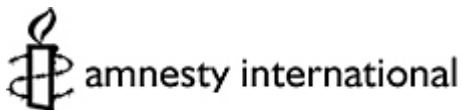


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Amnesty International Report 2010 - Uganda

REPUBLIC OF UGANDA

Head of state and government: Yoweri Kaguta Museveni

Death penalty: retentionist

Population: 32.7 million

Life expectancy: 51.9 years

Under-5 mortality (m/f): 129/116 per 1,000

Adult literacy: 73.6 per cent

Law enforcement officials were not held to account for human rights violations including unlawful killings, torture and other ill-treatment. The government attacked freedom of expression and press freedom. Despite a high prevalence of gender-based violence, there was little progress in bringing perpetrators to justice and implementing long-promised legislative reforms. Lesbian, gay, bisexual and transgender (LGBT) people continued to face discrimination and other human rights violations, and a draft law threatened to further entrench discrimination against them. Death sentences were passed; there were no executions.

Background

A major corruption case in which a former health minister, two deputies and a government official faced criminal charges of embezzlement and abuse of office remained in court. The charges relate to the management of the Global Fund against HIV/AIDS, Tuberculosis and Malaria.

Armed conflict

Despite the reported conclusion of peace talks in 2008, no final peace agreement was signed by the government and the Lord's Resistance Army (LRA) in relation to the conflict in northern Uganda. However, there was relative calm in the region.

There was little progress in implementing agreements reached under the peace process in 2008 – including agreements on accountability and reconciliation, and on disarmament, demobilization and reintegration (DDR Agreement). In particular, no

justice mechanisms were set up to investigate human rights abuses committed during the conflict and no comprehensive government reparations programmes were established to assist victims and survivors to rebuild their lives.

In spite of a joint military operation by the armed forces of Uganda, Sudan and the Democratic Republic of the Congo (DRC) between late 2008 and early 2009, the LRA continued to commit human rights abuses, including unlawful killings and abductions of hundreds of civilians, in the DRC, Central African Republic and Southern Sudan.

International Criminal Court – arrest warrants

Arrest warrants issued in 2005 by the International Criminal Court (ICC) for Joséph Kony, the LRA leader, and three LRA commanders remained in force, but were not implemented by the Ugandan or regional governments.

Even though Uganda is a state party to the Rome Statute of the ICC and therefore obliged to arrest and surrender to the ICC anyone named in an arrest warrant, President Museveni announced in July and October that Sudanese President Omar Hassan Ahmed Al Bashir, against whom the ICC issued an arrest warrant in March 2009, could visit Uganda (see Sudan entry).

Internally displaced people

The majority of internally displaced people in the conflict-affected northern region left the camps and returned to their homes. It was estimated that up to 65 per cent of the original displaced population returned to their villages of origin and 15 per cent went to transit sites outside camps. Most of those who returned to their villages faced lack of access to clean water, health care, schools and other essential public services. Over 400,000 displaced people remained in camps and in dire need of humanitarian assistance.

Torture and other ill-treatment

The government failed to ensure that suspected perpetrators of torture and other ill-treatment by the police and other state security services were brought to justice. Victims and survivors were rarely granted access to justice and legal remedies. Up to 71 per cent of the Uganda Human Rights Commission's compensation awards since 2001 remained unpaid by the government. Most complaints submitted to the Commission by victims of human rights violations related to torture and other cruel, inhuman and degrading treatment or punishment.

Violence against women and girls

Reports indicated a continued high prevalence of gender-based violence, particularly domestic violence. Perpetrators were rarely brought to justice and women faced considerable constraints in their attempts to access justice.

In December, parliament passed a Bill specifically outlawing and providing for the punishment of the practice of female genital mutilation and measures for protecting victims. The Bill was awaiting presidential assent to become law at the end of the year. A number of bills were pending, including one that would provide a new legal framework for legal rights within and the dissolution of marriage, and another that would criminalize domestic violence.

Trial of Kizza Besigye

The trial of opposition leader Kizza Besigye and others accused of treason remained pending in the High Court in Kampala. A legal application filed by the accused in the Constitutional Court, challenging the continuation of the trial, had not been determined by the end of the year.

Two cases of murder filed in 2007 in two other courts against people co-accused with Kizza Besigye also remained pending.

September riots – unlawful killings and other violations

Demonstrations and riots took place on 10-13 September in Kampala and elsewhere over the government's decision to stop a delegation from Uganda's Buganda Kingdom from visiting the eastern district of Kayunga to join celebrations of National Youth Day on 12 September. The police said the visit was stopped to prevent possible violence between supporters of the Kabaka, king of the Baganda people, and a local ethnic group in Kayunga – the Banyala, which opposes the Kabaka's authority.

Up to 27 people were reportedly killed during the riots. At least half of them died after being shot by police and security personnel. The government did not conduct an independent and impartial investigation into the killings by security forces, some of which may have been unlawful, in order to bring those responsible for human rights violations to justice.

Hundreds of individuals were arrested in connection with the riots. Dozens were charged with serious offences, including terrorism, and faced the death penalty. They were detained for days and weeks without being charged or brought before a judge – well beyond the limit prescribed by the Constitution. Many of them testified that they had been tortured or otherwise ill-treated in detention.

Freedom of expression

Following the September riots, the Broadcasting Council – a government body mandated to control broadcast content – arbitrarily ordered the closure of four radio stations. This was reportedly over failures before and during the riots to comply with the minimum broadcasting standards provided for under the Electronic Media Act, 2000. The stations were not given adequate notice of the closures or explanations for them, nor were they given an opportunity to appeal. The Council also ordered the discontinuation of some radio programmes during this period. By the end of the year, two of the stations remained closed.

Large sections of the media faced government intimidation and official threats over their reporting during the riots.

- Kampala-based journalist Robert Kalundi Sserumaga was arbitrarily arrested, detained and tortured because of comments he made during a radio talk show about the tension between the government and the Buganda Kingdom, and the riots. He sustained serious injuries as a result of the torture. He was subsequently charged with sedition. The case remained pending in court.

General attacks by the authorities on freedom of expression and press freedom continued. Several criminal cases involving journalists charged with criminal libel, sedition and "the publication of false news" remained pending in court.

The government did not withdraw the Regulation of Interception of Communications Bill, 2007 or respond to human rights concerns raised about it. If passed into law, the Bill would significantly restrict the right to freedom of expression.

Refugees and asylum-seekers

In April, a joint communiqué signed by the UNHCR, the UN refugee agency, and the governments of Uganda and Rwanda indicated the governments' intention to repatriate about 20,000 Rwandan refugees living in Uganda. The communiqué stated that assistance to Rwandan refugees would end on 31 July 2009. The deadline for repatriation was later extended to the end of September. Affected refugees complained that the withdrawal of humanitarian and other assistance, the lack of procedures to

determine any well-founded fears of persecution upon return, and the failure to provide alternative durable solutions under the UN Refugee Convention process created conditions that would lead to forced return. Few refugees voluntarily registered for the exercise and returned home.

Dozens of refugees in refugee settlement camps and urban areas reported instances of arbitrary arrests, unlawful detention and torture or other ill-treatment by government authorities. Perpetrators were rarely brought to justice.

Discrimination – lesbian, gay, bisexual and transgender people

In September, the Anti-Homosexuality Bill sponsored by a member of the ruling party was published and listed for consideration by Parliament. In light of existing laws that prohibit "carnal knowledge of any person against the order of nature" and the constitutional ban on same-sex marriage, the Bill, if enacted into law, would further criminalize LGBT people and perpetuate discrimination against and stigmatization of them.

The Bill provides for extremely punitive measures, including the death penalty for the offence of "aggravated homosexuality" and life imprisonment for the offence of "homosexuality", and seeks to introduce other new offences such as "the failure to report the offence of homosexuality". In addition, the Bill aims to criminalize "promotion of homosexuality", which would significantly hamper the work of human rights defenders and curtail the right to freedom of expression, association and assembly in relation to advocacy on LGBT rights. The Bill remained pending before Parliament at the end of the year.

LGBT people and rights activists continued to face arbitrary arrests, unlawful detention, torture and other ill-treatment by police and other security personnel.

Death penalty

In January, Uganda's highest court – the Supreme Court – upheld a 2005 judgement of the Constitutional Court that the mandatory application of the death penalty is unconstitutional. The Court also decided that death sentences that courts had been obliged to impose, which applied to the vast majority of more than 400 appellants in the case, should be commuted to life imprisonment. However, the Supreme Court also ruled that the death penalty remains constitutional.

Civilian and military courts continued to impose the death penalty. There were no executions.

Amnesty International visits/reports

- Amnesty International delegates conducted research in Uganda in January, August, September and October.
- Uganda: Amnesty International calls on the Ugandan government to abolish the death penalty (AFR 59/001/2009)
- Uganda: Incommunicado detention/torture and other ill-treatment (AFR 59/002/2009)
- Ugandan "Anti-Homosexuality Bill" threatens liberties and human rights defenders, 15 October 2009
- Uganda: Amnesty International says government obliged to arrest Sudanese President, 16 October 2009

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