

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	161
Land:	Uganda
Kilde:	Refugee Documentation Centre (Ireland).
Titel:	Legal Aid Board. Uganda-Researched and compiled by the Refugee Documentation Centre of Ireland on 9. October 2009. Information on the Forum for Democratic Change (FDC) and treatment of those who are members or are perceived to be members of the FDC by the government and/or society. Are there any reports of FDC members being kept in detention or put under house arrest during March-April this year?
Udgivet:	9. oktober 2009
Optaget på baggrundsmaterialet:	2. marts 2010



Refugee Documentation Centre (Ireland)
LEGAL AID BOARD

Uganda - Researched and compiled by the Refugee Documentation Centre of Ireland on 9 October 2009

Information on the Forum for Democratic Change (FDC) and treatment of those who are members or are perceived to be members of the FDC by the government and/or society. Are there any reports of FDC members being kept in detention or put under house arrest during March-April this year?

An *Immigration and Refugee Board of Canada* response to a request for information on the Forum for Democratic Change (FDC) states:

“Various sources reported that the Forum for Democratic Change (FDC) was established in 2004 as a result of a union between opposition parties the Reform Agenda, the Parliamentary Advocacy Forum, and the National Democratic Forum (Political Parties of the World 2005, 602; Europa World Year Book 2005 2005, 4386; Political Handbook of the World 2005-2006 2005, 1211). The FDC claims to be a “strong, democratic, mass organization” (ibid.), and has reportedly attracted a number of members of parliament (MPs) from the Democratic Party (DP) and Uganda People’s Congress (UPC) to its organization.” (Immigration and Refugee Board of Canada (23 February 2006) *UGA100952.E – Uganda: The Forum for Democratic Change (FDC); its structure, platform, leadership and executive members; and treatment of its members by authorities (2005 - January 2006)*)

In a section titled “Presidential, 1.Parliamentary and Local Council elections March 2006” a document published by the *Forum for Democratic Change* (FDC) states:

“The FDC presented Col. Dr Kizza Besigye as its Presidential candidate in an election which was marred by intimidation, bribery, and harassment. Dr Besigye was nominated and campaigned in prison; The European Union Observer Mission classified the 2006 general elections as not free and fair. The Supreme Court judgment pronounced it as not free and fair and therefore Uganda has an illegitimate President;” (Forum for Democratic Change (11 February 2009) *Status of the Forum For Democratic Change Party Presented to the Second National Delegates’ Conference*)

This section of the document also states:

“The FDC did not field candidates in all Parliamentary and local Council seats which was a great omission; 37 FDC MPs were elected in Teso, Acholi, and West Nile region and in Busoga, Kasese, Wakiso and Kampala. Currently Hon. Godi Akbar Arua Municipality is in Luzira Prison over murder allegations; Bi elections yielded two other MPs; Local Council elections yielded four (4) LC5 chair persons of Kitgum, Pader, Soroti and Kaberamaido and Mayors Fort Portal,

Hoima, Rukungiri, kabale and Soroti .In the same Districts a majority of the Councilors were elected in the FDC ticket. Special interest Seats were all lost by the FDC due to heavy manipulation and the skewed electoral colleges.” (ibid)

Please note that this is a highly partisan party political document.

In a section titled “The Besigye Prosecutions” A *Human Rights Watch* report refers to the treatment of FDC leader Kizza Besigye by the government as follows:

“The most notorious attempt by the government to intimidate the political opposition during the campaign has been the criminal charges brought against the FDC opposition presidential candidate, Dr. Kizza Besigye, in both civil and military courts. The power of the state so brought to bear against the leading opponent to the incumbent president resulted in diverting the attention, resources and time of the opposition from the campaign. As noted above, Dr. Besigye was the defeated candidate in the 2001 election. After failing to get the results of the 2001 election overturned in the Supreme Court and experiencing police harassment, Dr. Besigye went into exile in South Africa. The Movement government alleged that while in exile he worked to set up a paramilitary group, the People's Redemption Army, in the Democratic Republic of the Congo, with the support of the Rwandan government. Dr. Besigye returned to Uganda on October 26, 2005. Within barely a fortnight, on November 12, he was arrested and charged, with others, with treason relating to his alleged activities in exile, and with rape. He was confined to Luzira Prison in Kampala. His arrest sparked international and national condemnation and provoked protests (including some vandalism) on the streets of Kampala when he appeared in court on November 14. On that day, security forces used excessive force to disperse protestors, resulting in the death of one opposition supporter and injuries to many others.” (Human Rights Watch (14 February 2006) *In Hope and Fear: Uganda's Presidential and Parliamentary Polls*, p.9)

In a section titled “Other Apparently Politically Motivated Prosecutions” this report comments on the arrest of two FDC members of parliament, stating:

“The arrests of two FDC members of parliament, Ronald Reagan Okumu (co-chair of the Forum for Democratic Change) and Michael Ocula, on murder charges together with Stephen Olanya Otim, a locally elected official from Gulu, in April 2005, foreshadowed the later use of criminal charges against Dr. Besigye. The two MPs were acquitted, but not until after Besigye's arrest and release on bail. The suspects were remanded in Luzira Prison for two weeks before being released on bail. Thereafter, until their acquittal, the two members of parliament and the local councilor were required to report twice a month to the police that, according to Okumu, impacted on his work as an MP and on his campaigning. On January 9, 2006, the High Court hearing the murder case against these elected officials, harshly reprimanded the prosecution, holding, 'The evidence tendered by the prosecution shows clearly that it is a crude and amateur attempt at creative work.' The presiding judge called into question the credibility and motivation of the state in bringing the case: 'I must confess that I am surprised that the lady assessor, on the discreditable evidence adduced by

the prosecution, could advise me to find the accused guilty. . . . The prosecution has failed to prove the case.' He added that the prosecution witnesses were, "men of shoddy character, self-confessed criminals and outright thugs." (ibid, p.12)

In a section titled "Violence and Intimidation against Opposition Supporters" this report states:

"On Saturday 4 February, an FDC official, Mr. Mujasi of Sanga in Nyabushozi, Kiruhura district, was waylaid at night in Rwamubuku village on Saturday and beaten to near death. According to the FDC he was beaten by the local NRM chairman accompanied by several Local Defence Unit (LDU militia). On his way to hospital he was then arrested and charged with attempting to steal a motorbike. When HRW spoke to local FDC officials on February 9th he was in a critical condition in police custody. Several residents of Soroti reported armed men and police guarding NRM-O supporters putting up NRM-O posters and taking down FDC ones at night. Armed men in uniform and yellow T-shirts in a government pick-up truck attempted to arrest Munu Patrick after he objected to his neighbor hanging a poster of Museveni over his doorway. Munu Patrick, FDC mobilizing Secretary in Soroti, told Human Rights Watch, 'When you put on an FDC T-Shirt you have committed a crime in Soroti.' (ibid, p.14)

This section of the report also states:

"Philip Anyou and James Elese, FDC supporters from Soroti, reported to Human Rights Watch and later to the police that they were beaten by Stephen Omoding, personal political assistant in Soroti to Mike Mukula, the incumbent member of parliament and state minister for health. James Elese said he was beaten in the presence of Mike Mukula on nomination day. According to Elese, as Mukula's campaign procession approached the market, Stephen Omoding entered the market and grabbed a boy who was blowing a whistle and started beating him. Elese intervened and was himself beaten by Omoding and several other NRM-O supporters. He sustained head and chest injuries, photographed by Human Rights Watch. A security guard from the bank opposite broke up the mob by firing three shots into the air. Despite Elese having reported the assault to the police, no action is known to have been taken as of this writing. Also in Soroti, local FDC supporter reported being stopped on January 9 by two government politicians, who were in a car. The first asked her to get in but she refused. He allegedly told her, 'I will deal with you, you are a notorious woman in this area and you decampaign [campaign against] me.' The second man expressed his disgust and allegedly said, 'It is time for petrol to begin now, it is time for burning people.' Although the man did not say which 'people,' the FDC supporter is afraid and after this and several warnings from friends has tried to keep a low profile. In Nebbi in western Uganda, an army major allegedly called the agent of the FDC parliamentary candidate, Otuga Ronald, and warned him not to campaign in the town. Also in Nebbi, Issa Olar, FDC secretary for the disabled, said he was threatened by a government official who told him, 'If you support FDC, we shall kill you and destroy you.' According to the FDC vice-chairman for the district, Ichangon Anjelo Munzjaa, when Museveni visited West Nile Region, army

personnel camped outside the FDC Adjuman district offices for three days, which he considered a form of intimidation.” (ibid, p.15)

An article published by *The Monitor* states:

“Three Forum for Democratic Change party supporters have died in detention at Makindye Military Police barracks, FDC President Kizza Besigye has said. Dr Besigye who made the claims yesterday while addressing a press conference at the party headquarters in Najjanankumbi, said Denis Nabilema, Moses Dramani and David Aboma died this year after long detention in Makindye barracks cells. ‘Aboma who was nicknamed ‘Bombastic’ was the last to die on May 10, 2007,’ Dr Besigye told reporters. He said 16 other FDC supporters are in detained in Makindye military barracks cells. ‘The political prisoners are in limbo without any hope of getting out of jail or being produced in courts of law,’ Dr Besigye said.” (Monitor, The (26 June 2007) *Uganda: FDC Men Died in Army Jail – Besigye* Risdell Kasasira)

In a section titled “Political Prisoners and Detainees” the *US Department of State* country report for Uganda states:

“On May 29, FDC opposition party members Asaph Ntanda, Yusuf Mukwate, Proscovia Naikooba, Cathey Ayebare, Olive Mbabazi, and Daniel Katumba were arrested on allegations of engaging in paramilitary training. All six were released on May 31 without charges. One week before the arrest, in Kawempe, the FDC held a workshop which the government alleged was intended to teach young members how to overthrow governments by force; the FDC claimed the workshop was to mobilize young members.” (US Department of State (25 February 2009) *2008 Human Rights Report: Uganda*)

This section of the report also states:

“Charges of treason remained pending in the High Court against FDC opposition leader Kizza Besigye and nine other FDC members; a hearing in the Constitutional Court on Besigye’s petition challenging the constitutionality of the treason charges was scheduled for December 2008. Besigye and five of the nine FDC members were released on bail and one died in 2007; the remaining four were released on bail during the year. The charge of unlawful possession of firearms against all but Besigye was pending at year’s end.” (ibid)

A report by the Ugandan newspaper *New Vision* on the arrest of five FDC supporters states:

“Prosecution alleged that Kirunda mobilised FDC supporters to burn Mary Businge, the director of Busia Kindergarten, and her sister Rose Kyampaire in their house at Nyangwe parish in Busia town council. Kirunda was also accused of inciting FDC supporters to stone a vehicle belonging to the resident district commissioner, Robinah Nabanja. They also allegedly attacked the Minister Without Portfolio, Dorothy Hyuha, and stoned her vehicle. Kirunda and his co-accused were released on bond. The case was adjourned to January 25. The FDC spokesperson, Wafula Oguttu, said the charges were fabricated to

persecute the opposition.” (New Vision (13 January 2008) *Uganda: Jinja LC3 Chief Charged Over Violence* Edyegu, Daniel and Hajusu, Egessa)

A *New Vision* article on the murder of an FDC supporter states:

“The Police have confirmed that Forum for Democratic Change (FDC) supporter Tom Jjulunga was killed by shooting. Jjulunga, a 28-year-old FDC activist, was killed by unknown attackers on Saturday evening. The circumstances under which he was murdered remain unclear. His death has sparked off a controversy, with the FDC saying he was murdered by state agents.” (New Vision (8 June 2009) *Uganda: FDC Activist Was Shot Dead – Police* Bekunda, Catherine et al)

See also article from the Kampala-based newspaper *The Observer* which states:

“Suspicion within the FDC is that the state had a hand in Jjulunga's murder on Friday night. According to sources within the party, Jjulunga was lured to Ndeeba by people known to him who called him on his mobile phone. He then asked a boda-boda rider, only identified as Wasswa, to take him to Ndeeba where they both met their deaths. While Wasswa died on the spot, there are contradictory reports about what exactly happened to Jjulunga. According to Police, an injured Jjulunga was picked up by a guard at Rubaga Hospital who then took him to the nearby Rubaga Police Post. The Police there contacted the Mobile Police Patrol Unit who transported him to Mulago Hospital where he was immediately admitted into the Casualty section. He died here on Saturday morning. Jjulunga joins other FDC supporters such as Patrick Mamenero whose deaths remain a mystery. Mamenero died at the hands of the Chieftaincy of Military Intelligence (CMI), but the Army insists he was trying to escape from custody when he was shot.” (Observer, The (Kampala) (10 June 2009) *Uganda: So, Who Killed FDC's Jjulunga?* Hussein Bogere)

A *New Vision* report on the arrest of FDC officials states:

“Eight FDC officials were yesterday arrested by the Police as they led a demonstration in Kampala against the re-appointment of the Electoral Commission officials. The suspects, mainly youth, were rounded up near the party's office at City House on Kampala Road as they attempted to march to Parliament to hand in a petition. They face charges of inciting violence, the Police said.” (New Vision (18 August 2009) *Uganda: FDC Rioters Arrested* Candia, Steven. Kiwawulo, Chris and Ariko, Charles)

An article from *The Monitor* states:

“The planned demonstration by the opposition Forum for Democratic Change youth league which was scheduled for today turned into a mere scuffle as police arrested seven youth leaders. The demonstration almost failed to kick off after police first arrested the Youth League Spokesperson, Mr Sserunjogi Twalib who was picked from the party headquarters in Najjanankumbi and locked up in a cell at CPS. Police has detained six more members of the group and also barred them from going to parliament to present their petition on electoral reforms. All the seven are being held at the Central Police Station but police is yet to prefer

charges against them.” (Monitor, The (18 August 2009) *Uganda: FDC Youth Demo - Seven Arrested* Ismail Ladu and Flavia Nalubega)

See also article from *The Monitor* which states:

“FDC youth wingers arrested yesterday during a foiled demonstration against the lack of electoral reforms will be charged today, the Police have said. Kampala Metropolitan Police Commander Andrew Sorowen said last evening that charges were being prepared against about a dozen youth from the FDC arrested in the city yesterday. The Police, which had earlier objected to the demonstration, deployed heavily both at the Electoral Commission headquarters and in the central business district and arrested the leaders of the demonstration before it could even start.” (Monitor, The (19 August 2009) *Uganda: Police Nip FDC Youth Demo in the Bud*)

A *New Vision* article states:

“The suspects were arrested on Tuesday during a demonstration against the re-appointment of the Electoral Commission chairman, Eng. Badru Kiggundu. They had reportedly vowed to physically evict Kiggundu from his office.” (New Vision (19 August 2009) *Uganda: FDC Supporters Charged, Remanded* Edward Anyoli)

The *Monitor* reports on the dispersing of FDC rallies in September 2009 as follows:

“The Police on Wednesday dispersed rallies organised by the opposition Forum for Democratic Change youth in Bushenyi District. The FDC Youth League wanted to hold rallies in Kabwohe, Bushenyi and Kitagata towns but they were stopped by the Police before they could take off. The Police force deployed early in the three towns. The league's chairperson, Mr Abed Nassar, said they were in the district to sensitise youth about the proposed electoral reforms that were submitted by the inter-party coalition. But the Police said there were intelligence reports that some youth were travelling from Kampala to cause havoc thus the need to stop them.” (Monitor, The (18 September 2009) *Uganda: Police Foil FDC Rallies* Paul Aruho)

This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

References:

Forum for Democratic Change (11 February 2009) *Status of the Forum For Democratic Change Party Presented to the Second National Delegates' Conference*

<http://www.parties.ug/download.php?party=fdc&document=16>

(Accessed 9 October 2009)

Human Rights Watch (14 February 2006) *In Hope and Fear: Uganda's Presidential and Parliamentary Polls*
<http://www.hrw.org/legacy/backgrounders/africa/uganda0206/uganda0206.pdf>
(Accessed 9 October 2009)

Immigration and Refugee Board of Canada (23 February 2006) *UGA100952.E – Uganda: The Forum for Democratic Change (FDC); its structure, platform, leadership and executive members; and treatment of its members by authorities (2005 - January 2006)*
http://www2.irb-cisr.gc.ca/en/research/rir/index_e.htm?action=record.viewrec&gotorec=449911
(Accessed 7 October 2009)

The Monitor (18 September 2009) *Uganda: Police Foil FDC Rallies* Paul Aruhu
<http://allafrica.com/stories/printable/200909210685.html>
(Accessed 8 October 2009)

The Monitor (19 August 2009) *Uganda: Police Nip FDC Youth Demo in the Bud* Ladu, Ismail. Khisa, Isaac and Lfavia, Nalubega
<http://allafrica.com/stories/printable/200908200250.html>
(Accessed 8 October 2009)

The Monitor (18 August 2009) *Uganda: FDC Youth Demo - Seven Arrested* Ismail Ladu and Flavia Nalubega
<http://allafrica.com/stories/printable/200908180582.html>
(Accessed 8 October 2009)

The Monitor (26 June 2007) *Uganda: FDC Men Died in Army Jail – Besigye* Risdal Kasasira
<http://allafrica.com/stories/printable/200706251525.html>
(Accessed 9 October 2009)

New Vision (19 August 2009) *Uganda: FDC Supporters Charged, Remanded* Edward Anyoli
<http://allafrica.com/stories/printable/200908200309.html>
(Accessed 8 October 2009)

New Vision (18 August 2009) *Uganda: FDC Rioters Arrested* Candia, Steven. Kiwawulo, Chris and Aiko, Charles
<http://allafrica.com/stories/printable/200908190004.html>
(Accessed 8 October 2009)

New Vision (8 June 2009) *Uganda: FDC Activist Was Shot Dead – Police* Bekunda, Catherine et al
<http://allafrica.com/stories/printable/200906090062.html>

(Accessed 8 October 2009)

New Vision (13 January 2008) *Uganda: Jinja LC3 Chief Charged Over Violence*
Edyegu, Daniel and Hajusu, Egessa

<http://allafrica.com/stories/printable/200801140892.html>

(Accessed 8 October 2009)

The Observer (Kampala) (10 June 2009) *Uganda: So, Who Killed FDC's Jjulunga?* Hussein Bogere

<http://allafrica.com/stories/printable/200906110590.html>

(Accessed 9 October 2009)

US Department of State (25 February 2009) *2008 Human Rights Report: Uganda*

<http://www.state.gov/g/drl/rls/hrrpt/2008/af/119030.htm>

(Accessed 7 October 2009)

This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

Sources Consulted:

All Africa
BBC News
Electronic Immigration Network
European Country of Origin Information Network
Europa World Online
Freedom House
Google
Human Rights Watch
Immigration and Refugee Board of Canada
International Crisis Group
Internal Displacement Monitoring Centre
Refugee Documentation Centre Query Database
UNHCR Refworld
US Department of State