



**THE REPUBLIC OF UGANDA**

**MINISTRY OF INFORMATION, COMMUNICATIONS  
TECHNOLOGY AND  
NATIONAL GUIDANCE**

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**STATEMENT TO PARLIAMENT  
IN RESPONSE TO A MATTER RAISED BY HON. ALYEK JUDITH  
THE WOMAN MEMBER OF PARLIAMENT REPRESENTING  
KOLE DISTRICT ON CLOSURE OF UNITY FM-LIRA  
FOLLOWING THE DEATH OF MR. DICKENS OKELLO**

**4<sup>th</sup> APRIL 2019**

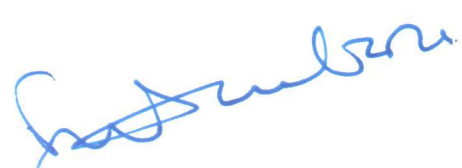
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## **1.0 BACKGROUND**

Right Honourable Speaker, I thank you for giving me the opportunity to respond to the issue raised by Hon. Alyek Judith, Women Representative for Kole District regarding the alleged suspension of Radio programs in Lira by the Uganda Communications Commission (UCC) following the death of Mr. Dickens Okello.

## **2.0 RESPONSE**

- 2.1 Rt. Honourable Speaker, I am aware that when this matter was first raised on the floor, my colleague, the Hon. Minister of Internal Affairs answered the Honourable members on the circumstances leading to the death of Mr. Dickens Okello and actions taken by security agencies to calm the situation. My response will therefore be limited to the actions taken by UCC on this matter.
- 2.2 As members are aware, UCC was established under the Uganda Communications Act 2013 as the regulator of the communications sector in Uganda, with the mandate to monitor, inspect, license, control and regulate communications services in Uganda.
- 2.3 Section 5(1) of the Act further gives UCC the mandate to receive, investigate and arbitrate complaints relating to communications services in Uganda and take the necessary action.
- 2.4 Between 17<sup>th</sup> to 19<sup>th</sup> November 2018, UCC received several complaints from the leaders in Lira, specifically the RDC-Lira, DPC Lira, Chairman LC.V Lira regarding the manner in which radio stations in the Lango Sub-region were covering the incidents relating to the death of a one Dickens Okello in Kole District on Friday 9<sup>th</sup> November 2018.





- 2.5 It was alleged that the radio stations were inciting the public against the Indian community in Lira for allegedly being responsible for the murder of Dickens Okello. As a result, several Indians were attacked and their property looted by the angry mobs. This prompted the Police in Lira and security agencies to close Unity FM, for allegedly being the ring-leader in the incitement.

### **3.0 INVESTIGATION**

- 3.1 Rt. Hon. Speaker and Hon. Members, following receipt of the complaints, UCC undertook an investigation into the manner in which Unity FM was operating. This entailed UCC officers interviewing the relevant parties in Lira and listening to the recordings obtained from the radio.

- 3.2 The investigations confirmed the following: That;

- (a) Unity FM had, for the period between 9<sup>th</sup> November 2018 to 17<sup>th</sup> November 2018, aired many programs that were in breach of section 31 of the Uganda Communications Commission and the Minimum broadcasting standards.
- (b) Unity FM had turned a crime under investigation into a subject of daily radio talk shows, wherein unstructured or unprofessional debate and discussion was allowed leading to incitement of violence against the Indian community.
- (c) Unity FM breached the professional ethics by allowing live phone calls into the studio where people expressed their anger without control by the moderators or editors, and made unverified statements or pronouncements, declaring someone guilty without establishing the correctness of the statements and before a due court process had taken place. All the statements and allegations made were pronounced with confidence and made to appear as if they had been proven to be true which is in breach of the professional ethics, which



prohibits pronouncing statements before establishing their correctness.

(d) Unity FM presenters showed lack of professionalism, where the moderators and editors became partisan and started blaming the police and Indians yet a moderator or journalist is supposed to be impartial.

(e) The show moderators allowed the public to make conclusions that Okello was killed by the Indians and encouraged the public to revenge against the Indians living in Lira.

**3.3 Rt. Hon. Speaker, all the above findings were contrary to section 31 and Schedule 4 (a) (ii) of the Uganda communications Act 2013, which in essence provides that a broadcaster shall ensure that any program which is broadcast does not promote the culture of violence or ethnical prejudice among the public.**

3.4 As mandated by the law, following conclusion of the investigations, UCC communicated the findings to the Directors of Unity FM who, in a letter dated 17<sup>th</sup> December 2018 acknowledged their mistakes, apologized and formally undertook to ensure compliance with the law **(See attached letter and undertaking)**.

3.5 In a letter dated 19<sup>th</sup> December 2018, UCC informed Unity FM of the outcome of the investigations and allowed the radio to resume operations with all its programmes.

3.6 The radio is up to now on air and UCC is monitoring its compliance with the legal undertaking which the Directors signed.

#### **4.0 CURRENT STATUS OF THE MATTER**

4.1 Right Honorable Speaker, since 17<sup>th</sup> December 2018, Unity FM resumed operations. The radio however suspended some of its errant presenters for a period of 3 months up to 17<sup>th</sup>






March 2019 in an effort to mitigate a risk of a re-occurrence of the breaches.

- 4.2 On the 30<sup>th</sup> of January 2019, four employees of Unity FM, to Wit: Akena Patrick Rolex, Otto Billie, Osendro Charles and Ojok Walter, sued UCC, the Attorney General, Mr. Milton Odong, the RDC Lira, and Mr. Joel Tubanone, the DPC Lira for alleged violation of their human rights. They are seeking for declaratory orders against the manner in which they were allegedly arrested by Police before Unity FM was closed by Police. The case is Miscellaneous Cause No. 02 of 2019 in the High Court at Lira.
- 4.3 Hearing of the case is set for 2<sup>nd</sup> of July 2019.

## **5.0 PROPOSED WAY FORWARD**

- 5.1 Rt. Honorable Speaker and Honorable colleagues, it is important that we appreciate that this Parliament passed the Uganda Communications Act 2013, wherein we gave UCC an oversight role of the communications sector. UCC has a duty to ensure that media players exercise their rights in accordance with the law. The media is supposed to be an impartial watchdog and not a facilitator for disharmony and racial attacks in society.
- 5.2 Since this matter is currently pending in Court, I appeal to Members to allow Court to hear and determine the rights of the parties.

I beg to submit.



Frank K. Tumwebaze, MP

**MINISTER OF ICT & NATIONAL GUIDANCE**



PLOT 13 BALA ROAD,  
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TEL: 077-2356679  
077-2355180

Email: radiounityfm@yahoo.com

Our Ref: .....

Your Ref: .....

Date: 17<sup>TH</sup> Dec 2018

THE EXECUTIVE DIRECTOR  
UGANDA COMMUNICATIONS COMMISSION  
P. O. Box 7376  
Kampala.

Sir,

**RE: APOLOGY IN REGARD TO CLOSURE OF UNITY FM 97.7 LIRA**

I hereby write to apologize for events leading to the closure of the Radio by Lira District Security Committee.

As a media house we never intended to create the environment that we are being accused to have created. We stand for unity of the people who live within the region we operate in and this is demonstrated by the broad interaction we have in the community.

Specifically our relationship with the business community of all walks of life has been good and they do advertise with our radio.

The errors that may have arisen is not reflective of the good programmes the radio has for its listeners who believe in the work we do.

Thank you.

Yours sincerely,

JIMMY LOUIS UHURU

MANAGING DIRECTOR

Handwritten signature: Meddy Kagame  
Date: 12th March 2019  
At: KAMPALA  
Signature: [Signature]





UNDERTAKING

GIVEN BY  
UNITY FM  
TO THE  
UGANDA COMMUNICATIONS COMMISSION (UCC)  
IN RELATION TO  
BREACH OF MINIMUM BROADCASTING STANDARDS AND THE LAW.

*Abagali*

*JP*

This is the Exhibit marked "11"  
Referred to in the Annexed Affidavit of  
*Meddy Kaggo*  
Declared / Sworn before me this  
*12th* day of *March* 20*19*  
At *KAMPALA*  
Signed *[Signature]*  
Commissioner of UCC



### UNDERTAKING

This Undertaking (the "**Undertaking**") is entered into as of **17<sup>th</sup> December 2018** and is provided by **UNITY FM** (herein after referred to as ("**Operator**").

**WHEREAS**, the Uganda Communications Commission (hereinafter referred to as "**The Commission**") has been continuously monitoring the Operator's programs for compliance purposes: -

**WHEREAS**, the Operator has been warned for broadcasting content that breaches the Minimum Broadcasting Standards and the relevant laws in that the Operator has been-

- a. Broadcasting content that promotes the culture of violence or ethnical prejudice among the public, especially the children and the youth;
- b. Broadcasting content that is likely to create insecurity or violence;
- c. Broadcasting content that is not balanced and does not ensure harmony in such programmes.

The Commission has decided to accept the undertakings from the Operator as provided below:-

1. Operator will install pre listening devices or put in place other mechanisms, within six months, to avoid abuse or breach of Minimum Broadcasting Standards by callers or live phone calls during programming.
2. The management of the Operator has agreed that its license be placed under probation for a period of 6 months within which the Commission will monitor the compliance with the Minimum Broadcasting Standards by the Operator's content.
3. The Operator suspends the Program '*Yab wangi*' from airing until the Commission is satisfied that the Operator has instituted the necessary measures and reviewed the programming on its station.
4. The Operator suspends presenters Akena Rolex, Billy Oto, Jimmy Uhuru a.k.a DJ Cool, Osendro Charles and Ojok Walter from presenting any program on the Operator, appearing on air or hosting any other programs for a period of 3 months from the date of this letter.





5. The Operator pays a fine of UGX 10,000,000 (Uganda Shillings Ten Million) and a reconnection fee of UGX 2,000,000 (Ugandan Shillings Two million shillings) for breach of Minimum Broadcasting Standards as enshrined in Section 31 and Schedule 4 of the Uganda Communications Act, 2013.
6. The Operator issues a written unreserved apology to both the Commission and the public for breach of peace, inconvenience, loss of property and lives, loss of harmony that it created through airing content that was contrary to the law.

Further, it is agreed between the Two Parties that:-

- a. The Operator shall strictly abide by the Terms and Conditions for operating a Broadcasting License in Uganda as executed between the Commission and the Operator.
- b. The Operator strictly abides by the Minimum Broadcasting Standards as enshrined in Section 31 and schedule 4 of the Uganda Communications Act, 2013 and stipulated in the Terms and Conditions for operating a Broadcasting License in Uganda.
- c. That the Operator shall strictly abide by the Advertising Standards, the Standards for General Broadcast Programming in Uganda, Standards for Religious Broadcast Programme in Uganda as issued by the Commission.
- d. That should the Operator breach the law, Minimum Broadcasting Standards and any other standards again as stated above, the Commission will be at liberty to impose regulatory sanctions including: -
  - i) requiring the operator to pay a fine not exceeding the equivalent of ten percent of its gross annual revenue,
  - ii) suspension of the license for a specified period,
  - iii) revocation of the license.
- e. This undertaking is legally binding and may be produced as evidence in any courts of laws.
- f. This Undertaking is governed by the laws of Uganda.

**IN WITNESS WHEREOF** this Undertaking has been entered into by both Parties this 17<sup>th</sup> day of December 2018.



FOR AND ON BEHALF OF

UNITY FM



Name: UTHURU JIMMY

Title: MANAGING DIRECTOR

Date: 17th/DEC/2018

FOR AND ON BEHALF OF

UGANDA COMMUNICATIONS COMMISSION



Name: KAGWA MEDDY

Title: HEAD MULTIMEDIA AND CONTENT

Date: 18/DECEMBER/2018