

Human Rights Watch

Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

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World Report 2009 Introduction By Kenneth Roth

In 2008 the government of President Yoweri Museveni and the Lord's Resistance Army (LRA) concluded peace talks to end the long-running war in northern Uganda, but LRA leader Joseph Kony did not sign the final peace accord. Sought by the International Criminal Court (ICC) on war crimes charges, the LRA leadership continued to commit serious abuses, preying on civilians in the Democratic Republic of Congo (DRC), to which the LRA relocated in 2006, as well as in Sudan and the Central African Republic (CAR).

In Karamoja, where the availability of firearms has aggravated cattle-raiding, the Ugandan army continued a campaign to disarm residents, but in the process committed human rights violations.

Military and security agencies illegally detained scores of persons seen as government opponents, held many of them incommunicado, and tortured some of those suspected of terrorism and treason. Police harassed opposition politicians and journalists critical of the government, charging some with sedition and defamation.

At the start of 2008, the government and the LRA appeared to be moving significantly closer to peace, concluding agreement in February on accountability, reconciliation, demobilization, disarmament, and reintegration. However, by the end of the year hopes of a final settlement were fading in the face of the repeated failure of Joseph Kony to show up to sign the final peace agreement. Meanwhile, LRA forces continued to commit abuses against civilians outside Uganda.

In an annex to the June 29, 2007 agreement, in February the parties agreed to the creation of a special division of the Ugandan High Court to try serious crimes committed during the conflict and broader accountability measures such as a truth commission, reparations, and traditional justice practices. Judges were appointed to the special division in May, but little else has been done since then. As the International Criminal Court's statute permits national trials of its cases where certain requirements are satisfied, LRA leaders for whom ICC arrest warrants have been issued could potentially be prosecuted by the Ugandan special division, although only if the ICC judges determine that the national trials provide an adequate alternative.

Meanwhile the LRA attacked civilians in the DRC, the CAR, and Sudan. In February they reportedly abducted at least 100 persons in these three countries. After LRA combatants killed 26 civilians and abducted 95 in March in Equatoria, Sudan, the UN High Commissioner for Refugees (UNHCR) ended repatriation of Sudanese refugees from Uganda. From bases in Garamba National Park, DRC, the LRA in September, October, and November reportedly abducted at least another 100 children, killed several civilians, and looted and burned Congolese villages. Shortly after, three LRA defectors trying to turn themselves in were killed by the local community.

As part of a law enforcement campaign initiated in 2006, the army continued efforts to disarm the population in the impoverished region of Karamoja. Soldiers reportedly used excessive force, firing on civilians, killing at least six, and on several occasions torturing and arbitrarily detaining men to compel them to reveal the location of weapons, though there were fewer incidents than in previous years. In October the courts martial sentenced four soldiers to 12 years in prison for the torture and killing of a local village chief in Kotido.

In April the government launched the Karamoja Integrated Disarmament and Development Programme (KIDDP); its success will depend on more effective access to justice and protection of civilians during disarmament operations.

In 2008 Human Rights Watch documented more than two dozen cases in which treason and terrorism suspects were allegedly tortured by agents of the Joint Anti-Terrorism Taskforce (JATT) and the Chieftaincy of Military Intelligence. Victims described being arrested by agents in civilian dress and unmarked cars, especially at the time of the Commonwealth Heads of Government meeting in Kampala in November 2007. They said they were beaten and tortured with electricity, and had pepper rubbed in their eyes. Some were illegally detained for many months in the basement of JATT offices or in other irregular places of detention. Most were never brought before judicial authorities, as required by law.

Some officials failed to implement judicial decisions, especially those involving politically sensitive issues, and used harassment and excessive force to silent opponents. On May 27, 2008, the Constitutional Court nullified a section in the Police Act that required police permission to hold a public rally, saying that it unduly limited the rights to freedom of assembly and association. When the Democratic Party organized a celebratory public rally in the capital, police officers, deployed in large numbers, used tear gas and water cannons on the assembled crowd. After party activists addressed the crowd through loud speakers from their offices, police officers stormed the building, arresting four people who they charged with environmental pollution for having used the speakers. Police prevented the party from using its offices for almost a month. The police asserted that they retain the right to determine where public rallies take place.

In February, Betty Kamywa, a parliamentarian from the Forum for Democratic Change, (FDC) was questioned by the police and charged with sedition, promoting sectarianism, inciting violence, and promoting war on the person of the president for saying that Ugandans should "fight to extricate [themselves] from Museveni's paw." In June, while Conservative Party Parliamentarian Suzan Nampijja was addressing a rally in her constituency, police used tear gas to disperse the crowd, giving no reason for their action. A few days later FDC Parliamentarian Nabillah Naggayi Sempala was accosted while addressing a crowd at a Kampala market. According to her account, police officers humiliated her, stripped her of her clothing, and detained her temporarily.

Government officials also harassed opponents of a controversial land bill amendment presented to parliament in 2008. In July, Medadi Lubega, Peter Mayiga, and Betty Nambooze Bakireke, officials of the Buganda cultural institution and outspoken critics of the bill, were arrested and detained for one week, well beyond the constitutional limit of 48 hours. The three were subsequently re-arrested and eventually charged with sedition and released on bail. The case was suspended in August because a 2005 challenge to the Sedition Law, brought by journalists, was still pending in the Constitutional Court.

Government officials continue to threaten media freedom and use charges such as sedition, defamation, and inciting violence against critics. In January the Political and Media Offences Department of the Police charged Andrew Mwenda and two others with sedition. A group of journalists from *The Monitor* newspaper were charged with defaming the inspector general of government, Uganda's anti-corruption watchdog, for articles written about corruption in her office. Over 20 journalists have pending cases with the police or in the judicial system.

Police and government officials continue to harass or restrict free expression by activists supporting lesbian, gay, bisexual or transgender rights. Police arrested three LGBT activists on June 4 at the 2008 HIV/AIDS Implementers meeting in Kampala after they peacefully protested the lack of official response to HIV/AIDS among LGBT communities. They were charged with criminal trespass. Later, one was mistreated by police officers during 24 hours of detention. In August the three were acquitted of all charges.

In September two other members of the LGBT community were arrested by police and held without charge for six days. In October Ethics and Integrity Minister James Nsaba Buturo reaffirmed continued police operations to arrest LGBT individuals. He said, "the state of moral health in our nation is challenging and we are concerned about the mushrooming of lesbianism and homosexuality."

The proposed HIV/AIDS Prevention and Control Bill 2008 criminalizes the "intentional transmission of HIV & AIDS." It also establishes compulsory HIV testing for pregnant women and their partners. In its overall HIV/AIDS strategy, the government has not made enough effort or provided sufficient resources for prevention and care services to prevent HIV transmission.

International donors focused on corruption, but generally shied away from pressing the government to halt and punish human rights violations perpetrated by security forces, even those generally known among diplomats such as illegal detention and torture.

Warrants issued by the ICC for LRA leaders in 2005 remain outstanding. No major players-including the United States, United Kingdom, the European Union, and the United Nations-took steps to ensure the apprehension of the suspects, although the European Parliament adopted a resolution calling on EU and African Union member states and regional countries to help implement the warrants.

The mandate of the special envoy of the UN secretary-general for the LRA-affected areas, Joaquim Chissano, was renewed for 2008. Throughout his tenure, he has generally failed to stress the importance of justice for past crimes as a basis for any durable peace. After his June briefing, UN Security Council members could not agree on language concerning the ICC and so said nothing, providing one more example of indecision in promoting justice for the victims of abuses.

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