

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	359
Land:	Uganda
Kilde:	Human Rights Watch
Titel:	Uganda: Stop Police Harassment of LGBT People
Udgivet:	17. november 2019
Optaget på baggrundsmaterialet:	19. maj 2020

Document #2020280

HRW – Human Rights Watch

Uganda: Stop Police Harassment of LGBT People

November 17, 2019 9:00PM EST

Drop Charges Against Dozens Detained in Recent Roundups

(Nairobi) – The Ugandan (<https://www.hrw.org/africa/uganda>) authorities should drop charges against dozens of people arrested over the last month in Kampala, the capital, on the basis of their presumed sexual orientation or gender identity, Human Rights Watch said today.

The police carried out two mass arrests on spurious grounds, abused the detainees, and forced at least 16 to undergo anal examinations. Such examinations violate their right to bodily integrity and freedom from torture and ill treatment.

“Whether it’s arresting victims threatened by a mob or rounding up revelers at a bar on trumped-up drug charges, Ugandan police are stooping to new lows in their persecution of people for being LGBT,” said Neela Ghoshal (<https://www.hrw.org/about/people/neela-ghoshal>), senior LGBT rights researcher at Human Rights Watch. “Ugandan police should be protecting people, not violating their rights because of their presumed sexuality or gender identity.”

On October 21, 2019, police arrested 16 activists with Let’s Walk Uganda, a community-based organization working on economic empowerment for LGBT youth. Eric Ndawula, the organization’s program coordinator, who was among those arrested, told Human Rights Watch that the activists had called police to help them after a group of people surrounded the house they use as an office and shelter, shouting homophobic insults and threatening to break in. But after dispersing the mob, police interrogated the 16 people inside about their gender presentation, used homophobic insults, and arrested them all.

The following day, police searched the house, confiscated condoms, lubricant, and anti-retroviral medicines and charged the occupants with “carnal knowledge against the order of nature.” On October 23, a police doctor at Nsambya Police Barracks performed forced anal examinations on the 16 detainees, Ndawula said. The police released the activists on bail the next day. The charges against them remain in place.

On November 10, police raided Ram Bar, a known LGBT-friendly bar in Kampala, and rounded up 125 people. The Ugandan media outlet Kuchu Times (<https://www.kuchutimes.com/2019/11/ram125-67-remanded-to-luzira-prison/>) reported that victims were dragged and thrown onto police trucks. Victims were initially

told they were being detained under Uganda’s Anti-Tobacco Law (2015) for illegal use of shisha (water pipes), but one person caught up in the sweep told Human Rights Watch that police arrested everyone in the bar indiscriminately, though only a few clients were using shisha.

She said a woman in her cell at Kampala’s Central Police Station was able to phone her brother, a police officer, who told her the bar had been targeted to arrest homosexuals. One of those arrested, Joan Amek, an activist and director of Rella Women’s Foundation, said police made homophobic comments during the raid and at the police station.

The two women and some others were released on bond on November 11. But 58 remain in Luzira Prison on charges of “common nuisance” under Uganda’s penal code, with some scheduled to appear before the Buganda Road Magistrates’ Court on November 18. They are represented by lawyers with the Human Rights Awareness and Promotion Forum, a Ugandan nongovernmental organization.

The two raids follow several months of violent incidents against LGBT Ugandans. On August 1, a group of motorcycle taxi drivers beat to death a young transgender woman (<https://www.facebook.com/KuchuTimes/photos/a.739385106117144/2404346462954325/?type=1&theater>), Fahad Ssemugooma Kawere, in Wakiso District, near Kampala. On October 4, unidentified people attacked Brian Wasswa (<https://www.hrw.org/news/2019/10/15/uganda-brutal-killing-gay-activist>), an openly gay and gender nonconforming activist in Jinja, with a hoe. He died the following day.

A medical doctor in Kampala faces criminal assault charges (<https://www.theguardian.com/global-development/2019/oct/30/ugandan-doctor-under-investigation-over-claims-he-assaulted-lgbt-patient>) and investigation by the Uganda Medical and Dental Practitioners’ Council for allegedly assaulting a patient on October 19 because he believed she was a lesbian. On October 20, unidentified assailants attacked a gay Rwandan refugee (<https://www.reuters.com/article/us-uganda-lgbt-crime/attacks-on-lgbt-ugandans-seen-rising-after-minister-proposes-death-for-gay-sex-idUSKBN1X127D>) in Kampala, inflicting severe blows to his head.

These attacks have taken place against a backdrop of homophobic discourse from high-ranking government officials. In October, Ethics and Integrity Minister Simon Lokodo told reporters that parliament planned to introduce a bill that would criminalize so-called “promotion and recruitment” (<https://www.reuters.com/article/us-uganda-lgbt-rights/uganda-plans-bill-imposing-death-penalty-for-gay-sex-idUSKBN1WP1GN>) by gay people, and would include the death penalty for “grave” consensual same-sex acts. Security Minister Elly Tumwine claimed in an October 3 television interview that LGBT people were linked to an alleged terrorist group (<https://twitter.com/i/status/1179676101800579074>).

The Office of the President disavowed Lokodo’s statements (<https://www.nytimes.com/aponline/2019/11/04/world/africa/ap-af-uganda-gay-rights.html>), stating that the “Government of Uganda does not have any plans of re-introducing the anti-homosexuality bill (<https://www.hrw.org/news/2014/05/14/uganda->

anti-homosexuality-acts-heavy-toll) on the floor of Parliament.” Health Minister Aceng Jane Ruth condemned (<https://health.go.ug/press-release>) several of the instances of homophobic violence.

The ongoing cases against the 16 members of Let’s Walk Uganda and the scores of people rounded up at Ram Bar, however, leave LGBT activists in Uganda skeptical of the government’s assurances. Frank Mugisha, executive director of Sexual Minorities Uganda, said in a statement (<https://sexualminoritiesuganda.com/drop-all-charges-against-lgbtqi-ugandans-and-desist-from-violence-persecution-arrest-and-extortion/>): “Whereas government recently issued a statement assuring safety and protection of all Ugandans, including minority groups[...] What good is that statement now, when security forces are blatantly violating our human rights with impunity.”

Clare Byarugaba, an activist with Chapter Four Uganda, accused the police (<https://sexualminoritiesuganda.com/drop-all-charges-against-lgbtqi-ugandans-and-desist-from-violence-persecution-arrest-and-extortion/>) of seeking to distract public attention from a recent brutal crackdown by security forces on students protesting (<https://www.hrw.org/news/2019/11/04/uganda-security-forces-attack-students-journalists>) fee increases.

Uganda should drop charges in both cases and repeal articles 145, 146, and 148 of the penal code, which criminalize consensual same-sex relations and violate rights to privacy and non-discrimination, Human Rights Watch said. It should also decriminalize petty offenses such as “common nuisance,” in accordance with the Principles on the Decriminalization of Petty Offenses in Africa (<https://acjr.org.za/resource-centre/decriminalisation-of-petty-offences-web.pdf/view>) adopted by the African Commission on Human and Peoples’ Rights in 2017.

The Health Ministry and the police should ban forced anal examinations (<https://www.hrw.org/news/2016/07/12/ban-forced-anal-exams-around-world>) and their use as “evidence” in homosexuality prosecutions. These exams have no scientific value and violate the Convention against Torture, the African Charter on Human and Peoples’ Rights, and the International Covenant on Civil and Political Rights.

“LGBT Ugandans wake up every day facing the risk of police harassment, arbitrary arrest, and abuse,” Ghoshal said. “Uganda should decriminalize consensual same-sex conduct and stop using petty offenses as legally sanctioned harassment of people who are trying to live their lives in peace.”

Selected Accounts

Eric Ndawula, arrested in “Let’s Walk Uganda” raid

The third day, police took us to Nsambya police barracks which has a health facility. When we reached the barracks, the doctor told us he was going to examine [us]. He first made comments, “You are young, spoiling your lives” and “lured into devilish acts” and

“working on behalf of the devil.” He did anal examination of us all, one by one, in a ward at night in the dark with no power. The nurse held the torch while the doctor made the examination.

The exam is really humiliating and dehumanizing. The doctor tells you to lie down on the bed and make a “four” with your legs. He tells the nurse to bring the torch closer. Wearing gloves, [he] inserts his fingers in the anus. He tells you to hold then release and asks whether you feel pain. If you don’t feel pain there, he puts another finger.

The doctor told me he found bruises. He mentioned that to all of us. He said to some people they are “loose” and his conclusion is that we have all engaged in anal sex... Then they administered HIV tests on all of us. They never told us the results.

Joan Amek, arrested in Ram Bar raid

We were first told to go “chini,” I guess to squat or sit on the floor. They were asking homophobic questions especially to the trans women; what are they, why do they have plaited hair? A police lady at some point said she would beat the hell out of a trans woman because of her walking style and ways. They kept on calling us prostitutes and genderless people. They kept on making common mistakes on he and she and dramatically laughing about it, saying that they thought we didn’t care so why are we complaining.

After the drug accusations failed, they accused us of being idle. But there is no crime, they just need something to pin on people.

“Judy,” arrested in Ram Bar raid

The impact this has caused has messed up so many lives. Many don’t even think they have a life to come back to even after their release. Some of us who are out feel guilty because our other friends are still in there. For others, they couldn’t imagine talking to their families about this due to fear. All our lives will never be the same. A number practically lost jobs because of this and families don’t want anything to do with them even after they get out. I and my friends can’t even have decent sleep because our minds can’t rest.

ecoi.net summary:

Kampala: Charges against dozens of people arrested on the basis of their presumed sexual orientation or gender identity



Country:

Uganda

Source:

[HRW – Human Rights Watch](#) </en/source/11207.html>

Original link:

<https://www.hrw.org/news/2019/11/17/uganda-stop-police-harassment-lgbt-people>
<https://www.hrw.org/news/2019/11/17/uganda-stop-police-harassment-lgbt-people>

Document type:

Appeal or News Release

Language:

English

Published:

17 November 2019

Document ID:

2020280

Austrian Red Cross

Austrian Centre for Country of Origin and Asylum Research
and Documentation (ACCORD)

Wiedner Hauptstraße 32, 1041 Wien

T (Telefon) +43 1 589 00 583

F (Fax) +43 1 589 00 589

info@ecoi.net

ecoi.net is run by the Austrian Red Cross (department ACCORD) in cooperation with Informationsverbund Asyl & Migration. ecoi.net is funded by the Asylum, Migration and Integration Fund, the Austrian Ministry of the Interior and Caritas Austria. ecoi.net is supported by ECRE & UNHCR.

