HUMAN RIGHTS VIOLATIONS IN UGANDA

THE ABUSE OF CIVIL AND POLITICAL RIGHTS IN THE ERA OF KISANJA HAKUNA MCHEZO

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About the cover photo:

Police officers arrest Makerere University Guild President, Papa Were Salim (in red tie), at Makerere University, on 16 April 2018 during a student protest against a range of changes to university services including the scrapping of meals in halls of residence, the suspension of evening classes and new hikes in tuition fees at the institution. One of the key features of the violation of civil and political rights in Uganda is the high handedness of the security forces. (Photo credit: 2018 Uganda Press Photo Award by Alex Esagala, Sourced from: http://www.ugandapressphoto.org/wp-content/uploads/2018/10/Overall-Winner_1_NW_2018.jpg)
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<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
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<tbody>
<tr>
<td>ACHPR</td>
<td>African Commission on Human and People's Rights</td>
</tr>
<tr>
<td>ADF</td>
<td>Allied Democratic Forces</td>
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<tr>
<td>AU</td>
<td>African Union</td>
</tr>
<tr>
<td>CAT</td>
<td>Convention Against Torture</td>
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<tr>
<td>CIID</td>
<td>Criminal Intelligence and Investigations Department</td>
</tr>
<tr>
<td>CMI</td>
<td>Chieftaincy of Military Intelligence</td>
</tr>
<tr>
<td>DFO</td>
<td>District Fisheries Officer</td>
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<tr>
<td>DISO</td>
<td>District Internal Security Officer</td>
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<tr>
<td>DMO</td>
<td>District Medical Officer</td>
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<tr>
<td>DPC</td>
<td>District Police Commander</td>
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<tr>
<td>FDC</td>
<td>Forum for Democratic Change</td>
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<tr>
<td>FPF</td>
<td>Fisheries Protection Force</td>
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<tr>
<td>HURIPEC</td>
<td>Human Rights and Peace Centre</td>
</tr>
<tr>
<td>ICCPR</td>
<td>International Covenant on Civil and Political Rights</td>
</tr>
<tr>
<td>ICESCR</td>
<td>International Covenant on Economic, Social and Cultural Rights</td>
</tr>
<tr>
<td>ISO</td>
<td>Internal Security Organisation</td>
</tr>
<tr>
<td>KMP</td>
<td>Kampala Metropolitan Police</td>
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<tr>
<td>MAAIF</td>
<td>Ministry of Agriculture, Animal Industry and Fisheries</td>
</tr>
<tr>
<td>NALI</td>
<td>National Leadership Institute</td>
</tr>
<tr>
<td>NFA</td>
<td>National Forestry Authority</td>
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<tr>
<td>NRA/M</td>
<td>National Resistance Army/ Movement</td>
</tr>
<tr>
<td>OBR</td>
<td>Obusinga Bwa Rwenzururu</td>
</tr>
<tr>
<td>POMA</td>
<td>Public Order and Management Act</td>
</tr>
<tr>
<td>RDC</td>
<td>Resident District Commissioner</td>
</tr>
<tr>
<td>SIU</td>
<td>Special Investigations Unit</td>
</tr>
<tr>
<td>UDC</td>
<td>Unit Disciplinary Committee</td>
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<tr>
<td>UHRC</td>
<td>Uganda Human Rights Commission</td>
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<tr>
<td>UIA</td>
<td>Uganda Investment Authority</td>
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<tr>
<td>UPC</td>
<td>Uganda People's Congress</td>
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<tr>
<td>UPDF</td>
<td>Uganda Peoples’ Defence Forces</td>
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<tr>
<td>UPF</td>
<td>Uganda Police Force</td>
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<tr>
<td>UPS</td>
<td>Uganda Prisons Services</td>
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<td>UWA</td>
<td>Uganda Wildlife Authority</td>
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PART I

About HURIPEC

The Human Rights and Peace Centre (HURIPEC) was established in 1993 as a semi-autonomous department under the School of Law, Makerere University and was the first human rights centre of its kind in Sub-Saharan Africa. HURIPEC was established solely to foster the teaching of, research and activism on human rights and peace issues at the university. In line with its vision, HURIPEC seeks to contribute to the establishment of a human rights conscientised, educated, activist, academic society in Uganda and other countries. It has consistently engaged in events geared towards promoting the understanding and respect of human rights, democratic governance and sustainable peace in the East Africa sub-region specifically and Africa generally through teaching, research and outreach.

HURIPEC has conducted trainings and disseminated research in a variety of areas including economic, social and cultural rights; governance and democratisation; armed conflict; decentralisation and human rights; land governance; as well as religion, rights and peace. Regarding publications, HURIPEC’s flagship journal: *East African Journal of Peace and Human Rights* provides a focal point for critical and incisive research on all spheres of human rights in the East African region and beyond. HURIPEC has also published working papers on different thematic topics focusing on rights and governance in Uganda and beyond.
EXECUTIVE SUMMARY

The coming into power of the National Resistance Movement (NRM) Government in 1986 ignited hope amongst Ugandans for a democratic, transparent and accountable system of governance that would protect, respect and promote the fundamental rights of every person. This is because most of the previous regimes had been characterized by gross human rights violations that had not been redressed. President Yoweri Museveni’s inaugural speech on 26 January 1986, in which he promised Ugandans that the new government was not a mere change of guards but rather a fundamental change, gestured a determination of his government to be different from its predecessors in all respects.

However, for the past 20 years, national and international human rights organisations have documented continuing human rights violations perpetrated by state security organs. These reports have always raised concerns and made recommendations which remain valid to date.

Just like the promise of a fundamental change in his inaugural speech of 1986, President Museveni’s declaration of Kisanja Hakuna Mchezo provides a good opportunity for the human rights movement. On 12 May 2016, President Museveni was sworn in for a fifth electoral term following his victory in the February 2016 general elections. In July 2016, he dubbed this fifth term Kisanja Hakuna Mchezo, which is loosely translated as a term where there would be no playing games. Kisanja Hakuna Mchezo can thus be interpreted as a term where there is going to be effectiveness in governance characterized by strict adherence to the rule of law and observance of human rights.

It is on this basis that HURIPEC conducted a research aimed at auditing the observance of human rights in the era of Kisanja Hakuna Mchezo specifically focusing on the violation of key civil and political rights. The investigation covered cases of extrajudicial killings, torture, cruel inhuman and degrading treatment, arbitrary arrest, illegal detention, as well as violation of the right to a fair hearing, freedom of association and assembly, right to culture and religion, orders of habeas corpus.

HURIPEC interviewed a total of 359 people and collected stories of the violations from a cross-section of sources including victims, relatives of affected persons, eye witnesses to the occurrences, as well as relevant documents such as photos, court records, police bonds and charge sheets. A desk review of media reports (from 2016) relating to the violations was also done, which in many cases, provided useful guidance on the destinations for the field visits. Out of these efforts, this record of selected civil and political rights violations occurring in Uganda since 2016 was developed.

The research findings show that violations of the selected civil and political rights have continued to occur in the Kisanja Hakuna Mchezo. There is a connection across the
country of the human rights violations especially arbitrary arrest and illegal detentions, torture of suspects, as well as extrajudicial killings. The main perpetrators cited were Uganda People’s Defence Forces (UPDF), Uganda Police Force (UPF) and Uganda Wildlife Authority (UWA).

Violation of rights in the period under study was largely influenced by: Disregard for the rule of law in the name of protecting national security; sidelining of institutions mandated with administration and enforcement of law and order in favour of the military; impunity; weakness of the human rights enforcement mechanisms; and negative political interests like the removal of Presidential age limit from the Constitution at all costs, among others. Below is a summary of the findings:

**Extrajudicial killings**

The right to life, although guaranteed by international and domestic law, continues to be abused by State agencies. A total of 133 cases of extrajudicial killings were recorded in 36 districts; 48 in 2016, 34 in 2017 and 51 in 2018. These figures are not inclusive of the over 150 people, including children, executed on 26 and 27 November 2016 during the attack on the Rwenzururu palace.

The research revealed that 40 people were unlawfully deprived of life by UPDF soldiers in 12 districts (Kasese, Kampala, Amuru, Katakwi, Mukono, Arua, Kabarole, Mpigi, Iganga, Kiryandongo, Namayingo and Busia).

In addition, 62 cases of extrajudicial killing by UPF were recorded in 26 districts (Bugiri, Mbarara, Iganga, Kampala, Ibanda, Kabale, Adjumani, Butaleja, Bundibugyo, Kabarole, Kasese, Wakiso, Mbale, Ntoroko, Rukungiri, Sembabule, Arua, Mukono, Tororo, Mubende, Kamuli, Amolatar, Sironko, Kisoro, Buhweju and Gomba).

A total of 31 deaths were recorded between March 2016 and December 2018 all attributed to UWA’s law enforcement rangers in seven districts (Buliisa, Masindi, Kasese, Sironko, Hoima, Namisindwa and Rubirizi) related to alleged illegal entry into natural protected areas. On their part, UWA officials reported that a total of 45 UWA game rangers had been killed by alleged poachers in the course of the last 15 years. Given the timeframe of the project, the exact statistics of the death of community members over the same period could not be established.

The deaths mainly resulted from indiscriminate shootings and use of excessive force such as live ammunition in effecting arrests and crowd control that was not necessary and intense physical torture of suspects. Police’s heavy-handedness, excessive and indiscriminate use of lethal force, failure to respect people's right to assemble and demonstrate contributed to arbitrary killings including of innocent bystanders, children and students. Some of the killings were outright and casually committed. Police in
response said the deaths resulted from unprofessional conduct by their officers, stray bullets, accidental shooting, resisting arrest and acting in self-defence. Ten people died between March 2016 and August 2018 as a result of indiscriminate use of lethal force.

**Torture, cruel, inhuman and degrading treatment**

Despite the fact that Uganda acceded to the UN Convention Against Torture and has a robust legal regime prohibiting and punishing torture, the vice still exists. The government’s reluctance to sign the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. The government’s reluctance to sign this instrument is a clear sign by the political leadership that Uganda is not willing to be checked on torture.

Our findings show that torture was largely committed and condoned by the security forces; was institutionalised and usually planned in advance. It was mainly used for extracting information or confessions, extortion, instilling fear in the communities. It happened in specific facilities where suspects would be transported to from various areas in the country. Notorious facilities included: Nalufenya Police Station in Jinja District, Lolwe Military Detach in Namayingo District, Mbale CPS, Iganga CPS, Lira Military Barracks, Kitgum Military Barracks and Pader Police Station. In Kampala, Chieftaincy of Military Intelligence (CMI), Kireka Police Station and safe houses in Kyengera were cited as the major torture chambers, while in Kasese, Railway Police Station and CPS were cited.

The research team interfaced with a total of 119 respondents including tortured victims, eyewitnesses and key informants who narrated harrowing experiences at the hands of the UPDF, UPF and UWA. According to these sources, the torturers were either uniformed officers of the lower ranks or civilian operatives, who seemed to be very well protected by their superiors.

The investigations, limited to the time President Museveni declared Kisanja Muchezo in 2016, revealed that torture, cruel, inhuman and degrading treatment was meted out on Ugandans, including children, by a specific section of the army, police and UWA. It was well thought out, carried out at specific places, with specific tools and methods of humiliating the victims. A total of 70 torture techniques commonly applied by security agencies during interrogating suspects were documented. These included blindfolding, beatings, water boarding, tying of fingers commonly known as reading the Quran or Bible, squeezing suspects’ balls, plucking out teeth and hitting the elbows, knee joints and ankles.
Abuse of Civil and Political Rights in the Era of Kisanja Hakuna Mchezo

Illegal arrest and detention
Cases of unlawful and arbitrary arrests were recorded across the country committed by the different security forces. They manifested in disregard for established arresting procedure, as well as violence and brutality even with total submission of suspects. They were increasingly being effected by armed non-uniformed personnel whose status was unclear. Suspects were arrested in this manner and spent days and weeks detained incommunicado. In some instances, spouses and children of suspects would be arrested, even violently and later set free, without charge. Detention in police custody beyond the constitutionally prescribed time was common just as was detention in safe houses, military barracks and police booths_CONTainers.

The right to a speedy and fair hearing
Suspects were often not told the charges against them; were denied access to a lawyer and next of kin; and sometimes would not be represented by counsel of their choice or not at all. In some cases, magistrates did not pay attention to concerns of torture raised by the accused persons when they appeared in court. Other factors affecting fair hearing were the exorbitant legal fees charged by lawyers; absence of or inadequate judicial officers to hear the cases; and corruption that influenced how quickly a matter would be handled.

Freedom of assembly and association
There was unnecessary interference in enjoyment of these freedoms ranging from discriminate dispersal of all manner of assemblies including village meetings, peaceful demonstrations of market vendors, schools, cultural gatherings and political rallies. There was deliberate and unjustified closure of or interference with the operations of political parties, sometimes involving threatening owners of buildings housing the offices of political parties. Of particular concern was the violent way in which the security forces led by the police conducted themselves during consultations on the proposed amendment of Article 102(b) of the Constitution of the Republic of Uganda. It was also noted that the standard used in regulating assemblies organised by supporters of the NRM government was not the same as that used on the opposition or groups perceived to hold dissenting opinions. All this was causing fear among the public to participate in assemblies.

The right to an order of habeas corpus
It was found that even though the writ of habeas corpus is inviolable, there were instances where it was not complied with. In some cases, the orders were issued against security agencies who never bothered to produce the detainees or make a response to the applications and went ahead to charge the detainees in military courts.
Targeting communities on account of their culture and religion

The victims of this violation were identified as the Obusinga Bwa Rwenzururu (OBR) (the Rwenzururu kingdom) on the one hand and the Salaf sect of Muslims on the other hand. Despite the fact that Uganda’s legal and policy framework provides for the enjoyment of the right to culture and to religion, state functionaries, influenced by political considerations destroyed cultural sites and places of worship; arrested and detained cultural and religious leaders; threatened communities subscribing to the culture and religion in question, as well as demonised the religious sect by portraying it as enemies of peace (terrorists).
RECOMMENDATIONS

In view of the foregoing, HURIPEC recommends as follows:

THE EXECUTIVE / GOVERNMENT IN GENERAL

- Order the immediate investigation of the incidents of human rights violations that have been documented in this report and by other stakeholders with a view of holding those responsible to account and determining appropriate redress for their victims.

- Make public a list of all authorised or gazetted places of detention in order to clarify on the ambiguity within the existing legal framework on a place of detention.

- Undertake policy reforms to bring the current practices under the military justice function in tandem with the justice, law and order sector.

- Sign the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment in order to allow for independent review by international and national mechanisms, of Uganda’s progress in implementing the Convention Against Torture (CAT).

- Respect and allow dissenting views on governance especially from the political opposition.

- Investigate and bring to account security agencies and or their officers and agents that have defied, disrespected or disregarded court release orders and writs of habeas corpus, in order to enhance the importance of separation of powers.

- Strengthen and allow the national human rights monitoring and reporting mechanisms to work independently, particularly so the Uganda Human Rights Commission, relevant Committees of Parliament, civil society organisations and human rights defenders generally.

- Commission a public hearing and/or inquiry into the menace of the UPDF Fish Protection Force as well as UWA.

- Strengthen dispute resolution mechanisms involving injustices on land and natural resources. This includes conclusively resolving pending boundary disputes between state agencies and communities especially in areas neighbouring national parks and game reserves, such as the Mountain Elgon National Park, in order to reduce the human rights violations arising out of such conflicts.

- In particular, the President of the Republic of Uganda should expressly recognise in all presidential pronouncements, the importance of respect for human rights and the rule of law to sustainable development.
The President should also publicly condemn human rights violations and in addition take serious steps against acts of impunity on which such violations thrive.

THE PARLIAMENT

- Come up with a clear position on the place of the Uganda Police Force (UPF) as the primary duty bearer in law enforcement to whom the army and other para-military forces must be subordinate even in situations where there is need for joint operations. Relatedly, the actions of Parliament should be in consideration of the need to protect the image of the UPF.
- Allocate adequate resources to enable the UPF to effectively exercise its mandate.
- Together with the Uganda Law Reform Commission, eliminate ambiguities within the existing laws on which some of the human rights violations thrive.
- Review and amend the Criminal Procedure Code Act in order to harmonise standards and procedures with the Constitution and other international human rights instruments to which Uganda is a party.

JUDICIARY

- Fast track the hearing of cases involving human rights violations in order to give expeditious redress to the victims.
- Strongly condemn human rights abuses related to the handling of suspects before and during the trial process.

UGANDA HUMAN RIGHTS COMMISSION

- Strengthen capacity to promptly investigate complaints of human rights violations brought before it especially extrajudicial killings.
- Strengthen its human rights monitoring function, including visits to places of detention especially those that are suspected of holding suspects incommunicado or subjecting detainees to cruel, inhuman and degrading treatment.

UGANDA PEOPLES’ DEFENCE FORCES

- End the practice of holding suspects incommunicado as well as the use of excessive force.
- Refrain from detaining non-military persons in military custody.
- Investigate all allegations of extrajudicial killings, torture and illegal detention by
the UPDF-FPF and bring the culprits to book.

- Investigate the conduct of officers of the Chieftaincy of Military Intelligence (CMI) alleged to have engaged in torturing and detaining suspects illegally and bring them to account.

**UGANDA POLICE FORCE**

- Undertake thorough and prompt investigation of suspected cases of human rights violations especially extrajudicial killings.
- Take a lead role in law enforcement and assert UPF’s position even where there is need to jointly work with the army and other para-military forces.
- Respect human rights and rule of law and end partiality in law enforcement especially against political opposition.
- Conduct an inquiry into the human rights violations alleged to have been committed by police operatives at Nalufenya Police Station between 2016 and 2018 and make public the findings of the inquiry and steps being taken to hold the perpetrators to account.
- Fight and end the use of excessive force during law enforcement.

**UGANDA WILDLIFE AUTHORITY**

- Adopt human rights based approaches to wildlife conservation particularly when dealing with local communities.
- Follow up the human rights violations raised in this report and bring those responsible to account.
- Establish and/or strengthen mechanisms for reporting and thorough, prompt and impartial investigation of suspected misconduct of its law enforcement rangers especially in cases of extra-legal, arbitrary and summary execution and hand over to responsible agencies such as the UPF for further action.
- Ensure that law enforcement rangers desist from careless and/or reckless use of firearms and hold them to account in case of non-compliance with the requirements of the law and standards on the use of weapons.
- Improve the relations with communities neighbouring the parks or game reserves through strengthening the liaison capacity of Community Conservation Rangers offices.
- Liaise with the district leadership on how best to appropriate the 20% share of the revenue from gate collections in order to benefit the communities neighbouring the protected areas.
• Ensure transparency and accessibility in the process of acquisition of special (entry) permits for neighbouring communities to access the restricted areas for resources such as firewood and grass.

**UGANDA LAW SOCIETY**

• Provide legal aid services to:
  » communities surrounding protected areas such as national parks
  » survivors of human rights violations including those mentioned in this report;

• Lead the advocacy for the observance of rule of law in Uganda.

• Continue advocating for the necessary reforms in the criminal justice system in Uganda, for example the harmonising of standards and procedures in order to bring the military justice function in tandem with the justice, law and order sector.

**DEVELOPMENT PARTNERS**

• Work with government and civil society to identify initiatives to support stronger respect and observance of civil and political rights in Uganda.

• Devote increased support to local NGOs and human rights defenders working in the area of civil and political rights so as to provide longer term support to promote locally generated solutions to human rights abuses.

• Promote regional equity in access to development assistance with a view to building knowledge on human rights and mechanisms for redress especially for persons in geographically distanced places.

**CIVIL SOCIETY ORGANIZATIONS**

• Increase sensitisation of rights holders on the law, their human rights, duties and responsibilities as well as existing redress mechanisms for violations.

• Support survivors of human rights violations through civil litigation, psychosocial support and counselling, rehabilitation and restoration, providing safe haven, among others.

• Support law reform for better observance of human rights in Uganda and stronger accountability of responsible agencies.

• Support survivors of human rights violations to access justice and other remedies.
GENERAL PUBLIC

- Engage leaders and demand for accountability of those involved in human rights violations.
- Respect the law and observe the rights of others.
- Refrain from violence.
- Report human rights violations to the relevant authorities for redress.
PART II

INTRODUCTION

Background

Uganda’s post-independence history is characterised by several incidents of human rights violations perpetrated by both state and non-state actors. A host of these violations have largely not been addressed and in some instances continue to reoccur without meaningful attempts to redress them, mainly due to lack of political will.

Of the 55 years that Uganda has existed as an independent state, the NRM has had the longest regime of 32 uninterrupted years in power and still counting. Upon its takeover of power in 1986, the National Resistance Army (NRA) through its commander, newly sworn-in President Yoweri Museveni, reassured the nation that theirs was a fundamental change and not a mere change of guards. In so doing, the new government effectively assured Ugandans of a democratic, transparent and accountable system of governance that would protect, respect and promote the fundamental rights of every person.

Indeed, the highlights of the early years of what is now the NRM government includes efforts which were presented as vehicles through which the fundamental change would be achieved. The most significant of these was the Constitution review process and the subsequent enactment of the 1995 Constitution with a whole Chapter Four dedicated to the Bill of rights\(^1\) providing for a number of human rights and freedoms as well as a mechanism for their enforcement. Key in the Bill of rights was the establishment of the Uganda Human Rights Commission as a permanent body with the mandate to monitor, investigate and redress human rights violations in addition to creating awareness and better understanding of human rights among Ugandans.

The proposal for a permanent human rights body emanated from the findings of the Commission of Inquiry set up in 1986 by the NRM government to investigate into violations of human rights between October 1962 and January 1986. The Commission produced a 720-page report\(^2\) documenting the violations and abuse; the victims and their testimonies; the Commission’s analyses and recommendations. Ugandans proposed a permanent body to protect and promote human rights in order to preempt or redress atrocities such as those that had been uncovered by the Commission of inquiry.

It submitted the proposals to the Constitutional Commission that was set up in 1988 to draft a new Constitution that was later debated by the Constituent Assembly in 1994 and promulgated in October 1995.

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The 1995 Constitution introduced safeguards in governance for upholding the rule of law through provisions on separation of powers between the three arms of government namely: The Executive, Legislature and the Judiciary; as well as a cap on the presidential term and an age limit for those contesting for the highest political office. It is worth noting that the Constitution has since been amended to remove the term and age limits in 2005 and 2017 respectively; thus introducing “a substantial measure of uncertainty regarding the prospects for a peaceful transition in Uganda.” Given that most of the human rights violations that have been witnessed in Uganda are closely linked to contestations for the highest political office, the future of human rights observance in the country remains in jeopardy.

Besides the Constitution, Uganda ratified several international and regional human rights instruments that guarantee protection of human rights. Key among these is the International Covenant on Civil and Political Rights (ICCPR) which specifically provides for the rights focused on in this report.

In spite of the legal framework and the President’s 1986 promise of a fundamental change, violations of human rights in Uganda continued to occur. On 12 May 2016, Gen. Y.K. Museveni was sworn in for a fifth electoral term thereby officially commencing what he was to later refer to as ‘Kisanja Hakuna Mchezo’. The president translated the Swahili word ‘Mchezo’ as “playing around without seriousness”. Hence a combination of Mchezo with ‘Kisanja’ (term) and ‘Hakuna’ (no) meant that in the fifth electoral term, there would be no more playing around without seriousness.

However, the President’s declaration of ‘Kisanja Hakuna Mchezo’ did not signal any significant commitment on the part of the NRM government to provide adequate protection of human rights of Ugandans. Instead, the declaration emphasised the need to take all necessary measures to facilitate investment through actions that could have significant human rights implications. In fact all the sixteen action points highlighted by the president as a guiding tool for Kisanja Hakuna Mchezo had the potential to affect the enjoyment of human rights or cause violations if not implemented with care and caution; with action deliberately taken to prevent or mitigate the ramifications.

Cases in point are: Action point No. 7 insinuating an amendment of Article 26 of the Constitution to do away with prior adequate compensation when acquiring land for public works such as roads and industrial construction; No.11 on expansion of forests which could also involve illegal and unfair evictions of Ugandans in favour of ensuring...
availability of raw materials for investment; and No. 12 on clearing of the lakes so as to stop overfishing thereby guaranteeing smooth operations of fish factories.

The President has also made several remarks suggesting that he would deal with the political opposition. The most recent example of this was the 26 October 2018 letter the President issued to the heads of all security agencies in the country which detailed what he referred to as “Guidelines on managing rioters, criminals and looters and methods of arresting and handling suspects”.

Therein he insinuated protection for only “people that are enthusiastically surging forward to show support for the NRM or the President.” Without attempting a distinction between peaceful assembly and violent riots, the President officially permitted the use of excessive and lethal force in the control of riots where other means fail. He suggested this as part of the Standard Operating Procedure both within the international and the local legal framework. However, the President’s guidelines could be deliberately misinterpreted by the security forces in order to violate the rights of those involved in peaceful political assemblies and handle them as rioters.

Effectively, Kisanja Hakuna Mchezo could be interpreted to mean that there would be no playing games in as far as ensuring that things keep within the NRM’s advantage. It is worth noting, however, that the Hakuna Mchezo approach should also be seen in the country’s observance of its human rights obligations. The importance of human rights in promoting peace and sustainable development is indeed very visible in the preamble to the Universal Declaration of Human Rights (UDHR) which states that “…it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law.” As such, Uganda’s development efforts such as enforcing fishing standards, conservation of wildlife, attracting investment and law enforcement would all be in vain if people’s rights are trampled on.

In light of the continuing reports of rising tension in the country, associated with the negative consequences of development processes to the observance of human rights, especially civil and political rights, and owing to recent concerns that the human rights situation in Uganda was dwindling, the Human Rights and Peace Centre (HURIPEC) implemented a one-year project from which this report was published.

The project aimed at providing an audit of and document violations of civil and political rights in Uganda from February 2016, at the commencement of President Yoweri Museveni’s fifth electoral term - Kisanja Hakuna Mchezo, throughout 2018.

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Objectives of the study

Overall, the study sought to provide comprehensive data and track events involving abuses and violations of human rights, specifically selected civil and political rights. The specific objectives were to:

a) Investigate past and ongoing violations of selected civil and political rights in Uganda since February 2016;

b) Provide a record of violations of selected civil and political rights in order to provide a basis for advocacy and reform;

c) Contribute towards improvement in compliance of the State of Uganda with its human rights obligations enshrined in both the international and municipal instruments; as well as

d) Promote the enjoyment by the citizens of their civil and political rights by exposing violators of human rights and putting potential abusers of these rights in check.

Methodology

The study focused on human rights violations and non-compliance that have occurred in Uganda since the commencement of Kisanja Hakuna Mchezo. As such, it does not cover the positive developments and cases of compliance which would also require another study. In this pursuit, the study focused on ten thematic areas namely: Extrajudicial killings; torture, cruel inhuman and degrading treatment; arbitrary arrests and illegal detention; violations of the rights to a fair hearing, an order of habeas corpus; forced disappearance; violations of freedom of association and assembly; as well as the singling out of communities based on religion and culture. The themes were selected based on their wide prevalence in the different media reports since 2016, as well as their nexus to the political dynamics in Uganda where political dissent is increasingly being criminalised. The study therefore provides a status quo in Uganda in relation to the violation of the specific human rights during President Museveni’s fifth term. The inquiry was based on and guided by the Constitution of the Republic of Uganda, national laws and jurisprudence as well as the relevant international human rights standards.

A total of 359 people were interviewed from the four regions of the country namely: Central Region: Kampala, Mukono, Masaka, Kalungu, Wakiso and Nakasongola Districts; Western Region: Kasese, Ntungamo, Rukungiri, Kabale, Mbarara, Isingiro, Hoima, Kikuube, Masindi, Buliisa, Rubirizi and Kiryandongo Districts; Eastern Region: Soroti, Mbale, Namisindwa, Sironko, Butaleja, Tororo, Namayingo particularly in the islands of Sigulu and Lolwe, Bugiri, Mayuge, Busia and Iganga Districts;
Abuse of Civil and Political Rights in the Era of Kisanja Hakuna Mchezo

Northern Region: Pakwach, Arua, Moyo, Adjumani, Gulu, Amuru, Kitgum, Pader, Lira, Apac and Amolatar Districts

Figure 1: Map showing the districts visited
The research teams conducted interviews with a broad range of sources who included victims, relatives of victims, eyewitnesses, local leaders both men and women, members of parliament, lawyers, journalists, human rights defenders and activists as well as public officials.

**Figure 2: Composition of respondents**

Interviewees were identified through research assistants within the districts; leads by key informants; and from news stories. Before the interviews were conducted, a thorough explanation was given to each interviewee on what HURIPEC is, the purpose of the research and consent was sought. Majority of the interviewees requested for confidentiality which was granted and preferred to be quoted as anonymous for fear of reprisals especially from government agencies whom they feared would be embittered by their responses. Those that were too uncomfortable to talk were not interviewed.

Each interview lasted between 30 minutes and one and half hours. Where it was required, translation was provided by the local research assistants. Information was corroborated through cross-checking with other key informants and documents such as court records. Information that was uncorroborated was left out. In order to establish a pattern, interviewees from different parts of the country were asked similar questions related to issues under review.

In addition, over 436 news stories were reviewed on a cross-section of issues published in the mainstream media since February 2016 to December 2018. Each of these stories was categorised according to the thematic areas under review. Some of the stories which provided clear links were subsequently followed up in the field where independent interviews were conducted with the relevant sources mentioned therein.
A number of court documents, human rights reports, police and medical records were also reviewed.

Efforts were made to reach out to public officials to get their insights. Letters were written to the UPDF, UPF and UWA outlining key human right violations that had been identified as committed by their officers and seeking clarification on several constitutional and legal matters. UWA responded and held two meetings with HURIPEC. UPF responded to our request and the spokesperson held a meeting with HURIPEC. However, police did not respond to all the issues put to them but promised to get back in writing. By the time of publishing this report, no response had been received.

Relatedly, all efforts to get a response from the UPDF Spokesperson and the Head of the Human Rights Directorate were futile as the former referred us to the latter whom we contacted on various occasions to fix an appointment in vain. It is also worth noting that the study was affected by fear among some sources who declined to share their experiences for fear of reprisal from the authorities even when guarantees of anonymity were made. Some areas were also not reached due to either remoteness or limitation in time given that the study only had logistics for 6 field days per month for the entire period of its implementation.

**Synopsis**

This report is presented in four parts: Part I presents a brief about HURIPEC, the project and the executive summary; Part II is the introduction and background to the project; Part III presents the findings of the audit; while Part IV provides the recommendations.
PART III

UNDERLYING FACTORS FACILITATING

HUMAN RIGHTS VIOLATIONS IN KISANJA HAKUNA MCHEZO

Our findings show that violations of human rights continued through President Museveni’s fifth term, the Kisanja Hakuna Mchezo. There was also an apparent connection of the violations across the country; as well as similarity and commonality in the mode of perpetration. Security forces including the Uganda Peoples’ Defence Forces (UPDF), the Uganda Police Force (UPF) and a para-military force, Uganda Wildlife Authority (UWA), were the most cited perpetrators of human rights violations.

It was also common to find violations of more than one right or freedom occurring in the same incident. Cases in point were where illegal arrests and detentions were also characterised by torture or extrajudicial killings or where dispersal of demonstrations resulted into extrajudicial killing or torture and illegal arrests. The testimonies of respondents, especially victims, clearly demonstrated how violation of one right would inevitably lead to further violation of others.

The following were identified as the underlying factors influencing the continued violation of human rights in Uganda:

Sidelining of the Uganda Police Force

The functions of the UPF are provided for under Article 212 of the 1995 Constitution. It stipulates that the force shall, among other things: Protect life and property; preserve law and order; detect and prevent crime; and cooperate with the civilian authority and other security organs established under the Constitution and with the population generally. The UPF is therefore expected to investigate and arrest suspects and summon witnesses to appear in courts of law; train police personnel and equip them with modern skills of detecting and combating crime; and to liaise and cooperate with other security agencies both nationally and internationally.8 Clause 3 of Article 211 of the 1995 Constitution stipulates that the force shall be, “…nationalistic; patriotic, professional, disciplined, competent and productive…”

On the other hand, Article 209 of the Constitution of Uganda provides for the functions of the UPDF. These are to: Preserve and defend the sovereignty and territorial integrity of Uganda; cooperate with the civilian authority in emergency situations and in cases of natural disasters; foster harmony and understanding between the defence forces and civilians; and engage in productive activities for the development of Uganda. Section 7 of the UPDF Act also outlines the same functions.

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Even though the function of enforcing law and order is a constitutional mandate of the UPF, which is also constitutionally allowed to cooperate with other security agencies, the study found that there was an increasing involvement of the UPDF in ordinary law enforcement activities without adequate safeguards which had resulted in violation of human rights. A case in point was the creation of the UPDF Fish Protection Force (FPF) which despite the public outcry and from formal institutions such as Parliament and the Ministry of Agriculture, Animal Industry and Fisheries regarding their mode of operations, remained adamant and openly stated that they “answer only to the president.”

Moreover, the President increasingly portrayed the UPF as a weak, corrupt and incompetent institution “infested with weevils” thereby creating a justification for its replacement by the UPDF. This significantly contributed to grave violations of human rights mainly as a result of the heavy handedness employed by military personnel in executing what was ordinarily a police function. The continued deployment of the army in purely civilian affairs became a dangerous trend, for a country committed to the rule of law and which cherishes good governance. There was no justification for undermining an institution that is legally mandated and specially trained to handle civilians as had earlier been aptly noted by the Odoki Constitutional Review Commission Report of 1995:

_The main duty of the army in a democratic society governed by the rule of law should be to fight external enemies and to put down internal insurrection or insurgency. In doing so it should be obedient to directions from the civilian and democratically elected government. On the other hand, the police focus should be on the citizen, to protect him, or, if he is errant, to correct him. Police work calls for specialized training and for special tactics with which the army is generally unfamiliar or unsuited. Therefore, as a general rule, the army should not involve itself in police work. The relationship should then improve on the basis of mutual respect and co-operation. The police and the army must each understand that both forces play separate and distinct roles for the betterment of society._

At a different level, significant human rights violations were also committed by UWA officials in the course of enforcing the law on wildlife protected areas. The control of illegal activities within the wildlife protected areas is the mandate of UWA, which is a body corporate responsible for ensuring sustainable management of wildlife conservation areas; developing and recommending policies for wildlife conservation in Uganda.

UWA is responsible for the management of ten national parks and a number of wildlife

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conservation areas. Law enforcement rangers are armed; are directly answerable to the Executive Director of UWA; and handle poaching, pit sawing, illegal entry among other unlawful activities. They have powers to arrest anybody found within the protected area or suspected upon reasonable ground to have committed or are about to commit a wildlife crime. They are permitted to use “reasonable means necessary” to effect the arrest where a person resists and are barred from using “greater force than reasonable in the particular circumstances … or necessary for the apprehension of the suspect.” They are authorised to use guns to effect arrest, for self-defence and defence of wildlife.

However, they are barred from using firearms except “where the offender resists arrest; the official issued a warning to the offender”; and has “reasonable grounds to believe that he or she or any other person is in danger of grievous bodily harm if he or she does not use the firearm.” As part of their training, the rangers receive paramilitary techniques provided by the UPDF as well as training on handling and use of firearms, human rights, criminal laws and procedure. In spite of all this, violations by UWA enforcement rangers were increasingly becoming a concern and could be attributed to impunity, trigger-happy tendencies, inadequate knowledge of human rights and law enforcement standards.

Disregard for the rule of law

Rule of law encompasses a number of values including: Supremacy of the law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, participation in decision making, legal certainty, avoidance of arbitrariness and procedural and legal transparency.

It is worth noting that most of the violations recorded in the period were as a result of disregard for the rule of law. The heavy-handedness, use of excessive and lethal force, failure to respect people’s rights by police and the other security agencies involved in law enforcement greatly contributed to the human rights violations recorded. In some instances, disregard of the rule of law was deliberate, under the guise of protecting national security and development processes for the good of the country’s economy.

This was notwithstanding Article 221 of the Constitution which imposes a duty on “the Uganda Peoples’ Defence Forces and any other armed force established in Uganda, the Uganda Police Force and any other police force, the Uganda Prisons Service, all

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14 Ibid Regulation 4 (1), (2).
15 Ibid Regulation 4 (4), (a).
16 A legal officer in UWA told HURIPEC on August 22 2018 that UWA signed a memorandum of understanding with UPDF to train law enforcement ranger in paramilitary techniques. He said UWA is a para-military agency.
intelligence services and the National Security Council to observe and respect human rights and freedoms in the performance of their functions."

Furthermore, the emerging trend of personalities with power issuing directives that were in contravention of the Constitution and the laws of Uganda was another key factor that fuelled human rights violations. It was observed that during this period, a dangerous trend was emerging, of strongmen posturing as being more powerful than the law. It usually manifested as a tendency by law enforcers to feel and act loyal to the superiors giving the orders even when they were in direct conflict with the law. Below and beyond the president, the strongman syndrome also spread through the ranks. Increasingly, individuals mandated with different responsibilities were deliberately disregarding the law for their own interests or those of the appointing authority resulting in violations of the rights of the citizens with impunity.

Matters were not helped by the related disrespect of and weakness of human rights enforcement mechanisms which would have ordinarily brought the perpetrators of the different violations to account.

*Lack of political will*

The declaration of *Kisanja Hakuna Mchezo* itself did not explicitly commit to improvement in observance of human rights or enhancing fulfillment of the state’s obligation to respect, protect and promote citizens’ rights and liberties. Apart from this glaring omission of express commitment to human rights observance, the President’s pronouncements in the period also served to motivate members of the security forces to continue using brutal force against members of the public and specifically those perceived to be in the political opposition.

The president’s letter of October 2018 to the heads of all security agencies in the country titled *Guidelines on Managing Rioters, Criminals and Looters and Methods of Arresting and Handling Suspects*\(^\text{17}\) by all intents and purposes showed his determination to go to extreme lengths to ensure that all actions, processes and decisions favour the NRM. This was visible in the persuasion he made to the law enforcers and security agencies to use brutal force in dealing with rioters and criminals where non-lethal means fail. Implicitly, the President was threatening the public not to participate in especially mass political activities or express discontent with the status quo; since these were usually tackled by the security agencies as riots.

*Negative political interests*

Some of the violations were as a result of the attempts by the political leadership to achieve certain political objectives at all costs. A case in point was the do-or-die

\(^{17}\) As above
move, by the NRM leadership, to amend Article 102(b) of the Constitution of Uganda to remove age limits on the qualifications for presidential candidates, which was eventually achieved on 20 December 2017 when Parliament passed the amendment Bill and President Museveni assented to it on 27 December 2017. The amendment move was resisted and opposed by sections of leaders and the public and in the ensuing fracas characterised by violence, the human rights of many people were violated. In the campaign, members of parliament as well as members of the general public were variously terrorised. The invasion of the Chamber of Parliament by the UPDF to evict some members of the opposition was unprecedented in the history of Uganda and was unnecessary.

**Ambiguity in the law**

Some laws have ambiguous clauses which have been exploited to violate human rights. For example, a number of questions emerged in relation to the legal provisions on arrest and detention. A case in point is article 23 (2) of the Constitution of the Republic Uganda which provides that: “A person arrested, restricted or detained shall be kept in a place authorised by law.” However, it is not clear whether this refers to every police station or every place under any security agency such as the army and Internal Security Organisation. Similarly, under the Criminal Procedure Code Act, the authority of a military officer in conducting an arrest is not clear just as where the persons thereby arrested should be kept. That is; in the military barracks or Police station or can this be done at any of the two? It is also not clear whether a private person includes a military operative and whether the obligation to identify oneself as well as the reason for conducting the arrest apply to private persons, including both uniformed and non-uniformed military personnel.

The lack of clarity on these issues immensely contributed to the confusion among the public and the security agents regarding the mandate of the different security forces in conducting arrests and this in turn led to violation of the right to liberty in some cases.
DOCUMENTED HUMAN RIGHTS VIOLATIONS

The detailed findings on specific issues are presented under each of the following thematic areas of focus namely: extrajudicial killings, torture, cruel inhuman and degrading treatment, arbitrary arrests, illegal detention, disrespect of orders of habeas corpus, violation of the right to a fair hearing; violation of the freedom of assembly and association; disruption of peaceful assembly, and the singling out of communities based on their religion and culture.

EXTRAJUDICIAL KILLINGS

The right to life is fundamental and guaranteed by international human rights law, regional treaties, customary international law and domestic legal frameworks. It is a universally recognised right that must be respected, protected and fulfilled at all times by States. In fulfilment of its international obligations, Uganda provides constitutional guarantees for protection of the right to life as stated in Article 22 of the Constitution of the Republic of Uganda. The right to life has also been persistently emphasised by the Ugandan courts.

The UN Special Rapporteur on extrajudicial, summary or arbitrary executions outlined the scope of extrajudicial killings to include:

- Death threats and fear of imminent extrajudicial executions by State officials, paramilitary groups, private individuals, or groups cooperating with or tolerated by the Government, as well as by unidentified persons who may be linked to the categories mentioned above;
- Deaths in custody owing to torture, neglect, or the use of force, or life-threatening conditions of detention;
- Deaths due to the use of force by law enforcement officials or persons acting in direct or indirect compliance with the State, when the use of force is inconsistent with the criteria of absolute necessity and proportionality;
- Deaths due to the attacks or killings by security forces of the State, or by paramilitary groups, death squads, or other private forces cooperating with or tolerated by the State...

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19 Article 22 states that: "No one shall be deprived of life intentionally except in execution of a sentence passed in a fair trial by court of competent jurisdiction in respect of a criminal offence under the laws of Uganda and the conviction and sentenced has been confirmed by the highest appellant court."


21 See UN Commission on Human Rights, Extrajudicial, summary or arbitrary executions: Report of the Special
The law in Uganda defines extrajudicial killing as the killing of a human being that is not in accordance with the law. President Museveni has severally expressed his anguish at the state organs’ failure to protect the right to life of citizens not only in Uganda, but also beyond the national borders. In December 2015, for example, while opening the Burundi Peace talks at State House, he cautioned fellow Africans on the need to “stop being clowns.” Commenting on the situation in Burundi, the President warned that the “extrajudicial killings must stop. I will send a team privately as a mediator to investigate the alleged extrajudicial killings [in Burundi].”

He noted further:

*I have been watching the situation in Africa closely for 50 years. The problems are clear. Killing of people, killing of prisoners of war, even if somebody is a prisoner of war, he should not be killed but rather be handled according to the international law.*

The President’s support for the right to life was further expressed in November 2012 while addressing development partners at State House when he noted that:

*By destroying the colonial army and replacing it with the Revolutionary Army, we immediately cured the following criminalities: Extrajudicial killings; raping of women; looting of people’s property; brutalising of people and rudeness to them; poaching of animals from the national parks; and grabbing people’s land; etc.*

In spite of the international, domestic legal guarantees and political assurances, arbitrary deprivation of life by the State, its organs and agents has happened since February 2016 as a result of unnecessary use of excessive and lethal force during law enforcement operations; intense physical torture with impunity; in total disregard of the principles of absolute necessity, proportionality, precaution; and with malice aforethought.

The report documented a total of 133 cases of extrajudicial killings which have occurred in Uganda since March 2016 in 35 districts.

These deaths were perpetrated by members of the UPDF, UPF and UWA. Added to the killings during the 26th and 27th November 2016 attack on Rwenzururu

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22 See, for example, Section 1 of The Emoluments and Benefits of the President, Vice President and Prime Minister Act, 2010 Laws of Uganda.


24 Ibid.


26 Ugandan courts have given judicial consideration on this matter. In Ihunde Jimmy versus Uganda, Criminal Appeal No.17 of 2001.
Prime Minister’s office and King’s palace in Kasese District that left about 150 people dead, the total number of suspicious deaths within our knowledge for the reporting period goes to about 276 people. It is worth noting that even where just one death had been recorded during the same period, it would still be one death too many; one that warrants sufficient investigation and accountability of the perpetrators.

The extrajudicial killings recorded in the period in issue are highlighted below with the violations subdivided into those that occurred in the course of interventions to protect the fish industry; the general law enforcement as well as enforcement of the law on wildlife protected areas. The nature of the investigation of these killings is also discussed.

**Interventions to protect the fish industry**

In a bid to decisively protect the fish industry, President Museveni created in February 2017, a UPDF - FPF to revive the fish potential according to the Minister of State for Defence in charge of Veteran Affairs, Lt. Col (Rtd) Bright Rwamirama. President Museveni had warned that “all individuals who do bad fishing will see what is going to happen to them.” While addressing Parliament in September 2018, the minister noted that out of the 20 fish factories that had been operating in Uganda, 15 had closed due to bad fishing methods and the ones responsible had failed in their duty, hence the UPDF intervention. However, the activities of UPDF against illegal fishing led to loss of life of nine people in June, August and September 2017 as well as July and August 2018.

The commander of the UPDF-FPF, Maj. James Nuwagaba, while briefing the Minister of Agriculture, Animal Industry and Fisheries (MAAIF), Vincent Sempijja and other ministry officials at Entebbe during the pass out of 55 UPDF marine trainees at the Fisheries Training institute in April 2017, sounded a serious warning:

*The fisheries department was rotten and everybody involved in illegal fishing was a killer but soldiers are not also easy and would kill them. The trade is full of thieves and killers, but this is a total military operation. It is only (three traders) who are still defiant, but we shall soon get their medicine. They bribe everyone from the source to Mpondwe but we warn that if you hear the death of somebody, do not blame us.*

Two months after that warning, on 30 June 2017, UPDF soldiers are said to have...
summarily executed Aklam Musajja at Kikorongo Junction on the way to the Uganda-Congo border in Kasese District for allegedly transacting in immature fish.\textsuperscript{31} An eye witness said:

\textit{It was in the morning when a car came and crossed here. The soldiers had communication that it had illegal fish. They put metallic barriers on the road, but the driver tried to bypass. The soldiers cocked the guns and shot the driver and he died instantly. The occupants of the car had no guns; they did not threaten the soldiers. The soldiers went away with the car after the shooting.}\textsuperscript{32}

In August 2017, Otieno George, a 22-year old fisherman of Mwangoda village on Lolwe Island, Namayingo District reportedly died as a result of physical torture by soldiers of the UPDF-FPF on the lake. One of the survivors of the incident narrated that four of them including Otieno George, Omondi Fredrick went fishing for Sprat fish (locally referred to as enkejje) at around 6:30pm.

\textit{We failed to get fish and decided to go home at 8:00pm. Omondi walked while the three of us opted to use the boat back to Mwangoda village. He said he would find us at Mwangoda landing site to help us pull the boat to the shore. Then we saw torch flashes as we moved. We stopped our boat as another one approached us with three people on it two of whom were soldiers. They ordered us to jump into their boat and lie down. They were hitting us with gun butts while stepping on us. We could not see where we were going. The soldiers kept pouring water on us the whole night, as they beat us at intervals and stepped on our heads. We lay in water. In the morning they took us to Gorofa landing site and ordered us to move out of the boat, but Otieno could not move. He fell down when he attempted to stand. The soldiers ordered us to walk to the police station and they left us at the reception. Later, a man in civilian clothes came and asked us how many we had been on the boat. When we told him we were three he said “one of you is dead”. My colleague was taken to see him; and upon return he told me Otieno had died.}\textsuperscript{33}

Three days later Omondi’s lifeless body was also found in the waters at a place called Bukangawa commonly known as Kisumu. His colleagues helped the police to identify the body.

Otieno’s postmortem report dated 4 August 2017, states: “The deceased could have been tortured prior to his death.” The photographs taken by the police and seen by our research team showed Otieno’s body with torture marks. A relative of the deceased who had lived with him for 7 years in Mwangoda village in Lolwe Islands said:

\textit{When I looked at the body, I could see that he had been seriously beaten; the neck broken and he had fresh wounds on the chest. He had no gunshot wounds.}\textsuperscript{34}

\begin{itemize}
\item[\textsuperscript{31}] UPDF Marines bars illegal fishing racket by Dismus Buregyeya New Vision, 3 July, page 8.
\item[\textsuperscript{32}] Interview with an eye witness in Kikorongo Kasese District, 24 April 2018.
\item[\textsuperscript{33}] Interview with a survivor in Mwangoda village Lolwe Island on 30 July 2018.
\item[\textsuperscript{34}] Interview with the deceased relative in Mwangoda Lolwe Islands on 30 July 2018.
\end{itemize}
In September 2018, when the matter concerning the death of Othieno George and Fredrick Omondi was raised on the floor of Parliament, the State Minister for Defence, Rtd Maj. Bright Rwamirama, addressed Parliament denying that the UPDF was not responsible for the deaths.

**Mr. Speaker, it is not true that UPDF led to the death of Othieno George and Omondi Fredrick. The truth is that these incidences happened at different times. Around February 2017, after the beginning of enforcement operations, one fisherman who was identified as Othieno George jumped into the water to hide away from the enforcers who were on patrol in the wee hours of the morning. At this point, the marine enforcers embarked on the process of rescuing him. Despite the fact that they got him from the water alive and gave him first aid, he collapsed before and he could not reach the health centre.**

The District Medical Officer (DMO) conducted a post-mortem and a Criminal Investigations Department (CID) Officer investigated the matter, which concluded that Othieno died of drowning. His body was thereafter given to the family for burial.

As a follow up action and based on UPDF institutional culture of reasonable suspicion, the two soldiers, Lance Corporal Kibirige Joseph and Pte. Opio Steven, who were on duty at that time, were arrested and subjected to the Unit Disciplinary Committee (UDC) of the Marine Brigade. They were later released after serving one year.

The second alleged death, of Omondi Frederick, came to the knowledge of the Fisheries Protection Force three days after the rescue incident of Othieno George by the fishermen who reportedly recovered the body about five miles from the operating area. The FPF therefore has no hand in the alleged death of Mr. Omondi Fredrick.

**Mr. Speaker, if there is anyone with information that can pin these officers; he or she should bring it forward so that we take appropriate action. We, therefore, find it unreasonable for some leaders to judge UPDF’s enforcement on the account of false or wrong information and unfairly generalising the entire UPDF as brutal and extortionist in nature without any evidence.**

In another incident in September 2017, Joseph Male a 36-year-old fisherman at Nakaziba landing site Nkozi Sub-County in Mpigi District and Kafeero John a fisherman of Ggolo landing site were both arbitrarily killed by the UPDF-FPF.

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35 Note that the documents seen by HURIPEC and interviewees talked to, including relatives, referred to Otieno George. It is unclear if the Minister’s statement was referring to the same person although the circumstances suggest so.


Relatives of both victims say their people were picked from their homes by soldiers and were later found dead on the lake. Their bodies had marks of torture.

Amoit Nafula, a fishmonger from Lolwe Islands in Namayingo District, died on 28 July 2018, after severe beatings by the UPDF-FPF who apprehended her around Sigulu-Fort on Lake Victoria while taking her fish for sale. According to the deceased’s relatives, by the time they picked her “she could not stand, she was vomiting blood and her ribs were hurting.” She was rushed to Mbale hospital where she passed on after one week of the beating. She was laid to rest in Pingire Parish in Pingire Sub County, Serere District in Eastern Uganda.”

The death occurred barely four months from March 2018 when one of Nafula’s relatives told the research team how the UPDF-FPF treats people on the lake:

Those people can beat! If you don’t die, you become lame. When you hear that they are coming, you just start running for your dear life. (Kazi yako niku kimbia, muguu yako ikusaidie)

In August 2018, Bwiire Reuben, a resident of Busuma village in Bucumba Parish in Namayingo District succumbed to head injuries, according to medical records, sustained while under detention by UPDF-FPF soldiers. His relatives told the research team in December 2018 that, Bwire was arrested from Bwagu Island for allegedly engaging in illegal fishing and later detained at Bwondha landing site army detach in Mayuge district for four days. Bwiire’s father narrated the sad story of his son’s death thus:

My son, before he died, told us that he was subjected to 50 strokes of the cane three times a day for four days he spent in detention. They took him to hospital, after release from detention, when he was vomiting blood. He spent four days at Buyinja Health Centre IV. They told us to take him to Mbale Regional Referral hospital but we did not have the money. He spent one night and died.

This conduct of the UPDF-FPF is not condemned by the president whose New Year’s message for the year 2018 made a specific response to those complaining about the excesses of the UPDF-FPF activities in the following terms:

…I decided to deploy UPDF in the month of February, 2017. Although the UPDF personnel are also accused of some excesses (such as beating people), nevertheless, the lake has now been saved…Those who spend time blaming the army for some mistakes here and there should be reminded that the original mistake was bad fishing.

This is the original sin. Concentrate on that. If there was no bad fishing, the army would never have been deployed on the lake.

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38 Interview with a relative of Nafula in December 2018.
39 Interview with Nafula’s relative in Namayingo in March 2018.
40 Interview with Bwiire’s father in Namayingo in December 2018.
Abuse of Civil and Political Rights in the Era of Kisanja Hakuna Mchezo

In an earlier (on December 14, 2017) tweet, President Museveni tactfully justified UPDF’s use of excessive force in dealing with civilians:

*The Army is like a surgeon who uses a knife to cut the sick part. If you cut anyhow, you are a butcher. Soldiers use violence that is purposeful, disciplined and limited to targets.*

Several officials, including District Fisheries Officers (DFOs), ministry officials, MPs, area local leaders and police were reluctant to speak about the activities of the UPDF-FPF on the waters. They stated that the soldiers involved in the operations persistently told them: “We are only answerable to the president.”

A senior police officer in Busoga region told the research team that the police had no role in the activities of fighting illegal fishing which they said was entirely managed by UPDF-FPF. Those who tried to intervene were threatened to be beaten, detained or shot dead if they did not back off. The Member of Parliament for Bukooli Constituency Hon. Abott George Ouma confirmed this saying:

*Nuwagaba (the Commandant of UPDF-FPF) is feared even by the ministers. He said he will cane the fisheries officers because they have failed to control the lake.*

The MP further revealed that he had been threatened with a beating by the in-charge of the Lolwe Islands Army detach, Capt. Sebukeera, if he did not stop meddling in the activities of the UPDF-FPF. On 19 September 2018, Hon Abott further expressed concern over his life and the people before Parliament as he called for quick investigations into the conduct of UPDF-FPF activities.

*Madam Speaker,… we are all Ugandans. I am saying that we should take this matter seriously. And I know anytime you will be paying tribute to us here; ‘Hon. Abott has been a very good colleague.’ I have papers here and I am saying that if people cannot respect the orders of this House - last year, when I was speaking here, I talked to the major in a cordial manner. I called him and he asked me, “Who are you?” and I told him “I am Hon. Abott George Ouma.” He said, “Do not talk to me, who told you Members of Parliament can talk to me? You are getting free money” and I reported here. What is going to take place, if you are going with your investigations, let those people on the waters be removed while investigations go on because they are going to kill us.*

According to a local area leader in Masaka District, a soldier at the rank of a Lieutenant abused and threatened to beat the district official who was collecting license fees from fishermen and ordered him never to do it again. Several DFOs interviewed revealed that, during a meeting at Ridar Hotel in Seeta, Mukono District on 7 March 2018, Maj. Nuwagaba warned them never to interfere with their (UPDF-FPF) work.

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42 See President Museveni’s tweet https://twitter.com/KagutaMuseveni/status/941357542575394816.
43 Interview with Hon Abott George Ouma in April 2018.
General law enforcement

A number of human rights violations were recorded to have occurred in the course of what can be referred to as general law enforcement. It is noteworthy that the primary duty of enforcing law and order in Uganda is with the UPF. However, at times this role is performed in coordination with other ‘sister agencies’ such as the UPDF, so much so that at times the Police appear to be clueless about some law enforcement operations or only know about them when they have already happened. Be that as it may, this report collates the extrajudicial killings emanating from general law enforcement by both the primary duty bearer as well as its sister agencies whether in independent or joint operations.

This report notes that the indiscriminate use of lethal force by Police in different parts of the country resulted into loss of lives of innocent bystanders, children and students in various parts of Uganda. It was further discovered that some of the killings were outright and casually committed. In responding to the concerns about the killings, the police mostly explained that they were due to unprofessional conduct by their officers, stray bullets, accidental shooting, resisting arrest and acting in self-defence. On two separate occasions in Wakiso and Mukono Districts, Facebook posts of the Kampala Metropolitan Police made rounds on social media wherein the force spoke with pride and joy about their shoot-to-kill actions. Below is a highlight of these incidents.

In May 2016, Police in Bugiri District indiscriminately shot at a crowd that was demanding a refund of their money from an entertainment club's operators on account of its failure to meet its obligations. As a result, Sandra Kagoya a Senior Two student of Bukooli College and Kasango Anzala, a welder, were killed. Two months later, Allan Ntunguka, a student at St Mary’s college Rushoroza was shot dead in Kabale District as police stopped a students’ strike that was degenerating into a riot. However, according to media reports on the matter, this victim was not among the students who attempted to strike.

In September 2016, Police reportedly caused the death of 31-year old, Etoma Patrick, a resident of Ayiwali village in Ofua Sub-County, Adjumani District.

His relatives in Kureku East village in Bacere Parish, Ofua Sub-County, told HURIPEC that the deceased was hit by a bullet as he watched police struggling to rescue a suspected witch from angry residents. Nearly a year later, in August 2017, an innocent baby strapped on the back of her mother was killed by the Police's Flying Squad in Buluma town Mityana District as they chased a suspected robber.

47 Ibid.
48 Interview with Etoma’s relatives in Adjumani in July 2018.
Furthermore, Police’s intervention into land disputes in Butaleja and Sembabule, especially during the arrest of suspects and in the management of excited crowds during the Christmas season and end of year festivals, also led to some deaths. On 9 December 2017, for instance, police killed a man and his son in Lwemiyaga Sub County, Sembabule District during a land eviction. In the same month, police is said to have shot dead a one Ogwal Dennis at Kayago landing site in Amolatar District as people celebrated the coming of the New Year 2018. A resident who followed this incident reported to HURIPEC thus:

*On the night of 31 December 2017, a crime preventer [interviewee declined to disclose the name of the crime preventer] called Police claiming that the youth wanted to burn her house. When police arrived, they fired bullets at the people. Ogwal aged between 15 and 17 years, was standing under a tree watching people dance when he was shot in the ribs. The bullet went through his back, killing him instantly. The police took the body to CPS that night. In the morning police handed over the body to the family for burial in Alebtong. The police gave the family a sack of posho and beans and told them it was an accident.*

Another four deaths reportedly occurred in three incidents in Adjumani, Kabale and Kisoro Districts, which were casually referred to by the Police as acts of “unprofessional conduct”, ‘apologised’ for the loss and contributed to burial expenses with promises to handle the cases “with a lot of care”. It is important to recognise the public disclosure of the action taken by police in respect of one of its officers responsible for the death of a 15-year old boy in the above mentioned Kabale incident. According to media reports on the matter, beyond the apology, the culprit was remanded.

Police officers variously cited “stray bullets” as an explanation for about six extralegal killings which were documented by HURIPEC. In November 2017, for example, the Police in Adjumani District attributed the death of Anyama Michael of Pakele Sub-County to a stray bullet.


51 Interview with a resident in Amolatar District in July 2018.

52 Interview with a relative of the deceased in June 2018.


55 Ibid.


57 Interview with the relatives in Adjumani District in July 2018.

58 Interview with an eye witness in Adjumani District in July 2018.
A similar reason was given for the August 2016 death of 25-year old Mubali Silver\(^{59}\) of Kangalaba village, Himutu Sub-County in Butaleja District. However, his relatives and eyewitnesses told HURIPEC that he was shot directly by a policeman in a blue camouflage uniform as police quelled a protest over land. An eyewitness told HURIPEC that:

Silver was part of the group throwing stones towards police so as he came out of his hiding, a policeman aimed at him running away and shot at him. He died instantly.\(^{60}\)

On a good note, President Museveni, in a Facebook post in August 2018, rubbished the claims and excuses by police that the civilian deaths were as a result of stray bullets. He wrote:

When you fire up to scare someone you cannot talk of a stray bullet. By the time the bullet falls back on the ground it will be like a stone, I doubt if it can kill…\(^{61}\)

In Mbale, a human rights advocate reported an incident which led to the death of a one Nanyiri Richard, a resident of Namakwekwe Ward, Kiteso cell who was mistakenly shot dead on 20\(^{th}\) May 2017. This advocate narrated the incident thus:

...policemen from the Flying Squad led by one of their informers, Ali Magambo, disembarked from a vehicle at around 9.30am and called Nanyiri Richard. As he came closer, ASP Muhoozi, shot him dead. Magambo was surprised by the killing and he was overheard saying, according to our findings that, “Afande ume muuwuwa tena” (Sir you have killed him)\(^{62}\).

This source further revealed that Richard’s body was rushed to Mbale Regional Referral Hospital mortuary, which the DPC stopped people from accessing.

On 5 January 2018, Welcome Mbeta a secondary school teacher was reportedly shot dead in the night by OC Mobuku Police Post in Kasese District as he opened the door to enter a house of his friend who had travelled and left him with the keys. Police later said he was a thief.\(^{63}\)

In October 2016, policemen from the Field Force Unit in Bundibugyo reportedly shot dead Muhindo Amany at his home in Ntandi, accused of being a royal guard of the Rwenzururu king. Police also engaged in “casual killing” as seen through cases such as that on 14 July 2018, when a policeman shot dead a one Richard Mutunda of Sironko District whom they had come to arrest over a debt of 15,000 Uganda shillings.\(^{64}\)

\(^{59}\) New Vision August 28: Tension in Butaleja over Doho scheme by Paul Wetala page 19.

\(^{60}\) Interview with an eyewitness in Himutu parish in March 2018.

\(^{61}\) See President Yoweri Museveni’s post on his Facebook page on 22 August 2018. [https://web.facebook.com/PresidentYoweriKagutaMuseveni/posts/1239377443197676?_tn_=K-R](https://web.facebook.com/PresidentYoweriKagutaMuseveni/posts/1239377443197676?_tn_=K-R) Accessed on 31 August 2018.

\(^{62}\) Interview with a human rights monitor in Mbale in March 2018.

\(^{63}\) Interview with his neighbour in April 2018.

On 26 December 2017, Police in Kamuli shot dead a one Isabirye Daniel for demanding a refund of his money after a music concert flop. HURIPEC recorded two other incidents of this nature in Kisoro district in 2018. Similar cases were documented in Wakiso and Mukono Districts.

It appears that the UPF took pride in the casual way in which it eliminated human life as can be seen from the institution’s social media posts in the immediate aftermath of some of the incidents. In January 2018, for example, the Kampala Metropolitan Police posted, on their Facebook page, and tweeted, thus:

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Earlier in December 2017, Kampala Metropolitan police had posted on the incident in which they said a panga-wielding goon tormenting residents of Sonde had been “put out of action” by Mukono Police. That is:

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**Uganda Police Force Facebook posts reporting a shooting of a ‘panga-wielding goon’ in Mukono**

In other incidents, lives were lost as a result of misconduct of UPDF soldiers engaged in law enforcement operations in the districts of Kampala, Kasese, Amuru, Iganga, Mukono, Kabarole and Busia. Over 34 deaths of both adults and children were documented in this regard.

An example of this is the April 2018 raid on USAFI market in Mengo, Kampala City, where the UPDF, among other agencies, were allegedly in pursuit for the alleged killers of a one Suzan Magara, a cashier of Bihendero Dairy Farm, who had been kidnapped and brutally murdered in February 2018. During the raid, two people are reported to have died on the spot.\(^{67}\)

An interview between HURIPEC and the Police Spokesperson in November 2018, confirmed these deaths and further established that the deceased’s bodies were taken to the City mortuary in Kampala, from where the family members picked them. However, he could not share the details of the deceased let alone the circumstances around their death. According to one of the survivors of the raid, three children also died during the raid, due to use of excessive force by the soldiers.

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from the mosque together with my neighbors were brought where I was. A soldier came with a child and told his fellow soldier: “Papa this one is finished”.

They brought two other children. We were later put on a truck and driven to Mbuya Military Barracks where we were detained until morning.68

However, when asked about the death of children during the raid, the police spokesperson said that he was not aware of any children who died during the said raid even when the UPF “was involved at all levels, and was in charge.”69

The year 2018 also witnessed suspicious deaths of people in the course of Parliamentary by-elections for example in Bugiri and Arua districts. In Bugiri, a few days to the July 2018 Bugiri Municipality Parliamentary by-elections, 24 year old Moses Ramathan Walyendo, a motor bike cyclist at the Jobless Corner in Bugiri Municipal Council, was shot by police and was pronounced dead on arrival at Bugiri Main Hospital where he had been rushed. This happened when police was battling a group of supporters of Justice Forum candidate, Asuman Basalirwa who insisted on holding a rally at the Busoga University playgrounds.70

One month later, during the Arua Municipality by-elections which took place in August 2018, Kyadondo East Constituency MP, Robert Kyagulanyi aka Bobi Wine’s driver, Yasin Kawuma, was shot dead in a passenger seat that was said to be ordinarily occupied by Bobi Wine.71 There are contradicting reports about how Kawuma was shot dead with government officials claiming that the chaos was sparked off after Wadri and Bobi Wine’s supporters attacked the convoy of President Yoweri Museveni. A Senior Press Secretary, Don Wanyama, tweeted a photo of one of Museveni’s supposedly bullet-proof cars with a shattered rear windscreen, accusing opposition supporters of causing the damage.72

**Enforcement of the law on wildlife protected areas**

It is an offence to enter or attempt to enter a wildlife protected area without authority to carry out hunting, taking, killing, injuring or disturbing animals.73 However, factors such as necessity (i.e.; hunting game meat as food for survival, search for firewood, as well as looking for pasture for domestic animals such as cattle); reliance on wildlife products

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68 Interview with one of the victims in Kampala in June 2018.
69 Interview with ASP Emilian Kayima, Spokesperson of the Uganda Police Force held in November 2018.
73 Section 21 (a) and 22 of the Uganda Wildlife Authority Act Cap, 2000.
as an economic activity; traditional beliefs, make it inevitable for the neighboring communities to use all means, including illegal ones, to access the resources.

Entry into the park is by way of a permission obtained from the officer in charge of a given protected area. Furthermore, entry into these protected areas is supposed to be done through designated entry points for easy supervision.

However, our findings indicate that illegal entry into the protected areas was still rampant and largely due to failure of the communities to feel the benefit of the protected resources as well as the fact that most of the legal entry points were sparsely located. This implied that communities had to brave long distances in order to access both the permission and legal entry points.

The findings indicate that suspected illegal entrants into the protected areas were dealt with contrary to the existing legal framework. Communities complained of heavy handedness of law enforcement rangers that led to arbitrary killings. HURIPEC documented 27 cases of extrajudicial killings of suspected illegal entrants into the parks that happened between March 2016 and December 2018. These killings were spread across two villages in Kasese District neighbouring Queen Elizabeth National Park; three villages in Masindi and Buliisa Districts bordering Murchison Falls National Park, two villages in Namisindwa and two in Sironko both districts adjacent to Mt. Elgon National Park and two villages in Hoima District next to Kabwoya Game Reserve. Based on the experiences of the sources talked to in the course of this study, some of whom claimed to be survivors of the incidents, UWA's law enforcement rangers killed people under circumstances which did not warrant use of lethal force. A number of family members of the deceased persons, for example, reported that their relatives' entry into the park was motivated by the pursuit of game meat and firewood and that they had no ammunition other than simple snares used in traditional hunting.

Victims' relatives said that they were unable to claim their dead because UWA officials were harsh, uncooperative and unwilling to allow them access to the protected areas to recover their dead.

From the way in which these killings are said to have happened, and how UWA's law enforcement rangers are reported to have acted before, during and after the shootings, it appears that they are intended. Forexample, the parts of the body shot at are not ordinarily the ones targeted as a way of subduing the suspect for purposes of arresting and subjecting them to the due process of the law.

Besides, it was also reported that some people were killed following arrest by the law enforcement rangers. One such case is that of 23 year old Namonyo Moses, a resident of Bukimatyia village, who was reported to have been shot dead by law enforcement rangers based at a UWA detach in Mukoto village, Bunamulungi parish, Namisindwa District on 8 December 2018. This was notwithstanding that the deceased's entry was made on a gazetted day and that he was already in the custody of the rangers who later eliminated his life. One of the deceased's relatives reached for this study reported the incident thus:
Namonyo entered the park on a gazetted day for villagers to collect firewood. Every Saturday we were allowed to enter the park for firewood. He also went with others but was arrested at around noon, taken to the detach by rangers which they reached at about 4pm. His parents followed him up to the detach to find the reason for his arrest and left at 6pm. We were surprised to later hear that he had died. The body was brought by UWA people and police and we buried him here. No explanation was given to us.\textsuperscript{74}

According to the area local leaders, Namonyo was the 13\textsuperscript{th} person to be killed by law enforcement rangers within Bumbo Sub-County alone in the last ten years. They accused the head ranger of the detach at Mukoto of being brutal and for soliciting money from community members found collecting firewood in the park.

Between March 2016 and February 2018 nine people were killed in two villages of Ongwedo Sub-County, Buliisa District after they were found inside the park. Pituwa Harry, Kweton Albert, Angomoko Shengomoko, all residents of Kilyango village, were killed on 9 March 2016 as they returned from the Murchison Falls National Park where they had gone to hunt. A survivor told the family that they were shot dead by law enforcement rangers as they ran away. The bodies of the deceased were never recovered.

Local leaders also identified four other residents of the same village who included Onegi Charles and three others whom our sources could not identify who were killed in March 2018 on the banks of River Nile as they were fishing.

In Mubaku village, two unidentified people were killed in 2016. Local leaders told HURIPEC that the actions of the law enforcement rangers had affected Kisomere, Kirama, Kisoke, Mumbuli and Kilima villages within the Sub-County.

Elsewhere, in Hoima, law enforcement rangers in Kabwoya Game Reserve in Hoima District, reportedly shot dead a one Emmanuel Bedi alias Wonda, at Kyeihoro village, Kyrumba Parish near river Hohwa on 2\textsuperscript{nd} February 2017. According to the police note in the photograph below, which was secured by the deceased’s relative from Kaiso Police Post, the offence ‘committed by the deceased’ was captioned vide SD Ref 04/05/02/2017 as “illegal entrance into protected area without permission from UWA’.

\textsuperscript{74} Interview with the late Namonyo’s relative in Bumwali village Bumbo Sub-County in December 2018.
Bedi’s relative told HURIPEC that someone called them in the morning that their brother had been shot dead and people had gathered at Kaiso Police Station. On arrival, the police gave this source a photograph of the deceased’s bullet-riddled body with a panga tied on its arm. She narrated:

They told me he was killed in the park in the night. I requested them to permit me to see the dead body but the Officer in Charge told me they were waiting for the doctor from Hoima town to check the body. He told me that since there was no fuel the body could take a week without being checked, so he requested for 80,000 Uganda shillings to facilitate the doctor to come and examine the body, which I provided. When the doctor came he said he wanted 150,000 shillings without which he would not examine the body. I pleaded with him to accept 50,000 shillings. We raised 60,000 shillings which we gave him.\(^{75}\)

Following the examination of the body which was done in the presence of UWA rangers and police, the deceased's relatives were allowed to take it from the scene and arrangements for burial were made. The entire process, including the burial, took the family about four hundred and fifty thousand (450,000) Uganda shillings (Approx. USD 119) of which two hundred and fifty thousand (250,000) Uganda shillings (Approx. USD 66) came from the sale of the source’s fishing boat.

\(^{75}\) Interview with Bedi’s relative in Buseruka Sub-county on 23 June 2018.
Our source painfully revealed that, while the family was carrying away the body, the rangers on site made mocking remarks such as: “You are lucky to have the body, it would have disappeared.”

From the grotesque picture, the deceased was shot in the chest and the back and a machete was tied on his left hand. However, when the picture was presented to UWA officials, they dismissed it as a “total photo-shopped” picture meant to tarnish UWA’s image despite the fact that it was recorded and referenced as a police record of “Offence: Illegal entrance into protected area without permission from UWA”. According to UWA officials, no one should be killed for trespass and that Police should have picked interest in the matter if it ever happened, emphasising that UWA “officers cannot kill.”

In Masindi, about four people were said to have been killed inside Murchison Falls National Park in August and September 2016 namely: Byagira Alex, Samuel Baguma, Elifaazi Bagadira and Muhumuza Patrick. Only two bodies of Byagira Alex and Samuel Baguma, were recovered. The family members of these persons filed HCCS No 043 2016 seeking redress from court for the deaths. It is noteworthy that there had been prior efforts to seek non-judicial remedies including a September 2013, petition to the President by a total of 1,037 residents from Masindi, Buliisa and Kiryandongo Districts, over the extrajudicial killings by UWA but which did not yield any meaningful result. The petition to the president indicated that since its formation, UWA “…has killed an estimated 300 people and secretly buried them in a mass grave located in Paraa.”

It appeared that UWA had an unwritten policy of shoot-to-kill of illegal entrants into the park. A former law enforcement ranger in Masindi District, who also previously lost a relative inside the park under mysterious circumstances, narrated thus:

_We are told to arrest but if someone resists you shoot but not to kill. But when I was still working with UWA I arrested three illegal entrants, one was from Olwiyo in Pakwach. We took them to the boss in Paraa where they stayed for one day and disappeared. When their people inquired about them, our boss called us and took us to a place where they had been killed. He told us to push the bodies in a warthog hole and cover it._

The source further revealed to us that some people would be killed and thrown into the river. In the Rwenzori region, UWA law enforcement rangers in Queen Elizabeth National Park were also said to have shot dead a one Muhindo Livingston of Kasese Municipality. In an April 2018 interview with a source who claimed to have survived this incident, he narrated that it occurred when he went together with the deceased to check on their snares and found that one of them had caught a guinea fowl which they immediately started roasting for a feast that never was.

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76 Interview with the UWAs Legal officer and public relations officer at UWA headquarters on 23 August 2018.
77 A petition titled ‘Memorandum and Petition to HE Y.K Museveni, President of the Republic of Uganda from the community of ex-poachers and relatives and friends of people extrajudicially killed by rangers of the Uganda Wildlife Authority and buried in a suspected mass grave located at UWA Murchison Falls National Park headquarters at Paara’, dated September 2013. A Copy of this Petition is on record with HURIPEC.
78 Interview with a former ranger in Pakanyi Sub-county, Masindi District on 25 June 2018.
79 Ibid.
We roasted it and when it was ready, Muhindo went to pick salt which was hidden somewhere. All of a sudden I heard gun shots and my friend fell down. I immediately ran into hiding about 30 meters away and I saw four game rangers where we had been roasting the meat from. I was lucky they did not see me. They ate the guinea fowl meat and after a short while, three of the rangers left. One of them remained guarding the body. I stayed in hiding in the bush for one and half days until all the rangers had gone.\textsuperscript{80}

This source further narrated how he carried Muhindo’s body nearer to the road and thereafter inconspicuously informed his relatives who seemed reluctant because it is prohibited to pick dead bodies from the park. Later, he returned with police to recover the body. The survivor said that he gathered the courage to carry Muhindo from inside the park because it is taboo for a hunter to leave behind a dead colleague in the bush ‘lest one is haunted by the spirit of the dead.’

Such experiences left the communities neighbouring the park in shock and thinking that human beings were regarded as inferior to wildlife. A group of elders from one such community revealed thus:

\textit{Animals are more valuable than human beings. If you kill an animal you are also killed by the powerful people. But if an animal destroys your crops or kills you it is not a problem. We have lost a lot of people in the park; about 200 people in Muhokya Sub County in the last ten years. I have personally lost three young brothers, Ngoto Julius, Matsongani Nelson and Sele Kiketa. We have never recovered their bodies. We found the sweater and shoe of one of them where he had been killed but the body was taken.}\textsuperscript{81}

A local leader in Muhokya Sub County, Kasese District, estimated that over 20 people had been killed inside the park in 2017, among whom was Nyamusunzura from Kiriba-Murambi village. Members of this community noted that the most affected villages included: Muhokya, Mahango, Rukoki, Kyarumba, Kyondo, Katwe and Kitabo.

The research team found that the Bakonzo in Kasese were historically traditional hunters with a renowned hunting slogan “the Bakonzo were created to eat meat” and a spirit known as \textit{Kalisya} that is specifically responsible for protecting the hunters and the wellbeing of the animals they hunt. Similar tales of violation of the right to life were also alive in Eastern Uganda where protected resources are found. In Burushabe village, Bufupa Parish, Masaba Sub-County in Sironko District, for example, 16-year-old Yona Wonyala and 60-year-old Ogoti Wogobi were reported to have been killed by UWA’s law enforcement rangers in Mt Elgon National Park in 2016. According to our sources, Ogoti had gone to collect firewood, while Yona had gone for Bamboo sticks when they met their untimely deaths. Fortunately, the families of these persons were able to recover the bodies thanks to the intervention of the area Member of Parliament, Hon. Wambi Kibaale.

\textsuperscript{80} Interview with the survivor at Kasese town on 24 April 2018.
\textsuperscript{81} Interview with elders in Kitabo village, Muhokya Sub-County, Kasese District on 25 April 2018.
In Namisindwa District, Timbiti Job aged 24 years, was in July 2017 shattered with bullets that left his intestines pouring out. This happened when the surveying of the boundary of the Mt Elgon National Park was being resisted by the communities who argued that their land was being unfairly encroached on. He was rushed to Magale Health Centre IV from where he was referred to Mbale Regional Referral Hospital where he succumbed to the bullet wounds. UWA officials denied that their men killed him but instead said it was police that had shot at people who had tried to attack the surveyors\textsuperscript{82}. However, an eyewitness to this incident claims that it was UWA rangers who had shot at people including Timbiti who was not even interfering with the survey process as he was a reasonable distance away.\textsuperscript{83}

It was noted that there was a lot of fear instilled in the communities which influenced their unwillingness to talk about the human rights violations, and specifically violation of the right to life perpetrated by UWA law enforcement rangers. This was especially visible in the reluctance of some potential interviewees to comment on the matter. People who lost their loved ones were insecure and unwilling to report the incidents to the authorities for fear of reprisal from UWA rangers. In this regard, a local leader in Muhokya Sub-County noted:

\textit{UWA has instilled a lot of fear in us. We have widows in this area who cannot mourn their husbands openly. If you want to mourn you have to do it secretly or otherwise the rangers will come and arrest you because of that person they killed. When we get the news of the death of a village mate or relative we just whisper to each other.}\textsuperscript{84}

This was not helped by a seeming lack of support from the local leadership, fearful to confront UWA and as such, only ended at warning people not to enter the park illegally. One of the local leaders in Packwach, for example, blamed the deaths on the people, saying:

\textit{We have continuously told our people to stay away from the park because they will die but they don’t listen.}\textsuperscript{85}

It appears that this official’s understanding of the law was that killing could be justified for certain acts of criminality such as illegal entry into the protected areas. Consequently, both the local people and their local leadership ‘comfortably’ accepted their part of the blame without putting in place deliberate efforts to engage, let alone document cases of arbitrariness in law enforcement by the UWA rangers.

Furthermore, although not directly touching on the right to life, it was noted that the Mt Elgon National Park boundary remained a major source of conflict between UWA and the surrounding communities who insisted on both retaining their land (which they claim was occupied by their predecessors long before the gazetting of the park

\textsuperscript{82} Interview with UWA legal officer and PRO on 25 August 2018.
\textsuperscript{83} Interview with eyewitness and relative of Timbiti in Mukoto Sub-county Namisindwa District on 5 March 2018.
\textsuperscript{84} Interview with a local leader in Muhokya on 25 April 2018.
\textsuperscript{85} Interview with Pakwach sub-county officials on 29 June 2018.
with borders now extending to their lands) as well as their right to access parts of the park that have a close connection to their cultural as well as religious identity and practices. Without this, life would be meaningless and full of trouble.

The UN Declaration on the rights of Indigenous peoples recognises the right of indigenous peoples to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts which states are enjoined to recognize and protect. It was found, however, that UWA was denying the indigenous communities such as the Bagisu87 access to their cultural sites. Furthermore, the plans by government to relocate those it claims to have encroached on the park land had created fear within these communities who fear to lose their heritage as highlighted by this excerpt from an interview with one of the elders in Namisindwa District:

*In the forest, we pick different herbs that play different roles, for example; Tiliet is used for treating malaria, Inguwu is very important for treating our boys after circumcision, Ekulanguli is tied on the neck of a person entering the forest for the first time to pick bamboo sticks. There is also salty-like water that we get from the forest which treats our livestock. We also pick mushrooms for food, bamboo sticks for building, bamboo suits for food and many other resources from the forest.*88

The locals were concerned that relocating them from their land would kill their culture and leave their children without any traditional norms to fall back to in case of a need for an intervention. They were also concerned that denial of a right to wholly practise their culture threatened their existence. They particularly emphasised the issue of childlessness which, they said, would be impossible to solve since the necessary herbs responsible for fertility were in the forest where the related rituals were supposed to be performed.

**Investigation of extrajudicial killings**

Extrajudicial and arbitrary killing is a serious human rights violation that needs to be examined in-depth to determine the cause as well as the perpetrator and to promote accountability. The Government of Uganda has a duty to carry out effective investigations on any life lost or allegation of a life lost outside the established international, regional and domestic legal framework. Failure to do so immunises the perpetrators, undermines the culture of accountability and denies relatives justice for the victims. In this regard,

87 Also known as the Bamasaba (named after the Gisu name “Masaba” for Mt. Elgon), the Bagisu are the predominant indigenous community in the Elgon region.
88 Interview with the area local leader in Namisindwa District in March 2018.
the UN Human Rights Council Chairman has observed thus:

_A suspicious death occurring anywhere in the world is potentially a violation of the right to life, often described as the supreme human right and therefore a prompt, impartial and effective investigation is key to ensuring that a culture of accountability — rather than impunity — prevails._

The UN _Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions_ makes it mandatory for UN member states to conduct thorough investigations on extrajudicial or arbitrary killing. Principle 9 of these Principles states that:

_There shall be thorough, prompt and impartial investigation of all suspected cases of extra-legal, arbitrary and summary executions, including cases where complaints by relatives or other reliable reports suggest unnatural death in the above circumstances. Governments shall maintain investigative offices and procedures to undertake such inquiries. The purpose of the investigation shall be to determine the cause, manner and time of death, the person responsible, and any pattern or practice which may have brought about that death. It shall include an adequate autopsy, collection and analysis of all physical and documentary evidence and statements from witnesses. The investigation shall distinguish between natural death, accidental death, suicide and homicide._

On the contrary, since February 2016, a number of extrajudicial killings have fallen short of thorough, prompt and impartial investigations in order to ascertain the circumstances of their occurrence and to hold those responsible to account. Any attempts have been frustrated, undermined or pre-maturely stopped by the president, army officers and police. In January 2017, for example, President Museveni stopped an inquiry by the Parliamentary Committee of Defence and Internal Affairs into the November 2016 UPDF attack on the palace of the Rwenzururu King in Kasese which left hundreds dead, including children. Several calls for investigation were also made by the European Union (EU), US Mission and Human Rights Watch (HRW), for example, but were all ignored. Even the investigations carried out by the Uganda Human Rights Commission, a constitutionally mandated body to investigate human rights abuses in Uganda, never came out.

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It was also established that investigations into the August 2017 death of a one George Otieno, a fisherman in Mwangoda village, at the hands of the UPDF FPF at Goloofo landing site in Lolwe Island, were frustrated by the army. The police had picked interest in the matter, but their efforts were frustrated by the interference of a senior army officer at a rank of a Major, who had taken away the suspects. “We hit a snag, the army took over the case and made it hard for police to get witness statements,” a police officer in Busoga region said in an interview conducted by the research team in July 2018.

At the time of compiling this report, Otieno’s family had not yet received any communication from either police or UPDF regarding the incident. A 60-year old grieving relative of the deceased requested the researcher to carry this message to the government:

*When they sent soldiers to fight illegal fishing, did they send them to kill people? Is fish more important than a human being? If someone has been found committing an offence, why is that person not taken to courts of law instead of killing?*

It appears that the UPF had also not taken serious steps to investigate extrajudicial or arbitrary killings committed by its members. On 22 November 2018, HURIPEC raised this matter with the Police Spokesperson who insisted that each death had a file registered, investigated and concluded. During the interview, a list of 19 people killed by serving members of the police under suspicious circumstances was presented to him and he promised to contact the CID to avail the relevant details after which he would get back to HURIPEC via an availed email address. However, by the time of finalising this publication, no response had been received.

The research established instances where the police deliberately concealed information, intimidated relatives of the victims or manipulated the information in order to frustrate investigations. In Kanyama village, Muhula parish, Butaleja District, for example, the family of Musa Kulu Dozi who was shot dead by police on 15 October 2016, during a land dispute fracas over Doho-Muhula swamp was still struggling to get a postmortem report as well as a police reference. Family members said in spite of the fact that residents knew Waiswa, the policeman who allegedly fired at the people thereby killing Musa, no investigations were carried out, at least to their knowledge. Commenting on this incident, one of the family members sadly stated:

*We do not have a postmortem report; police did not give it to us but it was done at Busolwe. They just brought the body and dumped it here.*

In pursuit of justice for the deceased, a family member paid a visit to Nampologoma Police Station on 22 October 2016 to report and follow up the matter, only to be discouraged by the Station’s Officer in Charge that “matters here are difficult, we were also saddened by the death”. The following day, the same family member went to Butaleja District Police Station to open up a case but was not given a reference number to help in following up the matter. When he followed up in 2017 the OC CID told him:

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93 Interview with a relative of Otieno George in Lolwe sub-county in July 2018.
“We are following the matter but it is beyond us.”

In Tororo, a one Joseph Obosa was on 16 December 2017 shot dead by a police officer during a demonstration against a disputed visit of the Iteso cultural leader, Emorimori to Tororo. When his family approached the police in Tororo demanding for a postmortem report, they were consistently asked why and for what they wanted it. Police also dismissed accounts suggesting that it was their officer who shot dead Obosa. According to a relative of the deceased:

*In Tororo, the Police was so bitter. They did not want to hear that he was shot by their personnel. However, eyewitnesses from the shop where he had gone to buy merchandise told us he was shot by a police officer.*

During the burial, a government official contributed fifteen (15) million Uganda shillings to cater for burial expenses. On the same occasion, the Tororo District Police Commander assured mourners that they “will continue to investigate the matter.” However, the family had still not heard from both the government official and the police since the burial.

When the family insisted, it was made to pay a sum of money so as to get a report which indicated: “Obosa was hit with a brick and died of severe head injuries.” This was after they had been “tossed around.”

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94 Interview with a relative of Obosa Mela sub-county Tororo District in March 2018.
The Police also released a report signed by D/ASP Ziwa Musa Kazibwe, District CID Officer Tororo stating that:

**On 16th December, a General Inquiries File [the reference is missing] was opened to investigate circumstances under which a one Obosa...was injured and died...**

Statements were recorded from the witnesses like Odong Mark who stated that on the 16th Day of December 2017 at 1200 hours a group of people known to him were following the deceased at Tagore road Tororo town and hit him with a brick where he fell down bleeding. The deceased was rushed to Tororo main hospital from where he passed on. The scene was visited. Postmortem was conducted on the deceased in the presence Edeti Lamu and identified as Obosa Joseph. It was revealed the cause of death as severe blunt head injury. All efforts are being put in place to establish the identity of the suspects and have them apprehended.
Even in cases where Police, on its own volition, promised to investigate extrajudicial killings by state actors, little or nothing was done. On 30 November 2017, AIGP Asan Kasingye had assured relatives and mourners during the burial of Micheal Anyama at Alipinzuru village, Bacere Parish in Ofua Sub-County Adjumani District that “police will investigate the matter.”

However, a relative of the victim told HURIPEC that the family had not heard from Police ever since the incident. Police had also given the family a death certificate showing that Anyama died of “spinal cord injury caused by a Road Traffic Accident.”

In Kureku East village in Bacere Parish, Ofua Sub-County, Adjumani District, relatives of the late Etoma said they were still waiting to hear from police because the killer had been identified together with his commander. “The police officer Asiimwe Fred was arrested, released and transferred,” a relative said. In other circumstances the Police deliberately frustrated relatives from getting a postmortem of their deceased relative and other related documents. In October 2017, for example, there were attempts by police to force relatives of Edson Nasasira who was shot dead by police during a rally in Rukungiri stadium, to bury him without first obtaining a postmortem report. According to one of the local leaders familiar with the facts:

The deceased’s father asked for a postmortem report but they just wanted him to go and bury. He was assisted to get a postmortem report from Nyakibaale hospital which showed that he died of gunshot wounds.

In Kasese, relatives of a one Mbeta Welcome, a teacher, who was shot dead by the OC Mobuku Police Post in January 2018, were threatened with jail if they followed up the matter. “His cousin brother tried to get money from his MTN mobile money account but a death certificate was demanded. He went to both Mobuku and Hima police stations where he was threatened with jail if he followed up the matter.”

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95 Interview with Anyama’s relative in Alupinzuru village in Adjumani on 5 July 2018.
96 Interview with FDC political leader in Rukungiri town on 27 April 2018.
97 Interview with friend whom Mbeta’s relative confided with these facts, in Mobuku on 23 April 2018.
The communities in eight villages adjacent to the three national parks and two game reserves visited also pointed out that UWA lacked an effective system to conduct thorough, prompt and impartial investigation of suspected extralegal killings by their officers. Commenting on this matter, an official of UWA responded:

*Our investigative committee has just started of recent. However, it deals more with internal indiscipline.*

Even then, the official admitted that UWA did not have a mechanism where communities could report such cases, he advised that such complainants could always “go to police or report to their local leaders.” However, the channel of using local leaders, especially at the lowest level appeared to be ineffective. In this regard, a village local leader in Ongwedo Sub-County, Bulisa District confessed that: “even us leaders fear to talk about the deaths for fear of becoming victims of circumstances.” Similar sentiments were expressed in Kasese. Relatedly, the cases reported to Police about UWA’s conduct fell on deaf ears in places such as Kaiso in Hoima District.

On its part, the Uganda Human Rights Commission, which is the institution mandated “to investigate at its own initiative or on a complaint made by any person or group or persons against a violation of any human right,” was at times not robust in investigating extrajudicial or arbitrary killings in the country. In November 2017, for example, community members of Lolwe Islands wrote to the Commission raising the issue of human rights violations including extra judicial killings by the UPDF. The letter was delivered at the Commission’s office in Jinja on 17 November 2017 and received by an anonymous person. One of the community members who authored the said letters told HURIPEC:

*Every time I go to Jinja office they tell me the person in charge of handling complaints is away. I have been to their office three times.*

Human rights lawyers interviewed during this period recommended capacity building for police officers especially in the area of investigations as a way of bridging the gap in investigation of these cases especially at the grassroots level.

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98 Interview with UWA official in Kampala on 22 and 23 August 2018.
99 Ibid.
100 See Article 52 (1) (a) of the Constitution of the Republic of Uganda.
101 Interview with Lolwe community member on 30 August 2018 at Lolwe Islands.
TORTURE, CRUEL, INHUMAN AND DEGRADING TREATMENT

The leading international human rights instrument providing for the freedom from torture and other cruel, inhuman and degrading treatment, is the United Nations Convention Against Torture (CAT). The Convention requires UN member State to take effective measures to prevent torture. Pursuant to her ratification of the CAT, which was done on 26 June 1987, Uganda is a state party to this Convention and is thereby required to observe the right in full force. Among the most important provisions in the Convention is its definition of torture:

any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions

Convinced that further measures are necessary to achieve the purposes of the CAT, the UN General Assembly adopted the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment in 2002. Article 1 of that Protocol states the objective of the Protocol is to establish a system of regular visits undertaken by independent international and national bodies to places where people are deprived of their liberty, in order to prevent torture and other cruel, inhuman or degrading treatment or punishment.

The Government of Uganda is however yet to sign the Optional Protocol to the CAT, despite repeated calls from the Uganda Human Rights Commission, the Human Rights Defenders and other human rights actors and stakeholders every year during the commemoration of the International Day in Support of Torture Victims which is done every 26th of June. This gap provides a clear sign that the political leadership in Uganda is not willing to be checked on torture vide the mechanisms established by the Optional Protocol.

As such, it can be said that Uganda is not yet open to authoritative international review as regards her implementation of the CAT.

This is also not withstanding Uganda’s own domestic legislation. Particularly, the 1995 Constitution of Uganda out rightly prohibits torture and recognises freedom from
torture, or cruel, inhuman or degrading treatment or punishment an absolute right.\textsuperscript{103}

Seven years later, the Parliament of Uganda passed the Prevention and Prohibition of Torture Act (PPTA) in 2012 in keeping with Uganda’s obligation under the UNCAT.\textsuperscript{104}

It is worth noting that Uganda’s PPTA provides for a more expansive definition of torture by widening the liability for the acts thereby described to cover persons “whether a public official or other person acting in an official or private capacity” who perpetrate any of the listed acts \textit{for such purposes as}—

\begin{enumerate}
  \item \textit{Obtaining information or a confession from the person or any other person;}
  \item \textit{Punishing that person for an act he or she or any other person has committed, or is suspected of having committed or of planning to commit; or}
  \item \textit{Intimidating or coercing the person or any other person to do, or to refrain from doing, any act.}\textsuperscript{105}
\end{enumerate}

Schedule 2 of the PPTA further provides a list of acts that amount to the different forms of torture i.e.; physical, mental or psychological and pharmacological torture. According to that Schedule, Acts that amount to physical torture include:

\begin{enumerate}
  \item Systematic beating, head banging, punching, kicking, striking with truncheons, rifle butts, jumping on the stomach;
  \item Food deprivation or forcible feeding with spoiled food, animal or human excreta;
  \item Electric shocks;
  \item \begin{enumerate}
      \item cigarette burning, burning by electrically heated rods, hot oil, acid, by the rubbing of pepper or other chemical substances on mucous membranes, or acids or spices;
      \item The submersion of the victim’s head in water or water polluted with excrement, urine, vomit or blood;
      \item Being tied or forced to assume a fixed and stressful body position;
      \item Rape and sexual abuse, including the insertion of foreign bodies into the sexual organs or rectum or electrical torture of the genitals;
      \item Mutilation, such as amputation of the essential parts of the body such as the genitalia, ears, tongue;
      \item Dental torture or the forced extraction of the teeth;
  \end{enumerate}
\end{enumerate}

\textsuperscript{103} See Articles 24 and 44 of the Constitution.
\textsuperscript{104} See the opening statement of the Prevention and Prohibition of Torture Act of 2012.
\textsuperscript{105} Section 2 (1).
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j) Harmful exposure to the elements such as sunlight and extreme cold; or

k) The use of plastic bags and other materials placed over the victim’s head with the intention to asphyxiate.

On their part, acts that amount to mental torture include:

a) Blindfolding;

b) Threatening the victim or his or her family with bodily harm, execution or other wrongful acts;

c) Confining a victim incommunicado, in a secret detention place or other form of detention;

d) Confining the victim in a solitary cell or in a cell put up in a public place;

e) Confining the victim in a solitary cell against his or her will or without prejudice to his or her security;

f) Prolonged interrogation of the victim so as to deny him or her normal length of sleep or rest;

g) Maltreating a member of the victim’s family;

h) Witnessing the torture sessions by the victim’s family or relatives;

i) Denial of sleep or rest;

j) Shame infliction such as stripping the victim naked, parading the victim in a public place, shaving the head of the victim, or putting a mark on the body of the victim against his or her will;

This legal regime notwithstanding, acts amounting to torture, cruel, inhuman and degrading treatment continued to occur in Uganda as the study revealed. A trend was noted in which acts of torture were condoned by the highest offices that are supposed to condemn them; appeared to be institutionalised and well planned given the level of organisation of the perpetrators and the impunity with which they acted.

It was noted across all cases that the torture acts were meted out on Ugandans, including children, by a specific section of the army, police and UWA; were well thought out; and carried out at specific places, with specific tools and methods of humiliating the victims. It was established that torture was common in law enforcement activities as expounded on below.

HURIPEC interviewed a total of 119 torture survivors of torturous acts, eyewitnesses and key informants who narrated harrowing experiences at the hands of the UPDF,
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UPF and UWA. Seventeen statements of torture victims in prison were reviewed and 81 news items on torture published in the local dailies since February 2016 analysed and documented. The following are the flagship experiences under this violation.

**Torture in detention**

The practice of detaining suspects incommunicado in un-gazetted places and subjecting them to torture was common inspite of numerous calls to stop it, including pronouncements from President Museveni. Perpetrators subjected detainees to various methods of torture to force confessions out of them. The torture techniques were well designed and executed by a specific unit within the army and Police and in specific places.

HURIPEC interviewed a total of 45 people that had suffered torture. Court documents and personal statements of victims who had been tortured between February 2016 and August 2018 were also reviewed. More than 70 torture methods, both physical and psychological, were identified. *(See Table 3.1 below)*.

**Table 3.1 Torture methods identified by respondents**

<table>
<thead>
<tr>
<th>Nature of Torture</th>
<th>Acts identified</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Physical torture</td>
<td>Beatings, water boarding, handcuffing in detention, blindfolding, exposure to the cold at night, sleep deprivation, <em>chapa mugu</em> (forced stamping of feet on the ground), forced push-ups, hitting under the feet, forcing into stressful positions such as ‘beba dunia’, forcing under the tables and office drawers, poking with sticks, using prune scissors or pliers on private parts and the groin, tying and suspending a person on the ceiling, punching, throat squeezing using a hook-like stick, locking suspect in a car boot, hitting sensitive body parts such as joints, ankles, elbows, rib cage with sticks, gun butts, batons, forceful drinking of large quantities of water, ‘reading the Quran or Bible’ (tightly tying fingers with sticks in between them), simulation of sexual intercourse with fellow detainees,</td>
</tr>
<tr>
<td>2. Psychological/mental torture</td>
<td>Incommunicado detention, prohibiting detainees from talking to each other, showing suspects the instruments of torture before the interrogation and forcing the blindfolded ones to touch them, forcing tortured suspects not to cry out.</td>
</tr>
</tbody>
</table>

*(Also see a detailed list of torture techniques recorded for different institutions annexed and marked ‘A’).*
It was further established through interviews that torture happened in specific rooms or places, and was committed by a particular group of people. The notorious places were named as the Chieftaincy of Military Intelligence (CMI) in Mbuya, Nalufenya Police Station in Jinja and in specific rooms within various police stations. The findings revealed that torture, cruel, inhuman and degrading treatment of detainees happened between 5pm to 9pm or beyond at CMI while at Police it happened during the day. Detainees were subjected to water boarding locally called *kunywa maji* (drinking water) where water was poured over their heads as they stood or when they were forced into a pit or lying on their backs with faces up. A former detainee at CMI in 2017 said:

*On the fourth day of my detention I was called to ‘drink some water’. They made me stand in between them. They brought a jerican of water and poured it on my head non-stop until I could not breathe any more. I fainted but they held me before I fell down. I was blindfolded and handcuffed at the back. Other detainees I know were also subjected to this torture.*

Another detainee said:

*…after about four days of identification off photographs, I was shackled, handcuffed and taken outside. They made me lie down. Several men came and pinned me onto the ground spreading my arms wide. They started pouring water into my mouth and nose. It was very painful … I thought I was going to die.*

Victims revealed that detainees at CMI were blindfolded the entire period of their detention, handcuffed at the back for the first three weeks and thereafter at the front. They were strictly prohibited from talking to each other and were beaten whenever they requested to be escorted to the washrooms. They were exposed to the cold at night; deprived of sleep; forced to stamp their feet on the ground, a technique known as ‘chapa mugu’; and made to do push-ups. The soldiers would beat them in the night accusing them of depriving them of sleep “because we are guarding you when you know that you committed crimes but don’t want to admit.”

During interrogation detainees were continuously hit underneath their feet, forced into stressful positions, forced under the tables and office drawers as they poked them with sticks as their torturers taunted them.

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106 Several interviewees that were detained at CMI said they were always taken to the interrogation rooms where they were subjected to torture at around 5pm and stayed up to 9 or 10pm. Those detained at Nalufenya said the torture happened during the day and when certain police officers visited the station.

107 Interview with a victim in March 2018.

We know you didn’t kill Kaweesi but tell us who killed Kaweesi? Tell us any person you know who has a gun. I told them I didn’t know. They beat me under the feet. I don’t know what they were using since I couldn’t see. I couldn’t stand after that.

A female victim who was detained in 2018 at CMI said:

I heard a person crying when I was being moved in the corridor. I looked inside the office and saw a man, his head was covered and being squeezed inside an office drawer. I was told not to look anywhere.

Former detainees said their interrogators used prune scissors or pliers on their private parts and the groin to force them to reveal information or admit to what they were accused of. During interrogation, detainees were tied, suspended from the ceiling and turned into punching bags while their suspenders got intertwined and tangled.

I was taken out of the vehicle then someone tripped me and I fell down…my handcuffs were removed and cuffed again from the back. I was then suspended by my hands. I could neither touch the floor nor the ceiling. Someone started boxing me in the stomach as he asked me if I knew what my crime was. I said I did not know. This happened throughout the detention period. My joints were hit with a heavy stick and my throat squeezed using a hook-like stick that left me with a sore throat.

Former detainees said they were locked up in car boots by Police, hitting them on the joints and the head continuously. A former detainee at Nalufenya Police Station in Jinja told HURIPEC:

They arrested me in April 2017, pushed me into a car and drove me to Bugiri Police Station. A man called Kasibante said that I stole a lorry full of goats. They took me inside a room. It had other people in civilian clothes and police officers. When they asked me about the whereabouts of my relatives and I kept quiet, one of them said ‘you are despising us’. They took me out to a stationary saloon car, opened the boot and threw me inside. The locked and went away. I was handcuffed. It was very hot, I oversweated. I spent one hour in the car boot. They removed and put me into another car and drove to Iganga Police Station.

Around 2am a man called Minana came into the detention room with another colleague. They shackled my legs, made me squat, passed my hands under the thighs and

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109 The Assistant Inspector General of Police (AIGP) Andrew Felix Kaweesi was shot dead outside his home in Kulambiro in a Kampala suburb in March 2017. Unknown gunmen shot Kaweesi, his bodyguard Kenneth Erau and the driver Godfrey Wamewo as they left his home to work in his official car registration number UP 4778. They were killed in about 100 meters from his gate.


110 Interview with a victim of torture in April 2017 in March 2018.

111 Interview with former detainee of 2018 at CMI in June 2018.

112 Statement of detainee accessed in April 2018. Other victims interviewed in Busia and Namayingo Districts who were tortured by UPDF soldiers also talked of the hook stick used to squeeze their necks.
handcuffed them. Minana started beating and hitting me on the knees and knocking me on the ribs with a baton. I cried until I could not cry anymore. As he beat me, he kept asking me ‘why are you denying when we ask you, why are you denying?’ He beat me until he sweated. He closed the door and left me in pain. On the fourth day in detention Minana came back with another man in the night. They tied me the same way they did the first time. The man hit me with a gun butt on top of my head continuously. Minana was beating me.

A relative of a suspect arrested in January 2018, said his relative was subjected to thorough beating to admit that he had a gun. He first refused but caved in on the third night of beating and he admitted because of the pain.

He told me during the day he would be driven to Mbuya where his legs and hands would be handcuffed and he would be made to lie on his stomach throughout the day. In the evening they took him back to Kireka where the beating would begin. He was continuously hit on the knees, ankles and elbows as well as being whipped. He described the man beating him as big. When he confessed that it was true they had a gun he was made to sign a confession statement and the beating stopped.”

Formers detainees at both police and the military talked of being subjected to a torture technique known as ‘beba dunia’ (carry the world):

They force you to put your legs up on the wall while upside down supporting yourself with the hands. They keep telling you ‘yongerayo ebigere waggulu, yongerayo’ (extend your feet higher up). When you fall down they say “duniya imekushinda” (the world has defeated you). They beat you very badly.

Forcing detainees to take specific large quantities of water was another torture technique applied in incommunicado detention. Several victims detained by both police and the army spoke of a torture technique known as ‘reading the Quran or Bible’, especially the ones detained in Mbuya and Nalufenya.

On the second day of my detention they took me for interrogation... a woman held my hands together. A man started fixing small pieces of sticks between my fingers. He then tightly tied the fingers together. Then two people held my legs and pulled me down. Another stepped on me very hard on the rib cage. It was painful. They continued saying ‘you tell us the truth’. They tortured me until late in the night. My fingers were paining and I could not even clean my private parts. After five days I was taken back for further interrogation. The tying of fingers tightly with sticks in between them is what is called ‘reading the Quran’.

The team also interviewed former detainees at CMI who spoke of being subjected to degrading treatment while in custody thus:

113 Interview with relative in Kampala in February 2018.
114 Interview with a victim in Eastern Uganda in March 2018.
115 Interview with a lady victim in Central Uganda in May 2018.
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**Soldiers in the night forced us detainees to lie on top of one another and pretend we were having sex. When you don't do it the way they want, they beat you**\(^{116}\)

**Concealing the identity of torturers and the places of torture**

It is a requirement under international standards for the identity of a law enforcement officer holding any one in detention and the precise place of detention to be known, as well as having a record showing the reason for arrest.\(^{117}\) Various interviewees who were detained between 2017 and 2018 revealed that the identity of those detaining them and the places of detention were never disclosed to them. Former detainees at CMI were blindfolded during the entire period of their detention. They were always beaten when those guarding them suspected that the blindfold had slipped off and the detainee might have been able to see. The detainees also remained blindfolded during interrogation and could only hear people talking, unable to identify them.

Whenever a detainee was required to identify a picture of a person he/she was either suspected to be collaborating with or was aware of, he/she was always forced to look at the wall before the hood was removed and immediately put back after looking at the pictures.\(^{118}\) Detainees were always escorted to the washrooms; ordered to remove the cloth from the face and to tie it back immediately after easing themselves. “You were not allowed to get out the washroom before blindfolding yourself. If you did, it would earn you a serious beating.”\(^{119}\) Unlike men, female detainees were not blindfolded while in the cells except when they were taken for interrogation and would be tortured.\(^{120}\)

A former detainee said:

*During interrogation, I remained blindfolded I never saw or knew who was interrogating me. They were calling themselves Papa.*\(^{121}\)

The research revealed that the name Papa was the codename for the arresting officers and the interrogators who always concealed their identity. It was established that the security personnel that raided the Usafi mosque in April 2018, were referring to each other as Papa. Some of the detainees said the few times they were not blindfolded they never saw any officers wearing name tags on their uniforms and that some were not in uniform.

Soldiers of the UPDF FPF especially on Lake Victoria took to wearing hoods and goggles to conceal their identity as they beat up fishermen suspected to be involved

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116 Interview with a former detainee at CMI in June 2018.
117 See Principle 12 of the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment [https://www.ohchr.org/EN/ProfessionalInterest/Pages/DetentionOrImprisonment.aspx](https://www.ohchr.org/EN/ProfessionalInterest/Pages/DetentionOrImprisonment.aspx).
118 Statement of a former detainee at CMI accessed in April 2018.
119 Interview with a former detainee of CMI in Eastern Uganda, conducted in March 2018.
120 Interview with a former female detainee, conducted in May 2018.
121 Interview with a 2017 former detainee at CMI conducted in March 2018.
in illegal fishing. Several people in different landing sites in Namayingo District could recount the day in August 2018 when soldiers wearing hoods and goggles descended on the people and beat them up.

A resident of Namayingo District said:

At Lufudu Landing Site, the soldiers came in overalls, wearing sunglasses and with their heads wrapped. It was hard to identify them. Even though they had previously used sticks, this time they came with black whips. They beat you with it and it rolls around you but does not leave any marks. You feel a lot of pain though. They broke and burnt boats and beat up people. This happened last week.\textsuperscript{122}

Arresting officers also concealed their identities by blindfolding suspects immediately after apprehending them. They then drove them to unknown places of detention which the suspects could not easily guess. Many suspects said they got to know about the place where they were detained after they had been transferred to police.

A detainee revealed:

After arresting me they put me in a civilian car. They blindfolded me and after driving for hours we reached a place and the driver hooted. I heard the gate being opened and we drove in. I was taken to a room and the blindfold was taken off.\textsuperscript{123}

\textbf{Specific places and time of torture}

During the research, it was revealed that torture was committed by specific people, at a particular time and in designated places, or rooms within security institution/facilities, which was a clear indication that it was organised and planned. Many victims that HURIPEC interviewed between March and August 2018 said they were never tortured at the point of arrest and in transit until they got to the places of detention. Even at the detention places, they said, they were tortured from specific rooms. Former detainees at different police stations also talked of being removed from the cells to specific rooms where they were tortured. Those detained at Nalufenya Police Station revealed that there were designated offices upstairs and in the neighbouring buildings where torture was done. They further said of certain police officers who “specialised” in torturing suspects:

Whenever you saw such a policeman at Nalufenya you knew the trouble that awaited you. When you heard someone touching the door you started shivering before they called out anybody. Detainees would be brought back in the crowded cells when they could not stand.\textsuperscript{124}

Five victims in Mbale, detained at different periods as well as human rights defenders in

\textsuperscript{122} Interview with a resident of Lufudu landing site in Namayingo District conducted in August 2018.
\textsuperscript{123} Interview with a former female detainee in May 2018.
\textsuperscript{124} Interview with former detainee at Nalufenya Police Station in Eastern Uganda conducted in March 2018.
Eastern Uganda singled out Room 21 at Mbale Police Station as a place where suspects were subjected to torture, cruel, inhuman and degrading treatment by police officers or civilians working with police. A victim who was arrested in August 2017 for allegedly stealing money narrated how he was beaten in Room 21 at the station:

“On reaching Police I was taken to Room 21 beaten with batons on my knees, ankles and heels as they forced me to confess that I had stolen the money.”\(^{125}\)

In Kasese, the victims who spoke to HURIPEC said suspects were subjected to torture in the Crime Intelligence room at Kasese Police Station which was notorious for the method of tying fingers together with small sticks in between, as well as Railway Police Station. In Pader, interviewees said the beating of suspects at Pader Police Station was done in the office of the OC CID. In Arua, a suspect said he witnessed torture in the police cell, sanctioned by the police cell guards whereby detainees were ordered to beat up fellow detainees.

_I saw suspects being beaten, ordered to box the wall or do push-ups until they paid money. I paid 5,000 Uganda shillings to survive the beating. The amount of money you pay depends on your status. The money is shared out by the RPs and the cell guards for sugar and cigarettes. Part of it is used to buy paraffin candles for lighting the police cells._\(^{126}\)

Several interviewees detained at CMI said they were moved severally to specific places and rooms and subjected to torture which would intensify depending on how a detainee was responding to the needs of the interrogating officers. A former detainee at this facility told HURIPEC:

_I was taken several times for questioning. I was blindfolded. The room where they took me for questioning and torture was upstairs. We would go up some steps, turn right and then left and reach the room._\(^{127}\)

Other former detainees also spoke of hearing cries in the evening and the night as fellow detainees were being subjected to torture.

_The days I spent in Mbuya I heard people crying especially in the night. People were shouting and being ordered to keep quiet. They were brought in a special room near where I was detained. The torture occurred in the night and it was done by soldiers in green uniforms._\(^{128}\)

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\(^{125}\) Interview with a victim in Mbale town in March 2018.

\(^{126}\) Interview with a victim in Arua Town in July 2018.

\(^{127}\) Interview with former detainee at CMI in Eastern Uganda in March 2018.

\(^{128}\) Interview with a former detainee in May 2018.
Tools of torture

HURIPEC established that the tools of torture were collected and organised by those responsible well in advance of the torture sessions. Detainees spoke of being shown the tools before the interrogation and those blindfolded were made to touch them. A former detainee at CMI said:

On the second day of my detention, they got me from the detention cell, blindfolded me and led me to a room. There were people speaking Runyankore and Rukonzo. They told me to touch on some objects. One was metallic and the other was a like an electric wire. One of them told me ‘when we ask you something and you don’t respond properly these are the things we are going to use to extract information out of you’. They asked me ‘tell us how did you kill Kaweesi?’ ... When I said I did not, they started beating me… I was tortured until around 10 pm in the night. I was in pain.\textsuperscript{129}

Another narrated

I was taken for interrogation to a room where I found some men already. There was also a display drawer in which were tools including a hammer, pliers, knives, whips and others. One of the men asked me to look into the display and asked me ‘do you see this?’ I said yes then he told me ‘if you don’t tell us the truth you will see what happens to you’. They started asking me how I killed Kaweesi.\textsuperscript{130}

Several fishermen and residents on various landing sites that HURIPEC visited spoke of soldiers from the UPDF-FPF carrying heaps of sticks in their patrolling boats, which they used in the torture of suspects. A lady at one of the Islands said:

They were staying here and would leave very early in the morning to go and beat fishermen. They had sticks, very many of them! They were many! They never run out those sticks they use to cane people.\textsuperscript{131}

Interventions in protection of the fish industry

When President Museveni entrusted the UPDF to restore law and order on the waters of Uganda in February 2017, military officers started by seriously warning those involved in illegal fishing of the consequences. Indeed, this study learnt of intense physical torture by UPDF soldiers manning the operation which was reported in Busia, through Busoga, Buganda, Kasese.

A local leader in Kamuwunga, Kalungu District, quoted soldiers who went to their landing site around May or June 2017, led by a captain, to have ho told the locals regarding illegal fishing:

\textsuperscript{129} Interview with a former detainee in May 2018.
\textsuperscript{130} Interview with a former detainee in June 2018.
\textsuperscript{131} Interview with a businesswoman at an Island in Namayingo District on August 2018.
We shall make you lame, we shall impoverish you and we shall imprison you.’ I have really seen it because the way soldiers beat people is terrible. They have just beaten a person here very badly and immersed others in the water. Yesterday they beat one of us very badly and took five others; placed them in a car boot and drove them to Masaka where they operate from. One of the ladies complained why they were putting people in a car boot? They called her out and beat her. They handle people very badly, they beat you everywhere.\textsuperscript{132}

Similar experiences were expressed in Kikorongo Trading Centre in Kasese District where a UPDF FPF official only identified as Sgt. John from Rusese Barracks was quoted saying:

\textit{The lake belongs to me, I will beat those with fish so that you go to hospital and spend money on treatment until you stop fishing in the lake.}

In March 2018 at the refilling station in Kikorongo, another soldier of a higher rank is said to have gathered \textit{boda boda} men and warned them thus:

\textit{I will not arrest you, I will just beat. I am no longer interested in arresting I will beat you, beat you and spend money in hospitals treating yourselves until you will get poor. Leave the lake. Enyanja tiyaanyu (the lake is not yours).}\textsuperscript{133}

The subsequent developments on the major Ugandan lakes where fishing is predominantly done revealed that these pronouncements were not mere empty threats as seen from the experiences of fishing communities that HURIPEC interacted with in areas such as Busia, Lolwe Islands in Namayingo, Mayuge, Kalungu, Masaka, Kasese and Nakasongola Districts. The sources from these places narrated incidents involving being subjected to, or having witnessed intense physical torture by UPDF soldiers in the course of enforcing fishing standards on the lake.

For example, on the morning of 9 March, 2018, at Businokho landing site, Namayingo District, UPDF-FPF soldiers subjected a young fisherman to physical torture that left him unconscious and caused him to defecate on himself. This survivor narrated his ordeal thus:

\textit{My colleague and I were on our way to check on our net that we had cast overnight in the lake and we saw soldiers on a speed boat coming towards us. On seeing them, I dived in water attempting to escape. However they caught up with me and started beating me while I was still in the water; stepping on my head; submerging me in water saying to me ‘so you want to die; now die’. They later pulled me onto their boat and started beating me and my colleague using sticks and the four soldiers would indiscriminately beat me at the same time. The beating and kicking continued even when we reached the landing site. I was beaten on the head and kicked on the abdomen that resulted in my defecating. My joints were hit with a heavy ended stick and my throat squeezed using a sharp double-pointed stick that left me with a sore throat. I was weakened by the}

\textsuperscript{132} Interview with a local leader in Kamuwunga Kalungu District on 30 April 2018.
\textsuperscript{133} Interview with a resident of Kikorongo on 24 April 2018.
beatings, smelling and would barely move nor breathe. So the officers decided to leave me and apprehended my colleagues.\footnote{134 Interview with a victim at Businokho Namayingo District on 27 March 2018.}

In Mayende Budecho village, Buwanikha Sub-County, Busia District, another fisherman narrated an April 2017 incident where he was beaten and stripped naked:

\textit{Four soldiers accused me of having illegal nets and refusing to open the door for them when they came home. They started beating me indiscriminately. They stripped me naked in the presence of people. I was so angry, I wanted to take on one of them but I thought of my children and restrained myself.}\footnote{135 Interview with the victim at Busime sub-county on 26 March 2018.}

Women and children related to suspected illegal fishers were also not spared from the beatings. This was done in an attempt to force them to reveal the whereabouts of their husbands or fathers. In Busime village in Busime Sub-County, Busia District, for example, in an operation on 29 April 2017, led by a Captain according to the area local leaders, soldiers beat up a child and her mother demanding that they reveal the whereabouts of her husband whom they suspected of having illegal fishing gear. This source recounts the incident thus:

\textit{Two soldiers with three men in civilian clothes came to our home looking for my husband but he was not there. They found my daughter in the compound. They grabbed her and slapped her hard on the head. They asked her ‘where are the nets?’ She was terrified. When I saw them beating my daughter I rushed out. They immediately beat me with sticks asking me where my husband kept the nets. I took them inside the house and gave them the nets. They were of the approved size. They took both of us to the lake and continued to beat me. They burnt the nets and set us free.}\footnote{136 Interview with the victim at Busime on 26 March 2018.}

As a result of the injuries thereby occasioned, this source reportedly spent over one hundred thousand (100,000) Uganda shillings on treatment which took her a whole month to recover. On the other hand, her daughter was still suffering from headaches as a result of the beatings.

In the same month, a curious child at Nalyoba landing site in Bwanika Village in Busime Sub-County was beaten by soldiers as they demanded for illegal fishing nets and boats. He narrated:

\textit{I came to attend a gathering called by the army to educate people on illegal fishing. They talked to people but after teaching people they changed all of sudden and started beating people indiscriminately demanding for illegal boats and nets. I was rounded up with other people and beaten all over my body by soldiers. They beat me with sticks. I fell down I could not move until my father came and picked me. He took me to hospital and I stayed there for one week. Up to now I have marks on my body.}\footnote{137 Interview with the child at Nalyoba landing site Busia District on 25 March 2018.}
A woman at Lolwe Islands also revealed how she was beaten with her colleagues in July 2017 by two soldiers and a civilian she identified as JB accusing them of smoking fish.

*I was in the bush with my friend cutting logs for charcoal burning. Two soldiers accompanied by a man called JB came and started beating us with sticks accusing us of smoking fish. They caned us until they ran out sticks; picked more from the bush and continued beating us. Due to the pain we were forced to admit that we had been smoking fish. They took us to Goroofa Police Station where the OC wondered where the fish we had been accused of smoking was. He released us and told us to go get treatment for ourselves.*

Aside the ordinary fishers, it was revealed that even the local leaders themselves were intimidated and could not speak out against the violations due to fear of being subjected to similar treatment. A local leader in Busia District confided in the researcher, for example, that “when you intervene as a local leader they can beat you and you even die,”

In Masaka, a chairperson of a Sub-County who also doubled as the Sub county NRM Chairperson was subjected to such treatment in late 2017 when he tried to intervene as soldiers were destroying boats at Lambu Landing Site. His recollection of the incident is captured below:

*I came from Masaka and people told me that the UPDF-FPF were at the landing site destroying boats claiming that they were illegal. I rushed to the landing site and when the soldiers saw me, they told me to remove my shoes. I refused. They gave me an axe and ordered me to break five boats. The youth who were present said they could not watch me break the boats alone. They protested but were seriously beaten by the soldiers. I was left with no option but to break the boats in the presence of 30 of my voters. It was so embarrassing.*

This source reported that prior to this predicament, soldiers had at the beginning of the year beaten his wife who was running a restaurant at one of the landing sites in Masaka. Some people said they were beaten for failure to respond to the questions of the soldiers. A lady dealing in fish said whether you responded or not if you did not answer the way they wanted the soldiers would still beat you.

*Those people are difficult to understand when they ask you for someone and you say you don't know him or her they ask you why you don't know when you live here. They beat you until you give them a name.*

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138 Interview with lady victim in Lolwe Islands in July 2017.
139 Interview with a local council chairman in Busime Sub—County Busia District in March 2018.
140 Interview with the victim at Kanya village on 29 April 2018.
141 Interview with a lady at Businokho in March 2018.
Abuse of Civil and Political Rights in the Era of Kisanja Hakuna Mchezo

Part of Kacanga landing site in Masaka district demolished by UPDF FPF. Residents told our research team that property worth millions of shillings was lost. (Source: HURIPEC)

Various interviewees alleged that the soldiers had bragged about the treatment they were subjecting the fishers to as being a more lenient one when put in context with a go ahead given to them by the President ‘to kill.’ HURIPEC could, however, not verify the authenticity of the alleged presidential directive permitting the FPF to kill.

It is noteworthy that the torture meted out on the fishers had far-reaching consequences on the survivors. One of the fishermen who was severely beaten in March 2018, for example, reported that he could not sit upright, neither could he easily eat food like before due to a sore throat and he was still nursing painful joints and swollen ankles. The sum total of this situation had forced him off the lake to look for an alternative means of livelihood which he described thus:

_I have resorted to farming since the lake is no longer friendly._

It however appears that the President was not opposed to the impunity of the soldiers as seen in his 2018 New Year address to the nation, when he remarked:

_I decided to deploy UPDF in the month of February, 2017. Although the UPDF personnel are also accused of some excesses (such as beating people), nevertheless, the lake has now been saved... Those who spend time blaming the army for some mistakes here and there should be reminded that the original mistake was bad fishing._

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142 Interview with a victim at Businokho in March 2018.
This is the original sin. Concentrate on that. If there was no bad fishing, the army would never have been deployed on the lake.\textsuperscript{143}

With such insinuations of support, the UPDF-FPF continued to harass fishing communities throughout 2018 as was revealed by the different media houses on an almost daily basis.

**Enforcement of the law in wildlife protected areas**

Several interviewees told HURIPEC of how they were subjected to cruel treatment and harassment including severe beatings and extortion by UWA's law enforcement rangers. This treatment did not spare women and children who entered the protected areas in pursuit of firewood. It is noteworthy that firewood is the main source of energy for the people in most rural communities surrounding the protected areas yet it is too expensive to buy due to its scarcity in many places where trees have long been depleted. For most people, the only source of firewood is the market where a small bundle that can barely last for a day goes for as much as four thousand (4,000) Uganda shillings (approx. 1.2 dollars) which is not affordable to most people who barely earn even one dollar a day.

On 22 July 2017, Atika Newombe, a resident of Bugobiro ‘A’ village, Bugyewa Parish Zesui Sub-county, Sironko District was severely beaten and her gumboots taken by a law enforcement ranger she identified as Masaba.\textsuperscript{144} She narrated her ordeal:

*I went to the park and found two people chopping dry wood at around 8am. I also started picking dry pieces putting them in my sack. However, as I rose up, a game ranger was pointing a gun at me. The two men who were cutting the tree tried to run away but one was caught and seriously caned. I was arrested; my hands tied and was made to carry a log up to the army detach in Keysha village. At the detach, the officers detained the man I was arrested with. Milton Masaba the head of the detach ordered me to lie down and the officers caned me in turns and would not even allow me to go for a short call. When I fell down, Masaba cut me on the right hand. I was detained for 30 minutes in a small dark room where I had been forcefully pushed and I ended up hitting my back on something. After that they pulled me out and again caned me for another 30 minutes while asking me what I was doing in the reserve. They beat me everywhere and when they set me free, I had to go directly to hospital.*

The victim further told HURIPEC that when she narrated her ordeal to the LCIII chairman and he confronted Masaba, he denied having participated in the act and instead blamed his colleagues. The Chairman’s pleas for her to be freed were ignored and instead fifty thousand (50,000) Uganda shillings was demanded for her release.

Since she had no cash on her, an understanding was reached with the Chairman who


\textsuperscript{144} Interview with a victim at Zesui in March 2018.
advanced her forty thousand (40,000) Uganda shillings and she was thereupon freed. Meanwhile, her new pair of gumboots was retained by the rangers as security for the unpaid balance. She narrated how the ordeal impoverished her as she had to sell off her turkeys and three hens in order to had to reimburse the Chairman, reclaim her gumboots and pay her medical bills at the private clinic where she went for care. She also said that she had reported the incident to police and was referred to Sironko Police Station but did not get help. She confided that the said Masaba has done this for a number of times, that is;

*Whenever I see Masaba, my heart just starts bleeding with pain and anger. He was forcing me to confess that he had caught me cutting a tree and that was why he had arrested me and would take me up to Mbale for detention. Masaba charges illegal fees from some women who go to the forest to look for firewood, before letting them collect it. One woman told me she had paid 20,000 Uganda shillings. When I thought of my children I had to accept to pay the illegal charges. I want Masaba to compensate me all the money I spent on treatment and I also want him to be caned so that he can feel the pain I felt. He should also be prosecuted.*

A related account was that of a mother who went to pick firewood with her 12-year old daughter. She narrated how they were both severely beaten by law enforcement rangers at Mt Elgon National Park in August 2017:

*I went with my 12-year old daughter to collect firewood. When we reached Masola, which is outside the park, a ranger beckoned us to get closer. We found other people lying down. There were other rangers and they pointed guns at us, forcing us to lie down and remain silent because they never wanted people to know that we were there. Six other rangers came with six more suspects including the son of our chairman. They had sticks and started beating all of us. They beat me everywhere and beat my daughter very badly even though I had begged them in vain to leave her. After like half an hour another group of rangers came and also beat us very badly before freeing my daughter and I leaving the men behind. I was in pain and my clothes were slipping off. We went to a medical worker for treatment. For a whole month I was unable to sit.*

She said she spent 30,000 Uganda shillings on medical treatment and had to sell the only two chicken she had kept in case of an emergency. She did not report the matter to police because “I could not waste my time; they cannot help. I hear the UWA people are very powerful even police cannot do anything about them.”

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**Footnote:**

145 Interview with a survivor at Kiboko Centre Bufupa parish Masaba sub-county Sironko District in March 2018.
ABRIRARY ARREST AND ILLEGAL DETENTION

Legal framework on the right to liberty

Uganda has ratified various international treaties and enacted laws that guarantee the rights of Ugandans. Article 9 of the ICCPR bars member states from subjecting their citizens to arbitrary arrest and detention.

It provides that:

1. Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.

2. Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.

3. Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and, should occasion arise, for execution of the judgement.

4. Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful.

5. Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation.

Similarly, Article 6 of the African Charter on Human and People’s Rights prohibits AU member states from depriving their citizens of their liberty arbitrary. The United Nations Human Rights Council provides various procedural safeguards for arrest and detention to avoid abuses. It states:

Arrests without proper procedures may open the door to further human rights abuses, including torture…to prevent such abuses, law enforcement officials should clearly identify themselves or, at least, the unit to which they belong. Their vehicles should be clearly identifiable and carry number plates at all times. Information on any arrest, including the reasons for the arrest, the time and place of the arrest, and the identity of the officers involved should be duly recorded…the arrested persons shall be informed, at the time of arrest, of the reasons for their arrest and of their rights, including safeguards against torture or ill-treatment…relatives or a third person of the

Article 6 of the ACHPR states that: Every individual shall have the right to liberty and to the security of his person. No one may be deprived of his freedom except for reasons and conditions previously laid down by law. In particular, no one may be arbitrarily arrested or detained.
arrested person’s choice shall be notified at the time of arrest, detention, imprisonment or transfer.\textsuperscript{147}

Article 23 of the Constitution of the Republic of Uganda guarantees the protection of personal liberty. Unlike the ICCPR, ACHPR and other related international standards which emphasise the element of “arbitrary”\textsuperscript{148}, this provision stresses “unlawful” arrest and detention. The enabling national laws on arrest and detention such as the Police Act, the Trial and Indictment Act, the Penal Code Act, the Criminal Procedure Code Act, the Prisons Act, the Uganda People Defense Forces Act, the Children’s Act among others, grant expansive powers of arrest; lack elaborate and precise procedures of arrest and transportation of those apprehended to detention centres. The “lawful” process of arrest and detention is shrouded in ambiguity.

Violation of the right to liberty in Kisanja Hakuna Mchezo

Arbitrary arrest and illegal detention by security agencies were found to be still prevalent in Kisanja Hakuna Mchezo. The explanation advanced for this pointed to political reasons; the fight against terrorism; Islamic and cultural extremism; corruption; and outright abuse of the laws and powers of the officers. Perpetrators continued to act with impunity owing to the lack of an effective and robust oversight mechanism. The continued involvement of UPDF in the justice law and order sector functions immensely contributed to unlawful, unjustified arrest and detention. Over 100 victims of arrest and detention were interviewed, 259 news stories analysed and 17 publications reviewed.

It was found that the acts of arrest and detention were arbitrary but ‘lawful’ in accordance with the Ugandan laws. According to Ugandan laws, a person can be arrested by police or a “private person” without a warrant upon suspicion on “reasonable grounds” or “reasonable cause” that he or she has committed or “is about to commit” to a crime. Unfortunately, the laws do not offer an elaborate and precise definition of who a private person is and whether this includes UPDF and other auxiliary forces.

Unlawful/arbitrary arrests

The research established that the police, in the exercise of their “lawful” powers continued to arbitrarily arrest people not for purposes of preventing or detecting crime but for extortion, debt recovery, settlement of personal misunderstandings and


political reasons. In many cases the arrest were not based on a societal pressing need.

Several people, especially those living in slum areas, revealed that police randomly arrested them without any justifiable cause. A case in point was in March 2018, when police in Namakwekwe, Mbale District, rounded up people at around 11pm, who were found outside their homes while others were closing their shops to leave. Those who gave money to the arresting officers were set free, but those who did not were detained in a police booth. They were set free the following day without being charged after human rights activists intervened. Some of the residents of Namakwekwe who were interviewed said such incidents of arbitrary arrest by police officers were common. Similar concerns were raised by people in Kasese, Arua, Hoima, Kampala, Wakiso Districts among others. A female victim in Namakwekwe narrated:

_I was locking up my shop at around 11pm and my boda boda man was waiting to take me home. A policeman came and ordered me to get out of the shop. He arrested both of us without giving any reason. We found many other people who had been arrested including our area local leader. There were about ten arresting officers including a woman, some of whom were not in police uniform. They made us walk to the police booth but they arrested everyone they found on the way. Those who attempted to run away were caned. When we reached the police booth a policeman asked me if I had money. I offered him 20,000 Ugandan shillings which he first refused demanding for 40,000. I pleaded with him and he eventually accepted it and set me free. Those who paid money were set free. Those police people arrest innocent people and leave the wrongdoers._

In Kasese one victim describing the arrests and detentions which were common said:

_“The way police treat us here in Kasese is like we are not Ugandans.”_ Other interviewees found in Kidodo, Nyakasanga and Acholi Quarters in Kasese town accused police especially from Railway Police Station of violently handling them during arrest and in most cases releasing them without charge. One of the victims who was accused of manhandling a young girl narrated how he was pepper sprayed and also shot in the thigh while being arrested:

_She came to the factory with police who surrounded the place. My friends advised me to hide in the ceiling which I did. When the police threatened to arrest my colleagues instead they feared and told them where I was. I heard the conversation and on my way down from the ceiling, the OC Railway Station, Kapere sprayed me in the eyes with pepper spray. He arrested me, put me in his car, a Starlet, where he kept slapping and pepper spraying me. I was seated in the middle of two other policemen one of whom also slapped me accusing me of beating a girl. Kapere stopped the car before we reached the police station. I do not know what happened; I just found myself outside the car. I attempted to run and one of the policemen called Odiri followed me and shot me at close range in the thigh. I fell down. Kapere pulled me back into the car and they

149 Interview with victim in Mbale in March 2018.
150 Interview with a victim in Kasese in April 2018.
took me to Railway Police Station. After discussing amongst themselves Kapere took me to the Town Council health centre where they told the doctor that I was a thief. One policeman remained guarding me when the others left but Kapere returned and handcuffed me to the bed. After an hour, my relatives and friends came and transferred me to Kilembe Hospital where I spent three weeks. No charges were brought against me.”

Kasese Railway police Station; (several interviewees) told HURIPEC that they had been arrested on various charges including debt collections, detained for more than 48 hours and subjected to beatings by officers manning this station. (Photo by HUIPEC)

The ambiguity in the laws on arrest has clouded whether private persons that can arrest include members of other security agencies. This was contributing to the increasing arbitrary arrest in the country. Several interviewees and news stories reviewed indicated that people were arrested by plain-clothed men with guns but who never identified themselves. Victims and their relatives said they had realised afterwards that those who had arrested them and their relatives were security operatives from security agencies.

Four men approached me at my place of work and one of them asked for my name. I told them. They asked for my National ID which I gave them. Another asked for my phone and I told them I had left it at home. They told me I was under arrest. They put me in a car and drove to the police station where they took me to the office of the DPC and told

151 Interview with a victim in Kasese in April 2018.
him they had got the person they had been looking for. Later they took me home which they searched and on our way back they blindfolded me. I learnt after sometime that the men who arrested me were from CMI in Mbuya where I was subsequently detained for two months.  

Use of excessive force

The law providing for the arrests prohibits the use of greater force than what is reasonable and necessary to effect the arrest. However, our findings revealed several incidents involving use of disproportionate force by security agencies which, in some instances, led to loss of life or left victims with serious injuries.

Some of the incidents in which excessive force was used have already been discussed under the preceding themes. The 26 and 27 November 2016 raid on the offices of the Prime Minister of Obusinga Bwa Rwenzururu, for example and the subsequent attacks on the King’s palace involved excessive use of force that led to the death of seven people including a minor and 100 people respectively. Furthermore, additional examples are the April 2018 raid on Usafi mosque to arrest suspects in the murder of Magara which left two adults and three children dead as some victims told HURIPEC, as well as the shooting dead of a man and his son on 9 December 2017 in Sembabule District during a land eviction.

Other incidents noted included the fracas on 10 April 2018, as plain-clothed men assisted by police brutally re-arrested Dr. Ismail Kalule from the International Crimes Division court in Kampala even when he did not attempt to resist arrest. Kalule had been granted bail by Justice Moses Mukiibi after spending several years on remand without trial. The judge had warned security operatives against re-arresting people within the court premises. On 7 November 2017 similar force was used while re-arresting Ahmad Senfuka and Umar Maganda at Nakawa Court after they had been granted bail on charges of murdering Kaweesi, his body guard and driver.

In October 2017, police officers commanded by the then Deputy Commander of Flying Squad, ACP Francis Olugo, used excessive force to arrest four Forum for Democratic Change (FDC) mobilisers for allegedly organising a political meeting in a hotel in Mbarara town. The four were stuffed into a car boot and driven to Nalufenya Police Station in Jinja.

152 Interview with a victim in Eastern Uganda in March 2018.
153 Section 2 of the Criminal Procedure Code Act states that: If a person forcibly resists the endeavour to arrest him or her, or attempts to evade the arrest, the police officer or other person making the arrest may use all means necessary to effect the arrest. Nothing in this section shall be deemed to justify the use of greater force than was reasonable in the particular circumstances in which it was employed or was necessary for the apprehension of the offender.
154 Interviews with victims of Usafi mosque raid in Kampala conducted in July 2018.
A victim of police excessive force narrated how he was arrested on the way from home:

A vehicle stopped right next to me in the middle of the road. A man in civilian clothes jumped out and quickly held me by the hand. He then spoke on phone saying ‘we have arrested him.’ Other men joined him and pushed me down and stepped on me while pointing a gun at me. I was confused; not understanding what was going on. They called for five more cars and two police patrol vehicles. They pushed me in the car and drove me back home. They searched my house saying they were looking for the guns that killed Kaweesi. After the search they took me back into the car where one of them squeezed my penis. They drove me up to Naguru from where they put me in a Toyota Noah car blindfolded me and drove away in the night.\(^{159}\)

Other similar incidents were in Soroti, where police beat up victims of a land dispute between sitting tenants and Soroti University before arresting them for resisting what they called unfair eviction. The land dispute was still yet to be determined by court.\(^{160}\) The arrest of the Makerere University Guild President, Papa Were Salim, who was held by three policemen as one pulled his tie was another example cited.

Many of those arrested by the UPDF-FPF in Busia and Kasese Districts spoke of having been severely beaten during arrest even when they had not resisted. A lady in Sigulu Island in Namayingo district narrated how she was beaten as she pleaded with a soldier who had apprehended her for allegedly owning an undersized boat which was burnt. She said that even when she knelt down to plead with the soldier not to beat her, he continued beating her until she was pushed into the soldiers’ boat.\(^{161}\) Another victim in Kacanga Landing Site in Masaka district was beaten during arrest for obstructing plain clothed soldiers who were breaking legal boats.

It was on Friday 11 August 2017 at around 9am when I found the UPDF-FPF based in Kalangala breaking what they called illegal boats at the lake shore. In total, 20 boats were broken and the soldiers left. A few minutes later, plain-clothed security operatives in UPDF reflectors, travelling on an un-numbered boat arrived and started breaking more boats that the UPDF Marines had spared confirming that they were legal. This caused concern among the locals and that is when I stepped in and asked them to stop breaking the boats. They immediately called back the UPDF-FPF claiming the locals had surrounded them armed with machetes. The UPDF-FPF responded in readiness for war; pounced on the three of us: Hajji Muhamad Samula, one Muyankore man known as Moses and I beating us seriously as they demanded to know who we were. The moment I said my name they intensified the beating saying we were the people killing their colleagues in Somalia. We were arrested but Moses was subsequently freed and the two of us taken to their barracks in Masaka.\(^{162}\)

A resident in Kasese town also reported a February 2018 incident in which he was

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159 Interview with a victim in Wakiso in June 2018.
160 Interview with victims in Soroti in July 2018.
161 Interview with a lady victim in Sigulu Islands in April 2018.
162 Interview with a victim in Masaka in April 2018.
arbitrarily arrested and severely beaten by soldiers who accused him of being a *kirumira mutima* (hard-hearted). He narrates thus:

*I was called by someone to go to a clinic and see my friend who had got an accident. On reaching there, a soldier stopped me and asked for my national identity card. Another soldier said ‘this is a kirumira mutima take him to the mess’. I was tied kandoya and they started beating me. I pleaded with them in vain. They poured water on me; beat me until I became unconscious. In the night they carried me and dropped me at the Central Police Station where the police untied me and detained me in the cells. I was in a bad shape prompting the detainees to tell the officer in charge to get me out before I died. One of the police officers even asked his colleague why he had allowed me in my condition to be detained in the cells. Upon request, I gave them my wife’s phone number and she came to the station with the LC1 chairman. I was later admitted to Kilembe Hospital for two weeks with spinal injuries.*

A torture survivor in Kasese who was severely beaten by UPDF solidiers patroling the town on accusations that he was a wrong charater. (Photo by HURIPEC)

**Handing over suspects to police**

The laws on arrest require any private person to hand over anybody arrested “without unnecessary delay” to a police officer. Where there is no police officer, the private person must hand over the arrested person to a nearest police station.

However, the lack of a definition of who a private person is within the law was exploited

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163 Interview with a victim at Kasese town in April 2018.
164 Section 16 (1) of the Criminal Procedure Code Act states that: Any private person who arrests any person without a warrant shall without unnecessary delay make over the person so arrested to a police officer, or in the absence of a police officer shall take the person to the nearest police station.
by security operatives to arrest and keep the detainees, as revealed by the HURIPEC interviews with 50 of such victims of illegal arrest as well as and over 60 documented incidents.

In February 2018, people in civilian clothes arrested a New Vision journalist, Charles Etukuri and never handed him over to police until he was released after six days in illegal detention.\(^{165}\) It was established that several people arrested by security operatives in 2017 were never handed over to police as required by law. In some instances the arresting officers just passed by the police stations with the detainees and left with them. Others were never taken to police up to the time they appeared in court; while others were kept in non-police detention and later brought to police stations but under the control of the arresting individuals or agency but not police. Such detainees were generally not accessed by their relatives or lawyers even when they were at police stations. Besides, they could also be picked at any time and returned to non-police detention.

**Illegal detention**

A person arrested or detained must be kept in a place “authorised by law.”\(^{166}\) However the reference to “authorised by law” is not clearly defined leaving a gap for people to be detained in various places. The government insists that places of detention are published in the official Gazette and that “the places of detention are situated within the buildings of the various Police Stations and Posts spread across the country. The entire police detention cells have been gazetted; just like the stations and police posts. 37% of the Police Stations country-wide have sanitation facilities inside the cells; while 63% have toilets outside the detention facility.”\(^{167}\)

HURIPEC was not able to come across the law requiring government to gazette detention facilities or the government gazette with places of detention to ascertain whether military barracks, places where security agencies operate from such as ISO and CMI are gazetted places of detention. However, it was established that people were detained in military barracks, offices and houses of army commanders, at CMI, places operated by ISO, police containers and booths.

Three women in Lolwe Islands were arrested in April 2018, by UPDF-FPF male soldiers for allegedly being in possession of wire mesh they were using to smoke fish. They were taken to a military barracks in Lolwe where they were detained. One of the victims said:

> They locked us in the house of Captain Sebukeera who was not around at the time and warned us not to sleep on his bed. Later they took us to Jinja in Masese and detained us in an office. Even though I overheard some soldiers saying there was no evidence to pin

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\(^{166}\) See Article 23 (2) of the Constitution of the Republic of Uganda.

us a civilian working with the army called the husband of the woman with whom I was detained, demanding for 1.2 million Uganda shillings so that are not taken to Buikwe and charged. The man raised the money and sent it by mobile money. They gave us only 50,000 Uganda shillings and released us with strict instructions to use a certain route on our way back. We called up our relatives who helped to pay for our transport back home.\footnote{168}

On 30 April 2018, the HURIPEC research team witnessed the detention of four men in a room by UPDF soldiers at Kamuwunga landing site in Lukaya Town Council, Kalungu District. The four were suspected of being involved in illegal fishing. Eyewitnesses said it was common for soldiers to detain people in that room before they would be transferred to Masaka in car boots to be charged.\footnote{169}

While narrating his ordeal of being arrested by the UPDF, taken to police and picked at will by soldiers or security operatives, a fisherman who was arrested with seven others in March 2017 in Namayingo District revealed that “soldiers picked us from police every day at 6am and took us to their barracks to construct their houses. They would bring us back at 6pm and collect us in the morning again for four days.\footnote{170} They had been beaten during arrest and forced to break people’s boats before they were taken to Lolwe Police Station.

The research findings also show that many suspects in the murder of Kaweesi; those picked in the Usafi mosque raid; as well as the Boda boda 2010\footnote{171} were taken directly to CMI where they were later transferred to Kireka Police Station in Kampala after some weeks or months in military detention. While at Kireka they would be picked at will by security operatives and taken back to CMI “for further interrogation.” Efforts by HURIPEC to verify whether they were entered in the station diary did not yield results due to Police’s reluctance to discuss these issues.

Safe houses were also cited in Kyengera, specifically in the detention of the New Vision journalist Etukuri who was detained there for 6 days in February 2018 and one Simpson Birungi, the director of Movit Company who was arrested by ISO in June 2018 and detained in a safe house in Kyengera for several weeks.\footnote{172}

\footnote{168} Interview with a victim in Lolwe Island in July 2018.
\footnote{169} Visit by HURIPEC at Kamuwunga landing site in April 2018.
\footnote{170} Interview with a victim in Namayingo in March 2018.
\footnote{171} Boda Boda 2010 a controversial motor cyclist commercial transport organisation headed by Abdullah Kitaata was the untouchable group allied to the Uganda Police Force to the extent that the Former IGP Kale Kayihura praised them on several occasions for helping secure the country. Some people allege that was a gang of vigilantes, who ventured into crime but were protected by the authorities because they openly subscribe to the ruling NRM party. That they were also the foot soldiers who disrupt opposition rallies, hound and beat up opposition supporters to create breathing space for the ruling party. However, their hooliganism came to an end when their patron was arrested along with other members for murder and other crimes. See, Nicholas Sengooba (2018) ‘Understanding the rise and fall of Boda Boda 2010’ New Vision. 23 January 2018. http://www.monitor.co.ug/OpEd/columnists/NicholasSengooba/Understanding-rise-fall-Boda-Boda-2010/1293432-4273758-11mxmscz/index.html [Accessed on 4 January 2019].
\footnote{172} See: Movit proprietor arrested over murder, New Vision Tuesday June 12 Pg.7.
Violation of the 48-hour rule

The Constitution of Uganda provides that any person arrested or detained must be brought before courts of law as soon as possible but not later than forty eight hours from the time of arrest.\footnote{173}{See Article 23 (4) of the Constitution of the Republic of Uganda.} This was found to be the most abused provision of the constitution by the police and the other security agencies. The provision was vehemently opposed by the former Inspector General of Police, Gen Kale Kayihura who used every opportunity to speak against it. It was unclear if this was his personal opinion or the institutional position. In spite of the change in the police leadership in March 2018, the violation of this constitutional provision persisted. In some instances it was committed with impunity or flimsy excuses such as transport, waiting for the files to be sanctioned by the Directorate Public Prosecution, lack of enough manpower and many others were given by police.

Victims detained at both Nalufenya Police Station, Special Investigation Unit (SIU) at Kireka and CMI between March 2017 and June 2018 all talked of people being detained beyond the stipulated time. For example, HURIPEC followed up criminal case number AA 0094/2017 that was before Mukono magistrate court and found out that the eleven accused persons were arrested in March, April and May 2017. They did not appear in court for plea taking until 8\textsuperscript{th} August 2017 when they were produced before a magistrate in Mukono and charged with aiding and abetting terrorism as well as belonging or professing to belong to a terrorist organization. Some of the accused were arrested with their spouses and children who do not appear on the charge sheet.

A former detainee at Nalufenya Police Station from April to May 2017 said they were about 200 people there including three Rwandese that had spent a year; as well as other Ugandans who had spent there more than five months on charges of theft. He claimed one room had approximately 113 detainees; another cell had 80; while a small cell had nine others. He said he had witnessed the visit of the Chairperson of Uganda Human Rights Commission but some of the detainees had been moved before his arrival and returned later\footnote{174}{Interview with a former detainee in March 2018.}. A woman detained in Nalufenya for one month said she had seen a pregnant woman there as well as a mother with a six month baby detained for more than one week.

A former detainee at SIU Kireka Police Station for three weeks said he had in June 2018 met 31 people including Indians who had spent five months in detention. HURIPEC also learnt from a former detainee in Mbuya of more than 25 people who had been detained there during March and May 2017 for more than a month.

In some instances the abuse was motivated by outright extortion of money by police from relatives of those in custody especially when they did not know the procedure as
well as civil matters like debt recovery. A victim of such extortion in February 2018 in Kasese said:

_In the night men came home and one of them identified himself as Kapere. He was with another one called Kabwama. They grabbed me and put me in their car and took me to Railway Police Station. Kapere said I was a thief who had stolen someone’s three million Uganda shillings. My explanation that we had a joint business that had encountered problems fell on deaf ears. Even when I promised to pay, Kapere did not listen. The two beat me every day for four days demanding for the money. On the fifth day they called my business partner and Kapere told me to write an agreement to pay. We agreed on the terms but he Kapere demanded for 500,000 Uganda shillings to release me. He rejected the 150,000 Uganda shillings that had been raised by my father and my wife demanding for the full amount. After two days, my people brought 250,000 Uganda shillings which I begged Kapere to accept. He cautioned me to pay my business associate and released me at around 5pm._

More than 15 victims from various parts of the country narrated how they had been detained at Nalufenya Police Station beyond the constitutionally stipulated time. A review of the police bond forms issued to those released, as well as those forwarded to court revealed that on average people were detained between one month and a year at Nalufenya. Those released on bond said they never went back after reporting to various police stations and police never bothered to follow them up.

**Other related abuses**

Any person arrested and detained is supposed to be told immediately in the language he/she understands the reason for arrest and detention; his/her family has to be informed and he/she must access a lawyer and medical personnel of his/her choice. However, the study established that these rights were not always respected and fulfilled by both police and other security agencies in the period in issue. Suspects were generally not told the reason for their arrest and were denied access to their relatives and lawyers. A victim arrested in western Uganda in 2017 told HURIPEC that security operatives went to his home, searched and arrested him:

_They put me in the car and along the way blindfolded me until stopped at a place and I heard the gate being opened. They put me in the room from which they took me after two days for questioning. They asked me whether I knew why I had been detained and when I said I did not know, they said I had killed Kaweesi. I was shocked because I did not know anything._

Several interviewees said they were neither allowed access to their people nor their people informed of their whereabouts.

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175 Interview with a victim in Kasese in April 2018.
176 See Article 23 (5) of the Constitution of Republic of Uganda.
177 Interview with a victim in May 2018.
A lady detained in Nalufenya equated detention there to being in a grave:

*That place!! Subhanallah (Glory be to Allah). You don’t know what is going on, you don’t hear from your people. You can die there and your people will never know. No one will call your people to let them know that you are dead.*\(^{178}\)

Relatives of some detainees told of being intimidated by police or security operatives whenever they tried to find out the whereabouts of their relatives. In June 2018 relatives of a person who had been summoned by police but got detained for two and half months were threatened with arrest by police officers at Kampala Central Police Station, if they dared return there asking about that person. They said they feared to go back until the release of their relative in August 2018.

The lack of effective monitoring mechanisms with unfettered access to all detention places in the country worsened the situation. Even though UHRC had the mandate to visit detention places, HURIPEC did not find evidence to show that it had access to detention places of other security agencies apart from police. Many of the former detainees said they did not see any human rights body visiting the detention places to establish their conditions and that the ones to police units were supervised by the police. A former detainee at Nalufenya said when the Chairperson of UHRC visited the facility detainees were not given an opportunity to talk to his team in confidence.

*The security agents were all over to hear what we were saying. Some of the detainees had earlier been taken away and returned after the chairman had left. I don’t think they had a clear picture of what was transpiring in Nalufenya.*\(^{179}\)

**Arrest and detention of children**

A disturbing finding was that arbitrary arrest and detention of children by security agencies was on the rise. This happened mainly among the Muslim communities who were alleged to be involved in child trafficking and radicalisation. In March 2017, over a dozen children, including a two-year-old\(^{180}\), were picked from their father’s home in Nambale in Mukono District by plain-clothed security agencies two days after the arrest of their father, Sheikh Mbaziira and his two wives, Hadijjah bint Salim and Aisha Ampire. The three were arrested three days after the murder of Assistant Inspector of Police Andew Felix Kaweesi, his bodyguard and driver. The women were released six days after detention without charge, but could not trace their children.

The police spokesperson told HURIPEC in November 2018 that the children were taken to a gazetted home “because we were not sure whether these were Mbaziira’s children” adding that they wanted to ensure that they are safe. He explained that the screening of the children took 51 days to ascertain whether these were the real parents.

\(^{178}\) Interview with a former detainee in Nalufenya in March 2018.

\(^{179}\) Interview with a former detainee at Nalufenya in March 2018.

However he did not reveal the gazetted home where they were kept. He said that “some of children was found out that Sheikh Mbaziira was not their father.

In April 2018, almost a year later, Police said they had “rescued” over 60 children from Usafi mosque during the raid in search for the suspected killers of Suzan Magara a daughter to a prominent businessman in Hoima.

The Police Spokesperson told HURIPEC that: “There were so many people in that mosque. We found women and children. Children and women were rescued from the people who holding them against their will.”

However, HURIPEC research showed that 68 boys, 54 girls and 63 women were picked from and outside the mosque. Some of the children were picked with their parents and relatives from their houses and later detained at Nsambya Police headquarters were they held for almost a month. Police documents ordering the release of a some of the people arrested during the Usafi raid, ordering their release with their children were seen and when presented to the Police spokesperson he said: ‘we rescue children we don't arrest them’.

In October 2018, plain clothed security personnel arrested Hamuza Mwebe with his wife and child from Lubya parish in Rubaga division Kampala District. Hamuza’s name later appeared on charge sheet of people accused of ADF links but was not in court. It was established the wife and the child were released after several weeks of detention. In May, 2017, UHRC expressed concern over a detainee in Nalufenya police station who had been denied access to her 7 month baby to breast feed her.

### Violation of the right to orders of habeas corpus

The right to an order of habeas corpus is a non-derogable right entrenched in the Constitution of the Republic of Uganda. Article 23 (9) of the Constitution provides for this right as one that is inviolable and one which “shall not be suspended.” This right is further protected under Article 44 which lists it among the four rights and freedoms from which no derogation is allowed.

Courts in Uganda have expounded on the meaning of this right to wit: **Balidawa Muhamed v. The Officer In Charge Of Kigo Government Prison and Others**, where the court made the following observations:

> **Usually writs for habeas corpus are used to review the legality of the applicant’s arrest, imprisonment and detention. Therefore the purpose for filing an application for habeas corpus is to challenge the authority of the prison or jail warden to continue holding the applicant. The application is used when a person is held without charges or is denied**

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183 Others include freedom from torture, cruel, inhuman or degrading treatment or punishment; freedom from slavery or servitude; and the right to fair hearing.
due process. Habeas corpus proceedings are meant to ensure that a prisoner can be released from unlawful detention i.e.; detention lacking sufficient cause or evidence or detention incommunicado. The detention must therefore be forbidden by the law.\textsuperscript{184}

Relatedly, the Supreme Court of Uganda has commented on the right to habeas corpus as a guarantee for personal freedom since it questions the legality of restraint.\textsuperscript{185}

In spite of the above, the findings point to increasing violation of the right to habeas corpus by Ugandan security agencies, especially in the year 2018. Between January and June 2018, for example, over four orders/writs of habeas corpus were issued against security agencies but were never respected. Following the issuance of the writs, three of the four subjects of the applications\textsuperscript{186} were on different dates, in 2018, paraded before the UPDF’s Unit Disciplinary Committee and charged with offences of illegal possession of firearms, failure to protect war materials, interfering with the process of law and espionage. Contrary to the guarantees of a fair trial, the tribunal did not allow the relatives and lawyers of the suspects as well as the media, to attend the proceedings.

The fourth application was outrightly abused by ISO when on 19 June 2018, High Court Judge, Musa Sekana, issued an order to release Mr. Simpson Birungi who had been detained for more than 48 hours without being produced in any court.\textsuperscript{187} According to media reports, Mr. Birungi was being detained in an ungazetted facility in Kyengera, a Kampala suburb.\textsuperscript{188} The release order issued by court was ignored and ISO continued holding Mr. Birungi incommunicado. When the Spokesperson of the Directorate of Public Prosecution, Jane Okuo Kazuga was asked by the media why this was continuing she said: “…they have no powers to direct the army because the law bars them. She said they can only direct police.”\textsuperscript{189}

Beside the disregard for the writs of habeas corpus, this study also found a common practice of Police disrespecting court orders issued by Magistrates pursuant to Section 25 (3) of the Police Act. Section 25 (3) of the Police Act empowers any person to apply to the Magistrates Court, within 24 hours, for the release of a person who has not been charged within 48 hours after arrest, released on bond or transferred within seven days to a place where the offence was committed.


\textsuperscript{185} See IN THE MATTER OF A REFERENCE FROM HIGH COURT OF UGANDA AND IN THE MATTER OF SHEIK ABDUL KARIM SENTAMU AND ANOTHER. CONSTITUTIONAL REFERENCE NO. 7 OF 1998 (Arising from High Court Ruling of 8/7/98 by Hon Justice J.P.M. Tabaro, in Misc. Cause No. 495 of 1998).

\textsuperscript{186} That is: Col. Ndahura Atwooki; Abdullah Kitata and Rene Rutagungira, a Rwandese national.


\textsuperscript{188} ibid.

\textsuperscript{189} See: We cannot direct army on Movit boss-DPP by Micheal Odeng and Farooq Kasule New Vision Thursday June 28 2018.
A Kampala-based lawyer told HURIPEC that his client, a State House employee, had been detained at Nalufenya Police Station for four months during which he was subjected to cruel treatment and a court order he secured for his release was ignored by police. He said:

*His finger nails were pulled out and one of his small toes cut off. In April 2017, I secured an unconditional release order from Buganda Road Magistrate Court under section 25 (3) of the Police Act and provisions of the Constitution. I served it to the legal officer of police but no one was willing to take responsibility in ensuring that the order is implemented. Some police officers were telling me that they had to verify the order. It surprised me that the Police had started verifying court orders. I eventually wrote to the IGP, then Kayihura warning him of the consequences of police not adhering to court orders. I copied in the Chairperson of the Uganda Human Rights Commission and the Attorney General. I was surprised that within 24 hours after delivery of the letter, I received a call from my client’s sister telling me that her brother had been produced in Makindye court on charges of theft and granted bail.*

Based on his practical experience, the lawyer’s assessment of the situation in the country was that the Police was increasingly disrespecting court orders. Yet, according to him, “Court orders should not be subjected to police’s discretion”, instead, police should simply implement them. He described the situation as police unconstitutionally usurping the powers of court.

In November 2017, police in Rukungiri refused to honour an order from a magistrate to release Tweyambe Robert Baguma Darius, an FDC official who had been detained for nine days without charge. Tweyambe had been arrested with two others for obstructing Flying Squad as they carried out their work and transferred to Kireka Police Station. Tweyambe’s lawyer secured a release order from Rukungiri magistrate court. When he was returned to Rukungiri, the order was served on the DPC who said “the orders from above doesn’t permit me to release you.” He was later charged with malicious damage to property, assault of a police officer on duty and unlawful assembly and granted bail.

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190 Interview with a lawyer in March 2018.
191 Interview with a Forum for Democratic Change official in Rukungiri in June 2018.
VIOLATION OF THE RIGHT TO A FAIR HEARING

The right to fair hearing is provided for under international law;\textsuperscript{192} with a number of declarations, principles and rules detailing elaborate processes to ensure fairness. In addition, the Constitution of Uganda provides Articles 28 and 44 (c), a package of guarantees for the realisation of this right.

The Constitutional Court of Uganda has emphasised that a trial cannot be considered to be fair if any of the elements of the package of a fair hearing is denied: “… article 28 of the Constitution is a package of protections to accused persons in order to guarantee them a fair hearing. If anyone of them is denied, then the trial cannot be said to be fair. Article 44 (c) of the Constitution states that a right to a fair hearing is absolute. It must never be denied in any circumstances whatsoever.”\textsuperscript{193}

The research established that in the period in issue, less attention was being paid to the realisation of this right especially under the criminal justice system. The unlawful conduct of security agencies, especially police and the army, during the pre-trial detention of suspects was negatively impacting on the fulfilment of the right to fair hearing as envisioned by Article 23, 28 and 44 (c ) of the Constitution of Uganda.

It was established that by the time suspects were brought to court, many of their rights that would ensure a fair trial would have already been violated. There were no deliberate efforts, by those responsible for arrest, detention and production of suspects in court, to inform them of their rights as stipulated in the package of protections. A case in point was where some did not get to know the charges against them until they appeared in courts; which was the case with some people arrested in 2016, 2017 and 2018 who said they got to know from the court interpreter.

HURIPEC interviews in March and June 2018 with two different victims; one held by police for over a month in Nalufenya and another by CMI in Mbuya for two months, revealed how they got to know of the alleged murder charges against them the day they appeared before a magistrate in Nakawa. The detainee from Mbuya said he was never interrogated at all on the murder of his said victim all through his detention. He said instead he was accused of engaging in subversive activities. However, he said he was shocked to hear murder charges being read to him the day he was taken to court. The Nalufenya suspect said he was continuously questioned and beaten by policemen during interrogation about the connection between a local leader in western Uganda with a former security minister. He said his tormentors had told him he would be

\textsuperscript{192} See Article 10 and 11 of the Universal Declaration of Human Rights. See also Article 14 of the International Covenant on Civil and Political Rights, Article 7 and 26 of the African Charter on Human and People's Rights.

Abuse of Civil and Political Rights in the Era of Kisanja Hakuna Mchezo

getting released, only to appear in court charged with murder alongside strangers.

There were instances where accused persons raised concerns over the torture they had been subjected to during pre-trial detention but the magistrates paid no attention. Section 25 (4) of the Police Act requires a Magistrates to order for an investigation where a complaint of torture is made. On 1 June 2018, for example, suspects in the Magara murder trial complained of torture before the Grade One Magistrates, Charles Yetise of Buganda Road Court but no order was made.

The suspects’ complaint was presented thus:

*Your worship, we were kidnapped from our mosque in Kisenyi by plainclothes operatives and some of our colleagues were shot dead. We were taken to safe houses, where our money was taken from us. We were put at gun point to confess to the murder of Magara, whom we do not know. We are sick and coughing blood but no serious treatment has been given to us. Therefore, we are seeking the intervention of this court.)*

In response, however, the magistrate simply advised them to engage their lawyers, noting that the lawyers “know what to do.”

On 19 May 2018, nine suspects appeared for plea taking at Buganda Road court in a process that lasted only ten minutes before they were whisked away. Their relatives and lawyers were not in court and the accused had not been given a chance to communicate to them. In other cases security operatives and lawyers blocked people from accessing courts especially when opposition politicians were being produced in court. In June 2016, FDC’s Dr. Kizza Besigye was denied access to his lawyers, right from the day he was first charged with treason in the Moroto Magistrates Court to later dates when he appeared before the Nakawa Magistrates Court. Interviewees also complained about the emerging practice of producing accused persons in court while shackled and handcuffed, which was becoming common, during Kisanja Hakuna Muchezo.

Speedy trial

A speedy trial, which is a key component of the elements of a fair hearing was noted to have become a far-fetched ideal in Uganda and HURIPEC found that the vulnerable were suffering disproportionately when courts took long to resolve matters. This was mainly attributed to the government’s reluctance to invest heavily in recruiting more judicial officers to handle both criminal and civil matters. The Chief Justice on numerous occasions called on government to increase the number of judicial officers in order to deliver justice quickly. Records at the Judiciary show that as of January

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194 See Police Act section 25 (4).
195 See Jailed suspects claim they were tortured by security agents Magara murder: Court issues warrant of arrest against Pato Saturday Vision 2 June 2018 pg. 3
196 See 9 charged with Magara murder New Vision 20 May 2018 pg. 3
2018, there were 11 judges of the Supreme Court;\textsuperscript{198} by March 2018 there were 15 judges of the Court of Appeal / Constitutional Court of which two were on special assignment;\textsuperscript{199} and 59 judges of the High Court as of March 2018 of which eight were on special assignment.\textsuperscript{200} Special assignment implied that the judges were not actively adjudicating in court. There are also 257 magistrates.\textsuperscript{201}  

In some parts of the country, the number of magistrates and judges was not enough for cases before court to be handled expeditiously. A human rights officer privy to the operations of the justice law and order sector in Hoima said: “One judge handles the entire Bunyoro region and he is based in Masindi. One Magistrate has to hear cases in Biiso and Buliisa and these places are far apart, so he goes to Buliisa twice a week. Kakumiro has no State Attorney.”\textsuperscript{202}  

The inadequate number of judicial officers to deliver justice quickly as well as the government’s reluctance to address the matter was denying several Ugandans the opportunity to enjoy the right of a speedy hearing as enshrined in Article 28 (1) of the Constitution of the Republic of Uganda. Over 37000 cases have not been attended to, according to the judiciary.\textsuperscript{203} 

In Kijaayo Muziranduru, Munteme Parish in Kiziranfumbi Sub-County in Hoima District, for example, HURIPEC found 151 families living in a camp after they had been evicted from the land they occupied in 2012. They had filed a civil suit in Masindi Court under reference number HC 0038/2012 challenging their eviction. Their representative revealed that they had been waiting for the judgment for the past one year and eight months.\textsuperscript{204} However, at Masindi High Court registry it was established that the matter had not even been scheduled and so the hearing has never started. The land under dispute is now occupied by Hoima Sugar Limited.

\textsuperscript{198} See List of Honorable Justices of the Supreme Court \url{http://www.judiciary.go.ug/data/incourt/3/The%20Honourable%20Justices%20of%20the%20Court%20of%20Uganda.html} Accessed on 15 October 2018.  
\textsuperscript{199} See Honorable Justices of Court of Appeal \url{http://www.judiciary.go.ug/data/incourt/18/The%20Honorable%20Justices%20of%20the%20Court%20of%20Appeal.html} Accessed on 15 October 2018.  
\textsuperscript{200} See Honorable Judges of the High Court \url{www.judiciary.go.ug/data/incourt/16/The%20Honorable%20Judges%20of%20The%20High%20Court.html} Accessed on 15 October 2018.  
\textsuperscript{201} \url{http://www.judiciary.go.ug/data/smenu/91/1/Judicial%20Officers.html}.  
\textsuperscript{202} Interview with human rights officer in Hoima in June 2018.  
\textsuperscript{204} Interview with the displaced people in Kijaayo village Hoima District in June 2018.
Some of the makeshift shelters in Kijaayo Muziranduru, camp in Munteme Parish, Kiziranfumbi Sub-County, Hoima District where displaced people are residing pending hearing of the matter filed in Masindi High Court.

In Namisindwa, Sironko and Mbale Districts, HURIPEC interviewed communities surrounding Mt Elgon National park who were still awaiting the High Court to determine their case with UWA filed in 2002 over disputed boundaries of the park. As they wait for the court decision, UWA with the support of government agencies, continue to kill, chase, beat, detain community members and destroy their gardens accusing them of trespass into a protected area. Similarly in Bufumbo village, in Mbale Municipality over 800 families were evicted in February 2018 by Uganda Investment Authority (UIA) even before the matter was resolved by court and the land handed over to a Chinese company to create an industrial park. President Museveni launched the project on 11 March 2018 and warned the remaining squatters to vacate government land. Some of the affected persons HURIPEC talked to expressed unhappiness about the way the court had taken long to resolve their matter. The victim said:

**Last year the government officials came here with police. Anite (State Minister of Finance for investments and privatisation) was also here. She told us to accept the compensation they were giving us. She told us not to be like the people of Noah who**

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were told to board the boat but just laughed it off and by the time they wanted to, it was too late. She told us that government has a powerful hand and we will not manage. We are not against development but all we want is adequate compensation. 206

In Aputoni village, Aloet parish, Arapai Sub-County, Soroti district, residents suffered human rights abuses as a result of eviction from land that is claimed by Soroti University. They filed a matter in court but it had never been resolved. In June 2016, over 1000 inmates of Jinja central prison threatened to strike over delay of hearing of their cases. 207

Right to a lawyer

Accessing a lawyer of one’s choice is an element of the right to fair hearing. However, the cost of engaging lawyers in Uganda remained exorbitantly high which makes the right a fantasy to majority of Ugandans. The April 2018 pronouncement on revised rates for lawyers by the Law Council in Uganda was likely to worsen the situation. 208 Under the new rates, representation in a criminal matter will cost a minimum of 2 million Uganda shillings (approximately 500 US dollars).

It was also found that unscrupulous court officers were soliciting money from accused persons and their relatives, taking advantage of their lack of awareness about the right to a lawyer or due to their inability to afford one. It was noted that this was very common in the magistrates courts.

In August 2018, HURIPEC researchers witnessed an incident at Buganda Road Court in Kampala, where an accused person was told to plead guilty to an offence in exchange for closure of the matter. The accused was appearing the second time after he had been remanded to Luzira prison for two weeks. When he declined, the magistrate sent him back to the cells with the advice: “When you make up your mind you will come back in the afternoon.” The relatives later solicited money to be paid court officials allegedly to work “on his issue.” The relatives of the accused provided some money and some court officials advised the accused to plead guilty, which he did. He was convicted and sentenced to caution.

A growing phenomenon was noted in 2018 of the UPDF not involving the Justice Law and Order Sector in determining who should be charged before the civilian court or the court martial. The UPDF FPF was given the powers to determine where the arrested persons should be charged from; write the charge sheet and deliver them to court. In Masaka and Namayingo Districts, the study established that charges were determined by soldiers who also deliver suspects to court. A police officer in Eastern

206 Interview with the victim in Mbale in March 2018.
region revealed in August 2018 that police had no role in handling the people brought to court on matters of illegal fishing. “Those army men are uncooperative,” he said.

In Masaka a man said he was arrested by the army from the shores of Lake Victoria and taken to the military barracks in Masaka where he wrote a statement. He said his file was prepared and taken directly to court where he was charged. It was also learnt that special courts had been created to specifically handle suspects of illegal fishing. People who interacted with these courts said they acted under the influence of the UPDF soldiers and that was why all the people that appeared before them pleaded guilty.
FREEDOM OF ASSEMBLY AND ASSOCIATION

The right of peaceful assembly is a universally accepted right provided for under Article 21 of the ICCPR, Article 11 of the European Convention on Human rights and Article 11 of the African Charter on Human and Peoples Rights. At the domestic level, Article 29(1)(d) of the 1995 Constitution of Uganda states that everyone has the freedom to assemble and to demonstrate together with others peacefully, unarmed and to petition. The right to assembly is also guaranteed under Principle XIV of the National Objectives and Directive Principles of State Policy in the Constitution of Uganda.

The Constitutional Court nullified Section 32 (2) of the Police Act that empowered the Inspector General of Police to prohibit assemblies, in Constitutional petition no. 9 of 2005 Muwanga Kivumbi versus Attorney General, in 2013 Parliament enacted the Public Order Management Act (POMA) which gave police legal basis to limit the right to assemble. The Act places a significant bureaucratic burden on those wishing to organise or host gatherings and affords the UPF wide discretion to prevent or disrupt gatherings.

In the report to the 38th session of the Human Rights Council (A/HRC/38/34), the Special Rapporteur identified the following global trends with regard to the exercise of the rights to freedom of peaceful assembly and of association: (a) the use of legislation to suppress the legitimate exercise of freedom of peaceful assembly and of association; (b) the criminalisation of, and indiscriminate and excessive use of force to counter or repress, peaceful protest; (c) the repression of social movements; (d) the stigmatisation of and attacks against, civil society actors; (e) restrictions targeting particular groups; (f) limitations on rights during electoral periods; (g) the negative impact of rising populism and extremism; and (h) obstructions encountered in the digital space.

Indeed it was observed in the *Kisanja Hakuna Muchezo* period that police disrupted peaceful assembly mainly for political opponents and critics of the government. A

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209 See Section 32 (2) of the Police Act Power to regulate assemblies and processions which provides:
(1) Any officer in charge of police may issue orders for the purpose
of— (a) regulating the extent to which music, drumming or a public address system may be used on public roads or
streets or at occasion of festivals or ceremonies; (b) directing the conduct of assemblies and processions on public roads or
streets or at places of public resort and the route by which and the times at which any procession may pass.

(2) If it comes to the knowledge of the inspector general that it is intended to convene any assembly or form any
procession on any public road or street or at any place of public resort and the inspector general has reasonable
grounds for believing that the assembly or procession is likely to cause a breach of the peace, the inspector general
may, by notice in writing to the person responsible for convening the assembly or forming the procession, prohibit the
convening of the assembly or forming of the procession.

(3) The inspector general may delegate in writing to an officer in charge of police all or any of the powers conferred
upon him or her by subsection (2) subject to such limitations, exceptions or qualifications as the inspector general
may specify.


211 UN Special Rapporteur on the rights to freedom of peaceful assembly and of association.
number of cases were documented showing that the police stopped assemblies, civic and other gatherings. In instances where police was informed as per the requirement of section 5 of the POMA, it was found that they provided no official response to requests to hold public meetings and went ahead to prevent or disrupt them as highlighted below.

After the 2016 general elections, the police cited its legal powers of “preventive arrest,” allowing them to remove and detain persons to prevent them from committing a crime, as well as the POMA to harass opposition leaders. Police held under preventive arrest, several opposition leaders that were attempting to hold meetings and other events, generally releasing them the same day. Police often prevented Dr. Besigye and other opposition leaders from participating in political events by confining them to their residences. When police allowed Besigye to leave his home, they often arrested him to prevent him from meeting supporters or party officials. In particular, police often disbanded peaceful protest meetings, including prayer groups and arrested protest organisers during the FDC’s ‘Free My Vote’ campaign, which was calling for an independent audit of the 2016 presidential election results.

On 29 April 2016, the head of the Constitutional Court, Deputy Chief Justice Steven Kavuma, issued an order prohibiting the FDC from organising “demonstrations, processions, other public meetings, media campaigns or pronouncements including but not limited to planned demonstrations or processions scheduled for May 5 or any other day among other orders.” This was after the FDC party had called for nationwide protests to contest the outcome of the presidential election on 5 May 2016. Indeed, Daily Monitor newspaper reported that police had arrested 88 opposition supporters on 6 May 2016, for participating in banned demonstrations.

On 24 November 2017, police in Rukungiri District dispersed FDC supporters who had gathered in a stadium waiting for their presidential candidate Hon. Patrick Amuriat. He was campaigning ahead of the elections for party president, in the company of Dr. Besigye and other party members. Coincidentally, the FDC party campaigns were held at the same time that the Age limit campaigns were going on. In an interview, FDC district leader said:

We organised a rally and Hon. Amuriat Patrick the current FDC party president came to campaign in the company of Dr. Besigye and other party members. The rally was cleared by the Municipal Council to be held at the stadium but to our surprise when

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212 POMA Section 5(1) states that: An organizer shall give notice signed by the organizer or his or her agent to the authorized officer of the intention to hold a public meeting, at least three days but not more than fifteen days before the proposed date of the public meeting.


we went to Kahengye centre to pick the team, the police decided to guard the stadium which we had fully paid for. When we consulted the RDC Mr. Emona he said ‘I can't permit you to hold this rally because of orders from above. If you want to continue with the consultations, get a room somewhere in town and consult after all delegates are not many here so you don't need the entire stadium for that.’ Hon. Amuriat was cleared by the IGP to look for support all over the country and in that letter given to him, rallies were part of the activities accepted by the IGP so it wasn’t restricted to closed door meetings… the police resorted to using teargas and live bullets to disperse the crowds and in that scuffle, Kakuru Edson from Ruhinda Sub-County was shot dead and 5 other people injured. ‘The Uganda Police Force is focused more on regime protection but not protecting the rights of the people of Uganda.  

In some instances police was informed in time about the planned assembly, but would not respond. However, they were very quick at dispersing the gatherings. It was further established that police intimidated and threatened people not to attend political assemblies organised by other political parties other than the NRM party. The leader of FDC party in Mbarara District in an interview in April 2018 said:

Here in Mbarara, we are not free at all to assemble... When we want to hold rallies we inform the DPC, DISO and the RDC in time but they keep quiet until the day of the assembly to come chasing us. Even when we try going to the villages, they block us. Our rally organised last month in the village in Bugamba Sub-County to celebrate Hon. Kyamadidi's cross over from NRM to FDC was stopped. Even after writing a letter to all the relevant bodies including the IGP, police deployed heavily and dispersed us with tear gas. Last year, we paid 2.5 million Uganda shillings to Golf Club to hold a rally in Boma grounds to campaign against the age limit and even wrote informing the police. However, they came and dispersed us. In contrast, our NRM counterparts were allowed to move around town in November 2017 in support of the age limit while we were dispersed three times by the DPC and his men. Currently there is nothing more we can do since they cannot let us organise anything.

Section 4 (3(a) of the POMA gives permission to leaders to hold meeting in their offices. However, the FDC party leader of Mbarara District said police took it upon itself to prohibit all the meetings he convened in his office. He said:

Even when we are having meetings at our office, we are being chased so we have resorted to having meetings without phones because of spies amidst us who inform police when we are having meetings.

Under Section 4 (2 (e) of the POMA a public meeting does not include a meeting

215 Interview with the FDC district leader in Rukungiri district in April 2018.
216 Interview with the FDC district leader in Mbarara District in April 2018.
217 Section 4(3(a) states that for the avoidance of doubt, a public meeting convened by a group, body or leader in a group or body at the ordinary of business of the body, group or leader, is not a public meeting under this section, unless the meeting spills over into a public place.
218 Interview with the FDC district leader in Mbarara District in April 2018.
of the organs of a political party or organisation, convened in accordance with the constitution of the party or organization and held exclusively to discuss the affairs of the party or organisation. Contrary to this provision, the UPC consultative meeting in which chairpersons from the Eastern and Northern region had converged to prepare for elections of the new party president at Friends Inn in Mbale town was disrupted when police appeared at the venue. Article 13 (2(5) of the UPC constitution gives the delegates the mandates to hold district conferences in a process of electing a new president. In an interview with the UPC mobiliser eastern region, he said that the DPC interrupted the meeting because he was not informed. The mobiliser narrated that the DPC summoned him in his office and told him: “Mr. Joseph Bosa is not allowed to hold any meeting in Mbale when I am still the DPC of Mbale. I know you so why didn’t you tell me he is coming? Your party has problems and what if he is killed. Do you want me to lose my job? Go tell him to leave immediately… do you want to spoil my bread, will you give me a job? I am working on orders from above…” He said he was given police escort of about 20 police men and the meeting scheduled to last for six hours was reduced to two because of police interference. Even though the police officers acknowledged that the meeting had been peaceful, they told him they had no option but to follow orders.

In Kitgum District, the leaders took it upon themselves to determine who would hold an assembly in their constituency and who would not. A senior journalist in the district said:

*During the Age limit consultations, Acholi MPs came to police seeking permission to consult in the Municipality. However Hon. Beatrice Anywar called the police instructing them not to allow the Acholi region MPs to hold the assembly in her constituency without her permission. Hon. Kin Polly Philip (M.P Akwa West) had called the meeting of all MPs but the police refused after consultations with Hon. Anywar. Yet Hon. Margaret Lamwaka (NRM) was allowed to hold the rally and she invited Hon. Okin (Independent) to join her in the consultations. Last year, Hon. Amoi Alfred the FDC district chairperson wanted to hold a rally but was stopped by police. No one was allowed to hold a rally especially the opposition in Kitgum Municipality.*

In Apaa Parish in Amuru/Adjumani, the locals were prohibited from holding any meeting whatsoever in the parish. Police working with the Army and UWA rangers did not allow them to hold clan or village meetings. One of the area local leaders said:

*We are not allowed to hold meetings here and no one is even allowed to drive in.*

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219 Joyce Chemitai, “Police disrupts UPC Mbale meeting,” Daily monitor 17 October 2016, at p.3.
220 Constitution of Uganda people’s congress: Article 13 Section 2 (5) states that the Delegates Conference shall elect the Party President who shall be the leader of the Party and its flag bearer at a general election, such President to be elected from candidates approved by a majority vote of at least one third of all district conferences.
221 Interview with the UPC party mobilizer Eastern Region in Mbale District in March 2018.
222 Interview with a journalist in Kitgum town in July 2018.
Our area leaders are being stopped from coming to talk to us although the government permits meetings to be held in other sub counties.223

The HURIPEC research established that there was fear among the people to even talk about the issues affecting them. This was because many people were arrested the last time such a meeting was held in the village. The sound of a car engine approaching the village not only terrified them but also brought back memories of the previous ordeal.

The fear to assemble or hold meetings freely was also detected in Masindi District, according to a journalist who said the methods police used in managing assemblies which most of the time led to death, left many injured or arrested, had forced people to shun assemblies in fear of the consequences. She recounted:

On 13 June 2017, FDC’s Dr. Besigye was supposed to be here by 4 pm or 5 pm to address the locals but instead came at 6 pm having delayed in Buliisa District. People had gathered and were eagerly waiting for his address. However, when they saw police officers, they all ran away even before they were dispersed.224

Similar fears were expressed in Mbale District where locals shun rallies as a political commentator noted:

We don’t engage in rallies because we realized that when you get in trouble no one comes to your rescue. That is why we fear. If I land in trouble who will come to my rescue? People fear.225

According to local media, between 12 September and 9 November 2017, police dispersed at least 30 rallies protesting the planned amendment of Article 102 (b) of the Constitution to remove age limit for the presidential candidate. Police also arrested at least 170 protesters. On 19 July 2017 local media had reported that police had arrested more than 60 persons, at various venues in Kampala, protesting against the proposed constitution amendment. Police claimed the assemblies were unlawful and detained participants at FSU headquarters for three days before releasing them without charge.226

Police was also accused in Lira District of managing the assemblies in a discriminatory manner since the NRM MPs were allowed to hold joint consultations but the opposition was not. A directive was issued by the Director of Operations Uganda Police Force Asuman Mugyenyi, to all Regional Police Commanders, District Police Commander and Officers in Charge of Police Station to block joint consultative meetings by opposition legislators.227

223 Interview with a local leader in Apaa in July 2018.
224 Interview with a journalist in Masindi town in June 2018.
225 Interview with a Political commentator in Mbale town in March 2018.
A case in point was the 24 October 2017, meeting cited by a journalist who was interviewed which was called by Lira Woman MP Ms. Joy Atim Ongom at Adyel division play ground to consult on the proposed constitution amendment of Article 102 (b) to remove the age limit. It was attended by Dokolo Woman MP Cecilia Ogwal Atim and Otuke woman MP Sylvia Akello, Charles Angiro MP Erute North, Felix Okot Ogong and Jonathan Odur of Erute south constituency. However, Police dispersed it with teargas and live bullets causing two MPs to collapse and get admitted to Lira Medical Centre. However, the crowd turned rowdy and started throwing stones at Lira police barracks and engaging police in running battles.

Many such incidents were documented in which police violently dispersed meetings and rallies called to consult on the constitutional amendment bill to remove age limits. They included:

- The 24 October 2017 protest at Nateete which police dispersed with teargas and live bullets and arrested the area MP. Mr. Kato Lubwama (Rubaga South).
- A consultative meeting dispersed with teargas and bullets at Kyengera town in Busiro East constituency which left MP Muwanga Kivumbi (Butambala MP) detained
- A planned demonstration by a section of students of Kabale University and FDC youth delegates on 26th September 2017, which was foiled by Police in Kabale. Students first marched around the university premises in Kikungiri, Kabale municipality, before heading to Kabale town where police led by ASP. Johnson Mpamba, the Rukiga District Field force commander dispersed them. They later joined an FDC youth meeting with party presidency aspirant, Moses Byamugisha, at Victoria Guest house after which they attempted to head to town again. They were intercepted and dispersed by police, commanded by Dickens Bindeeba, the Kabale District Police Commander.
- The brutal arrest on 3 October 2017 of Kampala Lord Mayor, Erias Lukwago from his home in Wakaliga, Rubaga Division by Grace Nyangoma, the Old Kampala police station DPC over his reported plans to lead a demonstration against the tabling of the amendment Bill. FDC Secretary for mobilisation, Ingrid Turinawe was also arrested as she left home while police sealed off Besigye’s home in Kasangati, Wakiso.

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228 Interview with a Journalist in Lira Town in July 2018.
232 Ibid.
• A planned consultative rally by the Municipality Council Speaker in Soroti District, in November 2018 which had even been okayed by the IGP through the DPC Okeda. However, two days to the rally, the RPC called and said it was illegal. The Council Speaker was arrested on the day of the rally and detained for two days.

Other incidents cited which were not related to the constitutional amendment bill included a peaceful protest against give-away of a forest; another protest against eviction; as well as intimidation of candidates and voters during by-elections. Hoima police was accused of unduly blocking a Bugoma forest protest on 11 July 2016, organised by the Association for the conservation of Bugoma forest in partnership with Uganda Wildlife Society, the Uganda Society, Destination Jungle Ltd and Uganda lodges Ltd. They were peacefully protesting the proposed give away of part of Bugoma forest for sugarcane growing. The peaceful protesters who were scheduled to start marching from Nsozi forest station to Kisaaru Trading Centre were barred by security personnel from accessing the venue. In December 2016, Police dispersed protestors demonstrating against an impending eviction from Namanve forest reserve in Wakiso and Mukono Districts arguing that they had not been compensation by government. The group that first matched to police headquarters in Naguru were dispersed on their way to parliament.

The Speaker of Soroti Municipality cited the clashes in the Toroma by-elections explained:

*On 8th July 2018, we were mobilising for LC1 elections in Kamushwahili in Northern division, police patrol came around, I think it is meant to frustrate and intimidate our supporters not to vote. We have no freedom to do anything and these are all dictatorial tactics of maintaining power.*

He said two days to the by-elections, their vehicle tyres were punctured making it hard for them to campaign and they were seriously beaten by unknown goons that he later identified as plain-clothed operatives working with civilians to instill fear among the voters. Even though he said he ran to the army for protection he accused the solders of “doing nothing but just watching when I was being beaten”.

Violation of the freedom of assembly was also witnessed in a number of other by-elections held majorly in 2017 and 2018.

These elections witnessed incidents of dispersal of gatherings at rallies of opposition

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234 Martin Kitubi, “Police clash with eviction protesters” New vision Tuesday 13 Dec 2016.
235 Interview with the speaker of Soroti Municipality in July 2018.
237 Since the 2016 general elections, a total of 45 by-elections have been conducted, 34 of which were for Member of Parliament seats. See, Electoral commission by elections [http://www.ec.or.ug/?q=by-elections](http://www.ec.or.ug/?q=by-elections) [Accessed on 06 January 2019].
contestants, brutal arrest and detention of some opposition members including candidates.

In Bugiri Municipality by-elections held on 27 July 2018, for example, about 16 supporters of Justice Forum candidate and President Asuman Basalirwa, were arbitrarily arrested from Planet Hotel in Bugiri Town.\textsuperscript{238}

In the Rukungiri by-election for the District Woman Member of Parliament, held on 31 May 2018, scores of opposition members and supporters were arrested on unclear grounds while others were arrested on accusations of voter bribery although the police had no evidence pinning them.\textsuperscript{239}

Similarly, the Jinja East by-elections held on 15 March 2018, about 70 people belonging to FDC candidate Paul Mwiru were arrested ahead of the polls although he claimed 500 of his voters were arrested. He dedicated the win to those arrested voters, saying his victory is a win against the EC, police, army who worked together to fail him.\textsuperscript{240}

The high handedness of the security agencies in dealing with members of the political opposition were also witnessed in the West Nile region on last day of the campaigns for the Arua Municipality Member Parliament by-elections in August 2018.\textsuperscript{241} Among those brutally arrested were opposition-leaning candidate, Kasiano Wadri, his supporters who included 4 members of parliament namely Francis Zaake (Mityana Municipality), Robert Kyagulanyi aka Bobi Wine (Kyadondo East), Gerald Karuhanga (Ntungamo Municipality) and Paul Mwiru (Jinja East), a former legislator, Hon. Mike Mabikke, and over 30 others. Journalists were also brutally arrested gadgets confiscated; some broken.

\textbf{Violation of freedom of association}

Article 20 (1) of the Universal Declaration on Human Rights (1948) states that everyone has the right to freedom of peaceful assembly and association. Article 11(1) of the European convention on Human Rights states that everyone has the right… to freedom of association with others, including the right to form and to join trade unions for the protection of his interests. Freedom of association is also guaranteed by Article 10 of the African Charter as well as the Constitution of Uganda under Article 29 (1(e) that states that everyone has the freedom of association which shall include the

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\textsuperscript{241} This seat that fell vacant following the gruesome murder of former NRM MP, Ibrahim Abiriga in June 2018 year. See Vision Reporter. 2018 'MP Abiriga shot dead.' New Vision. 8 June 2018.
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freedom to form and join associations or unions, including trade unions and political and other civic organisations.

In the constitution making process of the 1995 Constitution, the commission recommended in Chapter seven (para.129) of the report that:

*Every person should enjoy the freedom of association, which should include freedom to form and join associations, societies or unions, including trade unions, political parties, cooperative unions and non-governmental organizations in order to protect, promote and guarantee the enjoyment of all human rights.*

*This right, however, should be subject to restriction or limitation as is permissible and desirable in a free and democratic state. (7.129)*

The commission further hinted on the importance of government respecting freedom of association stating:

*If there is to be a strong civil and political society which can act as an adequate counter - balance to the power of the State institutions, everything possible needs to be done to encourage the emergence of strong civil and political organisations. Such organisations are likely to emerge gradually as democracy and especially the freedom of association become fully understood and promoted and people become fully committed to the defence and enhancement of human rights and freedoms. (28.42)*

However, the study documented a number of cases in addition to the interviewed people’s accounts regarding infringement of the rights to freedom of association by government agencies as highlighted below.

In 2017, the FDC party leader of Mbarara town was frustrated by police when he had gone to launch an office in one of the Sub-Counties of the district. This, he said, deprived the locals of their right to join and participate in the political party contrary to Section 3(2) of the Political Parties and Organisation Act, 2005. He explained:

*We tried to put up a branch in Kagongi Sub-County in 2017 but the day we had gone to launch it, we were frustrated since the GISO went there earlier to threaten the locals not to attend, even the landlord was ordered not to let us in even after we had paid our money. We are not yet independent; the president is saying so but we people of Uganda are not independent, he says power belongs to the people but to me, power belongs to him.*

A related incident happened in 2016 in Amuria District where even after the FDC

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243 ibid
244 Section 3(2) states that every citizen of Uganda has a right to form or join a political party or organisation of his or her choice.
245 Interview with a FDC April 2018 leader in Mbarara in 2018.
party had paid for a house in the bid to strengthen their support in the district, the landlord gave them back their rent after one day, according to the Speaker of Soroti Municipality (FDC).

On 20th June 2018, Nyangoma Grace DPC of Pader District prohibited Pader-Abim Multi-Purpose Community Electrification Society from holding their meeting in Jilda-Irwa Catholic Church. HURIPEC was told that it was the second time the meeting was stopped the first one being in April and that whenever the members went to the venue, they found police had deployed.246

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246 Interview with a journalist in Pader in July 2018.
SINGLING OUT COMMUNITIES BASED ON THEIR RELIGION OR CULTURE

Despite the existing guarantees on the enjoyment of freedom of religion and the right to culture, including constitutional provisions, the facts that HURIPEC established on the ground pointed to a shrinking space within which these rights could be enjoyed by some communities. It was established that it was increasingly becoming difficult for certain sections of Ugandans to practise their religion or culture freely. The study found that there were, in Uganda, increasing cases of deliberate efforts to instill fear, dismantle or disorganise some religious and/or cultural structures, demonise certain sections and portray them as a serious security threat to the people of Uganda.

Nonetheless, it was also worth noting that there was a significant connection between violation of the civil and political rights of the victims and what manifested as violation of their freedom to practise culture or religion. The concerns over people's belonging to certain religious sects and cultural groupings were rather influenced by the perceived implications of such belonging to national security, access to justice, law and order and the escalating crime, politics of the day and regime survival among others. The singling out of Muslims and people of the Rwenzururu Kingdom was therefore highlighted in the spirit of the underlying civil and political issues that on the face of it manifested as violation of culture and religion per se.

**Muslims of the Salaf sect**

The HURIPEC study found that security agencies in Uganda had variously targeted a section of Muslims in Uganda known as the Salaf whom they portrayed as a threat to the people of Uganda. On a number of occasions, different members of the Salaf sect were cited as the first suspects and many were always arrested in the immediate aftermath of murders of prominent persons in the country.

The right to practise religion covers the right to have, adopt and practise one's religion. In this regard, the UN Human Rights Committee made the following observations:

*The freedom to manifest religion or belief may be exercised “either individually or in community with others and in public or private”.* The freedom to manifest religion or belief in worship, observance, practice and teaching encompasses a broad range of acts. The concept of worship extends to ritual and ceremonial acts giving direct expression to belief, as well as various practices integral to such acts, including the building of places of worship, the use of ritual formulae and objects, the display of symbols and the observance of holidays and days of rest. The observance and practice of religion or belief may include not only ceremonial acts but also such customs as the observance of dietary regulations, the wearing of distinctive clothing or head coverings, participation in rituals associated with certain stages of life and the use of a particular language customarily spoken by a group. In addition, the practice and teaching of religion or
belief includes acts integral to the conduct by religious groups of their basic affairs, such as the freedom to choose their religious leaders, priests and teachers, the freedom to establish seminaries or religious schools and the freedom to prepare and distribute religious texts or publications.\textsuperscript{247}

The right to practise religion is enshrined under Article 29 (1) of the Constitution of Uganda which, among others, provides that every person shall have the right to freedom to practise any religion and manifest such practice which shall include the right to belong to and participate in the practices of any religious body or organisation in a manner consistent with the Constitution.

The violations of the right also take different perspectives as observed by the UN Special Rapporteur on Freedom of religion or belief who cited violations of the right to life, physical integrity and health of individuals (clerics and religious leaders, believers and non-believers) as well as policies, practices and acts that take the form of threats, ill-treatment, arrests and detentions, enforced disappearances, death sentences, executions and assassinations.\textsuperscript{248}

In view of the foregoing, the study found that several members of the Salaf sect were picked in connection with the murder in March 2015 of the Assistant Director of Public Prosecutions and Head of International Crime Division Joan Kagezi who was gunned down by unknown assailants. They were detained at Nalufenya Police Station. After spending over seven months in custody, the suspects were released on police bond and were never arraigned before court.

Government was also quick to attribute responsibility for the murder of nine Sheikhs gunned down by unknown assailants between 2014 and July 2015, to the Salaf Muslims whom it accused of being in close association with the Allied Democratic Forces (ADF) rebel group based in Congo.\textsuperscript{249} In all these incidents, many Salaf Muslims were arrested. Some of them were still awaiting trial while the trial of others had flopped with prosecution failing to place them at the scene of crime.\textsuperscript{250}

The murder of Kaweesi, his driver and body guard in March 2017 similarly culminated into the arrest, detention and torture of Muslims of the Salaf sect almost across the entire country. In the course of the investigations leading to this report, it was discovered that between March and December 2017, Amirs (leaders) and members of the Salaf sect from the districts of Gulu, Tororo, Busia, Butaleja, Pallisa, Bugiri, Iganga, Jinja, Buikwe,

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247 See UN Human Rights Committee General Comment 22 of 30 July 1993.
250 See 
\end{footnotesize}
Mukono, Kampala, Wakiso, Masaka, Mbarara and Ntungamo were arrested by security agencies and accused of participating in the killing of Kaweesi. Some of them were subsequently released without charge, while others are still languishing in prison.

However, based on the interaction between the HURIPEC research team and some of the victims of this wave of arrests, it is worth noting that these suspects were never interrogated about the murder of Kaweesi, but rather their membership to the Salaf sect and why they were contributing money to build mosques.²⁵¹ What is of concern was that some of the suspects accused for this murder had been arrested long before it occurred.²⁵²

A classic case was the raid on the Usafi Mosque in April 2018 in Mengo-Kisenyi, where members of the Salaf sect were arrested for allegedly participating in the murder of Magara.²⁵³ Many people were arrested including those found inside the mosque as well as neighbours. In a number of cases, even spouses and children of the suspects were arrested and detained.²⁵⁴

In addition to the arrests, HURIPEC established that some of the Mosques run by members of the Salaf sect were invaded by security agencies and others demolished. Apart from security operatives putting down the Usafi mosque and declaring the area a scene of crime, in December 2016, Police raided Nakasero mosque, vandalised property and arrested some people.²⁵⁵ Those arrested were detained in Nalufenya and later released without charge.

In March 2015 in Namayingo District, security agencies demolished a mosque belonging to the Salaf community, arrested some members and ordered the others never to pray in a congregation.²⁵⁶ Similarly, in Mbale, police arrested a leader (Amir) of a Salaf mosque in Namabasa in February 2015 before proceeding to demolish it. The Amir was later released without charge. Similar incidents happened in Gilili and Iwanika in Mayuge District in the same year while on 9th March 2014 another mosque in Nabijingo in Bugiri District was erased. In Busia, security operatives accompanied by police invaded a Salaf mosque and arrested all those found praying in the morning. They also arrested school children and the head teacher of a school run by the Salaf members.

Children of Salaf members were also arrested and detained without due process of the law providing for protection of children. During the raid on Usafi mosque, a number of

²⁵¹ Interview with relatives and fellow Muslim of those arrested in April, and June 2018.
²⁵² Ibid.
²⁵³ Ms. Magara was killed after the failure of her family to pay a ransom demanded by her kidnappers (through mobile phone exchanges) who held her for a period of over two weeks before delivering her dead body to the family.
²⁵⁴ Interview with relatives of the detainees conducted in Kampala in July 2018.
²⁵⁶ Interview with one of the leaders of the Salaf community in Busia District in March 2018.
children were picked by security agencies on allegations that they were being trafficked. However, the HURIPEC study established that some of these children were arrested alongside their parents, guardians or relatives.

A child in Eastern Uganda for example, narrated how she was picked in the company of her mother and detained at police for five hours. She revealed that she was interrogated about the kinds of people who visit their home. Her mother spent a month at Nalufenya Police Station.

Those detained by both police and in CMI Mbuya were not only denied their right to practise their religion, but were also continuously asked about their leaders, fellow Salafs and why they prayed at certain mosques. In this respect, a Salaf who was detained in Nalufenya in 2017 for one month narrated:

*My interrogator consistently asked me about the mosques I go to for prayers, the leaders of the mosques and why I pray at that mosque. I wondered why he was interested in the mosques I go to. I asked him whether it was unconstitutional to pray from wherever I wanted. He got angry at my question...In addition, making athikaari (Praising your God quietly) in detention was a problem and when they saw you they beat you.*

Another member of the Salaf community, who was arrested in March 2017 and detained in Mbuya for seven weeks said they were not allowed to perform any religious function.

*Duing detention we were not allowed to say prayers. Making athikaari was crime which would earn you a through beating. One of my fellow detainee was beaten, kick and his leg twisted for reading the Koran. Saying ‘Subhanallah’ (Arabic for Allah is great) was enough to be beaten badly.*

Another victim arrested from Usafi, in April 2018 and detained in Mbuya had this story to tell:

*In the morning, they directed the detainees to clean the floor. One of us stood and prayed Swalatul Subhi. A security officer saw him and said to us ‘Tewaba omulala yenna asaala oyo abasaabire (no one else should pray, that one should pray for you.) We told him it is the dead whom they should pray for. He said, ‘leero bajja kubasaalira. Muhammad wamwe mumugambe abataase leero. Nze nina old ne new testament’ (today they will pray for you. Tell your Muhammad (referring to the Prophet Muhammad PBUH) to come and rescue you. Me I have my new and Old Testament.) He said this as he pointed to his gun. We did not perform our prayers.*

Other victims alleged having been questioned about why whoever was arrested over murder of a prominent person was a Muslim. A suspect arrested in April 2018 revealed

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257 Interview with the victim in Eastern Uganda in March 2018.
258 Interview with a victim in Eastern Uganda in March 2018.
259 Interview with a former detainee in Mbuya, conducted in May 2018.
that while he was being beaten, his tormentors continuously said ‘you Muslims you are a problem especially you the youth. You are killing people. Everyone we arrest over murder is a Muslim.’ Another former detainee under similar circumstances said:

\[
\text{What I have seen during detention is that Muslims have no peace. All the people arrested are Muslims. Soldiers asked us ‘what is wrong with you Muslims? Out the 80 people arrested there is only one who is not a Muslim!’ In that place they don’t allow you to practise your religion. You cannot pray. It is not allowed.}
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Another victim arrested in April 2017 talked of how he was asked by security operatives about his readiness to accept Jesus Christ as his savior. Conscious of the implications of his response, this interviewee responded in the affirmative “…because that was what the officer wanted to hear.”

On the whole, the treatment, fear and accusations against Muslims of the Salaf sect have forced some of them to abandon their faith as well as their mosques. This atmosphere is better evidenced in the revelation made to us by one of the leaders of the Salaf sect who noted:

\[
\text{Our liberty has reduced. Every time we expect to be arrested. People pray in our mosque in fear. They don’t know whether the prayer will end before they are rounded up. People have deserted our mosque. Muslims around this place used to come and pray from here. They have gone to other mosques. Most of our leaders in various parts of the country were arrested last year and detain in unknown places. One of them spent two months in Nalufenya. Even women were picked. One of the women spent one month in Nalufenya. This has been going on for some years. In our community no one has ever been arrested, charged, prosecuted successfully and sentenced. But they leave us with injuries.}
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**Attack on the palace of the Rwenzururu king**

The right to practise and enjoy one’s culture is guaranteed under a number of international human right instruments. These rights are also entrenched in the Constitution of Uganda under Articles 29 (1) and 37. The Constitution under Article 37 provides for the right of every person to belong to, enjoy, practice, profess, maintain and promote any culture, cultural institution, language, tradition, creed or religion in community with others.

Cultural rights are an integral part of human rights and, like other rights, are universal, indivisible and interdependent. The full promotion of and respect for cultural rights is

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260 Interview with a victim in Kampala, conducted in June 2018.
261 Interview with former detainee at Mbuya in June 2018.
262 Interview with a victim formally detained in Mbuya Military barracks.
263 Interview with leader of the Salaf community in Eastern Uganda in March 2018.
264 See, for example, Articles 18, 22 and 27 of the UDHR; Article 15 para 1(a) of the International Covenant of Economic, Social and Cultural Rights; Article 18 of the ICCPR; The UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief adopted by the UN General Assembly in 1981.
essential for the maintenance of human dignity and positive social interaction between individuals and communities in a diverse and multicultural world.

The right to take part in cultural life can be characterised as a freedom which requires from the State party both abstention (i.e., noninterference with the exercise of cultural practices and with access to cultural goods and services) and positive action (ensuring preconditions for participation, facilitation and promotion of cultural life and access to and preservation of cultural goods).  

During the study, it was discovered that the right to practise culture was violated by government in the *Kisanja Hakuna Mchezo* especially under the pretext of national security and development. The invasion of the Rwenzururu Kingdom Palace on 27 November 2016 and the subsequent arrest of King Charles Wesley Mumbere by the police and military was the most glaring violation related to culture. Over 150 lives were lost including those of children.

When security forces raided the Rwenzururu Kingdom palace, the manner in which the king was arrested left the Bakonzo feeling dehumanised and demeaned. The questionable justification for the invasion, the labelling of its cultural practices as terrorist activities posing a threat to public security and the prohibition of indigenous persons to not only profess but also practise their culture resulted in the abuse of this fundamental human right. One of the royals told HURIPEC:

*A royal is someone you just can’t play around with, they are treated with honour and they deserve some respect. But the way our King was pushed in the cell, it kind of demeaned and dehumanised us. It was not him but us being dehumanised.*

It was also established that in the aftermath of the attack on the palace a joint security force of the UPDF and the UPF embarked on a mission to destroy all Bakonzo cultural sites in the region alleging that they were being used to recruit and radicalise Bakonzo youth. According to a Human Rights Defender in the region, the attack on the cultural institution put a halt to the cultural practices of the Bakonzo people. A Mukonzo elder explained the significance of the different cultural sites in the lives of the Bakonzo thus:

*Kambasa cultural cite in Bulemba, Ihandiro Sub County in Bukonzo west constituency is the main cultural site because the father of the King is buried here, it was burnt down completely and it doubled as a cultural site and museum that was donated by Uganda Wildlife Authority. The grave was gazetted inside the national park and one has to seek for permission to visit it. This was intentionally gazetted when they were creating the*

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267 Interview with a Royal of the Rwenzururu Kingdom in Kasese in April.
268 Interview with a Human Rights Defender in Kasese District in April 2018.
park in 1992, more less a form of a cultural hijack since every 2 September, people would go for a pilgrimage there. This site was burnt down in November 2016. It is here that the cleansing ceremonies locally known as ‘Eribirya amarambo’ i.e., sweeping lands/ridges, would take place. During these ceremonies, clan leaders gathered and cleansed the land of any wrong doings/sins that might affect society such as drought. Every family could contribute chicken, food items to the ridge leader (Isemalambo) for the ceremony and other sub-ridge leaders (Abakuru Ba Marambo) and, clan doctors who are mediators between God and the people. Today the Ridge leaders need permission from UWA to access the site. In addition, they would not be permitted to speak in the language the security won’t understand and so it ceases to be cultural function. Two years down the road, the President has only allowed the mother of Mumbere to go there escorted yet she is not part of the cultural function.

In Yamutswa in Mahango Sub-County (known culturally as Buthali), is a big stone which has the cultural significance for fertility. Yamutswa who is the care taker that administered the potion for producing many children would prepare it and place it in the hole in the middle of the stone where husbands would pick it. This area is still under the control of DISO as it is still a crime scene. Kyathenga Ridge in Congo was also part of the Kingdom and was subscribing to the king the leader. Buyangabo Ridge currently a district and Buhendera Ridge/cultural site currently a district in Bundibugyo make up the cultural sites.²⁶⁹
It was established that apart from engaging in cultural ceremonies, the Kingdom of Rwenzururu leaders played an integral part in not only the development of the society but also guided and intervened in various matters affecting their subjects. They played a very big role in administration and management of traditional marriages, land transactions and final burial rituals.

*The King (Head of our Institution) – Isemarambo (Ridge Leaders) - Abakuru Wa Burambo (Sub-Ridge Leader/Clan) – Abashoki (Agents of the Leaders) - Aba Yadurani (Subjects), Ekyalanda is the parliament. So we would go through those structures to report our problems. The ridge leaders had significant roles in performing rituals related to death and burial. A Mukuru wa Burambo for instance, must be present for a father to receive bride price for his daughter.*  

The demonisation of the cultural practices of the Bakonzo people caused fear among the leaders who were not arrested by security forces, who are now reluctant to perform their cultural obligations since the cultural activities were regarded as terrorist activities. Some of the leaders were imprisoned, others fled while others simply went quiet.

*I attended a funeral of his niece in Karumba Sub County on 18 April 2018 and they didn’t sound the drum. Not sounding the drum during burial is abominable in their culture. The ridge leader was there but he feared to perform the ritual because of security surveillance.*

The study found that in schools they stopped singing the cultural anthem because of fear of being arrested for promoting terrorism since those who practise their culture are referred to as *Kirumira Mutima* loosely translated as hard-hearted. The term *Kirumira Mutima* is mainly used in reference to the King’s royal guards.
Ever since the palace attack, the community has not been freely conducting the cultural activities even here in school. We used to sing the traditional anthem twice a day but we stopped for fear of being called royal guards and arrested. That’s why the chart with the traditional anthem has faded and we have no plans of making a new one.272

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272 Interview with a primary school teacher in Kasese in April.
Abuse of Civil and Political Rights in the Era of Kisanja Hakuna Mchezo

It was also feared that the destruction of cultural sites and the prohibition of people from exercising their cultural rights would bring calamity on the community and some of the happenings were associated with that:

For the last 2 years there has not been a good harvest since the breakdown of the cultural rituals. The extra judicial killings are happening because there is no sense of direction which was provided by Isemarambo. Currently young people are involved in drugs because the people supposed to give social direction are being labelled terrorists and can't perform their roles. Our population is also under threat of dropping since the women won't be able produce 8-12 children again. Without the cleansing ceremony, we expect drought and famine since Kitasamba the intercessor has not been appeased. The flooding of Nyamwamba River, diseases and the wars in Congo are all associated with it.273
PART IV

RECOMMENDATIONS

In view of the foregoing, HURIPEC recommends as follows:

THE EXECUTIVE / GOVERNMENT IN GENERAL

- Order the immediate investigation of the incidents of human rights violations that have been documented in this report and by other stakeholders with a view of holding those responsible to account and determining appropriate redress for their victims.

- Make public a list of all authorised or gazetted places of detention in order to clarify on the ambiguity within the existing legal framework on a place of detention.

- Undertake policy reforms to bring the current practices under the military justice function in tandem with the justice, law and order sector.

- Respect and allow dissenting views on governance especially from the political opposition.

- Investigate and bring to account security agencies and or their officers and agents that have defied, disrespected or disregarded court release orders and writs of habeas corpus, in order to enhance the importance of separation of powers.

- Strengthen and allow the national human rights monitoring and reporting mechanisms to work independently, particularly so the Uganda Human Rights Commission, relevant Committees of Parliament, civil society organisations and human rights defenders generally.

- Commission a public hearing and/or inquiry into the menace of the UPDF Fish Protection Force as well as UW A.

- Strengthen dispute resolution mechanisms involving injustices on land and natural resources. This includes conclusively resolving pending boundary disputes between state agencies and communities especially in areas neighbouring national parks and game reserves, such as the Mountain Elgon National Park, in order to reduce the human rights violations arising out of such conflicts.

- In particular, the President of the Republic of Uganda should expressly recognise in all presidential pronouncements, the importance of respect for human rights and the rule of law to sustainable development.

- The President should also publicly condemn human rights violations and in addition take serious steps against acts of impunity on which such violations thrive.
THE PARLIAMENT

- Come up with a clear position on the place of the Uganda Police Force (UPF) as the primary duty bearer in law enforcement to whom the army and other paramilitary forces must be subordinate even in situations where there is need for joint operations. Relatedly, the actions of Parliament should be in consideration of the need to protect the image of the UPF.
- Allocate adequate resources to enable the UPF to effectively exercise its mandate.
- Together with the Uganda Law Reform Commission, eliminate ambiguities within the existing laws on which some of the human rights violations thrive.
- Review and amend the Criminal Procedure Code Act in order to harmonise standards and procedures with the Constitution and other international human rights instruments to which Uganda is a party.

JUDICIARY

- Fast track the hearing of cases involving human rights violations in order to give expeditious redress to the victims.
- Strongly condemn human rights abuses related to the handling of suspects before and during the trial process.

UGANDA HUMAN RIGHTS COMMISSION

- Strengthen capacity to promptly investigate complaints of human rights violations brought before it especially extrajudicial killings.
- Strengthen its human rights monitoring function, including visits to places of detention especially those that are suspected of holding suspects incommunicado or subjecting detainees to cruel, inhuman and degrading treatment.

UGANDA PEOPLES’ DEFENCE FORCES

- End the practice of holding suspects incommunicado as well as the use of excessive force.
- Refrain from detaining non-military persons in military custody.
- Investigate all allegations of extrajudicial killings, torture and illegal detention by the UPDF-FPF and bring the culprits to book.
- Investigate the conduct of officers of the Chieftaincy of Military Intelligence (CMI) alleged to have engaged in torturing and detaining suspects illegally and bring them to account.
UGANDA POLICE FORCE

- Undertake thorough and prompt investigation of suspected cases of human rights violations especially extrajudicial killings.
- Take a lead role in law enforcement and assert UPF’s position even where there is need to jointly work with the army and other para-military forces.
- Respect human rights and rule of law and end partiality in law enforcement especially against political opposition.
- Conduct an inquiry into the human rights violations alleged to have been committed by police operatives at Nalufenya Police Station between 2016 and 2018 and make public the findings of the inquiry and steps being taken to hold the perpetrators to account.
- Fight and end the use of excessive force during law enforcement.

UGANDA WILDLIFE AUTHORITY

- Adopt human rights based approaches to wildlife conservation particularly when dealing with local communities.
- Follow up the human rights violations raised in this report and bring those responsible to account.
- Establish and/or strengthen mechanisms for reporting and thorough, prompt and impartial investigation of suspected misconduct of its law enforcement rangers especially in cases of extra-legal, arbitrary and summary execution and hand over to responsible agencies such as the UPF for further action.
- Ensure that law enforcement rangers desist from careless and/or reckless use of firearms and hold them to account in case of non-compliance with the requirements of the law and standards on the use of weapons.
- Improve the relations with communities neighbouring the parks or game reserves through strengthening the liaison capacity of Community Conservation Rangers offices.
- Liaise with the district leadership on how best to appropriate the 20% share of the revenue from gate collections in order to benefit the communities neighbouring the protected areas.
- Ensure transparency and accessibility in the process of acquisition of special (entry) permits for neighbouring communities to access the restricted areas for resources such as firewood and grass.
UGANDA LAW SOCIETY

- Provide legal aid services to:
  - communities surrounding protected areas such as national parks
  - survivors of human rights violations including those mentioned in this report;
- Lead the advocacy for the observance of rule of law in Uganda.
- Continue advocating for the necessary reforms in the criminal justice system in Uganda, for example the harmonising of standards and procedures in order to bring the military justice function in tandem with the justice, law and order sector.

DEVELOPMENT PARTNERS

- Work with government and civil society to identify initiatives to support stronger respect and observance of civil and political rights in Uganda.
- Devote increased support to local NGOs and human rights defenders working in the area of civil and political rights so as to provide longer term support to promote locally generated solutions to human rights abuses.
- Promote regional equity in access to development assistance with a view to building knowledge on human rights and mechanisms for redress especially for persons in geographically distanced places.

CIVIL SOCIETY ORGANIZATIONS

- Increase sensitisation of rights holders on the law, their human rights, duties and responsibilities as well as existing redress mechanisms for violations.
- Support survivors of human rights violations through civil litigation, psychosocial support and counselling, rehabilitation and restoration, providing safe haven, among others.
- Support law reform for better observance of human rights in Uganda and stronger accountability of responsible agencies.
- Support survivors of human rights violations to access justice and other remedies.

GENERAL PUBLIC

- Engage leaders and demand for accountability of those involved in human rights violations.
- Respect the law and observe the rights of others.
- Refrain from violence.
- Report human rights violations to the relevant authorities for redress.
# ANNEXES

## A: TORTURE TECHNIQUES USED BY SECURITY AGENCIES IDENTIFIED DURING THE RESEARCH

<table>
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<th>Perpetrator</th>
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<tr>
<td>2. Hooding a detainee for an unspecified number of days. The technique is known as gaggles</td>
<td>UPDF</td>
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<tr>
<td>3. Suspending a suspect on ropes either by the arms or legs which may be followed by punching</td>
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<tr>
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<td>Suspending upside down and the head supports the body weight UPDF</td>
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<tr>
<td>64.</td>
<td>Forcing someone between two chair and caning UPDF</td>
</tr>
<tr>
<td>65.</td>
<td>Continuous hitting of the forehead on the wall UPDF/POLICE</td>
</tr>
<tr>
<td>66.</td>
<td>Threatening to cut a detainee's throat UPDF</td>
</tr>
<tr>
<td>67.</td>
<td>Water boarding. (Laying a blindfolded detainee down and continuously pouring water over them UPDF</td>
</tr>
</tbody>
</table>
B. LIST OF ACTION POINTS HIGHLIGHTED BY PRESIDENT MUSEVENI'S DECLARATION OF KISANJA HAKUNA MCHEZO

1. Consolidate what we have done right i.e. spending on the roads, electricity, the railway, the ICT backbone, defence and security, education, health and piped water in towns. Nobody should deflect us from those priorities. Bujagali power must come down.

2. Be careful with the wage policy. We should not make the mistake of prematurely overpricing our labour (salaries and wages) so that companies run away from paying high wages.

3. Sort out the problem of the over-priced money from banks by capitalising UDB to give low-interest rates for manufacturing, agriculture and some of the services.

4. Build the 22 Industrial Parks so that investors do not have to be, at the same time, drainers of swamps and clearers of forests. The parks should be supplied with electricity, water, internet services, access roads, etc. The investors should only come to build the civil works and install the factory equipment and look for working capital.

5. The tax policy that is subversive to industrialisation must be done away with. Let investors come in without being scared by direct taxes so that they help us to stop unnecessary imports of goods and services that can be produced here, create jobs, increase exports earnings, transfer technology and help us to shift the population from disguised unemployment in agriculture to industry and services. By their mere coming, they will generate indirect taxes - consumer taxes and income taxes.

6. Banish corruption so that the parasites that increase the costs to our investors are eliminated.

7. Stop delays in decision-making. Decision-making must be prompt and accurate in terms of law and procedure. If necessary, the constraining laws can be amended such as the law on land acquisition for public works.

8. Continue to skill and discipline the workforce.

9. Modernise and rationalise agriculture to provide more raw-materials to industry.

10. Develop the mining sector through more exploration so as to provide more raw-
materials for mineral-based industries (cement, steel, copper products, fertilisers, alloys for steel such as manganese, carbon, chromium, nickel, tungsten, etc).

11. Protect, replant and expand the forest resources to support the factories based on wood products (paper, furniture, ply wood, rifles, ceiling boards, etc, etc).

12. Stop the overfishing on the lakes to save raw-materials for the fish factories that are closing because of the lack of fish.

13. Ensure strict regulation to protect the sugar industry, the milk industry, etc. from indisciplined competition. Nobody should be where he is not supposed to be. Period!

14. Agro-processing must be accompanied with strict disease-control. With a big export industry, we cannot afford disease epidemics for crops and livestock. Therefore, countries will rightly ban our exports. What, then, shall we do?

15. Whenever there are big projects such as the hydro-electric dams, the oil projects, the standard gauge railway, etc., the planners should ensure that Ugandan entrepreneurs participate in providing local content such as cement, steel, wood, glass, catering, transport, drilling equipment, explosives (commercial), etc., etc.

16. Our scientists, who have many patents on account of their inventions, through the Innovation Fund, should be funded so that we do not have to only rely on external actors.