

# Human Rights Watch

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

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### Annual reports

Events of 2011

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The International Response to the Arab Spring

by Benjamin Ward

Respecting the Rights of Persons with Disabilities

New Convention Establishes First Global Labor Standards for Millions of Women and Girls

Hopes and Lessons 20 Years after the Collapse of the Soviet Union

During demonstrations in April, following February's presidential elections, the unnecessary use of lethal force by Ugandan security forces resulted in the deaths of nine people. Opposition politicians and hundreds of supporters were arrested and charged with unlawful assembly and incitement to violence, and state agents beat and harassed journalists covering the unrest.

Several bills with negative implications for human rights, including the Anti-Homosexuality Bill, which proposes the death penalty for some consensual same-sex activity, failed to advance but remain in parliament.

Security forces' unjustified use of lethal force remains a significant problem. In April military and police shot and killed nine people in Kampala, the capital, two in Gulu, and one in Masakaduring demonstrations. None of the dead carried weapons or posed a serious threat. At least two were shot in the back as they fled and two, including a child, were inside buildings.

The protests began in April when Activists for Change, a non-profit group, called on the public to foster peaceful change in the management of public affairs. The first action was a Walk to Work to protest rising fuel and food prices. The government argued that these walks constituted an unlawful assembly.

The government responded by unleashing security forces on the protesters. In some instances protestors were aggressive, throwing stones and setting debris alight. State forces failed to distinguish between individuals actively participating in violence and those uninvolved, firing randomly into crowded areas and throwing tear gas at people or into houses. Passersby were forced at gunpoint or on threat of violence to clear burning debris. Security forces beat or shot at over 30 journalists, confiscated audio recorders and cameras, and deleted images of the violence. Several opposition politicians, including two former presidential candidates, were violently arrested and charged with unlawful assembly and inciting violence. All charges were eventually dropped.

In mid-October at least 27 members of Activists for Change were arrested and charged with incitement to violence, concealment of treason, or treason as the group planned more protests to highlight corruption and inflation. Opposition leader Kizza Besigye was arrested several times throughout the year while walking to work and held in preventative detention at his home.

The government has not conducted effective criminal investigations into the April killings and other state abuses, although there was one

arrest for the killing of a child in Masaka. In some instances, the government paid families money following cursory inquiries. The government has a history of not holding state actors to account for the unnecessary use of lethal force. In protests in September 2009 at least 40 persons were killed, but there has been no meaningful attempt to investigate and prosecute those responsible.

The Rapid Response Unit (RRU), a section of the police created to combat armed crimes, continues to arrest and in some instances torture criminal suspects. RRU frequently illegally detains people without charge beyond the constitutionally mandated 48 hours in its headquarters in Kireka, Kampala, and other locations. RRU officers routinely use unlawful force during arrests, including beating suspects, using torture during interrogations to extract confessions, and the alleged extrajudicial killings of at least six individuals in 2010 alone.

No one has been charged for the May 2010 killing of Henry Bakasamba while he was in RRU custody, or for 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, though the trial has not taken place. This case could be the first time that RRU officers are held criminally accountable for murder. In past incidents, alleged perpetrators have been arrested only to be granted bail and never brought to trial.

Uganda's military court system violates international standards on fair trials and due process by its infrequent sessions, painfully slow processes, lack of adequate defense preparation, and lack of legal expertise among the army officers who act as judges. Suspects have waited in some cases up to nine years for trial resolutions. Some await trial for periods exceeding the maximum sentence for their charges. The military court has in the past admitted into evidence confessions extracted by torture. Suspects on remand often feel they must plead guilty to conclude their case. In contravention of international legal standards and Ugandan constitutional law, military courts have routinely prosecuted civilians, particularly for gun possession, although there were indications during 2011 that this practice would end.

The slow pace of the civilian justice system also violates human rights law. Fifty-five percent of the Ugandan prison population is held on remand, though international law requires pre-trial detention be an exception and as short as possible. While the donor-driven Justice Law and Order Sector program has made progress in reducing the case backlog, detainees are still in custody for several years, pending trial. Most detainees, including those accused of serious crimes and face long remand times, lack legal representation or the practical ability to apply for bail without counsel.

Uganda's prisons are at 225 percent of capacity. Thousands of convicted and remanded prisoners are forced to work long hours on prison farms, private land, or prison staffs fields, and are brutally beaten if slow. The funds raised from prison labor are never fully accounted for, fueling corruption. A lack of basic necessities, as well as the use of abusive corporal punishment, remained widely reported, in contradiction of international standards.

A 2008 survey found HIV and tuberculosis rates for prisoners approximately double those in the general population. Meanwhile, only 63 of Uganda's 223 prisons have health workers, and only one prison hospital provides comprehensive HIV and tuberculosis treatment. Medically unqualified officers routinely assess the health needs of prisoners and deny access to care.

The new International Crimes Division of the High Court (ICD), created following failed peace talks with the insurgent Lords Resistance Army (LRA) in 2008, brought Uganda's first domestic war crimes prosecution. In July LRA combatant Thomas Kwoyelo faced 12 counts of grave breaches of the Geneva Conventions and 53 counts of penal code violations, including murder, kidnapping, and aggravated robbery. His lawyers challenged the state's failure to grant amnesty, which was granted to over 12,000 LRA combatants since 2000. In September the constitutional court ruled that the amnesty act was constitutional, and thus Kwoyelo should be granted amnesty, and his prosecution cease. At this writing the government appeal was pending.

Defendants arrested for the July 2010 bombings also face trial before the ICD. Al-Shabaab, the militant group fighting to overthrow the government of Somalia, claimed responsibility as retaliation for the Ugandan army's role in the African Union mission in Somalia. Ugandan police arrested scores of Muslims and detained many for months without charge, torturing some to elicit confessions. Kenyan police handed over suspects without respect for national extradition requirements. Twelve Muslim men from Uganda, Somalia, Tanzania, and Kenya were on trial at this writing; two others pled guilty to conspiracy and terrorism and were sentenced.

Due to a motion to maintain the legislative agenda of the previous parliament, several repressive bills remain. The Anti-Homosexuality Bill, which proposes the death penalty for some consensual same-sex activities, and the HIV/AIDS Prevention and Control Act, which criminalizes intentional or attempted transmission of HIV, could still come up for debate and vote. The Public Order Management Bill, which grants police overly broad discretionary powers in the management of all public meetings, was also presented in parliament.

Prominent Kenyan Muslim rights defender Al-Amin Kimathi, who had been charged with terrorism in Uganda for the July 2010 bombings, was released in September after a year in prison without trial. Six other human rights activists (one from the United Kingdom, five from Kenya) on two occasions were denied entry to Uganda while trying to observe legal proceedings or meet with authorities to raise due process concerns.

A leading lesbian, gay, bisexual, and transgender (LGBT) activist who advocated against the Anti-Homosexuality Bill, David Kato of Sexual Minorities Uganda, was murdered in January, allegedly by an acquaintance who confessed. The defendant pled guilty and was sentenced to 30 years in prison.

The rights of the LGBT community, corruption, and governance mismanagement dominated international attention, although after the brutal responses to the protests, the United States spoke out in support of Uganda's rights to free expression and assembly.

Donor countries criticized President Yoweri Museveni's massive off-budget expenditures to support elections, pay-outs to parliamentarians, and the procurement of several fighter jets worth over US\$740 million. As inflation rose, the International Monetary Fund delayed approval of Uganda's economic framework because government spending was found to be out of compliance with agreed-upon principles of macroeconomic stability.

The UK and Ireland suspended a 2 million (US\$2.7 million) police training program focusing on public order management after the April protests, but support from both countries remains strong, with the UK providing 390 million (\$614.5 million) over the next three years despite concerns about corruption.

The US reliance on the Ugandan army has to some extent shielded Uganda from meaningful criticism of its poor domestic human rights record. The Ugandan army continued to receive logistical support and training from the US for counterterrorism, for the African Union mission in Somalia, and for operations against the LRA. In October US President Barack Obama announced the deployment of 100 US military advisors to provide assistance in ending the LRA conflict.

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