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Uganda: Investigate Use of Lethal Force During Riots

(Kampala) - The Ugandan government should immediately order an independent investigation into the killing of unarmed persons during and after riots in Kampala on September 10 and 11, 2009, Human Rights Watch said today.

A Human Rights Watch investigation found that at least 13 people were shot by government forces in situations where [lethal force was unnecessary](#). The Minister of Internal Affairs reported to parliament that 27 people had died during the riots and that seven were uninvolved in riot activity.

"Shooting in self defense is one thing, but we found that some soldiers shot at bystanders and shot through locked doors," said Georgette Gagnon, Africa director at Human Rights Watch. "The government needs to put an impartial investigation in motion now."

The riots in Kampala, Uganda's capital, began on September 10, when police blocked a delegation representing the Buganda kingdom from visiting Kayunga district. The cultural king of Buganda, known as the *kabaka*, was planning to visit Kayunga for National Youth Day two days later. The visit was opposed by leaders of the Banyala ethnic group in Kayunga, who reject the *kabaka's* authority. The *kabaka's* supporters took to the streets to protest the police action, and violence began soon afterward.

Sources at Kampala's main hospital, Mulago, indicate that 88 victims of the violence were admitted for treatment over this period, most for gunshot wounds. Victims were taken to other hospitals as well. According to the minister of internal affairs, at least 846 people were arrested for alleged crimes committed during the riots, and the arrests continue. At least 24 of the alleged rioters have been charged with terrorism for destroying government property, and many others have been charged with unlawful assembly and inciting violence.

During and after the unrest, Human Rights Watch interviewed more than 50 victims and their family members, witnesses, doctors, and local and senior government officials. On-the-ground research was conducted into the circumstances surrounding the violence in the Kampala neighborhoods of Nateete, Kasubi, Busega, Ndeeba, Bwaise, Bunga, the Salaama Road at Nakinyuguzi zone, and in Mpigi town.

Human Rights Watch investigated several fatal and non-fatal shootings by security forces

on September 10 and 11 that raise serious questions about the level of force employed in response to the riots. In a number of cases throughout the city, there is strong evidence that security forces shot individuals who were not threatening them or others.

This challenges statements by some government officials that live ammunition was only fired into the air to clear the streets of protesters.

However, President Yoweri Museveni, addressing parliament on September 10, after the riots broke out, contended that "initially police acted slowly" in response to the unrest. "Looters," he said, "will be shot on sight, as will those who attack civilians."

Human Rights Watch said that investigations should look into the circumstances of the rioting and into how to improve policing during demonstrations. Thus far, there is no clear evidence to support the contention of some Ugandan government officials that the Kampala riots were organized in advance. The Buganda kingdom government has denied any role in organizing the riots. Some rioters do appear to have employed parallel tactics, such as burning tires to block roads in several areas of the city, especially on the afternoon of September 10.

Human Rights Watch urged the police and other security forces to abide by the United Nations Principles on the Use of Force and Firearms by Law Enforcement Officials. The principles call upon law enforcement officials, including military units responding to national emergencies, to apply nonviolent means before resorting to the use of force, to use force only in proportion to the seriousness of the offense, and to use lethal force only when strictly unavoidable to protect life. The principles also provide that governments shall ensure that arbitrary or abusive use of force and firearms by law enforcement officials is punished as a criminal offense under their law.

"Much of the attention has focused on the politics surrounding recent events," said Gagnon. "But the real tragedy is that families have lost loved ones in entirely unnecessary circumstances. They deserve to see justice done."

Violence and the Response

Human Rights Watch found that in the early stages of the demonstrations on September 10, some protesters resorted to violence in some areas of Kampala, burning at least five cars, one passenger bus, and one delivery truck, blocking some main roads with burning tires and debris, looting shops, and throwing rocks at police and members of the armed forces. In Nateete, protesters burned a police station. In Bwaise, a factory was set on fire. No one was reported injured in either fire, and local hospitals did not report any burn victims. Police, some in riot gear, used teargas in several areas of the city.

Uganda's inspector general of police (IGP), Maj. Gen. Kale Kayihura, told Human Rights Watch that military police and the army's Presidential Guard Brigade were deployed under his orders to support the police beginning at around 4 p.m. on September 10, and that infantry soldiers were deployed in support shortly thereafter. Kayihura said that these units fired live ammunition into the air to scatter rioters.

Human Rights Watch's research indicates that the security forces faced some situations in which the use of firearms may have been warranted. One witness described seeing a rioter steal a civilian security guard's gun near Kampala Bus Park on September 10 and shoot a policeman in the leg. Kayihura provided two other instances, in Nateete and Sseta, where rioters fired on the security forces. It remains unclear if anyone was injured in those two instances, and those events were not investigated by Human Rights Watch.

Kayihura told Human Rights Watch that, while all government forces had been ordered to use minimum force, non-lethal options such as rubber bullets and pepper spray are not standard issue in all police posts. He claimed that the security forces had few alternatives to shooting live ammunition into the air. Other knowledgeable sources in

the police told Human Rights Watch that the police stocks of tear gas had run low and that officials feared they lacked the means to secure the city without using firearms.

Where Lethal Force Was Not Necessary

However, among the episodes that raise serious questions about the use of force, in Bwaise on September 10, local people gathered to observe the fire brigade fight a fire set by rioters earlier that afternoon. An army armored personnel carrier drove by the crowd and the troops on board fired, striking [Hussein Mujuuka](#) in the back of the head and killing him instantly. At least 10 others were wounded by the gunfire. Several witnesses told Human Rights Watch that local residents responded by burning tires along the Bwaise-Kampala Road. They said that shootings by the military continued during the evening hours in Bwaise and that many other people were wounded. Deaths from military gunfire also occurred the same day in Kawempe, Nakulabye, Mulago, and the Ndeeba areas of Kampala.

Security forces using live ammunition caused many injuries and at least six deaths on September 11. Witnesses and victims told Human Rights Watch that most Kampala communities were trying to return to normal business after the previous day's unrest. However, soldiers heavily deployed both on foot and in armored personnel carriers in some areas of the city fired live ammunition. There is evidence in some instances that they deliberately shot and killed or wounded people who were not actively involved in demonstrations or unrest.

For example, military units, some accompanied by police forces deployed in Ndeeba that morning, apparently ordered people on the roads to return home. Over several hours, soldiers shot and killed one person and seriously wounded two more. In each case, the victims were shot after they had entered their homes or workplaces. Witnesses said that soldiers apparently pursued people several hundred meters from the main roads and fired their weapons through locked doors. However, no official curfew had been imposed.

[Kinaalwa Sseddulaaka Jackson](#), the owner of a dry cleaning shop about 100 meters from the Masaka road in Tomusange zone, Ndeeba, hid in his back storage room and locked the back door when an army armored personnel carrier entered Ndeeba and soldiers on board began shooting. A few minutes later, a uniformed soldier walked through the area and fired his AK-47 through Sseddulaaka's back door, killing him instantly. Human Rights Watch researchers saw two bullet holes in that door, as well as five other bullet holes in doors and walls in the neighborhood. All were in the lower half of the doors and walls.

Soldiers and police also deployed around Nateete market that morning, closing the main gate even though the market was filled with food vendors and customers. Witnesses told Human Rights Watch that uniformed soldiers, some wearing the red berets of the military police, began to attack people with sticks and batons, and ordered them to clear the streets and return home. Several women selling *matoke* (plantains) showed Human Rights Watch large contusions and bruises from having been beaten while trying to flee.

The witnesses said that the soldiers then began firing their weapons, both in the air and into the crowds. One customer was killed and another wounded. One female vendor showed Human Rights Watch where she had been grazed by a bullet on her hip, requiring medical treatment. Human Rights Watch saw three bullet holes in the market walls and three others through its iron roof sheeting.

In Busega, an area dense with open-air shops and stalls, soldiers shot and killed two people in separate incidents that morning. Residents and officials reported that on the previous day, rioters in the area had blocked roads with fires and demanded money from those trying to enter Kampala by car. Rioters had looted a Coca Cola truck and burned it. The situation calmed by 7 p.m. that day, and the shops along the road had reopened. Witnesses said the area had remained calm the next morning until a military armored

personnel carrier and military and police trucks drove through, in some cases telling people to clear the streets and return home. The shops closed quickly when soldiers in the personnel carrier began firing live bullets, but 13-year-old [Daoudi Ssentongo](#) was struck in the head and killed inside his family's shop when a bullet ripped through a refrigerator next door. His death triggered more demonstrations, and members of the community tried to block the personnel carrier from re-entering the area by burning debris in the road.

Near where the youth died, soldiers on foot chased people away from the main roundabout, evidently to arrest or deter rioters. Soldiers pursued several young men who ran away. [Ronald Kasagga](#), who supplied ice to the area's fish vendors, was fatally shot in the chest at close range by a soldier. Witnesses said that the soldier yelled "Stop!" and that when Kasagga turned around, the soldier fired.

Around 11 a.m. on September 11 in Kasubi zone 4, rioters had been taunting nearby soldiers and throwing rocks near a gas station on the main road, witnesses said. When the soldiers pursued them, they ran up the hill, past the home of [Stella Kabasinguzi](#), who had left her house briefly, seeking bread for her three children. The soldiers approached her home, and Kabasinguzi immediately raised her hands in the air. A soldier shot her, in front of her children. She died on the way to the hospital. Human Rights Watch observed three bullet holes through doors in other homes in zone 4, more than 100 meters from the main road where riots had occurred. Witnesses told Human Rights Watch that a soldier on foot demanded that people go inside their homes, and shot through the doors when some hesitated.

Throughout the city on September 11, soldiers and police threatened and beat people to obtain information about the whereabouts of alleged rioters. A woman making tea outside her restaurant in Ndeeba was questioned by a uniformed soldier carrying an AK-47. According to several people interviewed separately, when she did not have answers to his questions, he poured the hot tea on her back. He then stuck the gun barrel into her mouth and demanded to know where rioters were hiding. She escaped only after bystanders diverted his attention.

Nile Broadcasting Services broadcast video of police and military patrolling areas on September 11, beating people sitting and standing near their homes in Kazo and throwing them into the backs of police trucks. The authorities did not request names or identity documents before arresting them. In one instance, when a man protested being forcibly removed from his home, he was beaten repeatedly. Police took truckloads of suspects to Kawempe police station. Human Rights Watch researchers observed similar actions on Salaama Road that afternoon.

On September 10, government officials [told television stations to stop broadcasting live pictures](#) of the violence. In some instances, government forces forcibly removed video footage from TV stations, appropriated journalists' cameras and videotapes, and deleted photographs of dead bodies. Some journalists were beaten attempting to report on the unfolding events. The state-owned newspaper, *The New Vision*, inaccurately reported that mobs had on September 11 burned two people to death in Ndeeba. Local officials from Ndeeba and other knowledgeable sources informed Human Rights Watch that no rioters had burned people, but *The New Vision* has yet to issue corrections.

The Police Explanation

Police Inspector General Kayihura told Human Rights Watch that the police lacked capacity to respond to the speed and geographical breadth of the events of September 10. Unrest in previous years had centered on Kampala's Central Business District and had not extended into the populous residential neighborhoods. He said that Uganda's military police, the Presidential Guard Brigade, and regular army units had both the equipment and the mobility to respond to the unrest. He said that the military police, like the civilian police, have had training in riot control, and that the armored personnel carriers were deployed to help move units around the suburbs where riots were taking place. He

said the Ugandan military possesses four of these vehicles - two Gila and two Mamba anti-riot vehicles, which can also be used for "fighting terrorism and insurgency."

Kayihura said that seven of the 27 reported killed during the riots were not involved in the riots at the time of their deaths, and that they were hit by "stray bullets." He told Human Rights Watch that the deaths were unfortunate and regrettable, but that the security forces had shown restraint in their response to the unrest. He said that two policemen had been arrested for shooting in the air in Kasubi (the arrests appear unrelated to the death of Kabasinguzi). He said that investigations would be conducted into the circumstances of all the deaths during the riots, but also cited section 69 of Uganda's penal code, which states that police may use "all such force as is reasonably necessary for overcoming" a riot and police "shall not be liable in any criminal or civil proceeding for having, by the use of such force, caused harm or death to any person."

According to statements quoted in *The New Vision* newspaper by the army spokesman, Lt. Col. Felix Kulayigye, military units were deployed under article 209(b) of the constitution, which states that the Ugandan People's Defence Forces shall "cooperate with the civilian authority in emergency situations" and that once deployed, they act under orders of the inspector general of police." Kulayigye contended that the situation was "a war" and that the riots had had "genocidal tendencies." He placed blame for the deaths on the alleged organizers of the riots, but admitted that "the moment the bullet leaves the barrel, anything could happen beyond there."

Human Rights Watch is deeply concerned that Kulayigye's statement might encourage members of the security forces to use unnecessary and unlawful lethal force during future encounters with demonstrators.

Museveni told an emergency session of parliament on September 15 that the government will compensate those who lost their properties and vehicles, and it will also assist those who lost family members.

Recommendations

Human Rights Watch urged the government of Uganda to take the following actions:

- Publicly acknowledge and condemn recent shootings of unarmed people by members of the security forces.
- Undertake an independent and impartial investigation into the actions of all soldiers and police alleged to have perpetrated human rights abuses during the September riots. Prosecute those against whom there is sufficient evidence in accordance with international fair trial standards.
- Issue clear public instructions to all government forces involved in policing to use lethal force only when strictly unavoidable to protect human life.
- Seek out non-lethal options for police and military responding to demonstrations and protests, and ensure those options are standard issue for police stations.

Human Rights Watch urged donors to the Ugandan government, especially members of the Partners for Democracy and Governance Working Group, to take the following actions:

- Publicly express concern about human rights abuses committed by members of the military and police during the September riots.
- Urge government leaders to hold accountable, in accordance with international fair trial standards, members of the security forces implicated in human rights violations.
- Support the police in acquiring non-lethal options for riot response and ensure that relevant personnel from the police and military receive adequate training.

Background

The role of cultural royalty such as the *kabaka* in Uganda has been the source of debate historically. President Milton Obote outlawed all cultural leaders in 1966, but Museveni permitted them to return in 1995. Under the constitution, cultural leaders are barred from politics, but they still wield influence over their communities. The *kabaka* is the king of the Baganda people, the largest ethnic group in Uganda and a key constituency in the upcoming 2011 elections. Since independence, some Baganda political leaders have argued that the Buganda kingdom should be a federal state within Uganda.

Accounts from Victims and Witnesses of Shootings during Recent Kampala Riots

"It was 9 a.m. when I was returning from the village where we buried my friend Deo, who was shot and killed in Ndeeba on Thursday during the riots. When I arrived back to town, I saw a group of soldiers and men in civilian clothes with guns and sticks walking along the road. I ran to the other side of the road and to find a place to hide. The soldiers began to hit us with batons and kick us. They were beating other people in the road as well. I ran away and noticed I had a cut on my head from the baton, and I was bleeding. My friend and I went off the main road and hid by locking ourselves into a storage room near a friend's shop. We heard the soldier's footsteps and then he yelled, "Open the door!" I said, "But if we come out, you are going to beat us again." He said, "You think bullets cannot reach you in there?" Then he fired his gun through the door. A bullet hit the inside of my arm and then entered my stomach and I fell down."

- Gunshot victim in Ndeeba, September 11

"Things were calm in Mpigi that day. We heard about what was happening in Kampala and someone had lit two tires on fire, but the cars could pass. Faisal and I were standing on the veranda. The soldiers came in a government vehicle and started caning people. One soldier came carrying a stick and a gun. He threw the stick at a boy and then got out the gun. He pointed the gun towards us, and then fired at us two times. I ran and hid at a house nearby. And later, someone said that a man was killed. A bit later, I learned it was Faisal. He had been shot in the neck."

- Witness to killing of Faisal Bukenya, September 10

"On Friday morning, I saw the boys throwing a few rocks at the soldiers, and then the soldiers started shooting in their direction. Eventually the soldiers rounded up a group of boys and held them at the petrol station. The soldiers were forcing the boys to jump up and down as punishment for throwing rocks. When they tried to move the group of unruly boys, some scattered and the military began shooting at them again. The woman with the three children was killed just then."

- Witness to the killing of Stella Kabasinguzi, September 11

"She was just on the steps of her home on Friday morning. She had gone to collect some bread for the children. When she saw the soldiers, she threw her hands in the air, but he fired right at her and she fell. He was standing just a bit down from her."

- Another witness to the killing of Stella Kabasinguzi, September 11

"I was here in the market, selling *matoke* on Friday morning around 8 a.m. Suddenly, the military came in and started beating people, telling everyone to leave the market. Even the security officer for the market was hit by batons from them. They even beat me very hard on the buttocks, while I was trying to run away. Some of them stole the money I had on the ground. Others started shooting into the market and a boy was hit and a man was killed."

- *Witness to killings and shooting in Nateete, September 11*

List of fatal shootings investigated by Human Rights Watch

On September 10

1. Hussein Mujuuka, shot through the eye by military in personnel carrier, in Bwaise
2. Robert, Congolese national, shot by military near Qualicell Building in Kampala Bus Park
3. John Bosco Kaagwa, shot in the back by military near Nakulabye trading center
4. Ssadam Katongole, shot in the chest by the military at "Kubirri" - Mulago roundabout
5. Deo Lutaaya, shot in Kabuusu by military in personnel carrier, near Petrol City, on Masaka Road
6. Muganga Huzairu, shot in the abdomen in Nateete; died at Mulago hospital
7. Faisal Bukenya, shot in the neck by a soldier in Mpigi Town

On September 11

8. Ronald Kasagga, shot in the chest by military on foot near Busega roundabout
9. Kinaalwa Sseddulaaka Jackson, killed by military on foot in Tomusange zone, Ndeeba
10. Mustaifa Basajjabalaba, shot by military in Kitaka zone, Kibazo road, Busega
11. Daoudi Ssentongo, killed by military in Busega roundabout
12. Stella Kabasinguzi, killed by military in zone 4, Kasubi
13. Customer shot by military in Nateete Market

Other deaths:

14. Kakooza Hussein, beaten by the police in Nakamiro zone, Kazo, on September 11; died on September 17

Other fatal shootings reported in the media:

15. Unnamed private security guard working for Saracen Security Company
16. Patrick Kaijamurubi, military police, from Masindi, killed by a stray bullet shot by another military policeman while Kaijamurubi was fixing tire on his vehicle in Ndeeba
17. Geoffrey Andama, high school student, shot at Shop Rite Supermarket, near the Clock Tower junction
18. Benjamin Atere, 2 years old, died from gunshot on Mawanda Road in Mulago
19. Frank Kafuma, sustained gunshot wounds at Nabweru in Kawempe division, died in Mulago
20. Yawe Wesige Mukama, shot in Kawempe

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