



**UPR Submission  
Uganda  
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**Human Rights Abuses by Security Forces**

Prolonged illegal detention and torture by security forces remain serious and unaddressed problems in Uganda. Uganda has no law criminalizing torture, though in October 2010, a member of parliament introduced a bill that would do so. The government has shown no formal support for such a law to date. Prosecutors told Human Rights Watch that acts of torture by members of the security forces could be prosecuted under the Penal Code as instances of grievous bodily harm, but no such prosecutions have occurred. The Uganda Human Rights Commission can enter a judgment of compensation if a victim files a complaint, but the process can take years, and the government is routinely negligent in paying compensation awards. The actual perpetrator faces no punishment as the ruling is against the Attorney General rather than the specific party that committed or was responsible for the abuses. In this way, torture continues with impunity in Uganda.

The Joint Anti-Terrorism Task Force (JATT), which reports directly to the Chief of Military Intelligence, engages in serious human rights abuses against treason and terrorism suspects, including the routine use of torture, prolonged incommunicado and illegal detention, and in some instances, enforced disappearances and extrajudicial killings. The unit has a broad and undefined mandate. Most of JATT's operations focus on arrests of alleged members of the Allied Democratic Forces, a Muslim Ugandan rebel group in Congo, and individuals alleged to have an affiliation with the Somali Islamist armed group, Al Shabaab.

From 2007-2010 Human Rights Watch documented over 100 cases of long-term illegal detention at the JATT headquarters in Kololo, Kampala, as well as numerous cases of torture and the deaths of detainees at the hands of JATT agents. No one has been held responsible for the killing of Isa "Drago" Kiggundu in October 2007; Tayebwa Yasin, alias Hamza Kaifa, who died on June 9, 2008 after long term detention by JATT; Saidi Lutaaya, who was killed in November 2007; or Abdu Semugenyi, who was killed on April 2006. The government has refused to examine these deaths, in some instances obstructing investigations. For example, in February 2010, the High Court of Uganda ordered an investigation into Lutaaya's death to be carried out by a special coroner, but the Minister of Internal Affairs has failed to appoint someone to the role and no investigations have occurred. Similarly, when the UN Special Rapporteur on Torture brought the killing of Semugeyni to the attention of the authorities on August 8, 2006 and asked for information and investigations into the case, the government did not respond to the rapporteur's inquiry.

JATT has also had a lead role in investigations into the July 2010 twin bombings in Kampala that claimed 79 lives. In the wake of the bombings, at least 75 people were arrested and held in various detention locations around Kampala, including Kololo, without charge for weeks and in some instances, months. Several detainees, some never charged with involvement in the

bombing, told HRW that they were detained in Kololo and on several occasions were transported to the headquarters of military intelligence in Kitante, Kampala for torture and interrogations. Torture involved heavy beatings with batons and wooden bats while suspects' hands were chained above their heads. HRW has not been granted access to the 17 individuals currently charged with terrorism for the July 2010 bombing, though credible sources indicate that many suffered the same treatment before being charged.

Military intelligence, as coordinator of JATT, consistently denies that suspects are mistreated or even detained at the Kololo headquarters, despite consistent evidence to the contrary. Human Rights Watch continues to receive credible reports of incommunicado detention of terrorism suspects at that location. Human rights observers from civil society and the Uganda Human Rights Commission are not permitted access without advance notification and even then, monitoring visits are rare and difficult to secure.

The Rapid Response Unit (RRU), formerly known as Operation Wembley and the Violent Crimes Crack Unit, a section of the police created to combat violent crime, similarly detains people without charge and routinely uses torture to extract confessions. At least six individuals died in 2010 as a result of torture or unlawful force while in RRU custody or in the course of arrest. No one has been charged for the May 2010 killing of Henry Bakasamba while he was in RRU custody, or four suspects who were gunned down by RRU operatives on the Kyengera-Natete road in January 2010. In a positive step, three RRU officers were arrested for the August 2010 killing of detainee Frank Ssekanjako, and the case is currently pending. This case could be the first time that RRU officers are held accountable for killing a suspect and therefore act as a deterrent to others in the unit. In past incidents, alleged perpetrators have faced arrest, only to be granted bail and never brought to trial.

RRU has also been involved in the arrest of alleged terrorism suspects after the July 2010 bombing. In September 2010, RRU officers arrested Kenyan human rights activist Al-Amin Kimathi, who had criticized Kenya's unlawful transfer of bombing suspects to Uganda. After he traveled to Uganda, Kimathi was detained for six days without charge at RRU headquarters, denied access to a lawyer, and eventually charged with terrorism. Kimathi was denied bail and has been detained since September 15, 2010 without trial.

### **Freedom of Assembly**

The unnecessary use of lethal force by security forces remains a significant problem and threatens the right to freedom of assembly. In September 2009, at least 40 people were killed in Kampala by security forces, mostly by members of the military police, who had been deployed to assist civilian police to quell demonstrations by young people of the Baganda ethnicity. The demonstrators were protesting the curtailment of the freedom of movement of their traditional king, known as the *kabaka*, by police. While some protestors threw rocks injuring police, no member of the security forces sustained life-threatening injuries in the two days of unrest. Police sources indicate that two people, one policeman and one soldier, were arrested for killing unarmed civilians, but Human Rights Watch could not locate the defendants and no trials have taken place.

Violations of freedom of assembly intensified before presidential and parliamentary elections in February 2011 through various actions to intimidate opposition party members or supporters. For example, in January 2010, 33 female opposition demonstrators protesting the composition of the electoral commission were beaten by police, resulting in the hospitalization of four of the women.

Police detained six opposition supporters in Rukiga in June 2010 and beat visitors who tried to see them in custody, leaving one in a coma. During the same month, an ad hoc group known as the *Kiboko* (stick) squad assaulted opposition presidential candidate Kizza Besigye and others during a Kampala rally. A government-proposed bill on Public Order Management could further imperil the right of freedom of assembly and indicates a troubling trend toward repression. The draft bill grants the inspector general of police wide discretionary powers over the management of all public meetings, imposing extensive obligations on meeting organizers to notify and seek permission from police authorities. The bill would also allow state actors to regulate the conduct and content of meeting discussions. Some of these provisions have already been deemed unconstitutional by the constitutional court in a previous case.

### **Due Process Violations and Conditions of Detention**

Human Rights Watch research indicates that Uganda's military court system, in practice, fails to uphold international standards on fair trial and due process. The infrequency of sessions and painfully slow processes mean that trials are not completed in a reasonable time, and are subject to undue delays. Defendants do not enjoy adequate time or facilities for the preparation of their defense, and the army commanders who act as judges lack legal expertise. Suspects are sometimes held on remand for many years, leading some suspects to feel that pleading guilty is the only avenue available to conclude their case. Human Rights Watch is aware of four suspects who have been on remand since 2002. Some suspects await trial in detention for periods exceeding the maximum sentence for their charges. The military courts have in the past admitted into evidence confessions extracted by torture. In contravention of international legal standards as well as Ugandan constitutional law, the military courts routinely prosecute civilians accused of gun crimes.

Practices of the civilian criminal justice system also violate international human rights law. In 2010, 56 percent of the Ugandan prison population consisted of suspects held on remand, though international law provides that pre-trial detention should be an exception and as short as possible. While the donor-driven Justice Law and Order Sector reform program has made progress in reducing the case backlog, there are still detainees who have been awaiting trial for years. The vast majority of detainees, including those accused of serious crimes, lack legal representation, and during their long remand times cannot consult counsel or exercise the right to apply for bail.

The problem of long remand times is exacerbated by the dangerous and grossly inadequate health care situation in prisons. In 2010, Uganda's overcrowded prisons were at 224 percent of capacity. Under international law, Uganda should ensure that there are adequate health conditions and medical care during detention, but in practice there are vast differences in the quality of care prisoners receive. While conditions at a few of the urban prisons have improved recently, at rural prisons the situation remains dire. A 2008 survey found HIV and tuberculosis rates for prisoners to be approximately double those in the general population, but only 35 of Uganda's 223 prisons had health units in 2010. Lack of basic necessities such as bedding and clean water, as well as abusive forced labor and corporal punishment of both convicts and remandees, is widely reported.

### **Freedom of Expression**

Although Uganda's constitution guarantees the right to free expression, the government deploys a range of tactics to stifle critical reporting, from occasional physical violence to threats, intimidation, bureaucratic interference, and criminal charges. The Ugandan government uses

media and criminal laws to harass and prosecute journalists, restrict who can lawfully be a journalist, and revoke broadcasting licenses without due process. Rural-based journalists told Human Rights Watch of numerous instances of threats and intimidation by members of police and the ruling party in the run-up to the February 2011 elections. Since 2005, approximately 39 journalists and talk show hosts have faced criminal charges after they made statements which were allegedly critical of government. In a positive step in August 2010 the constitutional court ruled that the crime of sedition is unconstitutional, but other media-related crimes, such as criminal libel, incitement to violence, and promotion of sectarianism, remain.

During the September 2009 riots those being arrested were badly beaten, but the state authorities ordered television stations to stop broadcasting live pictures of the security forces' response to the riots, forcibly removed video footage from TV stations and appropriated journalists' cameras to delete images of dead bodies. Police also beat journalists who attempted to report on unfolding events, and some, such as Edward Echwalu, the photo editor at the independently-owned *Observer* newspaper, were detained and interrogated. The government's Broadcasting Council shut down radio station CBS and three others, all broadcasting in the Luganda language. Though it subsequently permitted the stations to operate again—CBS more than a year later—the government never provided evidence in court of any wrongdoing on the part of the broadcasters. On February 18, 2011 the day of presidential and parliamentary elections, a soldier shot freelance journalist Julius Odeke after he photographed a scuffle between soldiers and opposition supporters and refused to hand over his camera to the military. Ad hoc militia members aligned with the ruling party also seriously beat at least six journalists during local government elections on February 23, 2011.

The government is considering draft amendments to the media law provided for in the Press and Journalist Amendment Bill, which would require print media to be annually registered and licensed by government regulatory bodies and would empower the government's Media Council to deny licenses based on its assessment of the newspaper's "values" and revoke licenses at will.

### **Lesbian, Gay, Bisexual, and Transgender (LGBT) Rights**

Homosexual sex is criminalized under section 145 of the Penal Code, and Human Rights Watch is aware of several arrests under this provision in the last three years, though no cases have proceeded to trial. Homophobic rhetoric by government officials has spiked since parliamentarian David Bahati introduced the Anti-Homosexuality Bill in October 2009, which proposes to "prohibit and penalize homosexual behavior and related practices" and invokes the death penalty against "serial offenders" and HIV-positive individuals, among others. The bill criminalizes all attempts, financial and otherwise, to support the work of organizations committed to LGBT rights, weakening civil society and isolating an already marginalized group. Furthermore, the bill proposes that all international legal instruments that contradict its provisions would be inapplicable. Members of the LGBT community have faced increased harassment and threats since the bill's introduction. Ugandan activists, including David Kato, leader of Sexual Minorities Uganda, whose photograph had appeared in tabloid *Rolling Stone*, successfully sued the paper in early January 2011. On January 27, 2011, Kato was killed at his home in Mukono, outside Kampala. The police arrested a suspect whom they say confessed to killing Kato because he failed to pay for consensual sex.

### **Women's Rights and Women with Disabilities**

The 2006 Uganda Demographic and Health Survey found that seven out of ten women have experienced physical or sexual violence. Approximately 1,500 cases of rape were reported to police in 2008, which suggests that rape is widely underreported, and there are few known cases of successful criminal investigations and prosecution. Barriers to the successful prosecution of rape cases include police corruption and unwillingness of doctors to participate in trials. Uganda does not have adequate legal and other measures in place to address sexual and gender-based violence.

There is no national data on violence against women with disabilities but Human Rights Watch research suggests that women with disabilities are particularly vulnerable to violence because of social marginalization, isolation, and physical and communication barriers. These challenges also negatively impact their ability to report crimes to police and seek justice. People with disabilities experience discrimination through denial of services and lack of outreach or accessible services, effectively limiting their access to health care services (including reproductive health, rehabilitation, and HIV), education, and employment. This gap is particularly pronounced in the post-conflict setting of northern Uganda, where recovery and reconstruction efforts have failed to reach women with disabilities.

### **Refugees**

Against a backdrop of Rwandan pressure on its neighbors to encourage Rwandan refugees to return home, Uganda, Rwanda, and the United Nations High Commissioner for Refugees (UNHCR) announced in May 2010 that Uganda would invoke the 1951 Refugee Convention's "cessation clause" by December 31, 2011, under which a refugee-hosting country may declare that a specific caseload of refugees no longer needs international protection. On July 14 and 15, 2010 Ugandan police rounded up more than 1,700 Rwandans, including recognized refugees in the Nakivale and Kyaka refugee camps, and forcibly returned them at gunpoint to Rwanda. At least two Rwandans died and at least 25 were injured during the operation, which, according to UNHCR, was jointly organized by the Rwandan and Ugandan governments. As of December 31, 2010, around 15,000 Rwandan refugees and asylum seekers remained in Uganda, at risk of forced return to Rwanda in 2011.

## **III. Recommendations**

### **Regarding Human Rights Abuses by Security Forces**

- Cease illegal detention and torture of suspects; investigate and hold accountable all state security agents and members of the police and army who have committed human rights abuses.
- Pass into law the Prevention and Prohibition of Torture Bill.
- Ratify the Optional Protocol to the Convention Against Torture.

### **Regarding Freedom of Assembly**

- Investigate and punish acts by security forces to block public rallies.
- Reject the draft Public Order Management Bill.

### **Regarding Violations of Due Process and Conditions of Detention**

- Observe international fair trial standards, including trying civilians only in civilian courts.
- Ensure that prison conditions and medical care meet international standards.
- Devise a functional state-provided legal aid system.
- Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights.

### **Regarding Freedom of Expression**

- End intimidation, threats, and physical attacks on journalists; tolerate and promote open reporting and commentary on issues of public concern.

#### **Regarding Lesbian, Gay, Bisexual, and Transgender Rights**

- Reject the Anti-Homosexuality Bill and decriminalize homosexual sex.
- Investigate and prosecute intimidation and attacks on LGBT community members and activists.

#### **Regarding Women's Rights and Disabilities**

- Prevent, investigate, and prosecute sexual and gender-based violence committed against all women, including women with disabilities.
- Ensure people with disabilities can participate fully in mainstream government programs and services.

#### **Regarding Refugees**

- Desist from forcibly returning Rwandan refugees or asylum seekers to Rwanda and ensure they can access fair procedures to determine their refugee status; if invoking the cessation clause, guarantee safeguards, including the right to resubmit an asylum claim which should be objectively assessed, and the right of asylum seekers entering after the clause's invocation to lodge asylum claims.

## **Appendix: Recent Human Rights Watch documents on Uganda**

Press release: "Uganda: Halt Pre-Election Intimidation Campaign", 10 February 2011

Press release: "Uganda: Promptly Investigate Killing of Prominent LGBT Activist", 27 January 2011

Press release: "Uganda: Kenyan Rights Defender to Be Tried for Kampala Bombings", 30 November 2010

Press release: "Uganda: Keep Election Campaign Free of Abuses", 1 November 2010

Press release: "Uganda: Terrorism Charges Used Against Kenyan Rights Defender", 27 September 2010

Letter: "Letter to Ugandan Minister of Interior on Arrest and Detention of Kenyan Human Rights Defenders", 27 September 2010

Press Release: "Uganda: Kenyan Activists at Risk of Torture", 17 September 2010

Press Release: "Uganda/Rwanda: Halt Forced Returns of Refugees", 17 July 2010

Press Release: "Uganda: Protect, Don't Punish, People with HIV", 19 May 2010

Press Release: "Uganda: Journalists Under Threat", 2 May 2010

Press Release: "Uganda: Ensure Accountability for Election Violence", 4 December 2009

Press Release: "Uganda: Bill Threatens Progress on HIV/AIDS", 6 November 2009

Press Release: "Uganda: 'Anti-Homosexuality' Bill Threatens Liberties and Human Rights Defenders", 15 October 2009

Report: "As if We Weren't Human: Discrimination and Violence against Women with Disabilities in Northern Uganda", 26 August 2010

Report: "A Media Minefield: Increased Threats to Freedom of Expression in Uganda", 2 May 2010

Report: "Preparing for the Polls: Improving Accountability for Electoral Violence in Uganda", 4 December 2009

Report: "Open Secret: Illegal Detention and Torture by the Joint Anti-terrorism Task Force in Uganda", 8 April 2009

Human Rights Watch World Report 2011 and World Report 2010, chapters on Uganda