The Prime Minister Milton Obote later suspended the 1962 constitution[8] making himself both Head of the State and head of Government. On 15th April a new constitution was promulgated known as the pigeonhole constitution as the copies of this constitution were posted in the pigeon holes of members of parliament. At this time, the parliamentary buildings in which members of parliament were sited were surrounded by security forces who could arrest any dissenting member of parliament.[9]On 23rd May, the Uganda army condoned off the Lubiri palace and arrested three Buganda chiefs who had strongly supported the Lukiiko's 20th May resolution demanding that Uganda's national

[4] P.G. Okoth, (n 1) 35-54.
[5] PG. Okoth (n 1).
[6] Sylvie Namwase and James Nkuubi: *Guns, Bread and Butter: Militarization of Economic Sectors and Public Institutions in Uganda*: A socio Legal Analysis.
Available at https://law.mak.ac.ug/wp-content/uploads/2024/05/GUNS-BREAD-AND-BUTTER-REPORT-2024-170x240mm-WEB-FF-D7.pdf
[7] Kasozi, A. (1994). *Social Origins of Violence in Uganda, 1964-1985*. (McGill-Queens Press), pg.84.
[8] Morris, H.F, "The Uganda Constitution, April 1966". *Journal of African Law*, 112-117.
[9] Kasozi A.B.K, "*The Constitution Abu Mayanja Wanted for the Uganda Post-Colonial State*" pg. 11.

government leave Buganda within the next ten days owing to its lack of compliance with the original constitution[10]. The next morning the army attacked the Lubiri Palace[11] under the command of one Idi Amin, a military figure that later came to signify a vital turning point in Uganda's militarized political history.[12]

In January 1971, while the then president Milton Obote was attending the Commonwealth heads of Government meeting in Singapore, the then commander of the Ugandan Army Idi Amin staged a coup d'état.[13] Upon taking over power, he made a promise to the people of Uganda stating that "I am not a politician, but a professional soldier…mine will be purely a caretaker administration."[14] In March, he ended the state of emergency that had existed in Uganda since 1969, and in early May, he announced that a new constitution would be published, to be followed by civilian elections.[15] The target date for the elections was March 1973 and several ministers in the government suggested that Uganda would adopt a multi-party system with a parliamentary opposition.[16]

While there was initially some hope from areas of the International Community that he would bring democracy and stability in Uganda, Amin soon began to preside over a regime of extreme violence, resulting into the deaths of thousands of his own citizens[17]. During Amin's regime that lasted from1971 to 1979, the constitution was overthrown and replaced by decrees, suspected opposition to the regime were killed, soldiers suspected of loyalty to the deposed regime were murdered, the people who had been senior officials of the UPC or belonged to the same ethnic group as Obote and his former military supporter became victims and brutal torture or murder and the citizens of Indian, Pakistan or Bangladeshi origin were expelled.

The period between 1979 to 1986 can be described as one of political unrest in Uganda with constant change of governments and civil wars with several short-lived civilian administrations following the overthrow of the Amin government, culminating in a return to power by Obote in a disputed election

[10] Southall Aidan. "General Amin and the Coup: Great Man or Historical Inevitability?" *The Journal of Modern African Studies*, 13(1): 85-105.
[11] M Crawford Young 'The Obote Revolution' (1966) 11(6) *Africa Report 8*.
[12] Namwase, (n 6).
[13] Hebditch David, "How to Stage a Military Coup: From Planning to Execution. London; Greenhill Books.pg. 128.
[14] A Study by the International Commission of Jurists, "Violations of Human Rights and the Rule of Law in Uganda", pg. 10.
[15] International Commission of Jurists (n 14).
[16] International Commission of Jurists (n 14).
[17] Harriet Aldrich (2020), "Uganda, Southern Sudan and the Idi Amin Coup," *The Journal of Imperial and Commonwealth History*.

in 1980. The UPM party under Museveni disputed the election which culminated into a civil war from 1980 to 1986. The National Resistance Movement under Yoweri Kaguta Museveni emerged from the gorilla war on the 26th day of January 1986, with the rebels and fellow revolutionaries storming Kampala and ushering in new hope for the country. Museveni during his swearing in ceremony made a historic speech stating that;

"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."[18]

The NRM however later established a regime where military commanders often hold political roles[19] which saw this politico-military fusion manifest in elections through heavy deployment of the UPDF and other security organs, leading to voter intimidation, arbitrary arrests, and violence. As the country was gearing up for the first multi-party elections of 2006, the regime created "a climate of fear by applying selective and premeditative violence and repression against key groups while reminding the population that the regime can and will resort to violence and massive repression if necessary."[20] The 2021 elections exemplified this, with widespread abuses, including killings and an internet shut down, resulting in Museveni's disputed victory.[21]

Recent incidents, such as the 2025 Kawempe North by-election marred by violence, voter intimidation, military shootings during campaigns underscore the ongoing crisis[22]. Corruption, including voter bribery and rigging, further compounds the issue, with money and brutality emerging as key determinants of electoral outcomes.[23] Amid Museveni's prolonged rule without clear transition plan, risks of mass atrocities loom, necessitating urgent demilitarization efforts.[24]

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[18] President Museveni, 1986 inauguration speech, cited in Rebecca Tapscott's Arbitrary States: Social Control and Modern Authoritarianism in Museveni's Uganda. Chapter 3, Institutionalized Arbitrariness in Uganda (1986-2016).
[19] Godber Tumushabe, Andrew Karamagi, Barnet Musasizi, Job Kiija, "Guns Everywhere, Uganda Sliding into Militarized Rule ahead of 2026 Elections-Report"
[20] Svein-Erik Helle and Lise Rakner '*The Impact of Elections: The Case of Uganda*.' Page 12.
[21] Christina Okello, "Ugandan Opposition Denounces Brutal Crackdown ahead of 2026 elections".
Available at https://www.rfi.fr/en/africa/20250505-pressure-mounts-on-political-opposition-in-uganda-ahead-of-2026-elections/
[22] Mathew Gichohi, Gerald Kagambirwe Karyeija, Stella Kyohairwe, Vibeke Wang, Par Zetterberg, "The Cost of doing Politics in Uganda: Perspectives on Violence against Political Candidates".
[23] Gichohi (n 22).
[24] Christina (n 21).

1.3 Statement of the Problem

The military intervention in elections has undermined the fairness, credibility and peacefulness of electoral processes. This has led to state sponsored violence and intimidation which erodes the purpose of democratic institutions. Elections which should serve as the cornerstone of democratic governance have consistently been compromised by the military, reducing it to a mere façade or show. This research aims at investigating the effects of militarized democracy and recommend ways to demilitarize the electoral processes in Uganda.

1.4 Research Objectives

1.4.1 Overall Objective.

The main objective of this study is to recommend ways and means on how to demilitarize elections in Uganda

1.4.2 Specific Objectives.

i. To analyze the patterns and nature of military involvement in Uganda's electoral process.
ii. To assess the impact of militarization on the political, social and economic rights and the freedoms of the people of Uganda.
iii. To propose a set of policy and legal recommendations in order to demilitarize elections.

1.5 Research Questions

a) How does the military intervene in Uganda's Electoral process?
b) How have historical factors contributed to the militarization of Uganda's electoral processes?
c) What are the effects of military intervention in Uganda's electoral process?
d) What role has the military played in suppressing dissent and opposition activities during election period?
e) What comparative lessons can Uganda learn from other states around the world that have successfully transitioned from militarized electoral processes?

1.6 Scope of the Study

In order to determine and give clarity on the limits on what is to be investigated, the scope of this research paper is divided into three categories: content scope, geographical scope and time scope.

This study will involve the analysis of legal framework governing security forces in Uganda for example the UPDF Act as amended among others.

Militarization is a global topic manifesting in various ways and having implication on the rule of law and respect for human rights. This study will however focus on Uganda as a semi-military state with façade elections every after five years characterized with violence and gross violation of human rights. This will be compared to other jurisdictions, making distinct comparisons and analyzing how other states have managed to demilitarize elections and other government institutions. The study is conducted in the central business district, Kampala, as the target participants are easily accessible in this area.

The research will be conducted in the period between the colonial era to date. This is because for a better understanding, the historical context of this militarized state needs to be studied.

1.7 Conceptual Considerations.

This research will be approached under the following conceptual considerations.

1.7.1 Militarization

While there is no generally agreed definition of militarization, it can be described as the enlargement of military establishment within society[25]. In this context, militarization refers to the process through which military relations increasingly influence social relations, characterized by the integration of war related values, institutions, and practices into broader social contexts. As military relations exert greater influence, the level of militarization intensifies. Recent developments in Uganda suggest aspects of militarization of both public institutions like parliament, police and government departments and agencies, management of natural resources, management of pandemics and public health issues and implementation of government programs.[26]

1.7.1.1 Parliament

Since 1995, the constitution of Uganda has allocated seats in the Ugandan parliament to ten members of the Uganda People's Defense forces, which is considered one of the several interest groups represented in the legislature. This is provided for under Article 78 (4) of the Constitution[27] which provides that parliament shall by law, prescribe the procedure for elections of special interest groups.

[25] Namwase, (n 6).
[26] Namwase (n 6).
[27] 1995 Constitution of the Republic of Uganda as Amended.

In exercise of this power, Section 8(4) of the Parliamentary Elections Act as read with other legislations, specified the procedure of elections for different special interest groups. Army representatives are elected by the Defense Forces Council which includes all members of the Army High Command, persons of who had served as senior military officers of January 26th, 1986, all directors of military service, commanding officers of brigades and battalions and officers commanding equivalent military units[28] The Governments justification of having the army represented in parliament is that it should be involved in the country's political process in order to guarantee stability.[29]

1.7.1.2 Judiciary.

Judicial independence is a mythical principle in the current Ugandan setting. It has been overrun by the executive with the president openly and harshly criticizing the judicial decisions. In 2004, following the ruling handed down by the constitutional court which found that the Referendum (Political Systems) Act 2000 was unconstitutional, the president, moving beyond mere criticism of the logic, launched a serious political accusation. He stated that the 'practical effect of the judgement is that the constitutional court illegally seized and appropriated power that did not belong to it'. Specifically, he claimed that the court usurped the power of the people – the ultimate sovereign authority in democracy. Furthermore, he accused the court of usurping the power of parliament, which is the constitutional body mandated to amend the constitution. This statement served as a warning that the executive would not permit the court or any other body to make decisions that the executive does not agree with.

A few days later, President Museveni was quoted as saying that "the major work for the Judges is to settle chicken and goat theft cases but not determining the country's destiny".[30]

The Ugandan judiciary has not only been denied its independence but also highly militarized through the trial of civilians in military courts. The military courts which were once established to provide military justice which refers to "a distinct legal system that applies to members of armed forces"[31] are now being used for persecution of regime opposition. Militarization of the judiciary has intensified as

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[28] Bore L, (2016) Army Representation in Uganda's Multiparty Parliament- A critical Review. *CEPA Policy Series Papers Number 7 of 2016*, Kampala.
[29] Halima Athumani, "Uganda's Army MPs: Vanguard of Democracy or time Bomb".
Available at https://www.aa.com.tr/en/wolrd/ugandas-army-mps-vanguard-of-democarcy-or-time-bomb/44753
[30] Ssuuna, 'Judges Favor Ssevo, Says Museveni', the Monitor, 30 June 2004. Cited by International Bar Association Human Rights Institute: Judicial independence undermined: A report on Uganda, pg. 21.
[31] Mindia Vashakmadze, "Understanding Military Justice", *Guidebook, Legislating for security Sector.*

a tool for political repression, particularly under the NRM regime. Historically, it traces back to the UPDF Act of 2005 which was the first legislation to empower military courts to try civilians for offences like armed robbery and murder leading to many civilian prosecutions.[32]

The Ugandan Constitution[33] establishes courts martial as subordinate to civilian courts, implying that their jurisdiction should be limited to military personnel. In *Attorney General v. Hon. Michael Kabaziguruka*[34] the Supreme Court of Uganda ruled that civilians should not be tried by courts martial except in narrowly defined circumstances, such as when they are directly involved in military operations or commit offenses alongside military personnel during active hostilities. The court emphasized that military courts lack the independence required for civilian trials due to their subordination to military command structures. *Article 128 (1) of the Constitution of Uganda* provides that *In the exercise of judicial power, the courts shall be independent and shall not be subject to the control or direction of any person or authority.*

International Jurisprudence such as the African Court on Human and People's Rights in *Kennedy Gihana v. Rwanda*[35] held that trials of civilians by military tribunals violate *Article 7 of the ACHPR* unless justified by exceptional circumstances, such as wartime necessity, and even then, the tribunal must meet fair trial standards. The UN Human Rights Committee under *General Comment No. 32 on Article 14 of the ICCPR* has stated that civilians should only be tried by military courts in "very exceptional circumstances," and such courts must guarantee judicial independence and impartiality.

The military trails of civilians therefore flout international and regional standards. They open possibilities of a flurry of human rights violations, including coerced confessions, opaque's processes, unfair trails and executions. The opposition, including Dr. Kizza Besigye and other National Unity Platform learning people have been imprisoned, detained and brought before the general court martial for hearings in the previous years. As the country to the polls in 2026, may opposition members and regime dissents have been arrested and put before the genera court martial. The condition has been worsened by the enactment of the UPDF Amendment Act of 2025 which legitimizes these arrests.

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[32] Tigere Chagutah, "Military Courts: The Frontline of Uganda's war on dissent", Amnesty International. Available at https://www.amnesty.org/en/latest/news/2025/04/military-courts-the-frontline-of-ugandas-war-on-dissent/ (accessed 11th September 2025).
[33] Constitution of Uganda (n 27). Art. 129(1) (d).
[34] *Attorney General v. Hon. Micheal Kabaziguruka*, Constitutional Appeal No. 2 of 2021.
[35] Application NO.017/2015 (2019).

1.7.2 Elections

It is the duty of every democratic government to ensure that the civil and political rights of their citizens, including the to take part in the affairs of their government either directly or through freely elected representative and are protected and ensured[36]

Elections in a democratic framework represent formalized processes through which citizens exercise universal suffrage to select representatives or leaders, serving as essential mechanisms for legitimizing governance, ensuring accountability and facilitating peaceful power transitions. The practice of having elections in Uganda can be traced back to the pre-independence era when the British colonial government introduced the Legislative Council (Elections) Ordinance, No. 20 of 1957. The first national election after attaining independence took place in 1962 famously known as the National Assembly Elections in which the competing parties that is Democratic Party won 24 seats while Uganda People's Congress won 37 seats.[37]

Elections in Uganda are governed by a number of legislative legal frameworks which include but not limited to the following:

i. The 1995 Constitution of the Republic of Uganda
ii. The Electoral Commission Act
iii. Political Parties and Organizations Act
iv. Parliamentary Elections Act 2005
v. Specific Provisions on Disability.

The above legal frameworks are explained in detail in this study.

1.7.3 Demilitarization

The concept of demilitarization has different meanings in different concepts. The concept denotes the reduction or even total abolishment of armament (disarmament) and military presence in a specific area.[38] Demilitarization is not a new concept or phenomenon as it is closely connected to century's efforts towards arms control.[39] In electoral process, demilitarization is referred to as a set of practices

[36] Article 21 of the Universal Declaration of Human Rights, (1948).
[37] History of Elections in Uganda; A brief History of Elections in Uganda 1958-2021.
Available at https://www.ec.or.ug/info/history-elections-uganda/
[38] Frauke Lachemann; Rudiger Wolfrum (2017). The Law of Armed Conflict and the Use of Force. *The Max Plank Encyclopedia of public International Law*, pg. 327
[39] Lachemann (n 55)

aimed at reducing or eliminating the influence of military and other armed groups on political life, particularly during elections. It is a component of democratic transitions, especially in post conflict or unstable societies[40].

1.8 Methodology

1.8.1 Research design

This research will use a descriptive-qualitative approach wherein data will be collected through observation, structured and unstructured interviews. Collected data will then be analyzed in order to make conclusions. Desk research method will also be relied upon especially from authentic internet sources to analyze the different scholarly writings. This will be cost effective.

1.8.2 Data collection and Analysis

Data will mainly be collected through interviews, focus group discussions and observation from the targeted participants. Data will only be collected from reputable sources to ensure that quality is not compromised. Data will be analyzed according to its relevance to the research work and any data that is considered irrelevant will be discarded.

1.8.2.1 Questionnaire

This method offers a fast, efficient and inexpensive means of gathering large amounts of information from sizeable sample volumes. This tool is particularly effective for measuring subject behavior, preferences, intentions, attitudes and opinions. The use of open and closed research questions will enable the researcher to obtain efficient qualitative data, resulting in more results that are comprehensive. Following the purpose of this study, this questionnaire aims at gathering the opinions and experiences (if any) of the key stakeholders related to the involvement of the military and other security forces in the electoral process in the country. The responses from the key stakeholders will help the researcher understand the impact of this involvement on human rights violations. The participants will be requested to answer the questions honestly and all responses will be kept confidential on the participant's request.

The questionnaire will have particular sections that is demographic information, which will help the researcher have a better understanding of the population of interest to the research. Additionally, a

[40] Terrence, Lyons. (2005), "Post-Conflict elections and the process of demilitarizing politics: The Role of Electoral administration. Democratization.

thorough description of participants allows readers and researcher to determine to whom research findings generalize and allows comparisons to be made across replications of studies.[41] The participants will be requested to state their names (participant's discretion), Gender, Sexual orientation and their occupation.

1.8.3 Ethical Considerations.

The researcher will consider legal and writing ethics; All work referred to and relied upon will be cited accordingly. Consent will be obtained from participants before inclusion of their data and personal data will be kept confidential according to the wishes of the participants.

1.9 Literature Review

According to Sabiti, "while the regular, free, transparent and fair elections are generally considered one of key benchmarks of a democratic state, it is noted that in the case of most African countries that have held elections of one form or the other, a serious commitment to ensuring that their outcomes are credible and legitimate is still lacking"[42]

The militarization of elections does not merely mean the presence of soldiers and other security forces with guns on polling stations, but the electoral process. In the Uganda context, this includes security forces interrupting opposition members when picking nomination forms, political campaigns, meetings, abducting opposition leaders and members, deploying military forces towards elections time among other situations. This study will review different scholarly writings on the nature of elections in Uganda which reveals a civil-military relation leading to growing body of work on the intersections of political forces and political processes. It is structured into four sections; one being a foundational section that explains the terms militarization and demilitarization, secondly, as section on the history of military involvement from 1894 to 1962, thirdly, an assessment of militarization from 1962 to 1995, and lastly militarization of elections from 1995 to present.

1.9.1 Defining Militarization and Demilitarization

In international usage, the term 'demilitarization' encompasses dis-armament, demobilization and conversion or reintegration of soldiers into everyday life. Demilitarization processes supervised by

[41] Carol Scheffner Hammer: The Importance of Participant Demographics.
[42] Makara, Sabiti (2010), Deepening Democracy through Multipartyism: The Bumpy Road to Uganda's 2011 Election, in; Africa Spectrum, 42, 2, 81-94.

international bodies have tended to focus on combatants and their weapons. **Lamb** argues that the term's usefulness is that it indicates 'not a static phenomenon but a process'.[43] However, several writers argue for an even broader definition of demilitarization, encompassing much more than the disposal of weaponry, the removal of fortifications, and the demobilization of combatants.

Farr argues that 'demilitarization should be regarded as a broad process of which demobilization, disarmament and reintegration programs form only one aspect'.[44] For **Farr**, demilitarization involves two aspects; the first being the demilitarization of state military apparatus and ideology. For example, the reduction of military expenditure and the freeing up of resources for nonmilitary use, including the reestablishment of civilian state and economic governance. The second and less acknowledged aspect of militarization, according to Farr, is: The demilitarization of the broader society, which is central to the process of national rehabilitation. This should be understood as a psychological as well as a practical process.[45]

Subsequently, militarization permeates the ideology and culture of the society, including the culture of politics, education and the media: [Militarization] is an issue which is grounded in certain value judgments and beliefs. These values and beliefs, whether held by the general populace, policy makers or both, have their basis in that nation's political and military cultures.[46] It follows that the process of demilitarization must not only demobilize combatants, decommission weapons, but also address all those aspects of society that have been militarized, including political culture and ideology.

This requires what **Meyer**, describes as a 'paradigm shift'.[47]Meyer was one of the main negotiators for the South African National Party during the negotiations that led to the end of apartheid. He describes how an ideological shift on the part of the National Party negotiators, from the position of protectionism of the white minority's power to a new motivation to find a workable settlement for the future South Africa, was essential to the success of the South African negotiations. Ideologically, they moved from a position where military force was countenanced as an ongoing necessity, to one where they sought to work together with their former enemies to find a long-term peaceful settlement. **Meyer** argues that such shifts are essential to positive outcomes to peace processes. Yet the

[43] Lamb G, 'Reflections on Demilitarization: A Southern African Perspective', International Peacekeeping (2000) pg.120.
[44] Farr V, Gendering Demilitarization as a Peace building Tool (Bonn; Bonn International Centre
[45] Farr (n 44)24.
[46] E. M. French, "Democratization's Influence on CW Demilitarization: The case of Russia. Paper Presented at CWD99: The International CW Demil Conference. The Austria Centre, Vienna, Austria, 7-9 June (1999) pp.3-4.
[47] R. Meyer, Paradigm Shift: The Essence of Successful Change, A Personal Experience (Derry/ Londonderry: INCORE Occasional Paper 2001.

militarization of the conflict, the presence of violence, fear and suspicion predispose negotiators to distrust the opposition, to suspect their motivations and to see compromise as betrayal or folly.

Lamb argues that the success of demilitarization is predicated on demobilization followed by 'the deglorification of the armed forces by the media and society in general, the withdrawal of observable military influences in the education system and a sustained reduction in consumerist militarism'.[48] The move away from military frameworks, and from emulating military approaches and military life, the deconstruction of ideas of military heroism and patriotism forms a crucial part of the process of demilitarization at the cultural and ideological level. Demobilization or demilitarization, then, must reach into all those aspects of civilian life and culture that have become militarized during the conflict, in order to provide the cultural and ideological conditions under which peaceful, democratic and nonmilitary methods of governance can underpin the transition to peace. Without such ideological transformation, the habits of conflict remain, and the military methods and militarized mind-sets that have become normalized will undermine peaceful processes. Additional support to demilitarization processes are required, according to **Farr**, in order to underpin 'the consolidation of profound change in a post-conflict society'.[49]

In an interaction with one of the most profound lawyers and political analysists in Uganda, he stated that "you all and the whole country know the truth, Besigye will not leave person till the 2026 general elections are done, that how this government operates."[50] This shows that many scholars believe that courts are utilized as aids to militarize electoral processes.

Taken together, Lamb, Farr and Meyer converge on a critical insight that is largely absent from Uganda specific scholarship: demilitarisation is not merely an institutional or technical process, but a profoundly ideological one. While Lamb emphasises deglorification of the military and Farr stresses the transformation of state apparatus and societal values, Meyer's South African experience demonstrates that sustainable demilitarisation requires a voluntary paradigm shift by those who hold military power. These scholars however, draw predominantly on post-conflict or transitional contexts like South Africa in the post-apartheid era. They do not address states where militarisation is ongoing, where no peace process has been initiated and where the ruling party derives its very legitimacy from the barrel of a gun.

[48] Lamb (n 43).
[49] Farr, (n 44).
[50] Permission has not been granted, yet, by the analysist to publish his name.

The existing literature therefore eaves a gap: it does not account for how demilitarisation can be achieved on an entrenched, semi-authoritarian regime that has institutionalised military influence without a formal conflict or a negotiated transition. This research addresses that gap by applying these conceptual frameworks to the Ugandan context and proposing demilitarisation strategies suited to a non-transitional, yet deeply militarised electoral environment.

1.9.2 History of Militarization 1894 to 1962

Scholars believe that Uganda's military trajectory is "rooted in colonial tradition where a standing martial culture was solidified under the British Colonial rule".[51] It all started with the establishment of military forces in the country. The establishment of a standing army in modern Uganda dates back to the 1890's and the beginning of colonial rule. Amone describes the military set up as a martial race. He says "this was a designation created by army officials of British India after the mutiny of 1857, where they classified each ethnic group into two categories, 'martial and non-martial'".[52] Citing Rand[53] he adds that the ostensible reason was that a martial race was typically brave and well-built for fighting while the non-martial races were those whom the British believed to be unfit for battle because of their sedentary lifestyle.[54]

While Amone's analysis of the martial race doctrine is foundational in explaining ethnic stratification with Uganda's colonial army, it focuses primarily on military composition and ethnic classification rather than on the direct implications for electoral politics. Scholars writing on colonial legacies in sub-Saharan Africa broadly concur that British recruitment patterns created deep ethnic fault lines that outlasted independence, yet the specific casual pathway from these colonial military structures to the eventual militarisation of the electoral process in Uganda remains underexplored. Specifically, existing literature does not adequately examine how the deliberate construction of a northern dominated, ethnically fragmented colonial army became the structural pre-condition for the partisan army deployments that would characterise Uganda's elections from 1962 onwards.

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[51] Military Justice in Uganda: A Perpetual Threat to Democracy, International Society for Human Rights. Available at https://ishr.org/uganda-militarized-governance-and-justice-in-uganda-a-perpetual-threat-to-democracy/ Accessed on 23rd August, 2025.

[52] Charles Amone, 'The Creation of Acholi Military Ethnocracy in Uganda, 1862 to 1962' (2014) 2(3), *International Journal of Liberal Arts and Social Sciences* 141.

[53] Gavin Rand, 'Martial Races and Imperial Subjects: Violence and Governance in Colonial India 1857-1914". *European Review of History* (Routledge) 13 (1): 1-20.

[54] Charles Amone, (n 52).

This research fills this gap by tracing that direct institutional lineage, demonstrating that the militarisation of Uganda's elections is not merely a product of individual political choices of a colonial military architecture whose structural features were inherited intact at independence.

1.9.3 History of Militarization from 1962 to 1995

Uganda's post-independence era, specifically in this case from 1962 to 1985, witnessed the transformation of its fledging democratic institutions into arenas of military dominance. The events leading to the independence of Uganda include the enactment of the Legislative Council (Elections) Ordinance[55] leading to the first direct elections in Uganda in 1958. In the same year, the British Government convened a Constitutional conference that debated the preparations for independence. The Governor, Sir Andrew Cohen, appointed Hon. J.V Wild, the colonial Administrative Secretary, to chair a committee to recommend the form of elections and the functions of the members of the Legislative Council which would be introduced in 1961.[56]

The report was published in December, 1959 and came to be known as Wild Report, or the Report of the Constitutional Committee and its recommendations, which, according to Kanyeihamba may be summarized as follows: that direct elections should, in all parts of the country be held in 1961; that a common roll would be introduced and it should include non-indigenous persons residing in Uganda but this should not necessarily entitle such persons to claim automatic citizenship or rights in land[57]. The number of elected representatives was fixed at 76; 20 for Buganda, 20 for the Eastern Province, 17 for Western Province, 15 for the Northern Province and 4 for the urban areas. Kanyeihamba notes that no special recommendation was made for separate representation of the Asian and European communities; the Committee being of the view that their inclusion on the common roll was sufficient.[58]

The Committee further recommended the 'Westminster model of Government and a cabinet of ministers responsible to the Legislature. The new Legislative Council would be known as the National Assembly and on its first meeting was to act as an electoral college for the election of the specially

[55] Legislative Council (Elections) Ordinance, No. 20 of 1957.
[56] Electoral Commission, 'History of Elections in Uganda.'
Available at https://www.ec.or.ug/info/history-elections-uganda (accessed 4th October, 2025)
[57] GW Kanyeihamba (2010) '*Constitutional and Political History of Uganda: From 1894 to Present* (LawAfrica Publishing Limited) pg. 68.
[58] Kanyeihamba, (n 57) 68.

elected six members. The Party with a majority would have the right to form the Government. On the composition of the Government, the Committee recommended that besides the Chief Secretary, the Attorney General and the Minister of Finance, all Ministers would be chosen from elected or specially elected members of the National Assembly. The Governor would still appoint Ministers and allocate portfolios to them in consultation with the leader of the majority party".[59]

In 1962, the colonial government organized National Assembly Elections which the two competing political parties Democratic Party (DP) and the Uganda People's Congress (UPC) won 24 seats and 37 seats respectively. UPC however made an alliance with Kabaka Yekka party who had won 21 representatives and formed the UPC-KY government headed by the first independent Uganda Prime Minister, Apollo Milton Obote.

No elections occurred between 1962 to 1980, an 18-year abeyance attributed to escalating militarization. The pivotal 1966 constitutional crisis exemplified the military's accent as a political arbiter. Tensions peaked over lost counties and Obote's corruption scandals, culminating in Buganda's demand for federalism. This later forced Obote to declare a state of emergency. The army was later deployed in support of the then prime minister Apollo Milton Obote against the president and King of Buganda Kingdom Edward Muteesa II in a struggle for military and political control.[60]

In 1971, Idi Amin staged a coup against Milton Obote who was attending a Commonwealth summit in Singapore. According to Reid, "neither patriotism nor altruism motivated Amin; rather, personal circumstances moved him to act. His position had become perilous in the two months prior to the coup as his relationship with Obote deteriorated. He had been demoted from his former post as a commander of the Uganda armed forces and he had recently learned of his impeding arrest on the charge of misappropriating funds. This coup epitomized full electoral militarization.[61] He ruled by decrees and there was no democracy during his regime. He was later overthrown in 1979.

After the overthrow of Amin, Prof. Yusuf Lule took over power but his regime lasted for only 68 days. The same fate was faced by the different regimes between 1979 to 1980. After the overthrow of Idi Amin's military regime by the Uganda National Liberation Front (UNLF) in 1979, the transitional

[59] Kanyeihamba (n 57) 68.
[60] Sylvie Namwase (n 6).
[61] Richard Reid 'Id Amin's Coup D'état, Uganda 1971' *Origins Current Events in Historical Perspective, January 2021.* Available at https://origns.osu.edu/milestones/idi-amins-uganda-coup-1971 (accessed on 3rd October 5, 2025).

government, the Military Commission, appointed an Electoral Commission headed by Kosiya M.S. Kikira, to organise and conduct General Elections in 1980[62]. Four political parties participated in this election held on 10th and 11th December, 1980, namely, the Conservative Party (CP), the Democratic Party (DP), the Uganda Patriotic Movement (UPM) and the Uganda Peoples' Congress (UPC)[63]. Four ballot boxes were used at each polling station, one for each political party. At the closure of polling, Mr. Muwanga Paulo, the Chairman of the ruling Military Council, took over control of Electoral Commission, and declared that he was the only one to announce the final election results. UPC was eventually declared winner of the elections; however, DP and UPM disputed the results; and a guerilla war ensued, involving several fighting groups opposed to Obote's UPC government[64].

In 1986, the National Resistance Army led by Yoweri Kaguta Museveni took over power and in March 1989, a Constitutional Commission was duly constituted and mandated to study and review the Constitution with a view to making proposals for the enactment of a national constitution.[65] The constitution was later promulgated in 1995.

The scholarly accounts of this period notably Kanyeihamba's constitutional history and Reid's biography of Amin, provide important descriptive narratives of individual episodes of military intervention. However, read together, they reveal a structural pattern that the individual accounts do not fully theorise. Each military intervention in this period was preceded by an electoral or quasi electoral event that the incumbent sough to control, and the failure to build genuinely civilian institutions of electoral management created the structural vacuum that the military repeatedly filled.

Kanyeihamba focuses primarily on constitutional provisions and legal frameworks, while Reid concentrates on the personal motivations of Amin. Neither engages systematically with the institutional design failures that made military coup and electoral subversion the rationale to political competition. This study contributes to filing this gap by analysing the institutional continuities across regimes that the episodic regime by regime approach of existing scholarly tends to obscure.

[62] Electoral Commission (n 72).
[63] Electoral Commission (n 72).
[64] Electoral Commission (n 72).
[65] Kanyeihamba (n 57) 202.

1.9.4 Assessment of Militarization of elections, 1995 to Present

According to Tumushabe, the country's electoral processes have been increasingly militarized under the National Resistance Movement Government following the establishment of a regime where military commanders often hold political roles[66] which saw this politico-military fusion manifest in elections through heavy deployment of the UPDF and other security organs, leading to voter intimidation, arbitrary arrests, and violence. As the country was gearing up for the first multi-party elections of 2006, on 14th November, 2005, the leading opposition candidate from the Forum for Democratic Change Dr. Kizza Besigye, together with 22 suspected rebels with whom he was reportedly linked, were charged with treason and Besigye charged with both treason and rape.[67]The regime created "a climate of fear by applying selective and premeditative violence and repression against key groups while reminding the population that the regime can and will resort to violence and massive repression if necessary."[68] According to Okello, the 2021 elections exemplified this, with widespread abuses, including killings and an internet shut down, resulting in Museveni's disputed victory.[69]

The accounts of Tumushabe and Okello are among the most contextually rich available literature on post 1995 electoral militarisation in Uganda and are frequently cited in human rights and political discourse. Taken together with the theoretical frameworks of Lamb, Farr and Myer and the historical accounts of Kanyeihamba and Reid, the existing body of literature demonstrates that militarisation is a documented, recurring and escalating feature of Uganda's electoral landscape. However, a careful synthesis of this scholarship reveals several critical gaps that the present research is designed to address.

First, the literature is largely episodic: it documents particular elections or particular regimes without developing an account of how militarisation has evolved, deepened, and been progressively institutionalised across electoral cycles. Tumushabe's analysis focuses on the post-2000 period, while the historical scholarship of Kanyeihamba and Reid dos not extend to contemporary elections. The result is that the structural continuity between colonial military architecture and contemporary

[66] Godber Tumushabe (n 19).
[67] Report by the International Bar Association Human Rights Institute: Judicial independence undermined: A report on Uganda.
[68] Svein-Erik Helle (n 20) 12.
[69] Christina Okello (n 21) 2.

electoral militarisation which is central to understanding why demilitarisation is so structurally difficult has not been systematically traced in the existing literature.

Secondly, while scholars have documented what the military does during elections which includes intimidation, arbitrary arrests, internet shutdowns, deployment at polling stations, there is a relative absence of legal analysis that assesses these practices against the full range of domestic, regional and international legal obligations binding on Uganda. Existing accounts tend to treat the law as a backdrop rather than as an analytical framework. This research addresses that gap by subjecting the documented practices to systematic legal scrutiny.

Thirdly, there is a gap in comparative scholarship. Studies of Uganda electoral militarisation rarely engage in detailed comparison with African states that have successfully demilitarised their electoral processes. Where comparisons are made, they are typically superficial. This research addresses this gap through a structured comparative analysis of Namibia, Botswana and Mauritius deriving specific, transferable institutions lessons for Uganda.

Fourth and most importantly for policy purposes, none of the existing accounts offers a comprehensive, legally grounded and institutionally specific framework of recommendations for demilitarizing Uganda's elections. This study, building on the synthesis of existing scholarship and the identified gaps is therefore positioned to make an original and practically significant contribution to both the academic literature and the policy landscape on electoral reform in Uganda.

1.10 Significance and Expected Outcomes

This research will provide a timely blue print for demilitarizing Uganda's electoral process, informing policy makers, Non-Governmental Organizations and the general public on the means and ways to do it. Expected outcomes include policy recommendations for legal reforms and electoral integrity.

1.11 Chapter Outline

This study is divided into five chapters.

Chapter one Introduces the research topic and the whole research concept. It gives the background of electoral democracy and the military in Uganda. The chapter examines the existing literature, research objectives, the research questions and the overall methodology of how the study is carried out, scope of the study and the expected outcomes.

Chapter two discusses the history of militarization in Uganda. It provides the origin of authoritarian rule, and suppression of any form of opposition using military means between 1894 to 1995

Chapter three discusses the International, Regional and National legal frameworks. These set standards for a free and fair election and therefore dispute the militarization of elections and provide for a free democratic process and peaceful change of government based on the will of the people.

Chapter four provides an assessment of militarization of elections from 1995 to present. The assessment concerns the different electoral processes including the 2001, 2006, 2011, 2016 and the 2021 general elections. It shows how elections have been highly militarized under the National Resistance Movement regime.

Chapter five provides a comparative analysis between Uganda and other African states that have managed to demilitarize elections. These states include Namibia, Botswana and Mauritius.

Chapter six provides that conclusion and recommendations in order for the country to demilitarize elections.

CHAPTER TWO

FROM PRE-COLONIAL KINGDOMS TO THE 1995 CONSTITUTION: UGANDA'S JOURNEY OF MILITARISED POLITICS.

2.1 Introduction

2.2 Pre-Colonial and Colonial Military Heritage

2.2.1 British Colonialism

2.2.2 Establishment of a Colonial Army

2.3 The Milton Obote 1 Era: 1962 to 1971

2.4 The 1971 Coup d'etat and Idi Amin

2.4.1 Idi Amin's Regime (1971–1979)

2.5 The Attempted Electoral Transition

2.5.1 The 1980 Elections

2.6 The National Resistance Army Victory and a Path to Democracy

2.7 Conclusion

"Although when seeking the cure for the individual who has become a social misfit it is important to study the environmental background, it is too easy to make his background the excuse for his social behavior"

- F.D. Corfield, "Historical Survey of the Origins and Growth of Mau Mau", London, Her Majesty's Stationery Office, May 1960 at 7.[70]

[70] Cited in Oloka J. Onyango, 'Police Powers, Human Rights and the State in Kenya and Uganda: A comparative Analysis', *Third World Legal Studies; Vol.9, Article 1.*

2.1 Introduction

Understanding the militarization of Uganda's elections requires a deliberate perusal of the country's colonial past. The patterns of military dominance that today characterize the conduct of elections, the deployment of security forces to suppress opposition campaigns, the use of paramilitary units at polling stations, and the subordination of civilian institutions to armed authority did not start overnight. They were constructed over decades, beginning with the imposition of British colonial rule in the late nineteenth century. As Karamagi and Nkwatsibwe argue, Uganda's public life has been overhung by militarism and its attendant influences, a condition that holds true whether viewed from the vantage point of colonial collaboration or post-independence governance.[71] This chapter traces the history of militarization in Uganda, examining the origins of authoritarian rule and the state-sanctioned suppression of opposition from the pre-colonial era through the colonial and post-colonial periods (1894–1995). Specifically, it analyzes the militarization of power during the Obote administrations, the Amin regime, the Electoral transition, concluding with the drafting and adoption of the 1995 Constitution and the referendums.

2.2 Pre-colonial and Colonial Military Heritage

Before the arrival of British colonialism, the societies that inhabited the present-day Uganda maintained military institutions that were structurally different from those that later emerged under colonial rule. The major difference was not in the presence or absence of organized violence, but in the relationship between military power and political authority. In the kingdom of Buganda, for instance, the royal guards '*abambowa'* protected the Kabaka, but political authority was constituted through a number of institutions including the '*Lukiiko*' (the council), the clan system, and elaborate rituals of accountability.[72] Similarly, in Bunyoro, Tooro, and Ankole, armies were mobilized when circumstances demanded but were never conceived as a governing class. Among the Acholi of northern Uganda, men from the age of fifteen and above formed the fighting force and were organized by lineage and clan. Mobilization was undertaken by the local clan head, the *Rwot*, whose function was almost entirely military and who was elected on account of his success in warfare.[73]

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[71] Andrew Karamagi and Chris Nkwatsibwe, Militarisation of Public Administration: A Threat to Democratic Governance (*Uganda National NGO Forum Issues Paper, 2023*), 1.

[72] The Free Library, S.V. "From Protectorate to Command Post; How Uganda became a militarized State." Available at https://www.thefreelibrary.com/from-protectorate-to-command-post-how-uganda-became-a-militarised-state-a0846788612 (accessed on 19th March, 2026).

[73] P.G. Okoth, (n 1).

Okoth opines that "the pre-colonial army in Uganda was a people's army composed of able-bodied males within a particular area, basically for defending and acquiring wealth for people through raids." He adds that, "the pre-colonial army never attempted to impose their leader as rulers of the people. Even in places where the military leaders were also political leaders as in the segmentary states of Northern and Eastern Uganda". He concludes by stating that "the question then emerges as to why the army which in pre-colonial Uganda was an instrument of peace, stability and economic progress has become an instrument of chaos, instability and economic stagnation. The answer can be found in the nature of the colonial army, colonial policies and the policies of the post-colonial governments of Uganda"[74]

2.2.1 British Colonialism

With the arrival of British colonialism came a devastating shift. The gun was no longer just a symbol of protection; it became a tool of control. It taught that whoever holds the rifle controls the land, the people and the law.[75] While direct elections were limited under colonialism, the British use of military and paramilitary forces to suppress dissent, enforce authority and manage political tension laid the groundwork. This chapter segment traces the deep historical roots of Uganda's militarism, arguing that the colonial state deliberately created a military that prioritized coercion over civic accountability, ethnic fragmentation over national cohesion, and regime protection over the defense of citizens. These structural inheritances created the enabling conditions for the successive militarization of political processes that would follow independence, culminating in the electoral authoritarianism that characterizes Uganda today. According to Golooba, the recurrent episodes of political violence and state collapse can be linked to internally generated factors which can be explained under the rubric of colonial legacy.[76] He adds that colonialism had far reaching social, economic and political impacts and bequeathed the country a negative legacy of ethnic division skewed development, elite polarization, a narrow economic base and a weak state apparatus.

British Colonisation of Uganda began in the 1860s with the first colonial settlers arriving as missionaries from Britain in 1877.[77] Like elsewhere in Africa, the British colonial regime's practices

[74] PG. Okoth, (n 1).
[75] The Free Library, (n 17).
[76]Frederick Golooba-Mutebi, "Collapse, War and Reconstruction in Uganda: An Analytical Narrative on State-Making." *Working Paper No.27-Develoment as State Making, Makerere Institute of Social Research*.
[77] Phares Mukasa Mutibwa, *Uganda Since Independence: A Story of Unfulfilled Hopes* (Africa World Press 1992).

engendered winner takes all politics, and with arguably more disastrous results including the normalisation of militarized governments.[78] They primarily used the divide and rule policy which purposely maintained traditional ethnical oppositions in order to prevent the people of the colony from forming a coalition strong enough to challenge British rule.[79] According to Finstrom, these were the same colonial tactics they had perfected throughout their empire: consolidating power through divide and rule policies that irrevocably changed identity, politics and belonging in the territory now known as Uganda.[80]

2.2.2 The Establishment of the Colonial Army

The formal militarization of Uganda's political order began with the establishment of the Imperial British East Africa Company (IBEACo) in 1888 and the subsequent proclamation of the Uganda Protectorate on June 19, 1894. The colonial government faced an immediate challenge: it needed a coercive force capable of extending administrative control over a territory of enormous ethnic and political diversity, suppressing resistance, and extracting the economic surplus required to justify the colonial enterprise. The solution was the construction of a standing army that bore no resemblance to the participatory military traditions of the pre-colonial era. Charles Amone describes the military as the most dominant institution in the colonial and post-colonial history of Uganda.[81] He further argues that "during the colonial period, the military was used to extend spheres of administration, silence dissenting views and safeguard British interests."

According to Omara, the military in Uganda was established in three stages: first, 'a body of soldiers formed under the aegis of the Imperial British East African Company to assist in realizing the company's commercial objectives in the country.[82] This initially consisted of Swahili guards who escorted Captain Fredrick Lugard from the coast. Secondly, after the departure of IBEACo. and before Uganda was formally incorporated into British sphere of influence, the provisional administration recruited Buganda soldiers to back up Sudanese and Swahili troops in the military expedition against Kabalega. In 1891, Bunyoro's allies in Buganda, who had been expelled after

[78] Ibid, pg.142.
[79] Blanton, Robert, T. Mason, David and Athow Brian, "Colonial Style and Post-Colonial Ethnic Conflict in Africa", Journal of Peace Research, vol.38, no. 4, 2001, p. 475-476.
[80] Sverker Finnstrom, 'Living with Bad Surroundings: War and Existential uncertainty in Acholi-land, Northern Uganda', *Uppsala University*, Ph.D. Dissertation, 2003
[81] Ibid.
[82] Amii Omara Otunnu, *Politics and the Military in Uganda, 1890 – 1985* (Palgrave Macmillan 1987), pg. 12 -28.

Mwanga's reinstallation by Lugard, were decisively defeated by a combined army of 25,000 from Buganda.[83] Thirdly when Uganda became technically a British protectorate, the authorities established a standing army in order to continue the task of pacifying the people and to back up the administration.

The first colonial armed force in the Protectorate, the Uganda Rifles, was established in September 1895, following the approval of the Rifles Ordinance which is regarded as the first legal instrument to provide for the governance of Uganda's army as a national institution.[84] As Okoth observes, the Uganda Rifles was neither national nor nationalist.[85] Its founding contingent consisted mainly of Sudanese troops, the remnants of Emin Pasha's soldiers who had been stranded in the region following the Mahdist uprising in Sudan rather than Ugandan recruits. Captain F.D. Lugard, who played a central role in the early formation of the colonial army, considered these Sudanese soldiers to be the best material for soldiery in Africa.[86] Additionally, *Clause 58* of the Ordinance provided for a military action to be taken by Uganda Rifles not only against outside powers, but also against any local group within the protectorate which engages in active opposition to administration.[87]

Following an 1897 Sudanese troops mutiny, the British adopted a new principle of military deployment in that troops should be stationed in areas distant from their ethnic origin and religious community. The rationale, as Okoth explains, was that the army would be more effective if the troops did not feel a sense of identity with the local population.[88]This principle became a defining feature of the colonial and post-colonial army alike. The post-colonial army thus became, in Okoth's phrase, was distanced from the people as in the past, being only visible as an alien means of suppression.[89]

On January 1, 1902, the Uganda Rifles was reconstituted as the 4th Battalion of the King's African Rifles[90]. This force was used as an engine of ethnic stratification that shaped Uganda's social and political landscape in ways that would prove deeply consequential for post-independence governance.

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[83] Isaac Samuel, 'An African Kingdom's Existential War against the British Colonial Empire: The Anglo-Bunyoro Wars (1872-1899)', (African History Extra, 9th October 2022.)
Available at https://www.africanhistoryextra.com/p/an-afrcan-kingdoms-existential-war [accessed 3rd October 2025]
[84]Prof. Ronald Naluwairo, 'The Development of Uganda's Military Justice System and Right to a Fair Trial: Old Wine in new bottles? (2018) 2 *Global Campus Human Rights Journal* 59-76.
Available at https://dx.doi.org/10.25330/1447 (accessed 3rd October 2025).
[85] P.G. Okoth, (n 1).
[86] Charles Amone, (n 52)146.
[87] Uganda Rifles Ordinance 1895, cl 58, as cited by Omara (n 68 above).
[88] P.G. Okoth, (n 1) 41.
[89] P.G. Okoth, (n 1) 41.
[90] The Soldiers Burden, 'Operations in Central and North-Western Uganda', (Kaiserscross)
Available at https://www.kaiserscross.com/188001/393901.htm (accessed on 22nd March 2026).

By concentrating military recruitment in the north while concentrating civil service employment in the south, the colonial administration created what Karamagi and Nkwatsibwe describe as the foundational "inequality, insurgency, and sentiments in favor of secession"[91] that would haunt Uganda's post-colonial politics. Citing Dani Nabudere, Karamagi argues that,

> ….the British did not want their colonial armies to be dominated by societies that lived near the center of administration, the task of the colonial government was to establish coercive force to rely on, not only to keep the country united but also to fulfil Britain's imperial network.[92] Since the Bantu communities were well organised under highly centralized societies, the British did not want to arm them. The British feared that they could easily mount a large-scale military resistance. This is why the Acholi were preferred. They were disunited under several chiefdoms and too small in population to wage a strong military resistance…[93]

The force created was mainly used to fight any resistance against colonial rule. According to Low, 'the manner in which wars were declared and indeed the conduct of subsequent punitive expeditions have suggested to some that the prime practical issue in the establishment of the Ugandan protectorate was not as the British readily assumed, one of law and right, but one of force and power.[94] The British mainly used undiplomatic means to take over different kingdoms and chiefdoms in Uganda, notably, Bunyoro and Acholi, using the military to extend spheres of administration, silence dissenting views and safeguard British interests. The most pronounced of all rebellions is the '*Nyangire*' rebellion of Bunyoro-Kitara, casually referred to as the Kabalega rebellion. The Kabalega rebellion was the climax of the use of the military in colonial times to suppress the will of the people. This rebellion took place between 1894 to 1899 and described as fierce, sustained resistance led by Omukama Kabalega of Bunyoro-Kitara against British colonial expansion in Uganda. It was however later suppressed by a joint force of the British and Buganda soldiers.

This dynamic established the foundation of militarized politics in Uganda, cementing a legacy where those in power casually neglected the democratic rights and electoral will of the populace, relying instead on military force to secure and retain authority. This coercive approach to governance was

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[91] Andrew Karamagi and Nkwatsibwe, (n 70) 9.
[92] Andrew Karamagi, (n 70) 9.
[93] Ibid, pg. 10.
[94] Donald Anthony Low, 'The Establishment of the Protectorate 1894-1919', *History of East Africa, vol. 2* (Clarendon Press) pg. 57-120.

directly inherited by the post-colonial state, setting a precedent for the systematic militarization of Uganda's future elections.

2.3 Milton Obote 1 Era: 1962 TO 1971

When Uganda achieved independence on 9th October, 1962, the colonial military architecture was not dismantled but inherited. The Uganda Army that replaced the KAR carried forward the same ethnic imbalances, the same institutional detachment from civilian populations, the same traditions of political deployment, and the same absence of meaningful civilian oversight that had characterized the colonial force. As Karamagi and Nkwatsibwe observe, "the attainment of independence in 1962 did not necessarily translate into an abandonment of the old ways."[95]

Political parties formed in the wake of the independence era reflected rather than resolved these colonial antagonisms. The Democratic Party (DP) was constituted around Catholic interests; the Uganda National Congress (UNC) was led primarily by Protestant Baganda; and the Uganda People's Congress (UPC), formed from the merger of the UNC splinter with the Uganda People's Union in 1960, was from its inception an anti-Buganda formation. The Kabaka Yekka party, formed shortly after the constitutional conference of 1961, embodied Buganda's demand for supremacy within independent Uganda. The unholy alliance between the Kabaka Yekka and the UPC, two parties whose foundational interests were irreconcilable meant that the new nation was governed by a coalition constitutionally incapable of sustaining itself without recourse to the one institution that could impose political outcomes: the army. Okoth observes that, "with this alliance, an aggregation of divergent interests had assumed control over the new nation without the colonial administration to act as umpire. But as it turned out, the new umpire was the army."[96]

The armed forces' mutiny on January 22, 1964 marked the genesis of Uganda as a militarised state. Soldiers of the 1st Battalion at Jinja mutinied, pressing demands for a pay raise and the Africanization of the officer corps. When Minister of Defense, Felix Onama arrived at Jinja to represent the government's position, the mutineers manhandled him and locked him up until he agreed to support their demands in cabinet. The resolutions made in the aftermath set a devastating precedent: the government dramatically improved soldiers' pay and accelerated promotions[97], teaching the army, in

[95] Karamagi and Nkwatsibwe, (n 70) pg.6.
[96] PG. Okoth, (n 1) 44-45.
[97] GlobalSecurity.org, "The First Obote Regime: The Growth of the Military,"

Okoth's words, that "some show of force could make them more than achieve their ambitions."[98] Soldiers after this became assured that they could get anything they wanted through the show of force, causing discipline to deteriorate steadily.[99] Ibingira denotes that "when army mutinies took place in Kenya, Tanganyika and Uganda, in Kenya and Tanganyika the mutineers were tried and jailed, and others dismissed from the army, but in Uganda, they were publicly dismissed and privately retained because nearly all of them came from Obote's region and their demands were met. Assured of such treatment, discipline steadily went downhill as soldiers felt that they could get anything they wanted however unreasonable".[100]

In 1966, political tension escalated between Obote and Muteesa. On 24th February, Obote announced the suspension of Muteesa from his duties as president, citing his reaction to the lost county's referendum, his ordering of troop movement without ministerial consultation, and his seeking of foreign military support.[101] Later on 2nd March 1966, Obote completely abolished the offices of the president and vice president, assuming all executive powers of the state.[102] The Prime Minister later suspended the 1962 constitution[103].According to Kasozi, "on 15 April, the National Assembly was forced to abrogate the 1962 constitution and pass a new one, which members had not yet seen but were told would be in their pigeon holes. As Parliament listened in silence, military aircraft flew over the roof of the House, soldiers patrolled the city, and intelligence officers were posted in potentially explosive spots. Fifty-five MPs voted for the new constitution while four voted against it. Obote was sworn in as executive president of Uganda and all members of Parliament were required to take an oath of allegiance to the new constitution. The masses were not consulted; they had become mere spectators. Under the new constitution, all executive powers were to be vested in an executive president, Uganda was to become a unitary state, and the federal and semi federal status of kingdoms

Available at https://www.globalsecurity.org/military/world/uganda/army-history-2.htm. (accessed on 2nd May,2026).
[98] PG. Okoth, (n 1) 46.
[99] *Daily Monitor*, 'The 1964 Army Mutiny,' January 22, 2021,

Available at https://www.monitor.co.ug/uganda/news/national/the-1964-army-mutiny-1523172, citing historian Samwiri Karugire.

[100] G.S.K Ibingira, '*African Upheavals Since Independence* (Westview Press, 1980), pg.89.
[101] Kasozi (n 7) 84.
[102] Kasozi (n 7) 84.
[103] Morris (n 8) 112.

and districts was abolished"[104]. By employing military violence to resolve political differences, Obote had turned the army into a critical factor in Uganda's political system.[105]

It was therefore clear from that point forward, that the army understood itself not merely as an instrument of government policy but as a veto player in Uganda's political order rendering the 1971 coup inevitable. The situation is well summarized by Karugire, who writes;

> With a parliament rendered absolutely impotent, a demoralized civil service, a judiciary whose decisions were circumvented by retroactive legislation, a system of oca government paralysed by intense factionalism and an electoral system that had been reduced to a mockery, Uganda had become an anachronism. As the government heavily depended on the army to enforce the assassin policies, the importance of the men in uniform increased enormously and the popularity of the 1971 coup must be seen against this background…[106]

2.4 The 1971 Coup d'etat and Idi Amin

In September 1970, Amin was dispatched as Uganda's representative to the funeral of President Nasser in Cairo.[107] In his absence, Obote effected a reorganisation of the army with the most important aspects of this reorganisation being chief of staff of the army and Airforce.[108] This was an attempt by Obote to undo the arrangements created during the 1966 revolution. He planned to reduce the influence of Idi Amin. However, Idi Amin returned Uganda without informing the president a move which indicated collision between him and his boss.

As Okoth documents, Amin began recruiting heavily from his own language cluster, namely, the Sudanic speakers so that between 1968 and 1969, the Sudanese speakers in the army increased by 74 percent, more than twice the rate of Lwo speakers.[109]Obote responded by appointing rival officers to check Amin's power. Before leaving for the Commonwealth Heads of Government Meeting in Singapore, Obote had authorized Amin's arrest on allegations that he was involved in the murder of Brigadier Okoya who was shot dead with his wife outside their home on 25th January,1970.[110] On

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[104] Kasozi (n 7) 84.
[105] Samwiri R Karugire, *The Roots of Instability in Uganda* (2nd edn, Fountain Publishers 1996) 73.
[106] Karugire, (n 104) 68.
[107] Karungi, (n 104) 72.
[108] Karugire, (n 104) 72.
[109] PG. Okoth, (n 1) 47-48.
[110] Morman Tumuhimbise, 'Ch 02: Murder of Brigadier Pierino Okoya' in *Unsowing the Mustard Seed* (blog)

January 25, 1971, while Obote was in Singapore, Idi Amin launched his coup. An Israeli, military team, led by Colonel Bar Lev, provided Idi Amin's faction with logistical information, advice and direct support during the 1971 Ugandan coup d'etat.[111] This support was instrumental in the capture of Lubiri barracks on January 25th 1917, helping solidify Amin's rise to power. A broadcast on Radio Uganda accused Obote's government of corruption, tribalism, detention without trial, and failure to organize elections.[112] The promises Amin made in those first hours which included elections, freedom, an end to repression would later prove entirely hollow. However, the coup itself illustrated the definitive lesson of Uganda's first decade of independence in that electoral competition had been superseded by military competition as the primary mode of political contestation.

2.4.1 Idi Amin's Regime (1971–1979)

Idi Amin's eight-year dictatorship represents the complete dissolution of any boundary between military institution and civilian government. Under Amin, the army did not merely influence politics it became the state. Soldiers were appointed as governors, district commissioners, county chiefs, sub-county chiefs, and in some cases parish administrators.[113] On February 2, 1971 one week after the coup, Amin declared himself President, Commander-in-Chief of the Armed Forces, Army Chief of Staff, and Chief of Air Staff.[20] He suspended key provisions of the constitution and established an Advisory Defense Council composed entirely of military officers with himself as chairman[114]. The apparatus of democratic accountability parliament, political parties, contested elections was simply abolished.

Amin set out to explore the most urgent means of consolidating power and that was the task of winning over military loyalty. He achieved this through awarding the loyal security agencies and eliminating any form of competition. According to Derek Peterson, "security agencies that directly served the interests of Idi Amin's regime were provisioned luxuriously with the best-resourced agency being the State Research Bureau, which was responsible for pursuing internal enemies of the

Available at https://unsowingm7.wordpress.com/ch-1-tracing-the-seed-from-dar-es-salaam-university/ch-2-murder-of-brigadier-pierino-okoya/ (accessed on 8th May 2026).

[111] Amii Omara Otunnu, (n 81).

[112] John Fairhall, 'Curfew in Uganda after military coup topples Obote' *The Gurdian* (26 January 1971).
Available at https://www.thegurdian.com/thegurdian/1971/jan/26/fromthrarchieve (accessed 8 May 2026).

[113] PG. Okoth, (n 1) 51.

[114] Asians from Uganda, 'Military Rule Under Amin' (Asians from Uganda).
Available at https://www.asiansfromuganda.org.uk/miitary-rule-under-amin.php (accessed on 9th May,2026).

government". He adds that, "its agents who numbered 1,000 by 1977, earned $350 per day, got free lodging in state-run hotels, and drove in fast Toyotas fitted with radio equipment while the regular police force operated in a state of disarray.[115] Those who were suspected of being disloyal faced an opposite fate. In July 1971, Lango and Acholi soldiers were massacred in the Jinja and Mbarara barracks.[21] By early 1972, some 5,000 Acholi and Langi soldiers, and at least twice as many civilians, had disappeared. As the US State Department intelligence assessment noted, at the time, Amin was systematically destroying the elite of all tribes not allied with his own grouping, targeting the judiciary, top civil servants, academics, the professional class, and senior army and police officers with little regard for the consequences of wiping out the economic and intellectual backbone of the country.[116] The bureaus Nakasero headquarters became synonymous with torture and extra-judicial execution. It was joined by the Public Safety Unit and Military Intelligence as parallel instruments of state terror, each reporting to different patrons within Amin's regime and competing for resources through the exercise of violence. Over the next few years, tens of thousands of Ugandans fell prey to Amin's henchmen, sought sanctuary in neighboring countries, or went into hiding in Uganda.[117] Many prominent Ugandans lost their lives during Amin's reign of terror, including Chief Justice Benedicto Kiwanuka and Anglican archbishop Janani Luwuum.

It should be noted that military power during Amin's time extended beyond politics and infiltrated the judiciary. According to Naluwairo, Amin in 1973, issued a decree[118] where Section 4 gave powers to the president to order trials of civilians by military tribunals where he was satisfied that there acts were calculated to intimidate or alarm members of the public or bring the military government under contempt or disrepute expanding military tribunal jurisdiction to include civilians accused of capital

[115] Derek Peterson, "Government Work in Idi Amin's Uganda," Africa: Journal of the International African Institute 91, no. 5 (2021): 2.Available at https://www.cambridge.org/core/services/aop-cambridge-core/content/view/E50AE1D0990CE0E8657A78DFE0C4CE43/S0001972021000462a.pdf. (accessed on 9th May, 2026).

[116] Henry Kissinger, 'Memorandum from the Presidents Assistant for National Security Affairs to President Nixon' (1st November 1972) Document 261, in Foreign Relations of the United States, 1969-1976, Volume E-5, Part 1, *Documents on Sub-Saharan Africa, 1969-1972* (US Government Printing Office 2005).
Available at https://history.state.gov/historicaldocuments/frus1969-76ve05p1/d261 (accessed on 9th May, 2026).

[117] Thomas P Ofcansky, *Uganda: Tarnished Pearl of Africa* (Westview Press 1996) 44.

[118] Decree No. 12 of 1973.

offenses, and later expanded their authority further into non-military matters.[119]The concept of civilian judicial oversight of military conduct was therefore, for the duration of Amin's rule, entirely absent.

While there were various plots against Amin, as well as several assassination attempts, in the end he was brought down by a foreign policy blunder: an ill-advised invasion of Tanzanian territory, which led to the Tanzanian army's uncompromising response alongside Ugandan forces in exile.[120] By April 1979, Kampala had fallen and Amin fled into exile. The manner of his removal by foreign military force was itself a commentary on the character of his regime: a government constituted by violence could only be ended by violence. In the longer term, Amin's reign marked a decisive shift toward the politics of violence in Uganda and the militarization of politics, most visibly manifest in the proximity of the army to political power and in the expansion of the security state.

2.5 The Attempted Electoral Transition

The period between Amin's fall in April 1979 and the general elections of December 1980 constitutes one of the most instructive episodes in the history of Uganda's militarized politics. It demonstrates how, even when the structural conditions for a democratic transition appear to exist through a new political landscape, a liberation army, international observers, competitive parties, the weight of military factionalism can overwhelm the formal mechanisms of electoral democracy.

The impact of Amin's overthrow did not, as expected, create a unified liberation government but a coalition of competing military factions, each of which sought to convert its military contribution into political power. In analysing the situation, Oloka Onyango points to Mamdani's argument:

> In the wake of the fleeing soldiers of Amin's army, but also in the teeth of the factional struggle was organised the new repressive apparatus of the post-amin regimes. The result was that the factionalism inside the dominant classes, even more so than in the Amin period, was almost mechanically reproduced inside the repressive organs of the state. There was not one but several intelligence services. Each responded to a different center of power. No one in the state could have an idea of the combined numerical strength of these forces.[121]

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[119] Ronald Naluwairo, 'Military Justice, Human Rights and the Law: An Appraisal of the Right to a Fair Trial in Uganda's Military Justice System' (PhD thesis, SOAS, University of London 2011) 117.
https://eprints.soas.ac.uk/18467 (accesses 9th May, 2026).

[120] 'Idi Amin's Coup d'état, Uganda 1971' (*Origins*, Ohio State University)
Available at https://origins.osu.edu/milestones/idi-amins-uganda-coup-1971 (accessed 10 May 2026).

[121] Mahmood Mamdani, *NRA/NRM: Two Years in Power* [Text of a pubic lecture at Makerere University, Kampala on Mar.3, 1998]. Cited in Oloka J. Onyango, supra note 85.

Three presidents came and went between April 1979 and December 1980. Professor Yusuf Lule was installed as UNLF chairman and president but was removed after just 68 days amid disputes with the National Consultative Commission about the scope of executive authority. Godfrey Binaisa replaced him, only to be himself removed in May 1980 by the Military Commission, a body of six soldiers representing the various military factions that had ousted Amin which subsequently organized the elections.[122] The Military Commission was chaired by Paulo Muwanga, whose deputy was Yoweri Museveni. It was this unelected body of soldiers that took responsibility for organizing Uganda's first general elections in eighteen years. The structural conflict of interest was immediately apparent: a military body was designing and administering an electoral process that was supposed to return power to civilians and at least some members of the Military Commission had direct partisan interests in the outcome.

2.5.1 The 1980 Elections

On December 10 and 11, 1980, the country's first general election since the pre-independence polls of 1962 was held. Four parties contested: the Uganda People's Congress (UPC) under Obote, the Democratic Party (DP) under Paul Ssemogerere, Museveni's Uganda Patriotic Movement (UPM), and the Conservative Party (CP). In this election, UPC under Milton Obote regained power.[123]However, the process by which this result was reached was deeply compromised. At the closure of polling, Paulo Muwanga chairman of the ruling Military Commission personally took over control of the Electoral Commission and announced that he alone would declare the final results.[124] The Washington Post's correspondent in Kampala reported on the day results were announced that the election, "tainted by charges of fraud, was immediately challenged by the rival Democratic Party," adding that "the controversial election heightened political animosities, thus dealing a blow to hopes that an elective government would end rule by the gun in Uganda.[125]

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[122] EBSCO Research Starters, 'Chapter 2: Political Background' (*Commonwealth Secretariat*) https://www.thecommonwealth-ilibrary.org/index.php/comsec/catalog/download/318/315/2680 accessed 10 May 2026.

[123] Karugire, (n 104) 75.

[124] Human Rights Watch, 'Uganda's Independence and the First Obote Government' (*Human Rights Watch*, 1999). Available at https://www.hrw.org/reports/1999/uganda/Uganweb-06.htm (accessed 10 May 2026).

[125] 'Obote's Party Wins Election in Uganda Amid Fraud Charges' *The Washington Post* (14 December 1980) Available at https://www.washingtonpost.com/archive/politics/1980/12/14/obotes-party-wins-election-in-uganda-amid-fraud-charges/c94ebebc-50ff-496c-b614-6b192bf5bba1/ (accessed 10 May 2026).

Cambridge University's comparative study of the 1980 elections provides the most academically rigorous account of the dilemma facing international observers: whether to certify elections that were visibly compromised in the interest of stabilizing the country, or to condemn them and risk further political chaos. The observers chose, controversially, to validate the results. That validation legitimized a government that had won through fraud and set the stage for the most destructive conflict in Uganda's post-independence history.[126] Museveni, who had lost his own constituency to a DP candidate, did not accept the electoral verdict. On February 6, 1981, he and a small group of twenty-seven fighters attacked a military armory at Kabamba in what came to be known as the beginning of a "people's resistance" launching the five-year guerrilla war that would eventually bring him to power.

It is therefore evident that the absence of meaningful civilian oversight of the military created conditions of institutional impunity that escalated with each successive regime. Colonial legal architecture had established security forces beyond meaningful judicial review. Post-independence governments inherited and extended this impunity: Obote's 1966 constitutional coup immunized the government from legal challenge; Amin's military tribunals replaced civilian courts for civilians. By 1985, the military had been operating in a zone of effective impunity for over two decades.

2.6 The National Resistance Army Victory and a Path to Democracy

Following the victory in what is referred to as the "Liberation War", the National Resistance Army embarked on political and economic reforms with Yoweri Museveni as the head of government. The government suspended political parties and established a no-party system, bringing together people broadly reflective of the country's ethnic diversity and the various political ideologies therein. This is regarded as a major shift from the retributive and murderous politics of the past when changes in government were followed by massacres of political rivals and opponents.[127] The government immediately embarked on the drafting of the new constitution as early as 1986 by establishing the Ministry of Constitutional Affairs. The ministry did not however do much until 1989, when the Constitutional Commission was formed.[128] The selection of the members of the constitutional commission was ad hoc and done in batches, with some members appointed by the minister of constitutional affairs but not approved by the president and some appointed by the president without

[126] Justin Willis, Gabrielle Lynch and Nic Cheeseman, "'A valid electoral exercise"? Uganda's 1980 Elections and the Observers' Dilemma' [2017] 59(1) *Comparative Studies in Society and History* 211.
[127] Frederick Golooba-Mutebi, (n 75).
[128] J. Katotobo, "*Electoral Choices in the Constituent Assembly Elections," From Chaos to Order*, pg.117.

the approval of the minister. It should be noted that the commission included both the political commissar of the National Resistance Movement and his counterpart in the National Resistance Army and not one member of the commission opposed the single party Movement system.[129]

The commission was headed by Justice Benjamin Odoki, under the discretion of the minister of Constitutional Affairs and was financed by the Government which gave the executive additional leverage in running the commission.[130] According of Odoki, some of the major aims and objectives of the new constitution were, providing for the "…role of the army in maintaining the territorial integrity against external aggression…….and……. establish a free and democratic system of government that will guarantee the fundamental rights and freedoms of the people of Uganda..."[131]

During the drafting of the Constitution, there was a heated debate on which political party system would be envisaged in the constitution. The commission therefore institutionalized this debate under the original Article 271 which called for a public referendum to decide the matter in the year 2000.[132] This led to the enactment of the Referendum and Other Provisions Act of 1999. Ugandans had to decide on whether to maintain the Movement party system or to have the multi-party system. Ultimately, the nation decided in favor of the movement system. However, the results of this referendum were challenged in courts of law with petitioners hiding under the disguise of "parliament did not have quorum when passing the Referendum court Act". This was the famous case of *Paul K. Ssemwogerere and ors v. Attorney General*[133]. In this case the court declared that the Constitution (Amendment) Act 13 of 2000 was unconstitutional and should be struck down as null and void.

As a result, a fresh referendum was organized by the government in 2005 in which many people voted for a multi-party system.

2.7 Conclusion

The historical trajectory of Uganda from the pre-colonial era to the promulgation of the 1995 Constitution reveals a systematic shift from participatory, community based defence to a state sanctioned culture of militarism. The pre-colonial military heritage characterised by armies that were

[129] Aili Mari Trip, "*The Politics of the Constitution Making in Uganda*", Pg. 163.
[130] Mari Trip (n 128).
[131] Hon. Mr. Justice B. J. Odoki '*The On-going Constitution Making Process in Uganda*.' Pg. 4.
[132] The Constitution of the Republic of Uganda (Kampala, Government Printer 1995). Article 271 stipulates that a Public Referendum be held in the last month of the Fourth year of the term of the Parliament, which began in 1996. Cited by Micheal Bratton and Gina Lambright, in, Uganda's Referendum 2000: The Silent Boycott.
[133] *Paul K. Ssemwogerere, Zachary Olum and Juliet Rainer Kafiire v. Attorney General* Constitutional Appeal No.1 of 2002.

accountable to social institutions and functioned as people's armies was fundamentally dismantled by the British colonia enterprise. In its place, the colonial administration established the Uganda Rifles and later the King's African Rifles, institutions designed not for national defence, but for the coercive suppression of local dissent and the enforcement of imperial authority. By embedding ethnic stratification and institutional detachment into the military's DNA, the colonial state bequeathed a negative legacy of division and force that the post-colonial state proved unable or unwilling to dismantle.

CHAPTER THREE

INTERNATIONAL, REGIONAL AND NATIONAL LEGAL FRAMEWORK.

3.1 Introduction

3.2 International Legal Framework

3.2.1 The Universal Declaration of Human Rights

3.2.2 The International Covenant on Civil and Political Rights

3.2.3 Convention on the Rights of Persons with Disabilities

3.3 Regional Legal Framework

3.3.1 The African Human Rights System

3.3.1.1 The African Charter on Human and People's Rights

3.3.1.2 The African Charter on Democracy, Elections and Governance

3.3.2 The East African Community Framework

3.3.2.1 The EAC Treaty

3.3.2.2 EAC Election Observation Principles
3.4 National Legal Framework (Uganda)
3.4.1 The 1995 Constitution of Uganda
3.4.2 The Electoral Commission Act, Cap 176.
3.4.3 The Political Parties and Organisations Act
3.4.4 The Parliamentary Elections Act
3.5 Conclusion

3.1 Introduction

The holding of genuinely free and fair elections is universally recognised as an indispensable prerequisite for democratic governance and the legitimate exercise of state power. Across the decades since the end of the Second World War, the international community has progressively developed an elaborate legal mechanism spanning treaties, declarations, regional instruments and domestic constitutional frameworks that sets binding and persuasive standards for the conduct of elections, the independence of electoral management bodies, the rights of citizens to vote and to stand for office, and the guarantee that electoral outcomes faithfully reflect the will of the people. Central to this architecture is a foundational principle that stands in direct contradiction to the militarisation of electoral processes: that the authority to govern must derive from the free, periodic, genuine and informed exercise of popular choice, not from the coercive power of the state's armed forces or any other non-democratic actor.

This chapter examines the multilayered legal framework that governs free and fair elections, proceeding from the broadest international instruments to regional African and East African frameworks, and culminating in the domestic legal architecture of Uganda. By mapping these frameworks and their core requirements, this chapter establishes the normative benchmark against which the militarisation of elections in Uganda must ultimately be assessed. The analysis demonstrates that every layer of the legal the use of military force or influence to determine electoral outcomes, and affirmatively requires that elections be conducted in conditions of freedom, fairness, transparency and civilian oversight.

3.2 International Legal Framework

3.2.1 The Universal Declaration of Human Rights

In 1948, the General Assembly of the United Nations, in fulfilment of its Charter obligations, adopted the Universal Declaration of Human Rights (UDHR)[134] which constitutes the foundational document of the modern international human rights system, and it contains an express guarantee of the right to political participation. Article 21(1) of the UDHR declares that everyone has the right to take part in the government of his or her country, directly or through freely chosen representatives.[135] Article 21(3) further provides that the will of the people shall be the basis of the authority of government, and that this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage, held by secret vote or equivalent free voting procedures.

Although the UDHR is not a binding treaty, it has attained the status of customary international law and provides the normative basis upon which the right to free and fair elections has been elaborated in subsequent binding instruments[136]. In *Anudo Ochieng Anudo v. United Republic of Tanzania*[137], the African Court of Human and People's Rights held that the UDHR is recognised as forming part of Customary International law. Similarly, the Europea court of Human Rights has also ruled that the UDHR forms part of customary law and is binding on all states.[138] The International Court of Justice in *the Barcelona Traction case,*[139] the ICJ invoked the UDHR to underscore the international communities evolving recognition of obligations owed by states to protect human rights.

Therefore, the UDHR has now crystallised into customary international law. Its insistence that governmental authority must derive from popular will expressed through genuine elections directly contradicts any model in which the military or armed actors' control or determine the electoral process.

3.2.2 The International Covenant on Civil and Political Rights

The International Covenant on Civil and Political Rights ICCPR, is an important treaty that obliges countries to uphold the civil and political rights of individuals.[140] These rights include the right to life,

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134 UN General Assembly, Universal Declaration of Human Rights, 10 December 1948, 217 A (III).
135 Universal Declaration of Human Rights (adopted 10 December 1948, UNGA Res 217A (III)) UDHR art 21.
136 Thomas M. Franck, The Emerging Democratic Governance, (1992) 86 AJIL 46.
137 *Anudo Ochieng Anudo v. United Republic of Tanzania*, App. No. 012/2015, African Court of Human and People's Rights.
138 *MSS V. Belgium and Greece* (2011) 31 BHRC 313.
139 *Barcelona Traction, Light and Power Company, Limited (Belgium v Spain)* (New Application: 1962).
140 UN General Assembly, *International Covenant on Civil and Political Rights*, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171.

freedom of religion, freedom of speech, freedom of assembly, electoral rights, and the rights to due process and a fair trial. The ICCPR was adopted by the United Nations General Assembly on December 16, 1966, and came into force on March 23, 1976,[141] after being ratified or acceded to by thirty-five countries. This is considered the most authoritative and binding international instrument with Article 25 of the ICCPR, ratified by Uganda in 1995. Article 25 guarantees every citizen, without any of the distinctions enumerated in Article 2 and without unreasonable restrictions, the right and the opportunity to take part in the conduct of public affairs, to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors, and to have access to public service on general terms of equality.[142] Additionally, Article 1(1) further specifies that all peoples have the right of self-determination.

The Human Rights Committee, the treaty body mandated to interpret and monitor the ICCPR, has authoritatively elaborated these rights in General Comment No 25. The Committee held that States must take effective measures to ensure that all persons entitled to vote are able to exercise that right, and that elections must be free from any form of coercion or compulsion.[143]The Committee further emphasised that the genuineness of elections requires the absence of any interference with the freedom of voters to form an opinion, and with their freedom to cast their votes without fear of intimidation.[144]

To ensure compliance with the ICCPR, the United Nations Human Rights Committee (HRC) monitors the implementation of the rights outlined in the Covenant. States parties are required to submit regular reports on their adherence to the Covenant, typically one year after joining and then periodically as requested by the Committee, often every four years. The Committee conducts its reviews at the UN Office in Geneva, Switzerland, holding around three sessions per year. Each nation, as a state-party under the ICCPR, commits to uphold these rights for its citizens.[145] Uganda became a party to the covenant on 21 June 1995 without any reservation.[146]

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[141] E Schwelb 'Entry into force of the international covenants on human rights and the optional protocol to the international covenant on civil and political rights' (1976) 70(3*) American Journal of International Law* 511-519.
[142] International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171 (ICCPR) art 25
[143] UN Human Rights Committee, 'General Comment No 25: The Right to Participate in Public Affairs, Voting Rights and the Right of Equal Access to Public Service (Art 25)' (12 July 1996) UN Doc CCPR/C/21/Rev.1/Add.7, para 11.
[144] UN Human Rights Committee, General Comment No 25 (n 142) para 11.
[145] International Covenant on Civil and Political Rights (n 141) Article 2.
[146] J Oloka-Onyango 'Uganda' in '*Human Rights in Development, Volume 3*' (Brill Nijhoff, 1996) 365-410.

The deployment of military personnel in the electoral environment, whether as a coercive presence or as actors with direct influence over voting and tallying, plainly violates these requirements.

3.2.3 Convention on the Rights of Persons with Disabilities

The Convention on the Rights of Persons with Disabilities (CRPD), ratified by Uganda in 2008, guarantees the political rights of persons with disabilities, including the right to vote by secret ballot in elections, on an equal basis with others, and to be protected from intimidation in the exercise of such rights.[147]The presence of military forces in polling environments creates particular barriers for persons with disabilities, who may be unable to access accessible polling facilities in militarised zones and who may be disproportionately vulnerable to coercion. The CRPD thus reinforces the broader international framework requiring demilitarised and accessible electoral environments.

3.3 Regional Legal Framework

3.3.1 The African Human Rights System

3.3.1.1 The African Charter on Human and Peoples' Rights

The African Charter on Human and Peoples' Rights, also known as the Banjul Charter, is an international agreement aimed at upholding and safeguarding human rights and fundamental freedoms across Africa. It was developed by a committee of experts established by the Organization of African Unity (now the African Union) in response to a resolution passed during its 1979 Assembly of Heads of State and Government. The committee drafted the charter, which was unanimously approved at the OAU's 18th Assembly in June 1981. The charter came into effect on October 21, 1986, leading to the declaration of "African Human Rights Day" in its honor. The African Commission on Human and Peoples' Rights, established on November 2, 1987, in Addis Ababa, Ethiopia, and now based in Banjul, Gambia, oversees and interprets the charter. In 1998, a protocol to the charter was adopted, paving the way for the creation of an African Court on Human and Peoples' Rights, which became operational on January 25, 2004.

Article 1 Of the Charter provides for obligations of Member States. It states that, the parties to the Charter shall recognize the rights, duties and freedoms enshrined in the Charter and shall undertake to adopt legislative or other measures to give effect to them. In the case of *Lawyers of Human Rights v*

[147] Convention on the Rights of Persons with Disabilities (adopted 13 December 2006, entered into force 3 May 2008) 2515 UNTS 3 (CRPD) art 29.

Swaziland,[148]It was established that a state, upon ratifying the African Charter, is obligated to enact legislative measures and align its laws with the provisions of the charter. The African Commission on Human and Peoples' Rights asserted that the respondent state had a duty to ensure that its laws were in accordance with the charter upon ratifying it in 1995. By failing to take appropriate steps to bring its laws into conformity with the charter after ratification, the Commission concluded that the state had not fulfilled its obligations as outlined in Article 1 of the charter.

In relation to democracy, Article 13(1) of the Charter guarantees to every citizen the right to participate freely in the government of their country, either directly or through freely chosen representatives in accordance with the provisions of the law.[149] Article 13(2) further guarantees every citizen the right of equal access to the public service of their country[150]Whilst the Banjul Charter does not expressly detail the mechanics of elections, the African Commission on Human and Peoples' Rights has interpreted Article 13 as encompassing the right to periodic free and fair elections conducted without intimidation or military interference. In the famous case of *Constitutional Rights Projects and Civil Liberties Organisation v. Nigeria*[151], the African Commission on Human and People's Rights found that, by the federal military government banning publications and detaining activists and journalists after the annulment of presidential election results, this military government breached the citizen's rights to participate freely in the politics of their country. In this case, the commission extended Article 13 beyond the act of voting, it ruled that military annulment of election results equally violates the right to freely participate in government. The military government using decrees to retroactively void a democratic outcome is equivalent to denying the vote itself. The Commission has consistently held that States that permit or orchestrate the intimidation of voters, candidates or electoral officials through the deployment of military forces violate their obligations under the Charter.

3.3.1.2 The African Charter on Democracy, Elections and Governance

The most comprehensive and binding African regional instrument on elections is the African Charter on Democracy, Elections and Governance (ACDEG), which entered into force in 2012 and which Uganda has ratified. The ACDEG represents a watershed moment in African commitments to

[148] Communication 251/02, *Lawyers of Human Rights v Swaziland*, 2 July 2005, para 91.
[149] African Charter on Human and Peoples' Rights (adopted 27 June 1981, entered into force 21 October 1986) OAU Doc CAB/LEG/67/3 rev 5, 1520 UNTS 217 (Banjul Charter) art 13(1).
[150] African Charter on Human and Peoples' (n 148) art 13(2).
[151] ACHPR Communication 102/93, *Constitutional Rights Projects and Civil Liberties Organisation v. Nigeria*, October 1998, para. 50.

democratic governance. Article 2 commits State Parties to promoting and protecting human rights and democracy, good governance and the rule of law, including the holding of regular, transparent, free and fair elections.[152] Article 17(1) requires State Parties to establish and strengthen independent and impartial national electoral bodies responsible for the management of elections, and to ensure that the functioning of such bodies is shielded from political, military or any other form of interference.[153] Article 25 of the ACDEG provides perhaps the most pointed language relevant to the militarisation of elections: it outlaws any means of acceding to or maintaining power that is not in conformity with democratic principles and constitutional order, explicitly condemning military coups and the use of military force to influence electoral outcomes.[154]

Furthermore, Article 23 of the ACDEG condemns any amendment to the constitution or legal instruments that infringes on the principles of democratic change of government.[155] Additionally, Article 14 (1) obligates State Parties to ensure that armed forces and security services remain under effective civilian control to ensure the consolidation of democracy and constitutional order. The ACDEG thus creates binding obligations on Uganda to ensure that its armed forces do not interfere in electoral processes and that civilian electoral management authorities operate independently of military influence. The case of *Sir Dawda K. Jawara v. The Gambia*[156] though decided before this Charter coming into force, it significantly influenced the development of democratic norms in Africa, directly setting stage for the creation of the ACDEG. The commission rued that the 1994 coup in the Gambia by the military was a grave violation of the right of Gambian people to freely choose their government as entrenched in Article 20 of the ACHPR[157]. By affirming that a military coup, constitutes a breach of African Charter, courts set a precedent for rejecting illegitimate regimes and Africa's zero tolerance policy on unconstitutional change of government thereby rejecting military interventions in democratic processes.

[152] African Charter on Democracy, Elections and Governance (adopted 30 January 2007, entered into force 15 February 2012) AU Doc Assembly/AU/Dec.147 (VIII) (ACDEG) art 2(1).
[153] ACDEG (n 151) art 17(1).
[154] ACDEG (n 151) art 25.
[155] ACDEG (n 151) art 23(5).
[156] ACHPR Communications 147/95 and 149/96, *Sir Dawda K. Jawara v. The Gambia,* May 11, 2000.
[157] Communications 147/95 and 149/96 (n 155), para.73.

3.3.2 The East African Community Framework

3.3.2.1 The EAC Treaty

Within the East African Community (EAC) framework, the Treaty for the Establishment of the East African Community (EAC Treaty) of 1999 contains important provisions relevant to democratic governance and elections. Article 6(d) of the EAC Treaty lists, among the fundamental principles of the Community, the principle of good governance, including adherence to the principles of democracy, the rule of law, accountability, transparency, social justice, equal opportunities, gender equality as well as the recognition, promotion and protection of human and peoples' rights in accordance with the provisions of the African Charter on Human and Peoples' Rights.[158]Article 7(2) of the EAC Treaty further obligates Partner States to abide by these principles and to ensure that political and social policies take account of the need to maintain democratic governance.[159]As a Partner State, Uganda is bound by these commitments, which necessarily encompass the obligation to conduct elections that are free from military interference and that reflect the genuine will of the people.

3.3.2.2 EAC Election Observation Principles

The EAC Principles for Election Observation and Evaluation, adopted in 2012, articulate the specific standards against which EAC election observer missions assess the quality of elections in the region. These principles include requirements that the electoral environment be free from intimidation and coercion, that security forces not interfere in the electoral process, and that election management bodies operate independently and impartially.[160]The deployment of EAC election observer missions to Uganda has consistently served as an important accountability mechanism, with observer reports providing documented evidence of the manner in which military and security forces have been utilised in ways that undermine the EAC's own standards for democratic elections.

3.4 National Legal Framework (Uganda)

3.4.1 The 1995 Constitution of Uganda

The Constitution of Uganda of 1995, as the supreme law of the land, establishes the foundational architecture of democratic governance and electoral rights in Uganda. Its provisions regarding popular

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158 Treaty Establishing the East African Community (signed 30 November 1999, entered into force 7 July 2000) 2144 UNTS 255 (EAC Treaty) art 6(d).

159 EAC Treaty (n 157) art 7(2).

160 East African Community, *Principles for Election Observation and Evaluation by the East African Community* (EAC Election Observation Principles, 2012) principle 3.

sovereignty, electoral management, the independence of the Electoral Commission, and the role of the armed forces are of central relevance to the question of electoral militarisation.

Article 1(1) of the Constitution unequivocally vests sovereignty in the people of Uganda, declaring that all power belongs to the people of Uganda.[161] Article 1(4) further provides that the people shall express their will and consent on who shall govern them and how they should be governed, through regular, free and fair elections of their representatives.[162]This formulation establishes the foundational constitutional principle that the legitimacy of government rests entirely on the free and fair expression of popular will through elections, a principle that is fundamentally incompatible with the militarisation of the electoral process. In *Col (Rtd) Besigye Kizza v. Museveni Yoweri Kaguta and Another*, Justice Benjamin Odoki citing Article 1 (4) stated that "an electoral process which fails to ensure the fundamental rights of citizens before and after the election is flawed".[163]

Article 59(1) of the Constitution guarantees to every citizen of Uganda who has attained the age of eighteen years the right to vote, and the State is obligated to take all necessary steps to ensure that all citizens qualified to vote register and exercise their right to vote.[164]The enjoyment of this right necessarily requires an environment in which voters can exercise their franchise free from fear, intimidation or coercion, whether from civilian or military actors. Articles 60 to 64 establish the Electoral Commission as an independent constitutional body with comprehensive responsibility for the conduct of elections in Uganda.

Article 60(1) establishes the Commission and Article 62 provides that in the performance of its functions; the Commission shall be independent and shall not be subject to the direction or control of any person or authority. This was emphasized in *Joy Kabatsi Kafura v Anifa Kawooya and Anor* where Justice Odoki concluded that "the independence of the Electoral commission was highly compromised evidenced by removal and replacement of election officers and signing of the memorandum of understanding between two opposing camps of candidates."[165] He added that "these activities infringed on the freedom and fairness of the elections in question". Article 61 prescribes the

[161] Constitution of Uganda (n 27), Art. 1 (1).
[162] Constitution of Uganda (n 27) Art. 1(4).
[163] *Col (Rtd) Besigye Kizza v. Museveni Yoweri Kaguta and Electoral Commission*, Election Petition NO.1 of 2002, Reasons for Judgement of Odoki J, pg. 34.
[164] Constitution of Uganda, (n 27) Art. 59(1).
[165] *Joy Kabatsi Kafura v Anifa Kawooya and Electoral Commission,* Election Petition Appeal NO.25 of 2007, Judgement of Odoki, CJ, pg.2.

functions of the Commission, which include organising, conducting and supervising elections and referenda in Uganda, and ensuring that regular, free and fair elections are held.

The Constitution also contains critical provisions governing the Uganda People's Defence Forces (UPDF). Article 209 defines the functions of the Defence Forces as limited to preserving and defending the sovereignty and territorial integrity of Uganda, cooperating with civilian authority in emergency situations, and engaging in productive activities for the development of Uganda.[166]Article 208(2) expressly prohibits the UPDF from acting in a partisan manner. Article 210 requires Parliament to make laws regulating the defence forces. These constitutional provisions, taken as a whole, establish a clear demarcation between the civilian electoral process and the military, and constitute a domestic constitutional prohibition on the militarisation of elections.

3.4.2 The Electoral Commission Act (Cap 176)

The Electoral Commission Act (Cap 176), as revised and consolidated up to 31 December 2023, provides the primary statutory framework for the operations of the Electoral Commission and is the instrument through which the constitutional provisions on electoral management are given practical effect. Section 2 of the Act reinforces the Commission's status as a body corporate with perpetual succession and a common seal, empowering it to sue and be sued in its corporate name, thereby establishing its legal personality independent of the executive branch.[167]

Section 12(1)(e) of the Act imposes an affirmative obligation on the Commission to take measures for ensuring that the entire electoral process is conducted under conditions of freedom and fairness.[168]This provision is of particular significance for the demilitarisation of elections: it vests in the Commission a positive duty to maintain the conditions of freedom and fairness across the entire electoral cycle, from voter registration through to the announcement of results. In *Hon. Katuntu Abdu v. Hon. Kirunda Kivenjinja Ali and Anor*, court found that "the petitioner provided satisfactory evidence that there was wide spread intimidation, violence and torture of the petitioner's supporters and agents at the hands of armed gangs trained and deployed by ty or on behalf of the 1st respondent, however court was not satisfied by evidence provided that the Electoral commission failed to take measures to ensure that the election was free and fair".[169]The Commission is therefore the statutorily designated

[166] Constitution of Uganda, (n 27), Art. 209.
[167] Electoral Commission Act (Cap 176, Laws of Uganda, 2023) S.2.
[168] Electoral Commission Act, (n 166) S.12(1)(e).
[169] *Hon. Katuntu Abdu v. Hon. Kirunda Kivenjinja Ali and Electoral Commission,* Election Petition No. 7 of 2026, Justice Musoke Kibuka, pg.32.

guarantor of the electoral environment, and the deployment of military forces in ways that undermine that environment is incompatible with the Commission's statutory mandate.

Section 13 of the Act re-affirms the independence of the Commission, providing that the Commission shall be independent and shall not, in the performance of its functions, be subject to the direction or control of any person or authority.[170]Section 12(1)(g) obliges the Commission to promote and regulate, through appropriate means, civic education of the citizens of Uganda on the purpose and voting procedures of any election.[171]Section 15(1) empowers the Commission to examine and decide complaints alleging any irregularity with any aspect of the electoral process, and Section 15(2) provides a right of appeal to the High Court against the Commission's decision on such complaints.[172]This complaints and appeals mechanism is vital to ensuring accountability for electoral irregularities, including those attributable to the deployment of military forces.

Section 16 of the Act empowers the Commission to accredit any individual, group or institution to act as an election observer, whilst Section 16(2) provides that political parties and organisations shall be accredited as election observers as of right.[173]The accreditation of domestic and international observers serves as a critical safeguard against militarisation by creating an independent civilian witness presence at polling stations and tallying centers. Section 12(1)(k) of the Act requires the Commission to take necessary steps to ensure that people with disabilities are enabled to vote without any hindrance[174] and Section 12(3) mandates the Commission to put in place an electronic display system at every tallying center, thereby promoting transparency in the vote-counting process. These transparency mechanisms serve as structural safeguards against the manipulation of electoral results by any actor, including military personnel.

Section 18(1) requires the Commission to compile, maintain and update a National Voters Register on a continuing basis.[175] Section 19 requires the Commission to transmit an electronic copy of the Voters Register to every political party and organisation taking part in an election, and an updated paper copy at least two weeks before polling day, thereby ensuring that electoral participants have

[170] Electoral Commission Act, (n 166) S.13.
[171] Electoral Commission Act, (n 166) S.12(1)(g).
[172] Electoral Commission Act, (n 166) S.15.
[173] Electoral Commission Act, (n 166) S.16.
[174] Electoral Commission Act, (n 166) S.12(1)(k).
[175] Electoral Commission Act, (n 166) S.18.

independent access to information about who is entitled to vote.[176]Section 20(1) establishes the criteria for voter registration, limiting registration to citizens of Uganda who are eighteen years of age or above. Section 20(2) is to the effect that no person shall be qualified to vote at an election if that person is not registered as a voter in accordance with Article 59 of the Constitution.[177] In the case of *Electoral Commission and Anor v. Nambooze Betty Bakireke,* Engwau, JA. Agreed with the judge in the trial court that court was satisfied with the allegation that students who were under age and had falsified voting cards were transported to participate in the election which was against the law.[178]

3.4.3 The Presidential Elections Act

The Presidential Elections Act, Cap 179[179] as revised, is the primary statute governing the election of the President of Uganda and constitutes one of the most directly relevant pieces of national legislation for the analysis of electoral militarisation undertaken in this research. Enacted in 2000 during the transition from the Movement political system to constitutional multiparty democracy, the Act was specifically designed to operationalise the constitutional mandate under Article 103 of the 1995 Constitution, which requires the President to be elected by the citizens of Uganda through universal adult suffrage in a free and fair election conducted by secret ballot.[180] The Act has since been the central statutory framework governing every presidential electoral cycle from 2001 to 2026, and it is in the application and, more critically, the systematic violation of its provisions that the militarisation of Uganda's presidential elections finds its most acute legal expression.

Section 27(b) explicitly prohibits the use or threat of force, violence, or intimidation against voters, candidates, or election officials for the purpose of influencing the electoral outcome.[181] This is not merely an aspirational standard, it is a binding statutory obligation the breach of which attracts a fie not exceeding 72 currency points of three years imprisonment or both.[182] Additionally, Section 78 of the Act creates the offence of undue influence, which includes every person who, directly or indirectly,

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176 Electoral Commission Act, (n 166) S.19.
177 Electoral Commissions Act, (n 166), S.20(2).
178 *Electoral Commission and Bakaluba Peter Mukasa v. Nambooze Betty Bakireke,* Election Petition Appeal NO. 1 of 2007*, Judgement of Engwau, JA, pg.21.*
179 Presidential Elections Act, Cap 142.
180 Constitution of Uganda, (n 27), Art. 103 (1).
181 Presidential Elections Act (n 179) S.27(b).
182 Presidential Elections Act (n 179) S.27 (a-f).

by himself or herself or by any other person on his or her behalf, makes use of or threatens to make use of any force, violence, or restraint upon or against any person, in order to induce or compel that person to vote or refrain from voting, or by abduction, duress or any fraudulent device or contrivance, impedes or prevails upon a voter either to vote or refrain from voting.[183] The deployment of military personnel to polling stations, the conduct of military patrols during campaigns, the use of armed escort vehicles by ruling party candidates, and the detention of opposition campaign teams by military personnel all of which have been extensively documented in Uganda's presidential elections each constitute undue influence.

The Act establishes the mechanism for challenging the validity of a presidential election through an election petition to the Supreme Court. Section 61(6)(a) provides that any aggrieved candidate may petition the Supreme Court for a declaration that the election was invalid on the grounds of non-compliance with the provisions of the Act or of any other written law relating to elections, or that the candidate was not validly elected[184]. This threshold is constitutionally problematic. It allows courts to decline to enforce statutory electoral prohibitions on the grounds that the violations, however serious, did not change the result, thereby providing perpetual legal immunity for systematic, large-scale electoral militarisation so long as the margin of victory is sufficiently large. This structural defect in the Act's petition framework is one of the most significant legal gaps that this research identifies as requiring remedial reform.

3.4.4 The Political Parties and Organisations Act

The Political Parties and Organisations Act (Cap 178), as revised, regulates the registration, organisation and conduct of political parties and organisations in Uganda. Section 1 of the Act defines a political party as a political organisation the objects of which include the influencing of the political

[183] Presidential Elections Act (n 179) S. 78(1) (a-b).
[184] Presidential Elections Act (n 179) S. 61(1)(a).

process or sponsoring of the political agenda, whether or not it also seeks to sponsor or offer platform to a candidate for election to a political office or to participate in the governance of Uganda at any level.[185] Section 19 read together with Schedule 4 of the Act prohibits political parties from engaging in or inciting violence, and from establishing or maintaining a para-military force, militia or similar organisation or have any links with such an organisation.[186]S.16 of the Act prohibits members of the armed forces and cultural leaders from being founders, promoters, holding offices, speaking in public or publishing anything involving matters of political party or organisation, and engaging in canvassing in support of a political.[187]

These provisions recognise that the entry of military influence into the political party landscape, whether through the affiliation of military personnel with specific parties, the use of military resources for party campaigns, or the intimidation of opposition parties by military actors, fundamentally distorts the competitive multiparty environment that is the essential prerequisite of free and fair elections. The Act therefore contributes to the normative framework against electoral militarisation by expressly prohibiting partisan military involvement in the party-political process.

3.4.5 The Parliamentary Elections Act

The Parliamentary Elections Act Cap 177, governs the specific process by which members of Parliament are elected in Uganda. Section 28 of the Act prescribes detailed procedures for the nomination of candidates, designed to ensure that candidacy is accessible to all qualified citizens without discriminatory barriers.[188]Section 99 of the Act creates the offence of undue influence, which includes the use of force, violence or threats, by persons or those acting under their direction or authority, to compel any person to vote or refrain from voting, or by abduction, duress or any fraudulent device or contrivance impedes or prevails upon a voter either to vote or refrain from voting.[189] Part X of the Act establishes election petitions as the primary judicial mechanism for challenging the validity of an election outcome on grounds including illegal practices and electoral offences.[190]The petition mechanism is of fundamental importance to the demilitarisation of elections,

[185] Political Parties and Organisations Act (Cap 177, Laws of Uganda, 2023) S.1.
[186] Political Parties and Organisations Act, (n 178) S.19 and Schedule 4.
[187] Political Parties and Organisations Act, (n 178) S.16.
[188] Political Parties and Organisations Act (n 178) S.28.
[189] Political Parties and Organisations Act (n 178) S.99.
[190] Political Parties and Organisations Act (n 178) S. 79 – 86.

as it provides a judicial forum in which evidence of military interference can be presented and adjudicated.

3.4.6 The Local Governments Act

The Local Governments Act Cap 138, as revised, establishes the framework for local government in Uganda and governs elections to local government councils. Section 1 lays down the object of the Act which includes ensuring democratic participation in, and control of, decision making by the people concerned[191], providing for the elections of local councils[192] and establishing and providing for the composition of interim councils for newly created local government units pending elections of the councils[193]. The functions and powers of the Local Government Councils are laid down in Section 32.

The democratic basis of local governance established by the Act is of relevance to the militarisation question because local government elections are frequently accompanied by military and police deployments that intimidate local candidates and voters. The Act's insistence on democratic electoral processes at the local level reinforces the broader national legal framework prohibiting military interference in the electoral process at all tiers of government.

3.5 Conclusion

The foregoing analysis demonstrates that there exists a dense, multilayered and internally consistent legal framework spanning the international, regional and national levels that establishes unequivocal standards for the conduct of free and fair elections and that categorically prohibits the militarisation of the electoral process. At the international level, the UDHR, the ICCPR and its authoritative General Comment No 25, CEDAW, and the CRPD collectively affirm that the will of the people, expressed through genuine and periodic elections free from coercion and intimidation, is the only legitimate basis for governmental authority. At the regional level, the Banjul Charter, the ACDEG and the EAC Treaty and its election observation principles impose binding and persuasive obligations on Uganda to ensure that its armed forces remain subordinate to civilian authority and do not interfere in the electoral process. At the national level, the 1995 Constitution, the Electoral Commission Act, the Political Parties and Organisations Act, the Parliamentary Elections Act, together construct a

[191] Local Governments Act Cap 128, S.1 (b).
[192] Local Governments Act (n 185) S.1 (e).
[193] Local Governments Act (n 185) S.1 (f).

comprehensive statutory architecture that is premised on civilian electoral management, democratic popular sovereignty, and the prohibition of military influence over the electoral process.

CHAPTER FOUR

AN ASSESSMENT OF THE MILITARISATION OF ELECTIONS IN UGANDA.

4.1	Introduction
4.2	The 2001 Presidential Elections
4.2.1	Forms of Military Involvement
4.3	The 2006 Presidential Elections
4.3.1	2006 Forms of Military Involvement.

4.4 The 2011 Presidential and Parliamentary Elections
4.4.1 2011 Forms of Military Involvement
4.5 The 2016 Presidential and Parliamentary Elections
4.5.1 2016 Forms of Military Involvement
4.6 The 2021 Presidential and Parliamentary Elections
4.6.1 2021 Forms of Military Involvement: An Unprecedented Escalation
4.7 The 2026 Presidential and Parliamentary Elections
4.7.1 Pre-Election Militarisation: Arrest, Abduction and Rendition
4.7.2 Election-Day and Post-Election Military Conduct
4.8 Conclusion

"The entire election process should have an atmosphere free of intimidation, bribery, violence, coercion or anything intended to subvert the will of the people."

- Justice Benjamin Odoki in *Col (Rtd) Besigye Kizza v. Museveni Yoweri Kaguta and Electoral Commission*, Election Petition NO.1 of 2001, pg.34.

4.1 Introduction

The Presidential Elections Act of 2000 subsequently codified the procedures for conducting presidential elections, including prescriptions against illegal practices such as violence and intimidation.[194] However, each successive electoral cycle been characterised, to varying degrees, by the deployment of armed forces in ways that distort, intimidate and ultimately undermine the exercise of political rights. This chapter provides a systematic assessment of the militarisation of elections across the electoral cycles of 2001, 2006, 2011, 2016, 2021 and 2026. It examines the forms, mechanisms and intensity of military involvement in each cycle, traces the judicial responses both domestic and regional, and identifies the structural patterns through which militarisation has become normalised and, in some instances, legalised. The chapter draws on court decisions, observer reports, human rights documentation and academic scholarship to construct a comprehensive assessment.

The argument advanced is that militarisation has not remained static: it has evolved from episodic and deniable military deployment in 2001 into a systemic and institutionalised feature of electoral

[194] Presidential Elections Act (Cap 142) 2000, Uganda

governance by 2026, reaching its most acute expression in the deployment of the army's highest commander as a partisan political actor and in the legislative reversal of a Supreme Court ruling protecting civilians from military tribunals.[195]

4.2 The 2001 Presidential Elections

The March 2001 presidential election was the second conducted under the 1995 Constitution and the second to be held under the Movement (no-party) system. President Yoweri Museveni faced six candidates, with Col. (Rtd) Dr. Kizza Besigye emerging as the principal challenger. This presidential election, was described as flawed because it was marred by violence, intimidation and extensive cheating.[196]Additionally, the electoral process was characterized by irregularities in the registration of voters, concerns over the tendering process for the ballot papers and failure by the Electoral Commission to act on these issues.[197] The Human Rights watch report also criticized the movement or no party system of government, in which individual candidates would run for elections based on their personal merit and not political party affiliation.[198]

4.2.1 Forms of Military Involvement

During the campaign period and on polling day, numerous documented instances emerged of the deployment of security forces beyond their lawful mandate. Of particular concern was the role of the Presidential Protection Unit (PPU), the elite military formation assigned to the President. According to Human Rights watch various cases of violence and arbitrary arrests implicating army soldiers, military intelligence officers, the police and the Presidential Protection Unit as well local defence units were reported since the start of the 2001 campaigns on 11th January.[199] Some of the districts where harassment was most severe were Kabale, Kampala, Masaka, Mbale, Mbarara and Rukungiri[200]Soldiers were deployed to polling stations across the country in a manner that exceeded what was proportionate or necessary for the maintenance of public order. On 9th March, the Army commander Maj. Gen.

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[195] Obote Odora, The Militarization of Uganda: Parliament, the Judiciary, and Elections under Military Command (2024).

[196] 'Flawed Election in Uganda' *The New York Times*, (16 Marc 2001).
Available at http://www.nytimes.com/2001/03/16/opinion/flawed-election-in-uganda.html (accessed on 13 May 13, 2026)

[197] Human Rights Watch, *Uganda: Not a Level Playing Field- Government Violations in the Lead up to the Election,* (Human Rights Watch 2001)
Available at https://www.hrw.org/reports/2001/uganda/ (accessed on 12th May 2026).

[198] Human Rights Watch, (n 187).

[199] Human Rights Watch, (n 187).

[200] Human Rights Watch, (n 187).

Odongo Jeje addressed a press conference in which he confirmed and defended the army's involvement in the election stating "although the electoral laws do not specifically refer to the army in regulating the electoral process, the Uganda Police and any other civilian authority can be assisted by the army under Article 209 of the Constitution…functions of the UPDF."[201]The presence of uniformed military personnel other than civil police affected the manner in which voters exercised their franchise, creating an atmosphere of intimidation that distorted the free expression of political will.

The 2001 election was challenged before the Supreme Court in *Besigye v Museveni (supra*). By a majority of three to two, the Court dismissed the petition and upheld the election result. The majority, led by Odoki CJ, held that "while irregularities in the voting exercise were proved in some areas, they were not wide spread throughout the whole country, and their extent, degree and effect were not established or proved to have substantially affected the results"[202]

However, the minority judgments of Mulenga and Oder JJC painted a more alarming picture. They found substantial evidence of widespread violence and intimidation organised through state security structures and concluded that the electoral process had been so fundamentally compromised as to warrant annulment. The minority identified the deployment of Presidential Protection Unit soldiers as a deliberate instrumentalisation of military power for partisan electoral advantage.

The 2001 petition established a troubling precedent: the substantial effects threshold under Section 61(6)(a) (the then S.59(6)(a)) of the Presidential Elections Act[203] created a structural barrier to the judicial remedy of annulment, even in the face of widespread, documented military intimidation. This threshold has been criticised by scholars and practitioners as an institutional safeguard for incumbency that effectively immunises a militarised electoral process from meaningful judicial accountability. Today, one can argue that only one of these challenges has to a large extent been erased, namely the issue concerning the no party system as a 2005 referendum introduced the multi-party-political system.[204] The rest of the highlighted challenges remain pronounced in Uganda's electoral process.

[201] Extracted from Judgement of Odoki, CJ, in Besigye v. Museveni (n 162) pg. 106.
[202] Besigye v. Museveni (n 162) pg. 152.
[203] This provision reflects the principles that must be followed to annul a presidential election; the election must not have been conducted in accordance with principles laid down and non-compliance affected the results in a substantial manner.
[204]Y. Kiranda & M. Kamp (Eds.), *Reality Check: The State of Multiparty Democracy in Uganda*, 2.

4.3 The 2006 Presidential Elections

The 2006 elections were the first multiparty elections held in Uganda in twenty-six years, following the 2005 constitutional referendum which lifted the Movement system's restrictions on political party competition. The return to multipartyism did not, however, bring a demilitarisation of the electoral environment. Human Rights Watch once again reported incidents of ballot stuffing, multiple voting and that many eligible citizens were denied their right to vote in this election, as their names were allegedly not captured in the voter register.[205]

The pre-election period was marked by the dramatic arrest of the principal opposition candidate, Dr Besigye, only weeks after his return from exile. He was charged before both the civilian High Court and the military General Court Martial on charges of treason, terrorism, rape and illegal possession of firearms. The use of the military court martial to pursue charges against a civilian opposition leader was widely condemned as a politicisation of military justice and a precursor to the militarisation of the election itself.[206]This was on allegations that while in exile, Besigye worked to set up a paramilitary group, the People's Redemption Army, in the Democratic Republic of Congo, with support of the Rwandan Government.[207] When it appeared that Besigye and his twenty-two co-defendants in the treason case might be released on bail by the civilian court, the UPDF prosecutor, in an apparent attempt to prevent Besigye's candidacy, brought terrorism charges against him on November 24 in the General Court Martial (GCM).[208] These accusations appeared intended at a minimum to keep Dr. Besigye confined for the duration of the campaign. In *Kwizera Eddie V. The Attorney General,*[209] the constitutional court held that a free and fair election process should have an atmosphere free of intimidation, bribery, violence or anything intended to subvert the will of the people. Election procedures should be adhered to at all stages of the electoral process.

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[205] Human Rights Watch, 'Uganda: Election Irregularities Require Judicial Probe; Government Must Not Interfere in Judiciary's Review of Credible Allegations'.
Available at http://www.hrw.org/news/2006/03/01/uganda-election-irregularities-require-judicial-probe (accessed on 13 May 2026)

[206] Sultan Juma Kakuba, State Repression and Democratic Dispensation in Uganda 1996 – 2026' (2021) 11(3) SAGE Open 1, 5.

[207] Human Rights Watch, In Hope and Fear: Uganda's Presidential and Parliamentary Pols (Report, Vol 18 No. 1(A), February 2006) 19.

[208] General Court Martial, case no. UPDF/GMC/075/05.

[209] *Kwizera Eddie v. the Attorney General,* Constitutional Petition No. 14 of 2005.

When the High Court held a bail hearing for Besigye before Justice Ssempa Lugayizi, a group of heavily armed men called the Black Mamba Urban Hit Squad[210] described later as part of the army's anti-terrorism unit was deployed at the High Court ostensibly ready to detain the defendants as soon as they were free on bail. The show of force by the UPDF and other uniformed services prompted condemnation by the Chief Justice and by High Court Judge James Ogoola, who described the incident as "a despicable act" and a "rape of the judiciary."[211] This culminated into a public interest petition to the Constitutional Court[212] and court ruled on January 31, 2006, holding, *inter alia,* that the trial of the petitioners in the General court martial on charges of terrorism and unlawful possession of firearms contravenes the constitution of Uganda.[213] This coupled with the lifting of the two term limit on the presidential office which meant that the Museveni could stand as a candidate for his third term[214] faced criticism domestically and internationally.

4.3.1 2006 Forms of Military Involvement.

Several international and domestic observer missions, while declaring the election generally administered within a multi-party framework, simultaneously criticised the polls for militarisation, widespread violence, voter intimidation, suppression of freedoms, media bias and financial inducements. Human Rights watch reported that Uganda military police gathered on the streets of Kampala on election day. President Museveni ordered the deployment of 12,000 soldiers across the country.[215] The opposition claimed that in the districts of Soroti, Gulu and Rukungiri soldiers threatened people, telling them to vote for the ruling NRM.[216]

In the central region of Iganga, gun wielding Local Defence Unit Personnel, wearing yellow T-shirts clashed with FDC supporters.[217] In Bulange Mengo, three FDC supporters were short and killed when a soldier opened fire at a crowd waiting for Dr. Besigye.[218] In another incident, several people were

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[210] J Oloka-Onyango, When Courts Do Politics: Pubic Interest Law and Litigation in East Africa (Cambridge Scholars Publishing 2017) 111.
[211] Will Ross, "Museveni: Uganda's Fallen Angel," BBC News Online, November 30, 2005.
Available at http://news.bbc.co.uk/1/hi/world/africa/4482456.stm (accessed on 13 May 2026).
[212] *Uganda Law Society v. Attorney General*, Constitutional Petition No.18 of 2005.
[213] ULS v Attorney General (n 208).
[214] S. Goppen *et al, Uganda's 2006 Presidential and Parliamentary Elections,* (CMI Report R 2006: 10, Chr Michelsen Institute 2006)
[215] Human Rights Watch, (n 197).
[216] Human Rights Watch, (n 197).
[217] European Union Election Observer Mission, *Uganda: Presidential and Parliamentary Elections- Fina* Report (23 February 2006) 26.
[218] European Union Election Observer Mission, (n 207) 26.

injured, two of them critically, when armored UPDF trucks drove into an FDC crowd in the centra town of Mukono.[219]Victims reported hospitalisation and that previous complaints to authorities had resulted in no accountability. This impunity for electoral violence by military-linked actors formed a self-reinforcing cycle with the absence of prosecution encouraging further violence, while victims' reluctance to report sustained the official narrative that the environment was acceptable.

The most significant judicial assessment of the 2006 elections came in *Besigye v Electoral Commission and Yoweri Kaguta Museveni*[220] where the petitioner asked court to declare the election invalid on a number of grounds including ack of transparency, unfairness, violence, voter bribery among others. In contrast to 2001, the Supreme Court's findings were unanimous in finding non-compliance with the Constitution, the Presidential Elections Act and the Electoral Commission Act. Specifically, the Court found unanimously that, the Electoral commission improperly deleted a significant number of names from the voter's register and there were inaccuracies in counting or tallying.[221] By majority of 4-3, the Court held that the irregularities, though proven, had not substantially affected the result of the election.[222]The constitutional petitioner subsequently challenged the constitutionality of the then Section 59(6)(a), now Section 61(6)(a) of the Presidential Elections Act in *Kiiza Besigye v Attorney General*[223] arguing that the provision rendered the constitutional guarantee of free and fair elections illusory. The Constitutional Court rejected the petition, explaining that doing away with S. 59(6)(a) would mean lowering the standard of proof of presidential election petitions and any form of sight non-compliance would be argued to be sufficient to annul the lection which would seriously impact on the political and economic stability of the country.[224]

4.4 The 2011 Presidential and Parliamentary Elections

The 2011 elections were the second multiparty elections in Uganda's post-Movement history. They took place in February 2011 and were preceded by growing international and domestic concern about the culture of impunity established by the unchallenged electoral violence of 2001 and 2006. A number of civil society organisations including Amnesty international expressed deep concern about electoral

[219] European Union Election Observer Mission, (n 207) 26.
[220] *Rtd. Col Kizza Besigye v. The Electoral Commission and Yoweri Museveni,* Presidential Election Petition No 1 of 2006, lodged on the 7 March.
[221] *Rtd. Col Kizza Besigye v. The Electoral Commission and Yoweri Museveni,* (n 210), para. 61.
[222] *Rtd. Col Kizza Besigye v. The Electoral Commission and Yoweri Museveni,* (n 210), para. 144.
[223] *Rtd. Col. Kiiza Besigye v Attorney General*, Constitutional Petition No 13 of 2009.
[224] *Rtd. Col. Kiiza Besigye v Attorney General,* (n 213) pg. 10.

violence in the previous elections. Reports warned the risk of politically motivated violence and human rights violations remained high.[225] This concern was mainly due to uninvestigated violations in Uganda's previous elections where culprits were not charged and victims did not get justice.

4.4.1 2011 Forms of Military Involvement

The 2011 elections saw the deployment of military forces, plainclothes operatives and paramilitary actors alongside the police in the management of the electoral environment. Reports documented the involvement of the *Kiboko*[226] squad, groups of local men employed alongside formal security forces to beat opposition leaders and their supporters at political rallies and to fire teargas to disperse them.[227] The campaign environment became more intense as election day approached. Tension increased when police arrested and detained several NGO activists as well as opposition politicians and political party activists. [228]These actions systematically threatened opposition members from exercising fundamental political rights.

Security forces and military were maintained in active deployment throughout the country even after polling day. When the opposition organised the "Walk to Work" protests in April 2011 instead of petitioning court against election results and in response to economic grievances, the violent crackdown by police and military resulted in multiple deaths.[229] The police and army responded with a lot of force deliberately ramming in Besigye's car and spraying a toxic chemical in his eyes forcing him to seek medical attention in Nairobi.[230]This post-election militarisation of public space continued to suppress the political rights of citizens who sought to contest the electoral outcome through peaceful civic action.[231] Despite the documented abuses, the Ugandan Human Rights Commission and international observers acknowledged the significance of the violations without producing the accountability mechanisms necessary to deter repetition. The failure to investigate or prosecute a single

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[225] Amnesty International, *Uganda: Human Rights Concerns in the Run-Up to the February 2011 General Elections*, (11 February 2011).
Available at https://www.amnesty.org/en/documents/afr59/004/2011/en (accessed 13 May 14, 2026)
[226] Kiboko is a Swahili word which refers to sticks and used in reference to groups of men wielding sticks.
[227] Kakuba, *State Repression and Democratic Dispensation in Uganda* (n 203) 6.

[228] European Union Election Observation Mission, *Uganda2011 Elections: Improvements Marred by Avoidable Failures*, (20 February 2011).
[229]Human Rights Watch, 'Uganda: Elections Marred by Violence' (21 January 2021) https://www.hrw.org/news/2021/01/21/uganda-elections-marred-violence (accessed 12 May 2026).

[230] Sabiti Makara *et al, Election Related Conflict and Violence in Uganda: Research Report,* (Women's International Peace Centre 2019) 26.
[231] Amnesty International Report, 2011 (n 222).

case of electoral violence from the 2001 and 2006 cycles reinforced the culture of impunity that made militarisation rational from the perspective of those who benefited from it.

4.5 The 2016 Presidential and Parliamentary Elections

By 2016, President Museveni had ruled Uganda for thirty years. The election, held on 18 February 2016, took place against the backdrop of constitutional amendments in 2005 that had removed presidential term limits, enabling Museveni to stand for a fifth term. The principal challenger was again Dr Kizza Besigye of the Forum for Democratic Change (FDC).

4.5.1 2016 Forms of Military Involvement

In the weeks leading up to the election, the government of Uganda systematically limited the ability of opposition candidates to campaign effectively. This included controlling access to media coverage, intimidating journalists, detaining opposition candidates and using police and military force to break up opposition gatherings and rallies. FDC's campaign director publicly acknowledged that security forces had disrupted their scheduled rallies despite Electoral Commission authorisation, creating an environment of fear that the campaign team feared would suppress opposition voter turnout.[232] In some instances, journalists attempting to cover opposition rallies and demonstrations faced physical violence , particularly as the elections were about to begin.[233] Journalists' rights were violated with one of the Human Rights watch interviewed journalists testifying that as he left office to write his news story about the day's events, two police officers openly threatened him, with one officer pointing the tear gas gun directly at the journalist until he fled.[234] In instances where it was discovered that the journalist from a particular station granted a member of the opposition access to air waves, inevitable either the RDC, security operatives or the UCC began calling or visiting.[235]

Besigye was arrested multiple times in the days immediately preceding the election and, in the period, following it. On 15th February when he was heading to Makerere University in Kampala, he was detained by the Uganda police which also fired tear gas and broke the crowds accusing Besigye of violating campaign rules.[236]Following the announcement of results, he was effectively placed under

[232] US State Department, Uganda 2021 Human Rights Report (Washington DC 2022) 4
[233] Human Rights Watch, '*Keep the People Uninformed: Pre-election Threats to Free Expression and Association in Uganda* (Human Rights Watch, January 2016) 17.
[234] HRW Report (n 223) 17.
[235] HRW Report (n 223) 20.
[236] Jill Craig, 'Uganda Police detain, the release Opposition leader Besigye' (*VOA*, 15 February 2016)

unlawful house arrest, with security forces surrounding his residence and preventing him from accessing the Electoral Commission to demand official results or file formal complaints.[237] The United States Institute of Peace documented the youth activists' reports of silent tension and a mood of tension and frustration across the country, with police and military remaining deployed throughout Uganda after polling day.[238]

The 2016 elections also saw the emergence of "crime preventers," a government-organised paramilitary volunteer force deployed nationwide in the guise of local security management. Civil society and opposition candidates raised serious concerns that these volunteers were being used as proxies for the NRM's electoral machinery, blurring the line between state security forces and partisan electoral actors suing them to intimidate the opposition.[239]

The election results in which Yoweri Museveni was declared as the victor by 61% of the valid votes cast were contested in court by Amama Mbabazi seeking a decision that President Museveni had not been validly elected and an order that the election be annulled.[240] Just like other petitions, court stated that Museveni was lawfully elected.[241] However, court noted that it had made some important observations and recommendations with regard to the need for reform in Presidential election laws in its decisions in petitions of 2001 and 2006; however many of these calls remain unanswered by the executive and legislature.[242]

4.6 The 2021 Presidential and Parliamentary Elections

The January 2021 elections introduced a qualitatively new dynamic into Ugandan electoral politics with the emergence of Robert Kyagulanyi Ssentamu, known as Bobi Wine, as the principal opposition challenger under the National Unity Platform (NUP). The elections took place against the additional

Available at https://www.voanews.com/a/ugandan-police-detain-then-release-opposition-leader-besigye/3190000.html (accessed 14 May 2026).

[237] Amnesty International, 'Uganda: Raids, arrests stifling political opposition leader's ability to legally challenge election results' (Pubic Statement, 26 February 2016) AFR 59/3537/2016.

[238] Aubrey Cox and Gopa Ratman, 'Generation Change Fellows Promote Peaceful Vote' (USIP, 12 February 2016). Available at https://www.usip.org/publications/2016/02/generation-change-fellows-promote-peaceful-vote (accessed 14 May 2026).

[239] Aubrey Cox and Gopa Ratman, (n 235).

[240] *Amama Mbabazi v. Electoral Commission, Yoweri Museveni, and Attorney General*, Presidential Election Petition N0. 01 of 2016.

[241] *Amama Mbabazi v. Electoral Commission and ors,* (n 230) para. 38.

[242] *Amama Mbabazi v. Electoral Commission and ors,* (n 230) para. 39-40.

complicating factor of the COVID-19 pandemic, which the government used as a regulatory framework to restrict political assembly and campaigning.[243]

4.6.1 2021 Forms of Military Involvement: An Unprecedented Escalation

The period leading up to the 2021 elections involved widespread violence and human rights abuses that included killings by security forces, arrests and beatings of opposition supporters and journalists, disruption of opposition rallies, and a shutdown of the internet. The scale and systematic nature of these abuses represented a significant escalation from previous cycles.

On 18th November, 2020, two months ahead of the 2021 elections, security forces arrested Robert Kyagulanyi as he prepared to hold a campaign rally in Luuka, Eastern Uganda.[244] News of this arrest spread and this led to widespread protests in Kampala and other parts of the country for over 48 hours.[245] The armed forces used lethal force to suppress the protests. The security minister publicly stated that security forces had a right to shoot and kill protesters who reached a certain level of violence[246], a statement that reflected the official normalisation of lethal military force as a tool of political crowd management. President Museveni acknowledged that indeed 54 people were killed in the crackdown on the November 18 and 19th riots[247]

He stated the government would only compensate the families of 22 people who had died, saying the other 32 were rioters.[248] On 30 December 2020, security forces detained Kyagulanyi and arrested scores of his supporters during a rally in Kalangala.

Interference with and violence against media personnel were systematic. In the three months leading up to the 2021 election, at least seventeen journalists were attacked, arrested and harassed. Journalists

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[243] International Center for Transitional Justice, 'A Recipe for Violence: Uganda's Flawed Elections Subvert Democracy' (ICTJ, 2021).
Available at https://www.ictj.org/latest-news/recipe-violence (accessed 12 May 2026).
[244] Oryem Nyeko, 'One year later, No Justice for Victims of Uganda's Lethal Clampdown: More Effort Needed to Ensure Transparent Accountability and Compensation' (Human Rights Watch, 18 November, 2021).
Available at https://www.hrw.org/news/2021/11/18/one-year-later-no-justice-victims-ugandas-lethal-clampdown (accessed 14 May 2026).
[245] Oryem Nyeko, (n 224).
[246] Kai M Thaler, 'The 2021 Elections and Uganda's Crisis of Continuity' Epicenter (Harvard, March 2021) https://epicenter.wcfia.harvard.edu/blog/2021-elections-and-ugandas-crisis-continuity accessed 12 May 2026.
[247] Amnesty International, 'Uganda: Stop Killings and Human Rights Violations ahead of election day' (14 December 2020). Available at https://www.amnesty.org/en/latest/press-release/2020/12/Uganda-stop-kilings-and-human-rights-violations-ahead-of-election-day (accessed 14 May 2026).
[248] Amnesty International, (n 237).

were forced to delete footage of security force operations, and some were abducted by security operatives.[249]

Two days before the January 14 election, the Uganda Communications Commission ordered internet service providers to block access to social media. The following day, the government shut down internet access entirely across the country for five days, citing security concerns. The shutdown denied citizens access to information about the election and prevented independent verification of the results announced by the Electoral Commission. Immediately after polling day, police and military officers surrounded and blockaded Kyagulanyi's home, with officers jumping over his fence and pitching tents in his compound, effectively placing him under house arrest. Officers blocked him from leaving his house or receiving visitors, and a member of parliament attempting to enter the compound was beaten.

4.7 The 2026 Presidential and Parliamentary Elections

Uganda's January 2026 general elections took place in a political environment that scholars and commentators characterised as having undergone a "manufactured silence" compared to the kinetic energy of 2021.[250]

This silence was not natural but was produced through systematic judicial harassment of opposition figures, the absence of meaningful electoral reforms despite Supreme Court findings in 2006 and 2021, and the brazen militarisation of what should have been a civilian electoral process. Eight candidates contested the presidential election, with incumbent Museveni declared the winner with 71.65 per cent of the vote against Kyagulanyi's 24.72 per cent. Turnout was reported at 52.5 per cent[251], the lowest since the restoration of multiparty politics, interpreted by analysts as a reflection of suppressed participation rather than political contentment in a country where 78 per cent of the population is under thirty-five.

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[249] Committee to Protect Journalists (CPJ), 'Journalists Assaulted, Internet Shut Down Ahead of Uganda Elections' (January 2026). Available at https://cpj.org/2026/01 (accessed 12 May 2026).

[250] Tavengwa Runyowa and Lamin Manneh, 'The 2026 Ugandan Election Was Marked by Digital Strangulation Rather Than Hope' Africa at LSE (20 February 2026) Available at https://blogs.lse.ac.uk/africaatlse/2026/02/20 (accessed 12 May 2026).

[251] Uganda Law Society, *Uganda's 2026 General Election Observation Report,* (February 2026).
Available at https://uls.or.ug/wp-content/upoads/2026/02/ULS-Election-Observation -Report.pdf (accessed 14 May 2026).

4.7.1 Pre-Election Militarisation: Arrest, Abduction and Rendition

The pre-election period was dominated by the November 2024 abduction of Dr Kizza Besigye and his aide Obeid Lutale from Nairobi, Kenya. In clear violation of international law prohibiting extraordinary rendition, Ugandan security operatives operating on Kenyan soil apprehended the two men, who resurfaced four days later before the General Court Martial in Kampala charged with offences relating to state security and unlawful possession of firearms.[252]

Hundreds of opposition activists were detained in the months preceding the election. Civil society Organisations' permits including Chapter Four Uganda, National Coalition of Human Rights Defenders, the Uganda National NGO Forum, the Alliance for Finance Monitoring among others were suspended by the National Bureau for NGOs under the ministry of Interior just days before the polls[253].

Dr Sarah Bireete, Director of the Centre for Constitutional Governance and an outspoken critic of security force involvement in politics, was arrested on 30 December 2025 while actively monitoring election preparations and charged under the Data Protection and Privacy Act for alleged unlawful disclosure of personal data relating to the voters' register which was characterised as a deliberate attempt to silence accountability mechanisms.[254]

General Muhoozi Kainerugaba, the President's son and Chief of Defence Forces of the Uganda People's Defence Force (UPDF), assumed an increasingly visible and legally problematic role in the pre-election period. As the military's highest-ranking officer, Muhoozi openly engaged in partisan political discourse on social media, declared his personal support for candidates, made threats against opposition figures and diplomats, and contrary to any professional military code of conduct engaged

[252]Amnesty International, 'Military Courts: The Front Line of Uganda's War on Dissent' (18 April 2025) Available at https://www.amnesty.org/en/latest/news/2025/04/military-courts-the-front-line-of-ugandas-war-on-dissent (accessed 12 May 2026).

[253] African Commission on Human and Peoples' Rights, 'Press Release on the Suspension of Public Internet Access, Selected Mobile Services and Civil Society Organisations' Permits during the Election Period in Uganda' (16 January 2026) ACHPR/Res.648 (LXXXV) 2025.

[254] International Commission of Jurists (ICJ), 'Uganda: Election-Related Violations Must Be Effectively Investigated' (12 February 2026).
Available at https://www.icj.org/resource/uganda-election-related-violations (accessed 12 May 2026).

in explicit partisan mobilisation[255] He also threatened to put opposition member in his "basement" a widely recognized euphemism for torture in Uganda, and threatening Kyagulanyi with similar detention and torture, promising "you are next."[256]

4.7.2 Election-Day and Post-Election Military Conduct

On election day, 15 January 2026, voting took place under an internet blackout and heavy military presence. The Uganda Communications Commission imposed the internet shutdown on the strong recommendations of security agencies, officially framed as a precautionary measure to protect national stability and prevent misuse of communication platforms.[257] As in 2021, this effectively ensured that only the state-controlled narrative of events would reach the public during the critical vote-counting period. Following the announcement of results, military forces laid siege to Kyagulanyi's home, restricting access to and from the premises, assaulting his wife and staff, and destroying property.[258]

The African Union–COMESA–IGAD Joint Election Observation Mission noted in its preliminary statement that it had been briefed on the involvement of military in the electoral process contrary to established norms and international obligations.[259] The African Commission on Human and Peoples' Rights issued a press release condemning the suspension of public internet access and the permits of civil society organisations, recalling its own resolution on strengthening electoral integrity in Africa.[260] Paula Cristina Roque, writing in the African Arguments journal, characterised the elections as representing the brazen militarisation of what should have been a civilian electoral process, noting that the manufactured silence of 2026 compared to 2021 was itself an index of how effectively sustained repression suppresses civic voice.[261]

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[255]Center for Strategic and International Studies (CSIS), 'Uganda's 2026 Elections: Rising Authoritarianism and Declining US Engagement' (October 2025) https://www.csis.org/analysis/ugandas-2026-elections-rising-authoritarianism-and-declining-us-engagement accessed 12 May 2026.

[256] Center for Strategic and International Studies (CSIS), (n 245).

[257]NPR, 'Uganda Goes to the Polls Amid Heavy Security and Internet Blackout' (15 January 2026). Available https://www.npr.org/2026/01/15/nx-s1-5675906/uganda-election-museveni-bobi-wine (accessed 12 May 2026).

[258] Human Rights Watch, 'Uganda: Post Election Assault on Political Opposition' (28 January 2026). Available at https://www.hrw.org/news/2026/01/28/uganda-post-election-assault-on-political-opposition (accessed 12 May 2026).

[259]African Union–COMESA–IGAD Joint Election Observation Mission, Preliminary Statement on the Republic of Uganda 15 January 2026 General Elections. (*AU Peace and Security Department*, January 2026).

[260] ACHPR, Press Release, (n 249).

[261]Paula Cristina Roque, 'Museveni's Militarised Elections: A Gen Z Reckoning' Debating Ideas' (*African Arguments,* 16 January 2026).

4.8 Conclusion

This chapter has provided a systematic, evidence-based assessment of the militarisation of elections in Uganda across the period from 1995 to the present. The evidence drawn from court decisions, observer reports, human rights documentation and academic scholarship demonstrates that militarisation is not an incidental or exceptional feature of Ugandan electoral politics but a structural and persistent characteristic of the electoral system.

The 2001 and 2006 elections established the judicial and legal framework within which subsequent militarisation would operate one in which the courts acknowledged violations but lacked or declined to exercise the remedial power necessary to produce accountability. The 2011 and 2016 elections deepened the culture of impunity and introduced new mechanisms of paramilitarisation. The 2021 elections saw the systematic deployment of counter-insurgency forces against civilian political opponents and the first use of internet shutdowns as a tool of electoral information control. The 2026 elections added the unique dimension of the military commander himself functioning as a partisan political actor, issuing ultimatums against opposition candidates, and the legislative reversal of a landmark Supreme Court ruling on civilian trials.

The case for demilitarisation of Uganda's electoral processes rests, therefore, not merely on normative preference but on constitutional obligation, treaty commitment, and the accumulated findings of the country's own highest courts. The structural patterns identified in this chapter form the basis upon which Chapter Five will develop the normative and institutional framework for demilitarisation.

CHAPTER FIVE

COMPARATIVE ANALYSIS: LESSONS FROM STATES THAT HAVE DEMILITARISED THEIR ELECTORAL PROCESSES

5.1	Introduction
5.2	Namibia: Demilitarisation Through Constitutional Design and International Oversight
5.2.1	Namibian Constitutional and Legal Framework
5.2.2	Lessons for Uganda
5.3	Botswana: Organic Civilian Consolidation and the Rule of Law Tradition
5.3.1	Botswana Constitutional and Legal Framework
5.3.2	Lessons For Uganda
5.4	Mauritius: Constitutional Independence of Electoral Administration Context
5.4.1	Mauritius Constitutional and Legal Framework
5.4.2	Lessons for Uganda
5.5	Conclusion

5.1 Introduction

The preceding chapter established that the militarisation of elections in Uganda is neither incidental nor episodic but is a structural feature of the country's electoral system, sustained across six electoral cycles and reinforced through legal institutionalisation and executive defiance of judicial authority. This chapter asks a different question: how have comparable states, including those emerging from histories of armed conflict, authoritarian rule and military dominance, managed to create and sustain electoral environments in which armed forces are genuinely subordinated to civilian processes and democratic norms?

Three African states are examined for this purpose: Namibia, Botswana and Mauritius. These states have been selected because each offers a distinct pathway and institutional mechanism for the demilitarisation of electoral politics. Their experiences together yield a set of transferable lessons relevant to the Ugandan context examined in this research. The analysis for each state proceeds by identifying the institutional mechanisms through which it was achieved, the legal and constitutional framework that sustains it, and the lessons that can be derived for Uganda.

5.2 Namibia: Demilitarisation Through Constitutional Design and International Oversight.

Namibia's path to demilitarised elections is inseparable from its transition from South African colonial occupation to independence in 1990. For decades, the territory had been administered under an apartheid-style regime in which the South African Defence Force and the paramilitary Koevoet unit operated as instruments of political control, suppression of the liberation movement and management of the civilian population. The 1978 United Nations Security Council Resolution laid the framework for Namibia's independence through internationally supervised elections, establishing what would become a model for the management of the military during a democratic transition.[262] The United Nations Transition Assistance Group (UNTAG) was deployed between April 1989 and March 1990 to oversee the ceasefire, monitor the withdrawal and confinement of South African and SWAPO military forces, and supervise the electoral process that culminated in the November 1989 Constituent Assembly elections.[263] The elections produced a turnout of 701,483 voters in the 23 electoral districts with 10 participating political parties and were declared free and fair by the UN Secretary-General's Special Representative, Martti Ahtisaari.[264] The critical institutional achievement was that military forces of all parties were contained and monitored throughout the electoral period, with civilians empowered to vote without fear of armed coercion.[265]

5.2.1 Namibian Constitutional and Legal Framework

The 1990 Constitution of Namibia, unanimously adopted by the Constituent Assembly, embedded the principles of democracy, rule of law and justice for all as foundational principles of the new state.[266] Article 94B (2) establishes an Electoral Commission of Namibia that is constitutionally mandated to be independent of all organs of state, transparent, impartial and free from interference by any political party or the government.[267] The Namibia Defence Act of 2002 confined the Namibian Defence Force's mandate to external defence and internal emergencies formally declared by the President

[262] United Nations Security Council, *Resolution 435 (1978),* UN Doc S/RES/435 (1978) (19 September 1978).
[263] United Nations Transition Assistance Group, *Report of the Secretary General on the United Nations Transition Assistance Group* (UN Doc S/20412) (23 January 1989).
[264] UNSC, *Further Report of the Secretary General Concerning the Implementation of Security Council Resolution 435 (1978) Concerning the Question of Namibia* (14 November 1989) UN Doc S/20967.
Available at https://documents.un.org (accessed 13 May 14, 2026).
[265] Report of the Commonwealth Observer Group on the Namibian Elections (Commonwealth Secretariat, London 1989).
[266] Constitution of Namibia, 1990, Article 1.
[267] Constitution of Namibia, (n262) art. 94B.

through a constitutionally prescribed process[268] hence excluding any role in the management of elections. S. 26(3) of the Electoral Act provides for registration of Namibian citizens aged 18 years and above[269] as provided by Article 17(2) of the Constitution. Namibian citizens temporarily leaving outside Namibia are eligible to register as voters.[270]The AUEOM recognised that Namibia's legal framework is generally in line with international, continental and regional norms and standards for the conduct of democratic elections.[271]

This legal architecture ensures that the military has no legitimate basis for deployment at polling stations, interference with campaign activities or involvement in electoral administration. Electoral security is managed exclusively by the civilian Namibian Police Force, operating under a separate chain of command from the defence forces. The constitutionalisation of this separation has been central to Namibia's consistent record of peaceful democratic elections, with seven general elections conducted since independence, each assessed by observers as broadly free and fair with parties campaigning freely without restriction and the campaign process generally peaceful.[272]

5.2.2 Lessons for Uganda

Namibia's experience demonstrates that demilitarisation is achievable even in a post-conflict society with a deeply militarised recent history, provided it is anchored at the constitutional level from the outset of democratic transition and supported by independent electoral management bodies with legal insulation from executive control. The separation of electoral security management from military command, enforced through legislation, has proven durable across three decades. For Uganda, the Namibian model suggests that meaningful demilitarisation requires not merely policy commitments but constitutional and statutory provisions that expressly exclude the military from electoral roles and vest electoral security exclusively in civilian police with separate institutional accountability.

5.3 Botswana: Organic Civilian Consolidation and the Rule of Law Tradition

Botswana's experience with demilitarised elections is distinctive in that it has not involved a dramatic post-conflict transition from military dominance but rather represents a sixty-year tradition of electoral

[268] Namibia Defence Act 1 of 2002, S.9 (confining the Namibian Defence Force to External defence and Internal emergencies declared by the President through a formal constitutional process.)
[269] The Electoral Act No.5 of 2014.
[270] The Electoral Act (n 266) S.23.
[271] African Union Election Observation Mission, *Preliminary Statement on the Republic of Namibia 27 November General Elections* (AU Peace and Security Department, Windhoek, 29 November 2024).
[272] AUEOM, (n268).

politics in which the military has never featured as an electoral actor. Since independence in 1966, Botswana has held regular, multiparty elections that international observers have consistently assessed as free from political violence and intimidation.[273] It is hailed alongside Mauritius as one of the oldest and most stable democracies within the southern African region, with a unique record of adherence to multiparty democracy throughout the independence era.[274] The October 2024 general elections produced a historic outcome that underscored the depth of Botswana's democratic culture: the ruling Botswana Democratic Party, which had governed uninterrupted since independence, was defeated at the polls in what observers described as a genuine, competitive and peaceful transfer of power.[275]

5.3.1 Botswana Constitutional and Legal Framework

The 1966 Constitution of Botswana, as amended, established an Independent Electoral Commission in 1997 through constitutional amendment, reducing the voting age from 21 to 18 years and creating legislative mechanisms for impartial electoral administration.[276] The Electoral Act confined all administrative and security aspects of elections to civilian institutions that is the Independent Electoral Commission and the civilian police operating under constitutional mandate. The Botswana Defence Force Act confined the BDF's mandate to external defence and explicitly provided that any deployment within Botswana in aid of civil authority could only occur pursuant to a formal constitutional declaration, subject to express parliamentary authorisation.[277]

A further institutional foundation has been the Kgotla system, which is a traditional community assembly that acts a community forum, tribal court and cornerstone of local governance, deeply rooted in the philosophy of *ubuntu.* Led by a chief or headman, it serves as a public space or inclusive dialogue, consensus-based decision making, conflict resolution the dissemination of national policies for public deliberation and political accountability which embedded a culture of participatory political engagement[278] that preceded and reinforced the formal institutions of electoral democracy. This cultural dimension of demilitarised electoral politics illustrates that institutional design alone is

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[273] Electoral Institute for Southern Africa (EISA), *EISA Election Observer Mission Report No. 16: Botswana Parliamentary and Local Government Elections 30 October 2004* (EISA 2005) viii.
[274] David Sebudubudu, 'Election Observation and Monitoring in Botswana' (2006) 5(2) *Journal of African Elections* 165.
[275] Kujenga Amani, 'Democratic Governance and Electoral Transitions in Botswana: The 2024 Election and Implications for Africa's Democracy' (SSRC, 8 October 2025)
Available at https://keujenga-amani.ssrc.org/2025/10/08 accessed 13 May 2026.
[276] Constitution of Botswana 1966 (as amended), S. 65A (establishing the Independent Electoral Commission); Electoral Act (Cap 02:01) Botswana.
[277] Botswana Defence Force Act (Cap 21:05) (Botswana), ss 24-25 (confining the BDF to external defence and any role within Botswana only on express constitutional declaration of a state of emergency).
[278] Robinson James, *Why Nations Fail* (2012). London: Profile Books.pg. 407.

insufficient: durable demilitarisation requires a corresponding political culture in which civilian deliberation is valued and military interventionism is socially rejected.

5.3.2 Lessons For Uganda

Botswana's experience provides two primary lessons for Uganda. First, the most durable form of demilitarised electoral politics is one embedded in constitutional provisions, statutory frameworks and political culture simultaneously as no single element is sufficient without the others. Second, the 2024 peaceful transfer of power after sixty years of single-party rule demonstrates that when the military is structurally excluded from electoral roles, the electoral process itself can produce genuine democratic accountability and opposition victory without institutional breakdown. This contrasts sharply with Uganda's experience, where the structural involvement of military actors has consistently distorted electoral outcomes in favor of the incumbent and made peaceful transfers of power impossible.[279]

5.4 Mauritius: Constitutional Independence of Electoral Administration Context

Mauritius has been independent since 1968 and has conducted thirteen general elections since independence, each resulting in the peaceful handover of power when the electorate returned an opposition majority.[280] It is widely cited as one of Africa's most stable democracies[281]. Crucially for the purposes of this chapter, Mauritius has never experienced the deployment of military forces in electoral management. Its constitution and electoral law from independence have vested exclusive responsibility for electoral administration in civilian institutions entirely insulated from military involvement.

The 2024 general elections reinforced this record. Despite a tense pre-election period marked by allegations of telephone surveillance and a brief government-imposed social media ban that was rapidly reversed following public outcry, the elections were conducted without military involvement

[279] Centre for Human Rights, 'Rethinking Democracy in Southern Africa: Lessons from the 2024 Electoral Cycle' (University of Pretoria, October 2025).
Available at https://share.google/P1ue1uTcfihGJpFBq (accessed 14 March 2026).
[280] Freedom House, 'Mauritius: Freedom in the World 2024' (Freedom House, 2024).
Available at https://freedomhouse.org/country/mauritius/freedom-world/2024 (accessed 13 May 2026).
[281] TalkAfricana, 'Top 20 Most Democratic Countries in Africa (2026).'
Available at https://talkafricana.com/top-20-most-democratic-countries-in-africa-2026/ (accessed 14 May 2026).

and resulted in a decisive 60-0 opposition victory widely accepted by observers as a genuine expression of the popular will.[282] The SADC Election Observation Mission declared the elections free and fair.[283]

5.4.1 Mauritius Constitutional and Legal Framework

The Constitution of Mauritius 1968 provides comprehensively for an independent electoral architecture. Section 38 establishes an Electoral Boundaries Commission[284], Section 40 provides for an Electoral Commissioner whose appointment is made by the independent Judicial and Legal Services Commission[285] rather than the executive, and Section 41 specifies the Commissioner's functions.[286] This constitutional anchoring of the Electoral Commissioner's office in the judicial appointment process rather than executive discretion insulates electoral administration from political patronage and executive interference.

The Representation of the People Act and associated legislation confine electoral security management to the civilian Mauritius Police Force.[287] There is no provision in Mauritius law, constitutional or statutory, for any role of the armed forces in electoral administration or security. The Electoral Supervisory Commission, which supervises the registration of voters and the conduct of elections, operates entirely within the civilian constitutional framework and is broadly viewed as impartially supervising the electoral process. The strength of Mauritius, model lies not merely in the absence of military involvement but in the positive constitutional empowerment of civilian institutions to manage elections with full independence. The Office of the Electoral Commissioner has consistently functioned without the intervention of the executive branch, providing a practical demonstration that constitutionally anchored independence is operationally achievable and electorally effective.

5.4.2 Lessons for Uganda

Mauritius demonstrates two lessons of particular relevance to Uganda. First, the institutional design of electoral management bodies matters enormously: anchoring the appointment of electoral officials in an independent commission such as a judicial services commission, rather than in executive

[282] The Conversation, 'Mauritius Elections Landside: Why Voters were determined to Get Jugnauth's Government Out' (15 November 2024).
Available at https://theconversation.com/mauritius-elections-landslide-why-voters-were-determined-to-get-jugnauths-government-out-243715 (accessed 13 May 2026).
[283] SADC Election Observation Mission, *Report on the 2024 Mauritian General Election* (SADC, November 2024).
[284] Constitution of Mauritius 1968 (as amended) S.38.
[285] Constitution of Mauritius 1968 (n 280) S.40.
[286] Constitution of Mauritius 1968 (n 280) S.41.
[287] Representation of the People Act 1958 as amended.

discretion, produces genuinely independent electoral administration without the need for constant political struggle to defend that independence.

Second, the history of peaceful power transfers in Mauritius, including to opposition parties which demonstrates that it is the independence of electoral institutions, not the involvement of military actors, that produces electoral legitimacy. The 2024 elections, which resulted in the comprehensive defeat of an incumbent despite pre-election authoritarian tendencies, confirm that institutional design can override executive manipulation when civilian institutions are constitutionally insulated.

5.5 Conclusion

This chapter has examined the experience of three African states that have successfully demilitarised their electoral processes: Namibia, Botswana, and Mauritius. Across these states, the evidence demonstrates that successful demilitarisation depends on a combination of constitutional specificity, institutionally independent electoral management bodies, statutes that define and confine military mandates, judicially enforceable civil-military boundaries, and a political culture that normalises civilian electoral authority and rejects military intervention.

These five elements are mutually reinforcing: constitutional provisions are most durable when backed by independent courts; institutional independence is most effective when grounded in constitutional text; and political culture is most stable when supported by enforceable legal norms. Uganda's challenge is not that demilitarisation is impossible but that each of these elements is currently either absent, inadequate or actively undermined by the structural patterns identified in Chapter Four. The reform framework required to address this challenge is developed in the chapter that follows.

CHAPTER SIX

CONCLUSION AND RECOMMENDATIONS TOWARDS THE DEMILITARISATION OF ELECTIONS IN UGANDA

6.1	Introduction
6.2	Recommendations
6.2.1	Express Prohibition of Military Involvement in Electoral Processes.
6.22	Reconstitute the Electoral Commission a Non-Executive Appointment Process
6.23	Abolish Military Representation in Parliament
6.24	Repeal the UPDF (Amendment) Act 2025 and Legislatively Implement the Kabaziguruka Ruling
6.25	Remove Structural Barriers to Judicial Remedy and Establish Electoral Security Protocols
6.3	Conclusion

6.1 Introduction

This research set out to examine a single, focused question: what are the causes, character and consequences of the militarisation of elections in Uganda, and what reforms are necessary to achieve genuine demilitarisation? The inquiry traversed the colonial and post-colonial history of militarised governance in Uganda, mapped the domestic, regional and international legal frameworks that bear upon the conduct of elections, assessed six electoral cycles in which military involvement has been documented and judicially acknowledged, and compared Uganda's experience to three states that have achieved, in varying degrees and through varying means, the demilitarisation of their electoral processes.

This concluding chapter provides that recommendations which are designed to be legally grounded, institutionally specific and practically achievable, and they are sequenced in a manner that reflects the urgency of the challenge as demonstrated by the 2026 general elections.

6.2 Recommendations

The following nine recommendations emerge from the research conducted in this study, which has traced the history of electoral militarisation in Uganda from the colonial period through to the 2026 general elections, assessed the domestic, regional and international legal frameworks applicable to elections, and undertaken a comparative analysis of states that have achieved meaningful demilitarisation of their electoral processes. The recommendations are exhaustive in their scope, legally grounded in Uganda's constitutional obligations and binding treaty commitments, and directed

at the specific institutional actors whose decisions and conduct will determine whether Uganda's electoral processes can, in future cycles, be genuinely free, fair and untainted by armed coercion.

6.2.1 Express Prohibition of Military Involvement in Electoral Processes.

Article 208 of the 1995 Constitution prohibits members of the Uganda People's Defence Forces from engaging in partisan political activities but has been treated as ineffective in practice across every electoral cycle from 2001 to 2026.[288] The prohibition must be transformed from a general statement of principle into a specific, operational constitutional rule.

Parliament should enact a constitutional amendment inserting a new article providing, in express terms, that no member of the UPDF, the Special Forces Command, the Internal Security Organisation, the External Security Organisation or any other organ of the security services may be deployed at a polling station, nomination venue, campaign rally, vote-counting center or electoral administration facility during the period commencing sixty days before polling day and ending twenty-one days after the announcement of final results, except pursuant to a written request of the Electoral Commission stating the specific, imminent and documented security threat that necessitates deployment, and subject to immediate notification to and approval by Parliament within seventy-two hours.

6.2.2 Reconstitute the Electoral Commission a Non-Executive Appointment Process

Article 60 should be amended to vest the nomination of the Chairperson, Deputy Chairperson and five Commissioners of the Electoral Commission in the Judicial Service Commission, which shall advertise the positions publicly, conduct transparent interviews open to civil society observation, and submit names to Parliament for approval by a two-thirds majority. Nominees must not have been members of any political party or held any partisan office within the preceding ten years.

This recommendation reflects the approach taken in Mauritius, where the Electoral Commissioner is appointed by the independent Judicial and Legal Services Commission rather than the executive, and

[288] Constitution of Uganda 1995, (n 27) Art. 208(2) (prohibiting members of the UPDF from engaging in partisan political activities).

in South Africa, where Chapter Nine institutions are appointed through transparent, multi-party parliamentary processes.[289]

6.2.3 Abolish Military Representation in Parliament

Article 78(1)(c) of the 1995 Constitution allocates ten seats in the National Assembly to serving officers of the Uganda People's Defence Forces, chosen by the Army Council chaired by the President.[290] Scholarship in the African Affairs journal has demonstrated that this arrangement is driven by ideology, patronage and political influence, and functions as a component of a broader strategy to maintain the stability and dominance of the ruling party.[291] The ten UPDF representatives consistently vote with the NRM, increasing the ruling party's parliamentary majority, and their presence entrenches the armed forces as a partisan political actor in the nation's highest legislative body. The principle of civilian supremacy over the military is incompatible with serving soldiers exercising legislative authority over the civilians whom their institution is constitutionally mandated to protect. Repeal requires a constitutional amendment supported by not less than two-thirds of all members of Parliament.

To protect the transition, a provision should be inserted requiring that sitting UPDF representatives whose terms have not expired at the date of the constitutional amendment shall vacate their seats within sixty days of the amendment's commencement, with no entitlement to compensation or replacement.

6.2.4 Repeal the UPDF (Amendment) Act 2025 and Legislatively Implement the Kabaziguruka Ruling

On 31 January 2025, the Supreme Court of Uganda delivered its landmark ruling in *Attorney General v Kabaziguruka*, holding that the trial of civilians before military courts is unconstitutional and ordering the immediate transfer of all such cases to ordinary civilian courts. The executive defied the ruling and

[289]Constitution of Mauritius 1968, S40 (Electoral Commissioner appointed by the independent Judicial and Legal Services Commission); Constitution of South Africa 1996, S181 (independent institutions supporting democracy, appointed through transparent processes).

[290]Constitution of Uganda 1995, art 78(1)(c); see also "Soldiers in Parliament: Military Power and Legislative Authority in Uganda" (2024) 123(493) African Affairs 535, arguing that army representation is rooted in ideology, patronage and political influence and helps maintain NRM dominance.

Parliament subsequently enacted the Uganda People's Defence Forces (Amendment) Act 2025 to reinstate military jurisdiction over civilians. This constituted both executive defiance of a Supreme Court ruling and parliamentary usurpation of the constitutional interpretive function, in violation of the separation of powers.

The UPDF (Amendment) Act 2025 should be repealed in full with immediate effect. Parliament should simultaneously enact a Civilian Courts Transfer Act providing for the transfer within thirty days of all pending cases against civilians that were before military courts to the appropriate civilian court that is the High Court for serious offences and the Magistrates Court for lesser offences with all proceedings to restart from the point of charge. All accused persons transferred shall be entitled to full procedural rights including legal representation of their choice, bail hearings before a civilian judge and appeal to the Court of Appeal.

6.2.5 Remove Structural Barriers to Judicial Remedy and Establish Electoral Security Protocols

The Presidential Elections Act contains provisions that structurally obstruct accountability for electoral militarisation and require urgent amendment. Section 61(6)(a) of the Presidential Elections Act, which requires a petitioner to demonstrate that constitutional violations substantially affected the result of an election, has operated as an insurmountable barrier to judicial remedy in both the 2001 and 2006 election petitions, despite the Supreme Court making findings of constitutional violations in both cases. Section 61(6)(a) should be replaced by a provision that empowers the Supreme Court, upon finding systematic violations of constitutional electoral principles including the deployment of military forces, intimidation of voters or manipulation of results to order a fresh election or such other remedy as the interests of justice require, without requiring the petitioner to demonstrate numerical causation of the result. This reform is mandated by Uganda's obligations under the African Charter on Democracy, Elections and Governance and the ICCPR, both of which require effective remedies for electoral violations.[292]

[292]African Charter on Democracy, Elections and Governance art 25 (n 158) (states parties shall prosecute perpetrators of electoral violence and establish effective judicial remedies); International Covenant on Civil and Political Rights (n 148), art 25.

6.3 **Conclusion**

The research on which this study is based establishes, comprehensively and on the basis of judicial decisions, observer mission findings, human rights documentation, comparative analysis and treaty obligations, that the militarisation of elections in Uganda is a structural, systemic and deepening feature of the country's political system. It is not the product of individual misconduct but of institutional design choices in the constitution, electoral legislation, the deployment of security forces and in the persistent failure to hold perpetrators of electoral violence accountable.

The comparative evidence from Namibia, Botswana and Mauritius demonstrates that this condition is not inevitable, irreversible or unique to Uganda's history. Each of those states confronted, in their own contexts, the challenge of placing armed forces under genuine civilian authority in the electoral domain. Each succeeded through the combination of constitutional commitment, institutional design and political culture. Uganda has the constitutional text but lacks the institutional architecture and political culture to give that text practical effect.

The title of this research, Towards the Demilitarisation of Elections in Uganda, is deliberately prospective. The research does not claim that demilitarisation has been achieved, or that it is inevitable. It claims that demilitarisation is necessary, that it is legally required, that it is institutionally achievable and that the means by which it can be achieved are identifiable, specific and grounded in both Uganda's own constitutional framework and the demonstrated practice of comparable states. The burden of implementation rests primarily on the Parliament, the judiciary, the Electoral Commission, civil society and the political actors who will inherit the governance of a country in which nearly four decades of militarised electoral politics have generated a profound deficit of democratic trust. But it rests also on Uganda's regional partners and international interlocutors, whose observer missions have documented the violations, whose treaty bodies have issued the condemnations and whose continued engagement without corresponding accountability condones, however inadvertently, the continuation of a system that denies millions of Ugandans the free exercise of the political rights guaranteed to them by their own constitution and by international law.

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