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COUNTRY OF ORIGIN INFORMATION REPORT

UGANDA

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COUNTRY OF ORIGIN INFORMATION SERVICE

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1. Scope of the Document

- 1.01 This Country of Origin Information Report (COI Report) has been produced by Country of Origin Information Service, Research Development and Statistics (RDS), Home Office, for use by officials involved in the asylum/human rights determination process. The Report provides general background information about the issues most commonly raised in asylum/human rights claims made in the United Kingdom. It includes information available up to **10 March 2006**
- 1.02 The Report is compiled wholly from material produced by a wide range of recognised external information sources and does not contain any Home Office opinion or policy. All information in the Report is attributed, throughout the text, to the original source material, which is made available to those working in the asylum/human rights determination process.
- 1.03 The Report aims to provide a brief summary of the source material identified, focusing on the main issues raised in asylum and human rights applications. It is not intended to be a detailed or comprehensive survey. For a more detailed account, the relevant source documents should be examined directly.
- 1.04 The structure and format of the COI Report reflects the way it is used by Home Office caseworkers and appeals presenting officers, who require quick electronic access to information on specific issues and use the contents page to go directly to the subject required. Key issues are usually covered in some depth within a dedicated section, but may also be referred to briefly in several other sections. Some repetition is therefore inherent in the structure of the Report.
- 1.05 The information included in this COI Report is limited to that which can be identified from source documents. While every effort is made to cover all relevant aspects of a particular topic, it is not always possible to obtain the information concerned. For this reason, it is important to note that information included in the Report should not be taken to imply anything beyond what is actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented unless stated.
- 1.06 As noted above, the Report is a collation of material produced by a number of reliable information sources. In compiling the Report, no attempt has been made to resolve discrepancies between information provided in different source documents. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties etc. COI Reports do not aim to bring consistency of spelling, but to reflect faithfully the spellings used in the original source documents. Similarly, figures given in different source documents sometimes vary and these are simply quoted as per the original text. The term 'sic' has been used in this document only to denote incorrect spellings or typographical errors in quoted text; its use is not intended to imply any comment on the content of the material.

- 1.07 The Report is based substantially upon source documents issued during the previous two years. However, some older source documents may have been included because they contain relevant information not available in more recent documents. All sources contain information considered relevant at the time this Report was issued.
- 1.08 This COI Report and the accompanying source material are public documents. All COI Reports are published on the RDS section of the Home Office website and the great majority of the source material for the Report is readily available in the public domain. Where the source documents identified in the Report are available in electronic form, the relevant web link has been included, together with the date that the link was accessed. Copies of less accessible source documents, such as those provided by government offices or subscription services, are available from the Home Office upon request.
- 1.09 COI Reports are published every 6 months on the top 20 asylum producing countries and on those countries for which there is deemed to be a specific operational need. Inevitably, information contained in COI Reports is sometimes overtaken by events that occur between publication dates. Home Office officials are informed of any significant changes in country conditions by means of Country of Origin Information Bulletins, which are also published on the RDS website. They also have constant access to an information request service for specific enquiries.
- 1.10 In producing this COI Report, the Home Office has sought to provide an accurate, balanced summary of the available source material. Any comments regarding this Report or suggestions for additional source material are very welcome and should be submitted to the Home Office as below.

Country of Origin Information Service

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Croydon CR0 9YA

Email: cois@homeoffice.gsi.gov.uk

Website: http://www.homeoffice.gov.uk/rds/country_reports.html

ADVISORY PANEL ON COUNTRY INFORMATION

- 1.11 The independent Advisory Panel on Country Information was established under the Nationality, Immigration and Asylum Act 2002 to make recommendations to the Home Secretary about the content of the Home Office's country of origin information material. The Advisory Panel welcomes all feedback on the Home Office's COI Reports and other country of origin information material. Information about the Panel's work can be found on its website at www.apci.org.uk.
- 1.12 It is not the function of the Advisory Panel to endorse any Home Office material or procedures. In the course of its work, the Advisory Panel directly reviews the content of selected individual Home Office COI Reports, but neither the fact that such a review has been undertaken, nor any comments made, should be taken to imply endorsement of the material. Some of the material examined by the Panel relates to countries designated or proposed for designation for the Non-Suspensive Appeals (NSA) list. In such cases, the Panel's work should not be taken to imply any endorsement of the decision or proposal to designate a particular country for NSA, nor of the NSA process itself.

Advisory Panel on Country Information

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2. Geography

- 2.01 The Foreign and Commonwealth Office (FCO) website, updated on 5 January 2006, states:

“Uganda is a land-locked country lying on the equator in central Africa. It shares borders with Sudan, DR Congo, Rwanda, Tanzania and Kenya. 20% of the country is covered by inland lakes. The rest ranges through tropical rain forest to savannah with mountains on the western border. The climate is tropical.” [16d] (p1)

- 2.02 The Europa World website survey notes the country is bordered by Sudan to the north, the Democratic Republic of the Congo to the west, Kenya to the east and Rwanda, Tanzania and Lake Victoria to the south. “The climate is tropical, with temperatures moderated by the altitude of the country, varying between 15°C and 30°C.” [1a] (country profile)

- 2.03 Information sourced from the Central Intelligence Agency (CIA) the World Factbook, updated on 10 January 2006, notes that the Republic of Uganda has a population of 27,269,482 million (note: estimates for this country take into account the effects of excess mortality due to AIDS). [44] (p3)

- 2.04 The FCO Country Profile on Uganda, January 2006, records that: “There are over 20 tribes, the largest being the Baganda, Banyankole, Basoga, Iteso, Acholi and Langi. The Asian and European communities remain small. The principal religion is Christianity, with the country having a sizeable Muslim minority ” [16d] (p1) The World Factbook states that English is the official language and is taught in grade schools, used in courts of law and by most newspapers and some radio broadcasts. Luganda or Ganda is preferred for native language publications in the capital and may be taught in school. [44] (p4)

- 2.05 The Europa Regional survey 2005 confirms the capital city of Uganda is Kampala and the principal towns are Gulu, Lira, Jinja, Mbale, Mbarara, and Masaka. [1b] (p1212)

- 2.06 The United Nations High Commissioner for Refugees (UNHCR) published on 1 December 2005 an operational map highlighting the available logistical facilities of Uganda, which can be accessed via the link below.

<http://www.unhcr.org/cgi-bin/texis/vtx/publ/openssl.pdf?tbl=PUBL&id=43706f080>

Further references to maps of Uganda are given in **Annex B**

For further information on geography, refer to the Regional Surveys of the World. Africa South of the Sahara - 2005 - 34th Edition.*

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3. Economy

- 3.01 The Economist Intelligence Unit (EIU) Country report for Uganda for January 2006 observes that the:

“Uganda poverty eradication action plan (PEAP) sets out the country’s macroeconomic, structural and social policies in support of economic growth and poverty reduction. Key objectives for policymaking include improvements in tax collection, better control of the fiscal deficit, widening access to education and healthcare, and improvements in the country’s infrastructure. Progress is expected in all of these areas, although fiscal improvements are likely to suffer in the election year of 2006, when spending pressures will rise, and because of this we expect the deficit to be closer to 10% of GDP in 2005/06”. [11] (p11)

- 3.02 The EIU report further states:

“Food products constitute around 45% of Uganda’s consumer price index, which makes it highly sensitive to food-price movements. Poor weather in the first half of 2005 seriously affected harvests, and food prices rose substantially. Weather conditions have improved since then, but agricultural output remains vulnerable to disruptions in production, such as disease, and food prices are likely to come down only gradually during the forecast period. In addition, any decline in food-crop inflation will be offset by high international oil prices and the planned increase of some excise duties as the government attempts to widen its revenue base. Overall, inflation is estimated to have averaged 8.4% in 2005 and is forecast to fall slowly, averaging 7.5% in 2006 and 6% in 2007.” [11] (p13)

- 3.03 The International Monetary Fund (IMF) Executive Board reviewed Uganda performance in “Performance Under Past Fund-Supported Programs” on 26 January 2006 noting:

“A recent slowdown in growth and setback to poverty reduction calls for a second wave of reforms to sustain high growth. Over time, corruption has also cut into government revenues, thereby affecting Uganda’s macroeconomic performance. Directors agreed that the main medium-term challenge for Uganda is to sustain growth so as to reduce poverty. Given the magnitude of the social and infrastructure spending needs and the importance of reducing aid dependency, further effort is needed to efficiently expand domestic tax revenues. Directors also emphasized the need for careful sequencing of structural reforms to ease supply constraints and deepen domestic financial markets to enhance the economy’s capacity to absorb large donor inflows.” [46]

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4. History

- 4.01 The Foreign and Commonwealth Office (FCO) Country Profile for Uganda, dated 5 January 2006, notes that the country achieved full independence in October 1962 and Milton Obote was elected Prime Minister:

“Milton Obote, leader of the Uganda People’s Congress (UPC), was elected Prime Minister, with the Kabaka (Buganda monarch) as non executive President. Obote moved against the Kabaka in 1966. A new centralised constitution stripped the kingdoms and monarchical institutions of their powers. In 1971 Obote was ousted in a military coup. Idi Amin then established a brutal dictatorship which lasted until 1979.” [16d] (p1)

- 4.02 The EuropaWorld website states:

“A provisional Government, the National Executive Council (NEC), was established in April 1979, with Dr Yusuf Lule, a former vice-chancellor of Makerere University, as President. When Lule attempted to reshuffle the NEC in June [1979], opposition forced his resignation. Lule was succeeded by Godfrey Binaisa (a former Attorney-General), who was, in turn, overthrown by the Military Commission of the UNLF in May 1980.”

“The Obote Government was subject to constant attack from guerrilla groups operating inside the country. Following the withdrawal of Tanzanian troops in June 1981, there were reports from the West Nile Region of further atrocities by Ugandan soldiers. In January 1982 the Uganda Popular Front was formed to co-ordinate, from abroad, the activities of the main opposition groups in exile: the Uganda Freedom Movement (UFM), the Uganda National Rescue Front and the National Resistance Movement (NRM), led by Lule and his former Minister of Defence, Lt-Gen. Yoweri Museveni. The NRM had a military wing, the National Resistance Army (NRA), led by Museveni. Lule died in 1985, whereupon Museveni became sole leader of the NRM and NRA.” [1c] (p1-2) **recent history**

- 4.03 The BBC timeline for Uganda notes that Obote was deposed in a military coup in 1985 and was replaced by Tito Okello. [72] (p3) The EuropaWorld website adds:

“In July 1985 Obote was overthrown in a military coup, led by Brig. (later Lt-Gen.) Basilio Okello. (Obote was subsequently granted political asylum by Zambia.) A Military Council, headed by Lt-Gen. (later Gen.) Tito Okello, the Commander-in-Chief of the army, was established to govern the country, pending elections to be held one year later. In subsequent months groups that had been in opposition to Obote, with the exception of the NRA and the NRM (see below), reached agreement with the new administration, and accepted positions on the Military Council. An amnesty was declared for exiles who had supported Amin. The UNLA allegedly continued to perpetrate atrocities under the Okello regime.” [1c] (p2) **recent history**

- 4.04 The Europa World 2005 report mentioned above that the National Resistance Army (NRA), led by Yoweri Museveni, took control of Kampala by force, and on the

29 January 1986, Museveni was sworn in as President. In February 1986, he announced the formation of a new cabinet, comprising of mainly NRA members and National Resistance Movement (NRM – the political wing of the NRA). The cabinet also included representatives of other political groups including the Democratic Party (DP), the Uganda People's Congress (UPC), the Uganda Freedom Movement (UFM), the Federal Democratic Movement (FEDEMO) and three members of the previous administration. [1c] (p2-3) **recent history**

4.05 The BBC News Country Profile for Uganda states that the Government has been unable to end the insurgency in the north and west of the country. Lord's Resistance Army (LRA) rebels have killed and kidnapped many thousands of people. BBC News reported on 22 February 2005 that while efforts to bring about peace talks have made progress, with insurgents and Government ministers meeting face to face for the first time, this has not yet produced a total ceasefire. [69aa]

4.06 The United States State Department (USSD 2005) country report on Uganda for 2005, issued 8 March 2006, notes that:

"In October 2005, the Parliament passed a series of reforms that allows political parties to participate in government and compete in elections. These reforms followed the July referendum in which citizens voted to adopt a multiparty system of government." [2b](p1) **See section 5 Constitution**

For further information on history prior to 1962, refer to the Europa World Yearbook 2005 [1a]

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5. State structures

CONSTITUTION

- 5.01 According to the “Europa Regional Survey: Africa South of the Sahara”, published in 2005: “Following the military coup in July 1985, the 1967 Constitution was suspended, and all legislative and executive powers were vested in a Military Council, whose Chairman was Head of State.” [1b] (p1216) In comments prepared for the Advisory Panel on Country Information meeting on 8 March 2005, United Nations High Commissioner for Refugees (UNHCR) clarified that only Chapter 4 and Articles 3 and 24 of the 1967 Constitution were suspended in July 1985. The suspension did not cover the whole Constitution. [4] The Europa Regional Survey notes that, in January 1986 a further military coup established an executive Presidency, assisted by a Cabinet of Ministers and a legislative National Resistance Council (NRC). In September 1995, a Constituent Assembly enacted a Draft Constitution. The Constitution was promulgated on 8 October 1995. Under its terms, a national referendum took place in 2000. [1b] (p1216)
- 5.02 The US Department of State background notes on Uganda, issued January 2006, states:
- “The current constitution was ratified on July 12, 1995, and promulgated on October 8, 1995. The constitution provides for an executive president, to be elected every 5 years. Parliament and the judiciary have significant amounts of independence and wield significant power. President Yoweri Museveni, in power since 1986, was elected under the new constitution in 1996 and re-elected in 2001. Formerly, the constitution limited the president to two terms. However, in August 2005, the constitution was revised to allow an incumbent to hold office for more than two terms.” [2c] (p1)
- 5.03 The 1995 Constitution, in text taken from the Ugandan Government website, confers fundamental human rights and freedoms on every person in Uganda. This includes equal protection under the law and equality between men and women in all aspects of life, and guarantees the enjoyment of individual rights without discrimination on the basis of sex, race, colour, ethnic origin, social standing or political opinion, and without interference with the rights of others. [59a]
- 5.04 The 1995 Constitution, in text taken from the Ugandan Government website as of 19 January 2006, notes that in addition to the protection for those accused of crimes, individual freedoms include freedom of speech, expression, and the press and other media; freedom of thought, conscience and belief, including academic freedom; freedom to practise any religions and freedom of peaceful assembly, association and movement. [59b]
- 5.05 In comments prepared for the Advisory Panel on Country Information Meeting on 8 March 2005, UNHCR stated that:
- “A significant feature of the Constitution is the promotion of affirmative action for the purpose of redressing the imbalances created by history, tradition or custom and affirmative action in favour of marginalized groups.” [4]

5.06 The EnterUganda Constitution website confirms the setting up of the Constitutional Review Commission (CRC) in March 2001 under the Commissions of Inquiry Act. The Commission has a wide remit to consider politics, decentralisation, the judiciary and the legislative and the relative powers of the executives. [92]

5.07 A BBC news article of 13 January 2006 notes that the Parliament has abolished a constitutional limit on presidential terms, paving the way for Mr Museveni to seek re-election in 2006. Critics have accused him of aiming to become president for life. [69w]

5.08 The EuropaWorld website states, regarding the history of the curtailment of political parties in Uganda:

“In May 2002 Parliament approved the Political Parties and Organizations Act 2002, which severely curtailed the activities of political parties, while classifying the NRM as a ‘political system’ rather than a party. The Act also provided for the dissolution of all parties not registered by 17 January 2003. However, in March 2003 opposition leaders successfully challenged two clauses of the Act in the Constitutional Court, which ruled that the NRM was not a system, but a political party, and suspended the section of the Act that required parties to register, pending the outcome of a further petition against the Act. (The Attorney-General later clarified that parties would still be obliged to register, but not by a particular time.) The ruling allowed political parties to operate nationally for the first time in 17 years. The NRM became the first party to apply for registration, in June 2003, under the modified name of the National Resistance Movement Organisation (NRM-O); some opposition parties remained reluctant to register under a law that they still regarded as restrictive. Meanwhile, in late May Museveni effected a cabinet reorganization, notably appointing Prof. Gilbert Bukenya as Vice-President, following the resignation of the incumbent, Dr Speciosa Kazibwe, and dismissing a number of ministers who had recently expressed opposition to a proposal to revoke the current two-term limit on the presidential mandate. This proposal was endorsed by the Cabinet in August.” [1c] (p6) recent history

5.09 The Amnesty International Annual Report for 2004, covering events of 2004, published in July 2005, states:

“Throughout 2004, debate continued over the recommendations of the Constitutional Review Commission (CRC) on moving the country towards a multi-party political system and on lifting the two-term presidential limit ahead of elections due in 2006. The government presented a White Paper containing its counter-proposals to the CRC’s recommendations in September [2004]. In November [2004] the Constitutional Court held that certain sections of the hotly contested Political Parties and Organizations Act (PPOA) of 2002 were unconstitutional and infringed civil and political rights such as the rights to freedom of association and assembly.” [22b]

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- 5.10 The UN information service IRIN posted a report on 1 August 2005 regarding the outcome of the referendum on return to multi-party politics in Uganda:

“Ugandans on Thursday voted overwhelmingly to repeal a two-decade ban on political parties in a national referendum that was, however, boycotted by the opposition, the electoral commission announced on Saturday. A total of 92.5 percent of voters who participated in the plebiscite backed the reforms, based on returns from 99.6 percent of the polling stations. The commission hereby declares that the people of Uganda have adopted a multi-party political system henceforth Badru Kiggundu, the head of the election commission, said. The ‘no’ vote accounted for only 7.5 percent of the ballots cast, with the overall turnout hovering at 47 percent, Kiggundu told reporters. Although the strong ‘yes’ vote was claimed as a victory for President Yoweri Museveni – who had campaigned to repeal the ban on parties – there were fears that the low turnout had dashed his hopes for a nationwide consensus.” [68ah]

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CITIZENSHIP AND NATIONALITY

- 5.11 In comments prepared for the Advisory Panel on Country Information meeting on 8 March 2005, published in February 2005, the United Nations High Commissioner for Refugees (UNHCR) stated:

“The 1995 Constitution of Uganda on Citizenship states that every person born in or outside Uganda and having one parent or grandparent who is a citizen of Uganda by birth and belongs to one of the indigenous communities as stipulated in the Constitution shall be a citizen of Uganda. This provision by necessary implication rules out children born of parents who are non-citizens of Uganda.” [4]

- 5.12 The Advisory Panel on Country Information comments add that Citizenship can also be registered when an application is made with proof of a legal and subsisting marriage to a Ugandan Citizen or 3 years of such other period as may be prescribed by Parliament, or someone who has voluntarily migrated to and has been living in Uganda for at least 10 years or who on the commencement of the 1995 Constitution has lived in Uganda for at least 20 years. [4]

- 5.13 The 1995 Constitution, in Chapter Three “Citizenship”, states:

“A child of not more than 5 years of age found in Uganda, whose parents are not known, shall be presumed to be a citizen of Uganda. On application, a child under the age of eighteen years, neither of whose parents is a citizen of Uganda, and who is adopted, shall be registered as a citizen of Uganda.” [59a]

- 5.14 The 1995 Constitution adds:

“A person may be deprived of Ugandan citizenship, if acquired by registration, if they have voluntarily acquired citizenship of another country,

voluntary service in the armed forces or security forces of a country hostile to or at war with Uganda, or had acquired citizenship by fraud, deceit or bribery.” [59a]

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POLITICAL SYSTEM

- 5.15 The Foreign and Commonwealth Office (FCO) Country Profile, dated 5 January 2006, notes that:

“Hastily organised elections in 1980 returned Obote’s UPC to power on a disputed mandate. ‘Obote II’ relied heavily on the support of the army and soon became embroiled in a savage guerrilla war against Yoweri Museveni’s National Resistance Army (NRA). Obote was overthrown in an army coup in 1985.” [16d] (p1)

- 5.16 The FCO further notes that in 1995 the Ugandan constitution provided for political participation and voting but prohibited political parties from sponsoring candidates. As cited in the FCO Country Profile, dated 5 January 2006:

“Museveni won 74% of the vote in the 1996 elections and 69% of the vote in 2001. The 2001 elections were marred in places by violence and intimidation and Museveni’s main rival, Dr Kizza Besigye, subsequently fled the country.” [16d] (p2)

- 5.17 As noted in EuropaWorld 2005, a national referendum on the introduction of a multi-party political system took place in June 2000, at which voters overwhelmingly endorsed the retention of the existing ‘no-party’ system. [1c] (p4) recent history

- 5.18 EuropaWorld 2005 also notes, following legislative elections in June 2001, the number of seats in Parliament was increased to 292, comprising 214 elected and 78 nominated representatives. [1c] (p6) recent history

THE 2000 REFERENDUM

- 5.19 A key, and controversial, feature of Uganda’s politics since 1986 was the so-called ‘no party’ political system, or Movement System. Uganda’s 1995 constitution provided for political participation and voting but prohibited political parties from sponsoring candidates. A Referendum in 2000 found 91 per cent in favour of continuing the Movement system, although the turn out was low, as stated in the FCO Country Profile of 5 January 2006. [16d] (p1)
- 5.20 CNN World Election Watch, accessed on the 20 January 2006, states that this referendum poses the question “which political system do you wish to adopt, Movement or Multiparty.” It further adds that if the Movement wins the referendum, the current political system will remain and restrictions on

political party activity will remain. Uganda's oldest political parties, including the Uganda Peoples [sic] Congress (UPC) and Democratic Party (DP), believe that the current constitution unfairly infringes upon Ugandans' rights of assembly, association, and free speech. The party leaders are calling for a boycott of the referendum because they believe these rights are not subject to vote. [54a]

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THE MARCH 2001 PRESIDENTIAL ELECTIONS

5.21 The EuropaWorld website states the following summary:

"A presidential election was held on 12 March 2001. The election had been scheduled for 7 March, but was delayed to allow the Electoral Commission time to check and amend the electoral register after it was found to contain about 2.5m. more voters than there were citizens eligible to vote. At the election, which had a participation rate of 70%, Museveni was re-elected President, winning 69.3% of the votes cast. His main challenger, Kiiza Besigye, won 27.8%. There were some allegations of electoral malpractice and intimidation of opposition politicians, but international observers held that this did not affect the overall result. Besigye, who had served with Museveni during the civil war as his personal physician, represented the first real challenge to Museveni's authority." [1c] (p6) recent history

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THE JUNE 2001 LEGISLATIVE ELECTIONS

5.22 The EuropaWorld website, updated 2005, summarises the June 2001 elections:

"Legislative elections were held on 26 June 2001, at which 50 parliamentarians, including 10 ministers, failed to secure re-election. The rate of voter participation was reported as being low. The total number of seats in Parliament was increased to 292 (comprising 214 elected and 78 nominated representatives), of which the NRM reportedly secured more than 70%. In July Museveni appointed a new Cabinet, which included the 10 ministers who had failed to retain their parliamentary seats in June. Notably, Amama Mbabazi was appointed as Minister of Defence, a portfolio hitherto held by Museveni. Besigye fled to the USA in August, claiming to have feared for his personal security in Uganda, and subsequently held talks with senior US officials." [1c] (p6) recent history

5.23 It was reported in the CNN World Election Watch, accessed on the 20 January 2006, that President Museveni was popularly elected for a further five-year term. Political parties are not allowed to campaign or put up candidates in elections. The official system is referred to as a "no party"

movement in which each candidate stands on individual merit: they are not allowed to campaign under the banner of a political party. [54b]

- 5.24 Human Rights Watch in its 2004 report states that the movement system is based on the idea of one supposedly all-inclusive “movement”. The system was introduced in 1986 by the victorious rebel forces led by current President Museveni. In practice, this “no-party” system has significantly curtailed civil and political rights of those who are in political opposition. A legal challenge to the legitimacy of the movement system in Uganda was successful at the Constitutional Court in June. The court ruled that a 2000 referendum which had confirmed one-party rule was null and void. However, following an angry outburst from President Museveni the decision was subsequently overturned by the Supreme Court in September. Presently the Constitution specifically requires Parliament to amend the constitution to allow the President to serve more than two terms in office, but the authorities plan a referendum on the issue – possibly to be combined with a referendum on whether a multi-party political system should be reinstituted. The referendum is planned for February 2005. [35c]

- 5.25 The Amnesty International annual report for 2005 notes that:

“Throughout 2004, debate continued over the recommendations of the Constitutional Review Commission (CRC) on moving the country towards a multi-party political system and on lifting the two-term presidential limit ahead of elections due in 2006. The government presented a White Paper containing its counter-proposals to the CRC’s recommendations in September. In November the Constitutional Court held that certain sections of the hotly contested Political Parties and Organizations Act (PPOA) of 2002 were unconstitutional and infringed civil and political rights such as the rights to freedom of association and assembly.” [22b]

- 5.26 EuropaWorld reported that in June 2004 the Constitutional Court issued a ruling that annulled the Referendum (Political System) Act of 2000 and effectively nullified the June 2000 referendum at which a return to a multi-party system had been rejected. Museveni condemned the ruling in a televised address. However, in September 2004 (under considerable pressure from international aid donors) Museveni stated that Uganda was in a position to adopt multi-party politics. [1c] (p7) recent history

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THE FEBRUARY 2006 PRESIDENTIAL ELECTIONS

- 5.27 The EuropaWorld website accessed on the 23 January 2006 stated that:

“In February 2005 the Constitution (Amendment) Bill, which if approved would provide for a return to multi-party democracy, was presented to the Parliament. The body was to vote on the proposed legislation, which also contained a provision for the removal of the two-term limit on the presidency, by the end of April 2005. Museveni had yet to publicly declare whether he intended to stand for a third term of office; however it was widely accepted that he would.” [1c] (p8) recent history

5.28 The Europaworld website further states:

“Presidential and legislative elections were conducted under Uganda’s newly instituted multi-party political system. In the presidential election, Yoweri Museveni, the head of state since 1986 and the candidate of the National Resistance Movement Organisation, was re-elected for a further five-year term, with 59.3% of valid votes cast, according to official preliminary results. Dr Kizza Besigye, his closest rival among four other candidates, was recorded as having received 37.4% of valid votes as the candidate of the Forum for Democratic Change; Besigye, against whom judicial proceedings were pending on charges variously including treason and weapons offences, subsequently commenced a formal legal challenge to the official outcome. The rate of voter participation in the presidential election was recorded as 68.6% of the registered electorate.” [1d] recent events

5.29 The Electoral Commission stated:

“Yoweri Museveni Kaguta is the declared President of Uganda with 59.28% (4,078,911) out of a total of 6,880,484 valid votes as at 4:55 PM Saturday The 25th February 2006” [18a]

Click on link for results – [HTTP://WWW.EC.OR.UG/RESULTS.PDF](http://www.ec.or.ug/results.pdf)

5.30 A *BBC News* article published, 23 February 2006, “Ugandans vote in landmark polls” reports:

“Ugandans are going to the polls for the country’s first multi-party presidential and parliamentary elections for 26 years. There are five presidential candidates, but the main contest is between President Y. Museveni and bitter rival K. Besigye. Security is heavy with 12,000 army reserves deployed at nearly 20,000 polling stations. Early voting appeared calm with some delays due to the late arrival of polling material. About 10.4 million people can vote and results must be declared by Saturday.” [69z]

5.31 The *New Vision* reported in “Opposition to have envoy in Parliament,” 28 February 2006, that:

“Opposition parties will have an official leader who will coordinate opposition views in parliament, the Speaker of Parliament, Edward Ssekandi further added that the leader would be elected by opposition members, be facilitated by the government and will have an office at parliament to coordinate opposition views. He said parliament would set up new rules before the new parliament resumes in May to suit the operation of the multiparty system of government.” [50ax]

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REFORM AGENDA (POLITICAL GROUP)

5.32 The Reform Agenda (RA) is a political pressure group, born out of the Elect Kizza Besigye Task Force, a group which backed Col Dr Kizza Besigye in the 2001 Presidential Elections in Uganda. On 12 July, 2002, The RA

was launched at Youth Sharing Hall, Kampala, Uganda, with the election of a National Steering Committee. Col. Dr. Kizza Besigye was elected first Chairman of the Reform Agenda in absentia. [96]

- 5.33 In July 2002, *The Monitor* reported that Sam Njuba, the Deputy Chairman of the RA said that the group had reconstructed itself into a pro-reform, pro-democracy pressure group and resolved not to register under the newly passed Political Parties and Organisations Act. [31aa]
- 5.34 On 6 January 2003, *The Monitor* reported that the Reform Agenda, the opposition pressure group headed by former presidential candidate Kizza Besigye, advised him to stay in exile. The advice, issued at their weekly press briefing in Kampala, follows a statement President Yoweri Museveni made Saturday [sic] that Besigye was free to return to Uganda. [31e]
- 5.35 On 29 January 2003, BBC Monitoring reported that President Museveni had agreed to talk to RA members. At an RA press conference on 27 January 2003, it was revealed that the RA as ready for such a meeting. [66g] In February 2003, the *New Vision* reported that the RA had resolved that their exiled leader, Dr Besigye, should lead their delegation and take part in the proposed talks with the President. Vice-chairperson Njuba said that the RA gave certain conditions for the talks: there had to be an agenda, Besigye had to lead the delegation, the meeting had also to be with other opposition leaders and RA prisoners were to be released first. [50i]
- 5.36 The US State Department Report on Human Rights Practices for 2004, published on 28 February 2005, states:
- “The RA alleged in 2003 that more than 280 of its members had been arrested in 2003 and 2002 due to their political opinions. The Government maintained that the arrests were lawful and that some of those arrested would be prosecuted for treason. RA supporter Dan Magarura, who in 2003 was arrested on treason charges, was released on bail in September 2003.” [2a] (p5)

FORUM FOR DEMOCRATIC CHANGE (POLITICAL GROUP)

- 5.37 The Forum for Democratic Change is a political party in Uganda which is in political opposition to the Government of Yoweri Museveni, the FDC is widely believed to pose the greatest challenge to the re-election of President Yoweri Museveni in 2006. Its chairman and presidential candidate for the 2006 general election is Colonel Kizza Besigye.
- 5.38 It was reported in the *New Vision* newspaper, on 10 August 2004, that:
- “Reform Agenda, the Parliamentary Advocacy Forum (PAFO) and the National Democrats Forum leaders yesterday formally announced the formation of a new party, the Forum for Democratic Change (FDC). The leaders, including Sam Njuba of RA, Augustine Ruzindana of Pafo and Chapaa Karuhanga of the NDF, addressed a press conference at the RA offices in Kampala. Other leaders including Reagan Okumu, Geoffrey

Ekanya and Joyce Sebugwawo of RA, Salaamu Musumba, Ben Wacha, Abdu Katuntu, Jack Sabiiti of Pafo, NDF secretary general John Matovu and a prominent city lawyer, attended the conference. Present also were former ESO chief David Pulkol, now of the National Progressive Movement party, former minister Prof. Edward Kakonge and Luweero district PAFO coordinator Baale Bwanika.” [50aq]

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JUDICIARY

- 5.39 The US State Department Report on Human Rights Practices for 2005, published on 8 March 2006, states:

“The law provides for an independent judiciary, and the government generally respected this provision in practice; however, the president has extensive legal powers of judicial appointment. The president appoints supreme court, high court, and court of appeal judges with the approval of parliament. The president also nominates, for the approval of parliament, members of the Judicial Service Commission, who make recommendations on appointments to the judiciary. The judiciary ruled against the government on several high profile cases during the year; however, judicial corruption was a common problem. The lower courts remained understaffed, weak, and inefficient.” [2b] (p7)

- 5.40 The 2005 USSD report further states:

“The highest court is the Supreme Court, followed by the court of appeal, which also functions as the constitutional court; the high court; the chief magistrate’s court; local council (LC) sub county courts, LC parish courts; and LC village courts. The LC courts have the authority to settle civil disputes, including land ownership and debt cases, and criminal cases involving children. These courts, often the only ones available to villagers, reportedly exceeded their authority by hearing criminal cases. LC court decisions can be appealed to magistrates’ courts; however, there often were no records made at the village level, and some defendants were not aware of their right to appeal.” [2b] (p7)

- 5.41 The 2005 USSD report continues:

“An inadequate system of judicial administration and a lack of resources, resulting in a serious backlog of cases, limited the right to a fair trial. All nonmilitary trials are public, but without juries.” [2b] (p7)

- 5.42 The USSD 2005 report states regarding defendants (or ‘accused persons’ as they are more commonly known in Uganda [4]):

“Defendants have the right to be present and to consult with an attorney in a timely manner. The law requires that the government provide an attorney for indigent defendants accused of capital offenses, but there rarely was enough money to retain adequate counsel. By law defendants can confront or question witnesses against them and present witnesses and evidence on their behalf. Defendants and their attorneys have limited access to government-held

evidence relevant to their cases. There is a presumption of innocence and defendants have the right of appeal.” [2b] (p7)

- 5.43 In a *New Vision* article of 10 June 2002, the Chief Registrar of the High Court announced that Chief Magistrates Courts would start handling cases of defilement and rape and shall have high powers to grant bail. It was agreed that the age of consent remains at 18 years, but the sentence reduced to life imprisonment. The number of Chief Magistrates is to be increased from 29 to 59 in order to handle the backlog of cases in courts. [50ak]

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TREASON

- 5.44 The Human Rights Watch (HRW) Background report on 2001 Presidential Elections states:

“This article defines treason in the penal code as levying war against Uganda, plotting to overthrow the government, and causing or attempting to cause the death of or injury to the president. Charges of treason can be brought both in the High Court and in a court martial. The accused may be held up to 360 days (from the time of arrest) this [sic] is theoretically to give the prosecution time to investigate. At day 360, if there is no case against the accused, then he is supposed to be released. These time limits, however, are not always honoured.” [10a]

- 5.45 The USSD report on Human Rights Practices for 2005, published on 8 March 2006, states:

“Treason suspects were subject to numerous abuses, such as detention without charge, detention in unregistered and unofficial locations, and mistreatment, including torture. The government continued to arrest persons for treason; however, the government failed to bring any treason case to trial. Opposition parties claimed that approximately 60 supporters were arrested during the year for political reasons. The ICRC registered approximately 200 detainees held for offenses against the security of the state.” [2b] (p6)

- 5.46 The 2005 USSD report further adds:

“On April 22, authorities charged Patrick Ochola, Mike Musiluwa, Johnson Otim and Sula Serumbi with treason. The three, who were arrested in 2004 for allegedly plotting to overthrow the government, July 5, [sic] the high court ordered the release of Charles Ekemu and Francis Ogwang Olebe after prosecutors withdrew treason charges. Both suspects were local politicians and had been held since 2003. On November 15, authorities charged opposition leader Kizza Besigye and 22 others with treason for terrorism and weapons possession in the UPDF General Court Martial. Some suspects had been arrested in November and December 2004. The High Court granted bail to 15 of the accused, including Besigye,[sic]” [2b] (p6)

- 5.47 The USSD 2005 report continues:

“Legal and human rights groups criticized the excessive length of detention prior to trial, which in many cases amounted to several years; such lengthy pretrial detentions both violated the constitutional rights of the detainees and contributed substantially to prison overcrowding.” [2b] (p7)

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LEGAL RIGHTS/DETENTION

- 5.48 The USSD report for 2005, reporting on the situation of arbitrary arrest and detention, stated that:

“The law prohibits such practices; however, members of the security forces arrested and detained citizens arbitrarily during the year.” [2b] (p5)

- 5.49 The USSD report for 2005 continues:

“The law requires search warrants issued by competent judges or prosecutors to make arrests; however, in practice suspects often were taken into custody without warrants. Despite a provision that suspects must be charged within 48 hours of arrest, many persons were detained longer without being charged. Suspects must be brought to trial or released on bail within 120 days (360 days for a capital offense); however, if the case is presented to the court before the expiration of this period, there is no limit on pretrial detention. Detainees must be informed immediately of the reasons for their detention, although authorities did not always enforce these procedural protections in practice. The law provides for bail, except in capital cases and cases of treason, and bail was provided in practice.” [2b] (p5)

- 5.50 The USSD report of 2005 further adds:

“Mass arrests during police sweeps for criminals remained a problem. On January 3, police arrested approximately four hundred persons in Mukono during an operation to check whether residents had paid taxes. On January 31, police arrested 60 people in Kampala for being idle and disorderly.” [2b] (p6)

“...UHRC received 29 complaints from persons claiming to have been arbitrarily arrested. The UHRC tribunal confirmed that 28 of the complaints were cases of arbitrary arrest and awarded compensation; the government made no disbursements.” [2b] (p6)

- 5.51 The USSD 2005 report also notes that:

“Legal and human rights groups criticized the excessive length of detention prior to trial, which in many cases amounted to several years; such lengthy pretrial detentions both violated the constitutional rights of the detainees. The average time in pretrial detention was between two and three years. There were credible allegations that the CMI ordered detainees held incommunicado at police stations or in so-called safe houses. UHRC heard several cases brought by prisoners challenging the length of their detention.”

[2b] (p7)

- 5.52 The Human Rights Watch Annual Report of 2003 states that the Anti-Terrorism Act of 2002 has a broad definition of terrorism, describing it as the “use of violence or threat of violence with intent to promote or achieve political, religious, economic and cultural or social ends in an unlawful manner.” The law carried a mandatory death sentence for those found to be terrorists. It could threaten also the legitimate work of journalists who publish material considered “likely to promote terrorism”. [35b]

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DEATH PENALTY

- 5.53 According to the Amnesty International Annual Report of 2005, covering events from January to December 2004:

“Death sentences continued to be imposed. There were at least 525 inmates on death row by December 2004. No civilians have been executed since May 1999, when 28 death row inmates were hanged at Luzira Prison. Three soldiers were executed by firing squad in March 2003. Top prison officers repeatedly called for executions to be carried out by privately employed hangmen, not Prison Department employees, if the government were to maintain the death penalty. Despite calls for its abolition, the Constitutional Review Commission recommended that the death penalty be retained and should remain mandatory for the crimes of murder, aggravated robbery, kidnapping with intent to murder, and rape of minors below the age of 15. The government responded in September by accepting the recommendations and noting that treason was not listed among the crimes carrying a mandatory death sentence. “ [22b] (p3)

- 5.54 The USSD report on Human Rights Practices for 2005, published on 8 March 2006, states:

“The military court system often did not assure the right to a fair trial. Although the accused has the right to legal counsel, some military defense attorneys were untrained and could be assigned by the military command, which also appoints the prosecutor and the adjudicating officer. The law establishes a court martial appeals process; however, a sentence passed by a military court, including the death penalty, could be appealed only to the senior leadership of the UPDF. Under circumstances deemed exigent, a field court martial could be convened at the scene of the crime. The law does not permit appeal of a conviction under a field court martial.” [2b] (p7)

- 5.55 According to a BBC News Report of 4 March 2003, the Ugandan army executed three soldiers in public after they were found guilty of murdering several civilians near the northern town of Kitgum. The Ugandan army has been known to execute its own soldiers. The same report adds that in 2002, two young soldiers were executed after being found guilty in a field court martial of murdering an Irish priest and his two Ugandan employees. [69p]
- 5.56 The Hands Off Cain group, an NGO dedicated to the abolition of the death penalty worldwide, reports, in its website review of worldwide practices, that

the Ugandan Constitutional Court, on 10 June 2005, struck down the imposition of death sentences, but rejected the full abolition of capital punishment. [3]

- 5.57 Prior to the 10 June 2005 ruling, Uganda's penal code provided for 15 capital offences: 9 separate offences grouped under the collective heading "treason" and offences against the state, rape, defilement, murder, aggravated robbery and aggravated kidnapping. Death is a mandatory punishment for six of the treasonous offences. [3] The USSD report for 2005 notes that defilement (sex with minors) carried a maximum sentence of death... but states that... in practice defilement cases are often settled by a payment to the child's parents. [2b] (p16)

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TORTURE

- 5.58 The United States State Department (USSD 2005) report on Human Rights Practices for 2005, published on 8 March 2006, states:

"The law prohibits such practices; however, there were credible reports that security forces tortured and beat suspects. Many of these incidents occurred in unregistered detention facilities and were intended to force confessions. The UHRC received approximately 58 complaints of torture during the year, which was less than half the number of complaints received in 2004. The UHRC conducted human rights training for the police and military throughout the year." [2b] (p3)

The report also notes that on May 4, John Barigye Bakirahi and Peter Agom, UPDF soldiers charged with spying for the Rwandan Government, claimed they were tortured throughout their detention in Chieftancy of Military Intelligence (CMI) custody. The suspects were admitted to Mbuya military hospital to treat injuries apparently sustained as a result of torture. [2b] (p3)

- 5.59 The Human Rights Watch Overview report 2005 on Uganda (published on 18 January 2006) notes:

"Uganda has failed to make progress on human rights and its international reputation suffered in 2005. The conflict has claimed victims daily and more than 1.5 million people continued to languish in displaced persons camps." [10h] (p1) "Soldiers and officers of the Ugandan army, which is deployed in or near every displaced persons camp, engaged in abuses in 2005, beating, raping and killing civilians with total impunity." [10h] (p2) "The use of torture as a tool of interrogation has featured prominently in human rights violations by Ugandan security and military forces. In May, the UN Committee against Torture published a report which found that these practices were still prevalent in Uganda in 2005." [10h] (p3-4)

- 5.60 A Reuters Alertnet article of 27 December 2005 reported Ugandan soldiers shot dead 7 people and wounding 16 others who were protesting about the killing of a teenaged boy outside an army barracks at the Lalogi Camp, a temporary settlement housing people fleeing persecution from the Lord's Resistance Army (LRA). [65f]

- 5.61 The HRW report, “State of Pain”: Torture in Uganda (March 2004), also notes:

“Uganda set up a shadow sector of security operations to contend with armed rebel groups and crime but now, the security system serves to punish and deter political opposition by detaining and torturing supporters of the political opposition.” [10b] (p19)

- 5.62 The HRW report adds that victims are blindfolded and taken to unknown locations known as “safe houses” which it claims have become an established feature of the Ugandan system of detention. HRW says the “safe houses” provide Ugandan security and military forces with the opportunity for unseen torture and interrogation of suspects. [10b] (p23)

- 5.63 The USSD report of 2005 notes:

“In May the UN Committee Against Torture (UNCAT) reviewed the country's compliance with the UN Convention Against Torture. The UNCAT noted its concern of continued allegations of torture and the apparent impunity of its perpetrators. On May 10, Human Rights Watch and the Foundation for Human Rights Initiative released a joint report citing examples of torture such as caning, severe beating, and inflicting pain to the genitals carried out by security forces in the last two years. The government response noted that action was taken against 13 police officers over torture allegations since 2003. Security units involved in torture included the police, the UPDF, the CMI, and the Violent Crimes Crack Unit (VCCU); on occasion, such torture resulted in death.” [2b] (p3-4)

- 5.64 The Amnesty International Annual Report 2005, covering events from January to December 2004, states:

“Reports of torture by law enforcement officers, security agents and the army persisted. Torture continued to be used to extract confessions and as a means of punishment. In April, a survivor of torture by security agents of the Chieftaincy of Military Intelligence was awarded financial compensation by the Uganda Human Rights Commission. The Commission held the government liable for violating the survivor's rights to liberty and protection from torture and ill-treatment. The government had not settled the award by the end of 2004.” [22b] (p2)

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- 5.65 The Human Rights Watch report May 2005, entitled “Concerns regarding torture and other cruel, inhuman or degrading treatment or punishment in Uganda”, reports that the Ugandan Human Rights Commission (UHRC) had received 446 torture complaints during 2003:

“Most complaints were against the police, the army and the VCCU. The UHRC recognised that most of the torture complaints were closely linked to three illegal practices: ‘The use of torture was closely linked to the use of illegal detention places, detention beyond 48 hours as stipulated by law and the involvement of other security organs in police functions.’ [10e] (p11)

INTERNAL SECURITY

- 5.66 The USSD report for 2005 reported that the Internal Security Organization (ISO), under the direct authority of the President, is a domestic intelligence-gathering body. ISO force personnel occasionally detained civilians. The Uganda Police Force (UPF), under the Ministry of Internal Affairs, has the primary responsibility for law enforcement and maintenance of order in the country [2b] (p5)
- 5.67 The Internal Displacement Monitoring Centre reported in an article “Relief effort hampered in one of the world’s worst internal displacement crises”, dated September 2005, under the section “Physical security and Freedom of Movement”, sub section “Insufficient internal security in IDP camps”, stated:
- “Uganda’s entire police force numbers only 13,000 personnel far too few to serve as more than a token presence. In the northern district, the number of police is barely adequate to provide security in the urban centre, much less in the far flung and remote camps. There are three permanent police officers in camps hosting 68,000 IDPs. Local police are not capable of maintaining order within camps.” [26]
- 5.68 The USSD report for 2005 states:
- “The police force continued to be constrained by limited resources, including low pay and lack of vehicles, equipment, and training. Police committed numerous abuses, and impunity was a problem. Corruption resulted in the dismissal of some local police officials during the year. In conjunction with the UHRC, the UPDF continued a training program to educate military officers on internationally recognized human rights standards. In addition, the police, UPDF, and the prisons department used human rights manuals in their training programs.” [2b] (p5)
- 5.69 The USSD report 2005 further adds that:
- “The Police Human Rights Desk, charged with investigating police abuses, received 330 allegations of police abuse and reported that approximately 117 complaints had been resolved by year’s end.” [2b] (p5)

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SECURITY FORCES

- 5.70 The Human Rights Watch article, “Northern Crisis Worsened by UPDF”, published 23 September 2005, reports:
- “Despite 19 years of fighting, several offensives by the government Uganda Peoples’ Defence Forces (UPDF), and intermittent efforts at peace talks, the war sputters on, periodically costing many lives. The Ugandan army, which is deployed in or near every displaced persons camp in northern Uganda, is charged with protecting civilians. It has failed to live up to this responsibility.

Instead of effectively protecting civilians from the LRA's vicious assaults, UPDF soldiers have engaged in abuses of their own, often beating, raping and even killing civilians with near total impunity. The government of Uganda dismissed these allegations by stating that most complaints are fronted by opposition Members of Parliament to malign the UPDF." [10i] (p1-2)

- 5.71 The US State Department Report on Human Rights Practices 2005 states:

"The government continued its 19-year war against rebels of the Lord's Resistance Army (LRA) in the northern and eastern portions of the country and in southern Sudan. While civilian authorities generally maintained effective control of the security forces, there were instances in which elements of the security forces acted independently of government authority." [2b] (p1)

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PRISONS AND PRISON CONDITIONS

- 5.72 The Centre for the Study of Violence and Reconciliation (CSV), in its report "Kampala Declaration on prison conditions in Africa" (1996) which was adopted by consensus notes the International Covenant on Civil and Political:

"All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person. (Art.10 (1)). The conditions under which prisoners are accommodated are one of the major factors which determine a prisoner's state of mind, self esteem and dignity." [95] (p3)

- 5.73 The USSD 2005 states:

"Prison conditions remained harsh and frequently life threatening, primarily as a result of the government's severely inadequate funding of prison facilities. In addition, there were several reports that security forces and guards tortured inmates. Prison conditions came closest to meeting international standards in Kampala, where prisons provided medical care, running water, and sanitation; however, these prisons also were among the most overcrowded. There were an estimated 19,258 inmates in the country's prisons and police cells. By one estimate, the country's prisons held approximately three times their planned capacity." [2b] (p4)

- 5.74 The USSD report for 2005 further states:

"The law provides for access to prisoners by their families, ignorance [sic] of this right and fear of prison authorities often limited family visits. The UHRC reported that it received allegations that officers in charge of prisons sometimes demanded bribes to allow visits. There were no investigations conducted during the year. On July 25, the government gave 59 senior prison officers the powers of magistrates to try inmates and prison staff suspected of committing offenses." [2b] (p4)

5.75 The same report adds:

“The Community Service Act seeks to reduce prison congestion by allowing minor offenders to do community service in lieu of imprisonment. Since 2001 2,953 offenders have been sentenced to community service. In July the high court also launched ‘Operation Open Gate’ to reduce congestion of pretrial detainees. The operation created special court sessions to fine and release petty criminals who were willing to plead guilty.” [2b] (p4)

5.76 *The Monitor*, in an article dated 12 February 2003, reported that the treatment of suspects detained in alleged torture chambers had dominated debate in Parliament. Kashari MP John Kazoora informed the house that he had received reports of suspects being dumped in cages of snakes and crocodiles. [31x] On 20 February 2003, the *New Vision* newspaper reported that inmates at Kigo Prison narrated the alleged torture they went through at the hands of the military before they were taken to court. One inmate said he was forced to accept that he communicated with Kizza Besigye as he was forced to face snakes, the incident happening in a place not known to him. [50ae]

5.77 The USSD report for 2005 also notes:

“Severe overcrowding also was a problem at juvenile detention facilities and in women’s wings of prisons. The remand home in Kampala, designed for 45 inmates, held more than 123 children. The reception center, designed for 30 children, held 73 juveniles under the age of 12. Due to lack of space in juvenile facilities, juveniles often were held in prisons with adults. In Kampala jails, pretrial detainees were separated from convicted prisoners; however, in the rest of the country, due to financial constraints, pretrial detainees and convicted prisoners sometimes were held together. Inmates at most prisons grew maize, millet, and vegetables; however, the UHRC accused prison farms of overworking inmates and prisoners as young as 12 performed manual labor from dawn until dusk. Prisons were believed to have high mortality rates from overcrowding, malnutrition, diseases spread by unsanitary conditions, HIV/AIDS, and lack of medical care; however, accurate estimates were unavailable. According to the prisons department, 272 inmates died in custody during the year.” [2b] (p4)

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MILITARY SERVICE

5.78 The United States State Department Report (USSD 2005) on Human Rights Practices, published on 8 March 2006, notes that there is no military conscription in Uganda:

“The law prohibits service in the military by persons under 18 years of age; however, persons below the age of 18 occasionally enlisted, sometimes with the collusion of local officials. During the year there were reports that

individuals under the age of 18 enlisted in the army and that others enlisted in local militias. The UPDF denied that it had actively recruited child soldiers, but stated some might have joined through deception or oversight. Since December 2004 approximately 70 candidates were rejected by UPDF recruitment officers for being underage. Other reports indicated that the UPDF detained some former [sic] LRA child combatants for unacceptably long periods, and in some cases used them on intelligence and reconnaissance missions.” [2b] (p17)

5.79 The Central Intelligence Agency (CIA) World factbook on Uganda reports that:

“The recruitment criteria is [sic] a minimum of 18 years of age for compulsory and voluntary military duty; the government has stated that recruitment below that age could occur with proper consent and that no person under the apparent age of 13 years shall be enrolled in the armed forces.” [44]

5.80 The War Resisters International Report, “Refusing to Bear Arms”, notes that there is no provision for conscientious objection. In 1991, under the National Resistance Army (NRA) Code of Conduct, applications from professional serving soldiers for discharge were made on an individual basis. The report concludes that it may prove difficult for professional serving soldiers to leave the armed forces. [17]

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LRA REBELS JOIN THE MILITARY

5.81 The BBC reported on 13 July 2004 that thousands of people had turned out to watch, as around 300 former Ugandan Lord’s Resistance Army (LRA) rebels marched through Gulu town before heading to a showground for a passing-out ceremony. They were there welcomed into the regular Ugandan army. [69x] Integrated regional Information Network (IRIN) reported in an article dated 14 July 2004 that the former rebels included nine women whom the LRA had abducted from villages in northern Uganda and forced to become fighters. [68af]

5.82 According to army spokesman Major Shaban Bantariza in the BBC 13 July 2004 article, the new recruits have received three months’ military training and political education. The new recruits will be going back to fight the LRA, their former allies. “‘They can now turn away from being terrorists into a people’s defence force,’ he told the BBC. ‘They have been helping us a great deal in tracking their [former] colleagues.’” [69x] An army spokesman told IRIN that the rebels would make up the army’s 105 battalion, which would be commanded by a UPDF major and would be expanded with time. [68af] The IRIN article adds that those integrated had to be between 18 and 30 years of age. [68af]

5.83 However, IRIN, in the same article of 14 July 2004, states that some humanitarian bodies have questioned the wisdom of making these fighters part of the army, saying they required longer periods of counselling because many were children when they were abducted and forced to commit atrocities: “‘These people cannot be in their normal senses to handle a

service like the army. They required months of counselling before the idea of introducing them to any vocation could arise,' said a church worker in northern Uganda who preferred not to be named." [68af] The IRIN article added a further comment: "They only know that to go out and fight is to kill people. Three months could not change this attitude and all of them needed psychiatric help after going through those rituals of killing by the LRA." [68af]

- 5.84 Major Bantariza countered in the same article that the political education they received was meant to re-orient them so that they become part of a pro-people army and abandon past traits. "A number of them have known only fighting for the best of their lives, it would have been difficult to ask them to take up a different vocation,' he said. 'We even asked them to take options and they opted for the army.'" [68af]
- 5.85 The International Crisis Group report, "Building a comprehensive peace strategy for northern Uganda", of 23 June 2005, continues the point, stating:
- "Former LRA commanders say that most of their old colleagues in the bush would agree [to] integration into the army as part of a peace deal. One elaborated: 'These commanders are warlords. Most have learned that the gun can bring them everything they need: women, children, food, clothes, and happiness. They are gun-minded. They will need these things in their new life. The resettlement package needs to maintain their self-respect.'" [87a] (p8)
- 5.86 The BBC article of 13 July 2004 adds that Major Bantariza stated that many of the former rebels were not the leaders of the atrocities. "We should make a difference between the misleaders and the misled, the ones that have formed the new battalion are basically the misled", he added in the BBC article. [69x]
- 5.87 The IRIN report notes that senior rebel commanders who surrendered recently [in 2004] and held meetings with top government officials, including President Yoweri Museveni, witnessed Tuesday's ceremony after returning to Gulu from the capital, Kampala. They had gone to Kampala to apply for pardon under an existing amnesty law. [68af]

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MEDICAL SERVICES

- 5.88 The Ugandan Ministry of Health website's Health Policy Statement, dated 2001/2002, sets out key achievements and challenges since the late 1980s:
- 1.1 Over the past fourteen years considerable effort has been made to restore the functional capacity of the health sector, reactivate disease control programmes and re-orient services to Primary Health Care. The positive impact of these measures is evidenced by the fall in infant mortality rates and the rising utilisation of services.
 - 1.2 However this steady improvement is still clouded by several factors such as:

The high prevalence of preventable communicable diseases;
 The rising incidence of non-communicable diseases;
 The rapidly increasing demand for services due to population growth and effects of HIV/AIDS [and]
 The resource constraints.

“The diseases responsible for the largest proportion of morbidity and mortality continue to be: Malaria, Acute Respiratory Infections, HIV/AIDS, Tuberculosis, Malnutrition, Maternal and Perinatal Conditions, cardiovascular conditions, and Trauma/accidents.” **[37b] (Policies and Programmes)**

- 5.89 The UK Department for International Development (DFID) notes an increase in usage and demand of health services and the country's poorest people are held to be the main beneficiaries. The programme of health sector reforms has scrapped patient fees in government health centres. As a result the number of people attending clinics soared to 20.2 million in 2003/04. **[19b]** Furthermore UK DFID country profile 2004 on Uganda states that progress in reducing child and maternal mortality rates has been disappointing. Nationally outpatient attendances have increased by 75 per cent and immunisation coverage has increased from 41 per cent in 1999/00 to 89 per cent in 2004/05. **[19a] (p2)**

- 5.90 The organisation of the Ugandan public health service is outlined on the Ministry of Health website, which notes the services and resources available in an overview entitled “Health Infrastructure”, stating:

“Service outlets comprise 1,738 facilities, of which 1,226 belong to government, 465 belong to NGOs and 47 belong to the private sector. The facilities include 104 hospitals (57 government, 44 NGO and 3 Private), 250 health centres (179 government, 68 NGO and 3 private), palliative care 2 (government 1, NGO 1) and others (989 government, 352 NGO and 41 private).” **[37b] (Health Infrastructure)**

- 5.91 According to Government figures Uganda has an estimated 5.3 million cases of malaria for a population of 21.1 million. According to Médecins sans Frontières (MSF) in a 2002 article “Resistance to classical treatment in Uganda”, in Bundi Bugyo hospital, in the east of the country next to the border with Democratic Republic of Congo, 60 per cent of hospital stays in the paediatric department are linked to malaria. Reducing malaria morbidity and mortality is one of Medecins sans Frontières's priority objectives. **[55a]**

- 5.92 Médecins sans Frontières (MSF) in an article entitled “We're losing the Malaria battle”, published on 3 June 2004, observes:

“Malaria kills more than a million people every year, most of them children under five. Unlike Aids, there are drugs to cure it. Yet the World Health Organisation's big campaign ‘Roll Back Malaria’ launched in 1998 to halve malaria deaths by 2010 is not working. Chloroquine, the drug that used to be first-line treatment, was cheap easy to administer with no side effects is now virtually useless as the resistance to Chloroquine has reached 60 percent in parts of Burundi and Uganda. Most donor countries and international organisations now accept that the ACTs (artemisinin-based combination therapy) are the only way forward in spite of the price.” **[55b]**

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SICKLE CELL

- 5.93 The Sickle Cell Association of Ontario (SCAO) describe sickle cell as:

“Sickle cell anemia is an inherited condition that can be life-threatening. It causes chronic pain and swelling in the joints, fever and respiratory infections. There is no cure for sickle cell anemia – but there is hope through research.” [74] The disease causes enlargement of the spleen leading to severe anaemia and death. Doctors attribute the differences in prevalence rates to relatives’ intermarriages, among other factor. [75] (p3)

- 5.94 The Monitor published an article “25,000 Children Have Sickle Cell” quoting the Sickle Cell Association of Uganda which said:

“Uganda has one of the highest sickle cell prevalence rates in Africa, 25,000 children, [sic] 75 per cent of them do not celebrate their fifth birthday. An official with the association Ms Ruth Nankanja Mukiibi said five million Ugandans are also at a risk of producing children with the disease which impedes a person’s growth and inability to live a normal life. There has not been any official research carried out about the disease in the country for over 40 years, [sic] last time the research was conducted, the Bamba in Bundibugyo had the highest percentage of the disease standing at 40 per cent, making it the highest in the world. The association submitted a proposal for funding to the Ministry of Health three years ago but it had not yet been approved. Currently, there is only a day care centre which runs from Monday to Friday but the association plans to put up a sickle centre at Mulago Hospital.” [31a]

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HIV/AIDS

- 5.95 In 2003, President George W. Bush announced the Emergency Plan for AIDS Relief, a five-year, US \$15 billion dollar Government initiative. Under the Emergency Plan, Uganda will receive in 2005 US \$143.7 million to support its fight against HIV/AIDS. The U.S. Government supported prevention of mother-to-child HIV transmission (PMTCT) services and the community-based ABC (abstinence, be faithful and condom use) targeting those populations most at risk. [93a]

- 5.96 According to the country profile issued by the Center for Disease Control and Prevention Global AIDS Program (GAP) 2004, reviewed 14 November 2005:

“HIV prevalence in Uganda has dropped by more than 50 percent, Uganda’s response to HIV/AIDS has been comprehensive, and is viewed as a model for the rest of sub-Saharan Africa. The STD/AIDS Control Program - the first [sic] AIDS control program in sub-Saharan Africa. There are now 13 active HIV/AIDS control programs in government ministries. In addition, almost 2,000 indigenous Ugandan nongovernmental and faith-based organizations

(NGOs and FBOs) contribute to the national response -- a best practice unique to Uganda. As of March 2005, the US Government [sic] supported 54 active international and local partners implementing a range of prevention, care, treatment and system strengthening interventions in all 14 program areas supported by the U.S. President's Emergency Plan for AIDS Relief." [21b]

- 5.97 An article in *The Monitor*, dated 16 August 2005, recounted a presentation, "Bringing Services Closer To People Living With HIV/Aids, A Taso Home Based Care, Community Nursing Initiative", with credit going to Dr Alex Coutinho, Bennet Joseph Kizito and C. Nabiryo, given at the (biannual) International Aids Society (IAS) Conference on HIV Pathogenesis and Treatment, held (in 2005) in Brazil from 24-27 July 2005:

"According to this presentation, 64.3 percent of The Aids Support Organisation (Taso) clients have to travel more than 10kms each time they are going to the nearest Taso centre for Medical, material or psychosocial support. But 75 percent of these clients are too poor with no regular source of income at all, returning for services at Taso becomes difficult." [31ak]
 "As a result, the Taso Home Based Care initiative saw the recruitment of private nurses who live within the community to serve a radius of 5km around them. Seven out of 10 Taso centres have recruited at least 10 community nurses each who were identified by their respective communities and trained by Taso in HIV/Aids care and counselling." [31ak]

- 5.98 In an article, published on 1 February 2006, by *kaisernetwork*, quoted from *New Vision*, entitled "Uganda must increase efforts to curb country's HIV/Aids epidemic", the Aids Commission Official states:

"Uganda must make greater strides toward stemming the spread of HIV/AIDS in the country Director General David Kihumuro Apuuli said when releasing Uganda's 2005 HIV/AIDS status survey. The report shows that transmission rates are shifting from the youth to Ugandan adults ages 30 to 40. We thought we were doing well in the fight against HIV/AIDS but instead HIV/AIDS is getting on us and we are not getting on top of it, Apuuli said. He added, the prevalence is very high among females and in urban centers The [sic] Vice President of Uganda, Gilbert Bukenya, said that the government has begun the construction of an antiretroviral and antimalarial drug factory in Luzira, Uganda, which is expected to be ready to start production by June." [94]

- 5.99 The *AllAfrica* news report of 1 March 2006 relayed a *New Vision* article that states the following:

"The Ministry of Health is in the process of establishing whether the herb Khomein can cure AIDS as claimed by the Institute of Elahi International Initiative for Development and Education (IEIIDE). The 50 patients, who are sponsored for Khomein treatment, are undergoing tests at the Joint Clinical Research Centre in Mengo to establish their HIV status. Siraj Balinda, IEIIDE's chief executive officer, says their first Ugandan patient, Amina Nassolo, 27, of Wankulukuku, tested negative at Kampala International Hospital, Rubaga and Mulago hospitals. Her latest test was carried out in December 2005 at the Aids Information Centre." [50an]

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ANTI-RETROVIRAL DRUGS (ARVs)

5.100 The Emergency Plan for AIDS Relief, run by USAID and other US Government agencies, supports anti-retroviral therapy for people living with HIV/AIDS. In 2005, under the Emergency Plan the US Government committed an additional \$143.7 million to support Uganda's fight against HIV/AIDS. As of March 2005, USG supported nine partners to provide antiretroviral treatment (ART). These partners served a total of 39,538 clients in more than 60 service outlets in 27 districts. [93b] (p2-3)

5.101 *The Monitor* article dated 16 August 2005 outlines a presentation at the July 2005 International Aids Society (IAS) conference:

"There had been inference that the introduction of Antiretroviral drugs (ARVs) in Uganda was likely to lead to complacency in prevention of HIV/Aids. It is in light of the above that a study by the Academic Alliance for Aids care and prevention in Africa, was done in Kampala to assess the effect of ARVs on risk behaviour regarding HIV/Aids. Carried out between October 28, 2004 and December 22, 2004, the study was cross-sectional in design, employing both quantitative and qualitative methods of data collection." [31ak]

"...The researchers concluded that beliefs regarding the effect of ARVs on risk behaviour were diverse. Availability of ARVs had not significantly led to increased risk behavioural practices, they said. Credits of the study go to E. Muhwezi, L. Atuyambe, S. Kasasa, G. Wamuyu-Maina, E. Otolok-Tanga and S. Neema." [31ak]

A further study mentioned at the IAS Conference concluded:

"Findings of this evaluation prove the fact that ARVs notably improve the quality of the lives of HIV/Aids patients. The availability of free ART through government programmes, the Global fund and the US Presidential Emergency Plan For Aids Relief Program (PEPFAR) has improved the lives of some patients who had been condemned to death by HIV." [31ak]

5.102 *The Monitor* article of 5 February 2006 entitled "Anti-Retroviral Therapy services launched", notes that the Commissioner for Health Sam Okware launched the Anti-Retroviral Therapy Communication strategy. Dr Okware said the anti-retroviral therapy (ART) was now widely available in Uganda and the prime purpose for the new strategy was to make Ugandans understands how to access and when to use these life-prolonging drugs. The referral hospitals where the services are being offered include Gulu, Lira, Soroti, Mbale, Jinja, Hoima, Kabale, Buhinga, and Mbarara University Teaching Hospital. Some work places, faith based hospitals, and health centres would also offer the service. [31am]

5.103 In an article "Summary country profile for HIV/Aids treatment: Uganda", the World Health Organisation (WHO) reported that the Ugandan HIV Drug Access Initiative was launched in 1997 with five accredited centres in the region around Kampala. As of June 2005, the number of accredited health facilities had increased to 146 centres, of which 114 were providing anti-

retroviral therapy. Provision was largely confined to nongovernmental organizations, commercial providers and research and pilot projects. With the Government initiative to provide free treatment to people living with HIV/AIDS, AVR drugs are being provided in the public sector through regional referral hospitals, other accredited district and mission hospitals, and level IV health centres (small hospitals). Treatment is also provided through non-governmental organisations such as the Joint Clinical Research Centre, the Medical Research Council and the Mildmay Uganda Centre. The Joint Clinical Research Centre is providing an estimated 12,500 people, mostly in Kampala, with generic anti-retroviral drugs at cost. [73c] (p2)

- 5.104 However, according to a report issued by the International AIDS charity AVERT (updated April 2005):

“Few people living with HIV/AIDS have adequate access to anti-retroviral therapy which means that many people continue to die from AIDS-related diseases. The graph (above) [Not shown] shows prevalence rate of over 30% in the early 90s. In resource-poor countries such as Uganda, poor nutrition, geographic instability, poor sanitation and water-supplies reduce people’s chances of remaining healthy, especially if their immune systems are damaged by AIDS. In such circumstances, progression from HIV infection to death from AIDS-related diseases is likely to take less than 4 years. It can be said with surety that all of the 30% of Uganda’s population who were infected with HIV in the early 90s are now dead. This is one very significant explanation for the decline in HIV prevalence. There have, however, been other factors which have also had an effect on lessening the prevalence rate.” [25a] (p5)

- 5.105 Human Rights Watch (HRW) issued a report in March 2005, entitled “The less they know, the better”, that criticised the development of the Ugandan Government’s reliance upon abstinence-based HIV/AIDs combat strategies, stating:

“Widely hailed as a leader in the prevention of human immunodeficiency virus / acquired immune deficiency syndrome (HIV/AIDS), Uganda is redirecting its HIV prevention strategy for young people away from scientifically proven and effective strategies toward ideologically driven programs that focus primarily on promoting sexual abstinence until marriage.” [10f] (p1)

- 5.106 HRW in the same report notes that such a change in emphasis affects human rights:

“As their proponents admit, abstinence-only programs are not simply about preventing HIV/AIDS, but about promoting moral values. However, censoring or distorting factual information about HIV/AIDS is not a moral value. Moreover, casting HIV/AIDS as a ‘moral’ disease that results from ‘promiscuity’ – as abstinence-programs invariably do – reinforces the deadly stigma associated with HIV/AIDS. Throughout the 1990s, Uganda stood for the idea that AIDS could affect anyone, not simply ‘promiscuous’ people. The idea proved critical to respecting the human rights of people living with AIDS and protecting them from violence and discrimination. Now, abstinence-only programs give Ugandans a new reason to stigmatize people living with AIDS and to judge their actions as immoral or blameworthy.” [10f] (p78)

- 5.107 The Global Fund, an NGO funder in Uganda, issued a statement “Global Fund suspends grants to Uganda”, on 24 August 2005, stating:

“The Global Fund to Fight AIDS, Tuberculosis and Malaria has temporarily suspended all of its five grants to Uganda and asked the Ugandan Ministry of Finance to put in place a new structure that will ensure effective management of the grants. The Global Fund’s decision was based on a review undertaken by PricewaterhouseCoopers of one of the five grants, which revealed evidence of serious mismanagement by the Project Management Unit (PMU) in the Ministry of Health. To date, the PMU has been responsible for overseeing the implementation of Global Fund programs in Uganda. While the review centered on the Round 1 HIV/AIDS grant, the same PMU manages all five grants, and to minimize risk all five have been temporarily suspended. The other grants include a second grant for HIV/AIDS, two grants to combat malaria, and one grant targeting tuberculosis. These grants are worth a total of US\$ 201 million over two years, of which US\$ 45.4 million has been disbursed to date.” [13]

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MENTAL ILLNESS

- 5.108 According to the World Health Organisation (WHO) World Report 2005:

“Mental health services in Uganda were decentralized in the 1960s, and mental health units were built at regional referral hospitals. These units resembled prisons and were manned by psychiatric clinical officers. Services were plagued by low staff morale, a chronic shortage of drugs and no funds for any community activities. Most people had little understanding of mental disorders or did not know that effective treatments and services were available. Up to 80% of patients went to traditional healers before reporting to the health system. In 1996, encouraged by WHO, the health ministry began to strengthen mental health services and integrate them into primary health care. Standards and guidelines were developed for the care of epilepsy and for the mental health of children and adults, from community level to tertiary institutions. Health workers were trained to recognize and manage or refer common mental and neurological disorders. A new referral system was established along with a supervisory support network. Linkages were set up with other programmes such as those on AIDS, adolescent and reproductive health, and health education. Efforts were made to raise awareness of mental health in the general population. The Mental Health Act was revised and integrated into a Health Services Bill. Mental and neurological drugs have been included in the essential drugs list. Mental health has been included as a component of the national minimum health care package. Mental health is now part of the health ministry budget. Mental health units are to be built at 6 of the 10 regional referral hospitals, and the capacity of the 900-bed national psychiatric hospital is to be reduced by half.” [73b]

- 5.109 The WHO “Mental Health Atlas 2005”, profile for Uganda notes that:

“A mental health policy is present, but was initially formulated in 2000. A substance abuse policy is absent as there is no need for a separate substance abuse policy as mental health aspects of substance abuse are covered within the mental health policy. The components of the policy are advocacy, promotion, prevention, treatment and rehabilitation. A national mental health programme is present; it was formulated in 1996 and is one of the 12 key services to be provided as a part of the minimum health package at all levels of care.” [73d]

- 5.110 The Mental Health Atlas 2005 further notes that Uganda has budget allocations for mental health but only spends 0.7 per cent of the total health budget on mental health. Funding for health is mainly from economic aid and does not favour mental health. The country does not have disability benefits for persons with mental disorders. Disability benefits are low and even lower for mental health. Treatments for severe mental disorders are available only at the 10 regional referral centres and the National Mental Referral Hospital, within which 6 Regional Mental Health Units with 35 beds each have been constructed. Details about disability benefits for mental health are not available. The Mental Treatment Act is currently being reviewed. [73d]
- 5.111 The Mental Health Atlas 2005 also observes the availability of therapeutic drugs that are generally available at the primary healthcare level of the country, which are carbamazepine, phenobarbital, phenytoin sodium, chlorpromazine, diazepam, haloperidol and lithium. Some of the other drugs are only available at referral centres. [73d]

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PEOPLE WITH DISABILITIES

- 5.112 The International Foundation for Election Systems (IFES) on its Global initiative to enfranchise people with disabilities, in its (undated) country report on Uganda, notes that:

“The 1995 Constitution of Uganda a [sic] specific inclusion of people with disabilities under section 35 states: Persons with disabilities have a right to respect and human dignity and the State and society shall take appropriate measures to ensure that they realize their full mental and physical potential. Parliament shall enact laws appropriate for the protection of persons with disabilities.” [15]

- 5.113 The US State Department Report on Human Rights Practices 2005 states:

“The law provides protection for persons with disabilities from discrimination in employment, education, or the provision of other state services; however, the government did not enforce the law effectively. There was widespread discrimination by society, and employers limited job and educational opportunities for persons with disabilities. There was no statutory requirement that buildings be accessible to persons with disabilities” [2b] (p19)

5.114 The USSD 2005, further notes:

“Five seats in parliament were reserved for representatives of persons with disabilities. Government agencies responsible for protecting the rights of persons with disabilities included the Ministry of State for Disabled Persons and the Ministry of Gender, Labor, and Social Development (MGLSD), but both ministries lacked sufficient funding to undertake or support any significant initiatives. The law requires that children with disabilities be given necessary special facilities; however, in practice inadequate funding hampered enforcement of this provision.” [2b] (p16)

5.115 An earlier report published by the United States State Department in 2004 noted that:

“The Children’s Act required that children with disabilities be given necessary special facilities; however, in practice inadequate funding hampered enforcement of this provision.” [2a] (p16)

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EDUCATIONAL SYSTEM

5.116 The US State Department Report on Human Rights Practices 2005, published on 8 March 2006, notes:

“The government’s Universal Primary Education (UPE) program provided free education through the seventh grade; however, education was not compulsory. The UPE program made education more accessible financially; however, parents still had to pay for school supplies and some school costs. The UPE increased funding for education, provided additional skills training for teachers, and reduced the student to textbook ratio.” [2b] (p17)

5.117 The same report further states:

“Strained finances, corruption, instability, infrastructure problems, and inadequate teacher training prevented full implementation. Teachers were rarely paid on time, and many did not show up for work when the government was late in paying their wages. On June 23, teachers conducted a nationwide one-day strike to protest low wages. On June 25, the Minister of Finance announced the government would seek additional funds within the budget to supplement teachers’ wages. The government, however, did not disburse any additional money by year’s end.” [2b] (p17)

5.118 The 2005 report also notes that:

“According to the 2002 census, the country’s primary school enrollment rate was 84 percent for boys and 83 percent for girls. Girls and boys theoretically had equal access to education in the lower grades; however, the proportion of girls in higher grades remained low because families traditionally favored boys when making educational decisions. Boys also were more likely to finish primary school and performed better on examinations for admission into secondary school. The government continued several programs to promote a national plan for the education of girls.” [2b] (p17)

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6. Human Rights

6. A HUMAN RIGHTS ISSUES

OVERVIEW

- 6.01 Regarding the human rights situation in Uganda in 2005, the United States State Report (USSD 2005), published 8 March 2006, reported that:

“The government’s human rights record remained poor; although there were some improvements in a few areas, serious problems remained. The

government took significant steps to improve human and workers' rights during the year. In October the parliament passed a series of reforms that allow political parties to participate in government and compete in elections. These reforms followed the July referendum in which citizens voted to adopt a multiparty system of government. The government proposed an employment law to eliminate burdensome requirements to form a union and the Constitutional Court overturned a provision that restricted the number of national trade union associations." [2b] (p1)

- 6.02 The Human Rights Watch (HRW) report for 2005, published 18 January 2006 on overview of human rights issues in Uganda states:

"Uganda failed to make progress on human rights and its international reputation suffered in 2005. The conflict in northern Uganda claimed victims daily and more than 1.5 million people continued to languish in displaced persons camps, vulnerable to abuses by the brutal Lord's Resistance Army (LRA) and an undisciplined government army, the Uganda Peoples' Defence Forces (UPDF). The Ugandan government arrested on treason and rape charges the front-running challenger to twenty-year incumbent President Yoweri Museveni, only three weeks after he returned from exile. Dr. Kizza Besigye, the candidate for the opposition Forum for Democratic Change, was charged with twenty-two others; when fourteen of those were granted bail, government Joint Anti-Terrorism Task Force agents in black suits entered the court building and prevented all present from leaving. The chief justice denounced the 'rape' of the courthouse. Other political opponents and journalists were threatened and put in jail for criticizing the government, and some, accused of rebel collaboration or treason, were tortured in illegal detention centers. [10c] (p1)

- 6.03 The same report outlines abuses committed by the LRA in 2005:

"The conflict in northern Uganda continues to victimize the population in the three districts of the Acholi, more than 90 percent of whom are in displaced persons camps... The LRA committed killings of civilians, torture, mutilations and sexual abuse, including rape and forced 'marriages' of girls to rebel commanders, and abducted thousands of children and brutalized them, forcing them to serve as child soldiers. Despite repeated assurances by the government that it has won the war against the rebels, the LRA continues to launch brutal attacks... In November the LRA, appeared to threaten to target foreigners, causing most international nongovernmental relief organizations to temporarily withdraw their staff. "

"Peace talks between the Ugandan government and the LRA, mediated by Betty Bigombe, a former government minister from the north, broke down in early 2005 and fighting was renewed. The violence escalated after the main LRA negotiator, Brigadier Sam Kolo, defected to the government side in mid-February 2005." [10c] (p1)

- 6.04 The same 2005 report outlines abuses committed by the Uganda People's Defence Forces (UPDF) in northern Uganda, stating:

“Soldiers and officers of the UPDF, which is deployed in or near every displaced persons camp in northern Uganda, engaged in abuses in 2005, beating, raping and even killing civilians with near total impunity.” [10c] (p2)

6.05 The HRW 2005 report further states that:

“The use of torture as a tool of interrogation has featured prominently in human rights violations by Ugandan security and military forces. Official and ad hoc military, security and intelligence agencies of the Ugandan government have illegally detained and tortured suspects, often in unofficial and illegal ‘safe houses’. Torture and prolonged incommunicado detention, sometimes as long as two years, in military barracks has been used against common criminals as well. Despite the work of the Ugandan Human Rights Commission, a government body, verifying the use of torture, no one was punished for it. In May, the UN Committee against Torture published a report which found that these practices were still prevalent in Uganda in 2005. It called on the government of Uganda to end impunity for violators of human rights and urged it to abolish ‘safe houses’.” [10c] (p3)

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AMNESTIES

- 6.06 The Human Rights First report on International Justice in Uganda notes the Amnesty Act came into force in December 1999, offering an amnesty to all rebel fighters who give themselves up.
- 6.07 In the Accord undated report, “Initiatives to end the violence in N.Uganda”, it was noted that the Amnesty Statute was passed by the National Resistance Council (NRC), in particular targeting “Ugandans in exile who are afraid to return home due to fear of possible prosecution.” The amnesty law confers upon the beneficiaries of the amnesty an irrevocable legal immunity from prosecution or punishment. An Amnesty Commission and a Demobilisation and Resettlement Team (DRT) were established by the Act to oversee the amnesty process. The Commission is establishing its presence nationally and in the regions. Gulu and Kitgum now have Amnesty Commission offices as do Arua and Kasese in western Uganda, and another is planned for Mbale in the east. Across the country, 4,000 people have formally applied for amnesty under the Act. [48] (p2-3)
- 6.08 An Integrated Regional Information Network (IRIN) article dated 22 January 2003 also notes that the amnesty covers any Ugandan residing within or outside of the country. [68j]
- 6.09 The BBC notes in an article dated 13 July 2004, entitled “Former rebels join Uganda’s army”, that the amnesty still exists for those rebels who escape or are rescued during clashes with the army, and the level of forgiveness amongst the civilian population is high. [69x] The BBC notes in the news report “Uganda ‘war crimes’ probe opens”, of 29 July 2004, that concerns have been raised that prosecuting the LRA leadership would be unlikely to bring an end to the war. [69y] The BBC news report of 13 July 2004 mentions the extension of the amnesty through integration of the rebels into the army. [69x]

- 6.10 The International Crisis Group's 23 June 2005 report, "Building a comprehensive peace strategy for northern Uganda", states:

"The Amnesty Commission, a statutory government body, is the major player in Kampala on this issue but it has only just begun the attempt to run a comprehensive national disarmament, demobilisation, and reintegration (DDR) program. Since May 2005, when a limited DDR program was formally launched, the Commission has given in-kind and cash reintegration packages to 600 of the 6,000 LRA ex-combatants it has identified as eligible to receive assistance. The program was extended to Gulu on 27 May [2005] and to Kitgum on 16 June [2005]. Once it is fully operational, the Commission will have the capacity to take in 200 ex-combatants daily, some of whom will be referred to specific agencies for psychosocial and other additional support." [87a] (p8)

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FREEDOM OF SPEECH AND THE MEDIA

- 6.11 The Human Rights Watch (HRW) 2005 overview report on "Human rights issues in Uganda" states that:

"Uganda enjoys a relatively vibrant free press, especially in Kampala. However, journalists who criticized the government on politically sensitive topics still faced intimidation and arrest. Following the death of Sudanese First Vice-President John Garang, popular radio talk show host Andrew Mwenda suggested that Garang's death was the result of the Ugandan government's incompetence; Mwenda was charged with sedition and jailed on August 12, 2005. KFM radio, which broadcasts Mwenda's call-in show, was shut down for a week and the independent newspapers the Daily Monitor and the Weekly Observer, which ran a column by Mwenda, also faced closure. Mwenda was released on bail after three days and returned to his radio show, but the arrest casts a shadow on less prominent journalists in Uganda, especially in the politically charged run-up to elections." [10] (p3)

- 6.12 The Amnesty International (AI) press release of 12 February 2004 notes:

"AI welcomes the Supreme Court judgment given following an appeal against a decision of the Constitutional Court by two practising journalists of 'The Monitor' newspaper who sought the protection of the Constitution of Uganda that guarantees freedom of expression, which includes freedom of the press. The Supreme Court ruled the offence of 'publication of false news' as void and unconstitutional and reaffirms that freedom of expression is a fundamental human right. "The court concluded that "the right to freedom of expression extends to holding, receiving and imparting all forms of opinions, ideas and information. It is not confined to categories such as correct opinions, sound ideas or truthful information." [22c]

- 6.13 The BBC Country Profile on Uganda, dated 20 January 2005, also reports that there is press and media freedom in Uganda. The Country Profile states:

"Uganda has seen a mushrooming of privately-owned radio and television stations since the government loosened its control of the media in 1993. The

government occasionally voices unhappiness about the conduct of some [of] the 100-or-so private radio and TV stations. Some have been accused of raising ethnic tensions and of being negative in their reporting. State-owned Radio Uganda broadcasts throughout the country in English and several vernacular languages. BBC World Service is widely available on FM, and Radio France Internationale operates on FM in Kampala. Although the print media are led by the state-owned New Vision newspaper, it enjoys considerable independence and often publishes articles which are anti-government.” [62]

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JOURNALISTS

- 6.14 The US State Department Report on Human Rights Practices 2005, published on 8 March 2006, notes:

“The law provides for freedom of speech and of the press; however, the government at times restricted these rights in practice. The government at times harassed and intimidated journalists and journalists continued to practice self-censorship. Security forces arrested and harassed journalists who criticized the government. The leader of a press association, William Rwebembera, publicly criticized the increased intimidation and harassment of journalists by politicians during the year.” [2b] (p9)

- 6.15 The USSD 2005 report also notes that:

“Media laws require that journalists be licensed and meet certain standards, such as possessing a university degree in journalism or the equivalent. A 1994 law also provides for a Media Council with the power to suspend newspapers and deny journalists access to state information. On August 10, President Museveni publicly claimed several journalists irresponsibly disregarded national security interests in the course of their reporting. In the same speech, Museveni threatened to arrest journalists and close down media outlets that continued this pattern of irresponsible journalism. The Minister of State for Information, James Buturo, reminded journalists during the year that even when facts were true, their reporting must be informed by an imperative to preserve national interests.” [2b] (p9)

- 6.16 The USSD 2005 report further states:

“The government arrested and sued critical journalists, citing national security. On June 1, the government sued the chief editor and two staff reporters of the independent Weekly Observer newspaper for publishing confidential material prejudicial to the security of the state. The government claimed that the newspaper unlawfully published documents from the High Command Committee of Inquiry investigating the existence of ‘ghost soldiers’ in the UPDF.” [2b] (p9)

- 6.17 A BBC news report, dated 12 October 2005, and entitled “Banned Ugandan radio back on air”, related that:

“A ban on a Ugandan radio station that aired a heated phone-in about the death of Sudan’s vice-president and southern leader John Garang has been lifted. ... Journalist Andrew Mwenda, who hosted the phone-in, was charged with sedition and could face five years in prison. ...Mr Mwenda suggested that Uganda’s President Yoweri Museveni was partly responsible for the crash [in which Garang died].” [69af]

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FREEDOM OF RELIGION

- 6.18 The United States State Department International Religious Freedom (USSD IRF) report 2005, published on 8 November 2005, reports that:

“The Constitution provides for freedom of religion; however, in practice the Government imposed some minor restrictions. There was no change in the status of respect for religious freedom during the period covered in this report, and government policy continued to contribute to the generally free practice of religion; however, local authorities prevented some nighttime religious meetings for security reasons.” [7b] (p1)

- 6.19 The US State Department Report on Human Rights Practices 2005, published on 8 March 2006, confirms that:

“The law provides for freedom of religion, and the government generally respected this right in practice with some minor restrictions. The law requires religious groups and foreign missionaries to register with the government; failure to register is a criminal offense. In March 2004, antiterrorism police in Kampala arrested two Muslim religious leaders and five other suspects on treason charges. The Muslim leaders claimed they were arrested for their religious beliefs, but the government insisted they were arrested for recruiting for the Allied Democratic Forces. The men were in detention awaiting trial at year’s end.” [2b] (p9)

- 6.20 The USSD IRF report 2005 states, regarding inter-religious tension:

“The generally amicable relationship among religions in society contributed to religious freedom; however, a proposed Domestic Relations Bill that includes new restrictions on the practice of polygyny drew thousands of Muslims to the streets in peaceful protest. The bill restricts polygyny by permitting it only if the husband has economic means to support additional wives equally, and if the current wives consent to follow-on marriages. The bill also maintains the legal age for marriage at 18, which conflicts with the Muslim custom of permitting marriage at an earlier age with parental consent. The bill was still under consideration.” [7b] (p1-2)

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RELIGIOUS GROUPS

- 6.21 The United States State Department International Religious Freedom (USSD IRF) report 2005, published on 8 November 2005, reported that:

“The country has a population of approximately 26.7 million. Christians constitute approximately 85 percent of the population. Muslims comprise approximately 12 percent of the population. A variety of other religions, including traditional indigenous religions, Hinduism, the Baha’i Faith, and Judaism, are practiced freely and combined represent an estimated 2 percent of the population. Among Christian groups, the Roman Catholic Church has the largest number of followers with 42 percent; the Anglican Church claims 36 percent. The Seventh-day Adventist Church, the Church of Jesus Christ of Latter-day Saints (Mormons), the Orthodox Church, Jehovah’s Witnesses, the Baptist Church, the Unification Church, and the Pentecostal Church, among others, also are active. Muslims are mainly Sunni, although there are Shi’a followers of the Aga Khan among the Asian community. Several branches of Hinduism also are represented among the Asian community. There are few atheists.” [7b] (p1)

- 6.22 The USSD IRF report 2005 also states:

“In many areas, particularly in rural settings, some religions tend to be syncretistic. Deeply held indigenous beliefs commonly are blended into or observed alongside the rites of other religions, particularly in areas that are predominantly Christian.” [7b] (p1)

- 6.23 All Ugandan religious organisations must register with the Government, as is the case for all Ugandan NGOs. The USSD IRF report 2005, states that:

“All new indigenous nongovernment organizations (NGOs), including religious organizations, must register with the NGO Board, a division of the Ministry of Internal Affairs that regulates and oversees NGO services. According to the NGO Registration Act, failure to register is a criminal offense punishable by a fine of not less than \$6 (10,000 shillings) and not exceeding \$115 (200,000 Shillings). Failure to pay the fine can result in imprisonment of up to a year of those responsible for the management of the organization.” [7b] (p1-2)

“The Government refused registration to self-proclaimed religious groups on the grounds that the groups were not legitimate religious organizations.” [7b] (p2)

- 6.24 Some local governments have temporarily restricted operations of religious organisations for reasons of security. The USSD IRF report 2005 states that:

“Some local governments have temporarily restricted operation of religious organizations for reasons of security. Local authorities in Ntungamo and Kayunga districts banned night prayers because of suspicions that people were masquerading as followers to commit crimes at night. Makerere University authorities banned evening prayers around buildings in the center of campus to prevent disruption of lectures and university office activities. Unlike in the previous year, there were no reports that local authorities dispersed religious meetings.” [7b] (p2)

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FREEDOM OF ASSEMBLY AND ASSOCIATION

- 6.25 The US State Department Report on Human Rights Practices 2005, published on 8 March 2006, states:

“The law restricts freedom of assembly, particularly for political groups, although some restrictions were lifted in October when parliament amended relevant laws to open the political system to multiple political parties. For groups legally authorized to operate, permits were not required for public meetings; however, groups were required to notify the police prior to such gatherings. On March 29, Minister of Internal Affairs Ruhukana Rugunda banned all demonstrations related to parliament’s efforts to eliminate term limits.” [2b] (p11)

- 6.26 The USSD 2005 report further adds:

“The constitution provides for freedom of association; however, the government restricted this right in practice, particularly for opposition political parties and organizations. On January 23, the army blocked opposition party leaders Major General Mugisha Muntu of the FDC and MP Cecilia Ogwal of the UPC from attending a fundraising function at Aromo IDP camp in Lira District.” [2b] (p11)

- 6.27 The Human Rights Watch report, “Concerns regarding torture and other cruel, inhuman or degrading treatment or punishment in Uganda”, published in May 2005, states:

“High-profile politicians are not exempt from ill-treatment, on [sic] November 22, 2004 the UDPF beat up three members of parliament (MPs) Odonga Otto, Prof. Morris Ogenga Latigo, Michael Nyeko Ocula. Secretary for Information and Publicity, Dennis Savimbi Muhumuza, was reportedly caned sixty-five times because he was distributing Reform Agenda magazines and campaigning for the group without police permission.” [10e] (p5)

- 6.28 The Human Rights Watch report of Uganda: ‘Government Threat to Free Elections’ issued on 13 February 2006 and states:

“Human Rights Watch heard reports of intimidation and assault of opposition supporters and independent candidates by the ruling party, HRW said that opposition candidates have often found it almost impossible to campaign via state-controlled television. Besigye was turned away from several radio stations or had his broadcasts cancelled, President Museveni, as a candidate, has never been turned away. State-owned television meanwhile has devoted six times more airtime to the incumbent president’s party than to all the opposition parties put together.” [10k] (p2-3)

- 6.29 The BBC reported on 24 March 2005 that “More than 1,000 opposition supporters have staged a rare demonstration in the Ugandan capital, Kampala” and added “...The fact that the demonstrations this week have been peaceful will be welcomed by those calling for democratic change in

Uganda.” [69ad] The BBC reported on 31 March 2005 that “Police have used water cannon, tear gas and pepper spray to break up an opposition rally.” [69ae]

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EMPLOYMENT RIGHTS

- 6.30 The US State Department Report on Human Rights Practices 2005, published on 8 March 2006 and states:

“The law allows workers, except many ‘essential’ government employees, including police, army, and management-level officials, to form and to join unions of their choice; however, union membership is restricted by law. On June 24, the Constitutional Court overturned a provision that restricted the number of national trade union associations. Union officials estimated that 500,000 workers were unionized, representing approximately 5 percent of working age citizens. The government failed to enforce the rights of some employees to join unions in newly privatized industries and factories.

“...The law does not prohibit anti-union discrimination by employers, and union activists were not protected from retribution for union activities. However, there were no reported incidents of government harassment of union officials. There were reports that several private companies urged workers not to take part in unionization efforts.

“...The law provides for the right to strike; however, the government seldom protected this right, and government policy required labor and management to make every effort to reconcile labor disputes before resorting to strike action. During the year there were three strikes held by civil servants, teachers, and railway workers protesting unpaid salaries or benefits and one strike held by commercial vehicle operators protesting high taxes.” [2b] (p19)

- 6.31 The Freedom House organisation country report for 2005, states:

“The National Organization of Trade Unions, the country’s largest labor federation, is independent of the government and political parties. An array of essential workers are barred from forming unions. Strikes are permitted only after a lengthy reconciliation process.” [97] (p4)

PEOPLE TRAFFICKING

- 6.32 The US State Department Report on Human Rights Practices 2005, published on 8 March 2006, states:

“The law does not specifically prohibit trafficking in persons; however, the law does prohibit trafficking-related offenses. There were reports that persons were trafficked to, from, and within the country. There were no available statistics on the extent of trafficking in persons. The maximum penalty for the procurement of women for purposes of prostitution or detention with sexual

intent is 7 years' imprisonment; the maximum penalty for trading in slaves is 10 years' imprisonment." [2b] (p17)

6.33 The USSD 2005 report also notes that:

"The national police force is responsible for investigating trafficking-related crimes and maintains a special Child and Family Protection Unit to train local police on women and children's rights. The UPDF is responsible for capturing, disarming, or eliminating LRA combatants who perpetrate human trafficking crimes. The government did not prosecute or fine any victims of trafficking.

"... In March the government began participating in a national working group to combat anti-trafficking. The working group was mandated to support efforts to write a new antitrafficking law, coordinate NGO activities to prevent trafficking, assist victims, and oversee an initiative to conduct pilot prosecutions of trafficking-related crimes." [2b] (p17)

6.34 An extract from the USSD "Trafficking in Persons" report, June 2005, states:

"The Government of Uganda does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Uganda is a source and destination country for men, women, and children trafficked for the purposes of forced labor and sexual exploitation. In March 2005, a national anti-trafficking working group was established." [86]

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FREEDOM OF MOVEMENT

6.35 The US State Department Report on Human Rights Practices 2005, published on 8 March 2006, states:

"The law provides for these rights; however, the government at times limited them in practice. A married woman must obtain her husband's written permission on her passport application if children are to be listed on her passport. There were no reports that government agents seized passports of opposition party members or blocked their travel." [2b] (p13)

6.36 The same USSD report states:

"Continued attacks by the LRA and Karamojong warriors caused many ethnic Acholis and Iteso to leave their homes for urban centers, IDP camps, and villages guarded by the UPDF and LDUs. According to the UN Office of the Coordinator for Humanitarian Affairs, there were more than 1.4 million registered IDPs as a result of this violence. At year's end the number of IDPs per affected district was: Gulu, 462,580; Kitgum, 310,140; Pader, 319,506; and Lira, 349,156." [2b] (p12)

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REFUGEES

- 6.37 The US State Department Report on Human Rights Practices 2005, published on 8 March 2006, states:

“The law does not provide for the granting of asylum or refugee status in accordance with the definition of the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol; however, the government has established a system for providing protection to refugees. In practice the government provided protection against refoulement, the return of persons to a country where they feared persecution. The government granted refugee status or asylum. More than 70 percent of the approximately 238,000 refugees in the country were from southern Sudan; there also were refugees from the DRC, Rwanda, and other countries.

“...The government provided temporary protection to individuals who may not qualify as refugees under the 1951 Convention and 1967 protocol and also provided land for temporary resettlement to citizens from neighboring countries. The government generally cooperated with the UN High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers. There were no reports of refugee abuse or discrimination by government authorities.” [2b] (p13)

- 6.38 On 24 June 2003, IRIN posted a report that states that the Office of the UN High Commissioner for Refugees (UNHCR) and the Governments of Rwanda and Uganda had signed a tripartite agreement on the voluntary repatriation of thousands of Rwandan refugees living in Uganda. It is estimated that 2.5 million people fled Rwanda during and after the 1994 genocide that claimed the lives of at least 800,000 Rwandans, mostly Tutsis and politically moderate Hutus. Up to 26,000 Rwandans are presently reported to be in refugee camps mostly in western Uganda. [68ad] Comments made to the Advisory Panel on Country Information (APCI) for the March 2005 meeting noted that approximately 2,300 Rwandese have repatriated between January 2004 and December 2004. [4]

6. B HUMAN RIGHTS – SPECIFIC GROUPS

ETHNIC GROUPS

- 6.39 The Economist Intelligence Unit's Country Profile on Uganda, updated in January 2006, states:

"Only about 12% of Ugandans are classed as urban dwellers; of these, 40% live in the capital, Kampala, which had an estimated population of 1.2m in 2000. The second-largest town is Jinja, with a population in 2000 of around 65,000. Ugandan society is thus overwhelmingly rural. There is a major ethnic division between Bantu groups, who live mainly in the south, and Nilotic groups, who live largely in the north. In the early years of independence there was an important community of about 70,000 Asians of Indian and Pakistani origin, and almost 10,000 Europeans. However, since the expulsion of 'non-citizens' (as they were described by the government of Idi Amin) in 1972, both these groups have been reduced to a negligible size, although there is evidence of Asians returning in recent years. The most widely spoken indigenous language is Luganda (the language of the Baganda tribe), although English and Swahili are widely used." [11] (p13)

- 6.40 The US State Department Report on Human Rights Practices 2005, published on 8 March 2006, states:

"The law prohibits discrimination based on race, gender, disability, language, or social status; however, the government did not enforce the law in matters of locally or culturally accepted discrimination against women, children, persons with disabilities, or certain ethnic groups. Continued instability in the northern region led to violations of the rights of some Acholi, an ethnic group that comprises a significant part of the population; LRA rebels, although predominantly Acholi themselves, were responsible for the most serious human rights violations." [2b] (p16)

- 6.41 The U.S. State Department Background's Note on Uganda, issued in January 2005, states:

"Africans of three main ethnic groups – Bantu, Nilotic, and Nilo-Hamitic – constitute most of the population. The Bantu are the most numerous and include the Baganda, which, with 18% of the population, constitute the largest single ethnic group. Individual ethnic groups in the southwest include the Banyankole and Bahima, 10%; the Bakiga, 8%; the Banyarwanda, 6%; the Bunyoro, 3%; and the Batoro, 3%. Residents of the north, largely Nilotic, include the Langi, 6%, and the Acholi, 4%. In the northwest are the Lugbara, 4%, and the Karamojong, 2%, occupy the considerably drier, largely pastoral territory in the northeast. The Basoga, 8%, are among ethnic groups in the east. Europeans, Asians, and Arabs make up about 1% of the population with other groups accounting for the remainder." [41] (p1)

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ACHOLI

6.42 The US State Department Background note on Uganda, issued in January 2005, reports that the Acholi account for around four per cent of Uganda's population. They live primarily in the north of Uganda. [41] (p1)

6.43 The Foreign and Commonwealth Office (FCO) Country Profile on Uganda, updated on 10 January 2006, notes:

"The Lord's Resistance Army (LRA) has been conducting an insurgency in the Acholi area of Northern Uganda for over 15 years. This has involved a brutal campaign of atrocities against the local Acholi and Langi population, often in punishment for failure to support their cause. Over 50% of the population of Gulu, Kitgum and Pader Districts in northern Uganda – about 1.4 million people - now live in Internally Displaced Persons camps. Uganda launched a major military operation (known as 'Operation Iron Fist') against the LRA in March 2002, to which the LRA responded by intensifying their attacks in northern Uganda. The International community supported efforts by Betty Bigombe, a former Ugandan Minister, to initiate a dialogue at the start of 2005. In October the International Criminal Court issued arrest warrant [sic] for 5 LRA leaders, including Kony." [16c] (p3)

6.44 The USSD report for 2005 states:

"Civil strife in the north and east led to the violation of the rights of members of the Acholi, Langi, and Ateso ethnic groups, who primarily resided in the districts of Gulu, Kitgum, Pader, Lira, Apac, and Soroti. LRA rebels, who themselves largely were Acholi, committed abuses against ethnic Acholi and other ethnic groups. The LRA in particular was implicated in the killing and kidnapping of Acholi and other tribe members (see section 1.g.). During the year the UPDF committed abuses against ethnic Acholi during combat operations against the LRA." [2b] (p18)

6.45 The USSD report for 2005 also notes that:

"Continued attacks by the LRA and Karamojong warriors caused many ethnic Acholis and Iteso to leave their homes for urban centers, IDP camps, and villages guarded by the UPDF and LDUs. According to the UN Office of the Coordinator for Humanitarian Affairs, there were more than 1.4 million registered IDPs as a result of this violence. At year's end the number of IDPs per affected district was: Gulu, 462,580; Kitgum, 310,140; Pader, 319,506; and Lira, 349,156." [2b] (p13)

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KARAMOJA

6.46 The Karamoja website "People of the Karimojong", [sic] notes that a group of people referred to as the Nilotes migrated from an area near the Nile Valley in southern Sudan and Ethiopia and settled on the high, dry plateau of Karamoja. They built a culture revolving around the herding of cattle and the raiding of

cattle from neighbours which has become a part of the Karamojong culture for centuries. [6a] (p2)

6.47 The USSD 2005 notes that:

“During the year raids by armed cattle rustlers of the Karamojong ethnic group continued in Katakwi, Nakapiripirit, Moroto, Sironko, Kitgum and Kapchorwa Districts. These raids resulted in the deaths of more than 200 civilians and the displacement of thousands. The government continued its Karamoja disarmament program during the year (see section 5). UPDF forces killed numerous persons during clashes with armed Karamojong warriors.

... During the year raids by armed Karamojong warriors in Katakwi, Kotido, and Kapchorwa Districts in the northeast resulted in approximately 200 deaths. The raids reportedly exacerbated ethnic tensions in the northeast (see section 1.a.). The government’s mandatory disarmament program for Karamoja, which has caused confrontations between the UPDF and the Karamojong, continued along with negotiations for a Karamojong-led solution. The UPDF and police continued efforts to improve security conditions by arresting cattle rustlers and preventing cross-border incursions.” [2b] (p19)

6.48 The Karamoja website, “Culture of the Karimojong”, also notes:

“The Karimojong have always been nomadic pastoralists. They keep cattle, goats, sheep, camels especially those neighbouring the Turkana of Kenya (Matheniko) and donkeys. In the past, the Karimojong practiced a rotational grazing system, transhumance, which was well guided by the availability of pasture and water. Construction of county, district and international boundaries by the colonial administration, coupled with insecurity partly prevented this practice and has led to overstocking of animals on the floral species and over concentration of animals at watering points. Cattle provide the Karimojong with a major means of daily living, insurance against periodic famines, bride prices and are considered a symbol of one’s social status. The cattle provide food, clothing/bedding, while goats which mainly browse provide the same, but are mainly intended for cultural rituals.” [6a] (p5-6)

6.49 The Ugandan Human Rights Commission (UHRC) published a report in March 2004, “Human rights and the search for peace in Karamoja, that opens with the statement:

“The conflict in Karamoja and the neighbouring districts is historical. Subsequent governments in Uganda have tried to deal with it with varying degrees of success. To date there has been no lasting solution to the problem, and as a result the protection of a number of human rights have been put to question, among which are: the right to life, the right to education, the right to peace and security, the right to adequate standard of living, the right to property, right to development, freedom from discrimination, the right to health, and freedom from torture and inhuman and degrading treatment.” [8a]

6.50 The UHRC’s conclusions in the report run:

“The UHRC would like to see improvement in the human rights regime improvement [sic] in tandem with development efforts, since the two are inter-linked and cannot be divorced from each other. The realization of human rights will be clearly enhanced by improvement in the overall human development of the region.” [8a]

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WOMEN

- 6.51 Amnesty International's report on “Violence at Home”, published on 10 January 2006, states that women and girls are beaten and sexually assaulted by husbands and fathers and that violence against women in the family is considered a private matter and not treated by the authorities as a crime. [22d]

- 6.52 Human Rights Watch produced a news report, “Domestic violence and HIV-infection in Uganda”, on 31 January 2005, which adds:

“Women now constitute the majority of infected adults. Unremedied domestic violence plays a critical role in exposing women to HIV infection. Traditional practices such as widow inheritance (the inheritance by a man of his brother's widow) expose women to unprotected sex with male in-laws, while the payment of bride price (payment made by a man to the family of a woman he wishes to marry), establishes women as the physical property of their spouses, and underscores men's authority to dictate the terms of sex.” [10g]

- 6.53 The USSD report 2005 notes:

“Violence against women, including rape, remained common. A 2003 Johns Hopkins University study indicated that one in three women living in surveyed rural areas experienced verbal or physical threats from their partners, and 55 percent sustained physical injuries as a result of domestic abuse. According to a September survey conducted by police and civil society at selected police stations, the police received 30 percent more reports of domestic violence than in the previous year. The law prohibits assault, battery, and rape; however, there were no laws that specifically protected women from spousal abuse. Many law enforcement officials continued to view wife beating as a husband's prerogative and rarely intervened in cases of domestic violence. Women remained more likely to sue for divorce than to file rape or assault charges against their husbands.” [2b] (p16)

- 6.54 The PeaceWomen campaign by Women's International League for Peace and Freedom, in their September 2005 world summit “What's at stake for women”, noted that:

“Uganda has been widely praised for having a constitution that reflects gender concerns. The country commits to affirmative action in the workplace, freedom from sexual discrimination and economic rights for women. Uganda has pledged to implement the United Nations' eight Millennium Development Goals (MDGs), which include the promotion of gender equality by 2015. Nonetheless, progress towards real women's empowerment has been

somewhat erratic. Women are visible in political office, holding almost a quarter of parliamentary seats. However, their representation and participation in business and social institutions such as hospitals and schools is far less, according to member of parliament (MP) Betty Amongi.” [79]

6.55 The PeaceWomen world summit further notes:

“Women have trouble gaining access to financial resources and land. Although they can buy land, family property is still inherited by men. Uganda also has no specific laws governing domestic violence, which currently falls under aggravated assault in the penal code. Women need access to legal aid, safe shelters, counselling and financial resources to sustain themselves if their spouses are imprisoned.” [79]

6.56 An article in *The Daily Monitor* on 24 December 2005, accessed via the Women’s International League for Peace and Freedom, notes that:

“Women seem to have decided to jump all hurdles and reach out for those positions that would have otherwise been dominated by men. Uganda’s first female presidential candidate Miria Kalule Obote, The [sic] eloquent former Executive Director of Uganda Wildlife Education Centre in Entebbe resigned her position to join politics Beti Kamyia and the first lady, Ms Janet Museveni, Okuthe [sic] is arguably the most covered woman of the year.” [79a]

6.57 The USSD 2005 report also noted that:

“The law requires elections through electoral colleges for the 81 seats reserved for special interest groups in parliament: 56 seats were reserved for women; 5 for organized labor; 5 for persons with disabilities; 5 for youth; and 10 for the army, which were selected by the UPDF High Command, chaired by President Museveni. There were 72 women in the 305-member parliament, and 16 female ministers in the 60-member cabinet. One woman served as deputy speaker, and another as deputy chief justice of the Supreme Court. Women also headed the Inspectorate General of government and the Criminal Investigation Division of the national police. The law also allocates 56 parliamentary seats to women.” [2b] (p15)

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6.58 The Amnesty International Annual Report for 2004, covering events from January to December 2004, published in July 2005 states:

“Reports of rape, including of young girls, were widespread and appeared to be on the increase. In Kabarole, in the west, 54 children were reportedly raped in the first quarter of 2004. In Gulu, the figure rose from 55 in August to 65 in September. Between January and June, 320 child rape cases were reported in the southern area in the districts of Rakai, Kalangala, Masaka and Sembalule, and 682 in Kampala, compared to 437 for the same period in 2003. Nearly half those facing capital charges were accused of raping children. ...Support services remained inadequate, and in the absence of

appropriate medication, the population, especially children and women, was highly vulnerable to sexually transmitted infections, including HIV/AIDS.” [22b]

- 6.59 According to the Women of Uganda Network website, updated on 13 August 2005, a number of organisations exist in Uganda to assist women. These include the Association of Women Lawyers (FIDA (U)), Christian Women Concern, Hope After Rape, Coalition on Violence Against Women, and others. A copy of the list is attached as source. [80a]
- 6.60 The WomenWatch website, run by the Committee for the Elimination of Discrimination Against Women (CEDAW), notes that the Constitution of Uganda states that discrimination on the basis of gender is prohibited, recognising the significant role women play in society. Although the Constitution guarantees equal rights to both men and women it still has to translate this into laws that can be actively utilised to protect against discriminatory practices, which are still prevalent. Among these was the fact that women did not enjoy the right to extend their citizenship to their children born outside the country unlike male citizens. [27]
- 6.61 However, in a Response to Information Requests (RIR) accessed via the Immigration and Refugee Board of Canada, the RIR notes that Chapter 3 of the 1995 Constitution of Uganda states that:

“The following persons shall be citizens of Uganda by birth

- every person born in Uganda one of whose parents or grandparents is or was a member of any of the indigenous communities existing and residing within the borders of Uganda as at the first day of February, 1926 and set out in the Third Schedule to this Constitution; and
- every person born in or outside Uganda one of whose parents or grandparents was at the time of birth of that person a citizen of Uganda by birth (Uganda 1995).”

However, it should be noted that, in Uganda, dual citizenship is prohibited.” [98]

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DOMESTIC RELATIONS BILL (DRB)

- 6.62 The Women of Uganda Network (WOUGNET) recorded the response of Hon. Sheila Kawamara to President Museveni’s view on the reform of the DRB on 17 April 2003 stating:

“I would like to make a response to the Presidential statement as someone who has worked hard on the Bill. The Domestic Relations law is an amalgamation of all domestic related laws, namely marriage, divorce, separation, inheritance and property rights. This law regulates relations in marriage and the family, and is crucial in determining the legal status of men and women in the family and enhancing family stability and economic development. The importance of this law is that it relates to three significant institutions in which inequality in gender relations are created and sustained, that is; the household, community and the state.” [80b]

- 6.63 The Human Rights Watch new report in 2005, “Uganda Domestic Relations Bill Would save lives”, stated:

“The Domestic Relations Bill, which has languished in parliament for more than a decade. Scheduled for debate in May, it was delayed once again after President Yoweri Museveni said the bill, was ‘not urgently needed,’ the provision in the Domestic Relations Bill that would criminalize marital rape has come under particular attack. Some members of parliament argue that marital rape does not exist, or that this provision could break up families.” [101]

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CHILDREN

- 6.64 The US State Department Report on Human Rights Practices 2005, published on 8 March 2006, notes:

“The government demonstrated a commitment to improving children’s welfare. Education received the largest percentage of the national budget. The government did not enforce effectively the Children’s Statute, which outlines broad protections for children, due to the large proportion of children in the population (56 percent of the population was under the age of 18), staffing and fiscal constraints on the judiciary, and cultural norms.” [2b] (p17)

- 6.65 The USSD 2005 report also notes that:

“Child abuse remained a serious problem, particularly rape and other sexual abuse of girls known as ‘defilement’. Defilement applied to all cases of sexual contact outside of marriage with girls younger than 18 years of age, regardless of consent or the age of the perpetrator. The perpetrators of defilement often were family members, neighbors, or teachers. A Save the Children survey of 1400 children conducted during the year found that 46 percent of girls were sexually abused and 20 percent were raped. During the year 985 persons were convicted of defilement, and 3,771 suspects were awaiting trial at year’s end. Defilement carried a maximum sentence of death; however, in practice defilement cases often were settled by a payment to the girl’s parents.” [2b] (p17)

- 6.66 A report by the Women’s Commission, “Learning in a War Zone: Education in Northern Uganda”, dated February 2005, notes:

“Since the beginning of the conflict, primary schools have been targets for the LRA. The other difficulty is that most of the people leave their villages for Internally Displaced Persons (IDP) camps. When families in northern Uganda can afford to send a child to school, they often choose their sons; as they feel the traditional role of a women is marrying, tending crops and raising children, they do not need education.” [85a] (p5)

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6.67 The USSD 2005 report further notes that:

“The law prohibits service in the military by persons under 18 years of age; however, persons below the age of 18 occasionally enlisted, sometimes with the collusion of local officials. During the year there were reports that individuals under the age of 18 enlisted in the army and that others enlisted in local militias. The UPDF denied that it had actively recruited child soldiers, but stated some might have joined through deception or oversight. Since December 2004 approximately 70 candidates were rejected by UPDF recruitment officers for being underage. Other reports indicated that the UPDF detained someformer [sic] LRA child combatants for unacceptably long periods, and in some cases used them on intelligence and reconnaissance missions.” [2b] (p17)

6.68 According to the UNICEF publication, “Child soldiers trapped in vicious cycle of war”, dated 16 February 2005:

“The association of children with fighting forces is in direct violation of international humanitarian laws. Recruitment of children under age 18 into the military is specifically banned by the convention. However many former child soldiers in Uganda who have been freed from the rebel Lord’s Resistance Army (LRA) have been drawn again into armed conflict – this time with the national army.... Many of the former child soldiers have no other job skills and working for the army is often seen as a lesser of two evils. ...The former child soldiers need a chance to integrate into the society. They need to find their families, return to school and have a normal life, which could take quite a long time.” [83a]

6.69 The US State Department Report on Human Rights Practices 2005, published 8 March 2006, notes:

“The legal age for marriage is 18 years, but the marriage of young girls by parental arrangements was common, particularly in rural areas. According to the 2002 census, 36 thousand girls and 29,031 boys entered into marriage below the age of 15.” [2b] (p17)

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6.70 The UNICEF country profile on Uganda published 2005, notes:

“Malaria, respiratory infections and diarrhoea are the main causes of under-5 mortality, the basis indicator figures being 138 per 1,000 live births. Approximately 20,000 babies are infected by HIV annually through mother-to-child transmission. Nearly half of the estimated 2 million orphans are orphaned due to AIDS, with the total expected to rise to 3.5 million by 2010. Children and women comprise 80 percent of the 1.4 million people forced to flee their homes due to conflict, living in more than 200 camps. 40,000 unaccompanied children – the ‘night commuters’ – walk every night from their homes in outlying villages to urban centres, in search of protection from the threat of LRA abductions and attacks.” [83b]

- 6.71 A report by the Women's Commission for Refugee Women and Children, dated February 2005, entitled "Resilience in the Darkness: an update on child and adolescent night commuters in northern Uganda", noted:

"Girls, women, boys and men amongst the night commuters and staff report that sexual harassment and rape continue to occur along transit routes and in sleeping spaces in town centres. Most youth report that they are still walking either alone or with a small group of other youth. A small percentage of the night commuters are adults and parents, but generally, most parents are still not accompanying their children to the sleeping spaces. The road that leads to the sleeping centers remains unlit and perilous for the unaccompanied children." [85b]

- 6.72 The USSD 2005 report notes:

"There were an estimated two million children who had lost one or both parents. This large number of orphans resulted from wars and other instability, population dislocation, and HIV/AIDS. The government supported two programs to assist children affected by HIV/AIDS and conflict in the north." [2b] (p17)

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CHILDCARE ARRANGEMENTS

- 6.73 According to the Ministry of Gender, Labour and Social Development in Uganda, there are no state-owned orphanages in Uganda, and neither does the state sponsor any such institutions. According to the Ministry, the Government has no long- or medium-term plans to establish childcare facilities. The information was provided via the UK Foreign and Commonwealth Office (FCO). [47c]

FEMALE GENITAL MUTILATION (FGM)

- 6.74 In a campaign launched on the 5 March 2004 by Amnesty International to eradicate violence against women it was reported that:

"FGM is practised in Kapchorwa district. No law specifically prohibits FGM; the government publicly condemns FGM. The IAC campaigns against the practice, collaborating with the Ugandan Women Lawyers' Association, the Safe Motherhood Initiative, the National Association of Womens' Organizations in Uganda, the Media Women's Association, and the Association of Uganda Doctors. Government ministries have given them some material help." [22e]

- 6.75 The Inter-Parliamentary Union (IPU), in a Parliamentary campaign "Stop violence against women", dated 5 December 2005, is attempting to systematically gather information on the current state legislation with the issue of female genital mutilation. At this stage the current status is that excision and circumcision are reportedly practised in Uganda and are 5

percent in prevalence. There is no information on the existence of specific legislation banning such a practice. [99]

- 6.76 The US State Department Report on Human Rights Practices 2005 reports:

“FGM was performed on girls in the Sabiny and Pokot ethnic groups. There was no law against FGM, which was practiced by the Sabiny ethnic group, located in rural Kapchorwa District, and the Pokot ethnic group along the northeastern border with Kenya. The government, women’s groups, and international organizations continued programs to combat the practice through education. These programs, which received some support from local leaders, emphasized close cooperation with traditional authority figures and peer counseling.” [2b] (p16)

- 6.77 However, according to an article dated 25 January 2005, in *New Vision*: “Data from all the district’s 49 parishes showed that the number of women who underwent the ritual dropped from 621 in the 2002 circumcision season. The data showed that 261 women were saved from the knife through peer education and provision of initiatives to the circumcision surgeons, some of whom hail from Kenya.” [50as]

- 6.78 *The Monitor* dated 19 November 2003, reported that Sabei Elders Association chairman, William Cheborion, said that 75 per cent of the Sabiny are now opposed to the practice. He said that the number of people supporting FGM is now very small. Cheborion said that their target for elimination of the practice is 2006. [31v]

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LESBIAN, GAY, BISEXUAL AND TRANSGENDER PERSONS

- 6.79 The Ugandan Sodomy laws website, reported on the 31 July 2005 that:

“Section 140 Penal Code criminalizes ‘carnal knowledge against the order of nature’ with a maximum penalty of life imprisonment. Section 141 prohibits ‘attempts at carnal knowledge’ with a maximum penalty of 7 years’ imprisonment. Section 143 punishes acts of, procurement of, or attempts to procure acts of ‘gross indecency’ between men in public or private with up to 5 years imprisonment. Homosexual acts between women are not mentioned.” [45a]

- 6.80 The Human Rights Watch report, “Uganda-same sex marriages ban deepens repression”, published on 12 July 2005, notes:

“In voting for a constitutional amendment to criminalize marriage between persons of the same sex, Uganda’s parliament has struck a gratuitous blow for prejudice and against basic human rights. On July 5, 2005 by a vote of 111 to 17 the Ugandan parliament approved a proposed constitutional amendment stating that ‘marriage is lawful only if entered into between a man and a woman,’ and that it is unlawful for same-sex couples to marry.” [10d]

6.81 The HRW report further notes that:

“In October [2004] the Information Minister James Nsaba Buturo ordered appropriate action against gay association allegedly organized at Uganda’s Makerere University. In [2005] February, the Media Council—a state censorship board—banned a staging of the play, ‘The Vagina Monologues,’ by the U.S. author Eve Ensler, because it promotes illegal acts of unnatural sexual acts, homosexuality and prostitution.” [10d] (p2)

6.82 CDC News on 4 March 2002 reported, while accepting an award for his Government’s successful campaign against HIV/AIDS, President Museveni said “We don’t have homosexuals in Uganda so this is mainly heterosexual transmission.” [21a] In December 2002, the Bishop of Mukono Diocese cautioned Christians against homosexual organisations that want to join the church in the pretext of funding them. [50t]

6.83 The Amnesty International statement “Uganda-Intimidation of lesbian and gay activists”, issued 2 August 2005, states:

“In October 2004, a radio station was compelled to pay a fine for hosting a live talk show with sexual rights activists discussing discrimination against members of the LGBT community in Uganda and their need for HIV/AIDS services. The Broadcasting Council imposed a fine of approximately one thousand US dollars, claiming that the programme was ‘contrary to public morality’ and breached existing laws.” [22f]

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REBEL GROUPS

THE LORD’S RESISTANCE ARMY (LRA)

6.84 Another town in Africa: “Lira” (24 June 2005) notes:

“The Lord Resistance Army (LRA) is led by Joseph Kony, a former altar boy, self styled mystic, ruthless leader and merciless person who has brought Northern Uganda to a virtual standstill. Joseph Kony comes from the Acholi area of Uganda whose aunt is the infamous Alice Lakwena who now lives in a refugee camp in Kenya. [101] The Lord’s Resistance Army, operates in the north from bases in southern Sudan. More concerned with destabilising northern Uganda, they seek to overthrow the Uganda Government and has inflicted brutal violence on the population in northern Uganda, including rape, kidnapping, torture, and murder. LRA forces also target local government officials and employees. The LRA also targets international humanitarian convoys and local nongovernmental organization workers.” [102]

6.85.1 The Globalsecurity website, in a report on “Lord’s Resistance Army” updated 27 April 2005, noted that:

The LRA has abducted large numbers of civilians for training as guerrillas; most victims were children and young adults. The LRA abducted young girls as sex and labor slaves. Other children, mainly girls, were reported to have been sold, traded, or given as gifts by the LRA to arms dealers in Sudan. In particular, the LRA abducted numerous children and terrorized them into virtual slavery as guards, concubines, and soldiers. Amnesty International reported that without child abductions, the LRA would have few combatants. [102]

- 6.86 The Human Rights Watch report “Uganda: Army and Rebels Commit Atrocities in the North”, published on 20 September 2005, states:

“Today, as the war continues into its 19th year, 1.9 million displaced civilians in northern Uganda remain isolated, ignored and unprotected, vulnerable to abuses by rebel and army forces. [10n] The LRA continues to commit mass killing of civilians in northern Uganda, keeping the population—in a constant state of terror. Since February 2005, rebel attacks on camps and settlements have increased; there has been an upsurge in attacks in which the LRA has brutally disfigured civilians. Victims’ hands, feet, noses, ears, lips and breasts were cut off, often as punishment, causing widespread panic. These brutal tactics have been extremely effective in promoting fear and deterring cooperation with the government.” [10m] (p2-4)

- 6.87 The same HRW report notes:

“The LRA forces the children 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 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.” [10m] (p6)

- 6.88 The Human Rights Watch report “The Lack of Accountability”, published on September 2005, noted:

“In 2000, the Uganda Parliament passed the Amnesty Act offering amnesty to all Ugandans engaged 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. The Act has been promoted as a tool to promote peace and to encourage rebels from all parts of Uganda to come home. The Act has granted amnesty to some 15,000 applicants. Among these are ex-LRA rebels but this number also includes rebels belonging to a host of other armed groups who have opposed the Museveni government since its inception.” [10o]

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6.89 The report further comments:

“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; out of the 15,000 granted amnesty 10,000 are still to receive their resettlement packages. The World Bank released U.S. \$ 4.2 million for this purpose earlier in 2005.

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’.” [100]

6.90 The USSD 2005 report states that:

“As in the previous year, the UPDF defended civilians against many LRA attacks but was unable to bring the conflict to an end. LRA attacks continued during the year, and there were numerous atrocities. Civilians were summarily executed, often by gruesome methods, to terrorize local populations.... LRA rebels also attacked private homes, schools, and IDP camps in which persons were killed, injured, raped, mutilated, or abducted. During the year LRA attacks resulted in the deaths of hundreds of persons, including children, numerous injuries, and the destruction of homes and property.” [2b] (p9)

6.91 IRIN reported on 15 July 2004 that the 70-year-old LRA “Brigadier” Kenneth Banya had been captured following a battle at Okidi, along the River Unyama in Gulu District. Banya was, army spokesman Maj Shaban Bantariza said, “the most senior adviser to Lord’s Resistance Army leader Joseph Kony.” [68ag]

6.92 The same IRIN news article dated 15 July 2004 goes on to mention that Bantariza told IRIN that: “He has been the heart and spirit of the rebellion. He is the main military and technical brain behind the rebel movement. He has been attached to Kony in Sudan.” The former Uganda National Liberation Army (UNLA) major and escort to President Yoweri Museveni is the first high-profile capture for the army since the rebellion started some 18 years ago. [68ag]

6.93 According to an article from BBC News dated 29 July 2004:

“The World Court has begun an investigation into alleged war crimes committed by Ugandan rebels....” International Criminal Court prosecution spokesman Christian Palme told the BBC ‘We are investigating any crimes committed in northern Uganda after July 2002. We have the full support for this from the authorities in Uganda’.” [69y]

6.94 According to the Human Rights Watch Annual Report for 2004 on Uganda:

“In 2004, the LRA continued with renewed severity its attacks on civilians living in displaced persons and Sudanese refugee camps and others it considered to be collaborating with the UPDF. An LRA raid on Barlonyo camp near Lira in eastern Uganda resulted in up to 337 deaths. This attack was followed by a protest demonstration of more than 10,000 people, angry at the lack of government protection in the camps. Many questioned the willingness and effectiveness of the UPDF to protect civilians against the

LRA, claiming that it is often absent or too late to respond when the LRA strikes. President Museveni, in a rare move, apologized for UPDF's failure to stop the massacre." [10c] (p1)

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PEACE PROCESS

- 6.95 As recorded in the Africa Research Bulletin [ARB] Volume 41 Number 11 pages 16004 and 16005, Uganda's Government declared a temporary truce on 14 November 2004 to allow rebels in the north of the country to meet and discuss plans for talks to end the 18-year civil war. President Museveni ordered a seven-day suspension of UPDF operations in a limited area of Acholi, to allow the leadership of Joseph Kony's group to meet and confirm that they accepted his offer to come out of the bush. In early November 2004, an LRA spokesman telephoned a radio station and called for talks – and for Museveni's Government to show its commitment to peace – in a rare statement by rebels. A statement from State House said that if, after the meeting, the Kony groups make a clear recorded statement that they accept the President's offer, then a ten-day cessation of UPDF operations will be ordered. [56d]
- 6.96 The same ARB report states that the army said it would continue operations against remnants of Kony's group in all other areas of northern Uganda and southern Sudan "...until the government gets an irreversible commitment indicating their intention to end...once and for all the terror campaign." Although the statement detailed a seven-day truce, it detailed a nine-day period, saying hostilities would be suspended between 1500 GMT on 14 November 2004 and 0400 GMT on 23 November 2004. The UPDF withdrew 15,000 troops from the gazetted areas for a ceasefire. The troops will now guard displaced peoples' camps, schools and roads. [56d]
- 6.97 According to a Reuters, Australia article published on ReligionNewsBlog.com, dated 31 December 2004, posted on 30 December 2004:
- "The Ugandan Government and the rebel Lord's Resistance Army are to sign a ceasefire today [30 December 2004], opening the way for an end to a bloody 18-year insurgency. ... Both sides expressed hope the ceasefire would bring an end to a war described by the UN as the world's most-neglected humanitarian emergency. 'This is a very important day because the Government of Uganda and the Lord's Resistance Army rebels have agreed to sign the agreement to end hostility before this year ends,' said the chief negotiator and former government minister, Betty Bigombe." [81]
- 6.98 A report featured in the ARB Volume 42, Number 1, 1 - 31 January 2005 notes:
- "The Ugandan President, Yoweri Museveni, said the army would resume all-out war in the north, who he says rejected a ceasefire deal expected to pave the way on ending the 18-year civil war. The ceasefire expired on 31 December 2004, the day the talks between the government and the Lord's

Resistance Army [LRA] collapsed....However, efforts to resume the talks were not entirely buried.” [56e]

The initiator and chief mediator, Ms Betty Bigombe, continued to meet with LRA leaders to revive the negotiations. Following the failure of the peace talks, the UPDF reoccupied the 100sq km truce area that President Museveni had gazetted for the LRA rebels to assemble in for the talks. [56e]

6.99 According to the same article in the ARB:

“The comprehensive peace accord signed on January 9th [2005] between the Sudanese government and the southern-based Sudan People’s Liberation Movement/Army (SPLM/A) should help resolve the 18-year war in northern Uganda, officials say. Following the peace agreement, SPLA leader, Colonel John Garang said Joseph Kony’s LRA rebels must vacate southern Sudan.... In mid-January 2005 the government gave the rebels more time to study the peace proposals. Ms Bigombe had met with the rebel negotiating team several times and the consensus is that the peace process is on track. Mr Museveni has said that if Ms Bigombe’s peace mission fails, the African Union (AU) can intervene. It would try alternative mediation. Meanwhile the International Criminal Court (ICC) hopes to start its first war crimes trial in six months. Joseph Kony is slated to be the first.” [56e]

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6.100 The BBC Monitoring website published an article in *New Vision* dated 12 January 2005 stating that:

“Chief peace broker Betty Bigombe has met a top rebel team to discuss the draft peace terms to pave the way for another meeting next week and for the signing of the peace accord to end the northern war. To show their commitment to peace, a senior LRA [Lord’s Resistance Army] commander, Brig. Onen Kamdulu, a confidante of rebel leader Joseph Kony, handed over his three wives and child to Bigombe. The 11-point memorandum of understanding the government gave to LRA calls for a joint monitoring team composed of two government representatives, two LRA representatives and ‘such a number of international observers as shall be agreed upon by the parties.’” [50at]

6.101 An excerpt from a report by Ugandan TV published by BBC Monitoring on 13 January 2005 noted that:

“Government has commended the parties that participated in peace resolution that led to the signing of the peace agreement between the Sudanese government and the SPLA [Sudan People’s Liberation Army], the minister of state for information, Dr James Nsaba Buturo, said today [13 January 2005] at a weekly press briefing held at Nakasero [Kampala]. ... He assured all Ugandans that with such peace developments in the Sudan the LRA [Lord’s Resistance Army] rebels of Joseph Kony will no longer have bases in southern Sudan, hence the end of the conflict in northern Uganda.” [78]

6.102 An article in *New Vision* dated 5 February 2005 reported that “The LRA director of operations, Col. Onen Kamdulu, has surrendered in Palukere, Atyak.” He claimed he reported to the Ugandan People Defence Forces at about 9 a.m. with his wife Santa Lalam and his escort. He said he would join the other former LRA commanders to end the war. Meanwhile President Museveni declared a new 18-day cease-fire to allow the rebels to organise talks with the Government. [50au]

6.103 The BBC reported on 16 February 2005 that a key official in the LRA had surrendered. The article states that:

“Brigadier Sam Kolo, the LRA’s top negotiator in the recent peace talks, gave himself up to the army, according to government mediator Betty Bigombe. He was attacked by rebels as he tried to escape and phoned the army who came to his rescue in Kitgum district.... Ms Bigombe, a former Ugandan minister who is acting as a mediator in the conflict, insisted his surrender would not affect the peace talks and said she would continue to negotiate an end to the war. ‘I want to assure everyone that it does not mark the end of the peace process. I already talked to Vincent Otti, who told me he was going to take over and be in charge of the peace talks in the absence of Brigadier Kolo,’ she told the BBC Focus on Africa programme.” [69ab]

6.104 The BBC reported on 23 February 2005 that the LRA rebels in the north are suspected to have carried out two attacks, killing at least ten people. These attacks have led to calls for more troops to be deployed to protect the civilians. Ugandan Army spokesman, Major Banatariza, said a group of rebels were pursued and eight LRA members have been killed since the attack. [69ac]

6.105 The Amnesty International Annual Report 2004, covering events from January to December 2004, published in July 2005, states:

“Abuses by the armed opposition Lord’s Resistance Army (LRA) increased during the first half of the year [2004]. The government asked the International Criminal Court (ICC) to investigate war crimes and crimes against humanity in the context of the war in northern Uganda. Rape of girls was widespread, and other torture persisted. The media continued to be attacked.” [22b]

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6.106 The Amnesty International Annual Report for 2004 states:

“...In January [2004] the Prosecutor of the ICC announced that he would take steps to investigate and prosecute war crimes and crimes against humanity committed in the conflict in northern Uganda. This followed a request from the Ugandan government at the end of 2003 for the ICC to investigate crimes committed by the LRA. In July the ICC Prosecutor indicated that he would investigate crimes by both the LRA and government forces. The government pledged its support for the ICC investigations and published the International Criminal Court Bill to implement the ICC Statute in domestic law. The Bill had not been enacted by the end of 2004.” [22b]

“In November [2004], during government efforts to resolve the conflict, officials announced that if leaders of the LRA were to stop fighting and engage in internal reconciliation mechanisms, the state could withdraw its case from the ICC. However, there is no evidence that once a state party has referred a situation to the ICC that [sic] it can “withdraw” the referral.” [22b]

- 6.107 The overview of the International Crisis Group (ICG)’s report of 23 June 2005, “Building a comprehensive peace strategy for Northern Uganda”, states:

“Peace may yet be possible in Northern Uganda in 2005. Many elements seem to be in place, but they need to be pursued by President Museveni’s government in a more comprehensive framework, given stronger international support and – most urgently – be committed to by the rebel Lord’s Resistance Army (LRA) in the context of a specific process with a clearly definable endgame. The outlines of rebel demands are clearer, the government has expressed flexibility, and the LRA military position is becoming more tenuous. However, there has not yet been tangible progress. The unanswered question is whether Joseph Kony, the unpredictable insurgent leader, is truly nearing a strategic decision that his prospects and those of his supporters are better served by a deal or whether he is merely playing for time in order to regroup as he has done several times previously. The International Criminal Court (ICC) is expected to issue arrest warrants for Kony and senior deputies shortly, which will put new pressure on all concerned, including the government and its authorised mediator, Betty Bigombe, to decide whether they will continue with the effort at negotiation. Patience is wearing thin on all sides. The mediation has been pursued in recent months against a backdrop of continuing LRA atrocities directed at Acholi civilians. The LRA remains focused on terror tactics, not the control of territory. Even with gradually eroding force levels, it still can wreak havoc with spectacularly brutal strikes, which prevent resettlement of the 1.5 million displaced persons and give the appearance the government is not in firm control of the North.” [87a] (p1-2)

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ALLIED DEMOCRATIC FORCES (ADF)

- 6.108 The *New Vision* newspaper, in a news report of 15 May 2002, reports that since the Amnesty Law came into force over 500 ADF rebels have surrendered in Kasese. Their former Chief of Staff Chris Tushabe Benz surrendered two years ago and is now a UPDF Major. [50ab]

- 6.109 The USSD report for 2004 stated:

“August 13 [2004], 22 members of a Muslim group were set free after treason charges were withdrawn; the 22 were arrested in 2003 for allegedly financing the ADF.” [2b] (p6) According to an answers.com article posted on the Wikipedia website, “As of 2004, the ADF had been largely destroyed by the Ugandan People’s Defense Force.” [77]

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WEST NILE BANK FRONT (WNBf)

- 6.110 The National Memorial Institute for the Prevention of Terrorism (MIPT) updated 25 February 2006, in the Terrorist Knowledge Base (TKB) on group profile “The West Nile Bank Front” (WNBf), states:

“The West Nile Bank Front (WNBf) has been an organized force since the early 1990s. The group was started by Juma Oris, a former Colonel and government minister in the regime of exiled Ugandan leader Idi Amin. Oris’s aim was to return Amin to power so that members of his ruling clique, who now make up the bulk of the WNBf, could regain their positions of privilege in the government. Oris sought to enlist the local population of the West Nile region to support his cause by exploiting local resentment against Museveni, Uganda’s current leader.” [103]

- 6.111 The same TKB group profile continues:

“In 2004 the now largely defunct WNBf signed a peace agreement with the Ugandan government, allowing 600 rebels back into Uganda from their bases in the Democratic Republic of the Congo. Idi Amin’s son Taban was the group’s most recent leader.” [103]

- 6.112 An All Africa news report of 8 August 2005 relayed a *New Vision* article that states the following regarding the WNBf:

“Over 5,000 West Nile Bank Front (WNBf) former combatants are to be integrated into the Uganda People’s Defence Forces (UPDF), Maj. Gen Taban Amin has said, writes Frank Mugabi. Amin said the group includes tank instructors and the artillery and anti aircraft crew with military and guerrilla experience of over 20 years. Amin, son of former president Idi Amin, was the commander-in-chief of the WNBf, a rebel group that had formerly established bases in DR Congo. The conflict ended under a peace agreement and the rebels were offered amnesty. Amin said he was in contact with his 14,300 former troops, most of whom are resettled in the West Nile sub-region and that many had shown interest in joining the UPDF [the Ugandan Army]. He said some would be shaped into a reserve force and the rest would form a taskforce for the Movement.” [50aw]

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UGANDA NATIONAL RESCUE FRONT (UNRF II)

- 6.113 A report published by *IRIN* news, on 25 June 2002 states:

“The government of Uganda and the rebel Uganda National Rescue Front (UNRF-II) signed a formal ceasefire agreement in Kuru sub-county, Yumbe District, northwestern Uganda on Saturday, with the aim of paving the way for political dialogue in the West Nile region. Minister for Internal Affairs Eriya Kategaya, for the government, and the UNRF-II chairman, Maj-Gen Ali

Bamuze, signed the peace agreement in which the parties said they would 'mutually and unequivocally' to [sic] stop all forms of hostility and belligerence." [68x]

- 6.114 *The Monitor*, in an article dated 3 September 1998, noted that the United National Rescue Front II (UNRF II) operates from Sudanese bases and was also supported by the Government of Sudan. It is reported in the same article that the UNRF II have split into two factions, the original led by Juma Oris and the breakaway group by Ali Bamuzes. [31ab]

- 6.115 BBC News reported on 26 December 2002 that two days earlier a peace deal had been signed between the Government and the UNRF rebels after over five years of negotiations between the two sides. In the peace deal about 700 of the rebels were to be integrated into the Ugandan army while the remainder will be given resettlement packages. The article states that the UNRF rebels had not been a serious destabilising threat in recent years. [69a]

- 6.116 According to the Coalition to Stop the Use of Child Soldiers Global Report 2004 on Uganda:

"Around 1,000 combatants of the Uganda National Rescue Front II and their families returned to Uganda in April 2002, having been based in Sudan since 1997. After negotiations with the government, 135 child soldiers were handed over to UNICEF." [76]

NATIONAL ARMY/UNION FOR THE LIBERATION OF UGANDA (NALU/NULU)

- 6.117 The Allied Democratic Forces website claims the National Army/Union for the Liberation of Uganda (NALU/NULU) is an ADF-affiliated group. They have claimed responsibility for terrorist attacks that resulted in fatalities. [30] The GlobalSecurity.org website states that NALU/NULU's aims were unclear and most of its operations were aimed against the local peasant population. It faded from view in 1994 and was thought defunct, most of the members having been absorbed into the ADF. [12] However, they re-emerged in 1997 under the leadership of Jafari K Salimu and issued both a manifesto (source 30) dedicated to overthrowing the Government and an invitation to President Museveni to meet them. [30]

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CITIZENS ARMY FOR MULTIPARTY POLITICS (CAMP)

- 6.118 BBC Monitoring noted in July 1999 that the Citizens Army for Multiparty Politics (CAMP) had originally been led by Brigadier Smith Opon Acak (who had been Obote's army chief of staff). He was shot by the UPDF in July 1999 when it raided his camp near the town of Lira in northern Uganda. Of the 43 others present, 4 were captured and the others escaped. [66f]

- 6.119 According to an article dated 23 December 2003, in *The Monitor* (via AllAfrica), CAMP is one of a number of groups that took up arms to fight the National Resistance Movement. The article notes from a report by Amnesty International in December 2003 that between 2000 and 2003, 10,000 rebels surrendered and applied for amnesty. Of those who surrendered, 3,848 were from the LRA, 2,902 were from the UNRF II, 1,990 from WNBF and 659 from the ADF. There is no mention in the article about any CAMP members surrendering at that time. [31af]

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PEOPLE'S REDEMPTION ARMY (PRA)

- 6.120 **The PRA prior to 2005.** Mention is made of the PRA in the United States State Department Reports on Human Rights Practices for 2003 (published in March 2004) and for 2004 (published in February 2005). In USSD for 2004:

"On May 2 [2003], security agents in Kabale arrested Patrick Biryomumaisho Kirasha and four others accused of recruiting persons for the People's Redemption Army (PRA) rebel group. They were taken to an unknown location in Kampala. At year's end, they remained in detention." [2a] (p4)

In USSD report for 2005:

"During the last 2 years, the Government has arrested and charged with treason more than 40 persons for collaborating with the People's Redemption Army (PRA); none of the 40 had been tried by year's end. ...Patrick Biryomumaisho Kirasha and four others accused in 2003 of recruiting persons for the PRA rebel group remained in detention at year's end." [2b] (p4)

- 6.121 **June 2005 reports** A news report in *The Monitor* (Ugandan National Paper) on 30 June 2005 states:

"Prof. Ogenga Latigo, FDC's vice-chairperson, said the headmaster of the school, Mr Wilfred Ochan, has now been labelled a recruiter for the People's Redemption Army (PRA). 'They are now saying he is recruiting for PRA because he is an Acholi,' Latigo said. PRA is a shadowy rebel group that is linked to FDC by government security officials. Ochan responds. [sic] But Ochan, while speaking to Daily Monitor yesterday dismissed the PRA links." [31ag]

- 6.122 Information from an *Africa News* report dated 29 June 2005 indicates that the PRA is held to operate based in eastern Congo:

"It [the African Union] said other armed groups in eastern Congo were Burundi's Front national de liberation Forces (FNL) headed by Agathon Rwasa, in the region of Uvira; the Allied Democratic Forces/National Army for the Liberation of Uganda (ADF/NALU) in the Beni/Butembo region; and the People's Redemption Army whose precise locations are yet to be verified." [20a]

- 6.123 A 27 June news article in *Africa News* reported on an official complaint from Uganda's President Museveni to DR Congo's President Kabila regarding the alleged harbouring of Ugandan armed groups:

"[Ugandan] Defence Minister Amama Mbabazi said he could not comment directly on Museveni's letter. But he said Uganda had legitimate concerns about instability in eastern Congo. 'We have security concerns because both the Allied Democratic Forces (ADF) and People's Redemption Army (PRA) rebels are still alive and active and preparing to attack Uganda from Congo,' Mbabazi told Reuters. Britain said recently that there was no evidence that PRA exists in DRC." [20b]

- 6.124 *The Monitor*, in an article dated 27 June 2005, states:

"The Forum for Democratic Change (FDC) party has no plans to change the government using arms, Dr Sulaiman Kiggundu, a party envoy, has said. ... He accused the government of constantly linking FDC with the Peoples' Redemption Army (PRA), saying it is the government's imagination." [31ah]

- 6.125 An article of 9 June 2005 in *New Vision* (Kampala) states:

"The Forum for Democratic Change (FDC) has said the People's Redemption Army (PRA) is a creation of the Government. ... 'PRA is a government creation to undermine democracy,' Prof. Latigo Ogenga, the FDC vice-chairperson, said." [50av]

- 6.126 A journalist at the *Washington Times* (USA), in an article dated 5 June 2005, claims the PRA are the Lord's Resistance Army (LRA). No corroboration on this point from other sources could be found it was contradicted by a number of sources – and the association seems to be incorrect:

"The 'Lord's Resistance Army', also known as the 'Peoples Redemption Army', is headed by Joseph Kony, a self-proclaimed prophet whose creed are [sic] the 'Ten Commandments.' It's pure voodoo. Over the last two decades, Kony and his goons kidnapped some 20,000 young boys and forced them to become bloodthirsty terrorists." [71a]

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- 6.127 **Information on People's Redemption Army from earlier in 2005** A news report in *The Monitor* on 20 January 2005 stated:

"The Chieftaincy of Military Intelligence (CMI) [Ugandan Government security agency] has always claimed that [Uganda Peoples' Defence Forces (UPDF) officer, Colonel Edson] Muzoora is one of the leaders of the People's Redemption Army (PRA), a fledgling rebel force allegedly trained by the Rwanda government to fight Uganda." [31ai]

- 6.128 The report continues:

“The acting Chief of Military Intelligence, Lt. Col. James Mugira, on Monday told *The Monitor* that Muzoora is thick into PRA activities. ‘We have captives who were in Ituri with him, those who have stayed with him in other places and witnesses who are relatives of the people he was working with who have details about him.’” [31ai]

- 6.129 However, the same article reports that such allegations of membership of the PRA by Muzoora and other UPDF activists are refuted:

“In a faxed message to *The Monitor* from his exile base in South Africa, Muzoora said, ‘I have never joined any rebel activity and I don’t have any plan to do so’ adding that, ‘I will stay in South Africa and any other place till the political situation in Uganda changes.’ ... Lieutenant Colonels Samson Mande, Anthony Kyakabale (exiled in Sweden) and Col. Kizza Besigye, now exiled in South Africa, have also persistently denied any links to the rebel PRA.” [31ai]

- 6.130 *The Monitor* reports, in an opinion piece of 8 April 2005, that the FDC opposition party has been critical of Ugandan Government PRA allegations, with a FDC activist stating:

“CMI believes the Peoples Redemption Army (PRA) to be so sophisticated that it is commanded from Sweden and South Africa but operates in the Democratic Republic of Congo (DRC) with technical support from Rwanda. PRA rebels may have never fired a single shot inside or outside Uganda, but its existence has been established and propagated by security agents at well choreographed public viewings of ‘suspects’ who are usually FDC supporters. The suspect supporters are picked from DRC, Kenya and more recently Arua and Kanungu districts in Uganda. Interestingly most rebels who are captured are not in possession of any military weapon. So if the PRA exists, it is perhaps the most peaceful rebel force on the African continent.” [31aj]

- 6.131 The Human Rights Watch report, “Concerns regarding torture and other cruel, inhuman or degrading treatment or punishment in Uganda”, published in May 2005, summarises its opinions regarding the PRA:

“Security agencies claim that members of Reform Agenda – now in the FDC – are actively involved with the People’s Redemption Army (PRA). The PRA is a rebel group based in the Ituri district of the eastern Democratic Republic of Congo. While dozens of political opponents and others have been arrested in connection with the PRA, no criminal trial has shown the link between the PRA and Reform Agenda or the FDC. Many observers believe that poses little threat to security, law and order. Others have questioned the existence of the PRA because it has not conducted military operations inside Uganda. Some detainees have ‘confessed’ PRA links to the press while in military custody and later said these confessions were made under duress. These detainees have been charged with treason or terrorism and detained for long periods. A few have been amnestied and released.” [10e] (p5-6)

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6. C HUMAN RIGHTS - OTHER ISSUES

TREATMENT OF FAILED ASYLUM SEEKERS

- 6.132 Information from Uganda via the UK Foreign and Commonwealth Office, dated 21 August 2001, states that the Ugandan Department of Immigration has confirmed that only failed asylum seekers who had previously committed a crime in Uganda, and are on their wanted list, would be arrested on arrival in the country and that someone would not be imprisoned simply for being returned to Uganda as a failed asylum seeker. [14c]

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TREATMENT OF NON-GOVERNMENTAL ORGANISATIONS (NGOs)

- 6.133 The US State Department Report on Human Rights Practices 2005 reports:

“A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were receptive to their views. Active independent domestic groups included: the FHRI, Uganda Association of Women Lawyers (FIDA-U), Human Rights Focus, the National Association of Women’s Organizations of Uganda, the International Federation of Human Rights, and the Human Rights and Peace Center of Makerere University. Government officials continued to attend conferences and seminars hosted by NGOs on social problems and cooperated with NGOs on legal and prison reforms.” [2b] (p15)

- 6.134 The USSD report further states that:

“The government allowed visits by the ICRC, UNHCR, and several international human rights NGOs, including Amnesty International, Human Rights Watch (HRW), and the International Justice Mission. During the year the ICRC continued its visits to prisons, police stations, and military detention facilities. In September the ICRC signed a new agreement with the government to permit ICRC visits for the next three years.” [2b] (p15)

INTERNALLY DISPLACED PERSONS (IDPs)

- 6.135 The Internally Displaced Persons [IDP] website, “Relief efforts hampered in one of the world’s worst internal displacement crises”, reports on 12 December 2005:

“The situation endured by the 2 million internally displaced people (IDPs) in northern Uganda continues to worsen as rebel attacks have caused fresh human displacement. For the first time in the history of the conflict, LRA rebels fatally attack international and local relief workers. The aid agencies said that many of them had been forced to restrict their work in northern

Uganda. Three LRA attacks left two aid workers dead and several others seriously injured. The latest actions by the LRA have come in the wake of indictments issued by the International Criminal Court against several LRA leaders. Some relief agencies believe the indictments are likely to lead to an escalation of the violence.” [9]

6.136 The IDP website also notes:

“Due to security conditions, a number IDP [sic] camps do not receive assistance. There are certain camps that are not serviced by the World Food Programme. The reason for this is security, or rather lack thereof. Mortality rate has more than doubled; malaria/fever and AIDS were the top self-reported death causes in children under 5 yrs. The number of water points available in all camps is woefully inadequate, living on less than three litres of water per person per day. The shortfalls are worse where camp populations exceed 10,000 persons, as the water requirements easily outstrip the potential production from the limited number of point sources available.” [9]

6.137 The IDP website further states:

“A recent study conducted by the Ugandan Ministry of Health found that over 1,000 deaths occur each week in northern Uganda. The study again revealed the multitude of protection concerns related to the government’s forced encampment policy as overcrowding in IDP camps has a direct affect [sic] on health. Access to health care, water, education, land and shelter and the denial of freedom of movement remain primary concerns and have contributed to a situation which has yielded a mortality rate which is above emergency thresholds.” [9]

6.138 The IDP website adds:

“The international response to the humanitarian situation in northern Uganda remains largely inadequate. In early November 2005, the UN Security Council meet with President Museveni regarding the situation in northern Uganda. A coalition of NGOs working in Uganda urged the Council to pass a resolution demanding protection of civilians in northern Uganda. After 19 years of an extremely violent war which has included the abduction of over 25,000 children, a multitude of civilian massacres, the Security Council has never passed a resolution on northern Uganda. NGOs working in Uganda expressed extreme disappointment regarding the failure of the Security Council mission to make a clear statement about the crisis in northern Uganda and the government’s responsibilities to address assistance and protection concerns. In view of this UN recently announced it plans to increase its request for humanitarian programmes to more than \$200 million for 2006.” [9]

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Annex A: Chronology of Major Events

[Sources – EuropaWorld, FCO Profile and BBC News timeline]

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PRE-AMIN

- 1958** Uganda given internal self-government.
- 1962** Uganda becomes independent with Milton Obote as Prime Minister and with Buganda enjoying considerable autonomy.
- 1963** Uganda becomes a Republic with Mutesa as President.
- 1966** Milton Obote ends Buganda's autonomy.
- 1967** New constitution vests considerable power in the president and divides Buganda into four districts.

THE IDI AMIN YEARS

- 1971** Milton Obote toppled in coup led by Idi Amin.
- 1972** Amin orders Asians who were not Ugandan citizens – around 60,000 people – to leave the country.
- 1972-73** Uganda engages in border clashes with Tanzania.
- 1976** Idi Amin declares himself President for life and claims parts of Kenya.
- 1978** Uganda invades Tanzania with a view to annexing Kagera region.
- 1979** Tanzania invades Uganda, unifying the various anti-Amin forces under the Uganda National Liberation Front and forcing Amin to flee the country; Yusufu Lule installed as President, but is quickly replaced by Godfrey Binaisa.
- 1980** Binaisa overthrown by the army.
Milton Obote becomes President after elections.
- 1985** Obote deposed in military coup and is replaced by Tito Okello.
- 1986** National Resistance Army rebels take Kampala and install Yoweri Museveni as President.

MUSEVENI - BEGINNINGS OF RECOVERY

- 1993** Museveni restores the traditional kings, including the king of Buganda, but without giving them political power.

- 1995** New constitution legalises political parties but maintains the ban on political activity.
- 1996** Museveni returned to office in Uganda's first direct presidential election.
- 1997** Ugandan troops help depose Mobutu Sese Seko of Zaire, who is replaced by Laurent Kabila.
- 1998** Ugandan troops intervene in the Democratic Republic of Congo on the side of rebels seeking to overthrow Kabila.
- 2000** Ugandans vote to reject multiparty politics in favour of continuing Museveni's "no-party" system.
- 2001** **January:** East African Community (EAC) inaugurated in Arusha, Tanzania, reviving an idea which collapsed in 1977, and which lays the groundwork for a common East African passport, flag, economic and ultimately monetary integration. Members are Tanzania, Uganda and Kenya.
March: Uganda classifies Rwanda, its former ally in the civil war in DR Congo, as a hostile nation because of fighting the previous year between the two countries' armies in DR Congo.
 Museveni wins another term in office, beating his rival Kizza Besigye by 69 per cent to 28 per cent.

RECENT HISTORY

- 2002** **March:** Sudan and Uganda sign agreement aimed at containing Ugandan rebel group, Lord's Resistance Army (LRA), active along common border. The LRA wants to run Uganda along lines of biblical Ten Commandments. Led by "prophet" Joseph Kony they have kidnapped thousands of children and displaced many civilians.
October: Army evacuates more than 400,000 civilians caught up in the fight against the LRA, which continues its brutal attacks on villages.
December: Peace deal signed with Uganda National Rescue Front (UNRF) rebels after more than five years of negotiations.
- 2003** **March:** The Government's decision-making body recommends lifting 17-year ban on political party activity, subject to public referendum.
May: Uganda pulls out the last of its troops from eastern DR Congo. Tens of thousands of DR Congo civilians seek asylum in Uganda.
August: Former dictator Idi Amin dies in hospital in Jeddah, Saudi Arabia. Up to 400,000 people were killed during his dictatorship.
- 2004** **February:** LRA rebels slaughter at least 200 people at a camp for displaced persons in the north. President Museveni blames poor military co-ordination.
May: President Museveni is promoted to general and then retires from the military.
September: Supreme Court overturns lower court ruling that casts doubt on "no-party" political system.
December: Government and LRA rebels hold first face-to-face peace talks. A limited 18day ceasefire granted by President Museveni expired on 22 February in northern Uganda. There are calls from the international

community for more attention to be focused on the peace process in order to end the 19-year conflict.

2005 April: Uganda rejects accusations made by DR Congo at the International Court in The Hague. DR Congo says Uganda invaded its territory in 1999, killing citizens and looting.

May: The World Bank gives Uganda \$4.2 million to fund a project to resettle an estimated 11,000 former rebel fighters. In 2000, the Ugandan Government enacted an amnesty law that granted unconditional amnesty to any Ugandan engaged in armed rebellion who surrendered and denounced violence.

July: Parliament approves a constitutional amendment which scraps presidential term limits.
Voters in a referendum overwhelmingly back a return to multiparty politics.

October: The International Criminal Court issues arrest warrants for five LRA commanders, including LRA leader Joseph Kony.

November: Main opposition leader Kizza Besigye is imprisoned shortly after returning from exile. He is charged in a military court with terrorism and illegal possession of firearms. He is released on bail in January 2006.

December: International Court in The Hague rules that Uganda must compensate DR Congo for rights abuses and the plundering of resources in the five years leading to 2003.

2006 February: Officials say the incumbent President, Yoweri Museveni, has won multiparty elections, taking 59 per cent of the vote against the 37 per cent share of his rival, Kizza Besigye.

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Annex B: Maps of Uganda

A smaller map of Uganda can be accessed via the link below

http://www.lib.utexas.edu/maps/cia05/uganda_sm05.gif

A more detailed map of Uganda can be accessed via the link below:

<http://www.factmonster.com/atlas/country/uganda.html>

A shaded relief map 2005 can be accessed via the link below:

http://www.lib.utexas.edu/maps/africa/uganda_rel_2005.jpg

Maps of Uganda's townships, lakes and rivers can be accessed via the link below:

<http://geography.about.com/gi/dynamic/offsite.htm?site=http://www.infoplease.com/ipa/A0108066.html>

Annex C: Political Organisations

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Political parties were ordered to suspend active operations, although not formally banned, in March 1986.

Bazzukulu ba Buganda (Grandchildren of Buganda): Bagandan separatist movement. [1b] (p 1217-1218)

Buganda Youth Movement: f.1994; seeks autonomy from Buganda; Leader Stanley Kato. [1b] (p 1217-1218)

Conservative Party (CP): f.1979; Leader – Ken Lukyamuzi. [1b] (p 1217-1218)

Democratic Party (DP): f.1954; main support in southern Uganda; seeks a multiparty political system; President – Dr Paul Kawanga Ssemogerere; Vice President – Zachary Oluo. [1b] (p 1217-1218)

Federal Democratic Movement (FEDEMO): Kampala. [1b] (p 1217-1218)

Forum for Democratic Change (FDC): f. August 10, 2004; based in Kampala; the Opposition Party; President – Kizza Besigye; Chairman – Suleiman Kiggundu.

Forum for Multi Party Democracy: Kampala; General Secretary – Jesse Mashatte.

Movement for New Democracy in Uganda: based in Zambia; f.1994 to campaign for multiparty political system; Leader – Dan Okello-Ogwang.

The Movement formerly **National Resistance Movement (NRM)**: based in Kampala; founded in 1981, as the political wing of the guerrilla National Resistance Army in opposition to the Obote (UPC) Government; The Movement assumed power in 1986 and is the dominant force with the present Government; Leader Yoweri Kaguta Museveni; Chairman Dr Samson Kisekka.

National Liberal Party: Kampala; f.1984 by a breakaway faction of the DP; Leader – Tiberio Okeny. [1b] (p 1217-1218)

Reform Agenda: (dissolved – see Forum for Democratic Change)

Uganda Democratic Alliance: Leader – Apolo Kironde. [1b] (p 1217-1218)

Uganda Democratic Freedom Front: Leader – Major Herbert Itonga. [1b] (p 1217-1218)

Uganda Freedom Movement (UFM): Kampala; mainly Baganda support; withdrew from NRM coalition Government in 1987; Secretary General – Vacant. [1b] (p 1217-1218)

Uganda Independence Revolutionary Movement: f.1989; Chair – Major Okello Kolo. [1b] (p 1217-1218)

Uganda Islamic Revolutionary Party (UIRP): Kampala; f.1993; Chair – Idris Muwonge. [1b] (p 1217-1218)

Uganda National Unity Movement: Chair - Alhaji Suleiman Ssalongo. [1b] (p 1217-1218)

Uganda Patriotic Movement: Kampala; f.1980; Secretary General – Jaber Ssali. [1b] (p 1217-1218)

Uganda People's Congress (UPC): f.1960; socialist-based philosophy; mainly northern support; ruling party 1962-71 and 1980-85; sole legal political party 1969-71; President – newly elected 28 November 2005 Miria Kalule Obote (widow of former President Dr A.M. Obote; Vice President Mr Okello John Livingstone (Kitgum). [1b] (p 1217-1218)

Ugandan People's Democratic Movement (UPDM): seeks democratic reforms; support mainly from north and east of the country; includes members of former government's armed forces; signed a peace accord with the Government in 1990; Chair – Eric Otema Allimadi; Secretary General – Emmanuel Oteng. [1b] (p 1217-1218)

Uganda Progressive Union (UPU): Kampala; Chair – Alfred Banya. [1c] (p1217-1218)

Forum for Integrity in Leadership (FIL): f.2005; Chairman – Emmanuel Tumusiime.

National Peasant Party (NPP): f.2005; Founder Chairman - Erias Wamala Segujja.

REBEL MOVEMENTS:

Allied Democratic Forces (ADF): Active since 1996 in south-eastern Uganda; combines Ugandan Islamic fundamentalist rebels, exiled Rwandan Hutus and guerrillas from the Democratic Republic of Congo; President – Sheikh Jamil Mukulu.

Lord's Resistance Army (LRA): f.1987; claims to be conducting a Christian fundamentalist "holy war" against the Government; forces estimated to number up to 6,000, operating mainly from bases in Sudan; Leader Joseph Kony; a breakaway faction (LRA-Democratic) is led by Ronald Otim Komakech. [1b] (p 1218)

People's Redemption Army (PRA): Organisation identified by the Ugandan Government as operating from DRC, led by a Colonel Edson Muzoora.

Uganda National Rescue Front Part Two (UNRF II): based in Juba, Sudan; Leader – Ali Bamuze. [1b] (p 1218)

Uganda People's Freedom Movement (UPFM): based in Tororo and Kenya; f.1994 by means of the former Uganda People's Army; Leader – Peter Oti. [1b] (p 1218)

West Nile Bank Front (WNBf): a rebel armed force under the command of Juma Oris; formerly operated in northern Uganda; In 1998 WNBf as a group was no longer capable of significant activity. [1c] (p1218) (Wikipedia)

Annex D: Prominent People

The Home Office is not responsible for the content of external websites.

[Sources – EuropaWorld, FCO Profile and BBC News timeline]

Amin, Idi- former President and Chief of Armed Forces; born in 1925 Amin seized power after a coup on 25 January 1971 and declared himself President for life. He expelled Ugandan Asians in 1972 and was ousted by Tanzanian troops in 1979. He died in Saudi Arabia 16 August 2003 while in exile. (news.bbc.co.uk/2/hi/Africa/3155925) (16/03/2003)

Akech, Betty- Minister in Charge of Security.

Banga, Kenneth- former military adviser to Joseph Kony; leader of the LRA; served in the army of the late Ugandan dictator Idi Amin. He was captured in Gulu district in July 2004. Banya is currently running a demobilisation, disarmament and reintegration farm for ex-LRA fighters in Labor, Gulu district. ([irinnews.org/Report ID=47577](http://irinnews.org/Report%20ID=47577)) (17/01/2006)

Besigye, Kizza- The opposition Party Leader of the Forum for Democratic Change (FDC) founded in August 2004.

Bukenya, Gilbert Balibaseka, Dr- Vice President born May 1949 and appointed as Vice President 23 May 2001.

Makubuya, Kiddu- Attorney General and Minister of Justice and Constitutional Affairs.

Mbabazi, Amama- Minister of Defence; born on 16 January 1949; appointed to the portfolio in 1986.

Museveni, Yoweri Kaguta President of Uganda and Chief of State; born 1944; President since seizing power from Milton Obote on 29 January 1986; elected by popular vote at the last elections on 12 March 2001.

Nsibambi, Apollo- Prime Minister; born on 27 November 1938; appointed to the portfolio of Prime Minister and Leader of Government Business on 5 April 1999.

Obote, Milton- former Prime Minister from 1962 to 1971; President of Uganda from 1980 to 1985; died in October 2005.

Obote, Miria- President of the Ugandan People's Congress, newly elected on 28 November 2005; widow of former President Dr M Obote.

Ruganda, Ruhakana- Minister of Internal Affairs; born on 7 November 1947, Dr Ruganda has served in various portfolios; appointed in July, 2001.

Annex E: List of abbreviations

ADF	Allied Democratic Forces
CA	Constituent Assembly
CAMP	Campaign for Multi-Party Democracy
DP	Democratic Party
DRC	Democratic Republic of Congo (formerly Zaire)
FEDEMO	Federal Democratic Movement
FGM	Female Genital Mutilation
FIDA	Uganda Association of Women Lawyers
IC	Industrial Court
ICRC	International Committee of the Red Cross
ISO	Internal Security Organisation
LC 3	Local Council - Subcounty
LC 2	Local Council - Parish
LC 1	Local Council - Village
LDU	Local Defence Unit
LRA	Lord's Resistance Army
NALU/NULU	National Army (Union) for the Liberation of Uganda
NRA	National Resistance Army
NRC	National Resistance Council
NRM	National Resistance Movement
NUSh	New Ugandan Shilling
PRA	People's Redemption Army
UFA	Ugandan Federal Army
UFF/A	Uganda Freedom Front/Army (new group in 1999)
UHRC	Uganda Human Rights Commission
UNDA	Ugandan National Democratic Alliance
UNLA	Uganda National Liberation Army
UNLF	Uganda National Liberation Front
UNRF II	Uganda National Rescue Front
UPC	Uganda People's Congress
UPDA	Uganda People's Defence Army
UPDF	Uganda People's Defence Force
UPDM	Ugandan People's Democratic Movement
UPFM	Uganda People's Freedom Movement
Ush	Ugandan Shilling
WNBF	West Nile Bank Front

Annex F: References to Source Material

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Numbering of source documents is not always consecutive because some older sources have been removed in the course of updating this document.

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