

# Human Rights Watch

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

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### Annual reports

Events of 2005

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Uganda failed to make progress on human rights and its international reputation suffered in 2005. The conflict in northern Uganda claimed victims daily and more than 1.5 million people continued to languish in displaced persons camps, vulnerable to abuses by the brutal Lords Resistance Army (LRA) and an undisciplined government army, the Uganda Peoples Defence Forces (UPDF). The Ugandan government arrested on treason and rape charges the front-running challenger to twenty-year incumbent President Yoweri Museveni, only three weeks after he returned from exile. Dr. Kizza Besigye, the candidate for the opposition Forum for Democratic Change, was charged with twenty-two others; when fourteen of those were granted bail, government Joint Anti-Terrorism Task Force agents in black suits entered the court building and prevented all present from leaving. The chief justice denounced the rape of the courthouse. Other political opponents and journalists were threatened and put in jail for criticizing the government, and some, accused of rebel collaboration or treason, were tortured in illegal detention centers.

#### *The War in Northern Uganda*

The nearly twenty year long conflict in northern Uganda continues to victimize the population in the three districts of the Acholi, more than 90 percent of whom are in displaced persons camps and are not free to return home. The rebel LRA committed killings of civilians, torture, mutilations and sexual abuse, including rape and forced marriages of girls to rebel commanders, and abducted thousands of children and brutalized them, forcing them to serve as child soldiers. Despite repeated assurances by the government that it has won the war against the rebels, the LRA continues to launch brutal attacks, often in response to such government assurances. Three separate attacks on aid workers in northern Uganda probably by the LRA resulted in the death of two individuals on October 26 and the injury of four others. In November the LRA, appeared to threaten to target foreigners, causing most international nongovernmental relief organizations to temporarily withdraw their staff.

Peace talks between the Ugandan government and the LRA, mediated by Betty Bigombe, a former government minister from the north, broke down in early 2005 and fighting was renewed. The violence escalated after the main LRA negotiator, Brigadier Sam Kolo, defected to the government side in mid-February 2005.

The LRA continued to launch attacks against civilians in northern Uganda from its bases in southern Sudan, and increasingly attacked Sudanese in Sudan. In September 2005, some four hundred LRA rebels crossed to the West Bank of the Nile in southern Sudan and, attacking Sudanese villages along the way, crossed into northeastern Democratic Republic of Congo (DRC) where they were interviewed by the UN Mission in DRC (MONUC). The Ugandan government renewed threats to enter the DRC to deal with the LRA but did not act following widespread condemnation of any action that would further destabilize northeastern DRC. The LRA appeared to withdraw from DRC back into southern Sudan within the month, however, and resumed attacks on civilians, killing two demining workers and one relief worker south of Juba.

Soldiers and officers of the Ugandan army, which is deployed in or near every displaced persons camp in northern Uganda, engaged in abuses in 2005, beating, raping and even killing civilians with near total impunity.

After more than a years investigation, the International Criminal Court (ICC) issued sealed arrest warrants for five LRA leaders in

October, asking the Ugandan, Sudanese and DRC governments to enforce them. The five include Joseph Kony, leader of the LRA, and Vincent Otti, the second-in-command. Joseph Kony is to be tried on twelve counts of crimes against humanity and twenty-one counts of war crimes, including murder, inducing rape, intentionally directing an attack against a civilian population and forced enlisting of children. The ICC was criticized by some civic and religious leaders in northern Uganda for scuttling the peace process.

### ***Political Freedoms***

Bowing to growing international pressure to democratize Uganda and wean the country off the Movement system of no-party politics, the government organized a referendum on July 28 asking voters whether they wanted to open up political space for parties to compete for power in elections scheduled for March 2006. The main opposition coalition boycotted the referendum, complaining that the decision by President Yoweri Museveni who has been president since 1986 to push through a constitutional amendment in June that removed presidential term limits, allowing him to run for a third term, undermined any efforts at democratic reform. A majority of voters cast their ballots in favor of multi-party politics, but the turnout was low.

Opposition politicians critical of the government faced increased threats to their safety and freedom with the stakes rising higher as the March 2006 presidential election date approached. On April 20, 2005, two opposition members of Parliament, Ronald Reagan Okumu and Michael Nyeko Ocula, were arrested by the Criminal Investigations Division of the police and charged with the 2002 murder of a councilman. Both MPs are from Gulu district in northern Uganda, are vocal defenders of human rights and critics of the governments conduct in the war against the LRA and are prominent opponents of Musevenis third term.

Okumu and Okulu were released on bail on May 17, but a number of other members of the political opposition have been arrested on politically motivated capital charges such as treason, including the chairman of the opposition group Forum for Democratic Change in Rukungiri district in southwestern Uganda.

In late October, Kizza Besigye, the failed candidate against Museveni in the 2001 presidential election, returned to Uganda from his four-year exile in South Africa, despite hints that he might be jailed as a member of the armed opposition. He won the nomination by the FDC as their presidential candidate and began to draw large crowds while campaigning in the north and in the southwest as well as President Musevenis home area.

He was arrested three weeks after his return, on November 14, for a 1997 rape and for involvement in the LRA and another armed movement, the Peoples Redemption Army (PRA), based in DRC; unlike the LRA, the PRA has not launched any attacks inside Uganda. The arrest prompted demonstrations by his supporters that were met with tear gas; one person was killed.

During the entire bail hearing for fourteen of his co-defendants in court in Kampala, on November 16, the court was surrounded and controlled by thirty military commandos and two senior police commanders and several agents in civilian clothes. The judiciary denounced this as utterly despicable and a day of infamy. The presence of commandos in court during the hearing of a petition was simply unprecedented in the annals of this or any other High Court. They unleashed an incredible chilling effect on the administration of justice in this country, the Principal Judge of Ugandas High Court said.

### ***Freedom of Expression***

Uganda enjoys a relatively vibrant free press, especially in Kampala. However, journalists who criticized the government on politically sensitive topics still faced intimidation and arrest. Following the July 30 death of Sudanese First Vice-President John Garang, many Ugandans speculated that the Ugandan government was to blame for Garangs death, although the two had been close allies. Garang died when traveling in President Musevenis presidential helicopter; the helicopter crashed at night in the rain in southern Sudan as he was on his way back from a meeting with Museveni. President Museveni said that such speculation was a threat to national security and would not be tolerated. When popular radio talk show host Andrew Mwenda suggested that Garangs death was the result of the Ugandan governments incompetence, Mwenda was charged with sedition and jailed on August 12.

KFM radio, which broadcasts Mwendas call-in show, was shut down for a week and the independent newspapers the Daily Monitor and the Weekly Observer, which ran a column by Mwenda, also faced closure. Mwenda was released on bail after three days and returned to his radio show, but the arrest casts a shadow on less prominent journalists in Uganda, especially in the politically charged run-up to elections.

### ***Torture***

The use of torture as a tool of interrogation has featured prominently in human rights violations by Ugandan security and military forces. Official and ad hoc military, security and intelligence agencies of the Ugandan government have illegally detained and tortured suspects, often in unofficial and illegal safe houses, seeking to force confessions of links to rebel groups. Torture and prolonged incommunicado detention, sometimes as long as two years, in military barracks has been used against common criminals as well. Despite a number of high profile cases and the work of the Ugandan Human Rights Commission, a government body, verifying the use of torture, no one was punished for it. In May, the UN Committee against Torture published a report which found that these practices were still prevalent in Uganda in 2005. It called on the government of Uganda to end impunity for violators of human rights and urged it to abolish safe houses.

### ***HIV/AIDS***

The Ugandan government was lauded internationally for implementing successful HIV prevention programs in the 1990s. But the country adopted U.S.-funded abstinence-only programs that jeopardize Ugandas successful fight against HIV/AIDS, with the support of conservative religious groups inside Uganda and the First Lady. These programs included the removal of critical HIV/AIDS information from primary school curricula, including information about condoms, safer sex, and the risks of HIV in marriage in violation of the publics right to accurate health information. Over the past year, access to condoms in Uganda has been reduced dramatically due to government recalls and new taxes and quality-testing requirements on imported condoms, causing a shortage of condoms previously made freely available in government health clinics. Stephen Lewis, U.N. special envoy for HIV/AIDS in Africa, in August said the Bush administration's policy of promoting abstinence prevention programs and cuts in federal funding for condoms have contributed to a condom shortage in Uganda and undermined the country's HIV/AIDS fight.

### ***Key International Actors***

The international donor community has been slow to respond to the nineteen-year human rights crisis in northern Uganda, and for many years funding for the humanitarian crisis was far from what was necessary. In 2005, agencies such as UNICEF and the United Nations Office for the Coordination of Humanitarian Affairs moved to expand protection and human rights monitoring in the north and the U.N. Office of the High Commissioner for Human Rights announced plans to deploy human rights monitors to the same region.

Donor governments were more critical of the backward movement on political reform in Uganda. Those that once praised Museveni withheld aid in 2005 in response to the lack of progress on democratic reform, symbolized by the third term constitutional amendment and plans for President Museveni to run again. Fears were that this would cause the entrenchment of a one-party state. Uganda is dependent on foreign aid to finance 40 percent of its budget.

In May Britain withheld U.S. \$9.5 million in aid, accusing the Ugandan government of poorly handling the political transition. Ireland also withheld U.S. \$3.5 million. In July Norway also withheld U.S.\$4 million for what Norwegian Ambassador Tore Gjøs stated was his governments displeasure at mishandling of the democratic process. The Ugandan government blamed the aid cuts on a negative campaign by the opposition who urged donors to freeze aid to the Uganda. These measures, while symbolic (aid was only withheld, not cancelled), pressured the government to hold a referendum on a multiparty system, but the National Resistance Movement still controlled all government institutions.

Several prominent critics of Uganda, including former U.S. ambassador Johnny Carson, urged Museveni not to run again. A leaked unpublished World Bank consultancy report described widespread corruption, nepotism, and cronyism that permeate Ugandas institutions, and urged the Bank to cut its aid to Uganda. The Global Fund to fight AIDS, tuberculosis and malaria temporarily suspended its programs to Uganda due to serious mismanagement of funds on August 24, then restored the funding later in the year.

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