

Free speech activists say Section 13 of the proposed Protection of Sovereignty Bill is vague and the State might use it to do whatever it wants.

BY DERRICK KIYONGA

Not long after Justice Irene Mutyaganya buried freedom of expression activists after not only annulling the Computer Misuse Amendment Act of 2022 but also the criminal defamation, saying they are not in accordance with the Constitution, another battle is on the horizon. This follows proposals by the State that are deemed to be against the freedoms of expression in the Protection of Sovereignty Bill.

The State has rationalised the Bill, saying it aims to curb foreign influence, secure national interests, and regulate foreign funding for civil society and individuals, framing these actions as "sovereignty protection" against external interference.

The Bill targets "agents of foreigners"—broadly defined—by requiring registration and restricting foreign financial, political, or technical support, on the premise of preventing subversion and protecting local autonomy.

For free speech activists, Section 13 of the Bill, whose purpose is ostensibly to prohibit economic sabotage, has blipped on their radar. Specifically, the Bill says that a person to be accused of economic sabotage would have published information or participated in any act or activity that weakens or damages the economic system or viability of the country. This economic sabotage, the State says, causes economic disruption, insecurity or instability.

The consequence of economic sabotage, the State discloses, includes being given a fine of Shs4 billion for a legal entity. For private citizens, the consequence of committing what the State thinks is economic sabotage is to pay a fine of Shs2 billion or to serve a jail term of about 20 years.

Mr Eron Kiiza, one of the lawyers who have filed several constitutional petitions aimed at challenging State laws that curb free speech, said this particular Section is vague, and that the State might use it to do whatever it wants.

"It is too broad and sweeping to know what critical speech is not encompassed or prohibited. It is stifling. It is prone to abuse," Kiiza says.

## BILL OF RIGHTS

When Justice Kenneth Kakuru, who has since passed on, was annulling Section 25 of the Computer Misuse Act in 2023, he lampooned its ambiguity. He pointed out that when construing the impugned provisions, the court is obliged not only to avoid an interpretation that clashes with the constitutional values, purposes and principles but also to seek a meaning of the provisions that promote constitutional purposes, values, principles, and which advance the rule of law, human rights and fundamental freedoms in the Bill of Rights.

# Free speech activists cast doubts on Sovereignty Bill



An activist is arrested in Kampala during the March to Parliament protests in Kampala in July 2024. Activists say the proposed Bill is too broad and sweeping to know what critical speech is not encompassed or prohibited. PHOTO/ FILE

## Right to offend, provoke

When Justice Kenneth Kakuru, who has since passed on, was annulling Section 25 of the Computer Misuse Act in 2023, he lampooned its ambiguity. He pointed out that, when construing the impugned provisions, the court is obliged not only to avoid an interpretation that clashes with the constitutional values, purposes and principles but also to seek a meaning of the provisions that promote constitutional purposes, values, principles, and which advance the rule of law, human rights and fundamental freedoms in the Bill of Rights.

"We are obliged to pursue an interpretation that permits the development of the law and contributes to good governance," Kakuru said, citing the Kenyan case of Apollo Mboya vs Attorney General.

Kakuru agreed with the petitioners that Section 25 is too vague to pass the constitutional benchmarks.

"The ingredients of the offence cannot be properly determined because the act of 'disturbing the peace, quiet and privacy of anyone' and 'with no purpose of legitimate communication' are not clear and without knowing the ingredients of an offence, one cannot meaningfully prepare his/her defence," Kakuru said, adding that laws which do not state explicitly and definitely what conduct is punishable are void for vagueness.

He cited the Ivory Coast sedition case entitled *State vs Ivory Trumpet Publishing* in which the court in the West African country adjudged that, as custodian and guarantor of the fundamental rights of the citizens, the Constitutional Court has a duty cast upon it of striking down any law which restricts

the freedom of speech as guaranteed to the citizens under the constitution.

"In a democratic and free society, prosecuting people for the content of their communication is a violation of what falls within guarantees of freedom of expression in a democratic society," Kakuru said.

## Public nuisance laws

The inclusion of sanctions that come with what the State thinks is "economic sabotage" comes at a time when Buganda Road Chief Magistrate's Court has just sentenced eight environmental activists to 11 months in prison after finding them guilty of what is dubbed by the State as being a public nuisance.

Public nuisance laws in Uganda are largely colonial-era tools designed for social control and public order, originally meant to restrict poor people and "natives" from public spaces. Rooted in 19th Century British vagrancy and nuisance laws, they are frequently used in post-colonial Uganda to penalise petty offences, street vending, and sex work.

"It is disturbing that post-colonial African governments still maintain laws that were intended to keep the 'natives' as second-class citizens. Petty offences remain on the books in many African countries because they serve the same purpose today as they did during colonial times—they keep the poor out of public spaces and thus serve as a tool of social control, as well as often meaning a quick buck for police," Mr Adrian Jjuuko, the executive director at Human Rights Awareness and Promotion Fo-

rum-Uganda, opines.

In this particular case, the group was convicted over their role in an anti-East African Crude Oil Pipeline (Eacop) protest held at Stanbic Bank headquarters in August 2025, where they were accused of disrupting public order. After the conviction, defence lawyer Kato Tumusiime argued that it aimed at discouraging civic activism and limiting the right to peaceful protest.

Yet, by 2023, the Human Rights Watch had warned that the notion "economic sabotage" is increasingly being used by the Ugandan government as a justification to restrict activism, curb civil society and control political opposition. This strategy, the Human Rights Watch said, involved framing activities that expose corruption, challenge government policy, or protect land rights as actions that intentionally harm the national economy, state security, or stability.

President Museveni, who has been in power since 1986, has consistently labelled actions that hinder Uganda's development, infrastructure projects, and industrialisation as "economic sabotage" or "economic terrorism".

Mr Museveni has vowed to deal firmly with those responsible, including corrupt officials, vandals, and Opposition politicians.

The President has repeatedly accused Opposition politicians in Uganda of engaging in economic sabotage, primarily by discouraging citizens from participating in government wealth-creation programmes and inciting the public to promote chaos.

## Economic sabotage

The idea of blaming Uganda's economic woes under the National Resistance Movement regime on the Opposition isn't new. In the early 2000s, Mr Museveni blamed power blackouts on the Opposition Forum for Democratic Change (FDC) leaders, such as Proscovia Salaam Musinguzi, John Kazoola, who has since passed on, and Maj Gen Mugisha Muntu.

The President claimed that the Opposition politicians had sabotaged the Bujagali Power Project when they were in Parliament.

In 2019, Opposition leader Kizza Besigye blamed Uganda's unending power crisis on Mr Museveni's regime.

"The Bujagali dam project was a fiasco, the epitome of the NRM regime's corruption and incompetence. The country will bleed from its effects for many years. The project was conceived around 1994 as a public private partnership (PPP). In February 1996, the government awarded and signed a contract with AES Nile Power Ltd without competitive bidding, with the project cost of \$450 million," Dr Besigye, who is now in jail over a treason charge, explained.

"The contract included a Power Purchase Agreement (PPA) that committed the Uganda government to buy all the power to be produced at an agreed price. These agreements were a tightly guarded secret between 'government' and AES Nile Power Ltd. All efforts by civil society organisations and Parliament to gain access to these agreements were rejected by the government," Dr Besigye further noted, adding the environmental cost of Bujagali.

In 2015, Mr Museveni came close to admitting that the Bujagali power project was a failure, saying that the costs were much higher, leading to distortion of electricity prices in the country. President Museveni said he was not consulted by the technocrats at the time of negotiating the generation costs.

## Ominous future

Reacting to the spectre of economic sabotage, exiled Uganda Law Society president Isaac Ssemakadde says such charges are going to hinder academic freedom by creating an environment of fear, self-censorship, and direct political control over research and teaching.

Mr Ssemakadde explains that the legal definitions of economic sabotage are broadened to include critical research or activism. This allows authorities to reclassify intellectual inquiry as a threat to national security, violating the principles of academic freedom.

"Worse still, the Bill is designed to crush speech. It turns ordinary criticism of government policy into a crime of economic sabotage. It turns Ugandans living abroad into foreigners. It cuts off funding to independent schools, hospitals, media and NGOs. Its rules are so vague and overbroad that the government can jail almost anyone it dislikes," Mr Ssemakadde says.

But while appearing before the Legal and Parliamentary Affairs, as well as Defence and Internal Affairs House committees last week, Gen David Muhoozi, the junior interior minister, said the Bill is needed to "fill gaps in the existing legislative framework".

He particularly offered pointed comments about "unregulated external funding". The latter, he proceeded to note, "directly impacts national security, economic, and social stability".

But he hastened to add that "any acts intended to impose foreign, moral, ideological agendas will be resisted".

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