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World Report 2010 - Uganda

Events of 2009

Impunity, corruption, and the erosion of independent institutions obstruct the protection of human rights in Uganda; government efforts in 2009 to tackle these shortcomings were weak. With parliamentary and presidential elections scheduled for early 2011, the ruling party faced increased criticism from the opposition for failing to deliver electoral law reform or address the perceived partiality of the Electoral Commission, voter disenfranchisement, and incumbents' use of state resources during campaigning.

Political tensions between the central government and the Buganda kingdom exploded in violent demonstrations that rocked Kampala for two days in September, leaving at least 27 dead. Members of the opposition and media faced criminal charges for speaking before and after the events about the president's governance and the use of lethal force to quell rioters. No members of the security forces were charged. The government forced four Luganda-language radio stations off the air.

Extra-territorial military operations by Ugandan armed forces to defeat the long-running Lord's Resistance Army (LRA) insurgency led to some LRA combatants being captured. But civilians paid a heavy price in the Democratic Republic of Congo (DRC), southern Sudan, and the Central African Republic, the LRA killing over 1,000 civilians and abducting hundreds across these three countries in "revenge" attacks. Ugandan military operations have consistently failed to protect civilians adequately, leaving hundreds of thousands displaced and without reliable access to humanitarian aid.

Extrajudicial Killings, Torture, and Arbitrary Detention

During the September riots, those supporting the king of the Baganda blocked roads and burned government property. Police and military fired live ammunition at rioters, bystanders, and people hiding in their homes. The use of lethal force by government forces drew criticism, but no one was held to account for the 27 deaths. Government officials blamed the media and the rioters for inciting violence. Hundreds were arrested in police operations marked by brutality. Twenty-three rioters who allegedly destroyed government property were charged with terrorism.

Separately, in 2009, Human Rights Watch documented unlawful arrests, illegal

detention, torture, and extrajudicial killing of alleged treason and terrorism suspects by the Joint Anti Terrorism Task Force (JATT). The Ugandan armed forces and parliament publicly committed to carrying out investigations, but no action has so far been taken and reports of abuses continue.

Lawyers for five individuals "disappeared" by JATT filed habeas corpus petitions in July. Human Rights Watch research had previously established that JATT had held all five incommunicado for months without charge. The High Court ordered that JATT produce the five before the court, but in defiance of the ruling the government failed to produce the suspects and argued that they had recently reported to the Amnesty Commission. The five were ultimately granted amnesty and released, allegedly having admitted to rebel activity. The High Court questioned the voluntariness of their confessions and requests for amnesty, and ruled that the amnesty was unlawful because of their illegal detention.

In April and May government forces arrested 14 people in northern Uganda, mistreating and detaining them without charge at the JATT headquarters for several weeks. After a habeas petition was filed, the 14 were produced in court and accused of membership in a previously unknown rebel group. All remain in custody at this writing, charged with treason.

The minister of justice failed to address the legal status of 12 individuals who were under age 18 when they committed crimes that qualify for the death penalty if committed by an adult. The prisoners were convicted, but were given no sentence and should have been placed in appropriate juvenile care. Some have been held for over eight years while awaiting the minister's orders. The ministry blamed the courts for failing to turn over the appropriate reports.

Lord's Resistance Army

Efforts to negotiate an end to the war between the LRA and the government remained on hold after LRA leader Joseph Kony failed to sign an agreed peace deal in 2008. While relative calm continued to prevail in northern Uganda, the LRA committed grave human rights abuses in the DRC, Central African Republic, and southern Sudan. Some of the worst attacks took place in December 2008 and January 2009 following the launch of Operation Lightning Thunder, a regional military assault on the LRA in the DRC led by the Ugandan military. A Human Rights Watch investigation documented how more than 865 civilians were killed and at least 160 children were abducted during these attacks. When the Ugandan military scaled back operations in March, civilian protection was largely left to the Congolese army and United Nations peacekeepers, and LRA killings and abductions of civilians continued in the DRC's Orientale province. (See also DRC chapter.)

The Ugandan government took preliminary steps to establish a special division of Uganda's High Court to prosecute serious crimes in violation of international law, as proposed during the LRA peace talks. Parliament introduced legislation to domesticate the Rome Statute of the International Criminal Court in Uganda and establish the war crimes division.

Freedom of Assembly and Expression

In August police beat and detained members of the opposition, Forum for Democratic Change, who were demonstrating in Kampala against extensions of office terms for the chairman and commissioners of the Electoral Commission, despite accusations of election malpractice. Several demonstrators were arrested and charged with organizing an illegal assembly. Throughout the year the police tried to block peaceful demonstrations and assembly in several other parts of the country.

The government's clampdown on freedom of expression intensified in 2009, especially after the September riots. Although the constitutionality of sedition has been pending before the Constitutional Court since 2005, police continue to use the charge to harass

journalists and opposition leaders. Opposition members Erias Lukwago and Medard Segona were charged with inciting violence and sedition for statements made on a radio program. Unknown security operatives arrested and beat prominent journalist Robert Kalundi Sserumaga after he criticized the president's upbringing on television; Sserumaga was charged with six counts of sedition. By October at least 17 journalists had pending criminal charges against them for charges such as forgery, criminal defamation, sedition, and promoting sectarianism. All are free on bail, awaiting trial.

Government officials told television stations to stop broadcasting live pictures of the security forces' response to the riots. In some instances, security agents forcibly removed video footage from TV stations, and appropriated journalists' cameras so they could delete images of dead bodies. Police also beat some journalists who attempted to report on unfolding events, and some were detained and interrogated for their coverage of the riots. President Yoweri Museveni accused radio station CBS (part-owned by the Buganda kingdom) of running a sustained campaign against his government, and through its regulatory body, the Broadcasting Council, the government closed down CBS and three other radio stations: they were accused of inciting violence and promoting sectarianism, but had no notification or opportunity to appeal the Council's decision. The Council also banned a TV program and its host, and pressured some stations to dismiss journalists who were critical of the government's response to the riots.

Sexual Orientation and Gender Identity

At least four people were arrested for alleged homosexual activity and charged with either sodomy or "carnal knowledge against the order of nature."

The Anti-Homosexuality Bill, tabled for discussion in parliament in October, prohibits all homosexuality, making it punishable by a fine and a maximum prison sentence of 10 years, or both. The bill further prohibits the "promotion" of homosexuality through advocacy on sexual minority rights, threatening the activities of any human rights group.

HIV/AIDS

Uganda's draft HIV/AIDS Prevention and Control Bill mandates HIV testing of pregnant women, their partners, and other specified populations, and criminalizes the intentional transmission (or attempted transmission) of HIV. In addition, the bill grants health practitioners the power to notify sexual partners (and those "in close and continuous contact") of a person living with HIV of that person's sero-status, and criminalizes a wide range of conduct related to failure to follow medical orders or follow "safe procedures." Arbitrary or selective enforcement of the bill could restrict broad freedoms and undermine effective HIV prevention and treatment approaches that rely upon outreach to and empowerment of affected communities.

Key International Actors

Uganda's aid donors privately expressed concern about ongoing cases of torture and illegal detention by security forces, but did not speak out publicly to condemn abuses.

Warrants issued by the International Criminal Court for LRA leaders in 2005 remain outstanding. The United States provided material and intelligence assistance to the Uganda-led offensive in December 2008, but failed to adequately provide or plan for civilian protection. In May 2009 members of the US Congress introduced legislation requiring the Obama administration to develop a multilateral strategy to apprehend LRA leaders; the legislation is currently under review. Other actors – including the United Kingdom, the European Union, and the United Nations – failed to take effective steps toward the apprehension of LRA leaders under ICC warrant, although some expressed concern over ongoing LRA abuses.

