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**Baker, B.**

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# **Unchanging public order policing in changing times in East Africa**

**BRUCE BAKER**

*Bruce Baker, George Eliot Building, Coventry University, Priory Street, Coventry, CV1 5FB*

*Bruce.Baker@coventry.ac.uk*

This article offers a political analysis of the practices and motives of public order policing in Ethiopia and Uganda. It offers an explanation of the continuation of forceful tactics against political protest in a context of changing methods of information gathering, organisation and mobilisation by urban activists resulting from their access to internet and communication technology. It finds the two regimes, as anocracies, are caught between legally allowing protest and yet, conscious of their fragility, determined to crush opposition. For the latter approach, their militarist leaderships rely heavily on continued police violence. The paper concludes that failure of the police to adapt their public order policing to the new protest environment leaves them increasingly ineffective and unpopular. It is likely to provoke an escalation of violence and may both undermine the legitimacy of their regimes and reverse their attempts to open political space that justified their rebellions against former autocracies.

Urban groups are emerging as contenders for power in East Africa as their capacity is extended by the acquisition of information: information about alternative conceptions of politics and justice; information which can challenge a government's version of events and indeed its very legitimacy; and information about other individuals' aspirations and critiques. As these groups mobilise, scenes of conflict between riot police and demonstrators are a familiar feature. The theatre, as Rosemary Kemigisha of the Uganda Human Rights Commission observes, follows a predictable script. The crowd insist on exercising their right to freedom of assembly, demonstration and freedom of speech,

And the police reacts and orders the demonstrators not to proceed with their actions unless they notify and cooperate with police. The demonstrators go ahead and the police keep their promise to disperse them sometimes resulting in violence on the part of all players (Kemigisha 2011: 3).

Public order has been portrayed as people behaving in an orderly, thoughtful and respectful way in public spaces, but of course much depends on whose definition of good behaviour, order and respect; and whose definition of illegitimate crowd violence (as opposed to legitimate revolt). For some, public order policing is about protecting communities and citizens from serious threats, such as violent demonstrations and strikes. Others argue that it should also include managing large events such as processions and sports fixtures, and take into account terrorist threats (as have occurred: Nairobi 1998 and 2013; East Kenya 2014; Kampala 2010; Kigali 2012; Arusha 2013).

How to maintain order or handle disorder is a very real contemporary concern for the police in East Africa. The emergence of multi-partyism has seen a rise in the aspiration for accountable public services and the wider use of the discourse of universal human rights. At the same time there has arisen a growing wealth gap as markets have been loosened, whilst rapidly growing cities have created large pools of (sometimes angry) young people with few well-paid jobs and yet aware of opportunities elsewhere through electronic media. Not surprisingly there are numerous recent examples of urban groups mobilising to seek access to decision making and scrutinising police behaviour carefully. Some protests are confrontational with the police, protestors feeling their rights are infringed. This has contributed to an escalation of violence, often with deadly repercussions (e.g. Mtwara,

Tanzania, gas riots, May 2013; Mombasa, Islamic cleric riots, August 2012; Mogadishu, food riots, May 2008; Khartoum, opposition riots, September 2013; Lilongwe and Blantyre, opposition riots, July 2011). And each confrontation tends only to spark others, as both the public protest and police reaction are relayed by traditional media and ICT (internet and communications technology).<sup>1</sup> East Africans have watched protesters overthrow authoritarian governments in North Africa and seen the political role of the police, particularly the riot police, in seeking to maintain the regimes in power and exclude challengers by violent means.

Analysts differ as to their explanation for the emergence of public disorder and protests and the social movements that lie behind them. Current views emphasize social context over individual psychology. Thus resource mobilization theory argues that social movements are the product of an effective mobilization of resources and the ability to use them through the creation of political opportunities for members. Historically the resources drawn upon have been finance, personnel, and access to the mass media, along with loyalty, social networks, moral commitment, and solidarity (Fuchs 2006). Such resources have been associated with a large membership, local leadership, membership fees and collective actions such as demonstrations. In recent decades, it is argued, social movements have frequently acquired external resources from foreign private foundations and governments. This has been important in Africa where resource-poor members prevail. The end result has seen movements become professional organizations with salaried staff, informal membership, and undertaking campaigns that might not require member participation. States such as Ethiopia and Uganda have responded by monitoring or closing off these foreign resources.<sup>2</sup> Nevertheless, a new resource, access to information and communication

through ICT, has by-passed reliance on external funding and brought back the citizen activist and new protest tactics (Magenta 2011). This resource for social protest is now in its turn being targeted by governments, the Ethiopians through extensive surveillance of internet and mobile phone (HRW 2014) and the Ugandans already blocking access on a temporary basis and planning, according to the Security Minister, to ‘monitor social media users who are bent to cause a security threat to the nation’ (CIPESA 2014: 4). The attempts by states to close down access to resources that might facilitate protest by social movements can also be interpreted as a closure of political opportunity and as such resonates with an alternative approach to explaining protest. Where participation in formal processes and the capacity to organize or publish is denied or restricted, activists will look for alternative forms of expression such as confrontation. As Meyer notes, protest,

occurs when there is space of toleration by a polity and when claimants are neither sufficiently advantaged to obviate the need to use dramatic means to express their interest nor so completely repressed to prevent them from trying to get what they want (Meyer 2004: 128).

This midway house directly parallels the political context of Ethiopia and Uganda, which some see as between autocracy and democracy or what has been termed anocracy.

Anocracies are a middling category rather than a distinct form of governance. They are countries whose governments are neither fully democratic nor fully autocratic but, rather, combine an often incoherent mix of democratic and autocratic traits and practices. ... for example, holding competitive elections for a legislature that exercises little effective control on the executive branch or allowing open political

competition among some social groups while seriously restricting participation of other groups (Marshall & Cole 2014: 21-22).

There seems little doubt that the social context within which protest takes place is important, but it may be too simplistic to totally dismiss individual grievance, especially in East Africa, considering the severe inequality and political bias in wealth distribution. Few in Uganda and Ethiopia believe that the revolutions and ‘democratizations’ have delivered all that was promised in terms of employment, affordable basic necessities, public services or freedom. It is very possible that several strands combine in East Africa to stimulate the current social movements and their protests – new resources, very limited opportunities for formal political engagement, the space, however limited, for protest, and persistent grievances.

Not only have analysts noted different drivers for social movements and public protests, but they have noted a worldwide trend in the rapidity with which protest is turning to riot. This feature in East Africa may well be imitative, thanks to media diffusion (Koopmans 2004: 25-26). Many contemporary political protests have also shown a willingness or even an intent to confront the police and occupy or damage iconic buildings and places. In the view of some, urban disorder worldwide is getting larger, more violent, more rapidly organised and more unpredictable and this too may be linked to access to ICT. That we are entering a new order of public protest and public order policing is the conclusion too of police in the USA (US Department of Justice 2013) and the UK where, following the G20 protests in 2009, the government called for a review of police tactics (HMIC 2011: 3-4). What has happened in the UK and US in terms of new methods of protest organization and police reviews

of tactical responses, has not only been noticed by would-be protesters worldwide, but by the police worldwide.<sup>3</sup>

The context for this article's examination of public order policing is one of changes taking place in the resourcing and nature of political protest in East Africa. The article seeks, not to evaluate the scale of activist use of ICT for information, mobilization or transformation, as to reflect on how and why the police have responded to these new elements in the production of protests against the regime. The article will show that in the cases of Ethiopia and Uganda there has only been a belated response by the government to cut off access to financial and ICT resources, whilst the police response has been little beyond further strengthening their equipment. There is little evidence of police tactics adapting to the new order of protest. This, it is argued, is largely due to political reasons rooted in regime fragility, leadership militarism and an unstable position between autocracy and democracy. The paper concludes with reflections on what a persistence of public order policing practice in the face of a changing social environment signifies for the police, the public and the regimes.

## PUBLIC ORDER POLICING

Policing is not only about protecting people from crime and responding to crime. It is also about ensuring public order and maintaining the peace when social ordering and control is insufficient. Since public order is a contested concept, capturing what it is in police doctrine is tricky.

Public order policing is normally conceived in terms of policing designed to deal with political demonstrations, protests and riots so that people and property are not endangered. According to its political nature a regime will weigh the degree of freedom of expression and assembly to be allowed, against the interests of public safety, the prevention of crime and the security of the state. It will also determine how much force it is prepared to use in any given circumstance, whether enforcement will be civilian or military, and what will be its policy should security personnel break the law while undertaking a public order role. These decisions are primarily political. Regimes of all colours use the police and the criminal law to maintain their chosen political order. Any actual or threatened breach of this order is not only impermissible, it is also punishable. 'State power', as Pietro Toggia observes, comes to be 'identified as one and same with order and normalcy, even when the state itself often engages in disorderly conduct' (2008: 122).

In East Africa, as in many other parts of the continent, there are regimes that have doubts about the democratic policing advocated by 'international policing standards' (e.g. OHCHR). Politically they argue that following a successful liberation movement's seizure of the state, as in Uganda and Ethiopia, security institutions should be coordinated with the national project directed by the party. Thus the police should be under direct political control, and are available to be an instrument to suppress opposition so as to secure national unity and political stability. Practically, the political environment is seen as requiring a police whose central mandate is intelligence gathering so as to intimidate, coerce and eliminate perceived threats to the established order. This policing paradigm has been called 'high policing' (Brodeur 1983). It



takes hold typically during or shortly after conflict when armed groups persist; when internal revolutionary and terrorist groups threaten; or in the first decades of rule by the victorious liberation movement faced with power struggles within the ruling liberation movement (Steinberg 2014). This is to see political policing, not as confined to policing political activities such as protests, but as a model of policing. It is within this political context, where regimes doubt that the police should be a body independent of state control, that I examine the practice of public order policing in East Africa. I compare public order practice against political goals (rather than against 'international policing standards' or human rights principles).

There are different approaches to the structuring of public order policing in East Africa. Public order units may be within the police force or the public order duties may be given to separate para-military organisations. The policing model that sets the general police officer amongst the people, 'toe-to-toe', requires high levels of skill, expense and of public trust in the police. Thus most states have chosen some kind of specialised unit for public order.

Faced with public disorder, East African governments have largely responded in technical and legal ways. Essentially these have sought to contain protest by relying on more of the old methods. Across Africa police groups have bought anti-protester equipment (armoured vehicles, CS gas, water cannon, baton guns and electronic means of surveillance of internet and mobile phones) and new barriers (physical barriers instead of 'human shields'), though some still regard firing live ammunition over or at protesters as the most effective form of dispersal. In the area of police training the emphasis now is on new courses (on the use of firearms and proportional force, self-protection, specialist search); new command

procedures (decision protocols, mobilisation plans, intelligence gathering through social media); and new tactics ('containment', stop and search, overt photography, use of shields, forward intelligence teams).

There have also been revisions of legal powers (to authorise or not demonstrations, banning orders and communication intercepts). East African legislation typically says that the police may impose lawful restrictions on the exercise of rights, provided such restrictions are lawful, have a legitimate aim (such as the interests of public safety or the protection of the rights and freedoms of others) and are necessary and proportionate. In practice, governments may feel free to revoke those rights at will.

Technical and legal approaches have shortcomings. African governments are now faced, particularly within large urban areas, with single or multiple groups that are emerging as contenders for power. The cities have more young people willing to use violence against the authorities, more educated activists able to organise effectively and nationally, and every protest group has had its capacity extended by ICT. Information has long been available from the international media, but now thanks to the internet and social media information is now readily available that offers alternative conceptions of politics and justice; that can challenge the government version of events and indeed its very legitimacy; and that identifies other individuals' aspirations and critiques. It is information that can be shared within the group and that allows rapid mobilisation. Because it facilitates a new order of mass organisation, it makes conflict between elements of urban populations and the government more likely. As Charles Tilly has noted, 'the efficiency of governmental

coercion is likely to decline, at least in the short run, when the character, organization, and daily routines of the population to be controlled change rapidly' (Tilly 1973: 443).

The changing social context has altered the requirements of public order policing and one would expect it to adapt in some way. As a former British chief constable argues, it is when 'social change is taking place at a fast and, to some, disturbing pace, the role of the police may become central'; often, of course, to resist those changes (Alderson 1984: 19).

Using the cases studies of Ethiopia and Uganda I offer a political analysis of the police response to this changing social context in terms of its public order tactics.

## ETHIOPIA

It was in 2005 that the Ethiopian government first became aware that the well-tested authoritarian approach to public order policing might have to adapt to new social conditions. An apparent election fraud shocked opposition political parties and student groups expecting that era to be passing and brought anti-regime protests to the streets of Addis Ababa and elsewhere between June and November 2005. In disregard of their own rhetoric about a new respect for human rights, the army and Ethiopian Federal Police (EFP) fired live rounds into the crowds and 193 protesters (and bystanders) were killed, 763 injured and 20,000 arrested (Abbink 2006; Pausewang 2009; Aalen & Tronvoll 2008).

Initially the government showed no desire to either censure or to investigate the police conduct. It merely minimised the number of deaths and sought to put the blame on the victims, saying they had died when police moved in to break up roadblocks and curb looting. However, as the government took stock of the internal dissent the event fueled and the international repercussions, an official Inquiry Commission was established, though its terms of reference sought to curtail the full story by narrowly limiting the dates and places of violence that were to be investigated.

To its credit and the government's surprise, the Commission's Report 2006 concluded that the government had concealed the extent of deaths and injuries at the hands of the police. Its chairman commented: 'Many people were killed arbitrarily. Old men were killed while in their homes, and children were also victims of the attack while playing in the garden' (Mariam 2010). The Commission also made specific factual conclusions. First, that the persons killed or wounded during the violence were unarmed protesters (contradicting the government-controlled media). Second, the shots fired by the police were intended to kill by targeting the head and chest. Third, there was no autopsy or photographic evidence that any police officers involved in the shootings were attacked or killed by the demonstrators. The Report concluded:

The government has a lot to be accountable for. The mentality of the police needs to be changed, and then we will be able to minimize those kinds of casualties in the future ... The government was not prepared to tackle violence like that which took place last year. They could have brought an alternative way of dispersing rioting crowds (ibid).

It called upon the government to ‘think seriously’ about changing the police response to public order and recommended specialised training. A member of the Commission reported: ‘The government was not ready for the violence that occurred ... Moreover, the security forces lacked the necessary training in controlling riots’ (*AFP* 2006).

What the government had failed to take into account was that the expectations of many had changed. Whatever the 1995 Constitutional protection of human and political rights meant to the government, large city groups, political and student, took Article 13’s assertion that rights and freedoms will be interpreted according to the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, to mean that the police were required to be less brutal to the public. Such expectations, coupled with a rising polling strength of the opposition, meant that the government had to revisit its public order policing policy. The Director General of the EFP admitted that he ‘regretted a lot’ the events of 2005 (Dewar 2008). Yet his assessment was essentially what Brodeur calls the ‘deviance approach to political policing’, namely one focused on the illegality and exception of the policing of political activity rather than recognizing political policing and its repressive behavior as a regime choice of police model or, as the Commission report it, a pervasive ‘mentality’ (Brodeur 1983: 508). Hence his response was not to recommend a change in the police paradigm, but to sack 237 policemen (none of whom was ever prosecuted). The subsequent selection of the South African Police Service to ‘retrain’ the 6,000 EFP in riot control procedures was perhaps a surprising choice. It cannot be because the SAPS have a good reputation in riot control. But it may have been thought better to use a police force that worked in an African environment than a Western police force.

The recognition of individual police failure did not stop the government from proceeding to jail most of the principal opposition leaders, civic society organisers, human rights advocates and journalists on treason charges. As the theory of coercive responsiveness predicts, governments will attempt to suppress protests as quickly as possible, lest they become more threatening forms of dissent that destabilise the entire political system (Davenport 2007). As for the six Commission members who had recognised a political choice in the police action, all chose to go into exile rather than risk retribution for their blunt insights.

Besides adopting new training, the government commissioned a review of the EFP in 2008 (at the instigation of the so called 'Think Tank' of experts with an interest in Ethiopian affairs that met at the Ethiopian Embassy in London). The review was to be written, not by a UK police officer, but by a UK retired army officer with experience in Northern Ireland.<sup>4</sup> He was asked to look at the operations of the EFP, 'paying special attention to riot control capabilities and procedures and strategies designed to pre-empt civil unrest' and to make 'recommendations on the equipping and training of such a Security force'. Sadly the review focused almost entirely on the lack of equipment, as if this was the main cause of their failures, but assured:

'Every riot control policeman is now issued with a perfectly acceptable set of personal equipment' (Dewar 2008). Dewar also had an eye in his report to the international community and hoped that his review would demonstrate to them that:

dramatic and substantial progress has been made in the ethos, operational effectiveness and efficiency of the Ethiopian Federal Police Force so that the risk factor is now greatly reduced, and to the extent that it is possible, that it is now the time to seize the moment to assist Ethiopia - particularly in the form of expert advice (ibid).

For the Ethiopian government the review allowed them to minimise censure. All they had done wrong was to fail to equip the EFP properly. No one had challenged their adoption of a policing model at variance with the democratic one of international standards or for that matter at variance with the human and political rights pledged in their 1995 Constitution. Nevertheless the government did realize the need for a softer police rhetoric. In 2011 the Minister of Capacity Building said that the EFP was responsible for ‘maintain[ing] order at all times without having to resort to undue force in general and to the use of firearms in particular’ (Smgebru 2011). The doctrine of restraint and minimal force became the norm of discourse, even as the government continued with its view of the police as an instrument to suppress political deviance. It passed the *Anti-Terrorism Proclamation* of 2009 which provided far reaching powers of arrests for ‘acts of terrorism’ - so broadly defined as to include damage to property and disruption to any public service. Even a group of two or more individuals who engage in peaceful political protest can be deemed a terrorist organisation.

With economic disparity, land grabs, ethnic clashes, religious disputes, cattle raiding, and insurgencies in Oromo and Ogaden, it was predictable that the public would seize the limited space that was still available for public protest, especially when formal channels were so dominated by the ruling party. The EFP, then, would soon have to put to the test their new training and equipment. Only now, however, they began to face much more use by

urban activists, both religious and ethnic based, of ICT to mobilize protest and counter government discourse. The internet that the government had introduced in 1997 for development purposes was turning political.

The next serious challenge for the EFP was in 2012 from the Muslim community.

Throughout the year Muslim leaders mobilised urban protest, largely through mosques, to challenge government interference in the Supreme Council of Islamic Affairs. Believing that their limited opportunity for voice was being even more restricted, thousands took part in largely peaceful street protests in Addis. The police response reflected the government's view that the Muslim community constituted a serious potential threat politically. Witnesses speak of the police forcibly entering a mosque in Addis Ababa where an awareness raising event was taking place and of breaking doors and windows, firing tear gas inside, and violently beating those who converged on the mosque to help. Similar scenes occurred six days later as police broke up a sit-in in the mosque in response to the earlier arrest of members (HRW 2012). The government denied all charges of police violence, but accused 'extremist elements' of seeking to undermine the Constitution and inciting violence (*Reuters* 2012). But that was not the end of the matter, for not only did the Muslim community give their own account in local newspapers, but also electronically to the Diaspora media, to international human rights groups and on social media sites.

In 2013 the EFP were faced with a fresh challenge. Three Ethiopians had been killed in large and violent clashes with Saudi Arabian police, following attempts by the Saudi government to repatriate 23,000 Ethiopian illegal immigrants. Once again ICT was enlisted by protesters to



criticize not just the Saudi authorities, but a passive Ethiopian government. Videos posted on social media sites showing a Saudi crowd beating an Ethiopian mobilized support in Addis that quickly led to a national campaign on a social media site and an on-line petition. From this emerged a group who organised an unapproved protest outside the Saudi Embassy in Addis Ababa to call for the boycotting and closure of Saudi businesses in Ethiopia. However, the EFP broke it up using batons and arrested 100. The government justified the use of force and mass arrests by saying that the protesters did not have a permit to demonstrate, though undoubtedly sensitivities about regional reaction to what they called ‘fomenting anti-Arab sentiments’ played a part (*Aljazeera* 2013).

The following year the EFP faced serious violent street protest from the Oromo community. When the Addis Ababa city administration announced plans to expand into Oromia state, social media rapidly disseminated the proposals as a threat to Oromo culture. In a context of continuing government repression of Oromia opposition (Arriola 2013), students took to the streets to protest, burning businesses owned by the Tigrayan People’s Liberation Front – the core group of the ruling party. The government was no more prepared to give space to escalating community opposition than before. At least nine (witnesses say 47) were killed and 70 injured when, according to residents, the EPF fired live ammunition into the crowds. The government once again tried minimising the casualties, downplaying police violence and blaming the protesters for the whole affair – the very same formula that had proved so ineffective in 2005. The root cause of their violent response probably lies in their accusation that ‘anti-peace’ forces were at work among the students and their leaders were trying to destabilise the country, encouraged by ‘media inside and outside the country’. In other

words, this was a regime that was conscious of its fragility and whose only tool was the public order policing tactics of 2005 to prevent public displays of opposition. For the police it was another lesson in the power of the social media to cascade information, organise big events rapidly and to challenge the official accounts of the number and cause of deaths even when traditional media reports were largely blocked. One senior police officer later confided:

In 2014, there was a clash happened between police and the Muslim Community. This was highly expanded and became so hard to the police, due to the number it was gradually increasing as a result of the social media. It was finally identified the role social media is playing in fuelling up the riots and protests (private communication).

This year too (2015) police have forcefully disbanded an opposition party protest in Addis. A demonstration by Unity for Democracy and Justice party was said to be unauthorized since the organizers 'failed to submit detailed information on the route of the rally, list of slogans to be displayed on the rally and other requisite information'. Social media sites reported that a dozen were beaten by the police and showed a photo of one who claimed they had suffered a serious hand injury (*Horn Affairs* 2015).

10 years on from the 2005 election violence, despite criticism from the international community and a Commission of Inquiry's call for a new police mentality, the only change in police response has been to acquire new equipment. The police have not taken into account that they are facing political protest that is better resourced, including access to ICT and is able to organise protests rapidly and across many cities simultaneously; and can

counter official post-event accounts or circumvent news blackouts. As one police trainer observed:

Policing in the contemporary situation is facing great problems to peacefully disperse illegal riots and protests. The current protest that has been fuelled up in the universities last year shows that the students were sending texts through SMS to instigate others to do the same across the country (private communication).

The Ethiopian government and police are, therefore, aware of the new resources available to protesters, hence their threats to those who use electronic communication to spread critical views and their closure of websites and whole phone networks.<sup>5</sup> They are aware of changing expectations about rights and scrutiny of the police, yet still the police are called to use lethal force against protesters. As the government has narrowed the political opportunities to publicly protest they have increased the likelihood of a resort to violence, yet they have failed to change their approach to public protest. They have neither gone down the democratic policing road nor turned back to full authoritarian rule where all public opposition is banned. The police are caught in ‘the tension between the ruling party’s promises of democratisation and its reticence to live up to these principles’ (Hagmann & Abbink 2011: 582).

The government’s hesitancy between the two political poles where they both legally allow protest and yet in practice violently attack it, may lie not in their ideology of ‘revolutionary democracy’, but in a senior leadership wedded to militarism. It may be due to the veneration by an older generation of the ideals of a professional military class, and in their valuation of

military efficiency as the ideal of the state. Prime Minister Zanawi Meles saw himself as an outstanding leader of the military in war and peace. A government eulogy on his death 2012 said that:

Thanks to our brilliant leader PM Meles Zenawi's great visionary plan, the defense force is not only kept for war and security purposes. It is a great mobilized force in all developmental sectors, successfully being part of the Growth and Transformation Plan (Anonymous 2013).

The aging EPRF leadership, born of revolutionary war, views all its security forces as 'their' agents to suppress all challengers. The paternalism of 'Revolutionary Democracy' knows what is best for social development; those that resist are enemies. It is a regime whose response to challengers is a resort to military and electronic hardware alongside legal powers to maintain the current political structures. It is still 'entirely unwilling to engage in any normal or reasonable political process' (Clapham 2005). It regards violence as an effective way to intimidate anyone contemplating resistance. Its public order policing demonstrates that it cares little for research that suggests that escalating levels of repression leads to a backlash, stoking a sense of outrage that feeds further violent protest (Mason & Krane 1989; Carey 2006), the more so among a people informed of the political alternatives. Nor, apparently, did they or the EFP learn anything from their South African police advisers regarding the Sharpeville Massacre 1960, when the former apartheid police killed 69 unarmed black protesters; or the lessons of the Marikana Massacre 2014, when police shot dead 34 striking miners as they tried to disperse them. Massacres with impunity by a regime's security agents is a force for revolt, not a force for stabilisation. It mobilizes opposition rather than quells it. In the final analysis excessive police violence against those

newly resourced with access to ICT displays anocracy's fear of losing legitimacy and control.

## UGANDA

Uganda in 2005, like Ethiopia, displayed repressive policing methods. President Yoweri Museveni was facing serious opposition in the pending Presidential election from the leader of the Forum for Democratic Change, Kizza Besigye. Besigye was arrested on allegations of treason and rape. Believing the charges were fabricated to reduce the opportunity of challenging Museveni, Besigye's supporters turned to public protest. Street battles took place over two days in Kampala and other urban areas between them and the anti-riot police and military police. The police responded with arrests, firing in the air and shooting gas canisters at the protesters.

Four years on nothing had changed, even though in 2007 British police officers gave training in 'public order management' to the Mobile Police Patrol Unit from which the anti-riot Police is drawn, ahead of the Commonwealth Heads of Government (*New Vision* 2007). The police in 2009 blocked the Buganda king from visiting a district within his kingdom, ostensibly due to objections from another ethnic group, but more likely because the government did not want him campaigning against their land reform proposals. The Baganda took to the streets of Kampala to protest the police action, setting light to a police station and throwing rocks at the police. This time, however, the police, backed by the military police and the military, not only fired tear gas, but live ammunition to disperse protesters. Over the next days, hundreds of young people were arrested, riot suspects beaten and indiscriminate live ammunition was fired, at times into homes

or where no rioting was taking place. Hospital records suggest over 40 deaths (HRW 2010). It was not just journalists that recorded the events, but mobile phones. They provided live updates, making futile orders for the media to cease reporting on the riots, the closure of four radio stations that did broadcast news, and police seizure of journalists' cameras. If Ethiopia discovered that ICT was becoming a political threat about 2012, Uganda's government, which had introduced the internet earlier in 1993, had a wake-up call in 2009.

Though the government downplayed the numbers, maintaining that only 27 people died, largely due to 'stray bullets', they did not explain the use of lethal force against stone throwing youths in the first place. Despite multiple promises from government officials, police investigations did not result in prosecutions, the police saying that investigation was difficult when it was unclear which security forces were deployed to which areas. It appears that a police officer and a soldier were eventually charged with murder, but neither had faced trial after a year. No explanation was given as to who gave them their orders. The police had fulfilled their role of frustrating Museveni's opponents by any means, with the unspoken guarantee of immunity from prosecution.

Following the riots, the Deputy Speaker of Parliament ordered the Parliamentary Committee on Defence and Internal Affairs to investigate the unrest and issue a report within two weeks. Committee members scheduled visits to affected neighborhoods, but unlike Ethiopia, none ever took place. Committee members claimed that their efforts were 'deliberately frustrated' by government officials and one year later, the committee had not summoned a single witness to give evidence, and no report had been issued (HRW 2010).

Although a 2008 Constitutional Court decision nullified section 32(2) of the *Police (Amendment) Act, 2006* which required written police approval for any assembly of 25 persons or more, the police continued to require advance notification and approval for public gatherings and routinely denied permission. In addition, the government was quicker than the Ethiopians to recognise the threat posed by ICT. In 2011, as the ‘Arab Spring’ erupted, Uganda Communications Commission (UCC) instructed telecom companies to block text messages that could instigate violence and unrest, and to flag if they contained keywords such as ‘Tunisia’, ‘Egypt’, ‘dictator’ ‘teargas’, ‘army/police/UPDF’, ‘people power’ (CIPESA 2014: 13). Despite the surveillance, the political opposition, inspired by the ‘Arab Spring’, initiated a ‘walk-to-work’ campaign to protest against rising prices and government corruption. ‘The movement relied heavily on social media for mobilizing and publicizing the brutal response of security agencies to the campaign’. (Freedom House 2012). In response, the UCC directed internet service providers to temporarily block access to *Facebook* and *Twitter* ‘to eliminate the connection and sharing of information that incites the public’ (CIPESA 2014: 13). Following the violent arrest of Besigye during the 5<sup>th</sup> ‘walk-to-work’, the protest turned to an anti-regime riot in Kampala. Footage of the arrest was broadcast on Ugandan television and *YouTube* showing plain-clothes police officers beating up Besigye's supporters, smashing the window of his car and spraying the inside with pepper spray, before taking him away. Later he was released on bail following a charge of ‘inciting violence’, and allowed to fly to Kenya for medical help.

The next day the demonstrators carried posters praising Besigye and challenging the brutality of the police. Despite being aware of the power of ICT to scrutinise their actions

and subvert their accounts, police tactics did not change. Clearly under orders, the military police reacted with disproportionate violence. They beat members of the crowd and fired tear gas, rubber bullets and live ammunition at street barricades and adjacent residential areas. At least two people were killed and more than 100 wounded. 360 were arrested (*Guardian* 2011). The police action caused rioting to spread to several suburbs and towns outside the capital.

Why did the police resort to unrestrained and unnecessary violence despite the likelihood of it fuelling further conflict? The government, like Ethiopia, was caught in the uncertain middle ground of anocracy. On the one hand they admitted a democratic right to protest, on the other they held the theory of coercive responsiveness that protests must be suppressed as quickly as possible to prevent escalation to a level of regime threat. Museveni, while conceding the right to protest, also asserted a right to determine what was a 'legal' protest; and by fiat denounced as 'illegal' the 'walk-to-work' campaign. Meanwhile his Information Minister claimed the right to determine what was a 'worthwhile' demonstration and with it the right to ban all others: 'We're not going to encourage worthless demonstrations which don't have clear and genuine objectives to continue' (*BBC* 2011). And defending police deployment in most public spaces to block pro-opposition assemblies, the junior minister for Internal Affairs, said, 'Those demonstrating have a right to do so, but as police it is our mandate to make sure that they [demonstrators] enjoy their constitutional right without infringing on the rights of others who are not part of the demonstration' (*Observer* 2014). Finally, the Internal Affairs Minister provided the justification for police abuse that they had done nothing that was not legal. Those injured had mainly been hurt by 'stones, sticks and bottles' from the rioters themselves, not by police action; and



whatever the police force did, it was ‘within its constitutional mandate to restore law and order’ by removing road blocks and ‘disengaging crowds’ (*Guardian* 2011). In an anocracy the police are expected to carry out the bidding of the ruling party, yet only ever act within the law.

Though Museveni and his National Resistance Movement (NRM) had won the 2011 Presidential and Parliamentary elections, he was left with Kampala as an opposition stronghold and one that had elected Erias Lukwago, a former opposition Member of Parliament, as the first Lord Mayor of Kampala, following the enactment of the Kampala Capital City authority. Upon Lukwago taking office, Museveni hurriedly created the post of City’s Executive Director and personally appointed Jennifer Musisi. As intended, the dual and overlapping roles caused conflict. Then, no doubt at the instigation of higher authorities, 19 councillors petitioned the Minister in charge of Kampala to censor the Lord Mayor for failure to execute his obligations. The Minister constituted a judicial Commission of Inquiry to investigate the alleged misuse of office, which looked like little more than a pretext for unseating the Mayor. Upon being summoned to appear before the Inquiry, Lukwago began to hold public rallies to defend himself. These caused street battles between crowds and the police. On 20 June 2013, Besigye joined him at a meeting at Kiseka Market, despite a police ban on such rallies on the grounds of intent to incite the crowd against NRM councillors. Heavily armed anti-riot police, assisted by the Military Police, arrested both politicians ‘for trying to incite people to commit violence’. Such a politically motivated arrest led to Kiseka’s traders stoning the police. Police responded by firing teargas and live bullets. One person died, allegedly hit by a police bullet (*Red Pepper* 2013). The episode was little more than the harnessing of police coercion to maintain the political

status quo. Given it fuelled the opposition cause in Kampala, it was bad politics as well as bad policing.

Though Museveni did not choose, as his Ethiopian counterparts, to have independent reviews or commissions of inquiry that might have censured his response to the challenges of urban groups, he was given public advice from an unexpected quarter. His Minister of Justice and Constitutional Affairs criticised the police tactics of ‘preventive arrest’ that barred Lukwago and Besigye from leaving their homes or escorted them wherever they went. ‘I really wonder why the police is hell bent on making the lives of these two difficult. Why don’t they let them walk?’ He accused the police of not only infringing on the politicians’ rights, but of suffocating the rights of the people who elected the Kampala mayor. ‘Why do you arrest a leader in such a forceful manner yet he has done nothing illegal?’ He advised Besigye and Lukwago to challenge the police’s actions in court (*Observer* 2013).

Museveni ignored the advice and conceived his own reforms regarding police strategy and public order legislation. Up until 2014 Uganda had relied on the regular police to handle public order, but had frequently found that to cope they needed the assistance of the military police and the military. In 2014, therefore, Museveni formed a new unit within the police, the Field Force Unit (FFU) to handle demonstrations. The Inspector General of Police (IGP) said the FFU would help deal with paramilitary threats, including riots, communal violence, as well as terrorism and insurgencies, cattle rustling, and other forms of extreme violence. However, initially it would be responsible for policing Kampala, with a reserve to respond

to emergencies. Clearly Museveni is determined to crack down on the opposition stronghold of Kampala with the use of the specialised paramilitary force. Far from learning that policing that is partisan, brutal and immune from prosecution has strong political disadvantages, or that new tactics are required to meet a networked opposition, Museveni is trusting that old-fashioned repressive methods will maintain power and subdue unrest. Hence at a 2014 East African Police Chiefs Cooperation Organisation meeting, when speaking about ‘the recent wave of violence and instability in North Africa and its implications to our region’, he boasted of his own resources to handle such protests. Pointing to the Ugandan IGP, he said: ‘he has enough tear gas ... Once the demonstrators take enough smoke, they go home’ (*BBC* 2014).

Museveni’s new legal powers to limit the rights of assembly and free speech were introduced through *The Public Order Management Act* 2013. This prohibits protests of more than three people without prior police authorisation and requires event organisers to list the names of all participants. Its vague requirement for public statements not to contravene any laws is a provision which allows censoring of a wide range of criticism. Regarding police powers, it authorises them to use guns when policing public events, but says nothing about ensuring that this use is to be the last resort after exhausting all other possible means, in compliance with the *UN Basic Principles on the Use of Force and Firearms* by the police. Thus Museveni has criminalised ‘unauthorized’ public assemblies and given the police a free hand in using weapons to deter or kill political opposition.

Meanwhile the political use of social media continues to expand. In 2011 the social media may have been the preserve of the middle class and it is not thought they had a large impact on those protests. Since then, however, they have been widely adopted by young people. As one Ugandan journalist records: ‘more recently, young people are beginning to use social media to discuss political issues – drawing parallels with social media use during the Arab Spring ... there is a lot of youth this time around who have finished school and are jobless and who are now users of social media’ (BBC 2014). The IGP has already cautioned about social media: ‘it is so quick in terms of disseminating information ... if it’s good information that is nice, but if it’s dangerous information ... and somebody tells lies like the Kayunga riots, then you know how much damage it can do’ (Ibid).

Why has there been this failure by the regime to change their approach to public protest and riots despite their awareness of the increasing access by activists to information via ICT? The answer surely has parallels to that of Ethiopia. Once again we find a belief that though protest cannot be criminalised *in toto*, it must in practice be suppressed quickly and firmly to prevent its spread. And we find, too, an elderly militarism in the leadership that having led a successful armed revolt reveres a coercive solution. Museveni has never hidden his pride in his army values of discipline and efficiency.<sup>6</sup> Like the EPRF, the NRM’s own ageing leadership views the security forces as their personal agents to suppress urban challengers. Once again the paternalism of a ‘progressive’ liberation movement believes it knows what is best for the people. It, too, is a regime that understands what military hardware can achieve. However, although it is aware of the increasing significance of the software that powers the social media of its youth, like the Ethiopian regime, it has until

recently underestimated it and failed to link its understanding with police public order tactics.

The failure to lessen the violence of the anti-riot police also suggests an underlying insecurity; the more the regime's grip on power is felt to be slipping, the more it lashes out at those groups that would throw away its perceived gains. Thus, in preserving the old approach to public order policing, Uganda disregards the changes that have taken place in Ugandan urban groups over the last decade. It is a recipe for further unrest and ultimately unsustainable in the new order of public opinion and public resources for mobilisation. The 2014 annual budget performance report shows expenditure on handling of 57 cases of public order, 49 cases of incitement to violence, six election related cases, and one case of promoting sectarianism, among others. According to the 2014/15 Internal Affairs ministerial policy statement, Shs 14bn (£3.1m) will be spent on procuring riot gear, shields, jackets, boots and other equipment necessary to put down riots and other unlawful assemblies. Another Shs 1.8bn will be used by the police to meet the cost of public order management and riot control (*Observer* 2014). Current Ugandan policy on public order policing will create not stability but instability.

## CONCLUSION

The regimes of both Ethiopia and Uganda are facing rising contestation and diminishing support as urban groups, equipped with new resources, particularly easily received and transmitted information, seek access to the polity. Political, religious, ethnic, student and trading groups have

mobilised to seek inclusion within the power structures. Social change has given them increasing access to information about human rights, political rights, international affairs and critiques of their own governments. And ICT is beginning to increasingly play a part in their ability to cascade information, aggregate supporters and rapidly organise widespread protest. Faced by regimes aware of their fragility and thus determined to crush the first signs of resistance, and whose militarism prioritises violent solutions, these claims on the political system through public protest have faced brutal public order policing. A cycle of mobilisation, contention and conflict has seen escalating violence.

The two anocracies have let slip their grip on the control of communication and information that justified their power. Whilst they try to claw it back with surveillance of the internet, social media is much more difficult to monitor because of its diversity and popularity. In this situation the police take on a very distinctive role. Describing Ethiopia, but it is equally true of Uganda, Toggia observes:

The police have assumed unique functions and an exceptional role to legitimize and stabilize state power, albeit with excessive use of force during times of state crisis. The main function of police in maintaining 'law and order' is to integrate laws into the state's order – that is, a state order established under 'a rule *by* law', not under the rule *of* law' (2008: 114).

In Ethiopia the police are regime agents to enforce the *Anti-Terrorism Proclamation* of 2009 and in Uganda the police are agents of the *Police (Amendment) Act* 2006 and *Public Order Management Act*, 2013. Although both regimes have democratic constitutional forms, state power under them has been exercised through violent police action either legitimised by the new

legislation or unchecked by the judiciary. Unable to persuade their populations that ‘economic development’ trumps ‘political rights’, the two regimes have fallen back on violent public order policing. They are another example of an apparent move towards democratisation being reversed in the face of a perceived threat to the life of the regime (Krogstad 2012). Whilst Western police forces are trying to adapt to the global trends of more frequent, more volatile and more sudden public disorders, and seeking to develop more efficient, effective and less confrontational approaches to the management of public order, the two East African regimes seem intent on responding with more of the same. They assume that with a better equipped and trained anti-riot police they can intimidate and brutalise people into submission and secure their regimes’ hold on power.

Does this unchanged public order policing matter? Yes, for the regimes themselves, the police, the publics, the donors and for all who hope for an African renaissance in governance.

For the regimes, what appears to offer an instrument for order maintenance and regime security is in fact undermining their legitimacy and their attempts, however limited, to maintain some political space. Escalating repression symbolises a relationship between state and citizen where the politics of debate and negotiation and persuasion are denied. Yet the promise of more freedom was what justified their rebellions against the former autocracies. Greater state coercion in the repression of non-violent protest can provoke dissidents to turn to more violent tactics (Arriola 2013; Lichbach 1987; Moore 2000). Simply for political if not humanitarian reasons, a government should eschew excessive force. As Foucault has

noted, power has to be exercised as a strategy that is economic and effective, not wasteful. Its excess can precipitate a public resistance that may fatally upset the existing power relations (Foucault 1977: 79–82). And before a public armed with ICT, the regimes may find that violent public order policing will be increasingly hard to sustain, without reversion to autocracy.

For the police, violent public order policing means they will ensure their ineffectiveness and unpopularity and the likelihood that elements of political opposition will be provoked to respond to police violence with violence. It may be that there is a global trend to militarize the police, of which anti-riot police are just a part. Armed with military vehicles, body armour and weapons, anti-riot policing is being used not just to quell violent crowd behaviour, but to invade informal settlements, and to bring about slum clearance through forcible evictions. This reactive paramilitary policing, highly dependent on technology, is not only a long way from civilian policing that values the personal and preventative, but creates a vision of the police as a force of the political authorities to exert their will in every area of life. The police are also likely to discover that the more they act violently and unjustly, the less they will be trusted, and a police force that is not trusted is a police with which the public will not cooperate. Yet cooperation with the public is the lifeblood of the intelligence led policing and community orientated policing that both countries support. The greater the confidence in police procedural justice, the greater the desire to cooperate with the police (Tankebe 2011). Bad public order policing leads to bad community policing.



As regards the Ethiopian and Ugandan publics, unchanged policing means living in fear of a police that are unaccountable to them and that have a free hand to use unlawful violence with little fear of criminal prosecution or internal police discipline. The statistics speak for themselves. In the year 2011/2012 the Ugandan Police Force received and itself investigated 4,304 complaints of human rights violations by officers. 143 involved criminal conduct and were referred to the Directorate of Public Prosecutions. 852 were referred for disciplinary action, resulting in the forced retirement of 22 officers, 55 dismissals, 13 demotions in rank, 219 fines, 100 confinements to barracks, and 57 severe reprimands (Uganda Rights Commission 2013: 7). It means that political protest, though officially allowed in these anocracies, will seldom be without personal and physical cost to the protestors.

For donors, if nothing has changed in a decade of public order policing, then they may need to review the training they offer police forces in public order policing. Their efforts have little chance of being effective whilst regimes resist the principles of the use of minimal and only necessary force. On the other hand, the training and equipment offered may prove to be only too effective in suppressing dissent. In the hands of anocracies, assistance can inadvertently drive them to authoritarianism. On both counts we are reminded that police reform that focuses on 'train and equip' is not an effective way by itself of bringing about change.

For those who hope for a renaissance in African governance, orderly behaviour of people in public space allows public contestation of policy and practice and promotes democracy. Good public order policing is seen as ensuring that publicly arguing for or against the views

of other groups is a healthy supplement to parliamentary and media debates. As the Chief Justice of Uganda has argued, the rights to assembly, freedom of speech and association are at the heart of democracy:

because they permit citizens to lawfully express their view to government, with a legitimate expectation that Government will consider them. In fact public order situations supplement the work of Parliament by bringing to the attention of government issues that require their most immediate attention. Therefore public order situations, if carefully used, can prevent a democracy from overheating by providing the necessary ventilation to diffuse the tensions and pressures for the common good of all. It is therefore in the interest of the justice law and order sector that public order situations are managed properly (Odoki 2011: 2).

Abusive public order policing will at the very least weaken the dialogue that promotes the best solutions. At the worst it will hollow out such democratic institutions that have been put in place at the price of Ugandan and Ethiopian blood.

To continue with public order policing tactics born of an era when the majority were denied access to information is therefore going to have important implications for the regimes and their police and publics. Much is made of 'free and fair elections' as a measure of a move towards political freedom. I suggest that the conduct of the police towards protest, both non-violent and violent, is a better measure.

NOTES

1. Government figures give mobile phones ownership 2014 as 52% in Uganda and 25% in Ethiopia; and internet use as 20% in Uganda and 5.5% in Ethiopia. The figures for urban areas (94% of Ethiopian users –Market Research Reports 2010) and for youth are much higher and growing fast.

2. In Ethiopia under the *Charities and Societies Proclamation* 2008, local CSOs are required to raise 90% of their funding locally to be able to engage in governance related activities. In Uganda the *Non-Governmental Organisations Registration (Amendment) Bill* 2014 expands the government's powers to monitor NGOs. Foreign organisations must stay away from local politics and all foreign funding must be received in the Bank of Uganda (government bank). The Internal Affairs Minister said the law was a response to some NGOs' 'subversive methods of work and activities'.

3. John Rizzo, Malta Police Commissioner admitted: 'I become worried when I watch events like the street riots in the UK August 2011. A few years back there was a similar event in France, with the street riots that began in Paris and travelled south to Marseilles. Such events affect me as a police officer ...you learn not only from local events but international ones' (quoted in Baker and Das, 2003:156).

4. Colonel Michael Dewar's review says that: 'The rationale for an ex-military author rather than an ex-UK police author is that in the UK the British Army are as much, if not more, experienced in riot control techniques than the UK police'.

5. With the state-owned Ethio Telecom being the only internet service provider, the government restrict access to the internet; use surveillance software to monitor the opposition; and routinely block websites of opposition parties, independent media sites, blogs and international media outlets. In addition they harass and threaten bloggers and Facebook users thought to be critical of government policy. Further, phone networks have been shut down during peaceful protests. HRW (2014:2)

6. President Museveni sees his identity and political capital as premised on his military ability. He portrays himself as the skilled 'warrior' status, entitled to keep power. In his political speeches he has boasted, 'I am a military General', 'I picked a gun and chased dictators', 'fighting is what I know best', 'I will go back to the bush if wrong elements take over power', 'I, General Yoweri Museveni, the Ssabarwanyi (the chief of all fighters)'. When a parliamentary vetting committee gave him a seven day ultimatum to explain the illegal re-appointment of the Inspector General of Government, Museveni reminded them that a

military General like himself cannot be given an ultimatum. He once told a journalist that he was not a prototype politician but a military strategists and a freedom fighter (Kagoro 2012).

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