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## Uprooted and Forgotten

### Impunity and Human Rights Abuses in Northern Uganda

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## Glossary of Acronyms

|        |                                                                    |
|--------|--------------------------------------------------------------------|
| CMI    | Chieftaincy of Military Intelligence                               |
| GISO   | Gombolola Internal Security Organ                                  |
| HURIFO | Human Rights Focus, Gulu, Uganda                                   |
| ICC    | International Criminal Court                                       |
| ICLA   | Information, Counseling and Legal Aid                              |
| IDP    | Internally Displaced Person                                        |
| JPC    | Justice and Peace Commission                                       |
| LC     | Local Councilor                                                    |
| LDU    | Local Defence Unit                                                 |
| LRA    | Lord's Resistance Army                                             |
| MP     | Member of Parliament                                               |
| NGO    | Nongovernmental Organization                                       |
| NRA    | National Resistance Army                                           |
| NRC    | Norwegian Refugee Council                                          |
| OCHA   | United Nations Office for the Coordination of Humanitarian Affairs |
| OHCHR  | Office of the United Nations High Commissioner for Human Rights    |
| SPLM/A | Sudan People's Liberation Movement/Army                            |
| UHRC   | Uganda Human Rights Commission                                     |
| UN     | United Nations                                                     |
| UNHCR  | United Nations High Commissioner for Refugees                      |
| UNICEF | The United Nations Children's Fund                                 |
| UNMIS  | United Nations Mission in Sudan                                    |
| UPDF   | Uganda Peoples' Defence Forces                                     |

## Summary

For nineteen years the people of northern Uganda have suffered, victims of a war waged between the Lord's Resistance Army (LRA), a brutal rebel group responsible for countless acts of willful killing, torture, mutilation and abduction, and the Ugandan government, whose undisciplined army, the Uganda Peoples' Defence Forces (UPDF), has committed crimes against civilians with near total impunity. While the war continues, the displaced people of northern Uganda remain isolated, ignored and unprotected, vulnerable to abuses by both rebel and army forces.

The UN undersecretary general for humanitarian affairs and emergency relief coordinator Jan Egeland describes northern Uganda as one of the world's worst humanitarian disasters—and least known. While certain aspects of the war such as the LRA's mutilations and abductions of children have received occasional media coverage, comparatively little has been done by the Ugandan government and the international community to alleviate the suffering of the more than 1.9 million people forced from their homes in northern Uganda to a precarious existence in government displaced persons camps.

Even less has been done by the government and international community to assist their safe return to their homes and livelihoods. Before this war, northern Uganda was overwhelmingly rural, like the rest of Uganda, and poor. Following the forced displacement of 95 percent of the population in the three districts inhabited primarily by the Acholi ethnic group, and the looting and destruction of property by the LRA, northern Uganda is poorer than ever.

The failure of the Ugandan government to address the concerns of the people of northern Uganda has been especially troubling. The UPDF has not provided adequate protection to its own citizens, even to those living in its displaced persons camps. The LRA's 2005 offensive again targeted displaced persons camps and resulted in numerous atrocities, but the Ugandan army did little to protect this vulnerable population. At the same time, UPDF forces were responsible for widespread abuses against the civilian population in northern Uganda. And while President Yoweri Museveni has gained donor favor by pursuing economic reforms that brought some prosperity to the rest of Uganda, these improvements have not been shared in the north and the area remains economically marginalized.

Despite nineteen years of fighting, there is no sign that the war is abating. In 2002, the Ugandan army embarked on large operations to rout the LRA from its bases in southern Sudan where the LRA received Sudanese government support; the rebels probably continue to receive some aid from elements of the Sudanese army, according to commanders of the Sudan People's Liberation Army (SPLA), Sudanese rebels who concluded a peace agreement with their own government in early 2005. The Ugandan government claims that the LRA has only 400 fighters—while SPLA commanders estimate there are 1,000 LRA rebels still in Sudan.

In 2004, peace talks were held between the Ugandan government and the LRA spearheaded by the efforts of Betty Bigombe, a former government minister who is from the north. These negotiations broke down in early 2005 and fighting was renewed.

Both the LRA and the UPDF enjoy almost complete immunity from prosecution for their crimes in northern Uganda. Human Rights Watch believes all of those responsible for war crimes and other serious abuses should be held accountable, be they LRA or UPDF combatants and their commanders.

Thousands of LRA fighters and commanders, including many responsible for grave abuses, are among the 15,000 persons who have received amnesties under the Amnesty Act of 2000, which was enacted to encourage rebels to lay down their arms and surrender. The government provides these ex-fighters “amnesty packages” of cash and supplies to help them start over, which has created resentment among the impoverished civilian population in the north.

In December 2003, the Ugandan government referred the “situation concerning the Lord's Resistance Army” to the International Criminal Court (ICC). The ICC has since expanded the scope of its inquiry to cover the situation in northern Uganda more generally, implicitly including serious crimes committed by Ugandan government forces.

The ICC referral, the first ever by a state party to the ICC treaty, has not generally been well received by the leadership of some communities in northern Uganda. Many traditional, civic and religious leaders as well as civil society groups in northern Uganda have opposed the ICC investigation on the grounds that it undermines the peace process and will lead to increased violence against civilians. They have instead advocated amnesty for all members of the LRA, including the top leaders who would be the individuals the ICC would most likely investigate and prosecute.

Opposition to the ICC also stems from the perception among many northerners that it will only investigate the LRA and not government forces despite the UPDF's long record of abuses. The ICC is to blame for such perceptions: it has failed to undertake an effective outreach strategy to actively engage civil society and the general population in northern Uganda to explain its mandate and the scope of its inquiry. Despite its shortcomings, however, the ICC remains the best option for achieving some measure of justice and ending impunity for the people of northern Uganda.

Justice in northern Uganda requires that the ICC thoroughly examine UPDF abuses of the civilian population as well as abuses by the LRA. The willful killings, torture and mistreatment, rape and arbitrary arrests and detention of civilians by UPDF soldiers highlighted in this report are serious crimes that may fall within the ICC's jurisdiction. The ICC has jurisdiction over war crimes particularly when committed as part of a policy or plan or on a large scale.

The government remains responsible for many of the hardships and abuses endured by the displaced population. Since 1996 the government has used the army to undertake a massive forced displacement of the population in the north and imposed severe restrictions on freedom of movement. While justifying the displacements on grounds of security, the government has forcibly displaced people without a lawful basis under international law and then has failed to provide the promised security. Many of those displaced, including almost the entire population of the three Acholi districts live in squalid conditions in displaced persons camps that are susceptible to LRA attacks. The Ugandan army has failed to protect these camps, compounding the harm inflicted by the original forced displacement.

People in the camps are forced by extreme necessity to travel outside to farm, hunt and gather firewood or water, where army soldiers have raped women and girls and beaten and detained men and boys. And those displaced persons who must leave the camp confines may be greeted on their return by undisciplined soldiers who beat them for coming back past curfew hour or other minor infractions.

The government has failed to meaningfully prosecute military personnel responsible for abuses or otherwise discipline its forces in the north. These forces have committed deliberate killings, routine beatings, rapes and prolonged arbitrary detentions of civilians to such an extent that there is extreme resentment against their presence. Most complaints of army abuse result in no action. Even when action is taken, it is usually transfer of the offending soldier or unit, the dispersal of a small sum of money for "medical costs," or the beating of the soldier in the barracks. Human Rights Watch

found that the 11<sup>th</sup> Battalion of the UPDF based in Cwero and Awach camps of Gulu district committed numerous deliberate killings and beatings of civilians during the months in 2005 when it was assigned to those camps; it was transferred out of the area after numerous international complaints.

The current protection and accountability structures within the camps and within the army are grossly inadequate—charges the Ugandan government denies. In effect the safety of the camp population rests with the local army commander: where he does not tolerate undisciplined behavior, the level of abuse is far less. Unfortunately most commanders, up to the highest levels, show far too much tolerance for abuses, despite lip service given to respect for human rights

The importance of army discipline is even greater because in most displaced persons camps the army post is the only government presence—aside from local councilors who are often intimidated by the army. Police are far too few to address the widespread criminal acts committed by UPDF soldiers (and civilians) in the more than eighty displaced persons camps of northern Uganda. The Uganda Human Rights Commission (UHRC), a government body, is almost entirely absent from northern Uganda, with only four of its one hundred officers placed there.

While increased police and UHRC presence could provide other avenues of redress for the population against government army abuses, these organizations would need the consistent backing of higher authorities, up to President Museveni, to affirm their mandates to investigate and prosecute soldiers in the northern “war zone.”

The active involvement of civilian officials and the high command of the army in efforts to end impunity could radically improve the situation. In Bobi camp, Gulu district, training in 2004 of local leaders by a Ugandan human rights nongovernmental organization helped build confidence and understanding in the displaced population on what their rights were and how to complain about abuses. A high-ranking Ugandan army official was invited to and attended the workshop. His subsequent intervention with the local battalion helped to halt recurring sexual abuse in the camp. Such interventions are rare, however.

An international protective presence in the camps is just beginning—again, very late. Some protection activities were undertaken by UN agencies such as UNICEF and the Office for the Coordination of Humanitarian Activity (OCHA) and nongovernmental relief organizations in 2003 but their protection efforts remain a work in progress. The May 2005 decision of the Office of the UN High Commissioner for Human Rights

(OHCHR) to deploy several human rights monitors in northern Uganda is to be welcomed. It should make assistance to local nongovernmental rights organizations its priority.

The international community and the Ugandan government must act now to radically overhaul the protection and accountability structures in the north to ensure that, in peace or war, the continuing suffering of the people of northern Uganda is alleviated.

Northern Uganda has been ignored for too long. Despite the occasional spike in media coverage of the conflict the people remain subject to an unrelenting assault of human rights abuses from both sides, and persistent poverty is exacerbated by the abuses. The intensification of hostilities this year has only highlighted the vulnerabilities of the civilian population; as of the time of this writing, the war is far from over, and the victims still have no peace, justice or protection.

## **Abbreviated Recommendations<sup>1</sup>**

### ***To the Government of Uganda:***

- Overhaul governmental complaints procedures in the north to provide accountability for serious crimes committed by the military. Ensure that the resolution of complaints is not at the sole discretion of the military commander, and that there is independent oversight of the complaints process.
- Design and implement clear procedures for complainants, such as where and to whom to report complaints and how and to whom to appeal. Make sure these procedures are disseminated at all levels of the population in northern Uganda through public awareness campaigns and in partnership with traditional leaders and local civil society actors.

### ***To the Uganda Peoples' Defence Forces:***

- Investigate and discipline or prosecute as appropriate serious violations of international human rights and humanitarian law committed by UPDF personnel regardless of their rank. Investigations in northern Uganda should focus first on abuses by the 11<sup>th</sup> Battalion.

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<sup>1</sup> Full recommendations may be found at the end of the report.

***To the Lord's Resistance Army:***

- Immediately cease all attacks against civilians and other non-combatants including willful killing, torture, mutilation and abduction.

***To the International Criminal Court:***

- Prepare and implement a communications and outreach strategy to create awareness of the ICC's mission among communities and civil society in northern Uganda.
- Reiterate and implement its commitment to investigate crimes falling within the jurisdiction of the ICC committed by all parties to the conflict, including the UPDF.
- Immediately implement adequate witness protection measures and ensure that all investigators working in northern Uganda are properly trained to conduct their investigations while minimizing the risk to victims and witnesses.

***To the Office of the High Commissioner for Human Rights:***

- Provide training and support to national and local non-governmental human rights organizations based in Kampala, Gulu and other parts of northern Uganda.
- Urge the Ugandan government to act in accordance with the Guiding Principles on Internal Displacement, particularly with respect to camp security and freedom of movement for internally displaced persons outside of displaced persons camps.

***To the Uganda Human Rights Commission:***

- Develop a plan with nongovernmental organizations and donors to assist in the protection of internally displaced persons through stationing UHRC staff in camps to receive complaints of LRA and UPDF abuses.

***To the World Bank and the International Donor Community:***

- Support programs for protection of displaced persons and for their voluntary return home in dignity and safety.

- Support programs for nongovernmental organizations to educate citizens of northern Uganda about their rights and procedures to file complaints against the government.

***To the Uganda Government (including the UPDF and UHRC),  
Humanitarian Organizations and Donors:***

- Ensure that individuals who receive complaints and reports of sexual and gender-based violence, whether they be community leaders, law enforcement officers or humanitarian workers, be properly, extensively and repeatedly trained covering a wide range of issues on such violence.

## **Background**

The conflict between the government of Uganda and the Lord's Resistance Army (LRA) began shortly after the Ugandan rebel National Resistance Army (NRA) led by current President Yoweri Museveni seized power in 1986. Defeated soldiers of the deposed government fled to their birthplaces in northern Uganda and in many cases continued to fight the new government; others sought refuge across the border in Sudan. The Acholi leader Alice Lakwena created the Holy Spirit Movement and it fought the NRA's abuses against northerners during this campaign and in its aftermath. She combined Acholi and Christian doctrine to inspire her followers.

The Holy Spirit Movement advanced south until it was routed by the NRA just one hundred kilometers from Kampala in late 1986. Joseph Kony's Lord's Resistance Army followed quickly on the heels of her movement, incorporating her Holy Spirit followers as well as remnants of the defeated government army. Joseph Kony claimed to have inherited the spirits that possessed Alice Lakwena, who went into exile in Kenya where she remains.

The relations between northerners and the Ugandan government of President Museveni have never been good. The abusive early conduct of the government army in 1986 has never been forgotten or forgiven. The forced displacement by the government, its severe restrictions on movement, continuing abuses by the government military forces (no longer mostly northerners) and widespread detentions without trial of civilians on suspicion of rebel collaboration have further alienated many northern citizens. Northerners voted against the incumbent President Museveni and for the opposition presidential candidates in the 1996 and 2001 races, sent opposition leaders to Parliament and elected anti-Museveni people to local positions.

In the late 1980s the LRA had some popular backing, but its support waned in the early 1990s as it responded to the government's formation of local militias and displaced persons camps by waging a campaign of abducting, killing and mutilating civilians, cutting off their lips, ears, noses, hands and feet. It considered anyone living in the camps (created in the mid-1990s) a government ally or supporter.

The LRA was able to sustain itself through Sudanese government support that reportedly started in 1994.<sup>2</sup> In 1999 the Ugandan and Sudanese governments agreed with each other to stop supporting opposing rebel groups in either country. At the time, the Ugandan government allegedly supported the Sudan People's Liberation Movement/Army (SPLM/A). The SPLM and the Sudanese government signed a peace agreement in January 2005. Sudanese support for the LRA reportedly waned since the U.S. government placed the LRA on its list of terrorist organizations in October 2001, but it is not clear that all Sudanese government supply lines to the LRA have been broken.<sup>3</sup>

In March 2002 the Ugandan army launched "Operation Iron Fist" in southern Sudan with Sudanese government consent. The LRA response was to flee from its Sudanese bases back into northern Uganda, where in mid-2002 it expanded the theater of war to the south and southeast including areas less affected by the conflict such as Lira and the Teso sub-region of eastern Uganda, dominated by the Langi and Iteso peoples respectively. The LRA began more wide-scale abductions, killings and looting throughout the north and east, causing an upsurge in people fleeing their homes. This led the UPDF to issue an October 2, 2002 order, transmitted widely over radio only, giving people living in the "abandoned villages" of the three Acholi districts only forty-eight hours to move to government camps.<sup>4</sup>

In early 2002, there were still more than 500,000 civilians internally displaced in northern Uganda.<sup>5</sup> By the end of 2002, as a result of the LRA's return to northern Uganda and the

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<sup>2</sup> See Gerard Prunier, "Rebel Movements and Proxy Warfare: Uganda, Sudan and the Congo (1986-99), *African Affairs* (London: 2004), 103/412, pp. 359-83.

<sup>3</sup> See for example Frank Nyakairu, "Sudan still supporting LRA," *The Monitor*, Kampala, May 20, 2005. While enjoying the hospitality of the Sudanese government, the LRA joined in fighting its enemies, the rebel Sudan People's Liberation Movement/Army (SPLM/A).

<sup>4</sup> Human Rights Watch, *Abducted and Abused: Renewed War in Northern Uganda*, June 15, 2003, <http://www.hrw.org/reports/2003/uganda0703/uganda0703a-05.htm>. See this report for more details on that displacement order and the military operation that followed it.

<sup>5</sup> Human Rights Watch, *Abducted and Abused: Renewed War in Northern Uganda*, June 15, 2003, <http://www.hrw.org/reports/2003/uganda0703/uganda0703a-05.htm>, quoting UN OCHA, "Humanitarian Update – Uganda," Vol. IV, Issue 2, February 28, 2002. (Some 508,400 internally displaced Ugandans in southwestern

UPDF order, this figure had almost doubled to over 800,000.<sup>6</sup> Many northerners blamed Operation Iron Fist for stirring up the hornet's nest of the LRA.<sup>7</sup>

The heavy-handed displacement strategy to protect civilians appears also to have been aimed at carrying out the classic counter-insurgency strategy of “draining the sea”—removing the population from the rural areas in which the rebels operate, the population being the sea and the rebels the fish.<sup>8</sup> The Ugandan government began this policy of forced displacement in 1996 and to date almost the entire rural population of the three Acholi districts is homeless as the displaced camps have become sprawling shantytowns.

Despite the supposed security provided by these camps, the LRA regularly has conducted devastating attacks on them. One of the worst attacks ever on displaced persons camps occurred on February 21, 2004, when the LRA massacred 330 people at the Barlonyo camp in Lira district to the south of Gulu. Many victims were burned alive inside their huts. One witness, fleeing the camp, saw the rebels setting “the huts on fire. Children ran out and they threw them back into the fire. There were children who were ordered to burn their families’ huts.”<sup>9</sup>

In 2004, the UPDF embarked on “Operation Iron Fist II” with Sudanese government permission. The renewed government offensive seemed to have some success. One LRA victim told Human Rights Watch that the LRA fighters who captured her in May 2004 were trying to surrender to the UPDF but were afraid they would be shot. These forty LRA fighters had not eaten for three days until they found a field of cabbage.<sup>10</sup> If officer attrition is any indication, one Sudanese commander who knew the LRA in 1993 said to Human Rights Watch that in those days Vincent Otti, an LRA commander, was number twenty-seven in the hierarchy under Joseph Kony; today he is number two.<sup>11</sup>

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and northern Uganda presently reside in and around protected villages/IDP camps on a full or part-time basis.) Since early 2002, the number of internally displaced persons in northern Uganda has more than tripled.

<sup>6</sup> Human Rights Watch, *Abducted and Abused: Renewed War in Northern Uganda*, June 15, 2003, <http://www.hrw.org/reports/2003/uganda0703/uganda0703a-05.htm>

<sup>7</sup> See Lucy Hovil and Zachary Lomo, *Behind the Violence: Causes, Consequences and the Search for Solutions to the War in northern Uganda* (Kampala: Refugee Law Project, Makerere University, 2004), Institute for Security Studies, Monograph No. 99, <http://www.iss.co.za/pubs/Monographs/No99/Contents.html> (retrieved July 4, 2005).

<sup>8</sup> See Human Rights Watch, *Abducted and Abused: Renewed War in Northern Uganda*, June 15, 2003, <http://www.hrw.org/reports/2003/uganda0703/uganda0703a-05.htm>; *Sudan, Oil, and Human Rights*, <http://www.hrw.org/reports/2003/sudan1103/24.htm>; “War Crimes in Kosovo,” March 1999, <http://www.hrw.org/reports/2001/kosovo/undword-03.htm> (all retrieved July 20, 2005).

<sup>9</sup> Human Rights Watch interview with witness, Ogur camp, Apac District, April 8, 2004.

<sup>10</sup> Human Rights Watch interview with victim, Kitgum Matidi camp, Kitgum, March 5, 2005.

<sup>11</sup> Human Rights Watch interview, SPLA Cmdr. Martin Kenyi, Rumbek, southern Sudan, July 16, 2005.

The Ugandan forces reportedly came close to capturing Joseph Kony in a raid on an LRA base at Nesitu in southern Sudan in July 2004.<sup>12</sup> The Ugandan government claims that only 400 LRA fighters remain,<sup>13</sup> although few accept that such a small force could continue to cause such damage. Since mid-2004, however, some measure of calm has returned to areas such as Lira district and the adjacent Teso sub-region of eastern Uganda.

Many northern Ugandans believe their plight is intertwined with the war that has raged in southern Sudan since 1983, especially as Uganda and Sudan seemed to be engaged in a proxy war across this border by supplying each other's rebels.<sup>14</sup> The war in Sudan between the Sudanese government and southern-based rebels, the SPLM/A, was brought to a negotiated solution with a Comprehensive Peace Agreement signed on January 9, 2005 between the Sudanese government and the SPLM/A.<sup>15</sup> The ex-Sudanese rebel leader John Garang was sworn in as First Vice President of Sudan on July 9, 2005. In his inaugural speech, outlining the security concerns of the new government from his perspective, he said, "we must expel the LRA from Eastern Equatoria [southern Sudan]." <sup>16</sup>

Despite Vice President Garang's unexpected death in a helicopter crash only three weeks after his swearing-in in Khartoum,<sup>17</sup> many in the SPLA, particularly those responsible for operations in the area where the LRA has been present, are also concerned about eliminating the LRA. One high-ranking SPLA commander responsible for that sector, Obuto Mamur Mete, suspects that the LRA still receives support not from the central Sudanese government but from Sudanese army personnel based in Juba, southern Sudan's capital some one hundred miles north of the Uganda border. This SPLA commander alleges that the deliveries have continued on at least four occasions in April, May and June 2005 in two locations south of Juba.<sup>18</sup>

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<sup>12</sup> John Muto-Ono P'lajur, "Army saw Kony escape, says Iron Fist Intelligence Officer," *The Monitor*, Kampala, August 5, 2004.

<sup>13</sup> "Ugandan minister says LRA decimated with fewer than 400," AFP, Kampala, February 15, 2005.

<sup>14</sup> For an account of the larger Sudan-Uganda proxy wars, see Gerard Prunier, "Rebel Movements and Proxy Warfare: Uganda, Sudan and the Congo (1986-99)," *African Affairs* (London: 2004), 103/412, pp. 359-83.

<sup>15</sup> "The Comprehensive Peace Agreement between the Government of the Republic of the Sudan and the Sudan People's Liberation Movement / Sudan People's Liberation Army, Nairobi, 9 January 2005". *Institute for Security Studies*, <http://www.iss.org.za/AF/profiles/sudan/darfur/compax/index.htm> (retrieved July 21, 2005).

<sup>16</sup> Dr. John Garang de Mabior, "Address on Inauguration of the Sudan Collegiate Presidency," *SPLMToday.com*, Khartoum, July 9, 2005, <http://www.splmtoday.com/myInc/downloads/speech09jul2005.pdf> (retrieved July 21, 2005).

<sup>17</sup> SPLM/A Press Statement, SPLM/A General Headquarters, Nairobi, Kenya, August 1, 2005.

<sup>18</sup> Human Rights Watch interviews, SPLA Cmdr. Obuto Mamur, Rumbek, southern Sudan, July 16, 2005; SPLA Cmdr. Martin Kenyi, Rumbek, southern Sudan, July 16, 2005.

Cmdr. Obuto Mamur, who is from the Latuka people of the area in southern Sudan affected by the LRA, said that the SPLA has fought the LRA in Sudan many times. The LRA has attacked and displaced southern Sudanese inside Sudan since 2002 on an on-going basis—in late July 2005, the LRA killed nine in southern Sudan; since early 2005, 9,000 southern Sudanese have fled for refuge in Uganda on account of LRA attacks on them in Sudan.<sup>19</sup> The LRA has attacked Sudanese in refugee camps in Uganda as well over the years, causing many to be relocated within Uganda.<sup>20</sup> Cmdr. Obuto Mamur claims that the LRA numbers some 1,000 fighters inside Sudan, and has avoided capture or destruction in 2005 by slipping inside Sudanese government lines near Juba. He insists that cutting off this escape and the supply lines from Juba are essential if the LRA is to be expelled from Sudan. Commander Obuto Mamur has also expressed willingness to chase the LRA into northern Uganda.<sup>21</sup>

The rebel SPLA will be converted into an army for the southern regional government pursuant to the Comprehensive Peace Agreement with the Sudanese government, but nevertheless Sudanese government army troops may remain in Juba until July 2007, which may complicate efforts to end LRA presence in Sudan—if the personnel friendly to the LRA remain in Juba.<sup>22</sup> The 10,000-strong UN peace support operation that is being deployed primarily in southern Sudan, known as the United Nations Mission in Sudan (UNMIS), will not actively pursue the LRA but will provide protection to humanitarian convoys where they might be vulnerable to LRA attack inside Sudan.<sup>23</sup>

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<sup>19</sup> The UN reported that the LRA attacked a camp for displaced southern Sudanese outside of Juba, southern Sudan, on July 25, 2005, killing nine. "Uganda: Suspected LRA rebels kill 9 in southern Sudan camp," *IRIN*, Nairobi, July 28, 2005, [http://www.irinnews.org/report.asp?ReportID=48338&SelectRegion=East\\_Africa&SelectCountry=SUDAN-UGANDA](http://www.irinnews.org/report.asp?ReportID=48338&SelectRegion=East_Africa&SelectCountry=SUDAN-UGANDA) (retrieved August 8, 2005).

<sup>20</sup> "Sudan-Uganda: Rebel attacks force thousands of Sudanese into Uganda," *IRIN*, Kampala, June 17, 2005. [http://www.irinnews.org/report.asp?ReportID=47693&SelectRegion=East\\_Africa](http://www.irinnews.org/report.asp?ReportID=47693&SelectRegion=East_Africa) (retrieved June 24, 2005). The LRA has attacked Sudanese refugee camps in northern Uganda over the years, causing hundreds of deaths. As a result, the Sudanese refugee camps formerly in the three Acholi districts in northern Uganda have been relocated by the Ugandan government to northwestern Uganda. Southern Sudanese who live in territory near LRA bases in southern Sudan (territory controlled by the Sudanese government) have also been attacked, killed, robbed, tortured and forcibly displaced. Most Sudanese affected by the LRA are not Acholi, as the area of LRA bases and operations in southern Sudan is shared by many different tribes. The Sudanese Acholi do not share the views of the Ugandan Acholi in any event, according to Cmdr. Martin Kenyi.

<sup>21</sup> Human Rights Watch interview, Cmdr. Obuto Mamur, SPLA, Rumbek, southern Sudan, July 16, 2005.

<sup>22</sup> Annexure II of December 31, 2004, "Implementation Modalities of the Protocol on Power Sharing of 26 May, 2004 [to the Comprehensive Peace Agreement], signed Naivasha, Kenya, December 31, 2004, pp. 100-101, <http://www.iss.org.za/AF/profiles/sudan/darfur/implementation31dec04.pdf> (retrieved July 24, 2005). Except for the forces in joint units with the former SPLA, the Sudanese government army forces are to be redeployed north of the north-south border by and within a time period running from the Pre-Interim period—beginning January 9, 2005—up to two and a half years from then, or by July 9, 2007.

<sup>23</sup> UN Mission in Sudan, briefing, Rumbek, southern Sudan, July 13, 2005.

A military solution to the conflict in northern Uganda remains elusive, however, and its primary victims remain northern Ugandans. This conflict has been devastating for them: as of mid-2005, more than 1.9 million persons have been internally displaced in northern Uganda, of which 1.1 million live in the three Acholi districts, and represent 90-95 percent of that sub-region's population.<sup>24</sup> UNICEF estimates that more than 20,000 children have been abducted over the course of the conflict since 1986 to serve as child soldiers and sex slaves. Although most child and adult abductees have escaped, many remained for years with the LRA. They remain psychologically and often physically scarred by the treatment they suffered and were forced to inflict<sup>25</sup>—as are those who although not abducted witnessed killings, rapes and other violence by both sides.<sup>26</sup>

Peace negotiations seemed on the verge of a major breakthrough when it was reported that the LRA was ready to sign a ceasefire agreement in December 2004. The signature was never forthcoming, however. The violence that abated in November 2004 quickly mounted again after the main LRA negotiator, Brig. Sam Kolo, defected to the government side in mid-February 2005.

The conflict in northern Uganda has been designated “one of the worst humanitarian crises in the world” by UN under secretary general for humanitarian affairs and emergency relief coordinator Jan Egeland. He has been trying to draw attention to this dire situation since 2003, with little success as newer international disasters continue to draw attention away from Uganda's chronic tragedy.<sup>27</sup>

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<sup>24</sup> “Consolidated Appeals Process (CAP): Mid-Term Review of the Humanitarian Appeal 2005 for Uganda,” OCHA, Geneva, June 22, 2005, <http://www.reliefweb.int/rw/RWB.NSF/db900SID/HSU-6DL849?OpenDocument&rc=1&emid=ACOS-635PRQ&cc=uga>. (retrieved July 24, 2005). Not all the displaced live in camps; some moved to the towns.

<sup>25</sup> Kun Li, “Children bear the brunt of Uganda's 19-year conflict,” *UNICEF*, Kampala, March 23, 2005.

<sup>26</sup> International Center for Transitional Justice and the Human Rights Center, University of California, Berkeley, “Forgotten Voices: A Population-Based Survey on Attitudes About Peace and Justice in Northern Uganda” (July 2005).

<sup>27</sup> “Humanitarian Aid to Africa Sadly Lacking, U.N. Official Warns,” *State Department Press Releases and Documents*, May 11, 2005.

## Abuses by the LRA and the UPDF against Civilians

*The reason I ran was because I know how soldiers are in the bush. It is best to run from them, unless they catch you red-handed. You can't separate between LRA and UPDF so you must just run.*

—Walter K,<sup>28</sup> Awach camp, Gulu, February 28, 2005.

Northern Uganda is one of the worst humanitarian crises in the world because of the extensive and prolonged displacement of a very high proportion of its inhabitants into large camps where the conditions are poor to appalling and there is little prospect of work, health care, education, or return home. The displacement has been caused by widespread human rights abuses by both sides.

Under international humanitarian law (the laws of war), the armed conflict in northern Uganda is considered a non-international (internal) armed conflict. Applicable law includes article 3 common to the four Geneva Conventions of 1949,<sup>29</sup> the Second Additional Protocol of 1977 to the Geneva Conventions,<sup>30</sup> and customary international humanitarian law.<sup>31</sup> International humanitarian law, which applies to both government forces and rebel groups, prohibits direct or indiscriminate attacks against civilians and civilian property, and requires the humane treatment of all persons in custody.

The Ugandan government is also bound by international and regional human rights law such as found in the International Covenant on Civil and Political Rights<sup>32</sup> and the African Charter on Human and Peoples' Rights.<sup>33</sup> Human rights law places a burden on states not only to prevent abuses by government officials and personnel but also to

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<sup>28</sup> All names of children have been changed to protect their privacy. The names of adults who requested anonymity have been changed or omitted.

<sup>29</sup> Four Geneva Conventions of 1949. Uganda ratified the 1949 Geneva Conventions in 1964.

<sup>30</sup> Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), June 8, 1977. Uganda ratified Protocol II in 1991. Protocol II prohibits, among other things, murder, torture and other cruel treatment, rape, acts of terrorism, and pillage. Article 4.

<sup>31</sup> See generally, International Committee of the Red Cross, *Customary International Humanitarian Law* (Cambridge: Cambridge Univ. Press, 2005).

<sup>32</sup> International Covenant on Civil and Political Rights, G.A. res. 2200A (XXI), 21 UN GAOR Supp. (No. 16) at 52, UN Doc. A/6316 (1966), 999 U.N.T.S. 171, *entered into force* March 23, 1976. Uganda ratified the ICCPR in 1995.

<sup>33</sup> African [Banjul] Charter on Human and Peoples' Rights, adopted June 27, 1981, OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), *entered into force* October 21, 1986. Uganda ratified in charter in 1995.

prosecute those responsible for serious violations. The Ugandan constitution and laws recognize human rights and the Uganda Human Rights Commission was authorized in that constitution.

Although engaging in a few attacks on UPDF detachments (military detachments or posts), the LRA continues to make the people of northern Uganda its main targets. The LRA is responsible for years of willful killings, beatings, large-scale abductions, forced recruitment of adults and children, sexual violence against girls whom it assigns as “wives” or sex slaves to commanders, large-scale looting and destruction of civilian property, forcing the displacement of hundreds of thousands and being a prime factor in the destruction of the economy of northern Uganda and the resultant impoverishment of its inhabitants. Many northern Ugandans have abandoned hope of justice—although not of personal revenge—and long for peace at any price.

The Ugandan army is stationed in or near every camp in the districts of Gulu, Kitgum and Pader in northern Uganda, ostensibly to protect the civilians residing in the camps. It frequently fails to live up to this responsibility, rarely patrolling aggressively and sometimes running away if faced by a large LRA force. Its performance has somewhat improved in the last year, as indicated by some witness comments.

In every camp visited, Human Rights Watch found cases of abuse by the LRA and also by UPDF soldiers. UPDF-administered beatings of civilians were extremely commonplace, but the killing of civilians, sometimes inside the camps, was also documented. In some camps, civilians faced UPDF abuse on a daily basis. The scale of UPDF abuse continues at an unacceptable level and the protection and accountability structures that would put a stop to such abuse are not in place.

## ***By the LRA***

### ***Willful killing of civilians***

The LRA continues to commit mass killing of civilians in northern Uganda, keeping the population—and its own combatants, mostly forcibly recruited during childhood—in a constant state of terror. Since February 2005, rebel attacks on camps and settlements have increased. In March, seven civilians were beaten to death with hoes in Adjumani in an attack on Dzaipi trading center.<sup>34</sup> In May, ten civilians were killed in a raid near Koch

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<sup>34</sup> Emmy Allio and Justin Moro, “LRA kills seven in Adjumani,” *New Vision*, Kampala, March 11, 2005. The Adjumani district is northwest of Gulu district on the right bank of the Nile, and also borders Sudan.

Goma camp in Gulu district.<sup>35</sup> In July, the LRA killed fourteen civilians in an ambush on a pickup in Kitgum district; several of them were burned inside the vehicle.<sup>36</sup>

The LRA abducts children and adults to serve as soldiers, and girls to serve as sex slaves to its commanders—and brutalizes all abductees to deter their escape. Those abducted persons attempting to escape are killed or seriously wounded as an example to other abductees. One woman, abducted by the LRA on August 9, 2004 told Human Rights Watch how a girl, a fellow abductee, tried to escape. When she was captured the rebels “beat her until she died. They used traditional tools, used to make sculpture, to beat her—they hit her on her neck, her hands and her legs until she died.”<sup>37</sup>

Some LRA killings appear to be the result of simple annoyance and the LRA attitude of callous disregard for human life. The LRA abducted a group of women going to fetch water on February 24, 2005. According to several eyewitnesses interviewed by Human Rights Watch, one of the women had a baby with her who was crying.

[The five LRA fighters] told the woman they wanted the baby—they were going to kill it. After some minutes the woman threw the baby down and ran. The rebels grabbed the woman and beat her to death with a gun. When the woman was killed one rebel got a stick and pierced through the child’s head. The child was two weeks old.<sup>38</sup>

The LRA does not hesitate to execute those who do not obey the rebels’ orders to perform certain tasks, even if the person is physically incapable of carrying out the task. One woman described how the rebels beat to death Malone Okwir, a man of about sixty, after he threw down the large load of food he was carrying on his back. He was unable to transport it further than the three miles he had already traveled—“so they beat him to death with a hoe and cut him with a *panga* [farming implement with a long blade].”<sup>39</sup>

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<sup>35</sup> Daniel Wallis, “Rebels kill 19 in northern Uganda as attacks worsen,” Reuters, Kampala, May 6, 2005.

<sup>36</sup> “Uganda: LRA kills 14 in northern weekend ambush,” *IRIN*, Kampala, July 11, 2005, [http://www.irinnews.org/report.asp?ReportID=48065&SelectRegion=East\\_Africa&SelectCountry=UGANDA](http://www.irinnews.org/report.asp?ReportID=48065&SelectRegion=East_Africa&SelectCountry=UGANDA) (retrieved August 8, 2005).

<sup>37</sup> Human Rights Watch interview with victim, Paicor camp, Gulu, February 27, 2005.

<sup>38</sup> Human Rights Watch interview with victims, Kitgum, March 3, 2005.

<sup>39</sup> Human Rights Watch interview, eyewitness, Agoro camp, Kitgum, March 3, 2005.

Local officials are commonly targeted by the LRA. A relative of this parish-level local councilor<sup>40</sup> (LC2) recalls how he was killed while performing his duties:

Okello Saul was killed on May 20, 2004. He was going from Paicho camp to Cwero to supervise the building of the hospital. On his way back he was ambushed by the LRA. He was on his motorcycle. And they shot him dead. Then they burned his motorcycle and took his belongings. They undressed him, leaving him in his underwear. He was shot with eight bullets.<sup>41</sup>

The victim left behind a wife and four children.

Several LRA deliberate killings have been committed under duress by abductees, often children. One twelve-year-old boy interviewed by Human Rights Watch killed a civilian by beating him with a stick. This occurred one week after the youngster was roused from his sleep and abducted by the LRA in June 2004 at a village outside the camp. At first he refused the order to kill the civilian but the LRA abductors beat him until he agreed. He escaped two months later.<sup>42</sup> A similar case involving a twenty-four-year-old farmer took place in 2003: the farmer witnessed and under duress participated in the deliberate killings of nine civilians during the two months he was held by the LRA.<sup>43</sup>

Others are killed, or left for dead, because the LRA fighters simply want to rob them. One thirty-eight-year-old man was on his bicycle in January 2005 when he saw five LRA fighters coming toward him on the road; he threw down his bicycle and ran. They pursued him and when he tired they shot him through the cheek from a distance of less than two meters. He lost consciousness. When he awoke hours later he found they had stolen his bicycle and the clothes he was wearing. He was hospitalized for three weeks.<sup>44</sup>

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<sup>40</sup> Starting at the village level (LC1), the local council system progresses up from the parish (LC2) to the sub-county (LC3), county (LC4), and district (LC5). The councilors are elected. The councils at the county and district level (LC4 and LC5) are local government and have financial, legislative, and administrative powers. The lower level councilors have administrative powers only. The numbers of officials on each council depends on the population of the area. See World Bank, "Module A: Decentralization Practices and Policies, Case Study Uganda," June 2003, <http://info.worldbank.org/etools/docs/library/117196/sloga/docs/sloga/MODA-EN-CaseStudyUganda.pdf> (retrieved August 3, 2005).

<sup>41</sup> Human Rights Watch interview, relative of victim, Paicho camp, February 27, 2005.

<sup>42</sup> Human Rights Watch interview, boy, Agoro camp, Kitgum, March 3, 2005.

<sup>43</sup> Human Rights Watch interview, abductee, Agoro camp, Kitgum, March 3, 2005.

<sup>44</sup> Human Rights Watch interview with victim, Agoro camp, Kitgum, March 3, 2005.

### ***Torture and Other Mistreatment***

Civilians in northern Uganda continue to suffer gross abuse at the hands of the LRA. The LRA beats and otherwise mistreats civilians as a part of a campaign intended to instill terror in the population. It severely punishes anyone who does not do what it demands, even if that person lacks the physical capacity to comply.

One woman was abducted by a group of LRA rebels who were interested in surrendering to the UPDF. The commander of the rebels asked her to ensure that the soldiers would not attack them if they went to surrender, then when she failed to comply sufficiently, beat her unconscious and left her for dead.

According to the woman:

When I tried to answer the questions they [the rebels] got four young boys to go and get sticks. They returned with many sticks. Some were tied in a bundle. They began to beat me seriously. I tried to cry and reached a position where I kept quiet. They beat me on the head and the leg. I don't know what happened—I was unconscious. While they beat me they told me I would be beaten to death because I was tricking them. They said, "You women like to make false statements in order that we release you."

When they left me I was unaware. It was dark. I tried to wake up. I looked around and didn't see rebels. I couldn't walk. I was very thirsty, very hungry and very very weak. I started to crawl following the way back. I crawled looking for water at the river. I crawled into the water and got water. I tried to cry but I couldn't.

When I came out of the water I tried to walk with grass as a support. I was dizzy, fell down, rested a bit. I began to crawl and heard vehicles. I tried to crawl in their direction and came abruptly to the road. The road was too hard to crawl on and I fell to the roadside. I met a man coming from Namkara and he took me to Kitgum Matidi, to the barracks. The Intelligence officer took a brief statement then they took me to the hospital.<sup>45</sup>

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<sup>45</sup> Human Rights Watch interview with victim, Kitgum Matidi camp, Kitgum, March 5, 2005.

Another woman described her temporary abduction in January 2004 by a unit of the LRA under the command of Lagony Otti. She was pregnant at the time, and had gone with a group of ten women to harvest their fields. The rebels intercepted the women, who “were beaten through Saturday and Sunday. The rebels kept hitting my chest and waist. They hit my chest with the butt of a gun while at the same time using tree branches to hit me.” The baby she was pregnant with survived but was born “very weak,” which she attributed to the beating. “Up to now I feel chest pain. I was beaten until I was unconscious. I don’t know how they set me free—I was rescued by friends.”<sup>46</sup>

A nineteen-year-old woman said that she lives in fear of the LRA. In 2003, her father and two brothers were abducted from their camp and beaten to death with sticks by the LRA the same day; her sister was abducted one week later by the LRA and killed that same day. She said:

I stopped school in 2003 when I was in P.6. My father died and I was heartbroken and stopped going. There was no one paying the school fees. I live with my mother and one brother and two sisters.<sup>47</sup>

In December 2004 she went with another woman to a garden five miles from the camp, where seven LRA fighters found them at 10 a.m.

The rebels ordered us to go with them to the bush. They beat us. One of the rebels said they should kill me, but another said let her go back home. They were boys and men. I was undressed, they took everything, I was naked. They told me to hurry back home. None of them defiled me.

I found some lady with a child who gave me a headscarf to wear home. I still go and work in the garden. I get scared. Sometimes I don’t even reach the gardens and come back home. I fear the rebels the most.<sup>48</sup>

Other attacks seem motivated by the need for supplies following cutbacks by the Sudanese government. One farmer, on his way back from harvesting *simsim* (sesame)

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<sup>46</sup> Human Rights Watch interview with victim, Paicor camp, Gulu, February 27, 2005.

<sup>47</sup> Human Rights Watch interview with victim, Pabbo camp, Gulu, February 25, 2005.

<sup>48</sup> Human Rights Watch interview with victim, Pabbo camp, Gulu, February 25, 2005.

with his wife in Pipei parish near Agoro camp on September 5, 2004, encountered rebels who “began beating me and my wife using sticks.” The couple dropped their bundles and escaped: “I started running—they went off, they were contented with the simsim,” he said.<sup>49</sup>

### ***Mutilations***

Since February 2005 there has been an upsurge in attacks in which the LRA has brutally disfigured civilians. The LRA first started mutilating civilians in the early 1990s as a response to the government’s attempts to form local militias in northern Uganda. Victims’ hands, feet, noses, ears, lips and breasts were cut off, often as punishment, causing widespread panic amongst the population. These brutal tactics have been extremely effective in promoting fear and deterring cooperation with the government: mutilations symbolically cut off the allegedly offending part, i.e., the ears that hear, the lips that kiss, according to what the LRA fighters tell the victims.<sup>50</sup>

As with other methods, a surge in mutilations may follow quickly on the heels of government statements the LRA wishes to disprove. President Museveni declared on February 17, 2005 following the surrender of lead LRA peace negotiator Sam Kolo that the military conflict in northern Uganda was “finished—those remaining fugitive commanders can't fight anymore.”<sup>51</sup>

Just a few days after the publication of this and similar statements, eleven women were briefly abducted by the LRA near Ngomoromo, Kitgum. One of the women was beaten to death with her baby because the baby was making too much noise. The other women were herded into an abandoned hut, made to strip naked, and then mutilated.<sup>52</sup>

One woman told Human Rights Watch:

After discussing with his colleagues he [the rebel] came in and started chopping off our lips. When he was cutting he ordered us not to make any noise otherwise he would kill us—so we persevered. The rebels cut

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<sup>49</sup> Human Rights Watch interview with victim, Agoro camp, Kitgum, March 3, 2005.

<sup>50</sup> Human Rights Watch interview, caregiver, Gulu, February 26, 2005.

<sup>51</sup> Frank Nyakairu, “Guns forced Kolo out, says Museveni,” *The Monitor*, Kampala, February 18, 2005.

<sup>52</sup> Some of the ex-rebel commanders who since surrendered suggested that these attacks may have been prompted by the LRA’s desire to show that it is still a force to be reckoned with. Kakaire A. Kirunda, “Kolo [former LRA commander] explains LRA attacks,” *The Monitor*, Kampala, March 11, 2005.

our lips because they said we “loved the soldiers at Ngomoromo barracks.”<sup>53</sup>

In the ensuing weeks the LRA conducted several more brutal attacks on civilians. Thirty women who had gone out to collect firewood were attacked by the LRA in Agoro sub-county, Kitgum on March 20, 2005. The rebels cut the lips and ears off one woman and the breasts off another. Then the rebels left, abducting others among the group of thirty women and leaving the disfigured victims to find a way home.

One man’s four children were abducted by the LRA on May 24, 2004 and his finger was cut off as punishment for farming. He said:

It was at eight in the night. A group of LRA came to my house. I was living there with my wife and children. The rebels looted my household.... They beat me with pangas on my back and rear three times. They burned all of our huts. Then they put my hand down. They cut off my finger with a panga. The rebel who cut off my finger was a young boy in his early teens. I pleaded with them not to hurt my hand, but they said since they found me farming at home they would have to kill me.... Then they left with my children.<sup>54</sup>

## ***Rape***

In general, the LRA has not been implicated in acts of rape during attacks on displaced persons camps or even when encountering women in rural areas. On this mission, Human Rights Watch did not document any cases of rape by the LRA in the camps, or when rebels encountered women or girls in the fields.

Rape, on many occasions gang rape, has been committed after the young women and adolescent girls were taken back to the LRA camp. The lack of rape in the field and the gang rape after returning to base suggests that these crimes are sanctioned if committed according to orders. A woman told Human Rights Watch how she was abducted with her sister in January 2004 by a group of one hundred rebels near Agoro camp in Kitgum. They were taken back to a rebel encampment “and distributed to the top commanders who raped us during the night.”<sup>55</sup>

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<sup>53</sup> Human Rights Watch interview with eight female victims, Kitgum Hospital, March 2, 2005.

<sup>54</sup> Human Rights Watch interview, Robert B, Paicor camp, Gulu, February 27, 2005.

<sup>55</sup> Human Rights Watch interview with victim, Kitgum Matidi camp, Kitgum, March 5, 2005.

One community leader told Human Rights Watch that the reason LRA fighters did not rape captured women and girls before taking them to the LRA stronghold was Kony's hold over the LRA combatants: "They are superstitious that Kony knows everything they do. Kony doesn't want them to 'contaminate' women because Kony picks the women and then shares the rest among the others."<sup>56</sup>

The LRA has abducted thousands of women and girls who are still being held by the LRA and have given birth to children in captivity. Others have escaped, with or without their children.

Over the years, many caretakers and community leaders have surmised that this behavior was due to a perverse awareness of HIV/AIDS. LRA fighters have sometimes accused older married women they have captured and then released of being wives of UPDF soldiers and therefore of being infected with the HIV virus.<sup>57</sup> The LRA abducts younger girls who are more likely to be virgins and therefore not exposed to the HIV virus.

### ***Abductions***

UNICEF estimates that some 20,000 children have been abducted in the nineteen years of war. The level of abductions surged after the LRA returned from Sudan following the UPDF Operation Iron Fist inside Sudan starting in mid-2002. Abductions appeared to be declining in the second half of 2004, but reports in February and March 2005<sup>58</sup> indicated that the LRA was again abducting children to bolster its ranks.

The LRA often engages in large-scale attacks on camps or villages where they will abduct many people all at once. At other times, farmers and others are abducted in small groups or alone when they go to their fields for food to complement the small emergency food rations they receive. Although forced outside the camps to look for necessary supplies the camps are lacking, the displaced rarely are given protection by the UPDF when they venture out.

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<sup>56</sup> Human Rights Watch interview, Dr. Okun Okaka, Kitgum town, March 7, 2005; for other instances of LRA fighters' fear of and reverence for Joseph Kony's "powers," see "Stolen Children: Abduction and Recruitment in Northern Uganda," *Human Rights Watch Report*, vol. 15, no. 7(A), March 2003.

<sup>57</sup> Human Rights Watch interview, anonymous woman victim, Gulu, 2000.

<sup>58</sup> OCHA, Humanitarian Update Uganda, February 2005, Volume VII, Issue II, <http://www.reliefweb.int/rw/rwb.nsf/db900SID/DDAD-6AKPMP?OpenDocument&cc=uga> (retrieved June 28, 2005), and OCHA, Humanitarian Update Uganda, March 2005, Volume VII, Issue III, <http://www.reliefweb.int/rw/rwb.nsf/db900SID/EGUA-6BNKZ2?OpenDocument&cc=uga> (retrieved June 28, 2005).

After abduction, the LRA brutally indoctrinates children and adults alike and incorporates them into its ranks. Families have been torn apart by these abductions. On May 24, 2004, all four of the children in one family were abducted on the same night; only two returned and the other two are still missing.<sup>59</sup>

A pregnant woman, living outside the camp at the time, described how rebels assaulted her, robbed food, demanded money, and then abducted her twelve-year-old daughter. She said:

In July 2004, I was... sleeping at our house in the T... village, behind the center. The rebels came at 10 p.m. There were nine rebels. My husband was away and I was pregnant with my child.... They asked me for money. I said there was no money and they hit my chest with their guns. Then they just left me in the house but they took my eldest daughter.

The child moved with them for some time. They got attacked by the government soldiers and she was rescued. She was twelve years old. Then she came back home. The rebels should all come back home. The leaders should be put in jail.<sup>60</sup>

The LRA forces the children and adults to commit atrocities as part of the indoctrination process following abduction. Children especially are intimidated and brutalized to such an extent that often they are frightened to return home. Extreme violence is a way for the LRA to psychologically remove the abductees from their previous, normal life at home. One abductee from Agoro camp, aged twelve, told Human Rights Watch how, after he was abducted on July 21, 2004, he was beaten until he agreed to kill a civilian with a stick.<sup>61</sup>

The rebels often do not abduct adults permanently but release them after they transport stolen goods to the LRA camps. One woman's experience was illustrative of these two different trends, permanent abduction for military recruitment or "marriage" and temporary abduction as a porter. She and her five fellow abductees were forced to carry baggage. When they reached their destination "the pregnant and weak ones were

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<sup>59</sup> Human Rights Watch interview, Robert B, Paicor camp, Gulu, February 27, 2005.

<sup>60</sup> Human Rights Watch interview, Winnie P, Agoro camp, Kitgum, March 3, 2005.

<sup>61</sup> Human Rights Watch interview, former LRA child soldier, Agoro camp, Kitgum, March 3, 2005. He escaped the first opportunity he got, less than two months after his capture.

released but the young and strong remained. Two girls remained, Scovia Akello, aged fifteen, and her friend of the same age. They have not returned.”<sup>62</sup>

The short-term porter abductees transport stolen food and other property such as clothing and radios. Commonly the abductees are beaten into submission and then forced to carry heavy loads for hours at a time. Those that tire on the journey are beaten more severely or even killed.

## ***By the UPDF***

### ***Willful killing of civilians***

The UPDF has unlawfully killed a number of civilians in northern Uganda in recent years. People found outside the camps are commonly assumed by the army to be rebels or “rebel collaborators” and frequently find themselves being shot at by the army. But several victims have been shot inside the camps. Many shootings occur at night at close range, and are deliberate and not merely cases of mistaken identity as the army often asserts in its defense.<sup>63</sup> Other deaths are the result of beatings so severe the victim dies.

On August 3, 2004, a Local Defence Unit (LDU, locally-recruited guards under army supervision) member killed David Nyeko, a twenty-eight-year-old farmer from Pajimo camp in Kitgum district, after finding him with a group of friends inside his hut at ten o’clock in the evening. In response to an inquiry from Human Rights Watch, the government of Uganda set forth its knowledge of the case as follows:

[David Nyeko] was killed around 15 Feb 05 at 07:30 hrs by 11th Battalion foot patrol soldiers. He had ambushed the foot patrol soldiers, he aimed and threw a spear at them. This took place at Gwengdia village in Awach in Gulu district. Inquiries made indicated David Nyeko had a military background, he served in various armies respectively; UNLA, UPDA and later as an LDU at Awach. He later deserted as an LDU and was living at Obade village. After his death he was buried by the locals of Awach Internally Displaced Persons Camp. [<sup>64</sup>]

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<sup>62</sup> Human Rights Watch interview with victim, Paicor camp, Gulu, February 27, 2005.

<sup>63</sup> When confronted with several killings committed by the UPDF in Awach and Cwero camps, UPDF Col. Charles Awany Otema, military intelligence officer for the north and Operation Iron Fist, claimed that these were cases of “mistaken identity.” Human Rights Watch interview, Colonels Charles Awany Otema and Nathan Mugisha, 4<sup>th</sup> Division Barracks, Gulu, March 16, 2005.

<sup>64</sup> Statement of Ugandan government to Human Rights Watch Complaints, received by Human Rights Watch on August 23, 2005. The UNLA is the former government army, the Uganda National Liberation Army, which was

Human Rights Watch found witnesses whose account sharply contradicted the Ugandan government version of events. Human Rights Watch was told that the shooting was witnessed by several people who were present with the victim in his house and one witness said:

We were in our house with some friends conversing, but not drinking... One soldier [actually LDU] came to the house and ordered all of the men to lie down. But they protested, saying they would not lie down. They said [to the LDU] that he could do what he wanted, they would not lie down. The LDU then fired three shots, without saying anything. Two shots went into the wall, and one hit Nyeko in the stomach. He died instantly.<sup>65</sup>

In this case, the LDU, who ran away, was arrested and sent to the barracks. A postmortem autopsy of the victim was conducted. The LDU, whose identity is known to community members, apparently remained on duty in the same barracks at the time of the Human Rights Watch interview six months later.<sup>66</sup>

The killings sometimes seem to be for no discernible reason—other than because the soldiers can do as they wish and later claim the civilians injured or killed were “rebel collaborators,” whatever the circumstances.

For example, Charles B left his wife and fifteen-year-old daughter in Pabbo camp, Gulu overnight to go to work his small plot of land. When he returned to the camp the next day, in early February, 2004, he found his wife and daughter dead. His neighbors told him that ten UPDF soldiers had surrounded the house of a prostitute nearby and knocked repeatedly on her door. When she did not answer they fired into her hut. These neighbors saw one of the soldiers enter Charles’ hut. Shortly afterwards they heard gunshots from inside the hut. After the soldiers left, the neighbors went to look inside Charles’ home and found his wife and daughter dead.<sup>67</sup>

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defeated in 1986 by the rebel forces of the NRA led by current president Yoweri Museveni; the UPDA, the Ugandan People’s Democratic Army, was a rebel formed in 1986 from the remnants of the UNLA (which included a majority of northerners).

<sup>65</sup> Human Rights Watch interview, eyewitness, Pajimo camp, Kitgum, March 2, 2005.

<sup>66</sup> Human Rights Watch interview, eyewitness, Pajimo camp, Kitgum, March 2, 2005.

<sup>67</sup> Human Rights Watch interview, Charles B, Pabbo camp, Gulu, February 25, 2005.

Charles B reported the case to the local barracks and a few days later soldiers arrived and removed some discarded bullet casings, presumably evidence. A military report about the incident, which Charles read, said that the soldiers had been looking for rebel collaborators at the house of the prostitute, and they saw two men in black approach Charles B's hut nearby so they started shooting into it.

His neighbors who witnessed the shootings told Human Rights Watch that this story was false. The official investigation apparently ended there.<sup>68</sup>

Regardless of the presence of possible rebels or rebel collaborators inside displaced persons' homes inside the camps, the UPDF has the duty to take all feasible precautions to protect the civilian population under its control against the effects of attacks. Soldiers carrying out an attack must be able to distinguish between legitimate military targets and civilians. Shooting into huts inside displaced persons camps where there was no apparent rebel activity is an indiscriminate use of force in violation of the laws of war. The summary execution of any person is a war crime.

#### ***UPDF 11<sup>th</sup> Battalion: Cwero and Awach, Gulu district***

The abuses in Cwero and Awach displaced persons camps stood out among the ten camps that Human Rights Watch visited in February and March 2005: they were “protected” by the 11<sup>th</sup> Battalion of the UPDF, which had generated many more complaints of abuse than other military units in northern Uganda at that time.

These two camps, situated next to each other some ten to fifteen kilometers northeast of Gulu, had experienced the same pattern of general UPDF abuses noted in other camps—until the 11<sup>th</sup> Battalion was deployed to the area at the end of 2004. In the few months that the 11<sup>th</sup> Battalion was stationed near those camps, UPDF abuses of displaced persons increased dramatically.

The abuses were not the acts of just a few undisciplined soldiers. People going out to the fields to harvest or fetch firewood and water invariably found themselves confronted by the UPDF, whose soldiers beat or tortured people almost every day for the first two months of 2005.

Human Rights Watch documented four negligent or willful killings of civilians by the UPDF in three weeks in February 2005 alone. This does not include one other person

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<sup>68</sup> Human Rights Watch interview, Charles B, Pabbo camp, Gulu, February 25, 2005.

suspected of being summarily executed by the army and two people who reported being shot at and badly injured. Beatings of civilians had been occurring almost daily since the 11<sup>th</sup> Battalion arrived.

In some of the UPDF killings, the civilians appeared to have been summarily executed. The government of Uganda provided the following information to Human Rights Watch about the cases of Vincent Ayeila and Richard Kidega:

The two above were killed during across-fire between UPDF and LRA enemies. It was around 18 Feb 05 in the areas of Ogur. Subsequently on the 19 Feb 05 their dead bodies were identified in the battle areas together with those of LRA by one called Mr. Obina Willy. He (Obina Willy) later informed our forces that the two had been abducted by LRA around 17 Feb 05 at Pukanyo village. [69]

One witness, a farmer living in Awach camp, told a different story, however. He left the camp on February 18 with Vincent Ayeila and Richard Kudega to fetch poles to build a hut. Soldiers found them in the bush and shouted at them to stop, then they fired on the men. The witness managed to escape but the other two were arrested by the soldiers.

The following day, a friend went to the barracks to ask for the two men. Both nearby barracks denied arresting the two. At 4:00 p.m. that day, their bodies were found. "Both had been shot in the head and chest, and both had been cut with bayonets on their hands and arms. One of the dead was still wearing gumboots and if the LRA finds these, they take them, so we suspected it was the army," said a friend.<sup>70</sup>

The 11<sup>th</sup> Battalion has treated civilians, whom they are supposed to protect, in a callous and brutal manner. In Cwero camp, an old man was beaten to death by 11<sup>th</sup> Battalion soldiers. The man was out late at night attending a funeral. A witness narrated how soldiers ordered a group of people to disperse, and then beat the elderly man as he emerged from the latrine:

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<sup>69</sup> Statement of Ugandan government to Human Rights Watch Complaints, received by Human Rights Watch on August 23, 2005. The UNLA is the former government army, the Uganda National Liberation Army, which was defeated in 1986 by the rebel forces of the NRA led by current president Yoweri Museveni; the UPDA, the Ugandan People's Democratic Army, was a rebel formed in 1986 from the remnants of the UNLA (which included a majority of northerners).

<sup>70</sup> Human Rights Watch interview, Walter K, Awach camp, Gulu, February 28, 2005.

The soldiers began to beat him with the butt of his rifle several times in the chest until the old man fell to the ground. The soldiers then turned back to the group which was now dispersing and threatened them, telling them to leave. My mother went to the old man and tried to help him get up, but he couldn't move. Then one of the soldiers went over and started talking to the old man, but he wouldn't respond.<sup>71</sup>

The man died after lying incapacitated in his hut for two days.

The 11<sup>th</sup> Battalion also brutally punished breaches of the curfew. The curfew hours were irregular, depending on the mood of the soldiers. According to a local leader at Awach:

The soldiers are not cooperative at all, they don't listen to the leadership [of the camp]. They normally accept people to leave [the camp] between 9-5. Even if they have set the time [for curfew], sometimes they open the roadblock at 11, depending on their mood. Sometimes you enter [return to the camp] five minutes late and you get beaten and taken to the barracks.<sup>72</sup>

At a UPDF roadblock outside Cwero camp during February, 2005, a local council official found soldiers arresting civilians for violating the curfew. He protested that the curfew did not begin until 5 p.m., and it was only 4 p.m. The soldiers said they had changed the law. The council official (referred to as an "LC" throughout Uganda) continued to protest, and, according to him, the soldiers said they would "cane me [the official] also. They gave me sixteen strokes." At the same time they beat the civilians at the roadblock. When the LC went to the barracks to complain he saw other civilians being beaten at the barracks in front of a lieutenant. When he asked why the people were being beaten the lieutenant asked him, "Do you know the rebels?" The elected official went away without registering a complaint, fearful of the repercussions.<sup>73</sup>

Soldiers of the 11<sup>th</sup> Battalion were also responsible for torture. A forty-year-old farmer from Cwero was accosted by soldiers when he was found making a fire break around his cultivation five kilometers outside the camp in mid-February, 2005. The soldiers claimed that he was working for the rebels and then tortured him, he said:

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<sup>71</sup> Human Rights Watch interview with witness, Cwero camp, Gulu, February 26, 2005.

<sup>72</sup> Human Rights Watch interview, Emanuel G, Awach camp, Gulu, February 28, 2005.

<sup>73</sup> Human Rights Watch interview, Local Councilor (LC) official, Cwero camp, Gulu, February 26, 2005.

They made me lie down and started caning me and kicking me so many times. Then they tied a rope around my testicles and pulled on it. They took me unconscious to Cwero barracks where I stayed one night. Because I was very sick they released me.<sup>74</sup>

In early February, 2005, UPDF soldiers shot a twenty-nine-year-old man. It was 10 p.m. and the man was with four others conversing in his home at Awach camp. Then two soldiers arrived and one entered the hut and stood inside. When the young man went outside, the second soldier shot him in the leg by putting the gun against the victim's leg and shooting him point blank.

The first soldier rushed out of the hut and said to the shooter, "What have you done?"

The victim, who was not running away before he was shot, ran after he was shot as the bone in his leg was not broken. "I kept running and falling down, getting up, until I reached the LC's [local council official] place. I reported to the LC and they took me to the health center. They rang the hospital the next morning, and then sent an ambulance" and took him to Gulu Hospital, where he remained for several weeks.

The LC lodged a complaint with the police who sent a letter to the UPDF Public Relations Officer and the 11<sup>th</sup> Battalion. The UPDF 11<sup>th</sup> Battalion commander in Awach, however, claimed that the other three men who were in the victim's home "should find the soldier who shot..., otherwise they were the ones with the gun."

One of the three men was detained for two days at the barracks then released with orders to report daily as to whether he had found the soldier, which orders were not enforced. "It is a way to intimidate us," the victim said. A case was also filed with the Uganda Human Rights Commission, the government human rights monitoring body that has the power to hear and decide human rights cases.<sup>75</sup>

Such gross mistreatment was so routine it became part of normal life at Cwero and Awach camps. One woman who was beaten by soldiers who pulled her out of her shop

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<sup>74</sup> Human Rights Watch interview with victim, Cwero camp, Gulu, February 26, 2005.

<sup>75</sup> Human Rights Watch interviews with witnesses, victim, Gulu, February 28 and March 15, 2005. See the discussion of the Uganda Human Rights Commission, below.

at 9:00 p.m. on January 10, 2005, said, “I did not complain. I thought soldiers were on their work so I didn’t take it to the LC [local councilor].”<sup>76</sup>

### ***Torture and Other Mistreatment by UPDF soldiers***

Government soldiers routinely abuse civilians in the displaced persons camps of northern Uganda.

Civilians alleged to be “rebel collaborators” are commonly detained and sometimes tortured or severely beaten with sticks as part of the interrogation process. Some of the detainees reported being held in pits with other prisoners for several days. Very few of those detained ever receive a trial.

One farmer, twenty-three, was beaten together with his friend by UPDF soldiers near Cwero camp on the morning of January 23, 2005. The soldiers, apparently as punishment, beat the hands of nine men captured that day with a large stick until they bled, then the soldiers left. The man said:

That morning my friend and I went to cut sorghum in a garden near the camp. While we were working a group of soldiers approached us. They had with them seven other civilians from the camp who they had stopped along the path to the camp. They must have been coming to the fields to work as well. Anyway, they forced all of us on the ground. One by one, we were taken to a tree stump and told to put our hands across it. Then they beat our hands with a large stick until they bled. When they had beaten everyone they left. I took my friend to a nearby river and washed his hands because they were bleeding so badly.... [The soldiers] also destroyed my identity papers.<sup>77</sup>

One man, a relative of LRA commander Vincent Otti, was arrested by soldiers near Pabbo camp in Gulu on February 20, 2005. They alleged that he was a rebel collaborator and took him back to the barracks. At the barracks he was taken into a “small hut, a torture house, where they kill people. Four big wooden logs were hanging in the hut. The soldiers tried to hit me with the logs but I dodged them.”

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<sup>76</sup> Human Rights Watch interview with victim, Cwero camp, Gulu, February 26, 2005.

<sup>77</sup> Human Rights Watch interview with victim, Cwero camp, Gulu, February 26, 2005.

The soldiers then took him out of the barracks; they “beat me with sticks, hitting my head and chest with the butts of their guns. When they beat me they said I had no energy to move.” The soldiers forced him to walk on further until they reached a place called Guru Guru and stopped. The man said:

They [the soldiers] were hitting me with sticks and the butts of their guns. I was suffering from pain in my legs and chest. When I was hit on the head I was spinning around. I couldn’t move anymore. The men put a rope around my neck and started strangling me. Four soldiers were sitting on my chest and the fifth was pulling the rope around my neck. They told me they were going to kill me because I was the [relative] of Otti. I fainted, I don’t know what happened after.<sup>78</sup>

Many UPDF beatings of civilians occurred where the soldiers believed the victims were breaking the army-imposed local curfew, which restricts the times that civilians are allowed to be outside the camps. They even impose a curfew on how late the displaced can be outside their homes at night—although the homes are small huts in the middle of a displaced persons camp.

In a case that is typical of this kind of abuse, soldiers in Paicor camp beat Patrick F at 7:30 p.m. in mid-August, 2004 outside his home.

Two soldiers came when I was sitting in front of my house. They started beating me. They were drunk and said, “Get inside, nobody should be outside by now,” and just started beating me. They hit me with their sticks and told me to lie down inside the hut. As I was lying down they hit me and wounded me badly.<sup>79</sup>

The situation has become so serious that some civilians seem to view such outright abuse at the hands of the soldiers as normal. As one man said, after being beaten by LDUs for returning late to the camp, “We did not complain to anyone about this. It is a normal thing when you come late and no one follows it up. We were late because we had gone far.”<sup>80</sup> The soldiers stole what the men had hunted, leaving them with one small animal each.

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<sup>78</sup> Human Rights Watch interview with victim, Pabbo camp, Gulu, February 25, 2005.

<sup>79</sup> Human Rights Watch interview, Patrick F, Paicor camp, Gulu, February 27, 2005.

<sup>80</sup> Human Rights Watch interview with victim, Pajimo camp, Kitgum, March 2, 2005.

Many more than one-third of the 170 people at displaced persons camps interviewed by Human Rights Watch said that they had experienced or witnessed a beating by the UPDF in the past year, 2004-2005.

### ***Rape by UPDF Soldiers***

Rape and other sexual violence are also frequent occurrences in and around the camps. A report by UNICEF released on June 15, 2005 concluded that rape is the most common form of violence in the sprawling Pabbo internally displaced persons camp, Gulu district.<sup>81</sup> Rape, however, is not limited to one camp or town. The lack of discipline within the army and the almost complete lack of accountability contribute to an environment and atmosphere in which women are extremely vulnerable to abuse, both from the UPDF and within the community.

Women in a number of camps told Human Rights Watch how they had been raped by soldiers from the Ugandan army. Women are particularly exposed at night if they are found outside of their huts.

One woman from Amida camp in Kitgum went out at night to use the latrine. A soldier forced her at gunpoint to the edge of the camp and raped her, threatening to kill her if she refused him. She said:

He said to me if I rejected him he would kill me. He began to squeeze me, he forced me on the ground and raped me. When he finished he left me—he knocked me down on the legs with his knee so I didn't know where he was going.<sup>82</sup>

Girls are often the victims. A man from Bobi camp, Gulu discovered that his sixteen-year-old daughter had gone missing on the morning of January 26, 2005. He learned from a nephew that she had been taken by UPDF soldiers and one of the soldiers was raping her in a hut on the other side of the camp. He said, "When I arrived at the hut the soldier had gone and my daughter was inside the hut crying." At the hospital the next day doctors confirmed she had been raped.<sup>83</sup>

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<sup>81</sup> UNICEF, "Suffering in Silence: A Study of Sexual and Gender Based Violence (SGBV) in Pabbo Camp, Gulu District, Northern Uganda," Gulu, Uganda, June 15, 2005, <http://www.unicef.org/media/files/SGBV.pdf> (retrieved June 24, 2005).

<sup>82</sup> Human Rights Watch interview with victim, Amida camp, Gulu, March 6, 2005.

<sup>83</sup> Human Rights Watch interview with witness, Bobi camp, Gulu, February 28, 2005.

In Kitgum Matidi camp, the UPDF beefed up its presence due to increased LRA activity in the area in April 2004. The supposed “extra protection” turned out to be a nightmare for the residents of the camp. One woman described how “a lot of women were raped at that time.” Two women told Human Rights Watch about similar incidents of soldiers barging into their huts and raping them.<sup>84</sup> In the same month at Kitgum Matidi camp, a soldier raped a grandmother, according to her adult son, whose hut was also invaded by soldiers. He said:

Afterwards they went to my mother—perhaps the soldiers organized themselves before going to abuse the civilians. They beat my mother. They raped my mother. At night I didn’t know but in the morning we organized as a group of fifteen households to find out what had happened. My mother explained that she had been raped. She was raped by one soldier...

I did not report the incident. The chairman of the household took the report to the army barracks—up to now we don’t know, there have been no repercussions.<sup>85</sup>

Soldiers prey upon women and girls they find traveling outside the camps out of necessity—to collect firewood or water or to sow, tend or harvest crops. In such situations they are risking not only an attack and abduction by the LRA but also rape and physical abuse by the army.

In an August 2004 case, a sixteen-year-old girl was raped by a soldier while she was in the fields picking millet; her mother had left her alone briefly to go to another garden. The mother took her daughter to the doctor and then complained to the Pabbo police post. The police asked the UPDF to investigate, according to the victim, and the rapist and his commanding officer came to the hut of the girl and her mother in Pabbo camp. The rapist then returned to the hut when the mother was out, kidnapped the victim and made her his third wife in September 2004. She lived in his hut in another camp for two months with the two other co-wives, became pregnant and returned to her mother after the “husband” mistreated her. As of the interview, the rapist was still in the barracks as a soldier and had not been punished.<sup>86</sup>

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<sup>84</sup> Human Rights Watch interviews with victims, Kitgum Matidi camp, Kitgum, March 5, 2005.

<sup>85</sup> Human Rights Watch interview with victim’s son, Kitgum Matidi camp, Kitgum, March 5, 2005.

<sup>86</sup> Human Rights Watch interview with victim, Pabbo camp, Gulu, February 25, 2005.

In another sexual assault in Jengare camp in August 2004, a married woman with two children was raped when she left the camp briefly. She told Human Rights Watch:

It was around 9 pm. I wanted to boil some groundnuts for my son and went to look for some firewood. Out in the bush I ran into one soldier. He got me and took me behind the camp and raped me. He threatened me with the gun. I told him that I didn't want to and he replied that if I refused he would shoot me. I stopped fighting and he raped me.<sup>87</sup>

After the rape, he told her to get up and start running without looking back. She fled, hid and slept in the bush. When she did not return that night, her husband reported her missing. She identified the soldier the next day and he was taken to Pabbo barracks; both were tested for the HIV virus. Although the soldier was positive she tested negative. After two days the family took the matter to the police, but no action was taken and the soldier, a private, has been seen moving freely at the barracks.<sup>88</sup>

It is exceptionally difficult for women to find protection from sexual abuse by government soldiers. Rape is very stigmatized in Ugandan society and women often are ashamed to report it; many women Human Rights Watch spoke to had never described their experiences to anyone. These women were very fearful that the community would shun or reject them.

The impoverishment of displaced persons, among other factors, has caused a breakdown in social values. As one community leader put it, "Soldiers are often the only ones in the camps with money. They can entice young girls, even married women, into sex."<sup>89</sup> Soldiers are often the "richest" people in area because they receive regular income. Parents sometimes complain that soldiers have "defiled" their children, many younger than sixteen. They complain that soldiers have tried to marry girls without the parents' consent and sometimes in the face of the parents' opposition.

Overcrowded camp conditions have contributed to the occurrence of sexual violence and rape, which are reported to occur at a higher rate than when people lived in rural outposts. One fourteen-year-old girl was raped by a group of boys who dragged her away from the hut she was going to sleep in. She said:

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<sup>87</sup> Human Rights Watch interview, victim, Pabbo camp, Gulu, February 25, 2005.

<sup>88</sup> Human Rights Watch interview, victim, Pabbo camp, Gulu, February 25, 2005.

<sup>89</sup> Human Rights Watch interview, community leader, Kitgum, March 7, 2005.

It was on October 25, 2004. I was about to go to sleep in another woman's house when I was grabbed and dragged out of the hut. There were five people who dragged me out. They were civilians. The woman had gone for a short call at the time.... I was sleeping in this hut because there is no space in my parents' hut. They [the men] took me to their hut. Then I was defiled by one of them.... I didn't know him before. He used force with me. He slapped me and hit me because I had to resist.<sup>90</sup>

### ***Arbitrary arrest and Detention***

Fear of the authorities and reluctance to report abuses inflicted by the UPDF on the part of victims often results from fear of retaliation. Victims fear beatings, torture and perhaps death, inflicted in the barracks or elsewhere. UPDF officers have suggested that protests against UPDF abuses may be false propaganda designed to "make the government look bad," particularly when the complaints are made to international organizations.<sup>91</sup> Military intelligence suspicions may be raised against those complaining on the grounds that they may be "rebel supporters." The complainant may be detained for military interrogation.

UPDF's practice of detaining suspects for prolonged periods in barracks is not only used against people complaining of army abuses but also against others suspected of rebel activity. It is in the barracks where torture and other forms of ill treatment most often occur.<sup>92</sup> Those so held are denied their right to be free from arbitrary arrest and detention under international human rights law.<sup>93</sup>

While the Ugandan army is entitled to capture LRA fighters on the battlefield as a matter of international humanitarian law, the military must turn such persons over to the civilian justice authorities for possible prosecution. Under international law, LRA fighters may be prosecuted by the Ugandan government for taking up arms or for specific criminal acts, although the government has chosen to amnesty most LRA

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<sup>90</sup> Human Rights Watch interview with victim, Pabbo camp, Gulu, February 25, 2005.

<sup>91</sup> Human Rights Watch interview, Colonels Charles Awany Otema and Nathan Mugisha, 4<sup>th</sup> Division Barracks, Gulu, March 16, 2005.

<sup>92</sup> See Human Rights Watch, *State of Pain: Torture in Uganda* (March 2004).

<sup>93</sup> International Covenant on Civil and Political Rights, article 9 (1): "1. Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law." While this right may be suspended in time of "emergency which threatens the life of the nation" under article 4, no state of emergency has been declared in Uganda or even in northern Uganda, and no effort has been made to suspend these and related civil rights in the ICCPR or under Ugandan laws.

fighters. There is no basis under Ugandan law for the military to detain persons beyond an immediate battlefield situation.

Most of those interviewed by Human Rights Watch over the years and for this report who have been held in military detention, often for weeks or months, said they were not captured on the battlefield. They rarely had the opportunity to challenge their detentions or evidence against them in a court of law. If charged with a capital crime such as treason or terrorism, they usually have had to wait the constitutional period of 360 days on remand in prison while the public prosecutor investigates the case.<sup>94</sup> The remand period starts only when the UPDF turns the suspects over to the police and they are brought to the Magistrates' Court, however—without credit for the time already spent in military detention.

Furthermore, the military does not investigate cases in the manner required by the criminal law. The superintendent of police in Gulu district complained to Human Rights Watch that the UPDF would sometimes arrest suspects, usually civilians, and then dump them on the police without obtaining sufficient evidence to allow for a conviction. "The police are not involved in the preliminary investigation in these cases, and as a result we almost always lose them."<sup>95</sup> Most of these cases, however, are never brought to trial.<sup>96</sup>

The Chieftancy of Military Intelligence (CMI) of the UPDF sometimes intrudes into ongoing police investigations. While Human Rights Watch was visiting northern Uganda, two men were in the Gulu police station under police investigation for a complaint of assault filed by a local political rival. UPDF agents arrived and removed the men from police custody to the UPDF barracks. They were held there for several weeks for investigation by CMI before they were returned to the police and charged with another, earlier crime, a murder not related to combat. Human Rights Watch asked to interview them in private while they were in UPDF custody in the 4<sup>th</sup> Brigade headquarters, but was refused a private meeting.<sup>97</sup>

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<sup>94</sup> Human Rights Watch, *State of Pain: Torture in Uganda* (March 2004).

<sup>95</sup> Human Rights Watch interview, Richard Mvule, District Superintendent of Police, Gulu District, Gulu, March 15, 2005.

<sup>96</sup> Human Rights Watch, *State of Pain: Torture in Uganda* (March 2004).

<sup>97</sup> Human Rights Watch interview, Richard Mvule, District Superintendent of Police, Gulu District, Gulu, March 15, 2005; Human Rights Watch interview, Colonels Charles Awany Otema and Nathan Mugisha, 4<sup>th</sup> Division Barracks, Gulu, March 16, 2005; see "Ugandan army arrests opposition politicians for alleged LRA collaboration," AFP, Kampala, March 10, 2005.

To the knowledge of Human Rights Watch, such violations of criminal procedure and civil rights law by the UPDF have not been investigated nor punished.

## **The Lack of Accountability**

Very little transparency or accountability for UPDF or LRA abuses exists in northern Uganda. Both perpetrate abuses of civilians in the north with almost complete impunity. The Amnesty Act of 2000 confers immunity from prosecution on the LRA, and the UPDF has said that its members should also be exempt from prosecution.<sup>98</sup> Human Rights Watch believes all of those responsible for war crimes and other serious abuses should be held accountable, whether they are LRA fighters or UPDF soldiers.

### ***LRA Impunity***

#### ***Amnesty and Reconciliation***

In 2000, the Uganda Parliament passed the Amnesty Act: it offers amnesty to all Ugandans engaged or engaging in acts of rebellion against the government since January 26, 1986, on condition that they report to a local authority, renounce and abandon the rebellion, surrender all weapons in their possession, and are issued a certificate of amnesty by the government.<sup>99</sup> The Act has been promoted as a tool to promote peace and to encourage rebels from all parts of Uganda to come home.

It is estimated that the Amnesty Commission, the body established by the act to oversee its implementation, has granted amnesty to some 15,000 applicants.<sup>100</sup> Among these are ex-LRA rebels but this number also includes rebels belonging to a host of other armed

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<sup>98</sup>The Ugandan Amnesty Act states in Section 3 (1):

An Amnesty is declared in respect of any Ugandan who has at any time since the 26<sup>th</sup> day of January, 1986 engaged in or is engaging in war or armed rebellion against the government of the Republic of Uganda by—

- (a) actual participation in combat;
- (b) collaborating with the perpetrators of the war or armed rebellion;
- (c) committing any other crime in the furtherance of the war or armed rebellion; or
- (d) assisting or aiding the conduct or prosecution of the war or armed rebellion.

Government of Uganda, The Amnesty Act, 2000,

[http://www.c-r.org/accord/uganda/accord11/downloads/2000\\_Jan\\_The\\_Amnesty\\_Act.doc](http://www.c-r.org/accord/uganda/accord11/downloads/2000_Jan_The_Amnesty_Act.doc) (retrieved June 21, 2005).

<sup>99</sup> Government of Uganda, The Amnesty Act, 2000, [http://www.c-r.org/accord/uganda/accord11/downloads/2000\\_Jan\\_The\\_Amnesty\\_Act.doc](http://www.c-r.org/accord/uganda/accord11/downloads/2000_Jan_The_Amnesty_Act.doc) (retrieved June 21, 2005).

<sup>100</sup> Human Rights Watch interview, Justice Peter Onega, Head of the Amnesty Commission, Kampala, March 18, 2005.

groups who have opposed the Museveni government since its inception.<sup>101</sup> The amnesty has encouraged thousands of LRA combatants, including abductees, to escape and surrender.

Neither the Amnesty Act nor any other law, however, has any provision for a wider reconciliation mechanism such as a truth and reconciliation commission or a committee to award compensation to victims of the LRA's atrocities.

The LRA rebels who return are to receive resettlement packages distributed by the Amnesty Commission. There has been only selective funding of the resettlement packages.<sup>102</sup> Of the 15,000 people granted amnesty in Uganda, Justice Peter Onega estimates that 10,000 have still not received their packages, although the World Bank released U.S. \$ 4.2 million for this purpose earlier in 2005.<sup>103</sup> The resettlement package includes a lump sum of 263,000 Uganda shillings (US \$150), as well as a mattress, a blanket, a hoe and seeds.<sup>104</sup>

Recently, a group of some 600 ex-LRA rebels began work at a government farm at Labora in Gulu district. In a move that almost mirrors the LRA structure in the bush, the ex-rebel commander Kenneth Banya—whom the UPDF described as the “main military and technical brain behind the rebellion”<sup>105</sup> at his time of capture—was appointed head of the farm.<sup>106</sup> The farm is exclusively for LRA returnees; it could contribute to a deterioration of relations between returnees benefiting from its produce and those still living in impoverished conditions in camps nearby.

The issue of packages for returned rebels is contentious in northern Uganda. A resident of Gulu town originally from Paicor camp expressed some bitterness to Human Rights Watch at how rebels coming out of the bush were getting a nice financial package “for having killed people.” Unless the government handles the matter with greater sensitivity

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<sup>101</sup> See, e.g., Gerard Prunier, “Rebel Movements and Proxy Warfare: Uganda, Sudan and the Congo (1986-99),” *African Affairs* (London: 2004), 103/412, pp. 359-83.

<sup>102</sup> For example, one international donor provided the funding for the package of 4.2bn Ugandan shillings that was apportioned for returning UNRFII rebels in West Nile.

<sup>103</sup> “Uganda receives fund from World Bank to be used for ex-rebels,” Xinhua news agency, Kampala, March 21, 2005.

<sup>104</sup> “Uganda: Forgiveness as an instrument of peace,” *IRIN*, Kitgum, June 9, 2005.  
[http://www.irinnews.org/S\\_report.asp?ReportID=47575](http://www.irinnews.org/S_report.asp?ReportID=47575) (retrieved June 24, 2005).

<sup>105</sup> “Uganda: Senior LRA commander captured by the army,” *IRIN*, Kampala, July 15, 2004.

<sup>106</sup> Dennis Ojwee, “Ex-LRA rebels start farming 500 acres in Gulu,” *New Vision*, Kampala, April 26, 2005.

than has been shown to date, the packages given to the returning rebels could be a source of continuing resentment and hinder reconciliation.

The issue of returnee packages and compensation has been further distorted by the government. Ex-LRA commander Kenneth Banya and a few others live as guests of the UPDF in the barracks or in Colonel Otema's renovated hotel in Gulu, the Acholi Inn. These rebels are the people most responsible for the LRA's atrocities in the past—but they are to all appearances being rewarded despite their high-level involvement with the LRA and possibly leading role in its abuses. While the average returnee is quickly sent home to his village or camp with no or a delayed resettlement package or follow-up, the commanders live in relative luxury in Gulu town.

Maj. Shaba Bantariza, UPDF spokesman, told Human Rights Watch that one reason for the barracks residence and twenty-four-hour armed guard and military transport afforded to one ex-LRA commander was security. He effectively has no home. "If he goes to an internally displaced persons camp, personal security is not guaranteed," the major said,<sup>107</sup> no doubt on account of possible revenge-taking by LRA victims or punishment for desertion by his former LRA comrades.

The generous treatment given to the rebel commanders may be fueled by partisan political motives. Some of the LRA commanders who have returned have been used for propaganda for the ruling Movement party. Shortly after he was captured and granted amnesty, Cmdr. Kenneth Banya appeared at a public rally in Kitgum town saying, "Museveni deserves another term [as President]."<sup>108</sup> Presidential elections are to be held in March 2006. Another returned LRA commander urged a crowd at Agoro and Madi Opei camps in Kitgum in early 2005 to keep Museveni as their leader.<sup>109</sup>

While the high-level commanders are given twenty-four-hour armed guard by the UPDF, usually ex-LRA returnees seek out displaced and missing family members in camps, but there is little further monitoring or follow-up by any agency. Human Rights Watch received unverified reports of revenge attacks on ex-LRA returnees resulting in injuries and even death.<sup>110</sup> The government, however, makes efforts to assure potential returnees that they will be safe, and it sponsors recently surrendered LRA combatants to

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<sup>107</sup> Human Rights Watch interview, Maj. Shaban Bantariza, Public Relations Officer, UPDF, Kampala, March 18, 2005.

<sup>108</sup> Justin Moro, "Ex-rebel asks Acholi to support third term," *New Vision*, Kampala, July 26, 2004.

<sup>109</sup> Wokorach Oboi, "Cancel 2006 polls - former rebels," *New Vision*, Kampala, April 21, 2005.

<sup>110</sup> Human Rights Watch interview, program officers, international aid organization, Gulu, March 14, 2005.

speak on the radio about the favorable treatment they received from the UPDF and others.

No organization is specifically charged with following up on this protection issue of former LRA fighters returning home; the female fighters/wives/mothers and their children's difficulties in reintegration have been noted, but the physical protection needs of the male ex-LRA fighters is an entirely different issue. There is currently no monitoring of these ex-LRA returnees and little is known about how they are actually received by the community. The Amnesty Commission does not have the resources to follow up after issuing amnesty certificates and packages to applicants. The Head of the Amnesty Commission, Justice Peter Onega, stated that the Commission is "supposed to follow up on the grants of amnesty but we cannot. There are financial constraints."<sup>111</sup>

Although very little is actually known about how well these returnees are received, as a result of the advocacy efforts of the Acholi traditional and religious leaders it has become received wisdom that there is little or no retribution because the Acholi are so "forgiving." In one sense this is an exhortation to the community to treat the returnees well by appealing to indigenous cultural values.

Many victims interviewed by Human Rights Watch did not agree with the prospect of having the LRA leaders forgiven, however, but instead wanted justice, even retribution.<sup>112</sup> There is a division of opinion between community leaders and victims on the topics of justice, accountability and reconciliation, as reflected in a recent survey.<sup>113</sup> The survey provides evidence of the need for protection and for follow-up with ex-LRA fighters who have accepted the amnesty.

Human Rights Watch supports amnesties for individuals for their participation in internal armed conflicts but opposes in all circumstances amnesties for those implicated in war crimes, crimes against humanity and genocide.

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<sup>111</sup> Human Rights Watch interview, Justice Peter Onega, Head of the Amnesty Commission, Amnesty Commission offices, Kampala, March 18, 2005.

<sup>112</sup> Allen, Tim, *War and Justice in Northern Uganda: An Assessment of the International Criminal Court's Intervention (Draft)*, Crisis States Research Centre, London School of Economics, London, February 2005, p. 48, <http://www.crisisstates.com/download/others/AllenICCRReport.pdf> (retrieved July 4, 2005).

<sup>113</sup> International Center for Transitional Justice and the Human Rights Center, University of California, Berkeley, "Forgotten Voices: A Population-Based Survey on Attitudes About Peace and Justice in Northern Uganda" (July 2005).

### ***UPDF Impunity***

No effective accountability structure exists in the camps; reports of UPDF abuses rarely result in any investigation or prosecution of UPDF personnel. While there is a military detachment in each camp, police are few and far between in rural northern Uganda. Ultimately the level of discipline, protection of civilians and accountability rests on the will and personality of the immediate commander. Unfortunately, at times the commander of the detachment or other unit—with seemingly no consistent higher orders to punish those who abuse civilians—may be both the perpetrator and judge of the abuses and often has a conflict of interest.

The Ugandan government said, in response to the Human Rights Watch finding of lack of accountability for abuses committed by government soldiers in displaced persons camps:

There is a well established function[ing] accountability structure in the IDPC (Internally displaced people camp) for any abuses by the government officials more especially the UPDF. Lt Col Francis Achoka deputized by Capt Mzee Tutu are presidential appointees for IDPC Gulu for security monitoring and handling all cases of Human rights nature for subsequent action with either the UPDF courts and/or police in the civil courts.

In conclusion we note that most complaints are fronted by opposition Members of Parliament to malign the UPDF. Most of these alleged complaints are made when it is even commonly known that some of these people are killed along side and/or among the LRA rebels in the cross fire which is inevitable to avoid. <sup>[114]</sup>

The lack of accountability is exacerbated by the army's preponderance of power in northern Uganda and the weakness of comparable civilian institutions. Local civilian officials and the civilian criminal justice system have neither the effective authority nor the capacity to hold the army accountable for the abuses it commits daily, although they have jurisdiction over military personnel in theory.

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<sup>114</sup> Statement of Ugandan government to Human Rights Watch Complaints, received by Human Rights Watch on August 23, 2005. The UNLA is the former government army, the Uganda National Liberation Army, which was defeated in 1986 by the rebel forces of the NRA led by current president Yoweri Museveni; the UPDA, the Ugandan People's Democratic Army, was a rebel formed in 1986 from the remnants of the UNLA (which included a majority of northerners).

For those daring to complain about army abuse, the local council system is usually the first step. This system operates much as it does in the rest of the country; local village councilors (LC-1s), parish councilors (LC-2s), sub-county councilors (LC-3s), county councilors (LC-4s) or even district-level councilors (LC-5s) are elected but do not have the same level of authority in practice as the military personnel, especially military commanders.<sup>115</sup> Local councilors take the complaint, on behalf of the citizen affected, to the local army commander who is supposed to investigate the matter. Consequently, the abuse of a civilian commonly becomes an internal matter for army discipline to deal with.<sup>116</sup>

In many cases, complaints are not followed up nor investigated. Although the UPDF has internal mechanisms to maintain discipline in the ranks, the army rarely holds soldiers accountable for the abuses they commit against civilians. The most a victim of army abuse can expect is some minimal compensation, usually limited to small sums of money for loss of property, and occasionally the summary beating or transfer of a soldier. In most cases, however, the complaint appears to disappear into the barracks. There is no discernible attempt to investigate or follow up by the commander and the victim is left without any remedy. “Nothing was done” is a common refrain of those protesting abuse by soldiers.

The army has a system of courts martial for trying soldiers accused of anything from the smallest offenses to the most serious crimes or capital offenses.<sup>117</sup> Although the courts martial are open to the public, they sit within the barracks and as such are intimidating places for civilians to attend.

### ***Inadequate Response and Ineffective Remedies for Abuses by the UPDF***

If a soldier is punished for abusing a civilian the victim rarely knows about it. Although the court martial system is supposed to be open to the public, in practice few know

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<sup>115</sup> The LC1 is able to adjudicate certain minor disputes between community members. More serious cases, involving for example human rights abuses by the army, normally would be taken to the police to investigate. But with few exceptions there are no police in displaced persons camps in northern Uganda.

<sup>116</sup> Courts martial are constituted as required at each barracks or division, but more serious cases may be referred to the general court martial. These courts martial are supposedly open to the public but it seems that the local population rarely attends the proceedings, perhaps from fear of going into the barracks or lack of publicity about the hearing.

<sup>117</sup> The defense review noted that under the UPDF Act of 1992, in effect at the time of this research, even the smallest disciplinary matter, usually subject to summary trial in other countries, must be taken to a formal court martial in Uganda, which is cumbersome; backlogs develop as the courts martial have their own problems, [http://www.defenceuganda.mil.ug/court\\_martial.php](http://www.defenceuganda.mil.ug/court_martial.php) (retrieved June 20, 2005).

about the outcome of cases nor can they take issue with the results. As one camp leader said:

In most cases we are not satisfied with the way they are resolved. The soldiers do not follow the legal system of reporting to the police. They resolve it inside the barracks—we can't follow up with the case inside the barracks.<sup>118</sup>

More often than not, when a complaint is lodged with the barracks there is hardly ever any further investigation of the case—many interviewees described how they simply did not hear anything further on the case, not even an interview by an army investigator or prosecutor, leaving them with the obvious conclusion that nothing was done to investigate or punish the perpetrator.

In a case that is typical of this experience, a man from Kitgum Matidi complained to the barracks through the sub-county council chairman after a soldier beat him with a club in his hut in March 2004. Although the incident had occurred almost a year before the interview with Human Rights Watch, the victim said, “Up to now there is no reaction.”<sup>119</sup> In many cases there were simply “no repercussions,”<sup>120</sup> no investigations, and no answers to people's complaints at the barracks.

The Justice and Peace Commission project officer in Kitgum said it was “a common complaint in the camps—people are beaten and crimes are committed [by soldiers]. The local commander says ‘we are going to follow this,’ but nothing happens.”<sup>121</sup>

Even when a response is elicited from the local barracks it is rarely encouraging. Where victims cannot identify their assailants, a common occurrence where many attacks happen at night and there is turnover in the units posted to the area, normally no further investigation is undertaken. One man from Kitgum Matidi camp tried to complain about being tied up and robbed by some soldiers but was asked by the army officer if he recognized any of them. He did not, so, instead of a vigorous investigation by the commander, “nothing happened.”<sup>122</sup>

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<sup>118</sup> Human Rights Watch interview, camp leader, Paicor camp, Gulu, February 27, 2005.

<sup>119</sup> Human Rights Watch interview with victim, Kitgum Matidi camp, Kitgum, March 5, 2005.

<sup>120</sup> Human Rights Watch interview with victim, Kitgum Matidi camp, Kitgum, March 5, 2005.

<sup>121</sup> Human Rights Watch interview, James Onen, Project Officer, Justice and Peace Commission, Kitgum town, March 7, 2005.

<sup>122</sup> Human Rights Watch interview with victim, Kitgum Matidi camp, Kitgum, March 5, 2005.

This attitude seems to have been conveyed down to the local councilors and leaders who usually field the complaints. The village councilor in Paicor camp told Juliane A, whom soldiers beat with sticks, that it would be difficult to follow up her case because she did not know the soldier.<sup>123</sup> Okello A told zone leaders in Bobi camp about his beating at the hands of soldiers in February. The zone leaders told Okello that as he could not identify the soldiers, “it was not worth pursuing.”<sup>124</sup>

The ineffectiveness of the complaints procedure has contributed to a broader lack of confidence in the system of justice—people said that they did not bother to complain about abuse as nothing was expected to come from it. A sub-county councilor who had been beaten and then detained in a pit in the barracks explained that he had “seen many times that soldiers beat civilians and we take the cases to higher authorities and nothing happens—so there is now no use in bringing cases.”<sup>125</sup>

In some cases, the army just did not bother to punish the perpetrator who was identified. A victim of rape in Pabbo camp identified the soldier who had attacked her. The result, according to her: “They did not imprison him, I don’t know why.”<sup>126</sup> Another woman, who was raped by a soldier in Jengare camp in August 2004, said that she took her case to the police and identified the soldier. However, “nothing happened to the soldier. Others saw him at the barracks and nothing has happened to him.”<sup>127</sup>

In Paicor camp, a twenty-six-year-old man who worked at a small kiosk was left unconscious by a local commander after refusing to sell cigarettes below the normal sale price. He complained of this beating to internal security (GISO), a civilian administration, which sent a letter to the police, “but since then nothing has happened and [the commander] is still there [in the barracks].”<sup>128</sup>

Where corrective action is taken by the army, it is frequently inadequate. The UPDF sometimes offers small amounts of compensation or payment of medical treatment as opposed to any full investigation or punishment of the soldiers. After soldiers beat a fifty-five-year-old farmer on December 28, 2004, he complained to the local

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<sup>123</sup> Human Rights Watch interview, Paicor camp, Gulu, February 27, 2005.

<sup>124</sup> Human Rights Watch interview, Bobi camp, Gulu, February 28, 2005.

<sup>125</sup> Human Rights Watch interview with victim, Paicor camp, Gulu, February 27, 2005.

<sup>126</sup> Human Rights Watch interview with woman victim, Pabbo camp, Gulu, February 25, 2005.

<sup>127</sup> Human Rights Watch interview with victim, Pabbo camp, Gulu, February 25, 2005.

<sup>128</sup> Human Rights Watch interview with vendor, Paicor camp, Gulu, February 27, 2005.

commander. The commander did not conduct an investigation into the incident but paid for some medical treatment.<sup>129</sup>

The army sometimes transfers soldiers, or even whole battalions, theoretically as “punishment” for abuse. This seems to be an action designed to prevent soldiers from being identified as abusers and to moot out complaints of abuse. It also deals with the problem by relocating it rather than stopping it.

A young man who had been displaced since 1996 was beaten up by soldiers in Pabbo camp. He tried to follow up his case with the local councilor but was told that nothing could be done “because the soldier was no longer there.”<sup>130</sup> This practice is also dangerous in that it foists an abusive battalion or soldier on a new group of civilians who will in all likelihood be subjected to the same abusive behavior.

Human Rights Watch complained to authorities in Uganda about the notorious UPDF 11<sup>th</sup> Battalion’s activities it documented in Cwero and Awach displaced persons camps; others complained as well. It was reported to Human Rights Watch that this battalion was transferred from Cwero and Awach camps to mobile duties.<sup>131</sup> Although the transfer was no doubt welcomed by camp residents it seems unlikely that the soldiers will be held accountable for the numerous abuses they committed in these two camps. The battalion continues to operate as a unit in northern Uganda.

### ***Fear of and Intimidation by UPDF Impedes Accountability***

Many people expressed their fear of possible repercussions if they complain about abuses by UPDF soldiers. A Legal Aid Officer with the Norwegian Refugee Council in Kitgum said, “People fear to report a case—they think it is better to keep quiet. They have the fear that something terrible will happen if they report the case.”<sup>132</sup> A man who had been beaten up by soldiers in Pajule camp said that other people in the camp had told him not to report the case because “if you say something bad about the soldiers, the soldiers may kill you.”<sup>133</sup>

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<sup>129</sup> Human Rights Watch interview with witness, Paicor camp, Gulu, February 27, 2005.

<sup>130</sup> Human Rights Watch interview with young man, Pabbo camp, Gulu, February 25, 2005.

<sup>131</sup> “Mobile” means that it would be involved in active patrolling operations rather than camp protection.

<sup>132</sup> Human Rights Watch interview with Grace Atim, Information, Counseling and Legal Aid Officer, Norwegian Refugee Council, Kitgum, March 1, 2005.

<sup>133</sup> Human Rights Watch interview with witness, Pajule camp, Pader, March 4, 2005.

A thirty-four-year-old father of eleven children was detained and beaten at the barracks near Cwero on February 8, 2005, but did not file a complaint because he felt “it would only bring me greater suffering.”<sup>134</sup> Another resident of the same camp who was beaten and robbed by soldiers when he went to the stream to drink also said that he was “too scared to file a complaint.”<sup>135</sup>

This fear is not without basis. Following Human Rights Watch’s visit to Cwero camp in Gulu on February 26, 2005, soldiers harassed some of the interviewees. People were reportedly interrogated about what they told Human Rights Watch researchers and warned not to speak to outsiders again.

It is not only the camp residents who are intimidated. Both the police and local councilors seem to be afraid of the army. A project officer with the Justice and Peace Commission, who works on cases brought by displaced persons to him through a network of volunteers in the camps, said that only “sometimes [do] police get involved” in cases of abuse by the army against civilians. He is “sure that the police are scared to arrest a soldier.”<sup>136</sup>

The elected local councilors are frequently either victims or witnesses of abuses by the local commander themselves, making it both intimidating and difficult for them to complain on behalf of others. Severino Okello was detained and beaten by soldiers when returning from a hunting trip outside the camp. Following his release he complained to two local councilors but “the [local councilors] did nothing because one of the LCs... was beaten.” He added, “LCs told us that cases like [his] hunting [case] should not be taken to them because they, as LCs, fear soldiers—the soldiers don’t listen to the LCs.”<sup>137</sup>

The government of Uganda made the following response to this case:

There is nothing on record to indicate that [Severino Okello] was ever arrested, detained and or beaten by soldiers of 11th Battalion. Most cases hunters are organized in groups and each time they go hunting they notify the local area commander in order to avoid mistaken identity

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<sup>134</sup> Human Rights Watch interview with witness, Cwero camp, Gulu, February 26, 2005.

<sup>135</sup> Human Rights Watch interview with witness, Cwero camp, Gulu, February 26, 2005.

<sup>136</sup> Human Rights Watch interview, James Onen, Project Officer, Justice and Peace Commission, Kitgum town, March 7, 2005.

<sup>137</sup> Human Rights Watch interview, Severino Okello, Cwero camp, Gulu, February 26, 2005.

for the LRA for their safety. It is not possible for a hunter to go alone unless he has ulterior motive. [<sup>138</sup>]

Soldiers beat a group of men who had gone hunting outside the camp then took them back to the barracks. The local council chair came to intervene but the commander insisted, “These people were beaten because they were outside [the camp]. Why did they go outside?” The civilians were beaten an additional twenty-five lashes and then released, but as one said, “Since the LC was there and saw it, how can we complain to him?”<sup>139</sup>

In some cases, the local councilors were able to obtain the release of someone illegally detained at the local barracks, but rarely were they able to intervene and stop a beating in progress.

Sometimes the complaint does not even get past the local councilor, often because the councilors are afraid. A farmer from Cwero camp said, “Even if everyone takes cases concerning the military, the LC just sits on it. The LCs themselves fear the soldiers.”<sup>140</sup>

Many councilors, although they are an elected part of the administrative and political system, lack confidence in their government or are unwilling to confront the local commander. Several interviewees described how when they attempted to complain the councilor told them that nothing could be done. In one case the LC seemed to condone soldiers’ abusive actions by telling a group of civilians who had been beaten by soldiers to “stop moving late [after curfew].”<sup>141</sup>

Other interviewees described how they felt the beatings by soldiers had become so normal that they did not bother to register a complaint; they thought the beatings were just part of the soldier’s normal work. For instance, soldiers beat a woman from Paicor with sticks on an evening in June 2004 but she “didn’t report the case because it is very common to be beaten like this.”<sup>142</sup>

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<sup>138</sup> Statement of Ugandan government to Human Rights Watch Complaints, received by Human Rights Watch on August 23, 2005. The UNLA is the former government army, the Uganda National Liberation Army, which was defeated in 1986 by the rebel forces of the NRA led by current president Yoweri Museveni; the UPDA, the Ugandan People’s Democratic Army, was a rebel formed in 1986 from the remnants of the UNLA (which included a majority of northerners).

<sup>139</sup> Human Rights Watch interview with hunter, Cwero camp, Gulu, February 26, 2005.

<sup>140</sup> Human Rights Watch interview with victim, Cwero camp, Gulu, February 26, 2005.

<sup>141</sup> Human Rights Watch interview with witness, Agoro camp, Gulu, March 3, 2005.

<sup>142</sup> Human Rights Watch interview with woman, Paicor camp, Gulu, February 27, 2005.

It is also extremely difficult for women who are victims of sexual abuse or rape to report their cases. Most reporting through the local councilors becomes extremely public, and women explained that they were very fearful of the negative reaction of the community to rape victims. Two women told Human Rights Watch that because of their fear of public opinion they had never before told anyone what had happened to them—and asked Human Rights Watch to keep their identities confidential.<sup>143</sup>

### ***Lack of Police Presence in Northern Uganda***

The police in Uganda are obliged to “prevent the commission of offences” and “detect and bring offenders to justice.”<sup>144</sup> Police are not expected to fight the LRA but to investigate possible criminal law violations.

Many camps each containing tens of thousands of people have not a single police officer to monitor, investigate or prosecute crime, however. In any normal Ugandan towns of this size, this would be unheard of. The lack of police services is scandalous given that the total population deprived of police in the camps easily exceeds one million.

For example, in Gulu district—where government capacity is greater than in Kitgum and Pader—there are police posts in only three out of a total of approximately fifty-one camps. In addition, those police posts are grossly understaffed. For example, in Pabbo camp, Gulu there are only ten to twelve police officers for a population of about 65,000 camp residents. The District Superintendent of Police for Gulu district complained to Human Rights Watch of his lack of resources and manpower, explaining that despite his requests to Kampala for greater manpower, little had changed in his two years at the post.<sup>145</sup>

The absence of police presence in the camps—with very few exceptions—undermines systematic civilian protection and government accountability in northern Uganda. The congested camps are in dire need of an effective police force to halt abusive acts within the community such as domestic violence, act as a mediator in the army’s interactions with civilians and investigate complaints of abuses by the army. The police have the authority to investigate criminal offenses committed by army soldiers and officers.

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<sup>143</sup> Human Rights Watch interviews with victims, Kitgum Matidi camp, Kitgum, March 5, 2005.

<sup>144</sup> S. 21 Police Act 1994 Cap. 303, Statute 13/1994.

<sup>145</sup> Human Rights Watch interview, Richard Mvule, District Superintendent of Police, Gulu District, Gulu, March 15, 2005.

Yet there is a military presence in each camp. The District Superintendent for Gulu police admitted, "Policing [in the camps] is done by the army."<sup>146</sup> Consequently, people find themselves in a situation where they have to bring their complaints directly to those abusing them.

The police bemoan the fact that they are so understaffed. The District Superintendent complained that he had asked for 350 extra police officers (the total number he has under his command at the time of Human Rights Watch's visit was one hundred) but his requests to Kampala go unmet.

The general funding for the district of Gulu is poor. There are general operational costs and the money sent is not enough. There is one police vehicle, which is not new and not very sound. The police have to tend to all activities: escort dignitaries, administration, inquiries, traffic, murders, etc.<sup>147</sup>

If lack of resources is the reason then international donors to Uganda should act to fill the gap. Donors already fund some 50 percent of Uganda's budget.<sup>148</sup> It is becoming clear that donors are increasingly concerned not about the lack of resources but the government's allocation of those resources and that this is responsible for the lack of progress in social development, including law and order. In the budget presented to the Ugandan Parliament on June 8, 2005, the executive branch allocated a massive US\$200 million to defense spending, accompanied by a donor protest against this level of military funding.<sup>149</sup>

Donors should continue to pressure the Ugandan government to address urgent needs in northern Uganda such as civilian protection and government accountability. Although the police are reluctant to proceed against their UPDF colleagues, a signal from donors in the form of increased financial support for policing services to communities in northern Uganda even in the midst of war might reinforce and strengthen the police response.

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<sup>146</sup> Human Rights Watch interview, Richard Mvule, District Superintendent of Police, Gulu District, Gulu, March 15, 2005.

<sup>147</sup> Human Rights Watch interview, Richard Mvule, District Superintendent of Police, Gulu District, Gulu, March 15, 2005.

<sup>148</sup> The budget for 2005/05, which was under debate as of the writing of this report, would be funded by donors at a somewhat lower level, estimated at 40 percent.

<sup>149</sup> Okodan Akwapt, "Uganda Military Allocated \$200m as Donors Protest," *The East African*, Nairobi, June 20, 2005.

## ***The Weak Judicial System in Northern Uganda***

In addition to court martial proceedings, soldiers in Uganda can be tried in regular civilian courts. In Gulu there is a High Court that can hear serious criminal (capital) offenses as well as Magistrates' courts in Gulu and Kitgum that can hear cases of a less serious nature. However, relatively few criminal cases are brought against UPDF soldiers because of the lack of any real police presence in the camps in northern Uganda and police reluctance to proceed against soldiers in a war zone.

Civil cases for compensation against the army can also be brought, but individual private litigation is an expensive process, far beyond the means of most displaced persons. The legal mechanism of *habeas corpus* is available to force the army to produce any individual it has detained incommunicado but this remedy is open only to those with enough money to hire a lawyer; the mechanism does not appear to have been adopted for popular use and few individuals have tried.

The courts are grossly understaffed. Kitgum and Pader—which with Gulu constitute the Acholi region—remain backwaters compared to Gulu: little or no judicial presence exists in those two districts. Kitgum has only two magistrates for the entire district and all cases dealing with serious (capital) offenses for both districts are referred to the High Court in Gulu, as magistrates' courts do not have jurisdiction over serious or capital cases.<sup>150</sup>

In March 2005, no High Court judge had sat in Gulu for more than five months: a large backlog exists of cases two to three years old. Justice Peter Onega, the head of the Amnesty Commission who was also a member of the judiciary and backup High Court judge for Gulu, was assigned there in early 2005. It was arranged that he would leave his duties and go to Gulu to sit in the High Court, but for only one session lasting about a month. The High Court hears habeas petitions and presides over trials of serious (capital) offenses such as murder, treason and terrorism.<sup>151</sup>

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<sup>150</sup> A new High Court was established in West Nile districts, which removed some of the burden and backlog from the Gulu High Court. One of two judges who sat on the High Court in Gulu, however, was transferred to the new High Court, leaving the Gulu High Court with only one judge. Then that one fell ill. Human Rights Watch interview, Justice Peter Onega, Head of the Amnesty Commission, Amnesty Commission offices, Kampala, March 18, 2005.

<sup>151</sup> Human Rights Watch interview, Justice Peter Onega, Head of the Amnesty Commission, Amnesty Commission offices, Kampala, March 18, 2005. Justice Onega recused himself from hearing any cases of treason or terrorism in the High Court, however, on the grounds that he might later receive such cases at the Amnesty Commission.

With such a backlog, and so few cases against soldiers reaching the courts, the court system in northern Uganda is ineffectual in holding soldiers accountable for their abuses. An officer with HURIFO, which takes cases to court, explained she was “hoping the High Court judge will come back as all our cases [against soldiers] are pending.”<sup>152</sup>

There are no private attorneys based in Gulu but those based in Kampala travel to Gulu for court appearances and other work. Gulu is some five to six hours by private car from Kampala. The roads in 2005 were passable and usually secure.

### ***Ugandan Nongovernmental Human Rights Monitoring Organizations in Northern Uganda***

Ugandan NGOs have been the main, and usually only, organizations doing human rights monitoring work in the north, accompanied by occasional interventions by foreign organizations. Human Rights Focus (HURIFO), an NGO with its office in Gulu, investigates abuses, writes reports, conducts human rights educational programs and takes human rights cases to court, among other activities.

Its monitoring activities are conducted through a team of monitors who travel regularly to the camps and a network of volunteer trained information gatherers who keep tabs on the day-to-day situation in the camps. Civilians, especially the displaced, usually lack the resources to reach the HURIFO office in Gulu town.

HURIFO manages a caseload of individual complaints (including court proceedings against the UPDF regarding its use of forced labor of civilians to clear high grass from near the roads where the LRA could set up an ambush). It has achieved some success with its small staff and volunteers but it does not have the capacity to deal with the large number of abuse cases in northern Uganda.

Despite limited capacity, HURIFO has been effective on some issues. HURIFO conducts training of civilians in camps on basic human rights and how to effectively lodge complaints against the UPDF. In the case of Bobi camp, Gulu district, this training was extremely successful in stemming a sustained pattern of sexual abuse by soldiers in 2004. HURIFO organized a workshop for one hundred community leaders in Bobi camp to teach human rights and show how to press an effective complaint.

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<sup>152</sup> Human Rights Watch interview, Odoki Okello Gorreti, Information and Counseling officer, HURIFO, Gulu, February 28, 2005.

HURIFO invited the army officer in charge of the displaced camps in northern Uganda, Lt. Col. Achoka. Reportedly he went to the local commander and “told all the soldiers about the problem of rights violations,”<sup>153</sup> demonstrating how firm direction from above can have an immediate impact on halting army abuses.

The change in the behavior of the army detachment at Bobi was striking. The camp leader described how “before the training there were threats [by the army], now there are none.” He added, “After the training, rape, defilement and torture have stopped.”<sup>154</sup>

HURIFO has also conducted research into the abuses committed by the LRA, and works to raise the level of human rights awareness through seminars, workshops and other community outreach activities. HURIFO undertook an advocacy campaign encouraging the government of Uganda to accept an amnesty for rebels in exchange for peace.<sup>155</sup>

Only a few other independent human rights monitoring groups are working in northern Uganda. There is a much smaller NGO presence in Kitgum and Pader than in Gulu.

The Justice and Peace Commission (JPC) of the Catholic Church’s Archdiocese in Gulu carries out work similar to that of HURIFO, most notably in Kitgum where it has the only presence, with one officer working through a network of volunteers in six camps on a limited caseload.

This is a relatively recent innovation and still quite limited in scope and capacity. The volunteers received their first training from the JPC in October 2004 and JPC had only one staff member in Kitgum by March 2005. If cases are taken on they are usually forwarded to the already overburdened HURIFO or the Uganda Human Rights Commission.

The Norwegian Refugee Council (NRC) has an Information, Counseling and Legal Aid (ICLA) project with four lawyers in Gulu who visit the camps. The caseworkers mainly deal with disputes relating to land, gratuities and pensions as opposed to human rights abuses.

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<sup>153</sup> Human Rights Watch interview with camp resident, Bobi camp, Gulu, February 28, 2005.

<sup>154</sup> Human Rights Watch interview with camp resident, Bobi camp, Gulu, February 28, 2005.

<sup>155</sup> Martin Komakech, “The Northern Uganda Conflict, Civil Society Initiatives and Interventions, and Human Rights Focus (HURIFO) Operations in the Conflict-Zone,” HURIFO, November 14, 2003, [http://www.armedgroups.org/images/stories/pdfs/komakech\\_paper3.pdf](http://www.armedgroups.org/images/stories/pdfs/komakech_paper3.pdf) (retrieved June 21, 2005).

The NRC ICLA project visits each camp in the two districts about twice a month but an officer reported, “There is a problem of money for getting the case to court.” ICLA usually works through local partners (such as HURIFO in Gulu) but the ICLA officer in Kitgum said, “There are no organizations and few with qualities to do the work for ICLA [in Kitgum].”<sup>156</sup>

### ***Uganda Human Rights Commission (UHRC) in Northern Uganda***

The UHRC, which was mandated by the Uganda Constitution,<sup>157</sup> has a renewed presence in Gulu. It has investigated and heard individual cases against the government army, monitored abuses and provided some human rights training for the UPDF. However, it is under-funded and understaffed for its work in northern Uganda and its limited authority has been undercut by lack of government implementation. Another UHRC activity that potentially has benefits for the north is training in human rights for army personnel.<sup>158</sup>

The UHRC’s power to conduct investigations and hearings on individual complaints relieves the usually impecunious victims of abuses from the need to pay for a lawyer. Victims may report incidents of abuse to the Gulu office. A UHRC human rights officer investigates the case and reports back to UHRC’s headquarters in Kampala. The case is then scheduled for a tribunal hearing in which victims of abuse can be awarded compensation. The hearing is conducted by a judge who must be one of the UHRC commissioners.

The UHRC has the power to order compensation, the release of a person from detention or restriction and any other legal remedy or redress. Its powers are civil but not criminal, except the power to hold someone in contempt.<sup>159</sup> Its orders have been almost entirely in the form of awards of compensation for victims of human rights abuses.

There are several drawbacks to this system in practice. The UHRC is understaffed, underfunded and backlogged, particularly in northern Uganda. The UHRC’s commissioners are nominated by the president of Uganda and approved by Parliament

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<sup>156</sup> Human Rights Watch interview, Norwegian Refugee Council, Kitgum, March 1, 2005.

<sup>157</sup> Uganda constitution, articles 51 and 58.

<sup>158</sup> See Uganda Human Rights Commission, announcement, “Training of Trainers Workshop, 25 April-6 May, 2005,” [http://www.uhrc.org/new\\_detail.php?storyId=96](http://www.uhrc.org/new_detail.php?storyId=96) (retrieved August 24, 2005), for sixty-five participants, including political commissars, intelligence and administrative officers of the UPDF.

<sup>159</sup> Uganda Constitution, article 53 (1-2).

and have no right of tenure, which leaves them vulnerable to government pressure—and the war in the north is increasingly controversial.<sup>160</sup> Finally, although the UHRC has made a number of awards of compensation against the state, the UHCR reported that more than 90 per cent of such awards have not been paid by the government.<sup>161</sup> The activities of the UHRC have been undercut by the government's lack of enforcement. On May 19, 2005, the UN Committee Against Torture expressed concern “about the frequent lack of implementation by the State party [Uganda] of the [UHRC] Commission's decisions.”<sup>162</sup>

The UHRC, as well as the larger international community, has been markedly absent from the field in northern Uganda: apparently it has not been a priority to assign staff or funds there. At the time of the research for this report, the UHRC had only four senior staff in northern Uganda, based in Gulu. One of the four is the human rights officer, who covers ten northern districts from the Congo to the Kenyan borders. He estimated that in a three-month period he visits “perhaps five camps in four or five districts” but his travel is often limited because “sometimes funding is not available.”<sup>163</sup>

Consequently it is very difficult for the UHRC Gulu office to handle many cases. The office in Gulu has a courtroom for a UHRC tribunal to sit but Commissioners only come periodically to hear cases.<sup>164</sup> According to the Human Rights Officer, “There is a serious backlog of cases.” In March 2005 Commissioners were hearing cases from “two to three years ago.”<sup>165</sup> The Human Rights Officer in Gulu claimed that the UHRC “tried to establish an office in Kitgum but there are no funds.”

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<sup>160</sup> The UHRC has avoided speaking out forcefully about some contentious issues, such as the full scope of abuses committed by the UPDF in the Democratic Republic of Congo, and of human rights violations committed in the 2001 presidential and parliamentary elections.

<sup>161</sup> The UHRC has nevertheless issued decisions and reached conclusions critical of the government, particularly regarding torture and police brutality. .See UHRC, *6th Annual Report, November 2003 Chapter 2* at <http://www.uhrc.org/publications.php> (retrieved June 24, 2005).

<sup>162</sup> UN Committee Against Torture, “Draft Conclusions and Recommendations of the Committee against Torture: Uganda,” Consideration of Reports Submitted by States Parties under Article 19 of the Convention, Advanced Unedited Version, CAT/CO/34/UGA. Also see Human Rights Watch and Foundation for Human Rights Initiative's submission to the Committee, “Concerns regarding Torture and other Cruel, Inhuman or Degrading Treatment or Punishment in Uganda,” May 2005, <http://hrw.org/backgrounder/africa/uganda0505/index.htm>.

<sup>163</sup> Human Rights Watch interview, Ogwal, Regional Human Rights Officer, Uganda Human Rights Commission, Gulu office, Gulu, March 1, 2005.

<sup>164</sup> Some commissioners already have heavy travel schedules that take them to other UHRC offices throughout Uganda.

<sup>165</sup> Human Rights Watch interview, Francis Ogwal, Regional Human Rights Officer, Uganda Human Rights Commission, Gulu office, Gulu, March 1, 2005.

It is shocking that the UHRC does not have a greater presence in northern Uganda where a humanitarian and human rights crisis has persisted for nineteen years. Its total staff throughout Uganda numbers more than one hundred,<sup>166</sup> indicating that northern Uganda is not a significant commitment for this institution, which should have been providing a much more robust staff for the north.

It is imperative that the government, with the assistance of donors, takes prompt action to ensure that the UHRC can expand its presence in the north, preferably with earmarked funds.

### ***The International Criminal Court***

The International Criminal Court (ICC) was created in 1998 by an international treaty, the Rome Statute, which came into effect in July 2002, with a mandate to investigate and bring to justice persons who bear responsibility for the most serious crimes of international concern. President Museveni called upon the ICC to investigate the “situation concerning the Lord’s Resistance Army” in December 2003, the first state referral that the ICC had received since its inception. On January 29, 2004 the ICC Chief Prosecutor, Luis Moreno Ocampo, participated in a joint press conference in London with President Museveni to announce the referral. On July 29, 2004 the ICC announced that it would undertake a full investigation of the situation in northern Uganda.

The joint press conference generated enormous controversy over the ICC in northern Uganda. Northern leaders felt that the timing of the investigation was wrong because the conflict was still ongoing and issuance of arrest warrants by the ICC could only serve to scuttle the peace process, leading to further attacks on the civilian population.<sup>167</sup> Traditional and religious leaders have advocated amnesty and traditional reconciliation mechanisms in lieu of criminal prosecution and international justice for the rebels. They argued that the court’s investigation was inconsistent with traditional reconciliation rituals of the Acholi people, the main ethnic group affected by the mostly-Acholi LRA.

A major shortcoming of the traditional reconciliation approach is the tolerance of impunity. The process involves acceptance of perpetrators back into the community after certain rituals, but does not take into account the views of the individual victims

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<sup>166</sup> Uganda Human Rights Commission, *6<sup>th</sup> Annual Report, November 2003* (Kampala: UHRC, 2003), p.48, table 5.5. It is not clear how many of the one hundred are senior staff.

<sup>167</sup> See for example, “Uganda: ICC jeopardising local peace efforts – northern leaders,” *IRIN*, Gulu, March 25, 2005.

who might not want to forgive serious crimes, nor does it require the perpetrators be punished or pay material compensation to the victims.

Moreover, such rituals could not be expected to satisfy those who are not Acholi, and the Acholi have not been the only victims of the LRA. The Langi of Lira district and Teso in Soroti district to the south and southeast of Gulu respectively have been greatly affected by the LRA conflict since 2002, as have southern Sudanese, most of whom are non-Acholi.

The ICC investigation has had its shortcomings. Due to lack of an effective outreach strategy by the ICC, its potential role in ensuring justice and ending impunity in the conflict has been largely misunderstood. The Prosecutor's appearance with the Ugandan President at a press conference coupled with the fact that the ICC's intervention in the conflict was through a government referral led to serious questions about the court's impartiality.

This perception of the ICC has contributed to significant misinformation, rumors and confusion about the role of the court in the conflict. False reports in the press in late 2004 that the ICC had already issued arrest warrants for LRA leader Kony and some top LRA commanders caused widespread speculation about the effect this might have on northern Uganda and the peace discussions then underway.<sup>168</sup> It is difficult to understand why the ICC did not publicly correct this misstatement of fact about its actions.

The Office of the Prosecutor has only recently begun engaging in greater dialogue with civil society in northern Uganda. Several northern Ugandan leaders traveled to The Hague in February 2005<sup>169</sup> and on April 14-16, 2005<sup>170</sup> to urge the ICC Prosecutor not to issue arrest warrants while peace negotiations were ongoing. They included a member of parliament who has been a supporter of the ICC.<sup>171</sup>

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<sup>168</sup> The ICC does not issue indictments. The Office of the Prosecutor seeks arrest warrants from the Pre-Trial Chamber.

<sup>169</sup> This delegation included a member of parliament who has been a supporter of the ICC and its ratification by Uganda, MP Jacob Oulanyah, representing a mostly Acholi district in northern Uganda. Human Rights Watch interview, MP Jacob Oulanyah, Kampala, March 21, 2005.

<sup>170</sup> See "Joint Statement by ICC Chief Prosecutor and the visiting Delegation of Lango, Acholi, Iteso and Madi Community Leaders from Northern Uganda," The Hague, April 16, 2005, <http://www.icc-cpi.int/press/pressreleases/102.html> (retrieved June 23, 2005).

<sup>171</sup> Human Rights Watch interview, MP Jacob Oulanyah, Kampala, March 21, 2005.

The ICC needs to take immediate action to reach out to the people and civil society groups in northern Uganda. This will help the population understand the mandate of the court. The ICC badly needs to regain the confidence and trust of the people whose interests it is pursuing. It must correct the image it has acquired of an institution subject to manipulation by the Ugandan government for political expediency. It must restore the image of a credible international institution and seek to work with victims of human rights crimes to achieve the ends of justice.

The ICC needs to put in place a robust plan to clarify its mandate, explain its role and clearly outline to the people of northern Uganda what it can and cannot do. For instance, the ICC must make it clear to northern Ugandans that it can only investigate crimes committed after July 2002, when the ICC statute came into effect.

It is also vital that the Prosecutor quickly act to demonstrate the court's impartiality. Civil society remains concerned that the ICC is being manipulated by President Museveni, whose statements have not dispelled that impression.<sup>172</sup> In recent media interviews, the ICC Prosecutor Luis Moreno Ocampo did not rule out the court's jurisdiction over crimes committed by the UPDF,<sup>173</sup> and President Museveni welcomed the possibility.<sup>174</sup> However, a clear reiteration that the ICC can investigate crimes committed by both sides to the conflict accompanied by some activity on the ground to back this up would bolster the court's credibility.

The ICC must impartially and objectively investigate crimes committed by the LRA and government forces falling within its jurisdiction, namely war crimes and crimes against humanity that are "the most serious crimes of concern to the international community as a whole." Because any prosecutions conducted by the ICC will be limited to only a few offenders, the Ugandan government must still pursue prosecutions of those violating

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<sup>172</sup> President Museveni told *IRIN* on June 9, 2005, "The involvement of the ICC in hunting Kony is very important, mainly because it enables us to deal with Khartoum. Khartoum is fully aware of the consequences of dealing with somebody under the ICC's indictment. If Kony is in Uganda or in the areas of Sudan where Khartoum has allowed us to operate, then we do not need assistance - we shall catch him ourselves. But if Kony goes deeper into Sudan, beyond where Sudan has allowed us to pursue him, we need the ICC's assistance to get the Sudanese government to cooperate with us and help us to get him. That is why we need the ICC." "Uganda: Interview with President Yoweri Museveni," *IRIN*, Kampala, June 9, 2005, [http://www.irinnews.org/S\\_report.asp?ReportID=47569](http://www.irinnews.org/S_report.asp?ReportID=47569) (retrieved June 24, 2005).

<sup>173</sup> "Uganda: Interview with ICC prosecutor Louis Moreno-Ocampo," *IRIN*, Nairobi, June 9, 2005, [http://www.irinnews.org/S\\_report.asp?ReportID=47572](http://www.irinnews.org/S_report.asp?ReportID=47572) (retrieved June 23, 2005).

<sup>174</sup> "There are no atrocities committed by our soldiers. If there are atrocities committed, we punish them ourselves - the evidence of that is plenty. We have executed soldiers for killing people. But I would not mind if the ICC wanted to investigate [the Ugandan army]. They are more than welcome," "Uganda: Interview with President Yoweri Museveni," *IRIN*, Kampala, June 9, 2005, [http://www.irinnews.org/S\\_report.asp?ReportID=47569](http://www.irinnews.org/S_report.asp?ReportID=47569) (retrieved June 24, 2005).

Ugandan and international law, including crimes committed by the UPDF and LRA forces prior to July 2002.

The ICC must also put in place adequate witness protection measures. A consultant for Save the Children in Uganda went to Gulu district in November 2004 and easily was able to find witnesses who had spoken to the ICC prosecutor's office. If a foreign consultant is able to do this then certainly the LRA and the UPDF can, and this places potential ICC witnesses in great danger.

The LRA has a history of singling out its civilian "enemies" and LRA deserters for abduction or assassination. Agnes, who was abducted in 1995 and became the second wife (of seven) of LRA Brig. Gen. Vincent Oti, escaped at age twenty in 2004. Oti wrote a letter after Agnes escaped, threatened to massacre everyone in the parish where Agnes came from unless she was returned to him. The LRA went to Agnes' village and beat her mother to death, according to a relative.<sup>175</sup>

One problem the ICC might face is enforcement of its arrest warrants, should any be issued. The ICC does not have any means of enforcing its decisions, and depends on the goodwill of the member states to effect arrests. As an international body with a clear mandate to prosecute war crimes and crimes against humanity, the ICC represents the most credible and impartial option in ensuring that justice is done in northern Uganda. It is important for future stability and peace that those most responsible for atrocities are held accountable. The international community should continue to support, and critically engage with, the ICC in its ongoing investigation and prosecution of those responsible for the most serious crimes in northern Uganda.

### ***Ongoing Peace Negotiations and the ICC***

In November 2004, the prospect of a peaceful solution to the war received a boost when President Museveni announced a unilateral ceasefire in certain designated areas in northern Uganda. The initial ceasefire period was extended and it seemed they were on the verge of a major breakthrough. The LRA did not sign a ceasefire agreement by a December 31, 2004 deadline, and talks were gravely set back.

Talks revived in late May 2005. Betty Bigombe, a former government minister of the north who undertook a private initiative in 2004 to restart the talks, returned to Uganda and reportedly tried to meet with Kony. She is one of the few mediators or negotiators

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<sup>175</sup> Human Rights Watch interview, witness, West Oetoke, Kitgum district, Uganda, April 3, 2004.

to ever meet with Kony. She was joined in May by Hans Jacob Frydenlund, a counselor with the Norwegian mission to the UN with extensive peace negotiation experience.<sup>176</sup> No ceasefire has been declared. A government military offensive against the LRA, suspended in November 2004 and then reinstated in early 2005, is ongoing.

Bigombe has been vocal in her criticism of the ICC, expressing concern that the issuance of arrest warrants could derail the peace process. In February 2005, Bigombe threatened to completely withdraw from negotiations if the ICC issued arrest warrants. “The International Criminal Court just wants to prove itself at the cost of peace, and they seem not to care... I have told the prosecutor that the moment they issue arrest warrants, I will stop the peace process.”<sup>177</sup>

Accountability and justice are not inherently inimical to peace. In fact, the converse is true: long-term peace and stability cannot be achievable in an environment of impunity. Accountability for gross violations of human rights and justice for the victims of such violations comprises a strong foundation upon which peace and stability are built. Perpetrators of crimes that go unpunished are likely to commit crimes in the future, particularly those who are able to achieve positions of power. Individual and communal acts of revenge as a result of the lack of government prosecution—and in the face of government rewards to the persecutors—would threaten the peace. The ICC could play a central role by ensuring that accountability and justice are present in the peace and reconstruction process in northern Uganda and being more public about its activities.

It may be that the issuance of arrest warrants results in the LRA cutting off peace negotiations, but this may be only a pretext for a foreordained result. The ICC may be criticized unfairly—indeed, peace negotiations have never been successful before in the nineteen-year war, and the ICC did not even come into effect until 2002.

### ***Justice and Reconciliation: What Do the Victims Want?***

Alongside the Amnesty Act, traditional reconciliation is strongly advocated by almost all traditional and religious leaders in the north as the alternative to the ICC. Many working in northern Uganda and other concerned individuals and organizations, including many international NGOs, have supported the views of the Acholi traditional and religious

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<sup>176</sup> Emmy Allio, “Norwegian Joins Bigombe in Peace Process,” *New Vision*, Kampala, May 25, 2005.

<sup>177</sup> Daniel Wallis, “Court probe undermines Uganda peace moves – mediators,” Reuters, Gulu, February 22, 2005.

leaders on reconciliation.<sup>178</sup> There are exceptions, including an anthropologist of Acholi spiritual cults, who argues that the traditional rites are intended for resolution of individual and clan-level disputes only; they are not for reconciliation for crimes committed in wartime by armed rebels (or government soldiers) against the whole community.<sup>179</sup>

Very few victims of LRA abuses interviewed by Human Rights Watch in the camps expressed any desire for “forgiveness”—many asked for “punishment” of the commanders.<sup>180</sup> One activist reported that the people of his community, Atiak in Gulu, would not be happy to have its native son, Vincent Otti, the LRA’s number two, return home. Otti is regarded as responsible for an attack that claimed more than one hundred lives in Atiak many years ago. “They want him ‘Savimbi’d,’” the activist reported, referring to the violent death of the Angolan rebel leader.<sup>181</sup>

Even if there were a consensus among the Acholi about the desire to follow traditional services and forgive the LRA, it is not certain that non-Acholi victims of the LRA, such as the Teso, Langi, and Sudanese attacked by the LRA in Sudan and in Sudanese refugee camps in northern Uganda, would agree to resolve their complaints against the LRA through Acholi mechanisms.

A formal survey of attitudes of ordinary northern Ugandans and victims published in July 2005 reveals that many more than previously thought support prosecution of LRA leaders and some also want the UPDF held accountable for their crimes (76 percent). A majority of those surveyed wanted both peace and justice, and did not think they were mutually exclusive.<sup>182</sup> Regardless of victim and community attitudes, however, Human Rights Watch considers that those most responsible for war crimes and crimes against humanity should be investigated and prosecuted.

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<sup>178</sup> See, e.g., Refugee Law Project, Working Paper No. 15, “Whose Justice? Perceptions of Uganda’s Amnesty Act 2000: the Potential for Conflict Resolution and Long-Term Reconciliation,” Kampala, February 2005, <http://www.refugeelawproject.org/papers/workingpapers/RLP.WP15.pdf> (retrieved June 24, 2005).

<sup>179</sup> Human Rights Watch interview, Prof. Tim Allen (London School of Economics), Kampala, March 9, 2005; Tim Allen, *War and Justice in Northern Uganda: An Assessment of the International Criminal Court’s Intervention (Draft)*, Crisis States Research Centre, London School of Economics, London, February 2005, <http://www.crisisstates.com/download/others/AllenICCRReport.pdf> (retrieved July 4, 2005).

<sup>180</sup> Human Rights Watch interviews with victims, Gulu, Kitgum and Pader districts, February 25–March 7, 2005.

<sup>181</sup> Human Rights Watch interview, activist, Kampala, March 23, 2005.

<sup>182</sup> International Center for Transitional Justice and the Human Rights Center, University of California, Berkeley, “Forgotten Voices: A Population-Based Survey on Attitudes About Peace and Justice in Northern Uganda” (July 2005), pp. 4–5.

## ***Not the ICC Alone: Comprehensive Mechanisms for Peace and Justice in Uganda***

Ultimately the ICC's mandate is limited and its investigation of crimes against humanity and war crimes committed after July 2002 in northern Uganda cannot operate in isolation from the national context. The arbitrary impact of the July 2002 date does not take into account the long history of the war in the north.

A broader truth and reconciliation process would be a valuable supplement to the ICC investigation. This process could work alongside traditional rituals in which those affected wish to participate. A truth and reconciliation commission could focus on the period from the end of the war in the Luwero Triangle in the mid-1980s—between forces of President Milton Obote and the rebel NRA headed by Yoweri Museveni—to the present. It could investigate the NRA defeat of the Obote army, comprised mostly of Acholi, Langi, West Nilers and other northern Ugandans, and their flight to northern Uganda and over the border into Sudan. It could examine the Museveni rebels' pursuit of the remains of the Obote army into the Acholi sub-region in 1986, locally perceived as a human rights catastrophe and an "invasion" for the purpose of revenge-taking (for Luwero Triangle and other massacres by Obote's northern forces) on northern civilians by southerners in the NRA. The greatest human rights abuses by the Museveni forces against northern civilians, according to local accounts, stem from this period.

This truth reconstruction and telling process would give people in northern Uganda a forum in which they could raise human rights abuses that occurred during the entire nineteen years of war that they believe need to be addressed.

Tim Allen, an anthropologist of the Acholi, noted that such a truth telling process may be triggered by the ICC trial of those ultimately arrested.<sup>183</sup> Participants in the truth-telling process would not be constrained by the ICC July 2002 jurisdictional limit. They may raise incidents and events occurring long before July 2002. This may prompt the first public evaluation of some of the more controversial events in the war, bringing allegations, rumors, and facts into the open that were not previously discussed nor carefully examined to present a more complete historical record.

Economic reconstruction on a massive scale must be undertaken in northern Uganda so the area can become prosperous once again; the physical and social devastation of

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<sup>183</sup> Tim Allen, *War and Justice in Northern Uganda: An Assessment of the International Criminal Court's Intervention (Draft)*, Crisis States Research Centre, London School of Economics, London, February 2005, p. 48, <http://www.crisisstates.com/download/others/AllenICCReport.pdf> (retrieved July 4, 2005).

northern Uganda during nineteen years of brutal armed conflict has been thorough. Fair and independent adjudication of claims to land will be necessary for economic recovery. Land is an increasingly delicate issue in northern Uganda where more than 90 percent of the Acholi population has been displaced for such a prolonged time. Vulnerable groups, such as child-headed households (who may have no knowledge of the land they are entitled to), widows, and those with absent leaders will possibly be exploited. The equitable adjudication of land disputes will be key to the success of any future peace as well.

The Ugandan government will have to work assiduously to ensure greater inclusiveness of the Acholi in local and national government. Many Acholi feel they have been marginalized by the current government and rumors persist that Museveni has no interest in ending the war as the suffering is punishment of “southerners” for being abused and excluded by “northerners” controlling the government in previous decades. The full representation and involvement of the Acholi in their diversity at local and national levels will be vital to ensuring a future peace and respect for human rights.

### **Lack of Protection for Civilians**

The beleaguered displaced population of northern Uganda remains extremely vulnerable to serious abuse. It is confined to living in internally displaced persons camps by an LRA campaign of terror directed against persons it imagines to be “with” the government and by constant coercion and intimidation by the UPDF—which moved tens to hundreds of thousands into camps for their safety. The civilian protection provided by herding people into camps, at the cost of their livelihoods, health and education, has been questionable.

The present Ugandan government system for protection of internally displaced persons in northern Uganda is ineffective. An overall shift is required from a management system based on confinement and abuse, the legacy of a military strategy which included displacement and encampment as a counter-insurgency tactic, to a system of at least part-civilian management focused on protection and assistance.

A greater protection presence must be put in place to ensure the adequate protection of civilians in the north. This protection must be accompanied by enhanced capacity for monitoring by UN agencies, particularly the Office for the High Commissioner for Human Rights (OHCHR), and Ugandan and international NGOs, described above.

## ***Humanitarian Crisis***

The extreme squalor of the displaced persons camps is very apparent when driving on the rough dirt road into one of the camps in northern Uganda. Most of the camps lack efficient sanitation and consequently outbreaks of cholera and other water-borne diseases are common. The intense heat and crowded conditions result in fires in the dry thatched roofs, making people homeless within the displaced camps. The population in the camps still lives in intensely deprived conditions years after they moved there, ill-catered for by the meager humanitarian assistance afforded by international donors for such a prolonged crisis. The international appeal for donor funding for northern Uganda for 2005 was greatly improved over 2004, however, when only 19 percent was committed at mid-year.<sup>184</sup>

Many protection problems stem from the extremely deprived conditions in which the displaced population of northern Uganda lives. The rations are not enough to live off and people in the camps are forced by economic necessity and the need to survive to travel outside to the fields nearby. The LRA has made such travel extremely hazardous by killing, maiming, beating and abducting civilians to the point where many are afraid to venture out even for the food that they and their malnourished children need.

Women are particularly vulnerable. Many women interviewees became victims of the LRA or the UPDF when outside the camps collecting firewood or water, or sometimes going to farm.

The LRA seems to allow some sowing but actively discourages farmers from harvesting their crops. Its fighters seem to rely for their own food on what they can steal from the fields and huts. Aware that relief organizations distribute food to displaced persons, the rebels tell civilians found in the fields such things as, "The food in the field is ours. Why do you go to the fields when WFP gives you food?"<sup>185</sup>

Yet LRA ambushes on vehicles traveling most northern roads can be frequent. Many roads to displaced persons camps are so unsafe that military escorts have been used for most relief and commercial vehicles for years.

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<sup>184</sup> "Consolidated Appeals Process (CAP): Mid-Term Review of the Humanitarian Appeal 2005 for Uganda," OCHA, Geneva, June 22, 2005, <http://www.reliefweb.int/rw/RWB.NSF/db900SID/HSU-6DL849?OpenDocument&rc=1&emid=ACOS-635PRQ&cc=uga>. (retrieved July 24, 2005).

<sup>185</sup> Human Rights Watch interview with woman farmer, Paicor camp, Gulu, February 27, 2005.

The government army does little to provide security to people traveling outside the camps and towns on foot, to the fields or to villages. In only one camp, Bobi in Gulu district, civilians reported that a program had been set up for the army to patrol with people going to till their fields. This initiative had developed following the workshop in the camp held by the Gulu-based NGO Human Rights Focus (HURIFO) and is perhaps further evidence of how civilian-military relations can be improved by constructive collaboration between a senior military officer and an organized community.

The UPDF imposes limits on how far outside the camps or towns civilians are allowed to move. This varies according to the judgment of the UPDF of the LRA threat. In 2004, the more than 33,000 displaced persons in Pajule camp, Pader district, were allowed to move in a perimeter of two kilometers around the camp to go to their gardens. In 2005, because of suspected LRA movement in the area, they were limited to the perimeter of the camp.<sup>186</sup>

As previously described, the UPDF also imposes strict curfews at irregular times. The curfews may be enforced by abusive soldiers who brand anyone returning late as a “rebel” or “rebel collaborator.” Such civilians are arbitrarily beaten, detained and tortured for minor infringements.

As a result of the situation described above, people are forced to become even more reliant on often inaccessible and insufficient humanitarian assistance.

### ***International Protection Activities for the Displaced: Protection Officers and Working Groups***

The UN protection presence in northern Uganda has been notable for its absence for almost two decades. Despite continual conflict in northern Uganda since 1986, only one UN officer was responsible for protection of internally displaced persons in all of Uganda before 2003: an assistant protection officer with UN Office for the Coordination of Humanitarian Affairs (OCHA) based in Kampala. Many UN personnel have been working on behalf of displaced persons for years, although their positions were not conceived of as “protection officers” and their responsibilities were primarily for service and food delivery, not monitoring the safety of or providing protection for their beneficiaries.

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<sup>186</sup> Human Rights Watch interview, Pajule camp, Pader, March 4, 2005.

Since Jan Egeland declared in 2003 that “the United Nations has done too little,”<sup>187</sup> the UN has begun to scale up its presence. In 2003, OCHA deployed an officer responsible for humanitarian coordination in Gulu. Although not officially responsible for protection, this officer, OCHA’s head of office in Gulu, was able to encourage and coordinate protection activities in the area. He helped to initiate the NGO working groups on protection now active in the north.

UNICEF first deployed a child protection officer in Gulu in December 2003. Since then other child protection officers have been located in Lira and Kitgum. There is now a head of child protection in Kampala who is recruiting experienced staff to increase UNICEF’s presence and effectiveness in the north. In early 2005, the first of three UNICEF protection officers was installed in Kitgum.

These UNICEF protection officers have a broader mandate than traditional child protection officers in that they are to monitor human rights abuses and intervene with authorities to stop the abuses. They are also mandated to train local people on measures that can be taken to enhance protection at a grassroots level.

The UN Office of the High Commissioner for Human Rights (OHCHR) is planning to deploy some eight international staff members to monitor the situation in northern Uganda and support, both in terms of resources and capacity building, the expansion of the government’s Uganda Human Rights Commission presence in the north. While this is to be encouraged, OHCHR monitoring offices and staff should carry out monitoring independently, to ensure high standards in research methodology, to guarantee the security of confidential information, and to protect witnesses. The priority should be on support for independent NGOs which to date have been the most effective human rights monitoring organizations in northern Uganda.

The deployment as planned, however, will still not be enough. The UN needs to dramatically increase the number of officers present in the north to monitor the widespread ongoing abuses committed by the LRA and the UPDF.

Such monitoring would provide valuable information and inform appropriate responses to the conflict by the United Nations, donor governments, human rights and humanitarian organizations, and other members of the international community, and should be accompanied by effective, high-level interventions to stamp out abuses. The

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<sup>187</sup> “War in northern Uganda world’s worst forgotten crisis: UN,” AFP, Nairobi, November 11, 2003.

increased presence and information that would come from such a presence would enable the UN to develop more effective strategies for protection of civilians from abuse by all (including by other displaced persons and domestic abuse). It could create reporting avenues for persons who have suffered human rights abuses and promote accountability, thus providing a deterrent.

Largely at the instigation of OCHA, UN agencies, international and national NGOs and national authorities started forming protection working groups in northern Uganda in 2002-2003. A national protection working group, chaired by OCHA, meets in Kampala and protection working groups exist at the district level. Some such district level groups have sub-groups for specific protection issues. For example, in Kitgum, protection subgroups on sexual and gender-based violence, formerly abducted children and “night commuters,”<sup>188</sup> have been created.<sup>189</sup> In Gulu, the protection working group is co-chaired by HURIFO and UHRC and attended by most operational NGOs in northern Uganda.

The protection working groups are still relatively new. The group in Gulu has been established longer and has achieved some success. It has protested that the UPDF is forcing civilians to cut down grass from the roadsides; the UPDF clears elephant grass yearly, as it can grow taller than men and provide a secure hiding place from which the LRA can launch ambushes. Forcing civilians to do this heavy manual labor without compensation, however, became a major problem in Gulu, Kitgum and Pader in 2004. At the same time, HURIFO began litigation on cases of forced labor. As a result of these interventions, this practice of forced labor has declined. International humanitarian law prohibits uncompensated or abusive forced labor.<sup>190</sup>

The Gulu protection working group also rallied efforts to bring attention to rape problems in Bobi camp (alongside HURIFO’s efforts) and this advocacy probably helped to curtail the abuse there.

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<sup>188</sup> For more information on the phenomenon of children who become “night commuters” in northern Uganda, see Human Rights Watch, *Abducted and Abused: Renewed War in Northern Uganda*, June 15, 2003, <http://www.hrw.org/reports/2003/uganda0703/uganda0703a-05.htm>, pp. 68-70.

<sup>189</sup> OCHA, Inter-Agency Internal Displacement Division Mission Report, Uganda, November 29-December 7, 2004, [http://www.reliefweb.int/internally displaced persons/docs/reports.htm](http://www.reliefweb.int/internally%20displaced%20persons/docs/reports.htm) (retrieved June 22, 2005).

<sup>190</sup> Protocol II provide that persons who are deprived of their liberty for reasons related to the armed conflict “shall, if made to work, have the benefit of working conditions and safeguards similar to those enjoyed by the local civilian population.” Art. 5(1)(e). See also, ICRC, *Customary International Humanitarian Law*, vol. 1, pp. 330-332.

The working group in Gulu is limited in its ability to act and exchange information, however, because the UPDF public relations officer attends meetings and it is difficult to openly discuss controversial issues regarding army abuses and formulate strategies for dealing with them in front of him.

The situation in Kitgum and Pader lags behind Gulu. The fledgling protection working groups have not yet established themselves in those districts. More is needed to bolster their capabilities and coordinate their activities. An enhanced UN protection presence could spur them on.

The protection working groups, however, are comprised mostly of organizations that do not specialize in protection work, mostly operational NGOs experienced in the provision of humanitarian aid. OCHA, as chair of the Protection Working Group, and other protection-mandated agencies such as UNHCR, UNICEF and OHCHR, also should provide training and technical support to other agencies, with particular attention to protection of vulnerable groups such as children and women.

An effective protection strategy must incorporate the needs of the relief operations. Some protection concerns are closely linked to the provision of humanitarian aid (or lack thereof) by both UN and NGOs. For example the eight women who had their lips cut off by the LRA in February 2005 referred to earlier in this report went for water outside the camp because there was only one functioning borehole in the camp. A coordinated humanitarian and protection strategy would help to minimize the risks internally displaced persons are subjected to—which requires close collaboration between the UN, the government, the army, human rights organizations and operational humanitarian NGOs.

These mostly NGO working groups on protection should not be forced to take the lead in protection work in northern Uganda as most are assistance delivery, not human rights, NGOs. They can act far more effectively as support to an enhanced presence of institutions and personnel with a primary protection mandate and expertise. The working groups should continue as a valuable source of insights and recommendations into how food and non-food aid could be delivered in a manner that enhances security, and as a source of information on new and unresolved abuses arising in the communities they serve.

## ***The Government's Forced Displacement in Northern Uganda***

A government has the duty to protect its citizens. International humanitarian law requires all parties to a conflict to take all feasible precautions to protect the civilian population under their control against the effects of attacks.<sup>191</sup>

International humanitarian law prohibits the forced displacement of the civilian population for reasons connected to the conflict—except when done for the “security of the civilians involved” or for “imperative military reasons.” These prohibitions are applicable to both governments and insurgents.

Displacement or capture of civilians solely to deny a social base to the enemy has nothing to do with the security of the civilians. Nor is it justified by “imperative military reasons,” which require “the most meticulous assessment of the circumstances” because such reasons are so capable of abuse. One authority has stated:

Clearly, imperative military reasons cannot be justified by political motives. For example, it would be prohibited to move a population in order to exercise more effective control over a dissident ethnic group.<sup>192</sup>

The UN Guiding Principles on Internal Displacement state that, “prior to any decision requiring the displacement of persons, the authorities concerned shall ensure that all feasible alternatives are explored in order to avoid displacement altogether.”<sup>193</sup> The principles state that states are under “a particular obligation to protect against the displacement of... peasants, pastoralists, and other groups with a special dependency on and attachment to their lands.”<sup>194</sup>

The government might in the case of northern Uganda invoke both the security of civilians and imperative military reasons for requiring civilians to move for reasons connected to the conflict. Should it engage in a legal discussion, the LRA might claim imperative military reasons—although in either case the military reasons must be “imperative” and the movement may not be forced or carried out through humanitarian

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<sup>191</sup> See ICRC, *Customary International Humanitarian Law*, vol. 1, pp. 68-71.

<sup>192</sup> “The ICRC and internally displaced persons,” *International Review of the Red Cross*, no. 305, April 30, 1995, pp.181-91, <http://www.icrc.org/Web/Eng/siteeng0.nsf/iwpList74/7DD0CC08E02E3914C1256B660059344F> (retrieved July 20, 2005).

<sup>193</sup> UN Guiding Principles on Internal Displacement, (contained in the annex of document E/CN.4/1998/53/Add.2 dated 11/02/1998), Office of the High Commissioner for Human Rights <http://www.unhchr.ch/Huridocda/Huridoca.nsf/0/d2e008c61b70263ec125661e0036f36e?Opendocument>

<sup>194</sup> *Ibid.*

law violations. Whether either party to the conflict has met these legal requirements cannot be determined without a more extended development of the facts and history of displacement in northern Uganda over the years.

It must be noted that “violations of international law may be the cause of large-scale population movements and at the same time betray a deliberate policy on the part of the authorities to provoke such movements.”<sup>195</sup> International humanitarian law forbids displacement on the grounds of ethnicity or other discriminatory factors.<sup>196</sup>

International humanitarian law offers another caveat to the prohibition on forced movement of civilians for conflict-related reasons. “Although not expressly stipulated, it is understood that such movements may be only temporary.” The displacement in northern Uganda has lasted years and in some cases more than a decade.<sup>197</sup>

Since 1996, the UPDF has followed the military strategy of massive displacement of the overwhelmingly agricultural civilian population—to allow free UPDF movement and operations throughout rural northern Uganda as well as to remove the social base in which the LRA might find food and support, or the classic “drain the sea [farmers] where the fish [rebels] swim.”<sup>198</sup> The protection of the civilian population living in remote areas is a reason frequently invoked for creation and maintenance of the huge internally displaced persons camps, which receive both people fleeing LRA abuses or people moving on account of government orders.

Whatever the legal basis for displacement of the civilian population, the government has additional duties when it comes to ordering people to move for safety or other reasons

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<sup>195</sup>“The ICRC and internally displaced persons,” *International Review of the Red Cross*, no. 305, April 30, 1995, pp.181-91, <http://www.icrc.org/Web/Eng/siteeng0.nsf/iwpList74/7DD0CC08E02E3914C1256B660059344F> (retrieved July 20, 2005).

<sup>196</sup> “The ICRC and internally displaced persons,” *International Review of the Red Cross*, no. 305, April 30, 1995, pp.181-91, <http://www.icrc.org/Web/Eng/siteeng0.nsf/iwpList74/7DD0CC08E02E3914C1256B660059344F> (retrieved July 20, 2005). “Article 3 common to the four Geneva Conventions forbids parties to a conflict to have recourse to discriminatory treatment founded on ‘race, colour, religion or faith, sex, birth or wealth, or any other similar criteria’.”

<sup>197</sup> Jean-Philippe Lavoyer, “Refugees and internally displaced persons: International humanitarian law and the role of the ICRC,” *International Review of the Red Cross*, no. 305, April 30, 1995, pp.162-180, <http://www.icrc.org/Web/Eng/siteeng0.nsf/iwpList74/506EC37C76B53993C1256B66005934DE> (retrieved July 20, 2005).

<sup>198</sup> See Human Rights Watch, *Abducted and Abused: Renewed War in Northern Uganda*, June 15, 2003, <http://www.hrw.org/reports/2003/uganda0703/uganda0703a-05.htm>; Sudan, Oil, and Human Rights, <http://www.hrw.org/reports/2003/sudan1103/24.htm>; “War Crimes in Kosovo,” March 1999, <http://www.hrw.org/reports/2001/kosovo/undword-03.htm> (all retrieved July 20, 2005).

connected with the conflict: when such displacements are carried out, “all possible measures” must be taken so that the civilian population receives satisfactory conditions of shelter, hygiene, health, nutrition—and safety.<sup>199</sup>

### ***Government Protection and Safety for the Internally Displaced***

In northern Uganda, 90-95 percent of the population of the three northern Acholi districts has been uprooted by LRA and UPDF actions. This population must be properly cared for in conditions of safety, pursuant to international humanitarian law. The UPDF falls short of providing adequate safety for the displaced people living against their will in camps.

The 2005 resurgence in LRA hostilities has revealed how resilient the LRA is. The attack on Koch Goma camp in Gulu on May 5, 2005 was demonstrative of the continued ability of the diminished LRA to breach protective measures put in place by the UPDF—and how vulnerable to attack the camps remain.<sup>200</sup>

In the past, many people in northern Uganda blamed the army’s military tactics for its failure to protect the camps. Some pointed to illogical deployment: some detachments are located in the center of the displaced persons’ camps, as in Amuru.<sup>201</sup> This makes the civilian homes the perimeter protecting the military force, instead of having the military force guarding the perimeter. The army has not explained why it decided to locate barracks in the center of some internally displaced persons camps.

The local defense units (LDUs) were created to help protect the camps. But they have not been an effective protective force in the past. This was most dramatically revealed at Barlonyo, Lira district, on February 21, 2004 when more than 300 people were killed after the five members of the Amuka (Rhino) Boys militia who were left to guard the camp fled the much larger LRA attacking forces.<sup>202</sup>

In 2004, the army continued to recruit LDUs to protect the camps, instead of the somewhat better trained UPDF units.<sup>203</sup> This was a controversial issue in northern Uganda and both Reagan Okumu and Michael Ocula, the Members of Parliament (MPs)

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<sup>199</sup> Protocol II, article 17.

<sup>200</sup> Daniel Wallis, “Rebels kill 19 in northern Uganda as attacks worsen,” *Reuters*, Kampala, May 6, 2005.

<sup>201</sup> OCHA Humanitarian Update Uganda, May 2004, Vol. VI, Issue V, June 23, 2004, <http://www.reliefweb.int/rw/rwb.nsf/db900SID/SKAR-628DB2?OpenDocument> (retrieved June 28, 2005).

<sup>202</sup> Human Rights Watch interviews, Ogur camp, Lira district, April 8, 2004.

<sup>203</sup> Julius Mucinguzi, “LDUs replace ghost soldiers” *New Vision*, Kampala, July 28, 2004.

for Aswa and Kilak counties respectively, refused to take part in the LDU recruitment, for various reasons.<sup>204</sup>

Other MPs are concerned about the announcement that Ugandan troops would be sent on a peacekeeping mission to Somalia, when the situation in the north has not been stabilized. Aggrey Awori, an MP from northern Uganda, said it was “absurd [that] an army that has unresolved internal obligations goes international.”<sup>205</sup>

## **Full Recommendations**

### ***To the Government of Uganda:***

- Enhance the police capacity and presence in northern Uganda by dramatically increasing the number of police officers. Place police officers in all displaced persons camps in adequate numbers to bring security to camp residents, and work to establish the civilian nature of camp management to the greatest extent possible.
- Strengthen the judicial system in the north by hiring and training competent and impartial judges and prosecutors. More judges should be permanently assigned to Magistrates and High Courts.
- Initiate court prosecutions of military personnel in civil jurisdictions where abuses of civilians are at issue and the military fails to prosecute in a timely fashion.
- Make concerted efforts to reduce the backlog of pending judicial cases by imposing and respecting procedural deadlines, for instance.

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<sup>204</sup> Emmy Allio and Dennis Ocwich, “Army, MPs clash over militias,” *New Vision*, Kampala, July 5, 2004. Human Rights Watch interview, Ronald Reagan Okumu, MP for Aswa county, Kampala, March 22, 2005. These two MPs were released on bail after being charged in 2005 with the death of a pro-government politician in 2002. On the arrests, see Human Rights Watch press release, “Uganda: Key Opposition MPs Arrested,” New York, April 27, 2005, <http://hrw.org/english/docs/2005/04/27/uganda10548.htm> (retrieved August 4, 2005).

<sup>205</sup> Julius N. Uma, “UPDF integrity questioned ahead of UN peacekeeping mission,” *The Monitor*, Kampala, May 6, 2005.

- Clearly designate responsibilities between the police and the army as to detention procedures and train police to deal with various issues including civilian-soldier conflicts.
- Overhaul governmental complaints procedures in the north so that there is civilian and military accountability. Ensure that complaints do not stop at the military commander, and that there is independent oversight of the complaints process by a respected member of the Supreme Court.
- Design and implement clear procedures for these complainants, such as where and to whom to report complaints and how and to whom to appeal. Make sure these procedures are disseminated at all levels of the population and government in northern Uganda through public awareness campaigns and in partnership with traditional leaders and local civil society actors.
- Strengthen the capacity and independence of the Uganda Human Rights Commission by, among other things, providing it with sufficient resources to monitor and investigate abuses in northern Uganda by all parties to the conflict, including unlawful detentions by the UPDF.
- Establish and fund a Truth and Reconciliation Commission for Northern Uganda to investigate all crimes, regardless of the perpetrator, from the beginning of the conflict in 1986. Make its hearings and findings public.
- Prepare a detailed plan for the eventual voluntary return of internally displaced persons to their areas of origin for post-conflict development projects focusing, among other things, on shelter, potable water, education, sanitation, hygiene, nutrition and food security.
- Until such solutions can be implemented, provide satisfactory conditions, such as spelled out in relevant Ugandan policy and regulations, in particular the National Policy on Internal Displacement of Persons (Office of the Prime Minister, Department of Disaster Management and Refugees January 2004) and Operationalising the National Policy for IDPs (April 2005), and the UN Guiding Principles on Internal Displacement, of shelter, hygiene, health, safety and nutrition for internally displaced persons.

- Except for extreme circumstances of insecurity, allow those internally displaced persons who wish to leave the camps, whether briefly or permanently, to do so, in keeping with the National Policy on Internal Displacement of Persons and Operationalising the National Policy for IDPs and the UN Guiding Principles on Internal Displacement, principles 12(2) and 14(2).
- Lift curfews wherever possible or, at a minimum, ensure that they are enforced in a reasonable and proportionate manner.

***To the Uganda Peoples' Defence Forces:***

- Investigate and discipline or prosecute as appropriate serious violations of international human rights and humanitarian law committed by UPDF personnel regardless of their rank. Investigations in northern Uganda should focus initially on abuses by the 11<sup>th</sup> Battalion.
- Penalties imposed must respect the basic rights of the accused and should not include the simple transfer of rights violators to other locales.
- Provide appropriate human rights and humanitarian law training to all UPDF personnel deployed in northern Uganda. All personnel involved with the internally displaced should receive appropriate training on the UN Guiding Principles on Internal Displacement and relevant Ugandan regulations.
- Except for the capture of LRA fighters on the battlefield, forbid the UPDF from arresting or detaining any persons or conducting interrogations; discipline or prosecute as appropriate UPDF personnel who unlawfully detain or mistreat persons in custody.
- When invited, participate in all community and NGO-based efforts to educate citizens about their rights and procedures for complaining about government abuses and oversights.
- Design and implement effective oversight of army commanders, ensuring that they are ultimately responsible and accountable for the actions of those under their command.

***To the Lord's Resistance Army:***

- Immediately cease all attacks against civilians and other non-combatants, including willful killing, torture, mutilation, abduction, looting and destruction of civilian property.

***To the International Criminal Court:***

- Prepare and implement a communications and outreach strategy to create awareness of the ICC's mission among communities and civil society in northern Uganda. Priority should be placed on better informing the affected population of the mandate and scope of the ICC investigation, such as the fact that only crimes committed after July 2002 fall within its jurisdiction
- Immediately implement adequate witness protection measures and ensure that all investigators working in northern Uganda are properly trained to conduct their investigations while minimizing the risk to victims and witnesses.
- Investigate crimes falling within the jurisdiction of the ICC committed by all parties to the conflict, including the UPDF.

***To the Office of the High Commissioner for Human Rights:***

- Ensure that the OHCHR presence in northern Uganda is sufficient to effectively monitor human rights abuses committed by all parties to the conflict.
- Make the results of investigations carried out by OHCHR monitors publicly available promptly and periodically.
- OHCHR monitoring offices and staff should carry out monitoring independently of the Uganda Human Rights Commission. OHCHR staff, however, should undertake efforts to strengthen the capacity of national institutions, including the UHRC.
- Provide training and support to national and local non-governmental human rights organizations based in Kampala, Gulu and other parts of northern Uganda.

- Urge the Ugandan government to act in accordance with the Guiding Principles on Internal Displacement and relevant Ugandan regulations, particularly with respect to camp security and freedom of movement for internally displaced persons outside of camp confines.

***To the Uganda Human Rights Commission:***

- Develop a plan with nongovernmental organizations and donors for effective protection of internally displaced persons through stationing UHRC staff in camps to receive complaints of LRA and UPDF abuses.

***To the World Bank and the International Donor Community:***

- Support programs that improve the capabilities, particularly respect for basic rights, of the judiciary, the UHRC and the police in northern Uganda.
- Support programs for the protection of displaced persons and for their voluntary return home in dignity and safety.
- Support programs for nongovernmental organizations to educate citizens of northern Uganda about their rights and procedures to file complaints against government.

***To Humanitarian Organizations, OCHA (including the Inter-Agency Internal Displacement Division of OCHA), UNICEF and the UN Country Team for Uganda:***

- Establish effective inter-agency coordination mechanisms to assess, review, monitor and evaluate protection strategies in all internally displaced persons camps throughout northern Uganda on an ongoing basis.

***To the Uganda Government (including the UPDF and UHRC), the Humanitarian Organizations, and the Donors:***

- Ensure that individuals who receive complaints and reports of sexual and gender-based violence, whether they are community leaders, law enforcement officers or humanitarian workers, be properly, extensively and repeatedly trained covering a wide range of issues and best practices on such violence.

- Provide counseling services to victims, their families, and their communities, especially for victims of sexual and gender-based violence. Family and community counseling will improve acceptability and integration of victims within their respective families and societies.

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