



The Commissioners



Margaret Sekaggya
(Mrs)
Chairperson

Mrs. Margaret Sekaggya is the Chairperson to the Uganda Human Rights Commission. She holds an LLB (Hon) degree from Makerere University and a Master of Laws degree (LLM) from the University of Zambia.

At the Commission Mrs. Sekaggya is the executive head and manages all aspects of the day-to-day running of the Commission.

She currently holds the chair of the African National Human Rights Institutions- a body that brings together all African National Human Rights Institutions.



J. M. Aliro Omara
Commissioner

Mr. Aliro Omara is a member of the Uganda Human Rights Commission and holds a Bachelors of Laws degree from Makerere University (1974), a Diploma in Legal Practice from the Law Development Center Kampala and a Certificate in Human Rights and Humanitarian Law from the Raoul Wallenberg Institute, University of Lund, Sweden.

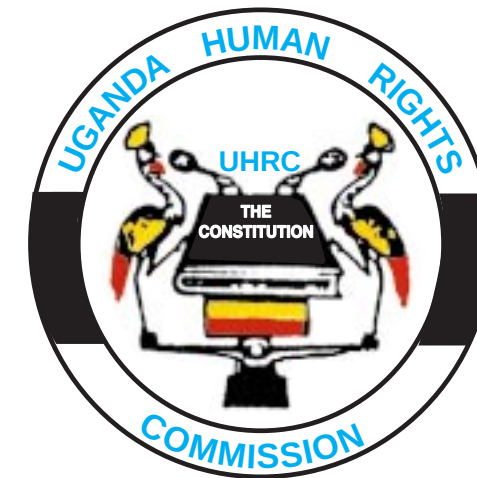
Mr. Omara is in charge of the Monitoring and Treaties Department. He is also the Commissioner in charge of South Western Region, which has its regional office in Fort Portal and covers the districts of Kabarole, Hoima, Masindi, Kibale, Kiboga, Bundibugyo, Kasese and Kyenjojo.



Karusoke Kahwa
Constantine
Commissioner

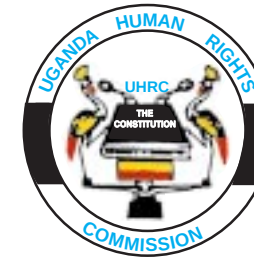
Mr. Karusoke is a member of the Uganda Human Rights Commission and an accomplished educationist and holds a Bachelors of Arts Degree from Makerere University (1977) and a diploma in education. He also holds a Certificate in Human Rights and Humanitarian Law from the Raoul Wallenberg Institute, University of Lund, Sweden.

At the Commission, Mr. Karusoke together with Mrs. Bichetero oversee the Complaints and Investigations Department. He is also the Commissioner in charge of Northern Uganda, which has its regional office in Gulu and covers the districts of Adjumani, Apac, Arua, Gulu, Kitgum, Lira, Moyo and Nebbi.



Annual Report

January 2001-
September 2002



UGANDA HUMAN RIGHTS COMMISSION



The Hon. Speaker of Parliament
Parliament Building
Kampala

Dear Sir

RE: UGANDA HUMAN RIGHTS COMMISSION JAN 2001- SEPT 2002
ANNUAL REPORT TO PARLIAMENT

The Uganda Human Rights Commission has the honour to submit its fifth annual report pursuant to Article 52 (2) of the Constitution of the Republic of Uganda. The core of this report documents human rights concerns over the period January 2001- September 2002 and presents the Commission's functional and promotional activities and also comments on the general human rights situation in the country during this period.

The Commission wishes to commend Parliament for debating its 1997, 1998, 1999 and 2000-2001 reports. This debate has strengthened the Commission's hand in dealing with human rights issues. It is the Commission's prayer that this report be tabled and debated before Parliament as soon as possible in order for Parliament to pronounce itself on the issues and recommendations raised.

Yours faithfully,

Margaret Sekaggya (Mrs)
CHAIRPERSON
UGANDA HUMAN RIGHTS COMMISSION

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Abbreviations & Glossary

LC	Local Council
LDC	Library and Documentation Centre
LDU	Local Defence Unit
LRA	Lords Resistance Army
LWF	Lutheran World Federation
Maj.	Major
Mla	Male Adult
MOH	Ministry of Health
NEMA	National Environment Management Authority
NGOs	Non Governmental Organisations
NRA	National Resistance Army
NPC	National Political Commissar
NSSF	National Social Security Fund
NTC	National Teachers Colleges
PLA	People Living with HIV/Aids
PMA	Plan For Modernization of Agriculture
POB	Political Organisations Bill
POA	Political Parties and Organizations Act 2002
Pte	Private
PTC	Primary Teachers Colleges
RDC	Resident District Commissioner
SIDA	Swedish International Development Agency
UDHR	Universal Declaration of Human Rights
UHRC	Uganda Human Rights Commission
UN	United Nations
UNDP	United Nations Development Programme
UNHCR	United Nations High Commission for Refugees
UNICEF	United Nations Children's Fund
UNOCHA	United Nations Office for the Co-ordination of Humanitarian Affairs
UNRF	Uganda National Rescue Front
UPC	Uganda People's Congress
UPDF	Uganda Peoples Defence Forces
UPE	Universal Primary Education
USAID	United States Agency for International Development
WFP	World Food Programme



Wangadya Fauzat
Marriam (Mrs)
Commissioner

Mrs. Wangadya holds a Bachelor of Laws degree from Makerere University and a Diploma in Legal Practice from the Uganda Law Development Center.

Mrs. Wangadya is in charge of the Legal and Tribunal Department. She also the Commissioner in charge of Southern Regional office, which has offices in Mbarara and covers the districts of Kisoro, Kabale, Rukungiri, Ntungamo, Mbarara, Bushenyi, Rakai, Kamwenge and Kanungu.



Sibomwa M. Adrian
Commissioner

Mr. Sibomwa holds a Bachelors of Arts Degree from Makerere University and a Certificate in Human Rights and Humanitarian Law from the Raoul Wallenberg Institute, University of Lund, Sweden.

Mr. Sibomwa heads the Finance and Administration Department and is also in charge of the South Eastern Regional Office with its regional office in Jinja and covering the districts of Busia, Tororo, Pallisa, Iganga, Kamuli, Jinja, Bugiri, Mukono, Mayuge and Kayunga.



John Mary Waliggo
(Rev. Dr)
Commissioner

Rev Fr. Professor John Mary Waliggo is a catholic priest, distinguished academician and holds BA and MA degrees in theology from Urbanian University Rome and BA, MA and PhD degrees in History from the University of Cambridge, England.

At the Commission Fr Waliggo is in charge of the Education, Research and Training Department and is also in charge of the North Eastern regional office, which is based in Soroti and covers the districts of Katakwi, Soroti Kumi, Mbale, Sironko, Kaberemaido, Nakapiripirit, Moroto and Kotido.



The Commissioners



Mrs Veronica Eragu
Bichetero
Commissioner

Mrs. Bichetero holds a Bachelors of Law degree from Makerere University and a Diploma in Legal Practice from the Uganda Law Development Center and a Masters of Laws (M.PHIL) from Magdallen College, University of Oxford, England..

Mrs. Bichetero and Mr. Karusoke are both in charge of the Complaints and Investigations Department. She oversees the Central Regional office that covers Mpigi, Mubende, Luwero, Masaka, Sembabule, Nakasongola, Kalangala and Wakiso districts.

The Secretary



Aneri Mandete
Wangolo
Secretary

Mr. Wangolo is the Secretary to the Commission and, under the direction of the Chairperson, conducts the day to day running and management of the Commission and deals with all the financial and administrative portfolios of the Commission. He is responsible for implementing Commission policies and programmes.

Abbreviations & Glossary



ABEK	Alternative Basic Education for Karamoja
ACHPR	African Charter for Human and Peoples Rights
ADF	Allied Democratic Forces
ARLPI	Acholi Religious Peace Initiative
CAT	Convention Against Torture and other cruel inhuman or degrading treatment or punishment
CBOs	Community Based Organisations
CCF	Country Cooperation Frame Work
CEDAW	Convention on the Elimination of all forms of Discrimination against Women
CMI	Chieftaincy of Military Intelligence
CMI	Chieftaincy of Military Intelligence
CMOCs	Civil Military Operation Centres
Col.	Colonel
CPC	Chief Political Commissar
CPS	Central Police Station
CRC	Convention on the Rights of the Child
DANIDA	Danish International Development Agency
DISO	District Internal Security Officer
DPP	Director of Public Prosecutions
DRC	Democratic Republic of Congo
ESO	External Security Organisation
FIDA	Federation of Women Lawyers
HIV/AIDS	Acquired Immune Deficiency Syndrome
HRDP	Human Rights Democratisation Programme
ICAT	International Convention Against Torture
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on Elimination of all forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
IDPs	Internally Displaced Persons
IGG	Inspector-General of Government
IO	Investigations Officer
ISO	Internal Security Organisation
JLOS	Justice Law and Order Sector
KPIU	Karamoja Projects Implementation Unit
KCC	Kampala City Council
KKCR	Kibaale based Kagadi Community Radio



In the chapter is presented an over view of the different methods of complaint resolution and, in particular, the counseling and mediation methods on the one hand and the tribunal on the other. This portrays the strides made in providing avenues for amicable settlement and resolution of complaints.

The chapter also covers key issues like human rights education and training, radio programmes, the Commission's publications and development of research, the web site and the library and documentation center. The growth path of the Commission is clearly marked out in the chapter and cited are areas of fund mobilization, development of a three year corporate plan, expansion through the regionalization programme, procurement of capital assets like furniture and equipment and the steady increase in the human resource base of the Commission.

The chapter provides an insight into very fundamental human rights issues that boosted, affected and or impaired the state of human rights and freedoms in Uganda. Of importance are the commitments Uganda has shown in reporting to treaty bodies, the findings of the public opinion poll, the government's response to the past Commission recommendations, the issue of armed conflict and the need for effective resolution, the meagre protection and assistance provisions for the internally displaced persons, the Karamoja question, Uganda's involvement in the Democratic Republic of Congo, child abuse issues, ritual murders, HIV/AIDS and the right to health, delays and frustration in the administration of justice, freedom of religion and its contradictions with cult tendencies, legal detentions and safe houses, and issues on the minimum wage.

Chapter Three deals with security and human rights and portrays the traumatic effects of the terrorist attacks in Uganda and the subsequent proposals made by the Commission to the Suppression of Terrorism Bill (Bill No. 220) and how parliament dealt with them. Out of the Bill's 39 proposals, the Commission had problems with 17 clauses and was positively able to influence change in 15 clauses.

Chapter three also makes a passionate but serious evaluation of the effects of various armed struggles within Uganda on the local populations and the country as a whole. Of particular coverage were the war in the north

perpetuated by the Lords Resistance Army (LRA) and the armed rebellion in South western Uganda led by the Allied Democratic Forces(ADF). The chapter gives a graphic and statistically supported evaluation on issues like abductions of young children by rebels and amputations arising from landmines, gunshots, , trauma, disease and other war related injuries.

The chapter also examines the efforts of government to abate hostilities and restore hope and security in the affected areas. The chapter discusses avenues for building peace and gives prominence to evaluating the Amnesty law, the improvement of diplomatic relations with the Sudan in relation to the war in northern Uganda, and the challenges of the army and in particular weaknesses within "Operation Iron Fist". Other security issues highlighted and evaluated are the recent wave of bloody robberies and murders, which engulfed mainly Kampala, and the start of "Operation Wembley". Of interest to this report were the methods of alleged arbitrary arrest, detention, torture, extra judicial killings and delays in justice. This chapter shows that Operation Wembley so far holds up to 432 suspects and had captured 69 sub machine guns, five pistols, 14 grenades and 1275 rounds of ammunition.

The chapter finally touches on the roles of the three main security organs, the Army, the police and the prisons, and discusses human rights issues associated with their operation.

Chapter Four captures the tone of one of the oldest and most complex conflicts in Uganda-the Karamoja issue and specifically deals with the disarmament program in which the Commission has played a central and pro-active role. Of importance to this chapter was the need to show the effects of the conflict on Karamoja and its neighbours. These are notable issues like deprivation, destruction of life and property, internal displacement of communities, poverty and its related vices, and general lawlessness. The chapter gives a brief background and genesis to the conflict as between the clans within Karamoja and the neighboring districts. The chapter also covers the initiatives and recommendations of the Commission in its past reports on the way forward to contain the conflict and its participation in the present initiatives including the disarmament programme. The chapter gives a critique of the on going disarmament programme, its challenges, strategies, failures and avenues for change.

Preface

In fulfillment of its statutory obligations under Article 52 of the Constitution of the Republic of Uganda, the Commission is pleased to present its fifth annual report covering the period January 2001- September 2002.

This report represents and/or reflects the work of the Commission over the period in review and, in so doing, attempts to give Parliament, government, strategic partners and the general public a fair and critical insight into the human rights situation in Uganda. This reports also hopes to provide an indispensable point for human rights reference and information.

A key constitutional requirement of the Commission's annual report, which has been followed since its establishment, is to make recommendations to Parliament, government and other key institutions. Despite the several recommendations in previous reports, many of which remain valid, there is still tremendous need to see many of these recommendations actualized. This remains a great concern of the Commission, a concern which should be shared by Parliament as the recipient of these reports.

The report is divided into eight chapters covering a broad spectrum of human rights issues. While every diligent effort has been made to check the report, the responsibility for any inadvertent errors remains that of the editors.

Acknowledgements

The Commission is greatly indebted to the President of the Republic of Uganda for his pragmatic direction and support for various human rights issues country wide, the Parliament for their recognition and debate of the Commission's annual reports and whose invaluable contribution and support have seen the Commission expand its influences, to the various strategic partners including religious bodies and the civil society, which provided support and continually made positive and constructive criticism which allowed the Commission to make responsive and timely interventions..

The Commission wishes to pay tribute to the funding agencies particularly the Uganda Government, Danida/EU/SIDA and Irish busket fund, Ford Foundation, UNDP, British Government who have been ever present partners in the quest to see that the activities of the Commission are executed without compromise through financial, logistical and technical support.

The Commission wishes to acknowledge its Monitoring and Treaties Department and the Editorial Board which put together this report, and the many institutions, civil society organizations, NGO's and individuals who contributed views, comments and inspiration. And last but not least the Commission wishes to acknowledge the energy, enthusiasm and time put in by the editors; Straight Talk Foundation, who kindly accepted to typeset, edit and prepare the final manuscript.





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Executive Summary

Introduction:
Following its tradition, this annual reports presents an accountability statement of the functions and activities of the Commission. The constituent eight chapters provide views, comments and recommendations that offer a point of reference for further improvements in the human rights situation in the country. This report was written at a time when the six year term of the inaugural Commission came to an end and thus has an evaluation and review of contributions, short falls and successes of the Commission since its establishment. All through the report, reference has been drawn to tables and figures to enrich the texts with articulated, analysed and disaggregated statistical data.

Chapter One of the report reflects the promotional and protection activities of the Commission and covers the work of all the departments of the Commission. The Chapter also highlights activities the Commission has undertaken in line with its constitutional mandate as provided under Article 52 and 53 of the Constitution of the Republic of Uganda. Key activities delved into are activities conducted by the Investigations and Complaint Department in which a total 669 complaints were received, with the headquarters receiving 301 and the regional offices in Soroti and Gulu receiving a total of 368. Under the Legal and Tribunal Department, the chapter points out the Commission’s quasi-judicial functions and shows the Commission’s case load for the period under review as being 23 Tribunal cases between January 2001 and September 2002. This is a comparatively marked improvement in the dispensation of justice compared to the previous years. The chapter also shows that mediation and reconciliation are a much quicker and more effective way of handling complaints.

Chapter One also captures the activities of the Monitoring and Treaties Department in notably conducting assessment visits to internally displaced persons camps, commissioning an opinion poll survey and in ensuring government’s compliance to its international treaty obligations. The chapter briefly gives a financial summary and evaluates both government and donor contributions and shows the shortfalls and advancements made in the mobilization, acquisition and utilization of human and financial resource over the period in issue. The chapter provides a record of inspection of places of detention

and reviews the conditions of detained persons in remand homes, police cells, prisons, and quasi-military and military installations. Of significance in this section is a brief but detailed evaluation of the penitentiary system in Uganda with fair coverage of detention centers countrywide. The chapter also reviews the operation of the Education, Research and Training Department through its promotional activities, notably human rights education and training. It makes reference to the targeted stakeholders and the various workshops for the police, prisons and the UPDF, constitutional education for the youth, the constitutional day conference, the workshops on the elimination of racism, racial discrimination, xenophobia and related intolerances in the run up to the Durban Conference and finally the 4th African National Human Rights Institutions Conference held in Kampala..

The chapter also relates the Commission’s contribution in examining bills to Parliament and its pronouncements on human rights issues. Of significance are the reprisal killings between the Iteso and the Karamojong in Katakwi district, the murder of Fr. Declan O’toole and his two staff, and the subsequent court martial and executions of two UPDF soldiers convicted of their murder, the government’s blockage of a planned but highly controversial and potentially confrontational UPC rally, and the armed conflict in northern Uganda. The chapter also brings to light a compilation of the Commission’s publications, newspaper pullouts, the operation of the Commission’s web site and instances of the Commission in the press.

Chapter Two is a tribute to the Commission’s work and gives an analytical examination of the Commission since its inception in 1996. It provides the success and failure parameters of the Commission and delves into the core functions, both protective and promotional. The sub themes within the chapter are reflective of the landmark areas in which the Commission was able to make or not make a contribution. The chapter touches on the summation of complaints received, investigated and those referred to other institutions. The chapter also deals with inspections of jails and other places of detention, including a review and commentary on the limited access to army detention centers and the existence of illegal detention places or safe houses.



Chapter Five contains the Commission's position and understanding of the social security situation and pensions in Uganda. The chapter discusses social security as a right and provides critical insights into the need to develop law and practice associated with social security and pensions in Uganda.

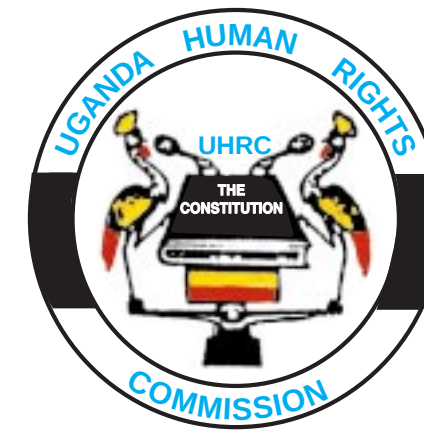
The chapter also provides insights into the operation of the National Social Security Fund and the Pensions Act (Cap281). In a landmark Complaint No. 2000/501, the Commission was able to gain insights on the problems associated with pensions and made findings that pensions were indeed a human right.

Chapter Six is about issues of xenophobia and related intolerances. Its inclusion in this report is key and relevant to the situation in the country. The chapter describes clear cases of xenophobia within Uganda and cites newspaper headlines that have proved the existence of this vice. The chapter discusses the need to have holistic and concerted efforts drawn towards eradication of this vice and believes that cultural diversity is a cherished asset for the advancement and welfare of humanity. In this chapter, special emphasis has been laid on the examples of Teso and Kibaale, where instances of severe and politically charged xenophobic feelings have been publicly uttered and captured national attention. The Commission in this chapter makes recommendations touching on the need for an honest and patriotic political will and that government should act on recommendations of the Commissions of inquiry in the Kibaale case.

Chapter Seven is about freedom from torture and contends that torture still persists in Uganda. The chapter clearly shows that torture is on the increase and, during the period under review, more cases than ever had been received. The chapter brings to light the trends of torture as being principally instigated by members of the security organs and the possible reasons why it still exists. The Chapter closes with some proposed recommendations.

Chapter Eight covers a theme that has been very politically involving on the Ugandan scene: The Political Parties and Organizations Act 2002 and freedom of association. The chapter offers a background to the Act and enriches the on going debate from a human rights perspective. The chapter recognizes that need to respect provisions within the Constitution and the Act, and yet these

provisions are in direct contradiction to principles of international human rights law to which Uganda is a state party. This raises human rights questions about the legal system.



The Fifth Annual Report to Parliament by the Uganda Human Rights Commission (UHRC)

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CHAPTER 1

Activities to promote and protect human rights

Introduction

- 1.01 Article 52 and 53 of the Constitution of the Republic of Uganda mandates the Uganda Human Rights Commission to carry out activities to promote and protect human rights. In line with this constitutional mandate, the Commission undertook a myriad of activities in 2001 and 2002, including:
- Receiving, investigating and handling complaints and conducting Tribunal hearings on difficult complaints.
 - Visiting places of detention, including police cells, prisons and remand homes.
 - Civic education to create awareness of and respect for the Constitution and human rights through, among others, seminars, workshops and conferences.
 - Monitoring government's compliance with international human rights treaties and conventions by reviewing Bills to Parliament and issuing periodic reports.

Receiving and handling complaints

- 1.02 The Commission has a constitutional mandate to investigate the violation of any human right. This can be on its own initiative or after a complaint by a person or group. The Commission

receives complaints, investigates them and resolves them either through mediation or Tribunal hearings.

- 1.03 In 2001 the Commission received a total of 1227 complaints, 669 at the headquarters in Kampala, 280 at the Soroti regional office, and 278 at the Gulu regional office.
- 1.04 In 2002 the complaints process was reviewed to distinguish between complaints and lodgements. Currently, all complaints are initially received as lodgements. They are then sorted and those that allege a violation of any of the rights as laid down by Chapter 4 of the Constitution are then registered as complaints. The rest, including complaints merely copied to the Commission or those outside the jurisdiction of the Commission, are recorded as lodgements. Between January 2002 and September 2002, the Commission received 669 complaints. Of these, 301 were registered in Kampala, 170 at the Soroti regional office, and 198 at the Gulu regional office. The Commission also received

**Activities
to promote
and protect
human rights**

431 lodgements, 312 of which were given legal advice by the Commission lawyers.

- 1.05 In March 2002 two new regional offices were opened in Mbarara and Fort Portal. By the end of June 2002, the Mbarara office had registered 46 complaints: Fort Portal had registered 23 complaints and 18 lodgements.

- 1.06 Many complainants approach the Commission for counseling. Formerly all staff in the Complaints and Investigations Department acted as counselors. However, in April 2002, the Commission recruited a professional counsellor. Between April and September 2002, this counselor handled 61 complainants with complaints or lodgements.

Table 1.1 Nature of complaints to the Commission in 2001

No.	Nature of complaint	Number of complaints at Headquarters (to December 2001)	Number of complaints at Soroti office (to December 2001)	Number of complaints at Gulu office (to April 2002)
1	Right to liberty	208	13	58
2	Freedom from torture, inhuman and degrading treatment	152	27	31
3	Right to property	100	29	67
4	Right to fair hearing	95	15	17
5	Right of child to maintenance/ children's rights	63	86	87
6	Right to remuneration	60	77	43
7	Right to parental care	41	0	0
8	Right to life	25	7	20
9	Right to work	21	0	0
10	Right to education	14	4	22
11	Rights of prisoners	7	0	0
12	Rights of refugees	6	0	0
13	Right to compensation *	3	3	0
14	Frivolous/vexatious/others	3	0	0
15	Right to privacy	2	0	0
16	Right to vote	2	0	0
17	Domestic violence/women's rights	2	4	0
18	Right to assembly/worship	1	0	0
19	Discrimination on the basis of disability	0	5	0
20	Right to fair treatment in administrative decisions	0	9	0
Total		805	279	345

The number of alleged violations is more than the number of complaints because some complaints allege more than one human rights violation.

**Although this was registered as a complaint, it is not actually a violation. Such complaints are now recorded as lodgments and the complaint given appropriate advice.*

Table 1.2. Nature of complaints and violations registered between January-September 2002

No	Nature of complaint	Complaints at Headquarters	Complaints at Soroti office	Complaints at Mbarara office (from March 2002)	Complaints at Fort Portal office (from March 2002)
1	Right to liberty	112	6	1	4
2	Right to remuneration	94	40	7	6
3	Right to property	74	15	9	6
4	Freedom from torture	63	9	13	6
5	Right to fair and speedy hearing	52	12	0	1
6	Freedom from inhuman and cruel treatment	41	0	0	0
7	Right of the child to maintenance	29	64	14	3
8	Other Children's rights	29	0	0	0
9	Right to life	23	1	1	0
10	Right to work	19	0	0	0
11	Right to education	11	0	3	1
12	Rights of refugees	8	0	0	0
13	Domestic violence /				
	women's rights	7	10	0	0
14	Right of access to children by a parent	5	0	1	0
15	Child custodial rights	3	0	0	0
16	Right of a child to know parents	3	0	0	0
17	Rights of prisoners	1	0	0	0
18	Right of access to detainee	1	0	0	0
19	Environmental rights	1	0	0	0
20	Freedom of worship	1	0	0	0
21	Rights against discrimination	1	0	0	0
22	Right to compensation	0	1	0	0
23	Right to privacy/security of person	0	2	0	1
24	Right to vote	0	2	0	0
25	Discrimination on the basis				
	of disability	0	1	0	0
26	Right to fair treatment in administrative decisions	0	7	0	0
	Total	575	160	49	28

The number of rights violated is more than the number of complaints because some complaints allege more than one human rights violation.

Table 1.3. Most common complaints in 2001

UHRC OFFICE	CATEGORY OF RIGHTS					
	Liberty	Torture	Property	Fair hearing	Maintenance	Remuneration
Kampala Headquarters	208	152	100	95	62	55
Soroti Regional Office	13	27	29	15	86	77
Gulu Regional Office						
(Jan 2001-April 2002)	58	31	67	17	87	43
Total	279	210	196	127	235	175

Table 1.4. Most common complaints January- June 2002

UHRC OFFICE	CATEGORY OF RIGHTS					
	Liberty	Torture	Property	Fair hearing	Maintenance	Remuneration
Kampala Headquarters	112	63	74	41	29	94
Soroti Regional Office	6	9	15	12	64	40
Mbarara Regional Office	1	13	9	0	14	7
Fort Portal Regional Office	4	6	6	1	3	6
Total	123	91	104	54	110	147

1.07 The complaints in 2001-2002 differed little from those of previous years. The greatest number of complaints continued to relate to the rights to liberty, property, remuneration, a fair and speedy hearing, and freedom from torture. The right to maintenance also featured highly, especially in the regional offices. Table 1.3 and Table 1.4 above show the rights that brought the greatest number of complaints to the Commission in 2001.

1.08 Investigations form a crucial but challenging part of the complaints resolution process in the Commission. All complaints that are resolved, mediated or closed have to have been investigated. In 2001 the Commission headquarters investigated 172 cases, the Soroti office 75 and the Gulu office 64.

The Uganda Human Rights Commission Tribunal

1.09 The Commission Tribunal is another avenue through which human rights complaints are resolved. Between 1998 and 2000, the Tribunal handled only nine complaints. However, between January 2001 and September 2002, the Tribunal disposed of 23 cases, 11 in 2001 and 12 in 2002. This is a remarkable step in the protection of human rights: the number of complaints disposed of increased sharply; the length of hearings also decreased.

1.10 This achievement came about after a

review of the Tribunal process: the Commission resolved that a single Commissioner rather than a panel of three should hear a complaint. This alleviated the hitches associated with quorums, availability of Commissioners, and fixing dates for hearings. It resulted in more frequent sittings. In addition, in August 2001, circuit hearings began at regional offices as funds became available for service of summons, payment of witnesses and hearings.

1.11 However, 13 complaints scheduled for 2001 were not completed and were carried forward to 2002. Eight new complaints were also cause-listed for 2002, bringing to 21 the cases before the Tribunal as of June 2002. Of these, the Tribunal disposed of 7 at the headquarters and 2 at the region. Others of these cases had been heard to completion and were only pending decision. By September 2002, a total of 17 complaints that had been investigated to completion had been set for hearing or possible settlement with the Attorney General. This has brought the total number of complaints pending hearing and decision by the Tribunal since 1998 to 36.

1.12 The tribunal has overtime developed its experience, including using its interpretive powers to determine cases. In making its determinations, the tribunal has made recourse to national, regional and international law and jurisprudence. Most of the cases before

the tribunal involve violations against the individual's right to freedom from torture, cruel, inhuman and degrading treatment as provided for under Article 24 of the Constitution of the Republic of Uganda. However, it is not worthy to state that enabling law on torture is yet to be enacted. Therefore, the Tribunal

decisions on torture have provided much-needed interpretative value to the provisions of Article 24. Table 1.5 indicates the nature of complaints disposed of by the Tribunal and Tribunal decisions from January 2001 to September 2002.

Activities to promote and protect human rights

Table 1.5. Complaints disposed of by the UHRC Tribunal from January 2001 to September 2002

No.	Complaint No.	Parties	Violation	Date Disposed	Decision
1.	UHRC 219/98	L. Nabuwembo -and- Attorney General	Right to life (Disappearance)	30/01/2001	Respondent vicariously liable for deprivation of right to life. Complainant awarded U.Shs 10,000,000=
2.	UHRC 882/98	Ronald Lutalo -and- Attorney General	Torture and right to liberty	30/04/2001	Settled for U.Shs 10,000,000= out of the Tribunal
3.	UHRC 397/99	Stephen Erau -and- Attorney General	Torture and right to liberty and property	08/06/2001 Respondent liable for torture. Complainant awarded U.Shs 10,832,000=	Respondent vicariously liable for torture and deprivation of liberty and property. Complainant awarded U.Shs 10,000,000=
4.	UHRC 63/98	F. Emojong -and- Katongole	Torture	08/08/2001	
5.	UHRC/G/57/98	S. Oryang -and- Lacor Hospital	Right to education	16/08/2001	Dismissed for lack of prosecution under R.17 UHRC (Procedure) Rules
6.	UHRC 340/97	G. Semwanga -and- Mubende District. Adm.	Torture	20/08/2001	Respondent vicariously liable for torture. Complainant awarded U.Shs 25,000,000=
7.	UHRC 22/97	Cyprian Sempungu -and- Attorney General	Torture and right to property	29/08/2001	Dismissed for lack of prosecution and time-barred under S.2 and 3 of Act No.20/69
8.	UHRC 727/98	F. Opiny -and- Lira Dist. Admin.	Torture	03/09/2001	Respondent vicariously liable for torture. Complainant awarded U.Shs 5,269,850=
9.	UHRC 501/00	Masaka Pensioners -and- Attorney General	Right to pension	28/09/2001	Complainant's right to pension violated. Public service ordered to pay pension due.
10.	UHRC 264/99	Fred Tumuramye -and- Gerald Bwete et al	Torture and right to liberty	01/10/2001	Respondents liable for torture and deprivation of liberty. Complainant awarded U.Shs 4,500,000=
11.	UHRC 980/98	Dan Okello -and- Attorney General	Torture and right to liberty	05/12/2001	Respondent vicariously liable only for deprivation of liberty. Complainant awarded U.Shs 1,500,000=

No.	Complaint No.	Parties	Violation	Date Disposed	Decision
12.	UHRC/S/48/00	Richard Aceger -and- Samuel Aporu	Right to remuneration for work done	21/01/2002	Respondents liable for deprivation of right to remuneration for work done. Complainant awarded U.Shs 1,270,000=
13.	UHRC/S/27/00	J.P. Engweddu -and- Attorney General	Cruel, inhuman and degrading treatment	13/03/2002	Respondents vicariously liable for shooting complainant in the leg and arm. Complainant awarded U.Shs 6,003,000=
14.	UHRC 105/01	Rev. Fr. Kyeyune -and- Anthony Kiwanuka	Family rights and right to education	22/03/2002	No violation of family rights found. Conditions at school found prejudicial to the interests, welfare and rights of children. Parents ordered to change children's school.
15.	UHRC/S/20/2000	Oliaka Peter Chris -and- Erupu Derry	Right to remuneration for work done	12/3/2002	Case Settled-respondent agreed and paid money due. Settlement endorsed by the Tribunal.
16.	UHRC 413/99	James Kamengo -and- Attorney General	Torture, cruel and degrading treatment	16/04/2002	Respondent liable for torture. Awarded U.Shs 33,000,000=
17.	UHRC No. 392/97	Pte Birungi -and- Attorney General	Right to liberty and inhuman treatment	17/5/2002	Respondent vicariously liable for deprivation of liberty and cruel, inhuman treatment. Complainant awarded U.Shs 30,000,000=
18.	UHRC No. 304/99	Dr. J. Rwanyarare -and- Attorney General	Right to property	29/5/2002	Dismissed for failure to prove ownership and possession of property; failure to identify perpetrator
19.	UHRC No. 387/98	Ocircan -and- Attorney General	Right to liberty	29/8/2002	Respondent vicariously liable for deprivation of the right to liberty. Complainant awarded U.Shs 4,000,000=
20.	UHRC No. 311/2001	J. Rukundo -and- Byakatonda	26/9/2002	Not yet delivered	
21.	UHRC No. 620/99	Wanjala B -and- Mengo Hospital	Right to liberty	19/9/2002	Respondent ordered to pay U.Shs 100,000= to the complainant for deprivation of liberty
22.	UHRC No. 257/01	Eluzai Philipa -and- Tako Francis	Maintenance	20/9/2002	Settled and Memo of Understanding to be filed and endorsed with Tribunal
23.	UHRC No. 105/02	Jacques Dyer -and- Allen Nansubuga	Maintenance	27/8/2002	Involved a land dispute and accordingly dismissed and wrongly filed before the Tribunal

Summary:	Protection against torture	-	11	Activities to promote and protect human rights
	Deprivation of the right to liberty	-	7	
	Deprivation of the right to education	-	2	
	Deprivation of the right to pension	-	1	
	Deprivation of the right to life	-	1	
	Deprivation of the right to property	-	2	
	Deprivation of right to remuneration for work done	-	2	
	Maintenance	-	2	
Total		-	29	

The number of the rights violated is more than the number of complaints because some complaints allege more than one human rights violation.

UHRC/S are cases from the Soroti Regional Office

- 1.13 In comparison, Table 1.6 shows the nine complaints disposed of by the Commission Tribunal since it commenced hearings in 1998 to 2000.

Table 1.6. Complaints disposed of and decided by the Tribunal 1998-2000

No.	Complaint No.	Parties:	Violation:	Date Disposed:	Decision:
1.	UHRC 671/98	Free Movement -and- Attorney General	Right to associate	Not readily available	Dismissed because the petition raised Constitutional matters pertaining to Movement Act.
2.	UHRC 180/98	G. Kauta -and- Attorney General	Torture & right to Education	19/04/1999	Respondents liable for torture and right to education. Complainant awarded U.Shs 10,000,000=
3.	UHRC 89/97	Shaban Gitta -and- Attorney General	Torture	25/07/1999	Respondents vicariously liable for torture. Complainant awarded U.Shs 8,000,000=
4.	UHRC 335/95	J. Hafasha -and- Attorney General	Right to liberty	17/09/1999	Respondents vicariously liable for deprivation of liberty. Complainant awarded U.Shs 1,500,000=
5.	UHRC 337/97	Mary Iripoit -and- Ibrahim Aboket	Torture, cruel, inhuman and degrading treatment	17/09/1999	Respondents liable for cruel, inhuman and degrading treatment. Complainant awarded U.Shs 500,000=
6.	UHRC 116/98	E. Ssedunga -and- Attorney General	Right to life	20/01/2000	The matter was more criminal in nature. Forwarded to DPP for prosecution of perpetrators.
7.	UHRC 210/98	Mpondi Emmanuel -and- Nganwa High Sch.	Torture, corporal punishment	27/03/2000	Respondents liable for torture. Complainant awarded U.Shs 2,500,000=
8.	UHRC 29/98	J.B. Zimula -and- Mukono Dis. Adm.	Torture	24/10/2000	Respondents vicariously liable for torture. Complainant awarded U.Shs 4,800,000=
9.	UHRC/G/48/00	Richard Aceger -and- Samuel Aporu	Right to remuneration for work done	2/1/2001	Respondents liable for deprivation of right to remuneration for work done. Complainant awarded U.Shs1,270,000=

Summary:

Protection against torture	-	5
Deprivation of the right to life	-	1
Deprivation of the right to liberty	-	1
Deprivation of the right to associate	-	1
Deprivation of the right to education	-	1
Deprivation of the right to remuneration for work done	-	1
Total	-	10

NB. The number of rights violated is more than the number of complaints because some complaints allege more than one more human rights violation.

- 1.14 Table 1.7 summarizes the nature of complaints decided since 1998, the complainants who lodged it, and the parties in whose favour they were decided. Note that a 'settled' complaint is where the parties reach an agreement before the Tribunal makes a decision: 'referred' means that in the course of the hearings the matter turns out to be deeper than the violation originally reported and extends beyond the jurisdiction of the Tribunal. Of the complaints cause-listed for hearing in 2002, 19 were still pending by September 2002: their status is indicated below in Table 1.8.

Table 1.7. Decided complaints since 1998

No.	Nature of Complaint					Lodged By				Disposed in favour of			
	Torture	Liberty	Educ	Econ	Life	Pte	Men	Org	Women	Comp.	Resp.	Settled	Referred
2002	3	3	3	2	-	2	9	-	3	8	1	2	1
2001	8	4	1	1	1	2	10	1	1	8	2	1	-
1998	-												
2001	13	5	1	1	1	3	16	2	2	14	4	1	1

Table 1.8. Ongoing complaints

No.	Complaint No.	Parties	Violation	Presiding Commissioner	Status
1.	UHRC 112/99	C. Ssajjabi -and- Attorney General	Torture	F.M. Wangadya	Ongoing and for complainant's case
2.	UHRC 257/01	P. Eluzai -and- F. Tako	Maintenance	V.E. Bichetero	Ongoing and for respondent's defence
3.	UHRC 288/00	Sgr. J. Cherop -and- Attorney General	Right to liberty Torture	J.M. Aliro Omara	Ongoing and for complainant's case
4.	UHRC 1150/99	S. Mwebaze -and- Attorney General	Right to liberty	C.K. Karusoke	Ongoing and for complainant's case
5.	UHRC 387/98	Ocirchan Y. -and- Attorney Generla	Right to liberty	A. Sibbo	For decision
6.	UHRC 1004/99	J.M. Bamwite -and- Attorney General	Right to liberty	A. Sibbo	Ongoing and for complainant's case
7.	UHRC 208/98	Safi Ogwal et al -and- K.C.C.	Inhuman treatment Right to property	Fr. J.M. Waliggo	For decision

No.	Complaint No.	Parties	Violation:	Presiding Commissioner	Status
8.	UHRC 227/97	Amone Peter -and- Attorney General	Right to property		For decision
9.	UHRC 225/98	Busulwa M. -and- Mpigi Dist. Adm.	Right to life	J.M. Aliro Omara	Ongoing and for complainant's case
10.	UHRC 177/01	Dr. K. Besigye -and- Attorney General	Freedom of movement	M. Sekaggya J.M. Aliro-Omara Fr. J.M. Waliggo	For decision
11.	UHRC 197/98	Wesonga -and- Attorney General	Right to life	J.M. Aliro-Omara	Ongoing and pending for assessment of damages
12.	UHRC 150/98	P. Waiswa -and- Attorney General	Torture Right to liberty	C.K. Karusoke	Ongoing and for complainants' case
13.	UHRC 620/99	Wanjala Boaz -and- Reg. Trustees/ Mengo	Right to liberty Cruel, inhuman treatment	A. Sibbo	Pending decision
14.	UHRC 210/99	Steven Gidudu -and- Attorney General	Torture Right to liberty	F.M. Wangadya	Ongoing and for respondent's case
15.	UHRC 176/97	D. Sengomwami -and- Attorney General	Torture	C.K. Karusoke	Ongoing and for complainant's case
16.	UHRC/G/76/01	Akera Eric Bosco -and- Attorney General	Torture, Right to liberty	F.M. Wangadya	For decision
17.	UHRC/G/268/00	Nyero Santo -and- Attorney General	Right to Property	F.M. Wangadya	Visiting locus in quo before decision
18.	UHRC/G/149/00	J.C.P. Okot -and- Attorney General	Right to Property	F.M. Wangadya	Visiting locus in quo before decision
19.	UHRC/S/15/00	Etukoit William -and- Alloch William	Remuneration for work done	J.M. Aliro Omara	Complainant's case

1.15 Three appeals have arisen out of tribunal orders as allowed under Article 53(3) of the Constitution of the Republic of Uganda which provides for appeals. They include two decided complaints (UHRC No. 219/98 on the right to life and complaint No.63/98 on freedom from torture) and one ruling on a preliminary point raised in UHRC No. 337/98, which is not yet decided.

1.16 The Commission also extracted and forwarded all decrees from decisions in complaints against the Attorney General (and in favour of the complainants) for compliance. It is not yet confirmed how many complainants have been compensated by government in compliance with the Commission decision. Table 1.9 shows the decisions that have been or are still under going execution.

Table 1.9 Decisions executed and pending execution.

No	Case	Parties	Issue
A	UHRC No.63/98	Emojong -and- Katongole	Warrant for committal to civil prison
B	UHRC No.340/97	Semwanga -and- Mubende District	Partly paid and warrant of attachment and sale of property has been issued
C	UHRC No.264/99	Tumuramye -and- Bwete et al	Warrant of sale of property issued
D	UHRC/G/48/00	Acegere -and- Aporu	Warrant of attachment and sale of property issued
E	UHRC No.219/98	Nabuwembo -and- Attorney General	Criminal investigations for possible prosecution commenced as recommended
F	UHRC No. 89/97	Shaban Gita -and- Mpigi	Disciplinary action taken over errant warders (they were dismissed)

- 1.17 It is critical to note that many of the complaints were decided against the Attorney General due to human rights violations by government officials. A clear and worrying pattern is emerging here: government officials act with impunity knowing that they will not be held personally liable for their acts or omissions that violate rights. The result is that government is obliged to spend considerable sums of money to make up for the failure of its officials to respect human rights or to act in accordance with the law. The Commission believes that Parliament has the responsibility to pressure government to ensure that such officials are disciplined: this will save government scarce resources. We should not encourage or condone a situation where government officials violate human rights, and government is then required to use its scarce resources to pay compensation to the victims.



Mediation

- 1.18 The Commission also uses mediation to resolve human rights complaints. Mediation is carried out in total and strictly observed confidentiality. During 2001, a total of 90 complaints were referred for mediation/conciliation: 49 were resolved, the parties advised accordingly, or matters were referred to appropriate forum. Of the remaining 41, a total of 11 were resolved and 22 retired due to loss of interest. In 2001, a total of 38 registered complaints were resolved: in 2002, a total of 20 in were resolved. By June 2002, the number of complaints for mediation had reached 25. This, plus the 8 complaints pending from 2001, brought the total number of complaints pending mediation as of June 2002 to 33.
- 1.19 The bulk of the claims referred for mediation involved the rights of children, particularly the rights to maintenance and education. Most complainants were biological mothers complaining on behalf of their children. Some children did complain about the failure of their parents to pay school fees. Most of these claims were against the biological fathers. Other claims involved women's rights, particularly where the violation involved domestic violence. The few claims brought by men involved the right to property, economic rights and inhuman treatment.

A Tribunal complainant swears in: the complaint was violation of the right to liberty.

Table 1.10. Mediation: Nature of complaints referred in 2001 and 2002

No.	Nature of Violation	2001	2002
1.	Right to be cared for by a parent (Maintenance)	29	13
2.	Domestic violence	2	7
3.	Right to education	9	6
4.	Economic rights (remuneration)	2	1
5.	Right to property	4	6
6.	Right of access to child	3	9
7.	Right to know a parent (paternity)	1	2
8.	Family rights	1	0
9.	Right to privacy	1	0
10.	Inhuman treatment	1	0
	Total	53	44

Table 1.11. Complaints put for mediation.

No.	Action Taken	2001	2002
1.	Resolved on merit	39	24
2.	Referred to other institutions (Court, Police, LC1)	4	4
3.	Referred to Tribunal	3	1
4.	Retired	3	4
5.	Presumed loss of interest	1	22
	Total	50	55

Challenges for mediation

1.20 Mediation has proved to be one of the best and most effective ways to resolve conflicts. The process is relatively fast, and both parties are actively involved in arriving at an amicable solution. In addition, mediation offers the parties a platform to communicate: this is vital because lack of communication is often the source of the misunderstanding. Mediation is also therapeutic and has therefore proved a very useful and non adversarial and appropriate method for resolving issues of children's and women's rights and general rights in the family. Mediation addresses issues beyond apparent human right violations.

1.21 Despite the above, mediation has presented challenges to the Commission. In 2001-2, some complainants failed to provide their addresses, delaying or preventing the Commission from convening a mediation session. On convening a session, some complainants (often with the

respondent) did not appear. After two or more consecutive failures to appear for unknown reasons, the complainant is presumed to have lost interest: the files are closed. Often such complainants do not come to inquire about the closure. The closure of a file per se does not extinguish any claims the complainant may still have and wishes to relodge.

1.22 In other instances, after a respondent has been invited for mediation, complainants withdraw their complaints before the mediation date and this may reflect intimidation, coercion or fear of pursuing the claim. Such a complaint cannot be resolved on its merits nor pursued without the key victim or witness instigating the commission to close the file.

1.23 Another challenge is enforcement and monitoring of the "Memoranda of Understanding" agreed at mediation. The Commission encourages aggrieved parties to inform it of any breach of the

Memoranda so that the matter can be revisited. In so doing, the reasons for non-compliance are raised, discussed and a way forward agreed upon. Often, however, it is not easy: where the breach continues, the matter is referred to the Tribunal to enforce the Commission's decision and make orders accordingly.

international human rights standards. On this basis, the Commission takes immediate action and makes recommendations to government organs.

Inspection of places of detention

1.24 One of the Commission's most important roles is to promote and protect the human rights of detained people. The Constitution mandates the Commission to visit places of detention to assess, inspect and make recommendations on the conditions of the inmates. The Commission therefore visits detention places to ascertain the number of inmates, how long they have been detained, how they are being treated and whether this treatment conforms to Ugandan law and

1.25 In 2001 the Commission concentrated on jails and prisons under the control of local administration. Past experience had shown that conditions of prisoners and respect for their human rights were improving in central government prisons, especially those within urban areas. In contrast, the situation in most local administration prisons was very appalling. In 2001, the Commission inspected 41 local administration prisons, 11 central government prisons, 3 remand homes, and 65 police cells. By September 2002, the Commission had inspected 54 local administration prisons, 28 central government prisons, 9 remand homes, and 63 police cells.

Table 1. 12 Places of detention inspected in 2001

Detention place	Inspecting UHRC office			
	Headquarters	Gulu	Soroti	Total
Central government prisons	3	7	1	11
Local administration prisons	28	8	5	41
Police cells	11	11	43	65
Remand homes	1	1	1	3
Total	43	34	50	120

Table 1.13 Places of detention inspected January- September 2002

Detention place	Inspecting UHRC office			
	Headquarters	Gulu	Soroti	Total
Central government prisons	24	4	-	28
Local administration prisons	46	6	2	54
Police cells	48	3	12	63
Remand homes	8	1	-	9
Total	126	14	14	154

Table 1.14 Places of detention inspected from December 2001-July 2002

	Place Visited	Type Of Prison /Cell	Total Inmates	Convict	Remand	Remarks
1	Biiso	Local Admin	6	0	6	Prisoners and cells very smelly and dirty. Dirty cells infested with bats and bat droppings. One meal a day. Water a problem during dry season.
2	Bubukwanga	Local Admin	34	11	23	Conditions of prisoners are life-threatening, inhuman and degrading: the district authorities showed no interest in improvement of prison conditions.
3	Bufulubi	Central Gov Farm	211	204	7	Generally, the living conditions of prisoners are very poor. Prisoners walk to court on foot. Prison staffs have one uniform only. No power.
4	Bugambe	Local Admin	12	0	12	One meal a day. Water is near prison premises. Some blankets are availed to inmates.
5	Bugiri	Local Admin	125	52	73	Farming is the main activity. Food served twice a day. One Sgt Saduli beats prisoners. Prisoners work even on Sundays.
6	Bugiri	Police Station	6	0	6	Small but clean cells. No lights in cells.
7	Bugungu	Prison Farm	203	140	63	No transport, and prisoners walk on foot to Njeru court. No form of communication at all. Prison staffs have only one uniform.
8	Bujenje	Remand Prison	6	0	6	One meal a day. Water is 0.5 km away from prison premises.
9	Buliisa	Sub-County Local Admin	9	5	4	Medical services available. However, inadequate food and no beddings.
10	Bundibugyo	Police Station	6	0	6	Accommodation for staff is a problem as are imprest and communication equipment for outposts. Wards are a state of disrepair. Very little food for inmates.
11	Buseruka	Local Admin	0	0	0	The building is in a dangerous state. Wards are extremely old.
12	Bushenyi	Central Gov Prison	459	25	434	Cells are in a very dangerous state of congestion: no air circulation, no medical services. Cells held 459 inmates and yet the planned number of inmates is 120.
13	Bushenyi	Police Post	8	0	8	Inadequate meals. No reported torture cases.
14	Busia	Police Post	11	0	11	Delayed process of prosecuting suspects.
15	Bwera	Police Post	5	0	5	The post has one mud and wattle building, with two separate rooms that act as cells (for male and female). Suspects depend on their relatives for food. No medical services.
16	Fort Portal	Remand Home	23	0	23	Building old with a leaking roof. No medical services, no uniforms since 1997.

Table 1.14 continued

	Place Visited	Type Of Prison/Cell	Total Inmates	Convict	Remand	Remarks
17	Fort Portal	Police Station	14	0	14	Little impress for the station; outposts have only 2 officers: 48-hour rule not observed (complained of unreliable transport).
18	Hoima	Local Admin	134	7	127	No uniforms or beddings. Wards too small for 134 inmates. Building needs urgent repair.
19	Ibanda	Remand	84	18	66	Fairly clean cells, prisoners have two meals a day.
20	Ibanda	Police Station	13	0	13	Overstay in the cells allegedly on transport to Kabarole.
21	Ibuga	Prison Farm	250	0	250	Soap is supplied; female prisoners lack sanitary facilities. In 2001, 20 inmates died of malaria and diarrhoea. Three meals a day. Katikiros beat the inmates, and sticks were found in the wards.
22	Iganga	Remand prison	84	18	66	Food is available though not adequate. Prisoners hired out in return for food supplement and soap. Medical services available. Old prison building.
23	Iganga	Police Station	19		19	Cells are very damp, cold and waterlogged, in a dilapidated building. Prisoners in cells for 8 days with no charge nor produced in courts of law.
24	Ihungu	Juvenile Remand Home	23	0	23	No fence around prison, no uniform and prison guards are not armed. Food is inadequate. Nothing has changed since the first inspection and recommendations were made. Adults kept together with juveniles. Nearly all prisoners have mattresses and blankets, courtesy of World Vision. However, issues of lice and bed bugs were raised.
25	Ihungu	Remand Home	10	2	2	No security fence around prison, no uniform and prison guards are not armed. Food is inadequate. Nothing has changed since the first inspection and recommendations were made. Adults kept together with juveniles. Few old blankets available.
26	Ikulwe (Mayuge)	Local Admin	29	10	19	No power. Only convicted prisoners have uniform. Health facilities available.
27	Isimba	Central Gov Prison	239	235	4	Medical services available, adequate food, and fair and clean beddings. Complained of long working hours for prisoners and poor living conditions of staff.
28	Jinja	Remand Prison	428	41	387	Food supplied from regional office. Staffs have only one uniform. There is only one old lorry.
29	Jinja	Central Gov Prison	296	225	71	Sickbay is supplied with drugs, and prisoners have clean uniforms. Long cases of overstay on remand.

Table 1.14 continued

	Place Visited	Type Of Prison /Cell	Total Inmates	Convict	Remand	Remarks
30	Kabale	Police Station	10	0	10	Clean cells, and no cases of overstay. Prisoners have 2 meals a day, and no cases of torture were observed nor reported.
32	Kakiika	Central Gov Prison	830	0	830	Many cases of defilement. Of the 500 cases capital offence, only 227 are committed to high court. Signifying delay in justice.
33	Kakiika	Central Gov Prison	782	85	697	One lodger, four civil debtors
34	Kakuuto	Local Admin	34	15	19	No power, and some prisoners looked very dirty. Inadequate drugs in health centre. Prisoners are hired out for labour to supplement food, soap and salt.
35	Kamuli	Central Gov	64	27	37	Two meals a day. Clean prisons and prisoners had uniforms and access to clean water.
36	Kamuli	Police Station	20	0	20	Single cell at the station too small for 20 suspects. It was very dirty with no beddings.
37	Kapchorwa	Central Gov Prison	91	25	65	Good administration exhibited in this station; have a system of working with judiciary to observe the 48-hour rule.
38	Karugutu	Police Station	4	0	4	No beddings, no accommodation for staff and insufficient food for themselves; no office space.
39	Kasese	Police	6	0	6	Prisoners are fed inconsistently as the supplier is not paid on time; barracks sewerage system was out of order and posed a danger; detention beyond 48-hour rule is common. Police staff have enough housing facilities.
40	Katojo	Central Gov Prison	645	99	546	Prisoners looked physically healthy and clean. Premises well maintained and appeared clean. Running water available. Prisoners have one meal a day. Long stay on remand.
41	Kibito	Local Admin	25	24	1	Water borehole is 1/2 a km away; inadequate supplies of prison items from the district; no proper latrines as the place is rocky.
42	Kiburara	Prison Farm	283	0	283	Water source is poor and so is the quality of food.
43	Kiburara	Prison Farm	274	274	0	Dirty pond water used. However, prison conditions have improved.
44	Kigo	Prison Farm	644	94	478	Complaint of malaria; generally clean wards.
45	Kigumba	Local Admin	27	0	27	Prisoners go out in the open compound to urinate and defecate.
46	Kigumba	Local Admin	25	25	0	A pit latrine has been constructed. But buildings still very poor with no effort made to improve them. Water source still a long distance away

Table 1.14 continued

	Place Visited	Type Of Prison/Cell	Total Inmates	Convict	Remand	Remarks
47	Kigumba	Police Post	0	0	0	Post is under Masindi police station, 29 miles away.
48	Kiryandongo	Local Admin	44	43	1	No uniforms or beddings. The building needs urgent repair.
49	Kiryandongo	Local Admin	36	0	36	Nothing fundamental had changed from previous visits. Prisoners had nothing to sleep on and no uniforms. They looked dirty. The building is in need of serious repair.
50	Kiryandongo	Police Post	7	0	7	Inmates were happy and well treated. No complaints raised.
51	Kisoro	Local Admin	28	12	16	All prisoners in uniform: a well-organised team of officers. Human rights are observed, and cells are clean in all aspects.
52	Kisoro	Police Station	5	0	5	Very dirty and dark cells. Old building needs urgent repairs.
53	Kitala	Local Admin	0	0	0	Starvation led to death of one prisoner, Edward Asimwe, while Ayub Ibrahim was tortured by staff and prison leaders. Prisoners work long hours from 6 am to 6 pm daily with very little or no food at all. Water is 3 km away.
54	Lake Katwe	Police Station	1	0	1	Station depends on public transport; health facilities available.
55	Maiha	Local Admin	16	16	0	Very old uniforms: no beddings and wards. Toilets in very bad state.
56	Malaba	Police Post	4	1	3	Cells clean, and no cases of overstay
57	Masafu	Local Gov Prison (Busia)	68	18	50	No medical facilities. No indication of food preparation, whatsoever, at the time of inspection. General lack of administration.
58	Masaka	Central Gov Prison	693	90	590	No beddings but those who can afford are allowed to bring their own blankets. Visitations allowed 3 times a week.
59	Masaka	Local Admin	117	88	19	Clean wards, and 2 meals a day. There are medical services and tap water.
60	Masaka	Police Station	15	0	15	New police station has been constructed, although some facilities are already breaking down and need repairs.
61	Masindi	Central Gov Prison	513	117	396	Food and medical services are available, but 12 deaths had occurred in 2001 because of TB and dysentery.
62	Masindi	Police Station	8	0	8	Old buildings in urgent need of repair and about to collapse.
63	Mbale	Central Gov Prison (Main)	834	155	679	Adequate food is served. Mabuku Abdala of Bunamwononyi of Bumbo UPDF detach unit had spent 4 years on remand and died in custody; the cause of death unexplained. Diet needs to be improved.

Table 1.14 continued

	Place Visited	Type Of Prison /Cell	Total Inmates	Convict	Remand	Remarks
64	Mbale	Women's Prison	26	9	17	Very clean beddings and clean prison. Exhibition of good leadership by OC. Enough food, water, soap, and uniform. Commended prison
65	Mbale	Police Station	10	0	10	Clean cells, and no cases of overstay. Prisoners have 2 meals a day, and no tortured cases were observed or reported.
66	Mbarara	Prison Sick Bay - Central	139	0	139	This is a referral bay for 6 districts serving Mbarara, Kabale, Rukungiri, Kisoro, Ntungamo and Bushenyi.
67	Mbarara	Police Station	13	0	13	Fairly clean cells, prisoners have two meals a day.
68	Moru Katipe	Central Gov Prison(Tororo)	345	137	208	Enough food in stores, cases of malaria, clean water available.
69	Mpondwe	Police Station	2	0	2	Lack of transport, no medical services even for rape cases: clean cells.
70	Mubuku	Prison Farm	190	47	143	Beatings by Katikiros were observed; new charcoal-saving stoves bought. Some new uniforms for inmates; no sanitary towels for female inmates.
71	Mukujju	Central Gov Prison	18	18	0	Harassment of inmates by Warders Opondo and Onyango; very rude indisciplined staff, insufficient rotten cassava is served with no sauce. One meal a day, no soap, no salt. Inmates dig from Monday to Sunday.
72	Mutukula	Central Gov Prison	80	80	0	Many prisoners on remand even after serving their remand terms.
73	Nabwigulu	Local Admin	15	8	7	Food is grown in the prison farm. Water is available; no soap and salt. No medical facilities.
74	Ndorwa	Central Gov Prison	369	44	325	The prison is congested having three times more inmates than planned capacity of 120 (excess of 249). Chronic skin disease, poor sleeping conditions, poor food. Prisoners looked to be in poor health, feeding on porridge at lunch and poor posho and beans for supper.
75	Ntungamo	Local Admin	65	29	36	Prison in a very pathetic condition, very dirty floor, buckets used as toilets. Dirty meals unfit for human consumption are prepared in unacceptable unhygienic conditions. Prison unfit for such a service. Unfit for a prison.
76	Ntungamo	Local Admin	56	30	26	Wards heavily infested with lice and bedbugs. No kitchen: food is prepared in the open, using dirty water fetched from a pond. Prisoners have one meal a day. Floor is uncemented, making it difficult for inmates to sleep as there are no mats or blankets.

Table 1.14 continued

	Place Visited	Type Of Prison /Cell	Total Inmates	Convict	Remand	Remarks
77	Ntungamo	Police Station	3	0	3	Two meals a day. No sleeping or cover beddings.
78	Nyabuhikye	Local Admin	99	29	70	18 juveniles on remand
79	Ruimi	Prison Farm	287	283	4	Each inmate has 2 blankets; health conditions generally good. Three meals are served a day. Cooking utensils not enough nor is the supply of essential drugs.
80	Rukooki	Police Post	80	27	53	Staff lack proper accommodation. Water is very far. One meal a day is served.
81	Rukungiri	Central Gov Prison	124	33	91	Over-congested: some prisoners sleep in corridors. Delayed justice. However, officers have improved prisoners' rights in the prison.
82	Rukungiri	Police Station	12	0	12	Almost all inmates range from 14 to 22 years.
83	Rusese (Bwera)	Local Admin - Remand Unit	16	7	7	Lack of uniform for staff and inmates, lack of beddings. One meal a day.
84	Tororo	Police Station	15	0	15	Cells were clean and uncongested.

Katikiros are the prefects prisoners chosen to instil discipline and meet prisoners concerns from the authorities

General observations on the conditions in detention places.

Police cells

- 1.26 Illegal detentions continue to be the biggest challenge: detained persons stay in police cells beyond the 48 hours stipulated in the Constitution without being produced in court. Police officers are increasingly aware of this rule and most are making clear efforts to comply with it. Nevertheless, they continue to be frustrated by: inadequate transport, which hampers investigations; irregular court sessions; and interference in police work by some politicians and members of other security organs. Police officers also say that sometimes they have to keep the suspects longer than is legal to save them from mob justice.
- 1.27 Separation of detained persons according to sex and age is another challenge, especially in police outposts which have only one cell for males. Officers have no place to detain female suspects and usually end up cautioning and releasing them on bond. Cells for juvenile suspects were virtually non-existent: again officers mainly cautioned and released them in accordance with the Children's Statute. However, we found a few instances where children were detained with adults in the same cell.

- 1.28 Torture and cruel, inhuman and degrading treatment of suspects has reduced tremendously. In fact, in all police cells inspected by the Soroti regional office, there were no clear cases of torture. This could be attributed to the human rights sensitization undergone by the police.

Prisons

- 1.29 There is a stark contrast between central government and local government prisons. In local government prisons, conditions of inmates are much worse, and officials have limited awareness of prisoners' rights. Congestion remains a serious problem in both, with some prisons accommodating double their capacity. Generally, almost all prisons have poor facilities: the physical building structures, water and sanitation infrastructure are dilapidated or non-existent; prisoners lack medical care, adequate meals, beddings, uniforms and soap. Torture still remains a problem, especially in the local government prisons, although some improvements have been registered.
- 1.30 In many places of detention where the Commission had visited before, prisoners said that incidents of torture and hard labour had reduced

significantly. There were also efforts to improve the living conditions of suspects. Financial constraints still remain an impediment.

- 1.31 In every annual report since 1998, the Commission has urged government to review the management of local administration prisons and clarify whether they fall under district or central government. This matter is crucial: conditions in local administration prisons are deteriorating, and no authority seems responsible. In the meantime, local governments need to ensure that they budget for their prisons.
- 1.32 The living conditions of police staff remain appalling and in some cases inhuman and degrading. It is futile to improve the conditions of suspects without improving those of their custodians. The Commission recommends that government make a concerted effort to improve the living conditions of men and women serving in police and prisons.

Human Rights education and training

- 1.33 In 2001 and 2002, the Commission continued to use civic education and training as a major strategy to promote awareness of and respect for human rights. This was in fulfillment of the Commission's constitutional mandate to teach Ugandans about the Constitution and its Bill of Rights. The Commission held workshops and seminars for the security forces, including the army and police, and for the youth, district leaders and the general public.

Workshops for the UPDF

- 1.34 The Commission carried out four training workshops in human rights for the army at divisional level. A total of 195 UPDF officers and men of all ranks, including the Chief Political Commissar, divisional commanders, political commissars and administrators attended the workshops held in Mbale, Kampala, Mbarara and Gulu. The aim was to empower UPDF officers to understand their role in protecting human rights, democracy and the Constitution. In these workshops, the Commission aimed to sensitize the army to cherish the dignity of all persons and to be transparent and ethical in the discharge of its duties. The Commission recognises the vital role that the army plays in peacekeeping and peacemaking and in promoting democratic values, constitutionalism and the rule of law.
- 1.35 The same key issues arose in all the workshops. There was strong feeling about soldiers' welfare, conditions of service and the yardstick used to determine when a soldier's services were no longer required. There was concern about the disparity between soldiers' benefits and those of other civil servants, especially after retirement. Many soldiers noted that as government servants they ought to be entitled to representation by the Attorney General when they are sued on account of what they do on official duty. They said, however, that when they were sued, this was sometimes not the case. Some raised the possibility of government insuring members of the UPDF. Torture also featured prominently: there were heated

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Table 1.15 Summary of human rights training for the UPDF

No	Date	Army Division	Number of Participants	Venue	Topics covered
1	26 - 27 September	Third Division Mbale	49	St Austine Hall, Mbale	1. The concept of human rights 2. Challenges of peace support operation and international human rights law
2	18 - 19 October	First Division Mbuya	50	Pope Paul Memorial Centre, Rubaga, Kampala	3. The code of conduct and ethics for the UPDF and the NRA Statute
3	8 - 9 November	Second Division Mbarara	56	Pelican Hotel, Mbarara	4. The Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (CAT): relevance to the UPDF
4	29 - 30 November	Fourth Division Gulu	40	UHRC Regional office, Gulu	5. The role of the army in the protection of democracy, constitutionalism and human rights

debates over the line between inhuman and degrading punishment and the common punishments in the army, particularly frog marching. It was clear that the Army Council urgently needs to define the punishments provided for in the Army Code of Conduct. Currently there is a provision that allows “any other minor punishment”. Participants described this as an open cheque for officers to mete out any punishment. The Commission and UPDF lawyers need to study the Army Statute to plug the loopholes and to synchronise it with the Constitution and the Convention.

- 1.36 There was discussion of the need for military intervention in Karamoja given the large number of arms involved in incursions.

Recommendations

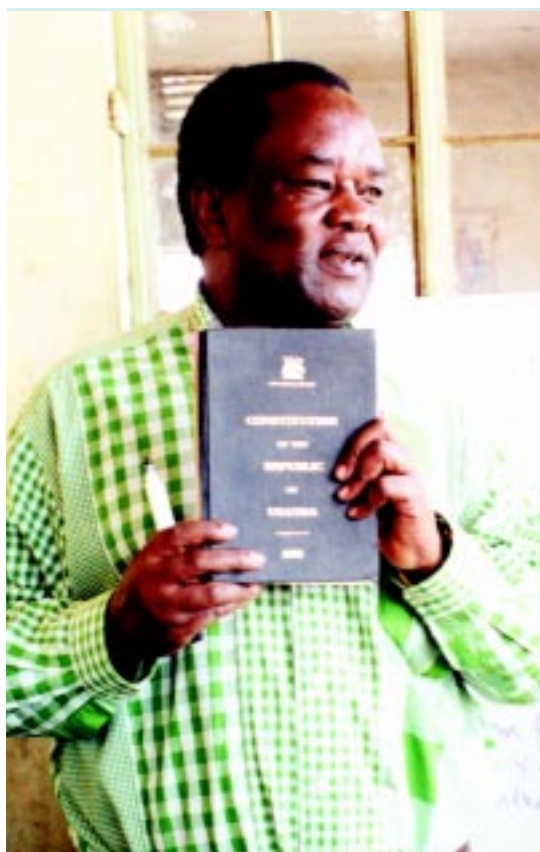
- 1.37 Several important recommendations emerged from the workshops with the UPDF, including that:
- Government should strengthen the capacity of the police to keep law and order so that the army only intervenes when there is extreme need for re-inforcement.
 - Government should improve soldiers’ living conditions. Soldiers’ rights need to be protected if they are to safeguard other people’s rights.
 - Government needs to strengthen the army’s human rights desk, legal department and judicial system to enhance human rights in and outside the army. Human rights studies should be part of the syllabus in every military training school.

Constitution education for the youth

- 1.38 The Commission educated youth on the Constitution. This national project aims to bring about behavioural and attitudinal change in a vulnerable group to create responsible citizens. The goal was to promote the values of the Constitution of Uganda and empower youth to monitor and report on human rights, democracy and constitutionalism in their communities. The project targeted youths in secondary schools; youth councilors from each district; and youth in tertiary institutions such as NTCs, PTCs, technical and vocational institutions and universities.
- 1.39 The youth told the Commission that they had little access to the Constitution, especially in rural areas.

Obstacles included the cost of the published Constitution and its unfriendly language. The youth said they knew little of constitutional provisions, other laws, and human rights and duties. They expressed worry about joblessness, minimal representation in parliament, election violence, vote buying and intimidation. They were also concerned about defilement and corruption.

- 1.40 The youths commended the new UHRC regional offices and urged the Commission to extend its presence further, especially into rural areas, where human rights are particularly lacking. They called for a youth desk at the Commission and urged the Commission to donate subsidized copies of the Constitution in local languages to youth. Youth leaders criticized the mode of voting for youth leaders — lining up behind candidates — and wanted it replaced by secret ballot. They asked Government to clearly define the ministry responsible for youth councils and their activities so as to have work plans supported. Student youths asked the Ministry of Education to devise disciplinary measures besides caning and to make political education compulsory at Ordinary Level.



A Commission staff member carries out education on the constitution.

Table 1.16 Summary of workshops conducted to sensitise youth on the Constitution, 2001-2002

No	Date	Institution	No. of Participants	Venue	Topics covered at all workshops
1	3-4 Dec 2001	Kakoba National Teachers College	127	College Chapel	1. The history of constitution making in Uganda 2. Contentious issues in the Constitution 3. The rights and duties of a citizen 4. Citizenship in Uganda 5. The Uganda Human Rights Commission and the protection of human rights 6. Visible gains made by the youth through the Constitution and challenges ahead.
2	4 December	Kumi University	116	University campus	
3	5 December	Soroti district youth councilors	78	Soroti UHRC Regional Office	
4	5-6 December	Bushenyi Core Primary Teachers College	254	College assembly place	
5	6 December	Nagongera National Teachers College, Tororo	233	College Library	
6	7 December	Bushenyi district youth councilors	107	Mothers Union Hall	
7	10-11 December	Christ the King Primary Teachers College, Gulu	160	College Hall	
8	12-13 December	Gulu Core Primary Teachers College	300	College Hall	
9	14 December	Lira district youth councillors	155	St Augustine Hall Lira	
10	8 April 2002	Mayuge district youth councilors	100	DFI Hall	
11	8 April	Sembabule district youth councillors	104	Council Hall	
12	8 April	Kisoro district youth councilors	112	Town Council Hall	
13	9 April	Wairaka College, Jinja district	218	Main Hall	
14	9 April	Christ the King SS Kalisizo, Rakai district	210	School Compound	
15	9 April	Kigezi High School, Kabale district	120	School Library	
16	10 April	Busoga College Mwiri, Jinja district	177	Main Hall	
17	10 April	Kako SSS, Masaka district	100	Classroom	
18	10 April	St. Mary's College Rushoroza, Kabale district	126	Science Laboratory	
19	11 April	Kaliro Core PTC, Kamuli district	617	College Dining Hall	
20	11-12 April	Ndegeya Core PTC Masaka district	270	College Hall	
21	17 June 2002	Kiboga district Youth councilors	100	Council Hall	
22	17 June 2002	Nebbi Town SSS, Nebbi district	250		
23	17-18 June	Nakaseke PTC, Luwero district	191	College Hall	

Table 1.16 continued

No	Date	Institution	No. of Participants	Venue	Topics covered at all workshops
24	18 June 2002	St Aloysius Nyapea, Nebbi district	100	Classroom	
25	18 - 19 June	Hoima PTC, Hoima district	256	College Hall	
26	19 June	Nakasongola Army School	177	School Main Hall	
27	19 -20 June 2002	Arua PTC, Arua district	100	Main Hall	
28	20 June	Duhaga SSS, Hoima district	100	School Library	
29	20 June	Masindi district youth councilors	77	Council Hall	
30	21 June	Kibale SSS, Kibale	150	Classroom	
31	21 June	Kabalega SSS, Masindi district	170	Main Hall	
32	22 June 2002	Moyo district youth councilors.	76	Moyo Multipurpose Hall	
Total			5421		

Human rights training workshops for the Uganda Police

- 1.41 The Commission conducted 2 two-week training of trainers (TOT) workshops for selected categories of police officers from Kibuli and Masindi Police Training School: 60 officers attended, including community liaison officers, divisional training officers, and child and family protection officers. The workshops aimed to equip police officers with the skills to use the Police Human Rights Training Manual, which had been developed by the Commission and Uganda Police in 1999.
- 1.42 Participants noted that their offices did not have copies of the Constitution. They also noted that lectures were not the best method to internalize the contents of the manual. They asked for increased public awareness on police powers, duties and operations: this would prevent misunderstandings, particularly regarding the right of a suspect to police bond.

Table 1.17 Summary of police TOT workshops

No.	Date	Activity	Number of participants	Venue
1	21 October - 3 November 2001	Two-weeks human rights training for trainers for police officers	30	Masindi Police Training School
2	10 -21 December 2001	Two-weeks human rights training for trainers for police officers	30	Masindi Police Training School

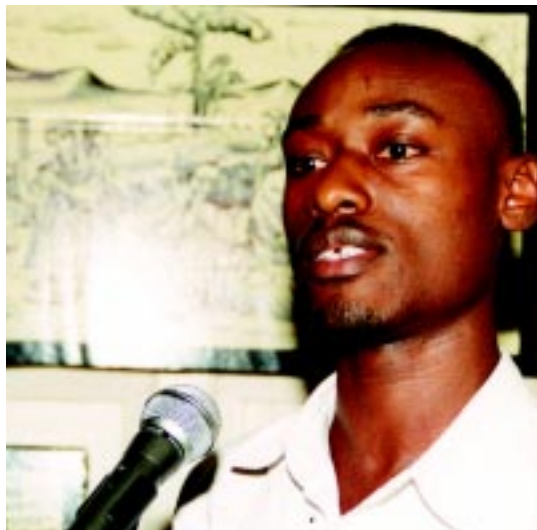
District human rights seminars

- 1.43 In the period under review, the Commission conducted three human rights seminars for Kampala, Bundibugyo and Kanungu districts: the 287 participants included district officials and opinion leaders. The seminars aimed to empower district officials with the human rights knowledge and skills to operate within the law as they monitor human rights violations. Prominent issues that arose were:
- the death penalty and torture
 - election tension
 - harmful information by the media and its effect on social values and morals, particularly of young children
- uncontrolled access to the Internet.

- 1.44 Participants strongly recommended that government and Parliament develop a law on torture and pass the Domestic Relations Bill. In addition, they urged that government follow-up and act on Commission reports. At the local level, they urged administrative units and local governments to have a representative to advocate for human rights. They felt that district budgets should fund human rights education. These three seminars brought to 50 the districts covered by the Commission since its inception.

Constitution Day conference

- 1.45 Every year the Commission commemorates the promulgation of the 1995 Constitution with a conference that critically examines Uganda's progress towards constitutionalism. The themes of the three previous years had been women, building a culture of constitutionalism, and the security agencies. In 2001 the conference focused on the "Constitution and the Youth". Held between 4-5 October 2002, 120 national youth leaders from schools, tertiary institutions and the districts met at the International Conference Centre, Kampala. The conference aimed to assess the progress to date in translating the provisions of the Constitution into instruments for the social economic and political advancement for the youth. It also aimed to identify and describe:
- the constraints to achieving the constitutional provisions
 - the contentious issues in the Constitution and the role of the youth in resolving them
 - the role played by morality and ethics in the lives of the youths
 - the rights and civic duties of the youths enshrined in the Constitution
 - a way forward by identifying development benchmarks and indicators.
- 1.46 The youth expressed concern about their lack of access to the Constitution; the high rate of forced or voluntary student drop-out; unemployment; insecurity; the need for equal protection of the girl and boy child; and lack of awareness of youth's role in promoting and keeping peace and fighting crime and mob justice. The youth currently at school spoke about human rights abuses in schools and colleges, including administrations interfering with student bodies,



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A participant in the activities against xenophobia

preventing students from interacting with the opposite sex, and restricting students' freedom of movement, worship and choice of courses to pursue. Students also complained about lack of proper career guidance, excessive punishments, and defilement and sexual abuse of students by teachers.

Elimination of racism, racial discrimination, xenophobia and other related intolerances

- 1.47 With assistance from the United Nations High Commissioner for Human Rights, the Commission started a national campaign to increase awareness of the evils of racism. The aim was to review the political, historical, social, economic and cultural factors that lead to racism and to review progress made in combating it. What were the obstacles to further progress? And what could be done to overcome them? This was in preparation for the World Conference on the Elimination of Racism, Racial Discrimination, Xenophobia and Other related Intolerances in Durban, South Africa in September 2001.
- 1.48 The core activities included:
- a national art and essay competition on racism, racial discrimination, xenophobia or other intolerances.
 - a public lecture and three one-day workshops in Mbarara, Soroti and Gulu.
 - a national workshop at Fairway Hotel, Kampala, to present all the information from the regions and the East African workshop held in Arusha, Tanzania. In total 1078 people participated in the workshops and lectures. The national workshop drew up a National Declaration of Commitment for the eradication of racism, racial

discrimination, xenophobia, tribalism and related intolerance in Uganda, which was presented in Durban. *The Commission urges that this declaration become a way forward in the struggle to build Uganda as a nation based on equality without tribalism and discrimination.*

- 1.49 The Commission found people in the northern region to be particularly concerned about insecurity and poverty which make many northern people feel discriminated against. Clearly, such feelings can easily be manipulated to promote ethnocentrism tribalism and violence. In eastern Uganda, the major concern was the Karimojong who raid the eastern districts, rob cattle, kill, rape, cause destruction to property and displace the people into camps. This terror and insecurity causes the population to feel ignored by the government and to believe that the government discriminates in favour of the Karimojong by condoning their illegal possession of arms. In western Uganda, key issues were religious rivalry between Catholics and Protestants and the intolerance between the Bairu and Bahima. Most people saw a potential conflict between the Bairu and the Bahima and thought politicians wanted it “swept under the carpet”. The national conference

highlighted religion, manipulation of the ordinary people by the elites, the fight for political power or sharing of the national cake, historical factors, cultural attitudes, economic and social imbalance, xenophobia against people of Rwandese origin, minorities, refugees and internally displaced people in Uganda. See Table 1.18 below.

Other workshops

- 1.50 Through its regional offices, the Commission conducted 36 human rights workshops. In the northern region, the UHRC Gulu office conducted 16 workshops, five for security organs (UPDF, Police, Prisons and ISO), ten for NGOs/CBOs, and one for religious and cultural leaders. A total of 770 participants attended. In eastern region, the UHRC Soroti office conducted 20 human rights workshops for police, prisons, educational institutions and civil society. The 1793 participants included 283 police officers, 74 prisons officers, 172 members of civil society, 1225 students and teachers, and 39 civic leaders. The participants were sensitized on human rights, the mandate and functions of the Commission, and the relationship between their occupations and the promotion and protection of human rights.

Table 1.18 Summary of activities on the xenophobia countrywide project

No.	Date	Activity	Number of participants	Venue
1	19 July	Public lecture on the evils of tribalism, xenophobia and other related intolerances	171	Soroti Flying School
2	20 July	One-day workshop on elimination of racism, racial discrimination, xenophobia and other related intolerances	114	UHRC regional office Soroti
3	24 July	Public lecture on the evils of tribalism, xenophobia and other related intolerances	89	UHRC regional office Gulu
4	25 July	One-day workshop on elimination of racism, racial discrimination, xenophobia and other related intolerances	94	UHRC regional office Gulu
5	31 July	Public lecture on the evils of tribalism, xenophobia and other related intolerances	345	Lake View Regency Hotel, Mbarara
6	1 August	One-day workshop on elimination of racism, racial discrimination, xenophobia and other related intolerances	163	Lake View Regency Hotel, Mbarara
7	22 August	National conference on elimination of racism, racial discrimination, xenophobia and other related intolerances	102	Fairway Hotel, Kampala
8		Essay and art competition on elimination of racism, racial discrimination, xenophobia and other related intolerances	2552 for essay 238 for art	UHRC headquarters and regional offices

Review of Bills to Parliament

1.51 Every year, the Commission critically examines Bills to Parliament to ensure that the laws that are passed comply with human rights principles. The Commission's recommendations are presented to Parliament for consideration to have them incorporated. In particular, the Commission scrutinized the Suppression of Terrorism Bill, 2001. The process started with public consultations. The workshop allowed the Commission to gather views on the provisions of the Bill. There was a lengthy discussion of the Bill's rationale and justification; experiences were shared from other countries, specifically the UK where a similar law exists. Participants, including members of security organisations, government officials, lawyers, MPs, and local and international human rights organisations, were able to explore the human rights implications of the Bill. From this workshop and its own research, the Commission presented its independent position on the Bill to Parliament. In a 21-page document, the Commission argued that an anti-terrorism law was necessary but that the proposed bill needed to be strengthened to avoid criminalising and victimising the innocent and violating the fundamental human rights and freedoms of suspects.

1.52 The Commission gave its position to parliament and published its recommendations in *The New Vision*, *The Monitor* and *Uganda Confidential*. The aim was to contribute to the national debate and to raise public support for an amended version of the Terrorism Bill. *The Commission's stand is that Uganda needs to comply with its obligations under international human rights instruments and needs to ratify multilateral treaties on terrorism.*

Pronouncements on human rights issues

1.53 The Commission pronounced itself on four extraordinary occasions when it felt that human rights were grossly at stake. These four incidents were:

- killings by Karimojong in an IDP camp in Ngariam, Katakwi and retaliatory killings by Iteso.
- the summary executions of UPDF soldiers, who were tried and sentenced to firing squad by a field court martial in Karamoja.
- a planned UPC rally.
- the armed conflict in northern Uganda.

1.54 In September 2001, the Commission issued a press statement through its Soroti office condemning the murders of displaced people in Katakwi district by Karimojong and the retaliatory killings of Karimojong by Katakwi residents. The incident behind this press statement in brief was that on 13 September 2001, armed Karimojong raiders attacked a camp for IDPs in Ngariam subcounty, Katakwi district: 17 people were killed and up to 700 heads of cattle were stolen. In retaliation, innocent Karamoja-bound travelers and traders were removed from a bus and killed by a mob of Iteso people.

1.55 On 30 March 2002, the Commission issued another statement condemning the unlawful killings of Fr. Declan O'toole and two of his Ugandan staff and called for respect of the right to fair trial in the light of the summary trial and execution of the two soldiers suspected of the killings. The soldiers, Cpl. James Omedio and Pte Abdalla Mohammed, had been hastily tried in a field court martial, found guilty and executed publicly the same day by firing squad. The Commission pointed out the discrepancy between the Field Court Martial and the Constitutional provision

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Displaced people
in Katakwi after
the raids by
Karimojong.

for fair trial by a court of competent jurisdiction, which also provides for appeal to the highest level. The Commission called on government to institute an enquiry into the circumstances of the trial and executions with a view to making reparations and ensuring that similar incidents are not made again. It also called for repeal of the provisions of the National Resistance Army Statute 1992, which the Commission believes are inconsistent with the Constitution.

- 1.56 On 11 January 2002, the Commission issued a pronouncement over a planned rally by a political party, Uganda Peoples Congress (UPC), which the police had declared an illegal assembly and promised to disperse. The Commission appealed to the police and UPC to avert the looming confrontation, which could lead to insecurity, instability and loss of life. The Commission stated that legally restricted freedom of assembly is guaranteed by the Constitution. It called for peaceful negotiations and the use of legal and lawful means to pursue the matter through the Constitutional Court. It advised that other avenues, such as the debate on the Political Organisations Bill and the Constitutional Review Commission, could be pursued to resolve the controversy.
- 1.57 On 28 October 2002, the Commission issued a statement condemning the actions of the Lords Resistance Army (LRA) in northern Uganda. The LRA had killed a group of people, chopping up one of the victims and cooking him in a pot to force survivors to eat a dead body. The Commission statement urged the LRA and the government to abide by the 1949 Geneva Convention.

Publications

- 1.58 The Commission disseminates human rights information and education through its monthly magazine. *Your Rights* provides a forum to explain and debate significant issues around human rights. Between 2001 and 2002 *Your Rights* tackled: the right to vote, racism, tribalism, xenophobia and related intolerances, the Constitution and the youth, terrorism and human rights, human rights and the media, children's rights, disarmament in Karamoja, and security and human rights.

- 1.59 During the year, the Commission published one periodic report: *The Kanungu massacre: The restoration of the Ten Commandments of God indicted*. This was a compilation of the Commission's findings on the investigations launched following the murder of nearly 1000 people in March 2000 by a religious cult. The report was a welcome commentary on this sad episode and rekindled interest in finding out what exactly happened.

Newspaper pullouts

- 1.60 Another important Commission publication in 2001 was a simplified version of its *Annual Report 2000-1*. Its highlights and recommendations were condensed and printed in English, then translated and printed in Luo, Luganda, Ateso, and Runyankore/Rukiga/Runyoro/Rutooro. The 8-page summaries appeared in national and regional newspapers. A wider population therefore accessed important information on human rights.

The Commission Website

- 1.61 In March 2002 the Commission launched its official website: www.uhrc.org. The website was developed with assistance from the UNDP. Staff were trained to administer and update the website which was supported by UNDP.

Visits to Refugees and Internally Displaced People's (IDPs) Camps

- 1.62 The Commission visited three refugee camps and 18 camps for IDPs in 2001. Refugee camps, visited in November and December 2001, were Acholi Pii in Pader district, northern Uganda and Kyaka I and Kyaka II in Kyenjojo district, western Uganda. IDP camps visited in the same period included Pabbo, Paicho, Padibe and Lukung in northern Uganda; Chepsukunya, Sundet and Ngege in Kapchorwa district, and Magoro, Ocwiin, Ngariam, Acanga, Palam, Obulejet, Orungo Corner, Adacar and Aketa in Katakwi district in eastern Uganda. Four of these including Magoro, Ocwiin, Acanga and Ngariam were visited again in August 2002 to assess the food, security and health situation and the measures in place to mitigate the impending El Nino phenomenon.
- 1.63 In the refugee camps, the Commission found serious problems relating to domestic violence, health problems, food insecurity and a host of other vices relating to poverty and insecurity. In the

Table 1.19. Refugee population in Kyaka I as of December 2001

	Age	18+	18+	5-17	5-7	0-4	0-4		
Nationality		Male	Female	Male	Female	Male	Female	HOF	Individual
Congolese		389	451	1140	1512	12	17	472	3521
Rwandese		5	8	3	5	4	2	7	27
Total		394	459	1143	1517	16	19	479	3548
Disabled		8	7	3	5	-	-	-	23

Source: The refugee settlement commandant, Kyaka I

IDP camps, most worrying were insecurity, lack of schools, and shortages of water, food and land. Medical services and sanitation were also poor, causing a high prevalence of diseases like malaria, diarrhoea, and measles.

1.64 Kyaka I refugee camp was dormant. Kyaka I is divided into two areas: Kazinga and Ruhangire. Kazinga was predominantly for Rwandese refugees who were pastoralists and have since returned to Rwanda. Ruhangire is dominated by Congolese refugees. All these are refugees who came to Uganda in the 1960s. The remaining refugees in Kyaka I are more or less integrated.

1.65 The major problem in Kyaka I was conflict between the settlement officials and the local population over use of the land in Kazinga which had been vacated by the Rwandese refugees when they returned to Rwanda in 1994. The local population, encouraged by local politicians, has encroached on the gazetted land, arguing that now that it is vacant, they can "repossess" it. It was alleged that, in a bid for votes, politicians had told the locals that the land had been de-gazetted. The settlement authorities insist that this is illegal, and that encroachers should vacate the land or be forcefully removed. The LC I chairman told the Commission of a power struggle between himself and the camp commandant. It was not clear to whom the illegal encroachers must answer. A written submission by the refugee settlement commandant, Mr Batenda-Bagaya, predicted conflict: "Encroachment on Kyaka I Refugee settlement land has brought about an adverse relationship between the settlement administration and the LCs administration around the settlement. Therefore the refugee settlement commandant and his security guard

are sitting on a time bomb. If encroachment does not get an urgent lasting solution, the end result may not be good". See Table 1.19 above.

1.66 The illegal encroachers told the Commission that they are willing to vacate the area if government authorities give a good explanation. Some said that they know that the land is not theirs but that they are just grazing their animals there temporarily. A simple explanation from a relevant official from a higher office could easily quell the tension. *The Commission recommends that to avoid conflict between the camp authorities (government) and the local population in Kazinga, the ministry in charge of refugees, the Ministry of Disaster Preparedness, should go to Kyaka I and explain to the people the status of the settlement and the extent to which, if any, the local people can use the land.*

1.67 At the time of the visit to Kyaka II, there were 3110 refugees from Rwanda, Congo and Kenya. Some Rwandese refugees had just been transferred there from Nakivaale Refugee settlement due to shortage of land. See Table 1.20 below.

1.68 The major problem in Kyaka II camp is the poor health facilities, which need serious and urgent renovation. The common diseases were malaria, sexually transmitted diseases and "stomach ache". The refugees also complained of

Table 1.20 Refugee population in Kyaka II as of December 2001

AGE	Male	Female	Unregistered	Total
	1482	1506	95	3083
18 and below	348	414		762
Under 4	481	519		1000
Above 60	125	101		226

Source: Camp officials Kyaka II



The idle and
difficult life in
IDP camps

corruption. Settlement staff complained of the lack of lighting at night, especially in the hospital: sometimes women deliver by candlelight. The staff also complained that the camp commandant reserves the available generator for visitors. The Commission confirmed this with the assistant camp commandant. The District Refugee Officer who also travelled to the camp advised the assistant camp commandant that the 100 liters of fuel provided per month for the generator was enough to light the health unit. It was clear that the camp commandant and his assistant were misappropriating and misusing the fuel. *The Commission recommends that this issue be followed up: lack of power endangers the lives of patients in this health unit.*

- 1.69 Another big problem was violence among the refugees. The Commission found officials handling two cases of domestic violence, while another case of violence between neighbours was reported during that night. Such incidents were common. *The Commission recommends that the refugees undergo education on all aspects of human rights, but in particular on the rights of refugees, children and women.*
- 1.70 The visit to IDP camps in northern Uganda revealed some hope as people were contemplating returning to their homes of origin. However, between late June and July 2002, insecurity in the north escalated: people in IDP camps took the biggest brunt of new rebel atrocities: government protection was inadequate.

camp II had 11,450 people, most of whom were women and children. Medical services and sanitation were poor; most health units lacked drugs; food was short; ailments like malaria were common. Padibe camp in Kitgum district had 29,821 IDPs, of whom 18,000 were women and 8000-9000 children below 16 years of age. Diarrhoea, measles and fungal infections were the most common ailments. Oxfam had constructed 9 bores holes for 29,000 people but these were still inadequate. At the time of the visit, security had improved, and about 60% of the people had returned home.

- 1.72 Lukung camp in Kitgum had about 20,000 IDPs. Land for cultivation was limited: much has been rendered unusable due to landmines. Sanitation was appalling, and there was no food aid. There were some primary but no secondary schools. Security had also improved at the time of the visit but there had been incidents of drunken soldiers beating civilians.
- 1.73 In Pabbo camp, Gulu district, there were 47,000 people at the time of the visit. However, the team was told that the number approved to receive food aid was only 43,000. Of these 60% were children, 25% women and 15% men. The Commission learnt that there is a high birth rate, especially among teenagers aged 14 to 16 years signifying issues of increased adolescent sex. There were about 6 children per household, of whom about 40% were of school-going age. Conditions in the camp were bad but bearable.
- 1.74 The second visit to the four camps of Magoro, Ocwiin, Acanga and Ngariam

in Katakwi in August 2002 established the number of IDPs to be 16,182: Magoro had 12,000, Ocwiin 1000, Acanga 2,503, and Ngariam 679. The scale and intensity of the Karimojong raids had reduced, although the threat loomed. The 700 local defence personnel that had been trained had been deployed outside Katakwi district and not replaced. The camps were guarded by LDUs from outside the district who were too few to make an impact. Camp residents appealed for the number of LDUs to be increased. The food situation was said to be bad: relief aid was inadequate and irregular: water was scarce. Health and sanitation were still bad with limited health facilities and many communicable diseases going untreated. There were no apparent plans for the havoc likely to be caused by the heavy El Nino rains. The camps were still dogged by a high rate of school drop-outs and social problems like promiscuity, drunkenness and the breakdown of the family.

- 1.75 *The Commission calls for a clear strategy to resettle IDPs without violating their individual, socioeconomic and collective rights. The strategy needs to assure the security of IDP returnees and guarantee the safety of their movable and immovable property. Above all, the IDPs need to be consulted as the strategy is formed.*

Monitoring Government's reporting obligations on human rights treaties

- 1.76 Uganda has obligations to report on the various human rights treaties to which it is a party. As the Commission has remarked in its annual reports, Uganda has been lax in executing these obligations. However, in March 2000, the Ministry of Foreign Affairs asked the Commission to comment on the draft initial report on the International Covenant on Civil and Political Rights. The Commission and the Ministry of Foreign Affairs then organised a workshop. Under the theme "Uganda's initial report to the UN on the International Covenant on Civil and Political Rights: a public scrutiny", the workshop gave stakeholders from government, civil society, the Commission itself and academia a chance to give input. Recommendations were made on the first draft: these were incorporated, and the Ministry of Foreign Affairs submitted the first report in June 2002.

Opinion survey on the Commission

- 1.77 The Commission hired a research firm,

Steadman Research Services, to survey public knowledge about the Commission, its mandate and services and human rights in general. The survey inquired about the most effective media to communicate human rights messages and also evaluated the Commission's civic education activities. The survey found that only 58% of people sampled had heard about the Commission or knew its mandate to protect people's rights. Even fewer knew about the Commission's role in educating the public about their rights. There was little awareness of the Commission's other functions. Clearly, the Commission needs to publicise its mission, including all its full range of functions. The public needs help to differentiate the Commission from other human rights NGOs.

- 1.78 Regarding awareness of the Constitution, people in urban areas were more aware than their rural counterparts. Radio was the most credible source of information on the Constitution, law and human rights. Deductions from the survey show that the Commission needs to devote more time to education and awareness building on the Constitution, human rights law and civic obligations.

Finance and Administration

- 1.79 The Commission's annual reports are based on the calendar year, while the Commission's financial year runs from 1 July to 30 June of two running years. This report covers two financial years and the first quarter of the financial year 2002-3. This section therefore refers to the following periods
1. 1 July 2000-30 June 2001 (Table 1.21)
 2. 1 July 2001-30 June 2002 (Table 1.22)
 3. 1 July 2002-30 September 2002 (Table 1.23)
- The following are the Commission's budgetary estimates and approved estimates as passed by Parliament.
- 1.80 For the financial year 2000-1, the Commission expected to receive U.Shs 95 million under the capital development estimates and taxes amounting to U.Shs 35 million. The actual releases by 30 June 2001 were U.Shs 18,893,350 and nil for taxes respectively. For the administrative expenses, the Commission expected within this period U.Shs 1,023,171,321 as the wage bill and U.Shs 695 million as

Table 1.21 Budgetary estimates, revised/supplementary estimates and releases for financial year in Uganda shillings 2000-2001

Item	Commission estimates	Revised / Approved estimates	Actual estimates	Balance not released
Capital development	232,324,990.00	95,000,000.00	18,893,350.00	41,106,650.00
Taxes	-	35,000,000=	-	35,000,000=
Wage bill	1,023,171,321=	1,023,171,321=	1,023,065,865=	105,135=
Non wage bill	1,589,402,250=	695,000,000=	694,996,954=	3,046=
TOTAL	2,844,898,561=	1,848,171,000=	1,736,956,169=	76,214,831=

Table 1.22 Budgetary estimates, revised/supplementary estimates and releases for financial year in Uganda shillings 2001-2002

Item	Commission estimates	Revised / Approved estimates	Actual estimates	Balance not released
Capital Development	418,157,980=	40,000,000=	39,999,333=	667=
Taxes	20,000,000=	69,613,705=	65,806,293=	3,807,412=
Wage bill	1,702,120,806=	1,134,083,505=	1,131,635,092=	2,448,813=
Non wage bill	2,869,491,684=	1,425,924,975=	1,425,806,070=	38,885=
TOTAL	4,989,770,470=	2,669,622,185=	1,237,440,718=	6,295,777=

Table 1.23 Budgetary estimates, revised/supplementary estimates and releases for financial year in Uganda shillings 2002-2003

Item	Commission estimates	Revised / Approved estimates	Actual estimates Up to 30 Sept 02	Balance not released
Capital Development	401,477,980=	40,000,000=	7,000,000=	33,000,000=
Taxes	-	20,000,000=	-	20,000,000=
Wage bill	1,260,236,532=	1,260,000,000=	438,333,334=	821,666,666=
Non wage bill	2,657,253,816=	1,370,000,000=	565,614,733=	804,385,267=
TOTAL	4,318,968,328=	2,690,000,000=	1,010,948,067=	1,679,051,933=

non-wage. The actual releases were U.Shs 1,023,065,865 and U.Shs 694,996,954 respectively.

- 1.81 For the financial year 2001-2002, the Commission expected to receive U.Shs 1,134,083,505 and U.Shs 1,425,924,975 as wage bill and non-wage bill respectively. By the end of the year 2001-2002, the Commission had received U.Shs 1,131,635,092 as wage bill and U.Shs 425,806,070 as non-wage. The capital development estimate was

U.Shs 4,000,000 of which U.Shs 39,999,333 were released and U.Shs 69,613,705 were estimates for taxes. A total of U.Shs 65,806,293 was released.

- 1.82 For the first quarter of the financial year 2002-2003 (1 July 2002-30 September 2002), the Ministry of Finance approved and released Commission estimates as follows:

Table 1.24 Releases for the first quarter of 2002-2003 in Uganda shillings

Item	Approved	Released
Capital development	40,000,000	7,000,000
Taxes	20,000,000	Nil
Wage bill	1,260,000,000	438,333,334
Non wage bill	1,370,000,000	5,656,147,333

1.83 It is evident from the tables above that Parliament approves only a fraction of what the Commission requests. For example, in 2000-1 Parliament approved only 64.96% of the Commission's estimate and in 2001-2 only 53.3%. The Ministry of Finance then releases to the Commission even less than what was approved by Parliament. The Commission is clearly under-funded.

Donor support

1.84 In April 2001, the Commission convened a donors' conference. It presented its annual work plan, explained how much funding it expected from government, and explained that it hoped to close the gap through support from donors. Several donors then expressed willingness to support the Commission. Several donors, including Danida, developed a five year programme worth US\$1.9

million to be managed by the Human Rights and Democratisation Programme. Similarly, the European Union offered 600,000 Euros to support a three year programme. The above support was directed to activities in existing regional offices as well as to establish regional offices in Fort Portal, Mbarara and Jinja. SIDA opted to join the basket fund set up by the other two donors and put in US\$1.2 million largely for the activities of the Department of Finance and Administration. SIDA also expressed willingness to rehabilitate the UHRC building at Plot 20 Buganda Road at a cost of US\$800 million: this is one of three properties it had earlier purchased for the Commission.

1.85 The Netherlands Embassy pledged U.Shs 40 million towards the activities of the Department of Complaints and Investigations for the period December 2001-June 2002. The UNDP under the CCF II gave support for civic education, mainstreaming human rights in the development process, developing an information and communication strategy, and strengthening the Commission's outreach capacity. Other promising sources of support included the Irish Embassy.

1.86 A number of projects were carried out and completed as summarized in Table 1.25.

Table 1.25 Donor Funding

	Project Name	Donor	Amount	Project Status
1	Your Rights Magazine (Phase 2)	Austrian Government	US\$77,000	Completed. Second tranche released in May 2002
2	Capacity Development Project	OHCHR, UNDP, NORAD and Austria	US\$883,000	Completed after 2 years and 7 months.
3	Finnish Government Support to the UHRC Library and Documentation Centre	Government of Finland	US\$81,978	Completed
4	Support to Gulu Regional Office	The Danish Embassy	US\$227,568	Nearing completion
5	Sponsorship for two members of staff for Masters degree programme s	USAID	-	One completed and one still on-going
6	Constitutional Civic Education for the Youth in Uganda	The Ford Foundation	US\$150,000	Under implementation
7	Civic Education for UPDF	The Australian Government	US\$422,030.9	Completed
8	Civic Education for Prisons Officials	The Australian Government	US\$19,026.00	Completed
9	Civic Education for the Police	The Danish Centre for Human Rights	US\$18,374.52	Completed

Activities to promote and protect human rights

	Project Name	Donor	Amount	Project Status
10	The Netherlands Support for the Complaints and Investigations Department	The Royal Dutch Government	U.Shs 40 million	Under implementation
11	UHRC Basket Fund	Danida	US\$1.9 million at a cost of U.Shs. 800 million	On-going
		European Union	600,000 Euros	On-going
		SIDA	US\$1.2 million	On-going

Financial challenges

1.87 The Commission continues to be under-funded due to budgetary constraints within Government. the resultant consequences are that the Commission cannot hire sufficient staff or acquire adequate transport, office equipment and furniture. Under-funding became even more critical with the setting up of the regional offices. Each region has six staff members: a regional human rights officer, investigations officer, research assistant, secretary, office attendant and driver. The lack of resources widens the gap between planned activities and actual achievements.

Recommendations

1.88 The Government should endeavour to prioritise its funding to issues of human rights and the Commission's activities, as well as for its expansion, especially as it moves into the regions in its quest to

make an impact in the countryside and at the grassroots. Currently, donors fund most of the Commission's increased activities. In particular, the regionalisation programme needs support. Staff training is also a challenge: staff has a great need for further studies and basic and refresher courses in human rights and specialized areas such as investigations, accounts and administration.

Staffing

1.89 The Commission personnel have grown from 35 in 1997 to 113 in 2002. Personnel includes the Chairperson, Commissioners and members of staff. Table 1.26 is a summary of the growth of the UHRC human resource. Clearly, the greatest growth has been in the number of human rights officers, investigators, research assistants, stenographers and drivers.

Table 1.26 Growth of UHRC general establishment from 1 January 1997 to 30 September 2002

CATEGORY	TITLES	1997	1998	1999	2000	2001	2002
Commission	Chairperson	1	1	1	1	1	1
	Commissioners	6	6	6	6	6	6
	Secretary	1	1	1	1	1	1
Senior staff	Heads of Department	4	4	4	4	5	5
	Deputy Education Officer	1	1	1	1	1	1
	Accountant	1	1	1	1	1	1
	Planner	1	1				
	Public Relations Officer	1	1	1	1	1	1
	Personnel Officer	-	1	1	1	1	1
	Senior Human Rights Officer	-	-	-	-	1	1
	Human Rights Officers	-	-	-	2	8	8
	Personal Assistant to Chairperson	-	-	-	1	1	1
Senior staff	Assist. Public Relations Officer	-	-	-	-	-	1
	Investigations Officers	1	1	2	3	6	6
	Research Assistants	5	5	6	7	7	12
	Assistant Librarian	1	1	1	1	1	1
	Library Assistant	-	-	-	-	-	1

CATEGORY	TITLES	1997	1998	1999	2000	2001	2002
	Systems Administrator	-	-	-	1	1	1
Intermediate Staff	Senior Personal Secretary	1	1	1	1	1	1
	Personal Secretaries	2	6	6	6	6	7
	Senior Accounts Assistants G.1	2	2	2	2	2	3
	Senior Accounts Assistant G.11	1	1	1	1	1	2
	Stenographer Secretaries	-	-	1	2	2	6
	Data Entry Clerk	-	-	-	-	-	1
	Office Superintendent	1	1	1	1	1	1
	Office Assistants	-	-	1	2	2	5
	Store Keeper	1	1	1	1	1	1
	Assistant Records Officer	-	-	-	-	-	1
	Records Assistant G.1	-	-	-	-	-	1
	Receptionist	-	1	1	1	1	1
	Court Clerk	1	1	1	1	1	1
Support staff	Senior Office Attendant	-	-	1	1	1	1
	Senior Driver	-	-	1	1	1	1
	Drivers	5	10	13	15	17	19
	Office Attendants	2	2	3	3	3	4
	Process server	1	1	1	1	1	1
	Cateress	1	1	1	1	1	1
	Kitchen Staff	1	1	2	2	2	2
	Gate Keeper	1	1	1	1	1	1
	Cleaners	2	2	3	3	3	-
TOTALS	35	60	66	75	78	113	

Staff training 2000-3

1.90 Several members of staff undertook masters programmes. Two others undertook an advanced course and a post-graduate programme. The details are summarised below.

Table 1.27 Staff who undertook further studies

NO.	NAME	COURSE	PERIOD
1.	Ms. Anne Masibo	Masters in International Human Rights Law (LLM), University of Notre Dame, Indiana, USA	2000 - 1
2.	Mr. Robert Kirenga	Post Graduate Diploma in International Law Organisation Development Institute of Social Studies (ISS), the Hague, Netherlands	Jan- July 2001
3	Mr. Solomon Ossiya	Advanced course in Human Rights , University of Lund, Sweden	Feb- March 2002
4	Mrs. Christine B. Nsubuga	Masters of Arts in International Peace, Joan Kroc Institute, USA	Aug 2002-July 2003
5	Mrs. Sarah B Kitonsa	Masters Programme in Public Service Law New York University, USA	Aug 2002-June 2003
6	Mrs. Marion D Museruka	Fellowship in Communication.	22 Aug 2001 -15 Oct 2002
7	Mr. Ronald R L Awola	Masters programme in Business Administration, Makerere University	2002 - 2003

Regional offices

- 1.91 Three new regional offices opened in the period under review. The Mbarara and Fort Portal regional offices opened in March 2002. The Mbarara office serves the south-western region: Kisoro, Kabale, Rukungiri, Ntungamo, Mbarara, Bushenyi, Rakai, Kamwenge, and Kanungu districts. The Fort Portal office serves the western region: Kabarole, Hoima, Masindi, Kibale, Kiboga, Bundibugyo, Kasese and Kyenjojo districts. The Jinja regional office opened in July 2002 to serve the southeast: Busia, Tororo, Pallisa, Iganga, Kamuli, Jinja, Bugiri, Mukono, Mayuge and Kayunga districts. DANIDA and European Union funded most costs, especially the purchase of furniture, office equipment and vehicles.
- 1.92 The Royal Danish Embassy released U.Shs 341,352,000 for the Gulu office, including: its outreach activities; purchase of a vehicle, laptop, chairs, tables and bookshelves; sensitisation workshops for security organs, civil society organisations, religious and traditional leaders in Lango; a media campaign; complaints investigations and circuit Tribunal hearings in Gulu; inspection of prisons; computer training; and payment of rent for two years. The Royal Danish Embassy also released U.Shs 104 million to the Soroti office for: outreach activities such as civic education; processing and investigation of complaints; visits to places of detention; identification of the needs of IDPs in Katakwi and Kapchorwa districts; and purchase of other necessary equipment and materials.

The 4th African National Human Rights Institutions conference

- 1.93 From 14 to 16 August 2002, the Commission hosted the 4th African National Human Rights Institutions conference. In a first for Uganda, 160 delegates, including 43 from 20 African countries, and the Office of the High Commissioner for Human Rights, Geneva, converged on the International Conference Centre to deliberate on the rights-based approach to development. The issues discussed included:
- the rights of Persons With Disabilities and the challenges they face to enjoy those rights
 - conflict management/resolution
 - the right to development as a human right
 - strengthening civil society institutions in the promotion and protection of human rights.
 - the need for change in Africa in light of the global trends affecting especially third world countries
- 1.94 There was intense discussion about what national human rights institutions and their partners can do to lift Africa out of poverty, disease and conflict: delegates stressed advocating for and applying human rights-based approaches to achieve systemic, holistic and people-centred human development. The conference issued the Kampala Declaration of resolutions adopted. The Commission was elected to chair the African Coordinating Committee of National Human Rights Institutions for the next two years.

Crown Princess
of Sweden,
Victoria, visits
the Commission.
SIDA has supported
the Commission in
its activities and
to purchase its
headquarters.



2.12 The aim of inspection is to ascertain conditions and recommend improvements. The recommendations are in the form of reports that are forwarded to the relevant authorities. Previous Commission annual reports have indicated that some improvements have been made in particular detention places. These usually involve better treatment of prisoners by warders and improvement in the quality of meals. Most of the facilities which have improved are in urban areas. The situation in prisons or police cells in rural areas remains pathetic. Part of the problem lies with the dual prison system in Uganda under which there are central and local government prisons run by the two separate authorities.

Access to Army separate detention places

2.13 Gaining access to detention facilities under UPDF control has proved extremely difficult. As noted above, the Commission is required to notify army authorities about any impending inspections: This condition is a pre-requisite that is flawed in many respects. The only inspection of UPDF detention places occurred in 1998, but even then the Commission was part of a delegation with the Foundation for Human Rights Initiative, which had been granted permission after notification. In its 1998 annual report, the Commission suggested that an arrangement with the Ministry of Defence be worked out for these visits. At the time of writing this report, no such mechanism had been agreed to and, as a result, the conditions in UPDF places of detention could be neither ascertained or verified. However, the creation of a UPDF human rights desk under the office of the Chief Political Commissar (CPC) might be an entry point in this matter, given the cordial working relations between the Commission, UPDF human rights desk, and the office of the CPC.

Illegal detention places /“ Safe houses”

2.14 In 1998 the Commission faced a peculiar problem: the emergence of the phenomenon of “safe houses”. These detention places operated by the Chieftaincy of Military Intelligence (CMI) emerged as a government

response to the wave of terrorist attacks that had engulfed major towns, especially Kampala. The persons detained in these places were detained incognito as well as in un-gazetted places. This clearly violated the law, and the Commission responded swiftly, issuing a public statement in June 1998 urging government to either produce and charge the detained persons in courts of law or set them free. Government later issued a statement of its own, promising that all persons detained in these places would be charged in court. This was a major achievement for the Commission in terms of protecting citizens from arbitrary arrest and illegal detention.

2.15 The issue of safe houses has not yet been resolved. The Commission later learnt that CMI had taken over sections of some police stations to where some of the persons formerly in safe houses were transferred. This further complicated the matter.

2.16 The Commission’s position has always been that arrests should be carried out in accordance with the law and that suspects or convicts should be detained in facilities designated by law. Arbitrary arrests and illegal detentions are dangerous and must be discouraged: they go against the principle of building a culture of constitutionalism and respect for the rule of law.

Counseling services

2.17 It was noted that in the course of its regular activities the Commission was confronted with cases that needed counseling as part of a process to bring the matter to a conclusive end. This division now provides professional support to clients: 61 people have so been counseled. The Commission intends to extend this service to its regional offices

Resolution of complaints by the Tribunal

2.18 The Commission began formal Tribunal hearings on 17 November 1998 after gazetting of the Commission’s rules of procedure. A total of 25 complaints have so far been heard and disposed of since then: 33 complaints are pending hearing and resolution by the Tribunal.

CHAPTER 2

The Commission since 1996: An assessment

Introduction:

2.00 The Uganda Human Rights Commission was constituted in November 1996 and is therefore in its sixth year of existence. Since 1996, the Commission has carried out numerous activities related to its overall functions as stated in Article 52(1) of the Constitution and Section 8 of the Uganda Human Rights Commission Act (Act No. 4) of 1997. This chapter assesses the impact of the Commission on its overall strategic goal to empower the Ugandan society to respect and observe human rights and uphold the rule of law.

2.01 This chapter also exams the core functions of the Commission, the corresponding activities carried out and the major issues handled by the Commission from 1997 to 2002. Needless to say, both successes and failures have been registered. These both present the Commission with an opportunity to learn and thereby improve its services in the years ahead. The findings of an opinion poll on the Commission will also feature in this assessment.

2.02 The Commission has become a credible voice for the promotion and protection of human rights both locally and internationally. Locally, the activities carried out and documented in the Commission’s annual reports since 1997 indicate the scope and nature of the work undertaken. Internationally, the Commission has fulfilled all the conditions contained in the Paris principles that govern the establishment of national human rights institutions. In August 2002, recognition of the Commission’s contribution to human rights culminated in Uganda being elected to the chair of the African National Human Rights Institutions for two years (2002-2003). This was a major achievement for both the Commission and Uganda and indicates the great strides that have been made since 1997. The Commission shall endeavour to build on its successes and learn from the setbacks so as to entrench a strong culture of constitutionalism in Uganda.

COMMISSION ACTIVITIES SINCE 1997

Complaints and Investigations

2.03 The Commission has received and continues to receive complaints of human rights violations from various sections of society. These allegations are investigated and an appropriate method of resolving the dispute is recommended.

Number and complaints received since 1997

2.04 A total of 4853 complaints have been registered with the Commission since 1997. This represents an average of 778 complaints registered annually. These complaints may be disposed of through mediation, the Tribunal, or by referral to other organs. They may also be retired for lack of jurisdiction, for revealing no violation or when the complainant loses interest. In addition, some complaints are time barred.

Table 2.1 Number of complaints received since 1997

	1997	1998	1999	2000	2001	2002
1 No. of complaints registered	414	981	1265	1223	669	301
2 No. of complaints resolved	224	591	383	452	268	227
3 No. of complaints pending	137	404	261	526	397	227
Total number of complaints resolved since 1997						2145

2.05 Table 2.1 shows that the number of complaints registered fluctuated between 1997 and 2002 but the trend was generally positive. This indicates the increasing visibility of the Commission and the confidence and hope that the general public have that it will resolve their complaints. The reduction in the registered complaints from 2001-2002 can arguably also be explained: it appears that the public is increasingly aware of which cases can be handled by the Commission and which cannot. Previously, cases were brought to the Commission irrespective of whether they fell under the Commission's jurisdiction or not.

2.06 The number of complaints resolved increased sharply from 224 in 1997 to 591 in 1998, but declined to 383 in 1999. On a negative note, there was a sharp increase in complaints pending from 137 in 1997 to 404 in 1998 to 261 in 1999.

2.07 The investigation of complaints in a timely manner remains a major challenge that the Commission must address. The number of cases pending is alarmingly high and will grow

annually if the problem is not addressed. Members of the public expect the Commission to handle cases in a fair, simple and timely manner. The recent opinion poll showed that 43% of those interviewed were aware of the existence of the Commission, although only 6% had ever used the Commission to resolve a conflict.

2.08 As mentioned earlier, some cases registered with the Commission have been referred to more appropriate bodies for adjudication. Cases referred are mainly those that are time barred or fall outside the Commission's mandate. As a result of these referrals, members of the public have been enabled to receive justice elsewhere with the Commission acting as an intermediary.

Table 2.2 Number of cases referred to other institutions since 1997

Institution	1997	1998	1999	2000	2001	2002
IGG	4	12	11	5	3	1
Police	2	24	28	99	53	13
Courts	55	185	158	263	144	16
Legal Aid project	2	8	41	61	6	-
Administrator General	1	1	10	29	7	1
DPP	4	22	31	23	8	1
Chief Registrar	-	-	12	26	13	-
FIDA	-	6	-	42	7	7
UNHCR	2	3	7	15	6	-
Labour	-	-	-	53	10	-
Ministries	6	18	10	32	15	5
Attorney General	-	1	6	5	-	-
Other Institutions	10	4	13	37	36	7
Electoral Commission	-	2	-	1	-	-
Law council	1	4	5	3	2	-
Other Gov't Depts	-	-	-	-	-	-
Parastatals and companies	-	-	-	-	-	-

2.09 These referrals include complaints on abuse of office/corruption, referred to the IGG's office as the table above shows.

Inspection of jails and other places of detention

2.10 In the last six years, the Commission has inspected 448 detention places in Uganda. The primary objective has been to ensure that the conditions conform with set local and international standards of penal institutions and other detention places. Prior to undertaking this function, the Commission held discussions with the Army Commander, the Inspector General of Police and the Inspector General of Prisons, among others, to inform them of the constitutional provisions requiring such inspections and asking for their cooperation. This approach increased the security

organs' confidence and trust in the Commission. As a result, the Commission has been largely successful in carrying out inspections of Police and Prison cells. However, as documented in previous annual reports, the inspection of army detention facilities has not been possible: the army has set a condition that the Commission must notify the UPDF prior to a visit. The Commission is unable to comply with this condition: inspections are meant to be surprise visits. It has therefore declined to take up the UPDF offer.

2.11 The success registered so far on inspections is in part due to the training programmes and related initiatives designed by the Commission and its partners for the UPDF, Uganda Police and Uganda Prisons Service.

Table 2.3 Facilities inspected since 1997

Facilities visited	1997	1998	1999	2000	2001	2002
Prisons (both central and local gov't)	36	41	26	23	52	82
Police	18	23	11	09	65	63
Military detention places (with prior notice)	3	3	-	-	-	-
Remand homes/reformatory schools	5	N/A	-	-	3	9
Total detention facilities visited	62	67	37	32	120	154
Number of detention facilities (Approx)	448					

training covered aspects of the Uganda Constitution, other domestic legislation and international law. A human rights training manual for the police was developed and officially launched in 1999. This landmark achievement means that the officers, men and women of the police force are taught human rights principles from the point of recruitment and thereafter periodically throughout their stay in the force. Human rights training manuals for the UPDF and Prisons should be finalized in the near future. The Prisons version has passed the draft stage; the UPDF manual is still at the level of amalgamating the various units. The development of human rights training manuals for the security organs is a major achievement given that these organs have historically been the major human rights abusers in the country.

- 2.36 The production of the UPDF and Prisons training manuals needs hastening. The Commission has observed an improvement in the way the police addresses human rights: the police were the first security organ to establish a public complaints desk. It is hoped that the inculcation of human rights knowledge in the UPDF and Prisons should also bring a noticeable change.

Finance and administration

- 2.37 Finance and administration has been and continues to be the hub of the Commission. It ensures that activities and programmes are carried out coherently and systematically to

achieve certain outputs and results. This entails harnessing human and financial resources to attain set targets and objectives.

Mobilisation of financial resources

- 2.38 The Commission's ability to attract resources from both government and donor sources (see Table 2.6) has undoubtedly been of its greatest strengths, given the enormous amount of work that has been carried out since 1997. The Commission has demonstrated the will and capacity to absorb and utilise resources to promote and protect human rights. Donors have supplied most of the funding for the Commission's activities, while the government has met most of the administrative costs. The purchase of a permanent home for the Commission in 1998 was an outstanding achievement, ensuring a measure of stability while conducting programmes and activities.

Development of a Commission corporate plan

- 2.39 Another major achievement was the development of a three-year corporate plan (June 2001-July 2003). Among other things, it marked a shift from a project to a programme approach. For the first time, through the plan, the Commission articulated its strategic objectives, activities and outputs as well as its vision and mission. As a result, activities were carried out in a more systematic and organised way, with clear targets, outputs and expected/anticipated results.

There has been a significant improvement in the number of cases resolved annually since 1998. Nine complaints were disposed of between 1998 and 2000 and the same number of cases, in the year 2001; another seven were completed by June 2002.

- 2.19 The marked improvement was attributed to dispensing with a panel system of three commissioners to hear a case: now just one commissioner presides. Improvement also came with the commencement of circuit tribunal hearings at regional offices, availability of funds to facilitate process serving, and payment of witnesses.

Mediation

- 2.20 A total of 142 cases have been successfully mediated since 1998. The Commission maintains that mediation is a viable option for those who have cases at the Commission. The numbers since 1999 show that mediation has come to be accepted as an alternative way to resolve disputes.

Human rights education

- 2.21 This is a core Commission function: it creates awareness of the Commission

and the services it offers. This activity is premised on the fact that people have to be empowered to know their rights to promote and protect them. The Commission has availed human rights and education and information to numerous groups through workshops and seminars, distribution of Commission publications, radio programmes and its web page on the Internet. Of those surveyed in the opinion poll, 58% were aware of the Commission, with awareness higher among males than females. Regionally, the Commission was best known in Kampala (74%), followed by northern region (63%) and western region (47%). A total of 131 workshops and seminars have so far been held. This method of disseminating human rights education is very popular with participants. A needs assessment exercise is undertaken before each workshop or seminar to ensure that the content of the presentations is based on the needs of the target groups. An evaluation is administered at the end of the sessions, providing the Commission with valuable insights.



Human rights
education with
youth: an
important part
of Commission
work

Table 2.4 Workshops and seminars since 1997

Nature of Workshops/Seminars held	1997	1998	1999	2000	2001	2002
Seminars for district officials	4	21	6	12	3	1
UPDF	-	1	-	1	4	2
Intelligence organs (ISO, ESO, CMI)	-	1	-	1	-	1
Problem of street children	-	1	-	-	-	-
Police training workshops	-	-	8	2	2	3
Training for prisons officials	-	-	-	2	-	1
Women the Constitution and Constitutionalism	-	-	1	-	-	-
Media workshops	-	-	1	1	-	-
Development of civic education curriculum for Schools	-	-	1	-	-	-
Workshops with constitutional organs	2	-	-	-	1	-
Human rights and admin. of Justice	1	-	-	-	-	-
Workshop with human rights NGOs & CBOs	1	-	-	-	-	10
Constitutional education workshops	-	-	-	-	10	23
Total	10	24	17	19	20	41

- 2.22 The workshops have proved to be a vital source of information on the mandate, powers and functions of the Commission. They also create an understanding and appreciation of the Constitution and particular human rights issues.
- 2.23 Despite the achievements so far, there remains an urgent need to teach civic education and impart knowledge to the broader society. For example, civic education is particularly needed for leaders at county, sub-county and village parish levels. It would be worthwhile to conduct Training of Trainers sessions at the subcounty and parish levels. This local capacity could then ensure the sustainability of the various programmes. In the opinion poll, 13% of respondents suggested taking human rights education to the grass roots population. The Commission has called for the formation of district human rights committees. However, most district authorities have yet to embrace the idea. These committees would be pivotal in monitoring human rights in the districts, identifying human rights issues of concern to particular communities, and acting as a link between the Commission and the districts.

Recommendation

- 2.24 *The Commission urges district local governments to form human rights committees so as to enhance the promotion and protection of human rights throughout the country.*



Commission publications

- 2.25 The Commission has educated the public through brochures (in English, Luganda, Lwo, Swahili, Ateso and Runyoro, Rutoro, Runyankole, Rukiga); *Your Rights*, magazine in English; and its annual reports, also in English. The Commission has also produced simplified versions of the 1998 and 1999 annual reports in Luganda, Ateso, Lwo and Runyoro, Rutoro, Runyankole, Rukiga. The aim was to enable as many Ugandans as possible to read the annual report and, by so doing, provide feedback to the Commission on its contents and other human rights issues.
- 2.26 The impact of the Commission's publications has been limited to some extent as most of them are produced in English. However as noted above, efforts have been made to plug this loophole by expanding the number of languages in which these publications are produced. Plans are now underway for a wider range of materials in more languages. Simplification and translation of the Commission's annual report will also be undertaken every year.

Radio programmes

- 2.27 Radio programmes in English, Luganda, Luo, Ateso, Runyankole, Rukiga, Runyoro and Rutoro were aired on Radio Uganda. Attempts were also made to air some programmes (Runyankole, Rukiga, Runyoro, Rutoro) on FM stations. However, due to lack of

funds, the radio programmes were discontinued. The Commission's annual work plan for FY 2002-3 provides for radio programmes in English, Luganda, Lwo, Ateso, Runyoro, Rutoro, Runyankole, Rukiga, Lugbara, Lusoga. This will enable more people to listen and increase their understanding of the Commission's powers, functions and mandate. It was not easy to assess the impact of the radio shows, particularly as they were not live phone-in shows. However, it is anticipated that most of the Commission's future radio programmes will indeed be phone-in shows.

- 2.28 The opinion poll showed that FM stations have greater listenership than Radio Uganda: 99% of those surveyed said they listened to radio, and all mentioned FM stations. However, the cost of airtime on FM stations is high. The commission appeals to its partners and government to help it to shift its civic education programmes on to FM.

Development of a Commission website

- 2.29 On 22 March 2002 the Commission officially launched its website (www.uhrc.org). It has since been redesigned and upgraded. Most Commission publications, official documents and other relevant material are now on the website. It is envisaged that other Commission publications such as *Your Rights*, decisions of the Tribunal and annual work plans will be posted in due course. Some Commission staff members have been trained in website design and maintenance to ensure that the site is regularly upgraded and maintained.
- 2.30 To be even more effective, the website will soon be fully interactive, offering on-line information and education to persons working in human rights. The website will be a source of information for researchers and students among others.

The Library and Documentation Centre (LDC)

- 2.31 This centre is an important source of human rights information and knowledge. It now has a wide variety of books, periodicals and journals on human rights. All reference publications



UNDP
Representative,
Daude Toure,
launching the
Commission
website

have been catalogued using In-Magic software, which was installed in 2001. By June 2002 a total of 2056 reference materials had been bought for the LDC, excluding magazines, newspapers and newsletters.

- 2.32 Library facilities at the Gulu and Soroti regional offices have also been upgraded with the provision of books, periodicals and journals. Plans are underway to develop libraries at the regional offices in Jinja, Fort Portal and Mbarara. It is hoped that the regional libraries will stock materials in the local languages so that the local people can access information in a language they understand.

Research

- 2.33 The Commission's main research activity has been the writing of position papers for conferences, seminars and workshops. Research has also assisted in the development of materials and manuals for training and civic education.
- 2.34 Research is an important aspect of an institution such as the Commission. It is therefore imperative that it goes beyond primary research to in-depth analysis of pertinent human rights issues. Issues earmarked for scrutiny include: the practice of mob justice and ritual murders. At the time of writing this report, research into health rights was also underway.

Human rights training

- 2.35 Human rights training has focussed mainly on the security forces, including training trainers for the police. The



report on the International Covenant on Civil and Political Rights. It is hoped that this enriched the document that was eventually sent to the UN treaty body.

- 2.50 The Commission and the Ministry of Foreign Affairs will continue to play a leading role in ensuring compliance with Uganda's reporting obligations. If this function is to be effectively carried out, there is a need to develop capacity within ministries that have reporting or monitoring obligations and at the Commission.

Public opinion poll

- 2.51 In 2002, a research firm was commissioned to carry out a nationwide survey on the Commission's work. The sample size was 1150 people in the districts of Kampala, Luwero, Mukono, Kiboga, Iganga, Kumi, Soroti, Moyo, Nebbi, Rukungiri, Bushenyi and Masindi. Overall, respondents rated the state of human rights as followed: 50% of respondents described it as good; 42% were not sure whether it was good or bad; 9% thought it was very bad. Respondents suggested solutions to improve human rights: implementation by leaders of recommendations or decisions (16%); human rights education at the grassroots (13%); action by government institutions (12%); and curbing corruption (8%). The survey showed that the most frequent violations were: domestic violence (21%), sexual harassment (18%), unlawful detention (13%), denial of education to the girl child (12%), ritual killings (10%), and corruption (9%).

- 2.52 The opinion poll revealed that the Commission will have to work further with the police if it is to increase human rights awareness and protection. Furthermore, local councils, courts of judicature, village and clan leaders and human rights NGOs are essential partners in human rights. The poll also made clear that radio (89%) and newspapers (75%) were the major tools for the dissemination of information on human rights.

Government response to Commission recommendations.

- 2.53 In previous reports, the Commission has called upon government and other appropriate organs to take certain measures to address certain concerns. Some action has been taken on some issues; others are yet to be tackled. Here the Commission restates some of key issues and reiterates its call to government to address them.

Peaceful resolution of armed conflict

- 2.54 Raised in the Commission's maiden annual report of 1997, this issue is still relevant six years later. Parts of the country still suffer armed conflict: the repercussions of war have left a trail of death and destruction in parts of northern Uganda (mainly the districts of Gulu, Kitgum and Pader) and parts of southwestern Uganda (Kasese and Bundibugyo districts). Statistics available to the Commission show that by 1997 approximately 8000 children had been abducted by rebels of the Lords Resistance Army (LRA). These include the 139 abducted from St. Mary's Secondary School, Aboke. Although

Table 2.5 GOU and donor releases to UHRC 1997-2002 (in millions of Uganda shillings)

Financial year	Recurrent	Capital Development	Total GoU Release	Annual Increment On 1997 base	UHRC budget	Donor contributions
97-98			1,456	0%	5,367	101
98-99	1,400	100	1,400	- 4%	2,698	1980
99-00	1,541	150	1,541	10%	2,646	1,217
00-01	1,763	55	1,763	14%	2,845	963
01-02			2,600	47%	6,961	2,695
02-03		40	2,630	1%	8,984	2,695
Totals					11,389	9,651

Opening of regional offices

- 2.40 In 2002 the Commission opened three more regional offices in Fort Portal, Mbarara and Jinja, making a total of five regional offices. The Gulu and Soroti regional offices had been opened earlier. Regional offices are intended to transform the Commission into a truly national human rights institution with services near to all and for all the people in Uganda. Plans are underway to open more regional offices as the Commission continues to decentralise its services.

Procurement of equipment

- 2.41 An assorted range of equipment has been procured for headquarters and the regional offices. This includes 53 units of desk top computers, 17 lap top computers and their accessories, 26 digital printers, two still cameras, one video camera, five overhead projectors one commercial printer and eight heavy duty photocopying machines.

Staff development

- 2.42 Most members of staff at the Commission have been trained in human rights and humanitarian law at various institutions. including the Raoul Wallenberg Institute in Sweden and the Danish Centre for Human Rights. There have been opportunities for members of staff to attain higher education at universities in Uganda and abroad. Staff members have been trained in various computer applications, enhancing service delivery and productivity.
- 2.43 The challenge for the Commission is to meet the targets in the corporate plan

with the funding available. To be a truly national human rights institution, the Commission also needs to progressively expand services to more parts of Uganda.

Monitoring government's compliance

- 2.44 Under this function, the Commission is required to ensure that government complies with its international treaty/ convention obligations. It is also required to study and comment on all bills tabled in Parliament to ensure that they conform to human rights principles and practices. Lastly, the Commission is expected to constantly monitor Uganda's human rights situation.

- 2.45 The Commission has commented on three bills presented to Parliament since 2001. It has also commented on the status of government's reporting on a number of treaties, including: the International Covenant on Economic, Social and Cultural Rights (ICESCR); the International Covenant on Civil and Political Rights (ICCPR); the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); the Convention on the Rights of the Child (CRC) and the Convention against Torture, Cruel, Inhuman or Degrading Treatment or Punishment (CAT).

- 2.46 Some of the Commission's comments on the bills before Parliament have been incorporated in the subsequent law. Other comments have not been incorporated. The latter scenario is a dilemma for the Commission: it means

that there are laws that contain provisions that violate human rights and freedoms. Furthermore, it will lead to instances where domestic law is in conflict with international treaties or conventions to which Uganda is a signatory.

Reporting

2.47 Uganda's reporting record to the UN treaty bodies has been improving but still not the best. For example, there are still reports overdue on the following treaties. See Table 2.6.

Table 2.6 Reporting status on major human rights instruments and years of ratification.

No	Instrument	Year of Adoption	Year Ratified by Uganda	Reports overdue
1.	International Covenant on Economic Social and Cultural Rights (ICESCR).	1966	1987	2 reports overdue
2.	International Covenant on Civil and Political Rights (ICCPR)	1966	1995	No overdue report
3.	International Covenant on the Elimination all Forms of Racial Discrimination (ICERD)	1965	1980	9 reports of overdue/ now sent
4.	Convention of Elimination of all Forms Discrimination Against Women (CEDAW)	1979	1985	2 reports of overdue
5.	Convention on the Rights of the Child (CRC)	1989	1990	1 report overdue
6.	Convention Against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment (CAT)	1984	1989	4 reports overdue
7.	The African Charter on Human and People's Rights (ACHPR)	1981	1986	3 reports overdue
8.	Optional Protocol to the International Covenant on Civil and Political Rights (OPT)	1966	1995	
9.	Convention on the Prevention and Punishment of the Crime of Genocide (CPPCG)	1948	1995	
10.	Convention Relating to the Status of Refugees (CSR)	1951	1976	
11.	Optional Protocol Relating to the status of Non-European Refugees (CSR-OPT)	1967	1976	
12.	Convention on the Right of Migrant Workers and Members of their Families (MWC)	1990	1995	
13.	Additional Protocol on the Protection of Victims of International Armed Conflict	1977	1991	
14.	Protection of Victims of Non-International Conflicts	1977	1991	
15.	Geneva Conventions	1949	1964	
16.	Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography.	2001	2002	
17.	Convention on the Rights of Children in Armed Conflict	2000	2002	
18.	Protocol on Creation of African Courts on Human and People's Rights.	2001	2002	

19.	Convention on the prohibition of the use, stock piling, production and Transfer of Anti – Personnel mines and on their destruction (Ottawa Treaty) 1997	1999
20.	ILO Conventions .These include;	
	▫ C5 Minimum Age (Industry) Convention, 1919	1963
	▫ C11 Right of Association (Agriculture) Convention, 1921	1963
	▫ C12 Workmen's Compensation (Agriculture) Convention, 1925	1963
	▫ C17 Workmen's Compensation (Accidents) Convention, 1925	1963
	▫ C19 Equality of Treatment (Accident Compensation) Convention, 1925	
	▫ C26 Minimum Wage Fixing Machinery Convention, 1928	1963
	▫ C29 Forced Labour Convention, 1930	1963
	▫ C45 Underground Work (Women) Convention, 1935	1963
	▫ C50 Recruiting of Indigenous Workers Convention, 1936	1963
	▫ C64 Contracts of Employment (Indigenous Workers) Convention, 1939	1963
	▫ C65 Penal Sanctions (Indigenous Workers) Convention, 1939	1963
	▫ C81 Labour Inspection Convention, 1947	1963
	▫ C86 Contracts of Employment (Indigenous Workers) Convention, 1947	1963
	▫ C94 Labour Clauses (Public Contracts) Convention, 1949	1963
	▫ C95 Protection of Wages Convention, 1949	1963
	▫ C98 Right to Organise and Collective Bargaining Convention, 1949	1963
	▫ C105 Abolition of Forced Labour Convention, 1957	1963
	▫ C122 Employment Policy Convention, 1964	1967
	▫ C123 Minimum Age (Underground Work) Convention, 1965	1967
	▫ C124 Medical Examination of Young Persons (Underground Work) Convention, 1965	1967
	▫ C143 Migrant Workers (Supplementary Provisions) Convention, 1975	1978
	▫ C154 Collective Bargaining Convention, 1981	1990
	▫ C158 Termination of Employment Convention, 1982	1990
	▫ C159 Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983	1990
	▫ C162 Asbestos Convention, 1986	1994
	▫ C144 Tripartite Consultation (International Labour Standards) Convention, 1976	1990
	▫ C182 Worst Forms of Child Labour Conventions, 1999	

2.48 In 2001, the Commission organised a meeting of key stakeholders engaged in monitoring and reporting, including the Ministries of Foreign Affairs, Gender, Labour and Social Development, and Finance. The meeting agreed to an action plan that should lead to a more regular reporting mechanism.

2.49 The Commission found out that lack of skills, resources and capacity contributed to lack of reporting by Ministry of Foreign Affairs. Consequently, in 2002 the Commission and the Ministry of Foreign Affairs organized a public dialogue with participants from government and the NGO sector to discuss the initial draft

existence of prisoners guarded by officers of the Chieftaincy of Military Intelligence (CMI). These prisoners are not the responsibility of the police and are officially unknown to them. The Commission believes that the setting up of “safe houses” within police stations was a result of the pressure exerted on government not to detain people in ungazetted places. The Ugandan jurisprudential system clearly states that an individual is innocent until proved otherwise in a court of competent jurisdiction. Therefore, the Commission maintains that illegal detentions of suspects violate that provision as well as the provision that a suspect cannot be held for more than 48 hours without charges being preferred by a competent judicial officer.

2.72 The Commission understands the feelings of security personnel and even members of society who applauded these detentions in the aftermath of bomb blasts that killed and injured many innocent people in Kampala. However, the Commission’s view is that the rule of law must be upheld at all times: deviations from that principle will only perpetuate injustice in society.

2.73 The Commission, therefore, appeals to government to promote and uphold the rule of law, which is the cornerstone of any democratic and free state. Arrests and detentions must

be carried out in accordance with the law, which the state is sworn to uphold.

Minimum wage

2.74 The opportunity to be employed and therefore earn a living is a very important economic right. Workers in Uganda have over the years been urging government to pay a living wage that takes into account the economic realities of human existence. The predicament of workers in the private sector is in some instances even worse. The plight of certain categories of workers has been highlighted by the Commission and in the press. One of the categories singled out was domestic servants, who often experienced untold suffering at the hands of their employers.

2.75 These employees are more or less taken as casual workers whose employment can be terminated at will, with no option for either compensation or redress. The Commission has also specifically mentioned the need to address the situation regarding wages for the police, prisons and the army (UPDF).

2.76 Government should seriously consider this matter, in light of its obligations under the Covenant on economic, social and cultural rights. A minimum wage would be a distinct recognition of the rights of workers and their contribution to national development.

some have returned, many remain in rebel hands; others have been killed in combat or by their captors while trying to escape. Between 1990 and 2001, a total of 30,839 persons were abducted from the districts of Apac, Gulu, Lira, Kitgum/Pader, Bundibugyo, Kabarole, and Kasese. Abductions continued in 2002.

2.55 The passing of the Amnesty law and establishment of the Amnesty Commission was a major positive development in 2001, although its operationalisation has had certain drawbacks. The relative peace in the districts of Kasese and Bundibugyo is also a major achievement. However, a large part of northern Uganda is still embroiled in conflict: approximately 600,000 people live in IDP camps in northern Uganda. Renewed rebel attacks since the start of Operation Iron Fist have led to even greater displacement, killings by LRA, destruction of property, and threats to suspend relief aid by humanitarian organizations.

2.56 This situation calls for urgent attention by government. The Commission accordingly commends government for establishing a peace team to negotiate a peaceful settlement with the LRA and urges government to pursue this initiative and strategy.

Internally displaced persons and refugees

2.57 War and civil strife within Uganda and in the region have created a humanitarian crisis, with much destruction of life and property and

displacement from homesteads to camps. IDP camps are found in the north and southwest and also in the districts neighboring Karamoja where cattle rustling has caused untold suffering and displacement. IDPs need to be assured of protection before they can consider going back to their homes. In the last six years, the Commission has documented the difficult conditions in the camps, including the degeneration of morals and the growth of deviant social behaviour. By March 2001, Uganda hosted approximately 225,042 refugees from Sudan, DRC, Rwanda, Burundi, Kenya, Somalia and Ethiopia. Many of these refugees, particularly those from Sudan, have been poorly protected from insecurity such as the LRA.

The Karamoja question

2.58 This problem was highlighted in the Commission’s 1998 annual report. It is a long-standing problem dating back to pre-colonial times. The problem has been exacerbated by the ease with which the region has acquired guns and ammunition. These are used to rustle cattle from within Karamoja, neighbouring districts and Kenya. The Commission has asked government to put in place a comprehensive policy for Karamoja: this would tackle the socio-economic problems of the Karimojong and the region as a whole. The Commission also called on government to avoid violence while disarming the Karimojong. Prior to the disarmament, the Commission, helped by the DANIDA Human Rights and



Sensitisation
of Karimojong
during the
disarmament
programme in
2002

Democratisation Programme, European Union and Lutheran World Foundation, linked up with the UPDF and NGOs: it embarked on a sensitisation campaign within the region. This approach had some success, and the region has seen relative peace: 9793 guns had been recovered from the Karimojong by 17 September 2002.

Uganda's involvement in the DRC

2.59 Uganda, like many countries in the subregion (Great Lakes region) was drawn into the war in the Democratic Republic of Congo. Uganda's major justification was to tackle the insecurity along the western border caused by incursions by rebels of the Allied Democratic Front (ADF). The Commission agreed that the government had genuine security concerns: the ADF were committing atrocities from bases in Congo. However, this did not justify the UPDF's involvement in the Congo civil war, which was raging thousands of kilometres from the common border.

2.60 In addition, the Commission noted that involvement in the Congo war had human rights implications. The two most conspicuous were the loss of life and the diversion of enormous resources from social and economic programmes to the war effort. In its 1998 annual report, the Commission welcomed the Lusaka peace accord and urged government to implement it as a basis for a lasting and durable solution to Congo's problems. At the time of writing this report, Uganda and other parties to the conflict had withdrawn most of their troops and signed peace accords with the Government of the DRC

2.61 The Commission commends government for withdrawing from the DRC and signing a peace agreement with the DRC. It urges government and all the parties to the agreement to abide by its provisions and to implement them for peace in the region.

Child abuse

2.62 Previous annual reports have highlighted child abuse. Yet children continue to suffer abuse, neglect,

defilement and other inhuman and degrading forms of treatment, often at the hands of their own parents and guardians. As noted from the section on armed conflict, children are often the innocent victims of war. Tragically, there is little or no response to the suffering children undergo: 94% of respondents to the opinion poll cited child abuse as the most common human rights violation. Since 1997 the Commission has catalogued a series of problems of children. A particularly disturbing trend was reported in 1997: children aged 12 to 17 caught in armed conflict had been charged with treason. The dilemma was that some of these children had been abducted and forcibly conscripted into rebel ranks. The Commission appealed to HE The President to consider pardoning them. The Commission found out that these children were screened and then sent to remand homes for rehabilitation. The Commission commended some NGOs for providing psychosocial support to these children. The UPDF has also adopted a more humanitarian approach towards these children during and after combat. This is commendable and should be encouraged.

Ritual murders

2.63 The Commission also tackled another aspect of child abuse: ritual murders. In 1998, the media reported 31 ritual murders involving children. The Commission intended to study this problem to understand its underlying causes. However, the study was not carried out due to lack of funds. Media reports allege that main perpetrators of child ritual murders are traditional healers and witchdoctors. The Commission needs to join other stakeholders to try to understand the underlying reasons for this practice. It might also be necessary for the Commission and security organs to provide constant sensitisation in addition to monitoring the activities of these witchdoctors

HIV/AIDS and the right to health.

2.64 This subject has been addressed constantly in previous reports. The Commission reminded government of its obligations under the International

Covenant on Social, Economic and Cultural Rights (ICESR) to create conditions to guarantee citizens access to medical services in the event of sickness. On drugs for HIV/AIDS patients, the Commission noted that cost was the major impediment to access. In the past the Commission did not focus on the rights of Persons Living with Aids (PLA). This has changed: the Commission is now actively sensitising various actors involved with HIV/AIDS issues.

2.65 The Ministry of Health should be commended for its public campaign on HIV/ AIDS. To be successful, however, the campaign needs to be continuous. The availability of anti-retroviral drugs at a number of health centres in Uganda is also a positive achievement. The government needs to monitor accountability of HIV/AIDS drugs and ensure they reach their intended targets. In 2002 the media reported that some individuals were diverting and selling the free HIV/AIDS drugs donated to government.

Delays in administration of justice.

2.66 Since its inception, the Commission has documented delays in the administration of justice. Many suspects in police cells complained of being held beyond the statutory 48 hour period. In turn the police complained that some of these violations arise from lack of facilitation and logistical support. In its maiden report, the Commission reported that over 65% of prisoners are on remand. Figures from the prisons service show that there were 9853 remand prisoners and 5380 convicts in 2001. Therefore, the ratio of remands to convicts is approximately 1:2.

2.67 The judiciary acknowledged that there is a problem in dispensing justice expeditiously. No solution has been formulated yet. However, a decision was taken to decentralise services by creating high court circuits at Masaka, Mbarara, Fort Portal, Gulu, Mbale, Jinja and Nakawa. Even this has not fully resolved the problem. It is encouraging, therefore, that plans are underway to extend high court circuits to Kabale, Masindi, Soroti and Arua.

2.68 Creation of the Justice Law and Order Sector (JLOS) was meant to streamline the administration of justice in the country: it was a step in the right direction. However, the success of this imitative will lie in producing tangible results: the backlog of cases needs to be cleared; trials of persons on remand need to be expedited. Justice delayed is justice denied; the JLOS needs to intensify efforts to find practical solutions to this problem

Freedom of religion

2.69 Freedom of religion has to a large extent been enjoyed by all Ugandans. However, there has been an alarming emergence of cults, the preaching of which was based on falsehoods coupled with wrong interpretations of the Bible. One such cult was the World Message Last Warning Church: this was established by the Reverend Wilson Bushara, who claimed that the world would end on 30 June 1999. His followers were forced to give up many of their belongings, including money, as they prepared to go to heaven. Another well-documented case was the cult led by Joseph Kibwetere, who misled his followers into believing that they would go to heaven through him: 1000 of his followers were burnt to death in 2000. The Commission believes that the major victims of cults are poor unsuspecting members of society who are easily misled by opportunistic interpretations of religious teachings and doctrine. Religion should be a unifying and healing process, not a fanatical undertaking that violates the peoples' rights, leading even to loss of life.

2.70 The Commission therefore notes again that some unscrupulous persons have abused the freedom of religion. There is a need to formulate a mechanism to monitor religious groups. There should be benchmarks of religious freedom. If breached, there should be sanctions, including prosecution in courts of law.

Illegal detentions/"Safe houses"

2.71 The practise of detaining people illegally has not been entirely resolved, according to the media and the Commission's findings. Inspection visits to Kampala police stations revealed the

Conclusion

3.04 One of the Commission's mandates is to review legislation to ensure that it is consonant with international human rights instruments and standards and to make recommendations to Parliament. Parliament is not under obligation to adopt all Commission recommendations. It is therefore a sign of Parliament's confidence in the Commission that it adopted the Commission's large number of recommendations on the Suppression of Terrorism Bill.

Recommendations

3.05 The Commission believes that the law against terrorism is necessary but that it is not in itself a sufficient mechanism to prevent terrorism. To prevent terrorism, it will be necessary to consider additional issues that the law against terrorism does not address. The recommendations below are for that purpose.

1. The government needs to identify and consider why people resort to terrorism. Once identified, it will be easier to address the causes. People resort to terrorism for various reasons. Some terrorists are spurred by politics, ideology or religion. Others turn to terrorism because of perceived oppression and economic denial. Some terrorists are simply criminals on hire. No cause is justification for terrorism. However, government needs to pay attention to the causes and endeavour to find solutions.

2. The Commission stresses that combating terrorism should not be a pretext for ethnic, religious or racial profiling. The police and other law enforcement officers should not rely on national or ethnic origin, religion, race, colour or descent as a basis for subjecting persons to investigation or for determining whether an individual is engaged in criminal activity. Terrorists often tend to claim to work on behalf of certain groups, when in fact they are working for themselves or a small group of a section of those they claim to be working for.

3. There is a need to sensitise people that there is no contradiction between the Anti-Terrorism Act and the Amnesty Act. The Anti-Terrorism Act considers groups such as the Lords Resistance Army (LRA) and the Allied Democratic Forces (ADF) to be terrorists: the Amnesty Act seeks to pardon these terrorists. The risk is that some people will think that the pardon granted under the Amnesty Act is taken away by the Anti-Terrorism Act: they may therefore fail to respond or to take advantage of the amnesty.

Rebel Activities and Violation of Human Rights

3.06 Almost from the moment the government came to power in 1986, it faced rebellions in various parts of Uganda by different rebel groups. Through negotiations or force, the government has been able to resolve most of these conflicts. However, by 2001, there were two major rebel

Dr. Tajudeen
Secretary-
General Global
Pan African
Movement and
Mr. Afako then
of Africa Rights
discussing the
suppression of
terrorism bill



CHAPTER 3

Security and human rights

Terrorism and Suppression of Terrorism Law

3.01 From late 1997 to 1999, Uganda experienced a wave of terrorism. This created great tension and fear among the general public. Bombs were detonated and thrown into bars, buses and markets. Innocent people were injured or killed: in all, over 160 people were hurt and over 50 died. The terrorist attacks caught the government and security forces by surprise. Security forces responded by incarcerating persons suspected of terrorism in illegal detention places euphemistically called "safe houses".

3.02 The Commission condemned the use of "safe houses" as undermining the rule of law and culture of constitutionalism. Despite this, in 1998, the Commission called for a law to control and eliminate terrorism. It also encouraged government to ratify all multilateral treaties on terrorism. Therefore, the Commission welcomed the "suppression of terrorism law" in 2001. However, at the same time, the

Commission was conscious that the law might be misused. Convinced that Uganda needed a law that would balance the need to safeguard public security with the protection of human rights and civil liberties, the Commission scrutinized the Suppression of Terrorism Bill when it was brought before Parliament for the first reading.

3.03 The Commission presented its opinion on the Suppression of Terrorism Bill 2001 (Bill No.220) to Parliament on 27 November 2001. Out of the Bill's 39 clauses, the Commission had problems with 17(45%). With respect to these 17 clauses, the Commission either recommended improvement or complete deletion. The Parliament agreed with 15 or 88.2% of the Commission's 17 recommendations. Only two were not adopted. After the Commission's input, the final law (The Anti-Terrorism Act, 2002) had 33 clauses. Below is a summary of the Commission's input and the extent to which the recommendations were adopted by Parliament.

**Table 3.1 Parliament's compliance with UHRC views on the Suppression of Terrorism
Bill 2001**

Clause of the Bill	View of Executive	View of the UHRC	View of Parliament (Final Act- The Anti-Terrorism Act)	Comment
Clause 2	Security officer and "other person" could be authorised by the Minister	Recommended to exclude "other person"	Excludes "other Person"	Parliament concurred with UHRC
Clause 5	Provided for possible extradition of refugees and eases political persecution	Recommended complete deletion of the clause	Retained the Bill's position	Parliament did not concur with UHRC
Clause 7 and 8	Definition of terrorism was vague and not focused.	Suggested that terrorism or terrorist activity should be defined according to particular conducts to be crimes of terrorism	Adopted all six comments and added four of theirs.	Parliament concurred
Clause 9	Reversed the presumption of innocence until proved guilty captured whoever illegally possessed a gun to be	Recommended an improvement on the bill for it to be restrictive to illegal positions that are for purposes of carrying out any of acts defined as terrorism a terrorism	Parliament improved the clause. Clause 10 was also improved and enjoined to clause 9.	Parliament concurred
Clause 11	Could prohibit the freedom of the press and expression	Recommended for deletion	Deleted	Parliament concurred
Clause 12	Assumed that everybody is reasonable, was repetitive and punishment disproportionate to offence	Recommended deletion	Deleted	Parliament concurred
Clause 13	Was redundant in view of earlier recommendations	Recommended deletion	Deleted (Clauses from 11-13 were deleted. What would have been article 14 of the Bill is now article 10 of the Act)	Parliament concurred
Clause 14	Ministers powers to declare an organisation terrorist is wide and could be abused	Recommended that ministers declaration be challenged in court	Remained as the bill provided (see under article 10)	Parliament did not concur

Clause 15		Had no problem with it. We welcomed the improvement provided it specified that the offence was within the definition of terrorism	Was deleted. Hence moved to Article 12 of the Act	Parliament concurred
Clause 16	Criminalized dressing that raise reasonable apprehension	Recommended deletion	Was deleted	Parliament concurred
Clause 17,18, 19 20, 21,22		Had no major disagreement	Adopted in clauses 13,14,15, 16,17.	UHRC concurred
Clause 24	Allowed Magistrate to issue an order for surveillance without a person knowing that there is such order	Recommended for a Magistrate to be reasonably satisfied that there is need for surveillance	The role of the magistrate was removed. (See clause 18 of the Act)	Parliament concurred
Clause 25	Allowed authorised officer to intercept any information not necessarily specific to terrorism	Recommended amendment to allow interception where there is reasonable suspicion to address only the terrorism crime	Amended the bill and addressed the concerns (see clause 19)	Parliament concurred
Clause 26	Wanted to punish "any person who obstructs" an authorised officer	Recommended that only "a person who knows & obstructs" should be liable	Agreed with UHRC	Parliament concurred
Clause 27	Were offences of an authorised officer.	Agreed with the offences but recommended addition of provisions of article 44 of the Constitution	Agreed and included torture, inhuman treatment, illegal detention etc.	Parliament concurred
Clause 28	Admissibility of evidence	concurred	concurred	Parliament concurred
Clause, 29,30, 31,32,33,34, 35,36,37	Not much problem	No problem	No amendment apart from replacing spouse with wife	Parliament concurred
Clause 38	Purported to insulate an authorised officer from criminal responsibility for acts committed during terrorism investigation	Proposed deletion	Deleted and replaced	Parliament concurred

crossed back into Uganda. Since June 2002 these rebels have caused increased suffering to the people of Acholiland, despite the UPDF's efforts to protect the population. From June to September 2002, there were almost daily incidents: vehicles ambushed, abductions, killings, looting, maiming,

Close to 1000 people have lost their lives, including rebels, UPDF soldiers and civilians. Since Operation Iron Fist started, the people of Kitgum, Pader and Gulu have suffered more terror than they experienced in the whole of 2001. Tables 3.5 and 3.6 give a comparison of the two years.

Table 3.5 Rebel activities and the impact on the population in 2001

Date	UPDF dead	Rebels dead	Civilians killed	Civilians rescued/ released	Civilians injured	Civilians abducted	Property stolen or destroyed	Place
6 Jan				30				Sudan
28 Jan					4			Lokapel-K'ja
3 Feb	1							Amyel-K'ja
4 Feb			2					Amyel
10 Feb				23	2		Radio call	Patongo mission
14 Feb						6		Agago R. camp
28 Feb		4						Adyek
1 March			7		4			Aswa & Cwero
11 March			1			5	Car burnt	Aboke corner
12 March			10		2	2		Lagile
14 March			5				Car burnt	Kitgum
17 March			11	19				Pakuba
28 March				62				Sudan via Entebbe
31 March		32						Gulu
5 April		1						Aswa
10 April			1				25 huts burnt	Laroo
15 April			1		1			Pabbo mission
21 April			1		1			Omee
24 April		5	1					Olwal
25 April	2		1		6			Okinga
27 April			6		1			Pece
28 April				3	1			Awach/Atanga
2 May				25				Sudan
4 May			1					Pajure
10 May			3		40			Pabbo
11 May		2	1					Lalogi
13 May			1					Awach
19 May		6					Tractor burnt	Pajure
22 May	2		2					Matidi
24 May	1				2	10		Opit
30 May	3		1					Pabbo
13 June			3					Pajure
19 June	7							Sudan
21 June			1					Awach
23 June			1					Kilak
24 June	22							Border

groups still active: the LRA in northern Uganda and the ADF in western Uganda. These rebel groups caused mayhem: people were maimed, conscripted, killed; the local economies reached near collapse; education, health and other social facilities dwindled; and homes and families disintegrated. Rebels, especially in the north, abducted thousands of children, youth and adults. Landmines planted by rebels have killed and maimed many of those who are not abducted. Over 75% of amputations in Uganda are due to armed conflict. Landmines alone have been the cause of over 30% of amputations. There has been a sharp increase in amputations. By May 2000, a total of 726 people had had limbs amputated: in 1998 the figure was just 116.

Table 3.2 Registered cases of amputation by May 2000

Causes	Number	%
Landmine	220	30.3
Gunshot	168	23.1
Other War Related	53	7.3
Trauma	108	14.9
Disease and Others	177	24.4
Total	726	

Source: AVSI-MOH, May 2000

Abductions by rebels

3.07 Abducted persons are those persons who have been forcefully taken away by armed persons. In 2001-2 the LRA abducted significant numbers of people, mostly children, for recruitment into rebel ranks. Since the conflict started in the North, it is estimated that over 26,833 people have been abducted. Over 10,000 of these are children. It is also estimated that as of January 2002, about 6000 children were in rebel captivity. The majority of the LRA is composed of people who were initially abducted as children. For example, according to UNICEF, out of a total number of 290 persons recently received back from Sudan, 40% were still children and 40% were adults who were abducted as children: only 20% were abducted as adults. Abductions take place everywhere: from IDP camps, homes, schools, churches and roads as people move.

3.08 Children have been particularly targeted for abduction. They serve as manpower for the rebels. Children are easily indoctrinated to fight government forces with determination. Children can be used as "cannon fodder" to shield the older, more experienced rebels and rebel leaders when they come into contact with government forces. Abducted children are useful as load bearers, forced to walk very long distances carrying heavy loads. Captured rebels tell stories of children being exchanged for guns. In general, children in the affected areas are caught in a critical web of vulnerability between displacement, abduction, recruitment, hazardous employment, sexual abuse, disability through injury, and finally death. Some abducted children have escaped from rebel captivity: others have been rescued by the UPDF. The experience of abduction is always traumatic, even if the person is captive for only a short time. Abduction instills fear and creates a trauma that has a lasting negative impact on any human being, but especially on a child.

3.09 In 2001-2 LRA rebels continued their practice of abducting young girls. These girls are distributed to rebel commanders, becoming sex slaves and wives of rebels. As a result of this forced sex, many of the young girls and women that have fled from rebel captivity are now infected with HIV. UNICEF reports that all the abducted girls have at least one sexually transmitted disease by the time they return.

Table 3.3 Abducted children as of mid 2002

District	Returned children	Not returned
Gulu	2,205	3,024
Kitgum/Pader	1,929	2,237
Lira	290	140
Apac	147	46
Total - North	4,571	5,347
Bundibugyo	205	62
Kabarole	302	80
Kaseses	795	216
Total - West	1,392	358

Source: UNICEF July 2002

- 3.10 The insecurity in the North has negatively affected the socioeconomic and cultural life of the population. It has disrupted health service delivery, food security, education, family and sociocultural ties. As a consequence, the population in the north lacks peace of mind and has developed an overall feeling of resentment towards other people: may have become stressed, mistrustful, frustrated, pessimistic, trapped and hopeless. And may have become emotionally unstable.

Measures by Government to restore hope and security in disturbed areas

- 3.11 The government has made gestures and tried to put in place measures to restore peace in the disturbed areas of the west and the north. The government has made it clear that it prefers a “carrot and stick” approach. In western Uganda the “stick” seems to have worked, and the population has been assured that the ADF has been defeated. To achieve this defeat, the UPDF had to go into Democratic Republic of Congo (DRC) from where the ADF was operating. With this accomplished, the UPDF almost entirely withdrew from the DRC: by the time of writing, almost half of the population in displaced camps in Bundibugyo had returned home. However, in 2002 there were rumours of a new rebel group: the People’s Redemption Army, said to be headed by former UPDF officers Col. Kyakabaale and Col. Samson Mande, and which was thought to be training in DRC and linking up with the remnants of ADF to attack Uganda again. These rumours have frightened IDPs in Bundibugyo who had been preparing to return to their homes. If the rumours are true, then there is a genuine worry that the population in the west may have to go through the trauma of more instability.
- 3.12 Besides using the armed force, the government also made constructive use of new legislation to try to quell rebellion, by passing an amnesty law in January 2000. The aim was to end hostilities by forgiving and reconciling with those who have caused so much suffering to others. The passing of the amnesty law showed the government’s desire implement a policy of

reconciliation to establish peace, security and tranquility through out the whole country. By July 2002 the Amnesty Commission reported that 5000 former rebels (also called “reporters”) had taken advantage of the amnesty to come out.

- 3.13 Almost half of these 5000 reporters are from West Nile where a further 2000 rebels of the UNRF II under the command of Major General Ali Bamuze opted for peace in April 2002 and were in negotiations with government in Yumbe district. It is hoped that these 2000 will also benefit under the amnesty. Of the 5000 reporters to date, 3641 had received certificates and are having their papers processed at the time of writing. As of mid July 2002, 3695 former rebels had reported under the Amnesty law: over 60% were from the districts of Arua and Yumbe; slightly less than 20% had come from the districts of Gulu, Kitgum and Pader.

Table 3.4 Reporters by home districts as of 15 July 2002

No.	Home district	Number	Percent of total
1.	Adjumani	10	0.3
2.	Apac	10	0.3
3.	Arua	1,699	46.0
4.	Bugiri	5	0.1
5.	Bundibugyo	13	0.4
6.	Bushenyi	6	0.2
7.	Busia	3	0.1
8.	Gulu	413	11.2
9.	Hoima	1	0.0
10.	Iganga	19	0.5
11.	Jinja	4	0.1
12.	Kabarole	8	0.2
13.	Kampala	81	2.2
14.	Kamuli	3	0.1
15.	Kamwenge	4	0.1
16.	Kasese	103	2.8
17.	Katakwi	1	0.0
18.	Kayunga	3	0.1
19.	Kibale	5	0.1
20.	Kiboga	1	0.0
21.	Kitugum	202	5.5
22.	Kumi	3	0.1
23.	Kyenjojo	4	0.1
24.	Lira	9	0.2

25.	Luwero	22	0.6
26.	Masaka	41	1.1
27.	Masindi	4	0.1
28.	Mbale	62	1.7
29.	Mbarara	17	0.5
30.	Moyo	106	2.9
31.	Mpigi	31	0.8
32.	Mubende	11	0.3
33.	Mukono	33	0.9
34.	Nakasongola	1	0.0
35.	Nebbi	30	0.8
36.	Ntungamo	1	0.0
37.	Pader	108	2.9
38.	Palisa	5	0.1
39.	Rakai	5	0.1
40.	Rukuniri	5	0.1
41.	Sembabule	2	0.1
42.	Sironko	17	0.5
43.	Soroti	5	0.1
44.	Tororo	7	0.2
45.	Wakiso	12	0.3
46.	Yumbe	560	15.2
Total		3695	100.0

The Challenges facing the Amnesty Commission

- 3.14 The Amnesty Commission has experienced success with a good number of reporters coming in. However, it faces a lack of manpower and resources, including transport. It is a major undertaking to receive thousands of ex-rebels: “Reporters” need an appropriate reception, psycho-social treatment, resettlement, reintegration and follow up. In a consultative meeting with the UHRC, Commissioner Wilson Lutara of Amnesty Commission said that, under the Amnesty Act, suspects who are in lawful custody and who are facing criminal charges relating to insurgency are entitled to receive amnesty should they declare their intention to apply for it. However, under the Act, the Director of Public Prosecution (DPP) has first to certify that such a reporter is not being held for other offences unrelated to armed rebellion against the Government before he can be released. Commissioner Lutara noted that the intention of this is to protect the public by ensuring that a person facing other charges is not let loose under the cover of the Amnesty act. However, he

complained that the DPP takes a long time to process files of such prisoners and that this delays the process of amnesty.

Re-establishing relations with Sudan

- 3.15 Diplomacy was the third measure used by government to quell rebellion: Uganda attempted to establish good relations with the countries that have been abetting or assisting its rebels. Accordingly, the government moved to establish good relations with HE Joseph Kabila of the DRC and General Bashir of Sudan. In the discussion here, the Commission highlights relations with Sudan as the conflict in northern Uganda has endured far longer than the conflict emanating from Congo: the LRA tactics is to make Acholiland (Gulu, Kitgum and Pader districts) and the surrounding areas ungovernable by targeting and committing atrocities against civilians.

The Challenges of “Operation Iron Fist”

- 3.16 On 10 March 2002, Uganda and Sudan signed a protocol, which the Commission warmly welcomed: in its 2000-1 report, the Commission had called for speedy normalisation of relations between Uganda and Sudan, recommending that the “Government should intensify efforts to strengthen relations between Sudan and Uganda which hopefully will deny the LRA a base for retreat after attacks in Uganda”.
- 3.17 The March 2002 protocol allowed Uganda to mount limited operations into Sudan to destroy the LRA camps and rescue the 6000 or so children reportedly being held. Accordingly, on 15 March 2002 the UPDF crossed into Sudan, starting an anti-LRA campaign known as “Operation Iron Fist”. The population had high expectations of Iron Fist, but a swift end to the LRA has not materialised.
- 3.18 At the time of writing this report, the LRA leader Joseph Kony and his forces had been dislodged from southern Sudan, and many guns and much ammunition had been captured and handed over to the Sudan government. However, a negative consequence of Operation Iron Fist was that a large number of rebels

Date	UPDF dead	Rebels dead	Civilians killed	Injured	Rescued /released	Abducted	Property Destroyed	Place
22 July		9*						Palaro
23 July			56		31	32	Clothes , 83 huts	Pajule/Mucwini
24 July			46		1	4	33 huts, 102 goats	+ Mucwini
25 July	1					76	Boda boda bike	Lukome Cwero, 24 shops
26 July					4			Palabek
27 July	3		5			5	14 goats	Pajule Omiya Anyima
28 July					52			Pajule
31 July						73	Clothing, goats, 5 shops	Lukome
1 Aug				2			looted	Acholibur
2 Aug		6*		2				Wii Gaba
4 Aug					31			Omiya -Anyima
5 Aug		13*	2		50		5 cars	Acholipii
6 Aug			5	3	3	6	21 huts	Acholi bur
7 Aug						2		Acholi bur
8 Aug		9*	3	3			Bombs	
							burning huts	Acholi bur/ Okwanga
9 Aug	1			4				Laraba
10 Aug		2				4		Ajuru
11 Aug	1		6		94	9	40 goats, pick up	Lukore
12 Aug	1		11			20		Lokore
13 Aug		1			5	9		Pajure
14 Aug			2					Agwee
15 Aug		9*	1		3	35		Acholibur
16 Aug		4		2		500		Matidi
17 Aug			1					Minakulu
18 Aug					20		Shops	Lalogi
19 Aug			1					West Lacor
20 Aug			7	3		8	Looting property	Acholpii
23 Aug			1				Bus Pick up	Lira Rd Kaladima
25 Aug			2					
25 Aug		25*			80*		Vehicle ambush, looting	Aswa, Kilak, Lakata
26 Aug			3				500000= pick up bus	Amuru
27 Aug					31	20		Pabbo
28 Aug			2	10				Moroto county
29 Aug		10	1	4				Ogur
30 Aug						100	Truck	Pajule

Date	UPDF dead	Rebels dead	Civilians killed	Civilians rescued/ released	Civilians injured	Civilians abducted	Property stolen or destroyed	Place
28 June					2			Pabbo
1 July					20			Okwir
5 July	1		1		4			Lugore
10 July		1						Okidi hills
15 July			1					Pajure
18 July					6			Matidi
7 August						6		Bobo
10 August				48				Sudan via Entebbe
18 July					6			Matidi
7 August						6		Bobo
10 August				48				Sudan via Entebbe
15 August				30				Sudan via Entebbe
16 August						4		Adyeba
22 August			1					Agoro
23 August			1					Koc Kweyo
27 August			4		22			Pabbo
1 Sept			5					Bibia
3 Sept			4					Patiko
4 Sept						18		Okwir
25 Sept						1		Kitgum
2 Oct			1					Pabbo camp
3 Oct			1					Pabbo
9 Oct					4			Cwero
11 Oct		2						Pabbo
18 Oct			4				Car burnt	Awach
19 Oct				18				Sudan via Entebbe
23 Oct				6				Lacekocot
28 Oct					3			Opit
13 Nov								Pabbo
16 Nov		3						Layibi
17 Nov								Pabbo
26 Nov			2					Pabbo
27 Nov	1		2					Atiak
29 Nov	I						47 huts	Atiak
18 Dec		2						Atyak
19 Dec		2						Olam Nyuu-Pabbo
TOTAL For 2001	40	60	98	264	125	52		

Table 3.6 Rebel activities and the impact on the population in 2002

Date	UPDF dead	Rebels dead	Civilians killed	Injured	Rescued /released	Abducted	Property Destroyed	Place
28 Jan						20		Patuda Koc
29 Jan				1				Koc Goma
31 Jan			1					Kitgum
12 Jan			1					Pabbo camp
21 Feb			17	20				Nyoya Junction
21 Feb			1					Alero
23 Feb		70*						S.Sudan
26 Feb					80			Inside Sudan
1 March		80						Lubone Sudan
3 March			5	12				Bungatira
4 March			6			7	20 huts	Mutema
6 March				1				Pabbo
17 March			10			30		Amuru camp
20 March	2							Nsitu
22 March				70				Kitgum
25 March			2					Pawel
26 March	2			Many		40		Lalogi
15 April	10						10 huts	Alero Camp
17 April			4					Pabbo
18 April			1					Ajwa
29 April			60					Agoro mts/ Sudan
29 April			1					Paimo
1-2 May		35*						Alero
5 May		70*						O Kibul
5 May			300					Sudan
6 May		32						Sudan
11 May		1						Anaka camp
13 May	70					15		Sudan/Atiak (disputed)
14 May						3		Okidi
15 May							300,000= 4 basins of peas	Anaka camp
19 May			2	4				Patiko/Lamogi
20 May							23 Goats, plates, 120 hens, sauce pans	Paicho
21 May						4		Laliya
22 May			2					Opit
7 June		1	1			1		Atiak
8 June			1					Awer
12 June		1*	6		90			Anaka/Gunya
13 June			2				Vehicle Property worth millions	Laliya

Date	UPDF dead	Rebels dead	Civilians killed	Injured	Rescued /released	Abducted	Property Destroyed	Place
15 June						7		Aswa
16 June		9*	4				lorry	Kilak hills
18 June					25	6	508 huts	Cwero
19 June	3					3	35 huts	Omaro camp
20 June							Food stuff	Lacekocot
21 June			5			5	50 huts army detach burnt	Cwero/Awach
24 June			5	2		39	Radio call, huts, food, drugs	Kitgum
25 June						3		Coope centre
26 June			5			30	149 huts	Pajule
28 June			6	11		75	50 huts	Purongo camp
1 July	36		9			5	32 huts	Lukore
2 July						6		Lukore
3 July			3		80	100		Alero
4 July	4					5		Alero
5 July			1			20		Labongo
6 July			5			43		Acholi bur
8 July				5		21	Food stuff, mobile satellite phone, radio call, printing machine, water heater	Iceme Girls SS
9 July						18	264 huts	Lukore
12 July						7	43 huts,	
							2 houses, 5 granaries	Lacor
14 July	2	40	1			7	huts	Ayoro
14 July		4*						Agoro
15 July						20	2 houses	Keyo
16 July				1		40	Looted shops and homes	Lapono
17 July			1			20		Patiko
18 July			9	3		16	Four cattle	Anyera
19 July						9	Looted teacher's quarters	Aparang camp Kumella
20 July					5*			
21 July	20						346 huts 22 goats, 11 home steads	Bunyu Abera

S/No	Ref.	Date CRB	Time	Victim / hrs	Accused Deceased	Place of	Remarks Crime
11	CPS 347/02	26.04.02	1700	1 Basikana Mohamed 2.Kakumba John 3.Ungi Olivia (wounded)	Unknown	Wilson road	No arrest yet
13	KTW	28/04.02	2100	Baingana Jafari	1. Ssejoba E 2. Muyindo 3. Kayanja S	Lufuka Zone Ndejje Wakiso	Beaten to death
14.	Not given	29.04.02	Not given	Kibirige Muhamad	Unknown	Kiwatule village, Luwero Dist.	Shot dead
15.	Wande-geya 339/02	02.05.02	2000	Safina Namaweje of Kalerwe Good Hope zone	Kyoterekera Mike (m/a) 30 yrs of Bwaise Jambula zone	Makerere Kavule	Acid attack, later died in Mulago Hospital
16	KN 74/02	03.05.02	Not given	Mukasa Aloysious and Namayanja Juliana of Kanoni village, Kyegonza S/county Mpigi district	unknown	Kanoni village, Kyegonza S/ county, Mpigi District	
17	KTW 296/02	05.05.02	2100	Nabankema (f/a) Muganda peasant of Ziramumbu village Kibiri, Wakiso District	1.Salongo Kiiza Gyagenda Charles 2.Bossa	Ziramumbu village, Kibiri, Makindye Ssabagabo	Shot dead
18.	Not given	08.05.02		Nakibirango Maimuna (f/a)	Unknown	Kasaana, Luwero Town Council	Shot dead
19	Kajja 81/02	10.05.02	2000	Nakafumba Ida 45 yrs, Muganda of Kawoto 'B' Kitende Parish Ssisa S/county Wakiso District	Unknown	Kawoto 'B' Kitende parish Ssisa S/County, Wakiso District	Strangled to death
20.	OKS 499/02	10.05.02	1930	Mrs Asiata Ssempe wife to a Kikuubo businessman Mr. Ssempe	Bbale Godfrey and others still at large	Lule zone Rubaga Hill LC 2	Shot dead by thugs who were pursuing her husband.
21.	Kawe mpe 398/02	12.05.02	2020	Adriko Roy. A University student	Nabimanya P. Securiko guard	Kawempe Kobil Petrol Station	Shot dead
22	Kira Rd 663/02	24.05.02	2000	Katerega Winfred, a businesswoman in Kiyembe	Mugwisa Samuel and 04 others	Ntinda	Abducted, beaten and dropped in Bukoto. She later died in Mulago hospital
23.	OKS 507/02	24.05.02	1930	1. Lilian Sonko 2. Jaffer Kafero 3. Zam (Lilian's Sister)	unknown	Mengo Hill road	Murder

Date	UPDF dead	Rebels dead	Civilians killed	Injured	Rescued /released	Abducted	Property Destroyed	Place
3 Sept	6							Acholibur
5 Sept			6				Drugs	Pader
7 Sept						20		Lalogi
9 Sept						80	19 huts bus	Adjuman
10 Sept	3			5		78		Pader
12 Sept	1		2			8	Shops	Pajule
14 Sept			1		83			Koro
15 Sept						2		Opit
16 Sept	2							Puranga
17 Sept		6	1					Labong
18 Sept	3	2						Aruu
19 Sept			5				Bus	Labora
20 Sept			13					Karuma-Pakwatch
21 Sept			3	7				Pader
22 Sept					31			Murchison Falls
23 Sept			3	7			Bus	Pajule
24 Sept					19			Orit
Total	171	436	670	172	737	1775		

*See Yoweri Museveni, "Operation Iron Fist: The balance sheet" in the New Vision August 25 2002, pg 4-5

SOURCES: Extracted from Acholi Peace Website, the *The Monitor* and *The New Vision*

3.19 The figures in Tables 3.5 and 3.6 cannot be 100% accurate; the real figures may be slightly higher or lower. Many incidents are not reported: incidents that are reported can be exaggerated. Nevertheless, the situation is worrying. According to President Museveni, by 25 August 2002 : "...450 enemies (LRA) had been killed...37 enemies captured, 470 civilians rescued...UPDF ...lost 134 soldiers" (*The New Vision* Aug.25,2002). From this statement alone, it appears that 574 rebels and soldiers were killed in the first four months of Operation Iron Fist, a figure that does not include civilian casualties. This death toll is unacceptably high (and an extreme violation of the right to life). From the tables above, it is clear that Operation Iron Fist has led, at least in the short term, to increased human rights violations and atrocities against the people of northern Uganda.

Efforts to achieve peace talks between the LRA and the Ugandan government

3.20 From July 2002, there were attempts to initiate peace talks between the government and Joseph Kony's LRA. These were largely spearheaded by the

Acholi Religious Leaders Peace Initiative (ARLPI) led by Archbishop John Baptist Odama. This group brought the President a message from Kony, in which the rebels requested the President to announce a ceasefire. In his reply to Kony, a letter dated 20 July 2002, the President agreed to a ceasefire on the condition that the rebels cease all kidnappings and attacks on civilians, vehicles and government soldiers. The President also promised to arrange for the World Food Programme to supply food, medicine, clothes and other necessities to the rebels if they confined themselves to the Owiny Kibul, Panyikwara and Aswa Valley areas. But, after this bright beginning, there was little progress. Instead, more abductions, killings and wanton destruction of property ensued, even on the day that the LRA unilaterally declared a ceasefire. The President went further to name a peace team that was to be led by the Minister of Internal Affairs Hon Eriya Kategaya, but peace talks had not taken off at the time of writing this report. By 1 October 2002, it appeared as though the President had lost hope in the talks with Kony and was once

again emphasizing the use of force to eliminate the LRA.

3.21 On 1 October 2002 *The New Vision* reported that President Museveni had written to Archbishop Odama, asking him not to seek close contact with the rebels any more: the President had received reports from surrendering rebels that Kony had ordered his commanders to kill the peace team, including the Archbishop. The public is losing hope as to whether peace talks between the LRA and the government can succeed.

Questionable UPDF operations

3.22 The UPDF has tried to live up to its objective of defeating Kony and rescuing the LRA abductees. All along the population had feared that Operation Iron Fist would lead to the deaths of innocent abducted children forced into fighting by the LRA. The government admitted that this was a dilemma, saying that trained children

with guns who fire at the UPDF become legitimate targets. And, indeed, there is no doubt the population's fear was well founded and that many of these children have died. The Commission understands the government's dilemma, but finds it difficult to understand why the UPDF has committed some illegalities when there was no visible threat to the security. For example, the Commission received a report that UPDF soldiers under the Command of Lt. Col. Otema Awany and the Division IO surrounded the government prison in Gulu at about 7:30 pm on 16 September 2002. The soldiers entered the prison at about 10:00 pm. and took away 21 prisoners who were on remand, 19 of whom were charged with treason and two with murder. In addition, they killed a prisoner called Oloya Peter, commonly known as Yumbe, who had been charged with murder. The details of the 22 prisoners are as below.

Table 3.7 prisoness seized from Gulu prison

Prisoner's Number, Name	Criminal Case Number	Offence
R.142/02 Obedi George	A.76/02	Treason
R.143/02 Akena Moses	A.76/02	Treason
R.237/02 Otti Bosco	A.76/02	Treason
R.449/02 Ocan Federiko	A.206/02	Treason
R.250/02 Okot Paul	A.205/02	Treason
R.251/02 Odong Joseph	A.205/02	Treason
R.252/02 Lakony Donanto	A.205/02	Treason
R.253/02 Lakoyo Michael	A.205/02	Treason
R.254/02 Ojwinya Justo	A.205/02	Treason
R.255/02 Picha Charles	A.205/02	Treason
R.256/02 Okwerowat Alex	A.205/02	Treason
R.257/02 Ojara Martin	A.205/02	Treason
R.267/02 Onen Francis	A.208/02	Treason
R.501/02 Obita George	CO.429/02	Treason
R.506/02 Lagulu Ida	MG-CO.429/02	Treason
R.587/02 Kitara Tonny	A.233/02	Treason
R.588/02 Lukwiya Lawrence Pido	A.233/02	Treason
R.589/02 Otim Alex	A.233/02	Treason
R.594/02 Oceng David		
Openytho	A.233/02	Treason
R.166/02 Otim Stephen	A.096/02	Murder
R.168/02 Oloya Peter	A.096/02	Murder
R.185/02 Akeru Charles	A.096/02	Murder

The Commission believes that the manner in which these prisoners were removed and detained in ungazetted places was high-handed and illegal. Even if there were legitimate concerns about the security of prisoners, the best option would have been to encourage the prison department to shift or transfer the prisoners. The UPDF was wrong to involve itself in prison work.

Operation Wembley

3.23 Operation Wembley was launched on

25 June 2002 by President Yoweri Museveni following a spate of armed robberies and murders. The victims were largely businessmen and women but also ordinary individuals. Well-known business people such as Semwezi Kaggwa, Lilian Sonko and Asiata Sempa lost their lives in cold blood. Within three months, 26 murders were reported around the city of Kampala. Table 3.8 shows the number of murder cases that preceded the launching of Operation Wembley.

Table 3.8 Murders from 29 March to 26 June 2002

S/No	Ref. CRB	Date	Time hrs	Victim / Deceased	Accused	Place of Crime	Remarks
01	OKS	29.03.02	0100	Paul Katende alias Dr. Dick Walusimbi, and Mrs. Diana Katende Munyonyo. actors with the Ebonies	One suspect was arrested	Kweba zone Mutundwe	Shot dead.
02	Not given	01.04.02	-	Ssebowu Henry	Unknown	Kasambya village, Luwero District	Shot dead
03	-	02.04.02	1930	Kimera Robert (m/a)	Katumbala Aloysious, a peasant of Butero	Botero Trading centre, Kirumba S/county, Rakai District	Shot dead. Inquiries still going on.
04	Bombo 40/02	02.04.02	Not given	Mbonabukya (m/a) s.n.u	Mulindwa Henry Kisooaba village,	Nyimbwa s/ county, Luwero District	Strangled to death
05	Not given	07.04.02	Not given	Kiiza Anthony	Unknown	Kiryanyonza village, Luwero District	Shot dead
06	Natete 57/02	10.04.02	0010	Aki leo (m/a) LCI Wankulukuku	LDU No. 1060 Kibanda	Nyanama	Shot dead
07	CPS 312/02	12.04.02	1030	Jim Xiong m/a Chinese c/o Orient Trio Trading (U) Ltd	Unknown thugs travelling in m/v UAD 614 T Corona	Ben Kiwanuka st. Kampala	28m/- robbed shot in the neck. Flown to China
08	Kira 632/02	12.04.02	1900	Sserwadda Mustafa	Ssepuya William	Dungu Zone, Kikaya Kawempe Div	Murder
09	Kabi 195/02	24.04.02	2330	Ssemaguru William (m/a) 60 yrs, Muganda businessman of Kiwafu zone Kansanga	Unknown thugs	Kitalanga Kiwafu Zone, Kansanga	Shot dead
10	Kabi 195/02	25.04.02	-	Busingye (m/a), a Falcon guard	Unknown person(s)	Muyenga zone B. Bukasa Makindye	Head chopped off

Wembley netted 452 suspects

BY STEVEN CANDIA

POLICE chief Maj. Gen. Katumba Wamala is a satisfied man. Operation Wembley, which he heads, has arrested 452 suspects and 'harvested' 210 illegal guns nationwide since the crackdown was launched about three months ago. Addressing the Police Council meeting in Kolo-lo, Kampala yesterday, Katumba said, "The operation was a success." He said many weapons

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Prison No.	Names	Case No.	Date of Release	Place of Court Ruling	Ruling	Remarks
8. UR.778/98	Ali Musa	CSC 287/2000	26.10.01	H/Court K'la	Acquitted	Wanted
9. UR 60/99	Lubega Charles	CSC 5/2000	16.10.01	H/Court K'la	Acquitted	Wanted
10. UR. 810/2000	Byaruhanga Paddy	CR 841/2000	29.11.01	Buganda Rd	Court Bail	Wanted
11. UR 927/2000	Mangeni Godfrey alias Wabwire	CR 2182/2000	18.12.01	Buganda Rd	Court Bond	Arrested for murder of Semwezi
12. UR 962/2000	Kiberu Asuman	CR 1477/2001	20.12.01	Buganda Rd	Court Bond	Killed in Action
13. UR 7/2000	Makumbi Stephen alias Ssentamu	Nak 8/2000	11.01.01	Nakawa	Court Bond	Wanted
14. UR 8/2000	Olanya Patrick	Nak 8/2000	11.01.01	Nakawa	Court Bond	Wanted
15. UR 320/2001	Kasiita Joseph	CR 254/97	23.04.01	Buganda Rd	Court Bond	Wanted. Shot & killed Ssemwezi, on 01.07.02
16. UR.964/2000	Ndugwa Christopher alias Munyoro	CR 1477/2000	30.04.01	Buganda Rd	Cash Bail	Killed in Action
17. UR 221/99	Matege Salim	CR 1494/98	07.05.01	H/Court K'la	Acquitted	Re-arrested
18. UR. 306/2000	Kigozi Fred	CR 767/2000	03.05.01	Buganda Rd	Court Bond	Re-arrested
19. UR.305/2000	Medi Kawalya Bujini	CR 767/2000	03.05.01	Buganda Rd	Court Bond	Wanted
20. UR 307/2000	Lubowa Emmanuel	CR 767/2000	03.05.01	Buganda Rd	Court Bond	Wanted
21. UR 671/2000	Bonimpa Mike	CR 236/2000	16.05.01	H/Court Nakawa	Nolle prosequi	Wanted
22. UR.963/98	Mwesigwa Emmanuel alias Bishop	CR 745/2000	20.12.01	Buganda Rd	Court Bond	Killed in Action
23. UR 780/9	Semwezi Constantino	CSC 287/2000	26.10.01	High Court Kampala	Acquitted	Wanted
24. UR253/2000	Embati Ophen	CR633/99	27.9.2001	High Court Kampala	Aquited	wanted
25. UR710/2000	Matovu Abdul	Mak 802/2001	18.10.2001	Makindye	Case Withdrawn	wanted

Source: Uganda Police

Source of guns

3.31 From the evidence generated by Operation Wembley, it became clear that some criminals were obtaining their arms from security forces either through outright purchase or hire from the security forces. There were also cases where government soldiers themselves were the robbers. However, not all the blame rested on security forces or agents. Some criminals could

have sourced guns from the plentiful supply that stayed in people's hands after years of instability in Uganda and the region.

Problems with Operation Wembley

3.32 The security objectives of Operation Wembley were genuine and to be applauded. However, some of its methods of work were questionable. Almost all the 432 suspects arrested

S/No	Ref. CRB	Date	Time hrs	Victim / Deceased	Accused	Place of Crime	Remarks
24.	Not indicated	30.05.02	Not indicated	Ndyabawe Caroline (f/a). She was a Makerere University student	Kalemba Steven A. A personal assistant to Kampala Mayor Sebaana Kizito	Namuganja village, Kalagala S/ county	The body was found dumped in the swamp.
25.	Kajja 3 49/02	13.06.02	1700	1 Mirembe Nakabira 2 Kyeyune David 3 Kayise Joseph (All dead) 1 Kaise Lydia 2 Nakabira Allen 3 Kayise Ruth (injured and in Mengo hospital) C/o Kayise Yeremia Nsaasi, Luwero S/ County, Luwero District	05 armed thugs with 02 SMGs and 01 pistol had been trailing vehicle in which the victims were travelling on their way from Entebbe Airport to receive relatives.	Nyanama	The victims had travelled from Luwero
26.	458/02	20.6.02	2330	Kabugo Richard, special hire driver Wandegeya stage of m/v 142 UD S Toyota Corona	Unknown	Makerere near Hanana Hostel	Unknown person called the victim to take a woman from College Inn

SOURCES: Uganda Police

3.24 There was public outcry as it appeared that armed gangs were terrorising Kampala with unencumbered success: everybody felt unsafe, and the police seemed unable to cope on their own. The military reinforced the police to form a joint operation chaired by Maj. Gen. Katumba Wamala, the Inspector General of Police. The President asked Lt. Col Elly Kayanja, the Deputy Director of Internal Security Organisation (ISO), to command the operation, code-named Operation Wembley. The operation started to trap and arrest the gangs. In the process, some of the criminals and gangs were "put out of action" a euphemism for killed..

3.25 Operation Wembley had its supporters and critics. But all sides agreed that there was need to contain armed robbers, the objective of Operation Wembley. And indeed, at the time of writing this report, the incidence of

armed robberies in the country had greatly diminished. It appears that these armed robbers/gangs had networks and were constantly recruiting. They sometimes operated on their own to kill and rob people of their property; at other times they were criminals who could be hired to kill.

3.26 By 31 August 2002, a total of 432 suspected thugs had been arrested and detained at Makindye Military barracks. The cost had been high. Nine suspected robbers, 13 policemen and one Operation Wembley (ISO) operative had been killed. Others had been injured. From Table 3.9, it is clear that criminality and confrontation with criminals have led to increased death and injury among the police. In 2002, casualties were particularly high as the police confronted vicious armed criminals who dared to take the police on in combat.

95 killed in Mbarara

By Ebenezer T. Bihubyeke

ABOUT 95 people were killed in Mbarara out of the 260 murdered in western Uganda between January and September this year, Southwestern Regional Police Commander, Edward Ochom, told journalists on Thursday.

Ochom said one person is killed in the western region everyday. "The rate of crime in Mbarara is too high and it has the highest number of people killed because it has the highest population in the region," he said.

He said 51 people were killed in Bushenyi, 31 in Kabale, 38 in Ntungamo, 24 in Itukungiri, 12 in Kisoro and nine in Kanungu. He said 35 people were killed in April, making it the highest figure in the period. He blamed the high crime rate on thefts that tend to occur during the East-

Ochom attributed to common thefts during Christmas holidays. "September has the lowest death toll figure of 22 because of the intervention of Operation Wembley," he said.

Meanwhile, Ochom said between January and September, Police had recovered 14 guns from the region. Nine guns were recovered from Mbarara and five others recovered from Bushenyi.

No guns were recovered from the other districts. He said they had recovered 303 bullets from Mbarara and Bushenyi districts. He said 194 bullets were recovered from Mbarara and 109 bullets and one grenade from Bushenyi.

"There has been marked improvement in the regional security since Operation Wembley came. Armed robberies especially on the highways have declined, and

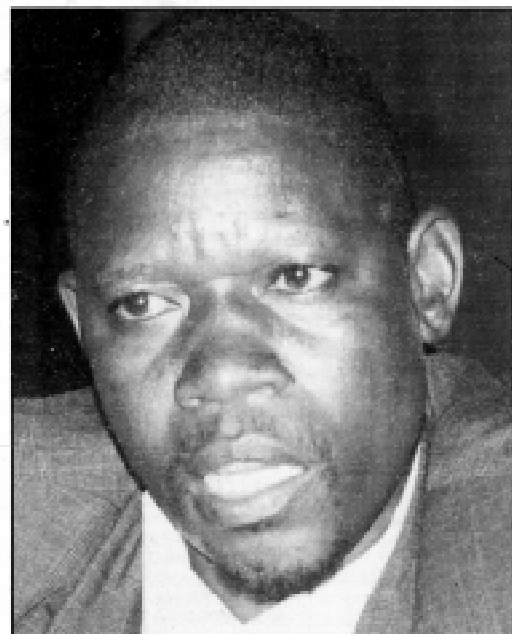


Table 3.9 Policemen killed and injured in the fight against armed criminals 1999-2002

	Killed	Injured
Year	No.	No.
1999	1	0
2000	4	0
2001	6	2
2002	13	6

Source: Police quoted in *The Monitor*, 8 September 2002

3.27 Under Operation Wembley, at the time of writing this report 69 submachine guns, five pistols, 14 grenades and 1275 rounds of ammunitions had been recovered from the suspected robbers. Other reports said 210 guns had been recovered.

3.28 The 432 Operation Wembley suspects, most of them civilians, are to be tried under a military court martial chaired by Lt. General Elly Tumwine. The decision to try civilians under the General Court Martial came after allegations that some of the criminals involved in the spate of robberies were former suspects who had just been acquitted or released by courts on bond. The government pointed out, for example, that one Byamukama Richard alias Najjolo was arrested and taken to court. On 20 May 2002, however, Byamukama was released on court bond by a court sitting in City

Hall. A month later after a robbery, Byamukama was involved in a shoot out with police on Buganda road. He was shot and killed. In another incident, one Kasiita Joseph was released on court bond by Buganda road court on 23 March 2001. He is believed to have shot and killed Mr Ssemwezi on 1 July 2002.

3.29 The question then arises: why are the courts releasing such apparently hardened and dangerous individuals? It is inconceivable that they are being released without good reason. The answer is that they are usually released because the arresting authorities are unable to gather sufficient or even any evidence to enable prosecution. In most cases, the arrests are made by the internal security organisations or the chieftaincy of military intelligence, which do not take care to gather and correct consistent evidence. When these individuals appear in court and there is no evidence to prosecute them, the court has no alternative but to release them. Furthermore, a person cannot stay on remand indefinitely. Remand has a time limit in law: 360 days is the maximum time a criminal suspect can spend on remand for capital offences without bail. In Uganda a year can elapse before evidence is adduced against suspects. It is no wonder,

therefore, that the conviction rate against suspected criminals is very low. Police reports indicate only 6% of cases are successfully convicted in court.

3.30 *The Commission recommends that all organs that arrest suspects must be adequately trained to be able to record evidence.* If this does not occur,

dangerous criminals will continue to be released by courts: the prosecution must be able to prove beyond any reasonable doubt that the suspect is guilty. Further, we have continuously been calling for the strengthening of the police and elimination of either security agencies doing police work.



Brigadier Katatumba Wamala, Inspector General of Police, pays a courtesy call to the Commission. He is escorted by Commissioner Margaret Sekaggya

TABLE 3.10 List of the some of the suspected armed robbers/murderers who were committed to court but were never convicted 2001-2

Prison No.	Names	Case No.	Date of Release	Place of Court Ruling	Ruling	Remarks
1. UR.1008/2001	Byamukama Richard alias Najjolo	KCC 958/2001	20.05.02	City Hall	Court Bond	Killed on Buganda Rd while in action
2. UR.37/2000	Okumu Rombo Jimmy alias Doctor	CR 842/2000	12.09.01	H/court K'la	Acquitted	Wanted
3. 3UR.617/2000	Disas Shingiro	CR 1535/2000	10.10.01	Buganda Rd	Court Bond	Wanted
4. UR. 3/99	Njakasi Geoffrey	M 435/2000	04.10.01	Mukono	Case with drawn	Wanted
5. UR. 1082/99	Otim James	CR 2555/99	31.10.01	Buganda Rd	Court Bond	Wanted
6. UR. 65/2001	Mutara Patrick	CP 96/2001	29.10.01	Buganda Rd	Case discount'd	Arrested
7. UR.779/98	Kananura Ivan	CSC 287/2000	26.10.01	H/Court K'la	Acquitted	Wanted

3.43 During the period in issue, the Commission as part of its constitutional mandate visited and inspected 23 police stations and 3 police posts in the central, western and eastern regions. The Commission noted violations of human rights in these institutions including: Long detentions that went beyond the 48 hour rule: this mainly applied to police stations in the central region such as CPS Kampala and Kiira Road Police Station. Suspects were found to be held for over 30 days without being produced in courts of law. In one case against the police, *Hafasha James Versus DSP John Bwango UHRC 335/98*, the Commissioners presiding over the Tribunal noted: “*We have considered these questions very carefully. We take exception to the practice in this country where the Police has the culture of arresting people first then investigating later...*”

3.44 In many such cases, the military was involved, especially the chieftaincy of military intelligence (CMI), which often arrested suspects in conjunction with the police without carrying out investigations first.

3.45 According to Mr. Asan Kasingye, Head of Community Affairs in the police, the police do not have adequate tools and resources to complete the investigations within the 48-hour deadline. Another cause of delay is the current policy that requires the DPP or his representative (the resident state attorney) to sanction a file before the case can be presented before the courts of law. Given the heavy work load of resident state attorneys, delays are inevitable, particularly for capital offenders. A shortage of magistrates also accounts for part of the delay. In some regions, a magistrate covers so many regions that he or she can appear in one district only once a month to dispose off cases: he or she then moves to other districts in turns.

3.46 Often relatives cannot access suspects detained in police cells, especially those within the central region. This is most common when suspects are suspected terrorists. In Kampala both CPS and Kiira road police station had cells manned by CMI military personnel who

did not allow relatives of suspects to visit them. The Commission was similarly blocked: when it tried to inspect such areas, the Commission teams were told to seek clearance from CMI headquarters.

3.47 Facilities within police cells do not meet basic minimum standards: most cells lack ventilation and are dark. Suspects often struggle to differentiate between day and night as a result. There is overcrowding in cells especially in police stations in urban areas such as Kampala. Inmates often lack bedding and sleep on a bare floor. There are often no blankets to protect them from the cold. The meals served to inmates continue to be of poor quality and quantity. Hygiene is equally bad: inmates/suspects have to ease themselves from within the cell in which they sleep. This constitutes inhuman and degrading treatment.

3.48 In contrast and on a more positive note, the Commission believes that torture and cruel, degrading and inhuman treatment by the police have reduced. Suspects who had marks of torture or beatings stated they had acquired them from elsewhere and not the police. According to community affairs police chief, Mr Asan Kasingye, torture as a means of extracting information from suspects has been greatly discouraged, and any officers found using torture are subjected to legal proceedings. The police now have a human rights and complaints desk to bring to book officers who violate the rights of others. The Commission appreciates this measure and urges it to see that officers who use torture are punished.

Prisons and human rights

3.49 In 2001-2, human rights in Ugandan prisons, especially local government prisons, continued to deteriorate. During this period, the Commission visited and inspected 41 local administration prisons, 10 central government prisons and 1 juvenile prison. These were in the districts of Kisoro, Mubende, Jinja, Soroti, Kaberamaido, Luwero, Masindi, Hoima, Tororo, Wakiso, Busia, Bugiri, Kasese and Kabarole.

under Operation Wembley spent more than 48 hours in detention before they appeared in court. Those who eventually appeared in court after long detentions without trial appeared before the General Court Martial. The General Court Martial was established under the NRA Statute (S.75). The Commission believes that the NRA Statute (1994) is incompatible with the Constitution of Uganda of 1995 and needs amendment for a number of reasons.

Human Rights Issues Associated with Operation Wembley:

3.32 Operation Wembley as mentioned earlier was a force with a legitimate objective to bring down criminal activity in the country especially those relating to aggravated robberies and murders which were becoming prevalent in mainly the urban areas. Right from its onset Operation Wembley had a tall order in the public eye especially that the regular police force was perceived as having failed to contain the crime rate.

3.33 In its bid to make quick and responsive counter measures and restore public confidence and a sense of security in the population, Operation Wembley adopted a para military method of work, and did not totally appreciate the need to follow basic police and human rights standards, procedures of arrest and detention and procedures of handling suspects

3.34 When it became apparent that the Operation Wembley had adopted underhand and brutal methods in achieving its objectives many protestations especially by human rights practitioners and certain quarters of the general public were made. Right from the onset of the operation, running gun battles increased sharply with the operation adopting a shoot-to-kill policy which was in total disregard to Article 22(1) of the Constitution which guarantees the right to life as a fundamental human right. Much as the Commission recognizes the doctrine of necessity which presupposes that the use of firearms and lethal force be out of extreme necessity and limited to self-defense in conditions that are

absolutely justifiable, it opposed the several unclear circumstances under which excessive use of firepower was employed to arrest or kill suspects contrary to laid down procedures for arrest and use of force in the line of active duty.

3.35 It is also noteworthy to state that the shoot to kill policy violated one of the fundamental principles in criminal law and the Constitutional guarantee that ‘a suspect is innocent until proven guilty’ and also extinguishes the suspects’ reasonable opportunity to defend themselves before a competent court of law in violation of Article 28(3) (a) of the Constitution which guarantees the non-derogable right to a fair, speedy and public hearing. The Commission also received information that the conduct of Operation Wembley operatives violated Article 28(3) which lists safeguards that should be accorded to a suspect including knowledge of the charge preferred, reasonable time within which to prepare a defense, examination of witnesses and where necessary access to an interpreter during court sessions.

3.36 The Commission also recognizes that the risk of collateral injury and even death and mistaken identity in shooting incidents remains a real issue in operations employing the shoot to kill policy. The local newspapers and electronic media have published and aired several stories, which have involved civilian and even army and police casualties.

3.37 Holding of suspects incommunicado has been an old age and favorite tactic of state functionaries in order to derive as much information and subject suspects to brutal and life threatening situations without interference and threat of public sanction. According to Article 23(2) of the Constitution any person incarcerated has to be held within a gazetted place authorized by law. Once a suspect is held incommunicado it also infringes on the rights of the suspect to reasonable access to their next of kin, a doctor and a lawyer as enshrined in Article 23(5) of the Constitution. A number of Complaints filed at the Commission reveal that

relatives have failed to obtain access to relatives in the custody of Operation Wembley functionaries. To deny access to suspects in many ways can be read as an official abandonment of responsibility, which is not legally justifiable. The element of uncertainty and insecurity of the fate of a relative held incommunicado is also difficult to deal with and puts the legitimate objectives of the operation in bad light.

3.38 Because of the uncoordinated activities of Operation Wembley many suspects were in fact arrested before the General Court Martial, which was appointed to hear their cases, was constituted. The law in Uganda is very clear and places a mandatory 48 hours within which a suspect should be brought before a competent court of law and charged. Any disregard for this law subjects the right to liberty of suspects to potential abuse.

3.39 The Commission has also received complaints of ill treatment of suspects and this is one of the most common and significant failures of Operation Wembley. Extraction of information and vengeance attacks on suspects through torture, inhuman and degrading treatment have been reported in violation of Article 44(a) of the Constitution of Uganda which guarantees freedom from torture, inhuman and degrading treatment and is a non derogable right. In fact there is evidence that many unscrupulous persons took the opportunity to impersonate operatives of Wembley to extort money and rob citizens of their property. Some operatives have even extended the mandate of the operation from its criminal orientation and engaged in debt collection and settling personal vendetta using threats and other underhand methods.

Recommendations

3.40 In view of the above, the Commission maintains its now consistent recommendations and stand on issues of torture, illegal detentions and involvement of other security organs in the police work. It is therefore reiterated that:

- Criminality must be fought within the law which, among other things, allows

right to fair and speedy trial, upholds principal of equal justice and is consistent with international human rights instruments and the Constitution

- Torture is a non derogable right under Article 44 (a) of the Constitution which means that and there is no justification for any form of torture. Any form of torture under Operation Wembley or any other state operation and organ must stop.
- The Provisions of the NRA Statute that are inconsistent with the Constitution should be repealed and brought in conformity with the Constitution. For example The NRA Statute should be amended to allow appeals from judgments of the Court Martial Appeal Court to High Court.
- The Police force and not the army are mandated to uphold internal peace and security. The Institutional weaknesses of the Police must be addressed to strengthen their capacity to combat crime. Collaboration between security agencies does not mean other agencies usurping functions and powers of the police
- Lengthy detentions of suspects at police stations, military barracks and/or in ungazetted places for over 48 hrs must be stopped because it is illegal and unconstitutional. Suspects must be detained in places authorized by law, where details about them must be kept.

POLICE AND HUMAN RIGHTS
Complaints Against The Police

3.41 The Uganda Police continues to be one of the main respondents in the complaints lodged in the Commission. From January 2001 to June 2002, the Commission handled a total number 169 of complaints against the police (see Table 3.11).

Table 3.11 List of respondents as per complaints lodged in the Commission 2001-2

Respondents	2001	2002
Uganda Police	181	169
Institutions	40	95
Individuals	147	169
UPDF/military	59	44
Prisons	22	17
State	14	9
CMI/DMI	38	58
LDUs/LCs	20	13
Totals	521	573

3.42 The main complaints concerned the right to liberty and freedom from torture, cruel, inhuman and degrading treatment. These two violations also represent the most frequent violations reported to the Commission as Table 3.12 below indicates.

Table 3.12 Complaints and violations registered in the Commission between January and June 2002

	JAN	FEB	MAR	APR	MAY	JUN	Cases
Access to children	2	1	1	0	0	1	5
Access to detainees	0	1	0	0	0	0	1
Child custody	0	1	1	0	0	1	3
Children's rights	0	0	0	24	4	1	29
Cruel treatment	1	2	1	16	12	9	41
Discrimination	0	2	6	2	2	0	12
Domestic violence	1	0	3	2	0	1	7
Education	1	1	1	3	1	4	11
Environment	0	0	0	0	0	2	2
Freedom of worship	1	0	0	0	0	0	1
Liberty	12	10	6	51	21	12	112
Life	2	2	1	9	5	4	23
Maintenance	2	2	6	5	8	6	29
Prisoners rights	0	0	0	1	0	0	1
Privacy/security	0	1	0	1	0	0	2
Property	4	4	7	40	11	8	74
Refugee rights	1	1	0	3	3	0	8
Remuneration	4	6	5	48	22	9	94
Right to know one's parents	1	0	0	0	1	1	3
Speedy/fair hearing	3	3	1	39	9	3	58
Torture	10	5	2	37	6	3	63
Vote	0	1	0	1	0	0	2
Work	1	3	0	11	1	3	19
Total	46	46	41	293	106	68	600

the climax was when the UPDF publicly executed two soldiers in Kotido after a military court found them guilty of murder. The Commission condemned the executions and called upon government to institute a probe. The Commission held that the two soldiers had not got a fair trial and that the executions were illegal and contrary to Article 22 (1) of the Constitution which states: *"No person shall be deprived of life intentionally except in execution of a sentence passed in a fair trial by a court of competent jurisdiction in respect of a criminal offence under the laws of Uganda and the conviction and sentence have been confirmed by the highest appellate court"*.

The Commission's previous recommendations

- 4.04 In all its previous annual reports, the Commission has highlighted the need for lasting solutions to the strife in Karamoja. It has also made regular recommendations on Karamoja to Parliament. In its 1998 annual report, the Commission recommended that:
- Government devise a comprehensive policy on the Karamoja problem and bring it to Parliament for debate.
 - Government provide adequate security to protect Karamoja from external attacks and thereafter disarm the Karimojong and embark on a systematic programme to restore the rule of law in the whole of Karamoja.
 - Government put in place measures to protect the districts neighbouring Karamoja from incursions and armed raids from Karamoja.
 - Government undertake a restocking

programme for those districts affected by cattle rustling.

- Sensitisation programme be undertaken to improve on the Karimojong thinking.
- All key players have an active role in effecting change in Karamoja.

- 4.05 In the 1999 annual report, the Commission reported on a factfinding mission and catalogued the suffering caused by Karimojong atrocities. In the 2000-1 report, the Commission again stressed the need to deal with the Karamoja conflict and made candid recommendations on short and long-term strategies. The short-term strategy was to re-establish law and order and to shield the neighbouring districts from the aggressive and destructive raids. The long-term strategy was to completely treat the root causes and prescribe workable solutions for the socio-economic problems of the Karimojong and their affected neighbours.

- 4.06 The Karamoja conflict is a major threat to peace and coexistence in Uganda. All the above recommendations remain valid in light of recent events, and many have found space in government and development agency plans. Some of these plans have been partly or fully actualised, particularly the disarmament programme and the drawing up of an action plan for the development of Karamoja through government initiatives like the Karamoja Projects Implementation Unit (KPIU) and the Ministry for Karamoja Affairs. Government has also looked at prime sectors like water, health and education.



The Commission sensitising UPDF officers and men in Karamoja

- 3.50 In its inspections the Commission concentrated on local government prisons: in previous years it had noted improvements in respect for human rights in central government prisons, but deterioration in most local administration prisons. Local government prisons are supposed to be administered by local government units. However, most local government units only provide salaries and uniforms to staff but expect prisoners to fend for themselves. The Commission has found that many if not most local government prisoners are hired out for labour to wealthy people and other organisations in return for food and money. This system does not benefit the inmates and has its own related problems that partly explain the poor human rights situation in most prisons. Most noteworthy is that the prisoners are made to walk long distances to and from their work on private farms or shambas. This encourages escape attempts. They often leave at 7 am having had little or no breakfast. In the fields they are overworked and rarely allowed to rest. On 9 July 2002, the Commission visited Sentema local administration prison: it found out that inmates work seven days a week with no day of rest.
- 3.51 In theory, the proceeds from such work are expected to benefit prison inmates. However, in practice the proceeds are taken by the prison authorities, who do not use it to improve prisoner welfare. In addition, inmates are often subjected to very harsh treatment, including beatings, to meet work targets. In general, the attempt to satisfy the interests of the individuals who hire the prisoners goes a long way to explain human rights violations in prisons. In Sentema local administration prison, the Commission was informed that two warders, Peter Kigozi and Bulega S, were notorious for beating inmates: the leaders of the prisoners, called Katikiros, were also known for beating other inmates. The worst allegation heard by the Commission was that prison warder Kagala Robert No177 had knifed prisoner Abas Kasaga in the head. Kasaga was on remand for being idle and disorderly.

- 3.52 The Commission also noted that there

was poor accommodation for both staff and inmates. Indeed, many local administration prisons, especially at subcounty level, lacked the basic minimum requirements and were not fit to be referred to as prisons. Most were small storerooms that had been converted into prisons. Due to their smallness and the large number of inmates, the cells are usually congested, causing difficulties with hygiene and sleep. On 24 July 2002, the Commission found that Sentema local administration prison had 100 inmates in a cell meant to accommodate 65 inmates. With the exception of Kisoro local administration prison, most prisons inspected did not provide uniforms or sleeping facilities like blankets to inmates. Even in more established prisons, such as the central government prisons, the buildings were dilapidated with broken walls, floors, windows and doors. Other facilities like water and electricity had ceased functioning long ago: attempts by the Commission to have them repaired were fruitless.

- 3.53 Most prisons fed their inmates on one meal a day of posho and beans often with no salt. In some prisons, inmates received porridge without sugar for lunch and a single meal of poor grade posho and beans.
- 3.54 Medical care was lacking in many local administration prisons. Government hospitals or centres are often far from the prisons. There are no funds to buy drugs from private medical practitioners. In prisons in Rukungiri, Bushenyi and Ndorwa, inmates were suffering from skin diseases, coughs and general weakness.
- 3.55 In most prisons inspected, inmates and staff alluded to inmates staying on long periods of remand, particularly inmates who were on capital offences. In July 2002, the Commission team visited Mbale central government prison and found two inmates who had spent four years on remand: Mabuku Abdulla, CRB 03/2002 and John Kamya CRB 495/98, both charged with highway robbery. Table 3.13 shows that in 2001 three times as many new cases were registered as cases were resolved or

disposed of: this leads to a steady build-up of inmates on remand. To reduce congestion, Mr. James Mwanje, Senior Assistant Commissioner of Prisons in the Uganda Prisons Service, urges that the imprisonment of offenders should be the last resort. The Uganda Prisons Service encourages the use of non-custodial sentences: imprisonment should be reserved for those who pose a serious danger to the community. According to the Registrar of Public Affairs in the High Court of Uganda, high court circuits have been introduced in Masaka, Mbarara, Fort Portal, Gulu, Jinja and Nakawa, and there are similar plans to extend them to Kabale, Masindi, Soroti and Arua. It is hoped that this will reduce overstaying by inmates on remand.

Table 3.13 Cases (civil and criminal) disposed of by the courts of judicature in 2001

Court	Cases registered	Cases resolved/ disposed of
Supreme Court	146	60
Court Of Appeal	653	316
High Court	14,416	629
Magistrates Court	14,917	9,068
TOTAL	30,132	10,073

SOURCE: High Court Registrar-Public Affairs, July 2002

Recommendations

- 3.56 The following are the Commission's recommendations:
- 1 Government needs to develop a clear policy on who should manage local administration prisons. Similarly, there should be a specific vote for operating local administration prisons.
 - 2 Government should speed up the process of reducing congestion in local and central government prisons.
 - 3 Efforts should be made to rehabilitate prison facilities and improve living conditions, including providing sleeping gear, adequate and nutritious food, and medical facilities such as health workers and essential drugs.
 - 4 Government should provide vehicles to prisons to ease transport problems.
 - 5 Overstays in prison or long remand periods need to be urgently addressed.

Observance of human rights by the UPDF

- 3.57 The UPDF has been reluctant to allow the Commission to inspect its barracks and assess the conditions in which soldiers are detained. This is despite several reminders to the relevant army offices to allow the Commission access. The Commission therefore finds it difficult to pass judgment on human rights in army establishments. The Commission calls upon government and Parliament to assist the Commission to attain access to army establishments so the Commission can fulfill its constitutional mandate.
- 3.58 The Commission receives complaints of human rights violations allegedly committed by the UPDF, especially the Chieftaincy of Military Intelligence. In the 2001 the Commission received 82 complaints against the military, including allegations that the CMI headquarters is a detention place where officers are alleged to commit serious human rights violations. The Commission has never been allowed to inspect the CMI premises to verify these allegations. Similarly, the Commission has not inspected the police cells mainly manned by CMI in Kampala at Kiira Road Police Station and Central Police Station.

CHAPTER 4

Karamoja Disarmament Programme and Human Rights

Background

- 4.01 In November 2002 HE the President of Uganda launched a disarmament exercise in Karamoja. The Commission supported the exercise with a massive sensitization programme within the region for both the UPDF and the Karimojong. This work was facilitated by Danida-EU basket funding,
- 4.02 In sensitising the UPDF units involved in the disarmament, the main objectives were:
1. To empower UPDF officers and men with the knowledge to understand their role in the protection and promotion of human rights, democracy, the Constitution and constitutionalism in Uganda.
 2. To help UPDF officers and men to value the importance of transparency and ethics in the discharge of their duties.
 3. To instill in the UPDF officers and men an awareness of what constitutes a human rights violation and what rights are most likely to be violated in times of

conflict.

4. To explain to UPDF officers and men the key elements in the NRA Statute of 1992, with special reference to the code of conduct and ethics of the UPDF.
 5. To disseminate the government policy on disarmament with special reference to the presidential circular of 9 September 2002 which stipulates guidelines for the disarmament in Karamoja.
- 4.03 During this period, civil military operating centres (CMOs) were set up in Kotido, Moroto and Nakapiripirit districts to ensure smooth coordination of the exercise. CMOs were centers where civil society organisations, clans, individuals and the army could resolve disputes arising from the exercise. Controversial matters included: beatings and torture of civilians; illegal confiscation of cattle; and blanket reprisals by the UPDF for suspected cattle raids. The military solved most of these problems case by case. However,

in the disarmament process, albeit from a very low starting point. Ordinary people were targeted in manyattas and kraals and at watering points so that issues could be identified, rapport built and questions answered. The main question was: "How can human rights be protected?"

- 4.21 By the end of the sensitisation and voluntary handover, it was clear that the message had got out that guns were illegal. If not all guns were handed in, at least warriors were less open about owning one. Fewer warriors displayed their guns in trading centers or as they walked on the roads. It became normal to hide weapons, and hospitals reported fewer gun-related death and injuries. The demand for grease from Mbale increased as many warriors buried their guns. The Commission believes that more community sensitisation will be necessary to deal with those that have concealed guns.

Guns collected during the disarmament

- 4.22 The UHRC-led sensitisation helped to increase the number of guns handed over voluntarily. The message that disarmament should be peaceful was simple and increased confidence in the exercise's good intentions. Many warriors were sceptical at the start, believing that disarmament was going to remove their guns and not offer alternatives for security and livelihoods.

But with information from the sensitisation teams, they were able to make informed choices.

- 4.23 By the end of November 2002, the number of weapons collected stood at 2,828. During the sensitisation, the rate at which guns were handed in increased. The steep drop in the period between the 4th and the 17th January coincided with a pause in the sensitisation campaign. See Table 4.2 below.
- 4.24 By 20 September 2002, a total of 9763 guns had been collected, mostly AK 47 submachine guns. Dodoth in Kotido district is the biggest and most populated county in Karamoja: over 2000 guns came from Dodoth alone. The next greatest number of guns came from Bokora and Jie counties. The counties of Matheniko, Chekwi, and Pokot lie along international borders: they appear to have held on to guns out of fear of crossborder raids. Labwor county also handed in few guns: it is not on an international border but does border Acholiland. The small number surrendered is probably explained by the threat from the LRA in Pader and Kitgum districts.
- 4.25 It must be noted that most of the guns collected were in a state of disrepair and not in working condition. The President made it clear that the government knows that the

Why disarmament now?

- 4.07 Why was the disarmament launched when it was? First, raids had clearly become increasingly intense, destructive and violent in the late 1990s and early 2000s. This was noted by the 6th Parliament, which acted promptly, resolving that disarmament and development for Karamoja were the ways forward. Indicative of the worsening situation was the animosity in Parliament between the Karimojong MPs and the MPs from districts in Teso, Lango, Kapchorwa, Bugisu and Acholi. The debate was heated, bitter and xenophobic.
- 4.08 Second, the Commission was moved to urgently build bridges of peace after it held countrywide workshops on discrimination, tribalism and xenophobia. One such workshop was held in Soroti with leaders from Kotido, Moroto, Nakapiripirit, Soroti, Katakwi, Kaberamaido, Sironko, Mbale, Kapchorwa and Kumi. Cattle rustling and possession of illegal guns by the Karimojong arose as powerful issues. Participants requested the Commission to provide an avenue for dialogue and reconciliation.
- 4.09 Third was the infamous Ngarium incident that drew extensive public and media condemnation and indicated a new dimension to the conflict. On the 13 September 2001, about 200 heavily armed Karimojong warriors attacked Ngarium subcounty displaced peoples camp in Katakwi district. The raid was executed in broad daylight at about 1 pm, the warriors raiding up to 700 heads of cattle and killing 17 people, including two local defence unit personnel, women, children and elderly persons. Among the dead were one pregnant mother, six members of one family, one two month old baby, two children aged 4 to 5 and a blind man aged 81. In retaliation, local people killed five innocent Karamoja-bound travellers in front of Katakwi district headquarters. They also killed Karimojong traders from Matany who were visiting Ocorimogin Market, a few kilometres from Katakwi district headquarters.

- 4.10 Two days later, on 15 September, the

military responded by trying to trace the warriors who had attacked Ngarium, sending soldiers into Nabilatuk in Nakapiripirit district. However, this action exacerbated animosities: the Karimojong saw it as the Iteso using state machinery to destroy them. For weeks after the raid, the road through Katakwi to Moroto was closed, and Iteso living within Karamoja were in a state of siege.

- 4.11 Responding quickly, the Commission, the Danida Human Rights and Democratisation Programme (HRDP) and NGOs from affected districts held a workshop on 22-23 September 2001 in Kampala. The theme was 'Coexistence, Peace, Lobbying and Advocacy'. A "three tier" format for the way forward was agreed upon.
- To involve civil society networks in all efforts to deal with the proliferation of arms and cattle rustling.
 - To undertake district level meetings of civil society on "effective and peaceful disarmament and adequate security in the affected areas".
 - To convene with the support of the Commission, a reconciliation meeting between the LCV Moroto and the LCV Katakwi.

A follow up meeting was held on 3-4 October 2001 at Soroti Regional Office Courtroom. A plan of action was drawn up, including:

- To organise district workshops to rally goodwill and support for the initiative. These were held successfully in Kapchorwa, Mbale/Sironko, Katakwi, Moroto/Nakapiripirit and Kotido.
- To organise regional workshops to build consensus.
- To organise national workshops, seminars and debriefing sessions for political and government leaders on peace building.

Disarmament 2001-2

- 4.12 In December 2001 President Museveni launched the disarmament program, exhibiting the greatest resolve by any leader or government in Uganda's history to deal with the Karamoja crisis. He camped in Morulinga in Moroto to oversee the programme and consult with Karimojong elders, youth (karachunas), business people and

Table 4.2 Weapons collected between 2 December 2001 and 17 January 2002
Sensitisation Campaign

District	County	As at 2 December 2001	As at 12 December 2001	As at 14 January 2002	17 January 2002
Moroto District	Bokora	1059	1163	1,536	1,560
	Matheniko	500	554	669	671
Nakapiripirit District	Chekwi	270	336	509	509
	Pian	0	409	575	582
	Pokot	101	106	348	352
Kotido District	Dodoth	438	513	1,252	1,293
	Jie	360	623	1,198	1,240
	Labwor	100	319	385	386
	Grand Total	2,828	4,023	6,472	6,593
	Rate of increase in %	1	1.42	1.61	1.02

Source: HRDP Danida and UHRC Soroti Regional Office

Cattle in Karamoja recovered by UPDF after a raid, awaiting return to their rightful owners



- women leaders. He also met NGOs and human rights practitioners, including Commission and HRDP Danida staff. The President announced that the disarmament would have two phases. The first phase, from 2 December 2001 to 2 January 2002, was a voluntary process under which people with illegal guns would be mobilised at subcounties to hand in their guns peacefully. The second phase would begin on 2 January 2002 (later changed to 15 February): after this date, the army would forcefully remove guns in cordon and search operations. The President stressed that other amicable, non adversarial methods could still be used during the second phase but that the military option would take precedence.
- 4.13 The President was committed to a peaceful disarmament. On 9 December 2001, he sent a circular to all political leaders and military commanders in the Karamoja region, clearly stating that disarmament should be carried out with the utmost respect for human rights and that any violation of human rights would be dealt with in accordance with the law. He stressed that disarmament was not a war against the Karimojong but an exercise to rid the area of illegal guns and bring peace and development to the people of a region of great potential. He outlined that 60 vigilantes would be recruited per subcounty, rising to 146 when finance allowed. For the 13 subcounties bordering Kenya and Sudan, 292 vigilantes would be recruited per subcounty: working alongside the UPDF, these would repel crossborder raids. New patterns of deployment would be designed to improve microsecurity in each subcounty.
- 4.14 The President's circular reiterated the need for the state to guarantee the security of the people as a right. Key to security was sealing off all raiding corridors. However, this proved almost impossible. Karamoja's borders are highly porous. Even after the new deployments, the Didinga and Toposa of Sudan and the Pokot and Turkana of Kenya continued to raid Karamoja; and raids continued within Karamoja and across district borders. This caused scepticism and eroded the population's trust in the army. For the army's part, despite constraints, it has tried to restore public confidence. For instance, the army commander launched "Operation Restore Hope" to recover about 1800 heads of cattle raided from Bokora by the Jie. The army also tried to improve its performance by recruiting from the local population: these soldiers are expected to be deployed in late 2002. Finally, the army organised mechanised units to respond swiftly to reports of raids.
- 4.15 The government said that it would not pay for guns surrendered. Initially, this was seen as a disincentive. However, protracted sensitisation saw many Karimojong embrace disarmament. Also, as the President explained, there were other compensations.

Disarmament would benefit the region socially and economically. Those who turned in guns voluntarily would be registered and given a certificate of compliance, a chain, ox plough and bag of maize. Kraal leaders who mobilised their people to return guns would receive iron sheets. Some people argued that these tokens of appreciation were inappropriate. In parts of Karamoja, cultivating with animal traction is believed to cause cattle death. Also, ox ploughs cannot be used in areas such as Tepeth near Mt. Moroto due to variable rainfall and the rocky terrain. The 6th Parliament and researchers, including those from Pax Christi, had endorsed the gift of an ox plough: however, on reflection, it would clearly not work for everyone everywhere in Karamoja. Despite these misgivings, a good number of Karimojong started using the ploughs and cultivating.

Sensitisation

- 4.16 From its Soroti Regional office, the Commission carried out extensive sensitization in Karamoja, promoting the voluntary period for surrendering guns and explaining the need for a peaceful disarmament. HRDP Danida gave technical and financial support. Lutheran World Federation (LWF), Action Aid, and the NGO forums of Moroto, Kotido and Nakapiripirit all took part. The RDC and ISO offices of the three Karamoja districts provided vital linkages between government and the local efforts.
- 4.17 The sensitisation was scheduled to run concurrently with the voluntary gun hand over. Sensitisation teams of staff

from the Commission, HRDP Danida, UPDF, the NGO forums and the offices of the RDCs and DISO as well as kraal leaders and, at a later stage, diviners went door to door in the manyattas (Karimojong villages). Local leaders, women and youth articulated the issues in the communities in the kraals and manyattas they came from.

- 4.18 The sensitisation took place during the dry season. Kraals were sometimes difficult to find as they shift constantly in the dry months to search for grass for their cattle. However, kraals are the homes of the young raiders and were a crucial target. In the end, the mobility of the kraals worked to the advantage of the campaign: already-sensitised kraals passed vital information on to the not-yet-reached kraals deep in the Karamoja outback. See Table 4.1 below.
- 4.19 In December 2001, the campaign reached 20,424 people in 75 meetings in kraals and villages: 26% of those reached were women. The Commission also worked to sensitise officers and men in military units within Karamoja. Even after the disarmament's closing date in July 2002, this work continued. The key message for the army was that disarmament was to be carried out with respect for human rights and as peacefully as possible without compromising the aim of removing illegal guns.
- 4.20 The sensitisation campaign was a highly successful collaboration between stakeholders, particularly civil society and the UPDF. New and closer links increased the population's confidence

Table 4.1 Number of people sensitised from 2 December 2001 to 2 January 2002

District	County	Male	Female	Total
Moroto	Matheniko	3,490	1,773	5,263
	Bokora	2,205	594	2,799
Nakapiripirit	Pokot	1,617	756	2,373
	Pian	2,003	347	2,350
	Chekwi	1,573	653	2,226
Kotido	Jie	2,343	103	2,446
	Labwor	1,026	645	1,671
	Dodoth	943	353	1,773
	Total	15,200	5,224	20,424

was also noted that:

- The disarmament should take note of gender issues, particularly the role of women in Karimojong society.
- The army should desist from blanket reprisals and should investigate before making any move on alleged raiders.
- The army should make use of local intelligence in addition to military intelligence in their search for guns.
- Joint operations should be taken by both Uganda and Kenya to deal with crossborder raids and escape of felons.
- The army should provide mobile collection centers to bring them closer to kraals and villages.
- The donor community should be mobilized to fund turnkey projects that can be sustained by local initiative and provide badly needed alternative livelihoods.

4.40 Towards the middle of 2002 the disarmament continued with some tangible success. However, tensions remained in the hearts and minds of the populations involved, in particular between the Karimojong and their neighbours. Before these communities can meaningfully interact, the trauma of loss of life, property and human dignity are scars that must be healed.

Avenues for change

4.41 The Commission is convinced that with continued sensitisation and policies to harness the potential of Karamoja, the region will achieve peace and stability. Action is needed to develop mining, improve education, establish the rule of law, and care for the environment. The rights to education and development are key: if disarmament is to succeed, the population must have tangible alternatives to divert them from illegal activities related to the gun.

Mining

4.42 Karamoja has some of the biggest mineral deposits in Uganda: there are many different minerals in substantial quantities. A considerable number of Karimojong women, children and men are already involved in hewing marble or panning river beds for gold and alluvial gem stones. However, working conditions are very poor, raising the issue of exploitation. To attract labour that is currently idle and easily

manipulated into marauding gangs, the government should implement minimum wage policies and legislation for those involved in mining. It is noteworthy that although land in Karamoja is owned communally, the entire region is effectively under Exclusive Prospecting Licences. No royalties go to the communities from which the minerals are mined: instead they are exploited in the most dehumanising manner through hard and poorly paid labour.

Improvement of education

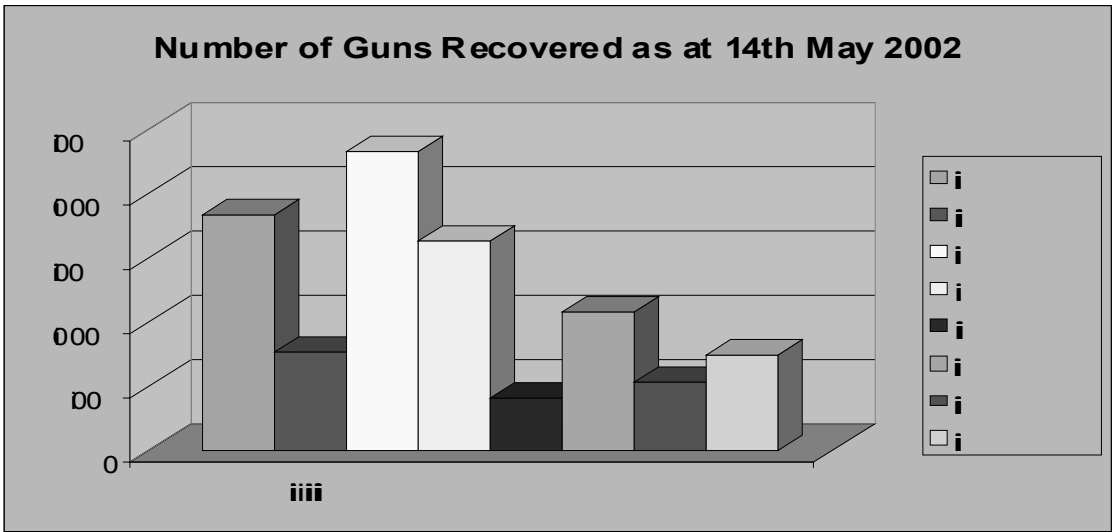
4.43 Karamoja needs an improved system of education. The right to education is fundamental: education will also negate the backward historical, religious and cultural attitudes that have kept Karamoja undeveloped. High levels of illiteracy and a strong belief in tradition have exacerbated Karamoja's problems. Due to the dictates of the environment, many homesteads are mobile: Karimojong children are therefore often unable to benefit from universal primary education (UPE). Programmes such as Alternative Basic Education for Karamoja (ABEK) are good, but there is still a need to introduce more quality education to the Karimojong to improve their chances of competing with other pupils in the more settled and developed districts.

Development, pastoralism and environment in Karamoja

4.44 Development projects in Karamoja have been poorly funded and coordinated and have failed to change the livelihood of the majority of Karimojong. There has also been the problem that the Karimojong are primarily pastoralists and that pastoralism is poorly grasped by planners. For example, Uganda's blue print for agriculture, the Plan for Modernization of Agriculture (PMA), does not support pastoralism as a livelihood form and yet it offers no workable alternatives for Karamoja. The Commission feels strongly that development in Karamoja should take into account the environment and the land tenure and land use systems.

4.45 The poor and variable rainfall makes it

Graph 4.3 Recovery of guns by county .



Karimojong still hold guns and urged the warriors to trust government to take care of their security. As long as illegal guns are in circulation, the disarmament will continue to bring those guns in.

4.26 The Sabiny of Kapchorwa also have guns for their own protection. The disarmament exercise in Karamoja was extended to Kapchorwa: by 20 September 2002, people in Kapchorwa had handed over some 763 guns.

4.27 The Commission believed that the Karamoja conflict necessitated such attention that it opened up auxiliary offices in all three districts of Karamoja. The first two in Moroto and Nakapiripirit were opened with support from HRDP Danida and LWF. The auxiliary offices monitored, reported on the human rights situation on the ground and carried out sensitisation. The auxiliary offices effectively relayed information on peace and conflict resolution initiatives and gave updates on the number of guns collected. Auxiliary officers handled civilian complaints and referred where necessary. These auxiliary offices became the civil military operation centers (CMOCs), formally linking the army and civil society. Presidential Military Advisor and the Chief Political Commissar Brigadier Kale Kaihura and UPDF field commanders were instrumental in the formation of the CMOCs, which were formalized by a tripartite agreement signed between the Commission, HRDP Danida and the army. For the army, the establishment of

the CMOCs was a way to augment the work of the Joint Command Centres in the three Karamoja districts. The main functions of the CMOCs were to:

- Coordinate with the district teams of civil society, local government and traditional leaders.
- Assist in any displacement due to the disarmament.
- Receive complaints against the military and take remedial actions.
- Act as a harmonising point for civilians and UPDF units.

4.28 CMOCs are conveniently located, easy to find and always sited outside military establishment so that ordinary Karimojong civilians can access them and feel safe in doing so. CMOCs provide accountability for guns collected from the subcounties. Civil society groups provide full time staff for the CMOCs . The UPDF human rights desk, public relations officers and political commissars also put staff in to work at the CMOCs. From the perspective of the Commission, this helps to institutionalise the working relationship between the Commission and the UPDF Human Rights Desk.

Timeline on Disarmament

4.29 On 28 November 2001, the Commission held a press conference to show its support for the government's decision to remove illegal guns peacefully and without violating human rights. The Commission said it wanted a peaceful process that would prevent the disarmament process from turning into a "shooting war". The Commission said it would:

- Participate in sensitisation to explain why Karimojong should hand in guns voluntarily.
- Monitor the disarmament to satisfy itself that it was being undertaken with due regard to human rights.
- Establish auxiliary offices in the three Karamoja districts for the duration of the disarmament. These offices would monitor and report on human rights and receive and file complaints with the Commission's Soroti office.
- Assist in establishing CMOCs where complaints of a civil military nature could be lodged and dialogue facilitated between the local people and the army. Currently CMOCs are functional in Moroto, Kotido and Nakapiripirit.

4.30 On 9 December 2001 President Museveni sent a circular of guidelines to all political leaders and military commanders in Karamoja, a copy of which the Commission received. The guidelines forbade soldiers and security officers to violate human rights.

4.31 On 3 January 2002 the Commission called a meeting to take stock of the disarmament. It was attended by Hon. Peter Lokeris, the Minister in Charge of Karamoja Affairs; the UPDF Chief

Political Commissar; RDCs; religious leaders; two commissioners from the Commission; staff of the Commission's Soroti office; the UPDF human rights desk; UPDF 3rd division commanders; and staff of the HRDP-Danida. The meeting identified guns as a major problem: the Commission and Danida were asked to source funds for the disarmament, which required offices, sensitisation of UPDF and kraal leaders, publicity, logistics, certificates of compliance, and capital expenditure. This meeting resolved to meet again on 31 January 2001

4.32 The 31 January 2002 meeting was chaired by the Commission and attended by most of those who attended the 3 January meeting as well as representatives of the donors: USAID EU, DANIDA, Dfid and others. New challenges were identified, and strategies developed to address funding gaps.

4.33 In February the Commission continued intensive work in Karamoja. Between 12 and 16 February 2002, the Commission sensitised army units on protecting human rights when on operation. After this, it was clear that the army needed more sensitisation, for both the rank and file. A second phase of sensitisation is in advanced stages.

4.34 Between 26 and 30 February 2002, representatives of the Commission carried out a factfinding trip into the murder of Fr. O'toole Declan and his workers, Patrick Longoli (driver) and Fidele Longule (cook) at Kosarich in Kotido on 21 February 2002. The Commission team also looked at the problem of indiscipline of soldiers. The trip coincided with the execution on 26 February 2002 of two soldiers, Corporal James Omedio and Private Abdallah Mohammed, for the killings. During the trip, UPDF commanders urged the Commission to intensify sensitisation of the soldiers on human rights. Commanders said that they were doing police work in Karamoja for which they were not trained. There is an urgent need to train the UPDF on law and human rights if it is to be tasked with keeping law and order. In a press release, the Commission condemned the executions for not conforming to

the requirements of fair hearing as enshrined in the Constitution. It asked government to amend the National Resistance Army Statute (1992) that establishes field court martials: the Commission believes this is inconsistent with the Constitution. With this law still on the statute books, field court martials will continue to take place, possibly leading to more executions. The Commission called for an inquiry into the killings and executions. Meanwhile, the Commission released funds to the UPDF to begin sensitising its soldiers on human rights during disarmament.

4.35 From 3 to 11 May 2002, the Commission held meetings in Moroto (4 May) and Nakapiripirit (6 May). The Kotido meeting (8 May) was cancelled due to skirmishes between the UPDF and Jie warriors in Panyangara. In the Moroto and Nakapiripirit meetings, it emerged that external raids between the Karimojong and the neighbouring communities had diminished with the presence of the army. However, interclan raids had increased. The strategy of raiding had also shifted from large to low scale thefts.

4.36 On 8 June 2002 the UHRC held a meeting in Kotido with youth, religious leaders, women elders, kraal leaders and local authorities. It was attended by the Chief Political Commissar, UPDF officers, the Chair of the Donor Technical Group, the Irish Ambassador, the Judiciary Programme Advisor, the Jie County MP, the LCV Chairman, and a staff of HRDP-Danida. The meeting noted that the police, prisons and judiciary were conspicuously weak in Karamoja. It was decided that the Commission organise a meeting between these agencies to review Karamoja's law enforcement. The Commission was informed of the presence of the task force on law enforcement chaired by the Ministry of Justice and Constitutional Affairs.

4.37 On 19 June 2002, the Solicitor General convened a meeting of the task force, inviting the Commission to present its findings on Karamoja. Clearly, the lack of enforcement of law and order in Karamoja is a bottleneck to a successful disarmament and the stopping of

raiding. The meeting decided on several radical measures, including asking the magistrates at Kabong, Moroto and Kotido to call a meeting of prosecutors, prisons, police and LC chairmen to work out a programme for a month to arrest criminals and put them in prison or an area cordoned by the UPDF. In case there were many criminals, they would be transferred to areas like Mbale or Soroti for detention. Suspected criminals should be taken immediately to court. The 48-hour rule should be observed. Where this is not possible, magistrates should advise on what to do. The chief registrar was asked to deploy more magistrates in areas like Nakapiripirit.

4.38 It was also suggested that cattle owners, local authorities and the veterinary department institute methods to identify stolen animals, including branding all cattle in Karamoja. The community was encouraged to participate in the disarmament process and local authorities to keep dialogue open with government. It was also recommended that the Commission reactivate and strengthen subcounty disarmament committees and that local authorities, NGOs, religious leaders, civil society organisations, the Commission and HRDP Danida launch sensitisations against raiding and illegal guns. Government and development partners were called upon to start development projects like building water dams to run concurrently with disarmament.

4.39 Karimojong participants complained bitterly about the indiscriminate impounding of their animals. It was recommended that, in line with the President's April 2002 directive, indiscriminate impounding of animals should stop: only suspected culprits should be arrested. The government promised to improve their deployment strategy and increase the number of LDUs to 292 per subcounty. It was also clarified that there was no order banning the Karimojong's traditional dress: there was only a temporary discouragement of wearing a *suka* to conceal a gun. The UPDF was therefore encouraged to search suspects rather than to undress them. It

A Karimojong warrior receives a certificate from government after handing over his gun.



CHAPTER 5

Social security and pensions

- 5.01 In earlier annual reports, the Commission made remarks about social security in Uganda but did not consider the subject in detail. This report offers a much more detailed discussion based on the belief that social security is a right. This section also includes observations on pensions in Uganda.
- 5.02 Social security does not appear to be legally recognized as a right in Uganda. Indeed, there is often a confusion that the funds managed by the National Social Security Fund (NSSF) constitute “social security”. However, under a human rights perspective, social security is much broader than a pension fund. Social security is seen to be attained when means are in place to ensure that every citizen or resident of a country has access to the basic requirements that sustain life: food, housing, clothing, health care, and basic education. In an ideal world, an adult individual should be able to meet his or her basic requirements. But in reality, not every citizen is in a position to sustain him or herself: it is therefore incumbent upon society to provide care and protection to such individuals. Thus the sick, the aged, people with disabilities, orphans and all persons who cannot take care of themselves economically need to be helped by society in one way or another to meet their basic necessities.
- 5.03 The Constitution of Uganda is surprisingly quiet on social security. The only related mention in the Constitution is the Objective and Directive Principle of State Policy No. VII, which states that the “*State shall make reasonable provision for welfare and maintenance of the aged*”. However, even with this directive in the Constitution, the Commission is not aware of any such provisions or if the State caters for any group of elderly people in Uganda.
- 5.04 Research by the Commission has revealed no domestic legislation which recognises social security as a right in Uganda. This is a very sad omission: there is a very strong case for the institution of social security arrangements in Uganda. Furthermore, the absence of domestic legislation recognizing social security does not absolve Uganda of its obligations under international law. Uganda has signed and ratified the International Covenant on Economic, Social and Cultural Rights and is therefore obliged to recognise and institute measures for

impossible for the Karimojong to farm on a large scale. Agriculture makes a limited contribution to the livelihood of the Karimojong and is only proportionate to the amount and regularity of annual rainfall. The Karimojong thus depend on their livestock for food and wealth. The ecology of Karamoja forces the population to be nomadic, moving long distances in search of water and pastures for their animals. However, all communities have at least one planting season that is used to grow mainly sorghum to augment the diet of meat, blood and milk.

- 4.46 Due to the shortage of surface water and pastures, the Karimojong compete for land with conservationists. Much of Karamoja’s arable land is gazetted for Kidepo Valley National Park, game reserves (Matheniko, Bokora and Pian), and forest and wetland preservation. The gazetted area represents about 36% of Karamoja, the balance being mainly hunting reserves. Prison farms in Amita and Namalu take up another large tract of land. In several district meetings during the disarmament, participants complained that nowhere in Uganda had the government given more rights to wild animals than in Karamoja.
- 4.47 Pastures and water sources also appear to have ‘shrunk’ because conflict has rendered vast areas of land unusable. Warring clans have created security belts or ‘no man’s land’ between their territories. Infamous areas where humans cannot settle, graze animals or cultivate due to insecurity include Kamusalaba along the Moroto-Nakapiripirit road, the corridor between Bokora and Matheniko up to the Toror hills, and Nakicumet between Moroto and Iriri.
- 4.48 The disarmament raised the possibility that parts of Karamoja should be degazetted. Increased strife over land appeared to be causing some people to keep guns to protect their territory: it was argued in some quarters that degazetting might release this pressure. Recently, government degazetted some land but local people contend that it is not fertile and did not improve the lives of the local population.

The rule of law

- 4.49 The rule of law is fundamental and central to human endeavour. Karamoja has experienced an almost total breakdown of the justice system, particularly the criminal justice system. The judiciary under the Chain Link Project and Working Committee on Karamoja is trying to improve the dispensation of justice by increasing the number of judicial officers. However, in areas like Nakapiripirit, no structures exist for a courthouse, and cases are heard under the most inappropriate circumstances. Karimoja suffers from a culture of impunity, with many warriors feeling as though they are a law unto themselves. This makes it difficult to administer justice in any form. Also deeply frustrating for the justice system is the Karamajong cultural practice of ‘*kimuk ekile*’ which translated literally means ‘cover the man’. This cultural practice demands that no one should offer information even if a crime has been committed: cases have no witnesses and collapse for lack of prosecution: potential witnesses are threatened with torture and death. Finally, the population is often confused when a suspect is released as a constitutional right. There is widespread ignorance of the police bond and bail system which undermines confidence in the criminal justice system as a whole.

Human rights concerns and effects of the conflict

- 4.50 Conflict in any form is a catalyst that exacerbates the abuse of human rights indiscriminately and with impunity. The Karamoja conflict has damned the lives of over six million people. The most significant rights violated in Karamoja are the right to life and property. Their continued violation has fueled the conflict through reprisal killings and cattle rustling. Other rights like the right to health, the right to education, the rights of women and children are all violated but remain secondary in nature.

The right to life

- 4.51 The right to life is the most fundamental of all rights. However, under Karimojong culture, loss of life can be compensated for. The traditional

penalty for wrongful death is a payment of 60 heads of cattle to the deceased's family: this compensation extinguishes any other responsibility. This tradition is repugnant to natural justice and contravenes the laws that govern criminal homicide in Uganda: it may explain why rich kraal leaders have extensive powers as they can easily compensate any transgressions to the right to life. The Karamoja conflict has over time become extremely aggressive and unpredictable: raiders have no regard for life. The number of deaths from interclan clashes has become a major concern for Karimojong families who see the loss of youth as alienation of the Karimojong people.

- 4.52 Road banditry and ambushes by warriors have hindered NGOs and even government officials from working effectively. In September 2001 the Moroto NGO Forum organised a march to protest the violence and loss of life on the roads that had inhibited their work and halted distribution of badly needed aid. In 2002 certain cases of violations of the right to life stood out. One notable case was the cold blooded murder of Fr. O'toole Declan and his staff Patrick Longoli and Fidele Longule and the subsequent inordinate speed and lack of due process in the execution of the two suspected killers, Corporal James Omedio and Private Abdallah Mohamed. The Commission is deeply concerned that:
- The accused soldiers were not given adequate time and facilities to prepare their defence.
 - The accused persons were not given opportunity to get a lawyer of their choice.
 - The condemned soldiers were not afforded the opportunity of appeal contrary to Article 22 of the Constitution.
- The Commission has stated many times that the NRA Statute of 1993 is contrary to the Constitution and should be amended or repealed. The exercise of power by the Field Court Martial under the NRA Statute also contravenes Articles 6, 14 and 15 of the International Covenant on Civil and Political Rights. These provide for the right to life and due process that guarantees fair and impartial trial.

Violations of the right to property

- 4.53 Cattle are at the center of the Karamoja conflict. Therefore, raiding of cattle is intense and constitutes a major violation to the right to own property. Raids are used to replenish herds depleted by raids, drought and cultural practices. Raids for cattle to sell are a more recent phenomenon: the army has been forced to order occasional bans on cattle markets. Cattle raids render families destitute and lead to the infringement of other basic rights like food security, health and education.

Torture and inhuman and degrading treatment

- 4.54 Many instances of torture and inhuman and degrading treatment have been reported to the CMOCs and the Commission. These usually occur during raids. Raid survivors are sometimes tortured or maimed. Some raiders also rape women and adolescent girls and at times even abduct them for wives. Karimojong say that army cordon and search operations are moments ripe for the torture of suspected gun handlers and traffickers. Information is scanty on actual events during military operations, but the principle of proportionality cannot be ignored. In a circular on 11 May 2002, the commander of 3rd Division, Colonel Sula Semakula, ordered Karimojong civilians to stop wearing the traditional sheet or *suka* after warriors came to a peace meeting in Kotido with guns hidden under their sheet. The execution of this order went smoothly in Kotido and Nakapiripirit districts. However, in Moroto the order was conveyed by the army and not by government agents and culminated into an operation that involved a number of violations of rights, including corporal punishment and undue interference with the right to privacy and dignity of the person. The action of the UPDF also contravened Article 27 of the ICCPR that guarantees the right to culture, including traditional clothing.

Xenophobia

- 4.55 Good neighbourliness between the Karimojong and their neighbours has been destroyed by the long standing

conflict. Also eroded are the socio-economic fabric and the ability to live with neighbours without animosity and bitterness. The region is in transition from what used to be xenophilia (a positive feeling about others) to xenophobia. Xenophobia has even transcended to the national level: nationally, the Karimojong are seen as a backward and aggressive people and are unwelcome. In recent parliamentary debates, much tribal sentiment has been expressed with inflammatory statements like "...kill those fellows" being made. Human rights cannot be respected with such antagonistic feelings being promoted.

Internally displaced persons (IDPs)

- 4.56 A direct spin off of the conflict has been the flight of people from their homes, especially those living near the border of Karamoja. The most affected district is Katakwi with a displaced population of about 88,000, according to the UN Office for Coordination of Humanitarian Affairs (UNOCHA). Kapchorwa has about 5000 IDPs and Sironko an unconfirmed number. Displacement has also occurred within Karamoja. Most IDPs have been absorbed by the social support system into other homesteads. This has stressed these homes, causing major problems with food security and disease control. (IDPs are forced to live in makeshifts, cramped and unsanitary conditions within camps, cut off from their land and having lost livestock to Karimojong raiders).

Food security

- 4.57 Food security in Karamoja is poor at the best of times: most growing seasons produce barely enough food to last until the next harvest season. Droughts are common, and the people have come to depend heavily on food aid from WFP and NGOs. During droughts, health is weakened: children are especially at risk of malnutrition and kwashiorkor due to a diet that is inadequate in quality and quantity. According to UNOCHA reports of 12 September 2002, July-December 2002 would see massive crop failure in Karamoja with the most hit area being Dodoth county. Karimojong communities have little ability to

rebound from droughts and thus continue to rely on aid handouts. This vicious cycle prevents the people from enjoying their basic rights.

Recommendations

- 4.58 The government should not only adopt measures of protection but also put in place positive measures to ensure the microsecurity needs of all persons and their property in Karamoja. This will be a substantial confidence-building measure that might be able to neutralize the gun-wielding warriors and even make them unpopular.
- The government should also conduct regular consultations with the local people while carrying out its programmes: it should not rely solely on military intelligence to deal with problems on the ground.
 - The return to law and order in Karamoja is essential. This can be done through the re-establishment of all the arms of government at lower levels. Key is the strengthening of the courts and the police. This is underway. However, certain processes need to be accelerated to avert further suffering.
 - The donor community should provide badly-needed capital and play a more active role in brokering peace between clans. Donors also need to build and broaden livelihood capacity to diminish reliance on cattle.
 - Exposure of the Karamoja region to the rest of Uganda will provide an avenue to improve attitudes. It will also help to shift from reliance on the gun to other productive activities. One way to do this is by affirmative action within Karamoja's education system. The socio-economic problems of Karamoja require special attention by the government. Stop gap measures are necessary but will never be a substitute for a comprehensive programme that tackles the root causes of the situation in Karamoja.

CHAPTER 6

Xenophobia and intolerance

6.01 In the human rights sense, xenophobia implies the hatred of people from different countries, ethnic groups, geographical locations, tribe, religion or any other difference. Xenophobia can be grouped together with racism, racial discrimination and other related intolerance: they are all vices that the world has condemned. Analysis of Ugandan newspapers in 2002 shows that xenophobia was a serious problem in parts of the country, particularly Kibaale and Teso. Newspapers ran headlines such as: “Genocide Brewing in Kibaale district”, *Uganda Confidential*, 5-11 April 2002; “Bakiga, Banyoro fight over Kibaale”, *The Monitor*, 23 Feb 2002; “Take over Kibaale, Museveni requested”, *The New Vision*, 7 March 2002; “Cabinet to Study Kibaale”, *The New Vision*, 13 March 2002; “Avert Ethnic Cleansing”, *The New Vision*, 9 March 2002; “Ethnic Tensions Move Kibaale to the Brink”, *The Monitor*, 13 March 2002; and “Tribal clash hits Masindi”, *The New Vision*, 30, May 2002. In the case of Teso, there were headlines such as: “Chase Banyankole, Minister Tells Iteso”, *The Monitor*, 23 May 2002; “50 Nkore families told to quit Kyangwali”, *The New Vision*, 31 May 2002; “Iteso plan demo over Banyankole herdsmen”, *The Monitor*, 29

May 2002; and “Government keeping Rwandese in Teso-UPC”, *The New Vision*, 6 June 2002. All these headlines show the extent to which xenophobia was experienced in certain communities. Indeed, this xenophobia caused deaths and the destruction of property. Some Ugandans now harbour ill feelings about their neighbours, who are fellow Ugandan citizens but are perceived as “foreigners”.

6.02 During this time, the Commission visited Kagadi Secondary School in Kibaale district to assess the magnitude of the problem and to sensitise students about the Constitution and the advantages of living together in unity. The Commission asked students to regard ethnic rivalries as irrelevant. As an illustration, the Commission asked the students whether students of a different ethnic backgrounds could benefit mutually from group discussions for purposes of passing their exams. Most of the students grasped the point, but one student put up his hand and said that he was an exception. He said he would rather fail his exams than ask a Munyoro to help him solve an academic problem. Later the student was pulled aside to find out the reason for his bitterness: he supplied almost a

the fulfilment of the rights outlined in the Covenant. Article 9 of the Covenant states that: “*The State parties to the present Covenant recognise the right of everyone to social security, including social insurance*”.

5.05 To assure citizens of their economic and social rights, a country needs to have a strong economic base. It may also be that the government believes that it is unable to afford social security. However, this does not absolve the government from trying to provide social security as a right. Article 2 of the International Covenant on Economic, Social and Cultural Rights states that: “*each state should take steps individually and through international assistance and co-operation, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights*”.

5.06 The Commission wishes to bring to the attention of government and Parliament that the absence of a legal basis for social security in the country violates Uganda’s obligation under the International Covenant on Economic, Social and Cultural Rights. It is important that Uganda recognise the right to social security and work out the form it should take and its beneficiaries. For example, Uganda could begin with assistance to the truly destitute, the disabled, the aged, the sick and orphans. As Dr Ezra Suruma of the Movement Secretariat stated in one workshop: “*Uganda needs a vision of social security*”. It is crucial that the country works out how to progressively move towards fulfilling the right to social security. It is a violation of this right to take no steps towards its realization.

5.07 Currently, some form of social security exists for Ugandans in formal employment within government and the private sector. There are schemes that provide employees with income upon retirement or upon leaving formal employment. There are pensions for public servants who qualify. Employers and employees also make compulsory contributions to the National Social Security Fund. These arrangements are not social security in the human

rights sense because they cater for only those in formal employment and do not guarantee basic assistance to all other groups in the society, least of all the indigent. In a sense, the present schemes are designed to protect those in the formal work sector who are relatively more affluent.

5.08 There are also problems with the National Social Security Fund and the pensions system in their current forms. Individuals may make monthly contributions to the schemes for many years but benefit little upon retirement. The value of what has been contributed is greatly eroded by inflation and the low rate of interest offered by the schemes. The pension or the social security benefits turn out to be too little to even sustain the individual at a subsistence level. In the case of the Pensions Act, this occurs because the retired person is entitled to a defined amount which does not take into account the value of money at the time of payment. The situation is even more disastrous to those who contribute for the NSSF: in terms of real purchasing power, they receive back much less than their contributions.

5.09 The pensions scheme for government employees is currently very unsatisfactory. First, section 5 (1) of the Pensions Act (CAP 281) provides that no officer has an absolute right to compensation for past services or to pension, gratuity or other allowance. In effect, the Pensions Act is saying that in Uganda pensions are not an entitlement of public servants. In 2000, Complaint no.501 was filed by representatives of the Masaka Branch of the Uganda Pensioners Co-operative Society. They alleged non-payment of their pensions by government. The Commission was called upon to decide whether or not pensions for qualifying public servants are entitlements and therefore a human right. The Commission held that pension, being a form of social security, is a human right. Furthermore, the Commission ruled that section 5 (1) of the Pensions Act is inconsistent with Article 254 of the Constitution which provides that: “*A public officer shall, on retirement, receive such pensions as is*

commensurate with his rank, salary and length of service". Government needs to recognise this fact and stop using section 5 (1) of the Pensions Act to frustrate claims by eligible pensioners.

5.10 Through the complaint cited above, the Commission learned much about the problems facing pensioners in Uganda. Thousands of pensioners have no access to their pensions and do not even know how to go about claiming their rights. In this category are other former employees of local governments who were retired by letters from the public service with the promise of retirement benefits. These letters have been ignored in effect by the Ministry of Public Service, which is demanding that they produce proof of employment beyond the retirement letters these people hold. To claim or follow queries about benefits, a pensioner has to travel to Kampala, a factor that discourages claimants, particularly those residing in districts far from Kampala.

5.11 The complaint cited above also alleged fraud. The Commission was given files and detailed allegations against officials in the pensions department who were said to be engaging in theft of pension funds by inserting ghost names in the list of pensioners. Such allegations, together with the apparent disorganisation in the pensions department, leads the Commission to urge that something be done urgently to address the plight of pensioners. Allegations of corruption and theft by pension officials must be taken seriously and investigated. Access to pensions and procedures for processing claims must as a matter of priority be made easier and cheaper to assist the very many pensioners who have given up claiming their benefits.

5.12 Information available to the Commission indicates that government has had difficulties meeting its pension obligations. Consequently, there are large pension arrears that have not been paid. This defeats the very purpose of a pension, which is to offer social security for retired senior citizens. It is also a problem which must be tackled as a priority as it violates Article 254 (3) of the Constitution. This article

requires that *"payment of pensions shall be prompt and regular and easily accessible to pensioners"*. Withholding or delaying payments of pensions is a serious violation which denies pensioners the right to property and also the right to social security. Currently, the Ministry of Public Service promises to pay pensions when funds become available. This is positive in that it recognises the rights of the pensioners but negative in that it leaves them at the mercy of government. In the view of the Commission, it is wrong to leave social security at the mercy of government.

5.13 The taxation of gratuity of certain public officers is another matter regarding employment benefits which has come to the attention of the Commission. Several categories of public officials are now engaged by the government on contract terms. These include permanent secretaries, officials of various constitutional commissions and other autonomous government institutions. These employees are not entitled to pensions, with those in the higher echelon being eligible to a gratuity at the end of their terms of office. The Finance Act provides that a gratuity is taxable with the exception of a gratuity which is paid in the form of a pension. At present Uganda Revenue Authority insists on taxing all gratuities irrespective of whether a gratuity is paid in lieu of pension. Taxing such a gratuity amounts to discrimination against such public servants because other pension benefits are not taxed.

Recommendations

5.14 Government and Parliament should initiate a process to work towards a social security system by identifying in priority order areas of individual need that require social security assistance. This is a government obligation under the International Covenant on Economic, Social and Cultural Rights and can be progressively implemented. In the Commission's view, the priority areas would be needy orphans, persons with disability who require assistance, health insurance, and the aged who require care. The social security system should not only be available to those in formal employment.

5.15 Government should re-examine the current management of the existing pension schemes that has left many beneficiaries disgruntled and violated their right to social security. The issues to consider are: the adequacy of pension benefits; accessibility of payments; and complaints procedures. A system needs to be worked out to clear arrears and to ensure that payments are prompt and regular.

5.16 The National Social Security Fund needs to institute a system that guarantees beneficiaries compensation for loss in the value of money at the time of payment. The amount paid to beneficiaries should not be just the amount contributed by them but should also take into account the cost of living at the time the benefits are paid. Only then will the amounts contributed and paid to social security in its true sense.

S/N	Date/time	Place	Incident	Victim	Suspect
12.	18/3/02	Rasolera Kakindo	Grass thatched house burnt down	Arinaitwe Franco	
13.	16/3/02	Rusolera Kakindo	Grass thatched house burnt by unknown person.	Tusabombwe Mukiga	
14.	18/3/02	Rusolera Kakindo	Grass thatched house burnt by unknown person.	Sempira Kinyata a munyoro	
15.	18/3/02	Rusolera Kakindo	House burnt by unknown person.	Baizara Godfrey	
16.	23/3/02	Rusolera Kakindo	Market burnt by unknown at night		
17.	23/3/02 2100/c	Rusolera Kakindo	Bishaka's followers shrine burnt by unknown.	Sempira Munyoro and other worshipers.	
18.	23/3/02	Kikwaya Kakindo	Banana plantations slashed down by unknown persons.	Moses	
19.	26/3/02	Kihanguzi Kakindo	Incitement to violence being members of unlawful society.	The following were charged and taken to court:- 1. Namba Edward 2. Kaseregany 3. Nkuna Tadeo 4. Mayanja Alex 5. Kihangire sepriano 6. Kyenyubo Francis 7. Barungi Matia 8. Monday Fred.	
20.	30/3/02 2300/c	Rwembuga Kakindo	Several Houses belonging to different people burnt by unknown persons.	1. Babyeha Ponsiano 2. Bliruno Anthony 3. Baligambaki Fulubensio 4. Serumaga Dezidero all Banyoro.	
21.	2/4/02	Igayaza Kakindo	Assault by stoning	Twahairwa LC 1 C/M, Mukiga	
22.	30/3/02	Nyakatete	10 houses belonging to 6 Bakiga families, 4 Banyoro families burnt for supporting a Mukiga councilor		
23.	5/4/02	Kibuku Kyebando	3 houses burnt at night.	Lukali Vincent, Baguma Denis and Ndyajunwoha Ponsiano.	
24.	7/4/02	Kiryanga s/c	Office of LC 3 was broken into and several documents removed and burnt with some furniture.		

Source: Report of the Government Committee of Inquiry into the Political Developments in Kibaale District, 2002

dozen grievances in just a minute or two. He complained that whenever anything bad occurred in the school, it was attributed to a Mukiga. He was particularly unhappy that, a few days before, somebody had defecated in a classroom: the students claimed it had been a Mukiga. When asked about the student's complaints, the headmaster of the school said merely that that particular boy is known to be "complicated". The boy's allegations have not been proved, but they demonstrate the impact of xenophobia on the minds of people, both young and old. Such feelings do not fade or diminish easily, especially if the youth inherit them from their parents. The boy might not have had such feelings if the Bakiga had not been told to leave the land in Kibaale that some of them had occupied for over 40 years.

6.03 The Commission is opposed to xenophobia, tribalism, ethnicity, regionalism, racism, racial discrimination and any other discrimination based on any class, gender, race or any other status. Such vices have extremely adverse disadvantages. These vices also constitute serious violations of and obstacles to the full enjoyment of all human rights: they deny the self-evident truth that all human beings are born free and equal in dignity and rights. These vices are an obstacle to friendly and peaceful relations among peoples and nations: they are among the root causes of many internal and international conflicts, including armed conflicts and the consequent forced displacement of populations.

6.04 The Commission believes that cultural diversity is a cherished asset for the advancement and welfare of humanity at large: it should be valued, enjoyed, genuinely accepted, and embraced as a permanent feature which enriches our societies. People and individuals constitute one human family, and they are rich in diversity. In diversity, humanity has contributed to the progress of civilisation and cultures that form a common heritage of mankind. The Commission believes that preservation and promotion of tolerance, pluralism and respect for

diversity can produce more inclusive and progressive societies than is found in "fortress" and xenophobic societies. It is in this spirit that the Constitution of Uganda and international human rights instruments prohibit xenophobia and other related intolerance.

6.05 Since 1978, the United Nations has convened world conferences and made declarations and plans of action aimed at combating racism, racial discrimination, xenophobia and other related intolerance. The Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights in June 1993, called for a speedy and comprehensive elimination of all forms of racism, racial discrimination, xenophobia and related intolerance. A Third World Conference on Racism, Racial Discrimination, Xenophobia and Related Intolerance took place in Durban, South Africa from 31 August to 8 September 2001. The Commission and other Ugandan government and civil society representatives attended and actively participated. In Durban it was decided, among other things, that political leaders and parties can and ought to play a key role in combating xenophobia, racism, racial discrimination and other related intolerance. Political leaders were encouraged to take concrete steps to promote solidarity, tolerance and respect (para 83 of declaration).

6.06 It was also resolved that petty nationalism or violent nationalist ideologies based on race, ethnicity, tribe or other prejudice can never be justified in any instance or circumstance. Political platforms and organisations based on xenophobia or doctrines of related discrimination were condemned and seen to be incompatible with democracy and transparent and accountable governance. The conference also regretted the activities of certain media which promote false images and negative stereotypes of vulnerable individuals or groups of individuals, particularly of migrants. These images have contributed to the spread of xenophobic and racist sentiments among the public: in some cases, they

Xenophobia and intolerance

6.07 Before the Durban conference, the Commission organised consultative workshops to establish the extent, if any, of the problem in Uganda and to gather Ugandans' views on xenophobia, racism, racial discrimination and other related intolerances that might exist. There was a clear and general view that there was no racism or racial discrimination in Uganda, apart from in the 1970s when Idi Amin expelled Ugandans of Asian decent. However, it was noted that xenophobia, tribalism, ethnicity, regionalism, and religious discrimination did exist in Uganda. In some places, it is subtle and latent; in other areas, it has surfaced clearly and threatens the peace and security of citizens. Cases in point include the violence and tension in Kibaale and Teso districts in 2002.

6.08 In 2002 in Teso and Kibaale districts, xenophobia and intolerance almost reached the extent of ethnic cleansing. What was clear was that some local politicians and leaders were spearheading and inflaming hatred in complete disregard of the rule of law. On 9 April 2002, the mid-western Regional Police Commander, SSP Haji Balimwoyo MM, reported to the Inspector General of Police, that politicians from Kibaale district were the ones fuelling the conflict and hatred: he wrote that politicians "...have been on the forefront though they do not want to be seen as being behind it". Ethnic tension appears to have emerged in Kibaale district and later the districts in Teso from the time of the local council elections . There was fear that the country would slip back into chaos. This was reflected by headlines in the press warning of "ethnic cleansing" and "genocide". However, thanks to the intervention of the state, hostilities between these local communities have diminished.

The Kibaale xenophobia

6.09 The residents of Kibaale district include the Banyoro, Bakiga, Alur, Banyarwanda, Lugbara, Basoga, Bagisu and Baganda. Whatever disagreements might have existed before among these

groups, the real trouble started in early 2002 during the local council elections. In those elections, the incumbent LC V Chairman, Mr Ssali Ssekitoleko, (Munyoro) received just 39% of the votes and was defeated by Mr Fred Ruremera (Mukiga) who polled 56%. Subsequent to the election results, the incumbent, Ssali Ssekitoleko, declared that he would not handover to the victor because he was a not a Munyoro. Civil disorder appeared to be brewing, with some sections of the Banyoro population insisting that the Bakiga were immigrants or *abafurikiyi*, who were unwanted in the district and should leave. Kibaale is a predominantly Banyoro district which is historically part of Bunyoro. However, over the last few decades, a fairly large community of Bakiga has settled in Kibaale, some Bakiga coming as long as 40 years ago. (The xenophobia also affected the other non-Banyoro ethnic groups that constitute a significant propotions of the immigrant community in Kibaale.)

6.10 The Bakiga argued that they had a legitimate democratic right to settle anywhere in Uganda and to participate in the democratic processes of the country. They cited Article 29 (2)(a) of the Constutution which states that: *"Every Ugandan shall have the right to move freely throughout Uganda and to reside and settle in any part of Uganda."* This right is also guaranteed under Article 12 of the International Covenant on Civil and Political Rights (ICCPR), which Uganda ratified in 1995. Article 12 (1) states that: *"everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence"*.

6.11 If the controversy had been that the Bakiga were in Kibaale illegally, the issue could have been taken to court. However, the Bakiga were within their rights to be in Kibaale. A certain section of the Banyoro population, therefore, responded with a hate campaign: the law enforcement organs kept quiet. Hate messages were reportedly run on the local FM radios, specifically on the Kibaale -based Kagadi Community Radio (KKCR). This went on for about

six months, with speaker after speaker vowing to chase away all "foreigners" from their land which they had "fought for from Buganda". *The Monitor* on 23 March 2002 in an article headlined "Kibaale Bakiga eating baboons, says MP" reported that: *"During a morning talk show on Radio Hoima FM hosted by Benjamin Asaba yesterday, about 10 Bakiga called in to say they would fight back if attacked. The Bakiga called from Kagadi, Katikara, Bugangaizi and Nalwenyo and said fighting was not a monopoly of the Banyoro"*. Bakiga who were accused of taking over jobs in the district were particularly targetted. HE President Yoweri Museveni reportedly warned KKCR to stop airing debates that divided the people in Kibaale (*The New Vision*, 22 April 2002). However,

the damage had been done. According to the mid-western Regional Police Commander's report to the Inspector General of Police: " On 30/3/2002 the threats went to the climax when six houses belonging to Bakiga were burnt down in four neighbouring villages in Kakindo subcounty in Bugangaizi county. Crops/banana plantations were destroyed, cereal crops belonging to Bakiga burnt. By 5/5/02 the act of burning houses belonging to Bakiga had extended to Kyebando subcounty. The burning was done at night" Table 6.1below shows incidences of human rights violations in Kibaale. As can be noticed the suspects of human rights violations were rarely arrested and punished.

Table 6.1 Incidents of violence that followed xenophobia in Kibaale district

S/N	Date/time	Place	Incident	Victim	Suspect
1.	12/2/02 0330/c	Kyaganagi Village Kyanaisoke s/c	Kitchen burnt by unknown persons	Mr. Kayondo, a Mukiga	
2.	12/2/02 0200/c	Isunga Village Kyanaisoke s/c	Kitchen burnt by Kakoza Edmun, a Munyoro	Asuman Byabaija, a Munyoro	Kakoza Edman a Munyoro
3.	12/2/02 0200/c	Ngara Vill. Kyanaisoke s/c	Grass thatched house burnt by unknown person	Baligira Tom	
4.	13/2/02 0100/c	Kyakanagi Kyanaisoke s/c	Grass thatched house burnt by unknown person	Nkwasibwe David, Mukiga	
5.	13/2/02 0100/c	Kanyangoma Kagadi s/c	Kitchen burnt by unknown person	Kakuto Selvano, Mukiga	
6.	13/2/02	Kyanyangoma Kagadi s/c	Kitchen burnt by unknown person	Bangirana Zaverio	
7.	20/2/02	Kihanguzi Kakindo	Malicious damage to bicycle	Mwesigwa Tasingura, Mukiga Surubo, a Munyoro	
8.	9/3/02	Rukunyu Kakindo s/c	Malicious damage to a motorcycle	Birigwa Araham Munyoro	Bazara Lawrence, Munyoro yet on the run
9.	14/3/02	Bugwara Kiryanga s/c	Grievous harm	Mukandema Erisa	Kigundu Den and two others all Banyoro arrested and taken to court.
10.	16/3/02 2300/c	Nyansimbi Kakindo s/c	Threatening to kill	Katto Warren a Mukiga	Bossa and 4 other Banyoro
11.	15/3/02	Rutoma Kakindo s/c	Grass thatched house burnt by unknown person	Rwamuguli John, Mukiga	

CHAPTER 7

Freedom from torture - a violation that persists

An exploration of the reasons

7.01 Freedom from torture is one of the non-derogable rights under Article 44 in the Constitution yet it continues to be violated. Article 24 of the Constitution prohibits any form of torture, cruel, inhuman or degrading treatment or punishment in absolute terms. During the period under review, the Commission received more complaints of torture than in previous years. There were 158 cases of torture in 1999 and 97 cases in 2000. However, in 2001 torture cases increased to 152. Of the 18 complaints that were resolved by the Commission Tribunal from January 2001 to September 2002, a total of eleven complaints involved freedom from torture and inhuman, cruel and degrading treatment. This amounts to 70% of the complaints disposed of by the Tribunal.

Trends Of torture

7.02 The majority of torture complaints were inspired by state agents upon victims while in custody. These victims are usually detainees in police cells, army barracks and prisons, especially local administration prisons. The

Commission has gone to the extent of holding private individuals liable or responsible for committing torture: this has developed jurisprudence regarding torture. There is still no specific law on torture in Uganda, and often the Commission has had to rely on international laws such as the Convention on Torture (CAT). In the case of (UHRC 264/99) Fred Tumuramye versus Gerald Bwete & Others, Commissioner Aliro Omara extended the definition of torture beyond the realm of state officials to private individuals. He observed that: *"Article 1 of CAT while defining torture, recognizes that national legislations may have a wider definition than is contained in CAT. In my view, the provisions of the Uganda Constitution cited above recognize that torture, cruel, inhumane and degrading treatment or punishment can be committed by anybody. The act need not be with official sanction, instigation, complicity or acquiescence. Private individuals in their private capacities can legally commit acts of torture, cruel, inhumane and degrading treatment or punishment."*

Laws against xenophobia

- 6.12 There are national and international laws that prohibit violence and hate campaigns in Uganda but they are rarely enforced. In 1980 Uganda ratified and became party to the International Convention on the Elimination of all forms of Racial Discrimination (ICERD, 1965). ICERD prohibits advocacy for violence against foreigners, real or perceived. Article 1(1) prohibits any advocacy of *"national hatred"*; Article 1(2) expands the prohibition to include the *"advocacy of hatred of aliens and incitement to discrimination and violence against foreigners"* or non-citizens.
- 6.13 Domestically, the Penal Code Act, the Anti-Sectarian law and the Presidential Elections Act 2000 prohibit hatred and hate campaigns and violence against a particular ethnic, racial, political or social group. For example, Section 76 B (1) of the Penal Code Act states that: *"any person who incites any person to do an act of violence against any person by reason of his/her race, place of his/her origin, political opinion, colour, creed, sex or office, commits an offence and shall be liable on conviction to imprisonment for a term not exceeding fourteen years"*. The AntiSectarian law also seeks to curtail incitements and discriminations based on race, colour, tribe, ethnic group or any other category.
- 6.14 The Presidential Elections Act was assented to by the President on December 2000 and came into force on 12 December 2000. Section 26 of the act prohibits the use of any language which is defamatory or which constitutes incitement to public disorder, hatred or violence. Transgressors of this section are liable to a fine of Ug.Shs 1.6 million or a prison sentence with a maximum of two years or both. Subsection 6 of Section 23 prohibits the proprietor or operator of an electronic media to use such facility or to allow it to be used for propaganda for violence, war or hatred.
- 6.15 It appears, therefore, that there is a framework of laws to prohibit xenophobia but that the law is weakly enforced. Xenophobic statements almost always have political underpinnings. Consequently, legality is

often sacrificed on the altar of political expediency. The solution to outbreaks of xenophobia has been to resort to political measures at the risk of the measures appearing illegal and unacceptable in a democratic society. This is how the crisis in Kibaale was quelled.

Xenophobia and intolerance

Government's intervention to resolve the crisis in Kibaale

- 6.16 When the loser in the local council elections declared that he would not handover to the winner, government responded by forming the Committee of Inquiry into the Political Developments in Kibaale district. Headed by Dr Crispus Kiyonga, the National Political Commissar (NPC), the aim of the committee was to study the situation and advise the president accordingly. Set up on 21 February 2002, the committee had six weeks to submit its report to the President. Meanwhile, the army and the police were heavily deployed to deal with anything that compromised peace and security in the area. Ssali Sekitoreko was quoted in the press as saying that: *"He (Ruremera, the declared winner) is not going to make it. People are going to die because the Banyoro think people from outside this area are coming to take over the district...already some homes have been burnt as a result of this tension"*. Sekitoreko wanted the President to use his powers under Article 202 of the Constitution to take over the executive and legislative powers of the district.
- 6.17 The Kiyonga Committee produced its report in April 2002. It recommended that the winner, Ruremeera, be persuaded to resign in favour of a neutral candidate. President Museveni subsequently intervened and persuaded Ruremeera to step down. The political leaders agreed on a compromise candidate, William Namyaka. He was declared to be the new LC V Chairman unopposed.
- 6.18 This course of action resolved the problem at the time. However, it did not solve the problem once and for all. The Commission is acutely aware of this: in its Activity Plan 2002-3, it has plans to start implementing the Durban Declaration and Plan of Action. More

so, it will continue with its programme to educate Ugandans about their rights and about the Constitution, in which are enshrined the principles of unity, peace, non-discrimination, other human rights and freedoms and the duties of the citizen.

Xenophobia in Teso

6.19 The xenophobia in Teso appears to have been an offshoot of the Kibaale crisis, surfacing as the Kibaale issue neared resolution. For a moment, it appeared as though xenophobia was burning like a bush fire across the country. Xenophobia in Teso was directed against people who appeared to be Banyankole and Banyarwanda herdsmen, popularly known as *Balaalo*, by the locals as well as against Sabiny from Kapchorwa. According to the legal director of the Movement Secretariat, Ms M Oguli Oumo, who is herself from Teso, the “balaalo” have been in Teso for a long time. *“When I reached the age of understanding and being able to remember, I recall coming into contact with Banyankole or ‘Imulala’ as they are known in Teso. Incidentally, the word ‘Imulala’ means anyone who is a Mutooro, Munyoro, Muchiga or Munyankole or comes from Western Uganda”*. Indeed, it is a fact that the “Balaalo” have lived in Teso for several generations. The “Balaalo” used to sell milk, were employed in homes as herdsmen, and grazed their cows in swampy areas. They were a nomadic population which had no permanent houses or structures on the land they occupied. After 1986 an insurgency gradually built up in Teso, ending in 1992. During the insurgency the “Balaalo” fled Teso, migrating to areas in Masindi. In December 2001 some “Balaalo” returned to the Teso districts of Kaberamaido, Katakwi, Kumi and Soroti to graze their cattle in the wetlands.

6.20 This return was politicised and sentiments of resentment and hatred against the so-called “Balaalo” were stirred up. Local politicians threatened the pastoralists, and consequently, soldiers were sent to safeguard the herdspeople. *The Monitor* reported that: *“The soldiers say that following the bitter utterances by Teso politicians against the*

herdsmen, they (UPDF) have been deployed to safeguard the area and protect the pastoralists in the event that thugs attack them” (“UPDF deployed to guard Teso Settlers”). Another report in *The Monitor* in July 2002 stated that: *“Pastoralists say it was during recent local council elections that relations with the Iteso hit the rocks. They say candidates especially Soroti district chairman, Emily Otekat, told campaign rallies that Banyankole must leave the wetlands. They even took the campaign to FM radio stations”*.

6.21 As in Kibaale, politicians were blamed for the conflict. Nevertheless, some Teso politicians distinguished themselves with their generosity and lack of xenophobia. For example, among the best practices of politicians were the actions of the LC Chairman for Agu Village, John Ojangole. He wrote to the then Kumi LCV Chairman, Haji Umar Okodel, informing him that his council had allowed the pastoralists, particularly the family of one Robert Keinamura to stay in the wetlands. The letter quoted in *The Monitor* on 4 July 2002 read: *“The above named person is permitted to stay in our village when keeping his animals and family. The entire family of Agu village do accept to stay with him peacefully”*. The LCV Chairman also rejected xenophobia, endorsing this action and stating that: *“I have no objection provided he is lawabiding”*. Mr Okodel appears to have felt that the human rights of the pastoralists were violated. Elsewhere he was quoted as saying: *“Teso politicians agitating for the removal of Banyankole are not nationalistic”*. Okodel further advised politicians to ensure everybody’s freedom and stop using the Bahima issue for political gain. He said that he was born in 1942 and that there had been Banyakole in Teso for all his life and that he had gone to school with them in Teso. He added: *“...Iteso have married Banyankole women. How are our families to relate if we are saying that we do not want Banyankole in Teso?... The only way is to consult the people, not for leaders to threaten.....I see Teso as Uganda and I regret that some of our Bishops have also rejected the Banyankole. Why should leaders segregate against citizens?”*

Government action

6.22 The National Political Commissar, Dr C. Kiyonga, issued a statement on 3 July 2002 saying that the settlement in the wetlands by the pastoralists was an issue for NEMA to handle within six months. The statement further said that the pastoralists would meanwhile be allowed to stay in the wetlands; their nationalities would be established (it was alleged that some of them were Rwandese); and those who had bought land in Teso and held it legally would be allowed to stay in Teso. Most importantly, the government promised that *“the policy on nomadism will be developed”*. Developing a nomadism policy is very important as it would also address the Karamoja problem which threatens Kapochorwa, Teso, Lango and even Kenya and Sudan. In fact, the Sabiny who have settled in wetlands in Teso fled Karimojong raids. Since this government statement, the accusations and hate campaigns have diminished. Unlike in Kibaale, no destruction of property or loss of life were reported in Teso as result of xenophobia.

6.23 The Commission’s major concern is not whether the pastoralists were right or wrong to settle or resettle in the Teso wetlands. This is a matter for courts to resolve: for although the Constitution provides for freedom for everyone to move and settle anywhere in Uganda, it does not mean that anyone can settle on someone else’s land. The Commission’s concern is that it is unacceptable in human rights terms to engage in hate talk intended to discriminate or harm a certain group or section of people.

Recommendations

6.24 **1** It is incumbent upon politicians, even more than anybody else, to preach peace and rule of law. It is therefore recommended that political leaders desist from inflaming conflicts in their respective areas and in the country in general. They should resort to the law and the Constitution to resolve problems in their respective jurisdictions.

2 Government should implement all the recommendations by the commissions of inquiry set up to address such problems. In the case of Kibaale, for example, the government needs to respond to the recommendation by the Kiyonga Committee that it address the land problem in Kibaale and correct the *“historical injustices meted out on the Banyoro in respect of land ownership”*. If this is not done, the country is addressing symptoms rather than causes.

and join associations whether political, social, economic or other. In addition, it is clear that associations are founded to pursue certain defined purposes. Accordingly, the enjoyment of freedom of association is not complete unless the association and its members are allowed to carry out activities in pursuit of its objectives. Freedom of association pre-supposes that an association, whether political, professional or any other kind of organisation, has the right to undertake activities in furtherance of the common interests of its members.

8.08 Countries who have obligations under international law are expected to enact a legal framework that guarantees the formation of associations and also guarantees them the right to undertake their activities.

8.09 Freedom of association has the element of choice so that a very important aspect of the freedom is the freedom to choose the organisation or association to which one wishes to belong. For example, it would be unlawful under international law to prescribe that there should be only one human rights organisation in Uganda. People who do not agree with the objectives or methods of, for example, the Uganda Human Rights Commission should be free to find another human rights organisations with guarantees of carrying out their objectives regarding human rights. Thus, when a state that is party to the ICCPR or ACHPR creates an association (with or without compulsory membership whether in economic, political, cultural or other fields), it violates the freedom of association as long as the citizens are prohibited from founding and carrying out the activities of associations with similar objectives. The law must allow people to choose between existing state and private organisations. Should none of these be to their liking, they should be allowed to form and operate a new one. It follows under international human rights law, therefore, that no one may be forced, either directly or indirectly by the state or by law or by private parties to join a political party, organisation, religious society, commercial undertaking, trade union

or social club. An often quoted example is Article 33 of the Constitution of the former state of Zaire, which stated that every citizen was from birth a member of the sole ruling party. This was held to breach the right of association of the Zairean people.

8.10 International law recognises that freedom of association must have limitations. As mentioned earlier, the restrictions must be prescribed by law. What must be clearly understood, however, is that the prescribed law must restrict the freedom of association for the specific reasons of national security, public safety, protecting public health and public morals and in the interest of rights and freedom of others. Apart from restrictions which may be put on members of the armed forces, there are no other grounds for the restriction of the freedom of association. Even restrictions on this ground must be proportional in the sense that it must not defeat the purpose of freedom of association. For example, an organisation like the LRA which is a clear danger to Uganda can be outlawed on the grounds of national security and its members prosecuted. Public safety grounds of restriction would refer to organisations whose activities are a threat to the security of people: their lives, physical integrity or health. Reference to the rights and freedoms of others allows the state to enact laws that protect peoples' reputation, honour, property rights and freedom of religion. In general terms, restrictions must be lawful but leave room for the objectives of associations to be pursued lawfully.

Conclusion

8.11 This section had three purposes: first, to explain the meaning and scope of the right to freedom of association in the light of current debates in Uganda; second, to advance this debate by pointing out essential features of this right; third, to urge Parliament and the Constitutional Review Commission to bear in mind the state obligations recognised by Uganda under the ICCPR and ACHPR regarding the right to freedom of association.

8.12 In terms of Uganda's obligation under

Possible reasons for continued torture

7.03 There are various reasons that explain the rise in torture.

- *Government's reluctance to punish perpetrators of this crime:* Of the 11 cases of torture disposed off by the Commission, six were against the Attorney General in his representative capacity. There is a need for government to bring to book persons who have caused financial loss/damages to government in form of payments as a result of committing torture. This would act as a deterrent to other officials that may wish to practise it.
- *The attitudes of society:* Some people believe that the best way to extract information or a confession from a suspect is to cause physical pain. The aim is to force him/her to confess wrongs. Sometimes victims confess to wrongs that they have not committed to save themselves from further pain.
- *The threats by groups to use unconstitutional means, such as armed rebellion, against Government:* This leads to arrests of suspected rebel collaborators. Often the arrests are not conducted by the police but by other security agencies that are more likely to use torture. One rebel group which has been issuing threats recently is the "Uganda Peoples Redemption Army" purportedly led by ex-UPDF officers in exile. It is alleged that one Mamenero, a suspected People's Redemption Army collaborator, died in CMI hands after torture.
- *The incidence of violent crime:* Of recent Uganda, especially Kampala and some neighbouring districts, has experienced an alarming wave of violent crime. Incidents of murder, armed robberies of vehicles and cash have caused widespread public outcry. As a result, most suspects arrested over such allegations have been treated in a very harsh manner that is tantamount to torture, cruel, inhuman and degrading treatment. For example, under the anti-crime exercise Operation Wembley, the Commission received a sizable number of complaints related to torture and lack of access to next of kin. Many suspects arrested under such an operation are kept incommunicado and therefore denied most of their basic rights. Furthermore, the Commission has not been able to help

these suspects as it has failed to gain access to detention areas that are manned by the military. For as long as the military refuses to cooperate with the Commission in its request for visits, torture incidents in their facilities will remain underreported.

7.04 Torture is still carried out in many local administration prisons by some warders and katikiiros. Many inmates have informed the Commission inspection teams of beatings they receive in prison from their "prefects" or katikiiros. These prefects operate on the instruction of the prison warders: the beatings are seen as way to instill discipline. Districts appear not to have learned a lesson from the heavy damages that they have been ordered to pay (judgement debts) as a result of the violence committed by their prison staff when they inflict torture on inmates. The staff manning local administration prisons lack basic training on how to handle prison inmates: most also believe that beating is a way to instill discipline in their institutions. This partly explains the persistent occurrence of such problems as torture. The Commission will continue to sensitise and educate prison authorities to refrain from torturing inmates.

Recommendations

7.05 **1** There is a need for strict disciplinary measures against persons who torture others. Those public officials who are held responsible for inflicting torture should be taken to court. They should also be demoted or dismissed. The current practice is to merely transfer the perpetrator to other stations where often they continue to inflict violence.

2 Local administration prisons where torture is most rampant need overhauling. They should be manned by professional cadres who are well trained in handling inmates. At present, it often appears that these prisons are manned by people who are learning on the job.

3 The military should be trained in handling suspects who may have committed crimes. The military needs knowledge about how to extract information without using crude methods such as torture.

Freedom from torture - a violation that persists

CHAPTER 8

The Political Parties and Organisations Act 2002 and Freedom of Association

8.01 In the period January 2001 to September 2002, the debate on freedom of association in Uganda continued with vigour. This issue or controversy is still far from settled, despite the enactment by Parliament of the Political Parties and Organisations Act 2002 in June 2002. The debate was particularly intense in Parliament and in the national newspapers. In essence, the argument revolves around the question of whether activities of political parties and organisations should be restricted in the manner provided for under the Political Parties and Organisations Act 2002. Obviously, there are two sides to the debate. One side supports the restrictions on the basis that they have been imposed by the will of the sovereign people of Uganda who voted in a referendum, expressing their preference and support for the

continuation of the movement system of governance: by so voting, they implicitly supported restrictions on the activities of political parties. On the other side of the argument are those who are against the restrictions: they maintain that the restrictions are a breach of their fundamental right to associate.

8.02 The Political Parties and Organisations Act 2002 (POA) regulates the formation, financing, management and activities of political parties and organisations. It imposes the following restrictions on political parties and organisations:

- Political parties and organisations are barred from sponsoring or offering a platform or in anyway campaigning for or against a candidate for any elective

office organised by the Electoral Commission.

- Political parties and organisations are prohibited from using any symbol or slogan or colour or name identifying any political party or organisation for the purpose of campaigning for or against any candidate
- Political parties are not allowed to open offices except one national office in Kampala.
- Political parties are prohibited from holding public meetings except “national conferences, executive committee meetings, seminars” which can only take place in Kampala. Parties can hold one national conference in any one year (but no more than one).

8.03 Parliament imposed the restrictions on political parties and organisations using its powers under the Constitution. The Constitution authorises Parliament to regulate by law the financing and functioning of political organisations. In addition, the Constitution requires that once Ugandans have adopted a “political system” through a referendum or election, Parliament should institute regulations to ensure that the “political system” adopted operates smoothly. The POA 2002 can therefore be said to be intended to enable the current movement system to operate on the basis of its principles of “participatory democracy, individual merit and accessibility of all positions of leadership by all citizens”.

8.04 As mentioned earlier, the debate on freedom of association in Uganda is far from settled. Particularly contentious is the extent to which this right should be limited. Indeed, instead of laying the freedom of association issue to rest, the POA has generated additional debate and controversy: some political parties, organisations and individuals have stated categorically that they would not respect the provisions of the POA, which they allege limits freedom of association in a manner which is unfair.

They also argue that the POA violates human rights. However, government through the security organs, is determined to enforce the POA as it is. There is therefore a likelihood of confrontation and forceful restraint of

unsanctioned political activities: the result might be violence or public disorder.

8.05 One of the Commission’s functions under Article 52 (1) of the Constitution is: “to monitor the Government’s compliance with international treaty and convention obligations on human rights”. In international human rights law, freedom of association is recognised in: Article 20 of the Universal Declaration of Human Rights (UDHR); Article 10 of the African Charter for Human and Peoples Rights (ACHPR); and Article 22 of the International Covenant on Civil and Political Rights (ICCPR). Uganda has ratified the latter two instruments and is therefore bound by international law to comply with the obligations under them. The basic meaning of these instruments is that every person shall have the right to freedom of association with others. This includes the right to form and join trade unions for the protection of his or her interests. Any restrictions which are placed on freedom of association must be prescribed by law. *It is important to note that, in a democratic society, the laws prescribing the restrictions must be justified in the interest of national security or public safety, public order, the protection of public health or morals or the protection of rights and freedoms of others.* (See, for example, Article 22 of the ICCPR.) The Uganda Constitution (Article 29 (1) (e)) recognises freedom of association and expressly mentions the right to form political parties as an important aspect of freedom of association.

8.06 Clearly, the debate about restrictions on the freedom of association is still on-going. In addition, there is a Constitutional Review Commission currently collecting views on the Constitution. The Commission, therefore, would like, in accordance with its mandate to monitor compliance with international treaty and convention obligations, to present here the meaning and scope of freedom of association under international human rights law.

8.07 The right to freedom of association is wider than merely the right to found

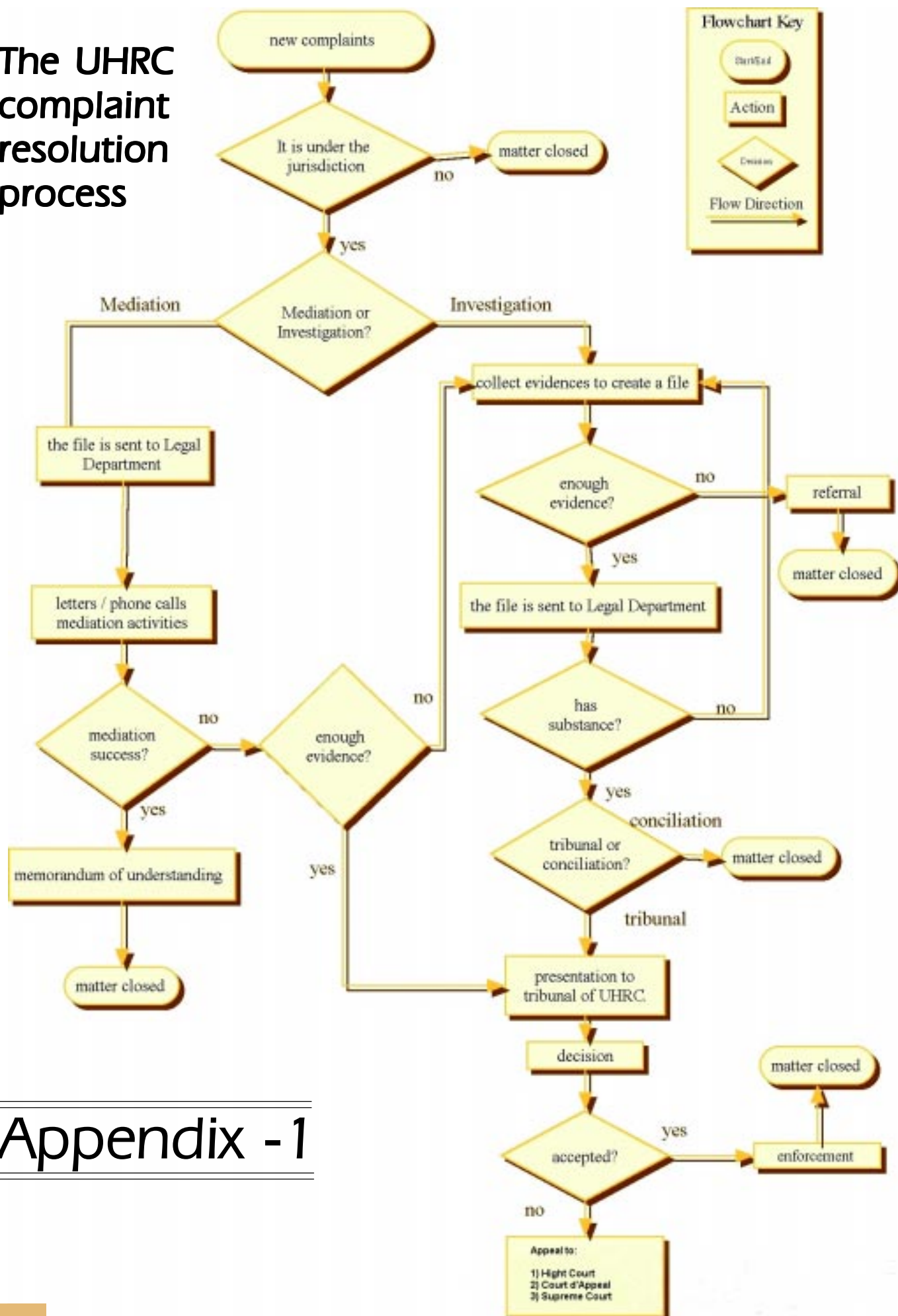
international law regarding the right to freedom of association, the Commission notes that a number of obligations have been met: for example, the Constitution guarantees freedom of association, including the freedom to found political parties. It also provides specifically that Uganda shall not be a one party state. However, the restrictions on freedom of association, although imposed by law, seem not to conform with the restrictions under the ICCPR and ACHPR to which Uganda is a party. In other words, the restrictions do not seem to be for the purpose of “*public safety, public order, the protection of public health or morals or the protection of the rights and freedom of others*”. As expressed in the Constitution and implemented by the POA, the restrictions are primarily for the purpose of enabling the chosen political system to operate without undue interference. In the process, political parties have been prohibited from carrying out activities.

- 8.13 It is true the law that imposes these restrictions was passed by Parliament; it is also true that the Constitution that emerged out of consultation with the people opted for restrictions. Nevertheless, the way forward should be through continued debate and compromise that allows for meaningful practice of the freedom of association as understood in international human rights law.

The Political Parties and Organisations Act 2002 and Freedom of Association



The UHRC complaint resolution process



Appendix - 1

Appendix - 2

THE 4TH CONFERENCE OF AFRICAN NATIONAL HUMAN RIGHTS INSTITUTIONS HELD IN KAMPALA UGANDA

14 TO 16 AUGUST 2002
KAMPALA DECLARATION

PREAMBLE

Participants in the **4th Conference of African National Human Rights Institutions held in Kampala, Uganda from 14 to 16 August, 2002** under the auspices of the Uganda Human Rights Commission in co-operation with the Office of the High Commissioner for Human Rights (OHCHR) and the Coordinating Committee of African National Human Rights Institutions;

Re-affirming their attachment to the values enshrined in the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the African Charter of Human and Peoples' Rights, the UN Declaration on the Right to Development, the 1995 Copenhagen Declaration on Social Development, the UN Declaration on the Right to Peace (1979 and 1984), the UN Declaration on the Rights of Disabled Persons, and various other International Instruments concerning human rights to which their States have subscribed and ratified.

Re-calling the need for all the African National Human Rights Institutions to respect and function in conformity with the Paris Principles as adopted by the United Nations General Assembly in its Resolution 48/134 of 20, December, 1993;

Recalling that the effective promotion of and respect for human rights and fundamental freedoms require that States ratify United Nations Instruments concerning human rights

and forward, periodically, in conformity with these instruments, reports to the respective committees;

Conscious of the fact that the inadequacy of democracy has repercussions on the human rights situation in Africa with consequences such as armed conflicts, civil strife, flow of refugees, displaced people, worsening poverty and misery;

Recognising the Right to Development as essential for the welfare, peace and for the promotion and protection of the human rights of the people within our states;

Aware that dire poverty, under-development, unequal distribution of resources and lack of proper development policies and programmes, which are pro-people, have caused serious conflicts within Africa;

Convinced that all human rights: civil, political, economic, social and cultural are indivisible and inter-dependent and therefore demand equal attention and priority by our States;

Convinced that a rights-based approach to development guarantees equal attention to and the enjoyment of all rights civil, political, economic and social and promotes accountability, non-discrimination and participation by all in the development process;

Conscious of the fact that the inadequacy of democracy has repercussions on the human

rights situations in Africa with consequences such as armed conflict, civil strife, flow of refugees and displaced persons, worsening poverty and misery;

Welcoming the commitment of the office of the High Commissioner for Human Rights to include actions in favour of National Human Rights Institutions in their dealing with refugees, displaced persons, worsening poverty and misery;

Aware that without peace human rights and development cannot be sustainable;

Noting that armed conflicts continue to ravage and affect the political, economic, social and cultural aspects of our African societies;

Convinced that the civil society in our countries play an important role in promoting democracy, good governance, human rights, peace and development;

Aware that often our civil society fail to reach the rural population in their efforts at sensitisation, education and empowerment;

Noting that many of our states do not appreciate and support the role of the civil society in promoting democracy, good governance, human rights and in the development of appropriate national policies;

Aware that the rights of persons with disabilities are far from being protected and promoted in all African countries;

Aware that the 56th session of the Commission on Human Rights in Resolution 2000/51 invited treaty parties to include the rights of People with Disabilities in the monitoring of the implementation of relevant human rights instruments;

Convinced that giving equal dignity and rights and that the equalisation of opportunities for Persons with Disabilities can only be achieved through proper sensitisation of entire societies and leaders in our States and the Persons with Disabilities themselves;

Convinced that there can be no meaningful development when sections of our societies such as Persons with Disabilities are left behind in terms of development;

Noting with appreciation some best policies and practices on Persons with Disabilities within some African countries, which policies and practices ought to be emulated by others;

Aware of the commitment of the United

Nations to education in human rights reflected in the Declaration of the United Nations Decade for Education on Human Rights/ Resolution 1993/56 of 9 March 1993), which recommends that knowledge of both theoretical and practical dimensions of human rights should be a priority objective of education policies at all levels;

Recognising the need for a permanent Secretariat for the co-ordination of the activities of the African National Human Rights Institutions;

Aware of all the above issues concerning human rights, the Fourth Conference of African National Human Rights Institutions convened in Kampala under the theme "Rights- Based Approach to Development" and discussed four thematic issues namely:-

1. Human rights-based approach to development, strategies and challenges;
2. Managing conflicts in Africa for sustainable development
3. Role of civil society in promoting good governance; and
4. Protecting and Promoting the Rights of Persons with Disabilities; and adopted the following resolutions and recommendations:-

RESOLUTIONS AND RECOMMENDATIONS

1. Human Rights based approach to development

(a) The African National Human Rights Institutions (ANHRI) call upon African governments to:-

- (i) Adopt a rights-based approach to development particularly by focussing special attention on the eradication of poverty, providing universal basic education, the right to health and the right to adequate standard of living.
- (ii) Institute measures to reduce unemployment for youth;
- (iii) Strengthen economic and political co-operation among themselves generally and in particular enhance trade among themselves;
- (iv) Harmonise laws to combat cross-border crimes and in particular combat terrorism, money laundering, corruption and drug trafficking;
- (v) Strengthen the fight against crime nationally and institute measures for the rehabilitation of prisoners and

their reintegration into society and to use alternative methods of punishment such as community service for petty offenders;

- (vi) To ratify the International Covenant on Economic, Social and Cultural Rights and put in place legislative and administrative measures for the realisation of particularly, the right to health, shelter, education, food, safe water, employment and adequate standard of living and;
- (vii) Take into account views of civil society organisations, and the people in drawing and implementing development programmes by putting in place effective procedures for their participation.

(b) African National Human Rights Institutions commit themselves to:-

- (i) Undertake advocacy and sensitisation of their governments, policy makers, civil society and the public about the advantages and added value of a rights-based approach to development.
- (ii) Monitor current development strategies in their countries with a view to analysing whether they conform to a rights-based approach to development and to make recommendations to their governments where appropriate.
- (iii) Monitor the state of economic, social and cultural rights in their countries and to make appropriate reports and recommendations to their respective state governments.

MANAGING CONFLICTS IN AFRICA

(a) African National Human Rights Institutions should urge their governments to:-

- (i) Institute deliberate plans for peaceful resolution of conflicts in their respective countries especially, put in place mechanisms for early warning and action to address intra-state and intra-community conflicts that could lead to genocide and other grave violations of human rights;
- (ii) Utilise existing traditional African methods of conflict resolution where appropriate as alternative methods of

resolving and managing conflicts;

- (iii) Ensure that education in schools and other institutions of learning inculcate a culture of tolerance so as to prevent conflicts such as ethnic and religious conflicts;
- (iv) Design methods for timely national management of conflicts including methods for effectively dealing with the after effects of conflict with emphasis on addressing and eliminating the root causes of conflicts;
- (v) Ratify the Optional Protocol on the Convention on the Rights of the Child namely the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography; and on Children in Armed Conflict;
- (vi) Ratify the Ottawa Treaty prohibiting the production, distribution and use of anti-personnel landmines;
- (vii) Develop a legal regime from the guiding principles of the United Nations to address the protection of the rights of the internally displaced Persons;
- (viii) Work out legal and practical measures for the elimination of the illegal possession of small and light weapons which are major contributors to conflict, insecurity and terrorism.

(b) African National Human Rights Institutions commit themselves to:-

- (i) Pay greater attention to issues related to peace, conflict resolution, democracy and development;
- (ii) Empower the media on proper reporting on issues concerning human rights, conflicts and development;
- (iii) Play a greater role in peace education, the importance of tolerance and the greater ideal of peaceful co-existence.

(c) African National Human Rights Institutions should:

- (i) Call upon the international community through international co-operation to consider a **“Marshal Plan”** for war ravaged economies of Africa to help restoration of conditions in which

peace may continue to prevail;

- (ii) Request the office of the High Commissioner for Human Rights in conjunction with UNESCO to spearhead efforts towards the creation of a Convention on the Right to peace.

ROLE OF CIVIL SOCIETY IN THE PROMOTION OF GOOD GOVERNANCE

(a) African National Human Rights Institutions should urge their governments to:-

- (i) Legally recognise and support the autonomous role of civil society organisations in promoting good governance, human rights and development;
- (ii) Use local solutions in solving local problems;
- (iii) Adopt educational policy which encourages intra-continental dialogue using major languages of communication and also to respect and promote use of local languages;

(b) African National Human Rights Institutions commit themselves to:-

- (i) Encourage and assist civil society organisations to play a stronger role in the provision of civic education, and to empower marginalized groups to know their rights and how to demand them;
- (ii) Encourage and assist civil society organisations to develop an ethical code of conduct to guide them in their vision, mission and activities, and also which should be in the best interest of their nations;
- (iii) Call upon civil society organisations in their countries to play a stronger role in the development of their countries;
- (iv) Urge civil society organisations in their countries to sensitise the public on the right to development and about the social, economic impact of globalisation as well as the root causes of under-development;
- (v) Urge the civil society to persuade NEPAD to give them a role in their development planning and activities.

PROMOTION AND PROTECTION OF THE RIGHTS OF PERSONS WITH DISABILITIES

(a) African National Human Rights Institutions should urge their governments to:-

- (i) Put in place effective measures for immunization of young children from preventable diseases;
- (ii) Enact and enforce effective traffic and driving rules as well as other safety measures in order to minimise accidents which often cause many disabilities;
- (iii) Take steps to educate and sensitise the general public on the Rights of Persons with Disabilities;
- (iv) Put in place legal and practical measures, in co-operation with Persons with Disabilities for affirmative action in all areas that concern Persons with Disabilities;
- (v) Guarantee equal employment opportunities for Persons with Disabilities through enforcement of laws in all work places to ensure recruitment and access of Persons with Disabilities to employment;
- (vi) To enact laws that ensure physical accessibility and reasonable accommodation of People with all types of Disabilities to all public premises and facilities;
- (vii) Mainstream the rights of Persons with Disabilities and other vulnerable groups in all development plans and policies and ensure consultation with them on any programmes that affect them;
- (viii) Generally put in place measures for full equalisation of opportunities for Persons with Disabilities to enable them to achieve all their potentials.

(b) African National Human Rights Institutions are encouraged to:-

- (i) Take steps to educate the public about the Rights of Persons with Disabilities;
- (ii) Monitor governments' implementations of laws protecting Persons with Disabilities taking into consideration that legislation

without action is not enough to guarantee any right;

- (iii) To fully participate in the upcoming discussions on the draft Convention for the Protection and Promotion of the Rights and Dignity of Persons with Disabilities and as much as possible to assist representatives of Persons with Disabilities to participate in the discussions.

(c) African National Human Rights Institutions:-

- (i) Request the Office of the High Commissioner for Human Rights to assist and facilitate a meeting of ANHRIs to discuss issues related to the Promotion and Protection of Rights of Persons with Disabilities in preparation for the 2003 Geneva meeting on the draft Convention on the Promotion and Protection of the Rights and Dignity of Persons with Disabilities;

ESTABLISHMENT OF A PERMANENT SECRETARIAT AND RULES OF PROCEDURE

- (i) The 4th Conference of ANHRIs resolved to establish a permanent Secretariat for the African National Human Rights Institutions to be hosted, for the first three years, by the South African Human Rights Commission and to authorise this, adopted a Memorandum of Understanding between themselves and the South African Human Rights Commission;
- (ii) The conference also discussed and adopted the Rules of Procedure which will regulate the operation of the Co-ordinating Committee of African National Human Rights Institutions.

6. CONCLUSION

Delegates to the 4th Conference of African National Human Rights Institutions passed a vote of thanks to the following:-

- (i) H.E. Yoweri Kaguta Museveni, the President of the Republic of Uganda for his stimulating and educative opening speech and for the expression of confidence in the work of National Human Rights Institutions;

- (ii) Honourable Benjamin Odoki, the Chief Justice of Uganda for his illuminating remarks during the closing ceremony;
- (iii) Honourable Janat Mukwaya, the Minister of Justice of Uganda for her welcome and encouraging speech about the work of National Human Rights Institutions.
- (iv) The people and government of Uganda for the warm and fraternal welcome accorded to all delegates and participants to the conference;
- (v) The Uganda Human Rights Commission for the excellent arrangements which made sure the conference was a success;
- (vi) The Mayor of Kampala, His Worship Ssebaana Kizito for a wonderful evening of African Gala and performance and throbbing African dance and songs;
- (vii) The Office of the High Commissioner for Human Rights, the International Co-ordinating Committee of National Human Rights Institutions, the Co-ordinating Committee of the African National Human Rights Institutions, for their various contributions to the success of the conference.

Kampala 16, August 2002

Appendix - 3

TO THE DURBAN (SOUTH AFRICA) WORLD CONFERENCE ON RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE

30 AUGUST - 8 SEPTEMBER, 2001

NATIONAL DECLARATION OF COMMITMENT TO ACTION TO ERADICATE RACISM, RACIAL DISCRIMINATION, TRIBALISM, XENOPHOBIA AND RELATED INTOLERANCE IN UGANDA

PREAMBLE

We the participants at the National Conference on the theme of Racism, Racial Discrimination, Tribalism, Xenophobia and Related Intolerance convened by the Uganda Human Rights Commission and held at the Fairway Hotel, Kampala on 22nd August, 2001:

Aware that a World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance is to be held in Durban, South Africa, from 30th August to 8th September, 2001 to discuss these evils.

Note the importance of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance to be held in Durban, South Africa from 30th August to 8th September 2001, to review efforts against these vices and recommend practical measures to combat them.

Note the following activities conducted by the Uganda Human Rights Commission culminating with this National Conference namely:

1. **Launching the National Debate** on the theme of Racism, Racial Discrimination, Tribalism, Xenophobia and Related Intolerance which was possible with the financial support from the United Nations High Commission for Human Rights and

which debate was conducted in close association with the Ministry of Foreign Affairs which conducted research and took stock of Uganda's compliance with international legal instruments related to the theme.

2. **The briefing session** organised for the media at which issues related to racism, racial discrimination, tribalism, xenophobia and related intolerance were explained to the media. A concept paper written by the Commission, copies of relevant UN instruments were made available to the media. The media responded positively as indicated by the wide coverage given by the press through reports, feature articles and talk shows on radios and television stations.
3. **The three Public Lectures** on the theme of racism were organised by the Commission in three regions at Soroti, Gulu and Mbarara. The lectures were followed by several hours of discussion.

The first Public Lecture, which was at Soroti for the Eastern Region, was attended by **197 people** who turned up from the various parts of the region. Tension between Karamoja and their neighbours dominated the debate. **The second Public Lecture** which was held in Gulu on 24th July 2001 was attended by **89 participants**. The issues which dominated the debate were: perceived injustices to the

people of the North by the current Government, the issue of Rwandese in Uganda and the failure of Government to end the armed conflict between the Government and the Lords Resistance Army (LRA).

The third Public Lecture which was held in Mbarara on 31st July 2001 for the Western Region was attended by **345 participants**. The major issues which emerged were the silent tension between the Bahima and the Bairu; religious tension between Catholics and Protestants especially in the sharing out of leadership positions; and the attitudes to Rwandese settled in the area since a long time ago.

4. One day workshops which were conducted in the three regions mentioned above in order to discuss the major issues that had emerged after the public lectures. The workshops made recommendations and drew up resolutions on the burning issues directly related to theme of racism, racial discrimination, tribalism, xenophobia and intolerance. The Soroti workshop was attended by **114 people**, the Gulu one by **94 people** and **63** attended Mbarara workshop.

5. The Art and Essay competition which the Commission launched nationwide for five categories namely, Upper Primary Secondary school students, University Undergraduates and the General Public. Each category had a choice out of five questions to answer either in the form of essay or art representation. All questions related to the theme of the World Conference.

The Upper Primary submitted **1,058 essays** and **98 art pieces**; the lower secondary category submitted 328 essays and **70 art pieces**; the upper secondary submitted **754 essays** and **45 art pieces**; the University undergraduates offered **186 essays** and from the general public **225 essays** and **25 art pieces** were submitted together with those of the Undergraduates. The submissions were marked by experts and awards are to be given.

6. This National Conference, held at the Fairway Hotel, Kampala on 22nd August 2001 at which reports from regional workshops, public lectures and other activities have been presented and discussed.

Also notes the activities organised and conducted by the civil society in Uganda

and East Africa, particularly by the East African Law Society, for the purpose of creating awareness about the evils of racism, racial discrimination and related intolerance.

Aware that Uganda has signed and ratified and therefore is legally bound to respect, promote and implement the obligations under the following International and Regional Instruments which prohibit discrimination:

- The African Charter on Human and People's Rights,
- The International Covenant on Civil and Political Rights,
- The International Covenant on Economic, Social and Cultural Rights,
- The Convention on the Elimination of All Forms of Racial Discrimination,
- The Convention on the Prevention and Punishment of the Crime of Genocide,
- The 1951 Convention relating to the Status of Refugees and its 1967 Protocol and Regional Instruments of OAU,
- The Convention on the Elimination of All Forms of Discrimination against Women,
- The Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment,
- Indigenous and Tribal Peoples Convention.

Aware also that Uganda not only recognises but participated in the promulgation of the following United Nations Declarations:

- The Declaration on the Elimination of All Forms of Intolerance based on Religion or Belief,
- The Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities,
- The UNESCO Declaration on Race and Racial Prejudice and
- The UNESCO Declaration on Principles on Tolerance,

Aware that the Uganda Constitution affirms and protects the principles of equality and non-discrimination found in all the International Human Rights Instruments as first founded by the United Nations Charter of 1945 and the Universal Declaration of Human Rights of 1948;

Deeply concerned about growing discrimination, intolerance and xenophobia being practised in several parts of the world particularly against foreigners,

ethnic groups, refugees, immigrants, migrant workers and travellers;

Concerned that tribalism, regionalism, nepotism can be a serious threat to unity and become a basis of conflict and instability within nations such as Uganda;

Bearing in mind the objectives of the third Decade to combat Racism and Racial Discrimination and the objectives of the coming World Conference in Durban, South Africa, on the same theme;

Taking into consideration all the views and recommendations expressed and made at the three regional workshops and public lectures in Soroti, Gulu and Mbarara on the theme of Racism, Racial discrimination, Tribalism, Xenophobia and Related Intolerance;

Also taking into account the views and recommendations reflected in the essays and art competition organised by the Uganda Human Rights Commission on the theme of Racism, Racial Discrimination, Tribalism, Xenophobia and Related Intolerance;

Bearing in mind the very important contribution and recommendations made at this National Conference;

And aware of our responsibility as a Nation to respect and promote human rights and fundamental freedoms for all, without distinction as to race, gender, language, national origin, religion or disability and to combat intolerance, racism, tribalism and xenophobia and related intolerance.

Now we the participants at this National Conference do hereby resolve and make the following declarations to constitute a National Declaration of Commitment to Action to Eradicate Racism, Racial Discrimination, Tribalism, Xenophobia and Related Intolerance.

1. In considering the World Conference theme from our own situation of Uganda, we consider issues of tribalism, regionalism and religious discrimination to be relevant:
 - We understand tribalism to mean any discrimination based on one's ethnic origin and identity. Tribalism occurs when members of an ethnic group or nationality considers itself superior to all other ethnic groups and riminates other members, or manifests intolerance to members of other ethnic groups or nationalities.
 - We understand regionalism as the phenomenon whereby people of various ethnic origin and identity, living in the same region discriminate members of other regions or manifest feelings and perceptions of xenophobia towards them, therefore fueling intolerance towards them.
 - We understand religious discrimination, as the conscious attitude and actions designed to discriminate members of other religions or beliefs in the enjoyment of their full rights and freedoms and to manifest intolerance against members of other religions and beliefs.
2. We appreciate the fact that in carrying out all the above activities related to the wide discussion and debate of this theme, we found no participant or Ugandan who expressed support for racism, racial discrimination, xenophobia, tribalism, regionalism, religious discrimination in public office or any other intolerance. With one voice, participants have condemned the above social evils.
3. In the entire debate and discussion, it has become clear to us all that Uganda as a Nation must stand together and form a Nation-State on the diversities of cultures, languages, religions, and ethnic identities that are found within it. This task of building a just, peaceful and prosperous Nation-State is the responsibility of every citizen, every person living and working in Uganda and above all, the responsibility of the political, cultural, religious and opinion leaders. The media and the entire civil society have an important role to play.
4. We have identified the sufferings brought to the people of our country and those of the neighbouring countries as a result of intolerance and forms of racism and tribalism. These include: the great number of refugees in our country and in the Great Lakes Region; the large number of internally displaced people in our nation; the armed conflicts in our nation and in the region; the 1994 genocide in Rwanda; and the political tensions originating from perceived injustices to certain groups and areas in the country. All these have brought great sufferings to many people, leading many to go into exile, causing deaths to many innocent people and inflicting special sufferings to the most vulnerable groups: women, children, persons with disabilities, the old and the sick; thus becoming great obstacles to any meaningful development to many people and areas.

5. The Conference also fully recognises that often feelings, attitudes and discrimination actions based on racism, racial discrimination, xenophobia, tribalism, regionalism and religious intolerance are more generated and found when there is political oppression, civil wars or armed struggles, or when human rights are being violated.

We further declare as follows:

1. That **racism** and **racial discrimination** are totally opposed to the fundamental human rights and freedoms. They undermine human dignity and equality by placing **superiority** and **inferiority** on races.
2. That much of the suffering in the world is caused by **intolerance** and that suffering can be greatly reduced if **tolerance** is promoted everywhere.
3. That the **refugee crisis** in Africa and in the world and the increasing numbers of internally displaced people are results mainly of **intolerance**.
4. That religious discrimination and intolerance often lead to conflicts and the destruction of peace.

Principles

We shall at all times and using all venues available promote the **principles** of:

1. Equality, fairness and non- discrimination to all persons and peoples in Uganda.
2. Freedom of religion in Uganda and the principle of no State Religion in Uganda.
3. Democratic governance which accords all people their democratic rights.
4. Human Rights respect and protection of every person and people on basis of equality.
5. Equitable distribution of resources to all areas for an even development.
6. Commitment to peaceful resolution of conflicts within and outside our nation.
7. Promotion of just and friendly relations with all our neighbours.
8. Promotion of World Understanding and Cooperation for peace in the world.
9. Promotion and abiding by the UNESCO Principles of Tolerance.
10. Promotion of true and genuine patriotism and Pan-Africanism which are positively open to the world.
11. Promotion and defence of the newly re-created East African Community.
12. Promotion and support of the movement towards full African Unity.
13. Promotion within our nation of strong appreciation of unity in diversity.
14. Improvement of our educational system to value human dignity, fairness, non-discrimination, peace, tolerance and human rights.
15. Support for affirmative action for vulnerable groups: women, children, persons with disabilities, and minorities whether ethnic, religious, linguistic or indigenous in our nations and societies.
16. Commitment to building a multi- cultural, multi-religious, multi- ideological communities and nation.

ACTION PROGRAMME

We commit ourselves to the following Action Programme:

A. ACTION PROGRAMME AT THE LOCAL LEVEL

1. We call upon each Local Government and community in Uganda to initiate and promote programmes aimed at empowering people to know their rights and civic duties and to know how to defend their rights against any discrimination. The right to quality, fairness and non-discrimination should be especially emphasized.
2. We call upon each Local Government and community to value peace, peaceful co-existence and develop institutions and strategies for peaceful resolution of conflicts in the community in order to advance a lasting culture of peace. For this purpose, each community should identify its best human resource to be trained and train others in the skills and methods, both modern and traditional, of being effective mediators, negotiators, arbitrators and reconcilers within the community.
3. We call upon each Local Government and community to put in place mechanism and attitudes for peace-keeping, peace-education and peace-promotion in the area. It is such programmes that will promote a culture of tolerance, mutual respect and appreciation of people of various diversities.
4. We call upon each Local Government and community to pay special attention to the minorities among them, whether ethnic, linguistic, religious or otherwise and ensure they are treated justly and equally in all aspects of public life and in accordance with the constitution, laws and international Conventions.
5. We call upon local leaders: political, cultural and religious to exercise their important role and responsibility of

ensuring justice to all, peace to all and equal treatment and opportunities to all.

6. We call upon each Local Government and community to identify the prejudices which exist within the area, the fabricated myths on which they are built and through civic education help to remove them in the interest of harmony with all the people in the area.
7. We call upon each Local Government and community to critically identify the dangerous conflicts within the area and effectively solve them before they lead to more suffering.
8. We call upon Local governments and communities to do all they can to remove revenge and hatred, replacing it with a mentality of peace, non-violence, reconciliation and love for each other.
9. We call upon Local governments and communities to ensure that jobs in public employment are given on merit and never on the basis of one's race, ethnic origin, region, religion, nepotism or any other discriminating factor.
10. We call upon the family and the school to instil in all those within them the values of human rights, peace and tolerance.

B. ACTION PROGRAMME AT THE NATIONAL LEVEL

1. We call upon Government and Parliament to be committed to full democratic and constitutional governance, which is the fundamental factor in eradicating any discriminations and forms of intolerance in the country. Every Ugandan, on basis of merit, should be able to compete for the highest office or post without any discrimination.
2. We call upon Government at all times and in all its organs, agencies and policies to respect, promote and defend human rights and freedoms and respect the sovereignty and territorial integrity of all its neighbours.
3. We call upon Government and Parliament to disarm Karimojong warriors so that peace may exist in the Eastern region and the suffering of people within Karamoja itself and all the neighbouring region may be brought to a quick end.
4. We call on Government to use all peaceful means, including the Amnesty Law, to bring the armed conflict in the Northern Region to a quick end.
5. We call on the Government and all people of Uganda to nurture a culture of peace and peace-making so that violence and revenge may be gradually eradicated.
6. We call upon Parliament to enact a new law on refugees which meets the required international standards.
7. We call upon The Uganda Human Rights Commission to exercise a more leading and in the intervention to resolve conflicts peacefully.
8. We call upon The Uganda Human Rights Commission to work effectively with the civil society and the NGOs in training leaders in communities in the skills of mediation, negotiation, arbitration and reconciliation.
9. We call upon The Inspectorate of Government to seriously investigate and punish abuses of public office, carried out through nepotism and other forms of discrimination.
10. We further call upon The Inspectorate of Government and the Public Service Commission and District Service Commissions to ensure that all public employment is on merit. The policy of decentralisation should never be used to condone discrimination against people who originate from another part of the country.
11. We call upon the Government and Parliament to ensure that our educational system instills in all pupils and students the values of peace, tolerance and appreciation of unity in diversity.
12. We call upon the National Institutions for Human Rights and Democracy and civil society to establish in schools, clubs or groups for human rights, peace and friendly relations with minority groups.
13. We call on the civil society and NGOs in Uganda to effectively and autonomously exercise their full role in the empowering of people to live peacefully with all other people and in creating a society without discrimination.
14. We commit ourselves to fully utilizing the effective traditional methods and institutions for peaceful resolving of conflicts, affecting reconciliation and living peacefully with others.
15. We call upon Religious leaders to condemn religious discrimination,

fundamentalism and bigotry and to do all that is possible to ensure that religion is a uniting factor, a factor for justice and peace, for tolerance and respect of people's rights

16. We call upon the media people to effectively exercise their role more positively, in the fight against racism, racial discrimination, tribalism, xenophobia and related tolerance.
17. We call upon Government and Parliament to declare the annual date of **16th November**, a special Day for Reflection on Tolerance, Peace, Peaceful Co-existence and Nation-Building of unity in diversity. Government and civil society should on that Annual Day promote activities which reflect how far our nation has gone in the eradication of all intolerance.
18. We call upon Government and Parliament to effectively monitor and report regularly on its compliance with the International Conventions it ratified in relation to this theme .
19. We call upon Government and Parliament to make domestic laws and policies based on principles contained in UN Declarations.
20. We call upon Government and Parliament to ratify the Protocol to the African Charter on Human and People's Rights on the Establishment of the African Court on Human and Peoples' Rights, to enable African peoples who feel discriminated against, to bring their cases and grievances to that Court.
21. We call upon Government and Parliament to establish clear procedures for regular monitoring of action on these social evils of intolerance. This is the only sure way of assessing the growth of a culture opposed to the evils of racism and related discrimination.

C. ACTION PROGRAMME AT THE INTERNATIONAL LEVEL

1. We call upon the UN bodies to take quicker and effective action where dangers of genocide and deadly racial tensions are likely to arise.
2. We call upon the UN bodies to expose States which are failing to honour the obligations of Conventions they ratified in respect of the theme of the Durban World Conference.

3. We call upon the UN to undertake the process which may lead to a Convention on the Elimination of All Forms of Intolerance and of Discrimination based on Religion and Belief.
4. We call upon the UNESCO and UN General Assembly to discuss and pass the long-awaited Convention on the Human Right to Peace and to develop the Principles of Tolerance into a Convention.
5. We call on the UN to ensure economic and monetary justice in the world, for without that the evils of racism and other intolerance will continue.
6. We call upon UN to improve its care of refugees by helping to resolve the root cause of their fleeing from their country, so that they may return home.
7. We call upon delegates to the Durban World Conference to resist any country which tries to use undemocratic measures or pressures to dictate what should not be on the agenda of a World Conference.
8. We call on the delegates to the Durban World Conference to seriously and objectively consider and debate the issue of compensation to the victims of the 500 years of African slave trade to the Americas.

D. CONCLUDING REMARKS

1. The Conference recommends that the Uganda Human Rights Commission works out a full national action plan and programme and strategy to fight racism and all other related intolerances in Uganda.
2. The Conference requests the delegates from Uganda to the Durban World Conference to come back and report on the commonly agreed plan of action to eradicate racism and related intolerance, before the end of 2001.
3. The Conference re-echoes the Ugandan Motto: **For God and My Country** calling on all Ugandans and people living in Uganda to create a true family of God in Uganda and be committed to building a truly Ugandan Nation-State in which everyone in the country will feel fully identified and happy with.

Appendix - 4

UGANDA HUMAN RIGHTS COMMISSION EXPRESSES GRAVE CONCERN ABOUT THE NORTHERN UGANDA WAR

1. Background

- 1.1. As a national human rights organisation with the constitutional mandate to monitor issues of human rights in Uganda, the Uganda Human Rights Commission now strongly believes that the war ravaging in the North of the country is the single and most challenging conflict Uganda has experienced since independence because of its protracted nature and the devastating human suffering, loss of life and destruction in Northern Uganda. In addition, despite the war being confined to Northern Uganda, it has to a considerable degree had negative effects on the rest of the country.
- 1.2. For about the last 16 years the war in Northern Uganda has caused massive population displacements on account of thousands of people being terrorized and forced to flee for the lives many of whom settled in camps which themselves at times have not been secure. Due to the war the population of the internally displaced persons exceeds the number of refugees in Uganda by far. There are scattered displaced persons in the districts of Gulu, which has approximately 385,000, Kitgum 125,000 and Pader 70,000. Of recent, Lira and Apac have also been attacked by the LRA which attacks have also generated IDPs in those districts. There is evidence however, to point to the possibility that these displacement figures could have significantly increased after the start of the "Operation Iron Fist" which had as one of its impacts the dispersal

of the LRA into the villages of Kitgum, Pader, Gulu, Lira and Apac districts.

2. Expression of Concern

- 2.1 The UHRC wishes to associate with the people of Northern Uganda on the catastrophe befalling them and untold suffering they continue to bear arising out of this war. It further expresses grave concern and sadness at the current atrocities being meted on the residents of Gulu, Kitgum, Pader, Lira and Apac. It particularly notes with utmost concern the cruel and indiscriminate acts of the LRA against innocent civilians whom they continue to abduct, torture, kill and force into their ranks.
- 2.2 Our Constitution in Article 22, guarantees the right to life as fundamental. The Commission has therefore been gravely concerned and alarmed by reports from its Gulu Regional Office and electronic and print media reports of atrocities and most heinous war crimes and crimes against humanity being meted unto innocent civilians by the Lords Resistance Army (LRA). Since the beginning of this year, there have been over 700 deaths attributed to the LRA with such brutality as to turn the conscience of any human being. The Commission wishes to point out to the LRA that the shocking human rights violations it has been committing including killings, maiming, rape and other dehumanising acts akin to cannibalism cannot in any way be a legitimate method of prosecuting any war. The Commission condemns such acts in the strongest terms.

3. Government intervention

3.1 The Commission has noted with appreciation the renewed commitment and action on the part of government to deal with the Northern war which is exemplified by no other fact than H.E. the President Yoweri Museveni has been overseeing the prosecution of the war himself and the extra commitment of more personnel and equipment. This new vigour, however, have not at times been timely to save lives and property. For example, for close to 2 months the LRA roamed and freely committed atrocities in parts of Lira, Apac and Pader districts without the protection of government. That was a grave concern to the Commission on account of the grievous violations of human rights that went on. Government should be reminded that protection of the population is a primary responsibility of the State and to that end government should create the capacity to protect the people in areas threatened by the LRA.

3.2 The Commission also noted with concern that in its renewed commitment, soldiers committed violations of human rights. Reports reaching the Commission indicate that there have been cases of UPDF abuses ranging from extrajudicial killings, rape, unlawful detentions and imposition of undeclared curfews. Such acts do not further the interest of solving the war and should not only be eliminated but punished.

4. Humanitarian Law

4.1 The Commission in passing wishes to emphasize the importance of observing humanitarian law in the Northern war. The prime aim of humanitarian law is to afford protection to the civilian population as a whole against attack (whether targeted or indiscriminate) and against acts of violence and abuse of all kinds. The horrific incidents and underhand tactics being employed by the LRA clearly underscore the need for government to step up its vigilance and campaign to achieve sustainable peace in Northern Uganda. The Commission reminds the LRA that as an organisation with a fighting force, it is legally duty bound to respect humanitarian law. The following are some key areas of humanitarian law, which require attention especially as they seem to be ignored by the LRA and at times government forces.

- Civilians who do not take part in fighting should not be attacked or abused in any way by the belligerents.

- Prisoners of war, the wounded and the sick should never be killed.
 - Killing, torture of all kinds is prohibited.
 - Dehumanising or degrading treatment (e.g. rape, cannibalism or other outrages upon human dignity) are prohibited.
 - Destruction without military necessity is prohibited.
- 4.2 The Commission wishes to bring it to attention that international law criminalizes atrocities such as those being committed in Northern Uganda. Of particular note is the development of trends since the Nuremberg and Tokyo trials at which several individuals were successfully prosecuted for breach of fundamental norms of international humanitarian law, to the recent atrocities in Rwanda and Yugoslavia, which have seen the establishment of tribunals in which individuals have been prosecuted and found guilty of crimes against humanity. In the realm of international law, war crimes against civilians cannot be justified in whatever circumstance.

5. Condemnation

5.1 The Commission wishes to reiterate its grave concerns about the violations of human rights which continue to visit the people of Northern Uganda as a consequence of the war there. The reality of this war is that it has challenged all principles of humanitarian law contained in the Geneva Convention of 1949 and of 1977. Additional Protocol which Uganda is a State Party and also applies to non-state actors like the LRA. In the light of this, the Commission condemns the irreparable loss and serious human rights violations being committed by the LRA in the name of fighting for a political cause. It also condemns acts of extrajudicial killings, unlawful detentions and unconstitutional conduct engaged by some in UPDF soldiers in pursuit of the war against the LRA. Government has a duty to act constitutionally at all times irrespective of the provocations and difficulties its agents may be confronted with. For example, the raiding of Gulu prison by the UPDF to snatch legally detained prisoners causing the death of a prisoner was highhanded, illegal and cannot be justified by the reasons so far given by the army for that behaviour.

6. Appeals

6.1 The Commission recognises the difficulties that the government faces in the fight against the LRA. So far the government has pursued two routes as

strategies for ending the LRA:- the use of force; and peaceful means. The use of force has so far not succeeded in ending the war and has had the negative impact of increased atrocities and suffering by the people in the war zones. This however, is now the preferred choice by the government on the grounds that the LRA is not interested in peace. Other grounds for abandoning the peace route is that the LRA has no political agenda and for that matter there is no one to talk to from the LRA as an organisation.

- 6.2 The Commission recognises that government has made efforts towards peaceful resolution of the LRA war by instituting the amnesty law, establishing a peace committee and by allowing anybody with interest to make contact and negotiate with the LRA. All these efforts have not succeeded in ending the war. The Commission further notes that the LRA atrocities have hurt the sentiments and convictions of the people who have been advocating that the conflict be resolved through talks. Nevertheless, the Commission maintains its all time position that no avenues in pursuit of peace should be closed. To a defensible degree, it can be said the route through negotiations has never been pursued with all the seriousness it deserves. It can be ably argued that all the strategies for negotiation so far tried have not been properly thought through and planned. This method in our view has not been pursued with the aggressiveness it deserves. Our first appeal therefore is for government not to

completely close the door to possible negotiations. Even if it means negotiation with a faction of the LRA, or even multiple individuals that could save a lot of lives.

- 6.3 The second appeal goes to government to address itself meaningfully to the humanitarian needs of the people displaced by the war. For years the Commission has been calling for a policy for the assistance and protection of internally displaced persons. There is now a draft policy on IDPs which however, has not been discussed and approved by government. This should be approved urgently and implemented.
- 6.4 The Commission calls upon the LRA to accept that it is committing atrocities against civilians. It should stop killing, abducting and destroying property belonging to civilians. The LRA should also seriously consider engaging in peace talks by making clear their demands for discussion with a view to achieving peace.
- 6.5 Finally the Commission calls upon all Ugandans to see the war and the situation in Northern Uganda as a national problem, cooperate with all law enforcement agencies and support all efforts towards the restoration of peace in Northern Uganda.

Robert Kirenga
*Senior Human Rights Officer/Ag. Public
 Relations Officer*
**UGANDA HUMAN RIGHTS
 COMMISSION**

Appendix -5

UHRC GENERAL ESTABLISHMENT & DEPLOYMENT AS OF SEPTEMBER 2002

(Arising Out Of The Commission Restructuring And Rationalisation Status Report- May 2002)

The Commission

1	Mrs. Margaret Sekaggya	Chairperson- Head and i/c Finance and Administration Department, Publicity committee and Kampala Regional Office.
2	Mr. Adrian M. Sibbo	Commissioner Finance and Administration Dept. i/c South Eastern Regional Office (Jinja)
3	Rev. Fr. J. M. Waliggo	Commissioner i/c Education Research & Trainig Dept.& Eastern Regional Office (Soroti)
4	Mr. C. K. Karusoke	Commissioner i/c Complaints and Investigation Dept. and Nothern Regional Office (Gulu)
5	Mrs. V. E Bichetero	Commissioner Complaints and Investigation Department and i/c Central Regional Office
6	Mrs. M F Wangadya	Commissioner i/c Legal and Tribunals Department and Southern Regional Office (Mbarara)
7	Mr. J M Aliro Omara	Commissioner i/c Monitoring and Treaties Dept. and Western Regional Office(Fort Portal)

GENERAL STAFF LIST

A. Finance and Administration Department

	NAME	DESIGNATION
8	Mr Aneri Madete Wangolo	Secretary
9	Mr Osamai Ochieng S P	Head of Deparment
10	Ms Margaret N Luwawo	Senior Personal Secretary
11	Mr John Hissa	Accountant
12	Mr Robert Kirenga	Senior Human Rights Officer
13	Mr Hudson Anika	Planner
14	Mrs Marion D Museruka	Public Relations Officer
15	Mrs Sarah Kitonsa	Personal Assistant/Chairperson
16	Nuer J. Higenyi	Personnel Officer
17	Mr Ronald Lawrence Awola	Senior Accounts Assistant Grade 1
18	Mr John Mutuma	Senior Accounts Assistant Grade 1
19	Mr Christopher Turigye	Senior Accounts Assistant Grade 1
20	Ms Victoria Nanozi	Personal Secretary
21	Mrs Stella Kirenga	Personal Secretary
22	Mr Justus K Muhanguzi	Assistant Public Relations Officer
23	Mr Peter Ssetumba	Systems Administrator

24	Ms Grace O Saka	Senior Accounts Assistant Grade 11
25	Ms Lucy Ejang	Senior Accounts Assistant Grade 11
26	Mr Francis Kabwisho Borgia	Office Superintendent
27.	Mr Joseph Ndebwoha	Store Keeper
28.	Ms Carolyn Bessie Kikoyo	Stenographer Secretary
29	Mr Andrew Ssali	Library Assistant
30	Mr Isabirye J Naigambi	Assistant Records Officer
31	Ms Jane Lillian Kakayi	Data Entry Clerk
32	Ms Christine Oroma	Cateress
33	Mr Samuel K Kamya	Senior Office attendants
34	Mr Fredrick Nakabale	Senior Driver
35	Ms Harriet Rwakabbira	Receptionist/Telephone operator
36	Mr Robert Mugenyi	Office Attendant
37	Mr Paul Luboyera	Office Attendant
38	Ms Faith Babirye	Office Attendant
39	Ms Oliver Namukwaya	Office Attendant
40	Ms Margaret Nantume	Kitchen Attendant
41	Ms Sauba Namakula	Kitchen Attendant
42	Mr Geoffrey Tumwesigye	Driver
43	Mr Tomson Obel	Driver
44	Mr Dan Asasira	Driver
45	Mr Silvester Ssenyanja	Driver
46	Mr Stephen Wanyina	Driver
47	Mr Hassan Kamyuka	Driver
48	Mr Timothy Munialo	Driver
49	Mr Fredrick Kateete	Driver
50	Mr Bernnet Sekibuule	Driver
51	Mr Maxwell Onyait	Driver
52	Mr Siraji Mugisa	Driver
53	Mr Saidi Maganda	Driver
54	Mr Paul Byaruhanga	Driver
55	Mr Simon Kintu	Driver
56	Mr Felix Odida	Gate Attendant

B. Education Research And Training Department

NAME	DESIGNATION
57 Dr.Muhammad Ndaula	Head Of Department
58 Mrs Dorah Bolla Kabuye	Deputy Senior Education Officer
59 Mr Alfred Twinamatsiiko	Research Assistant
60 Mr Fulgencio Kayiso	Research Assistant
61 Ms Rose Mary Kemigisha	Research Assistant/Editor
62 Elizabeth Bosa	Personal Secretary

C. Monitoring and Treaties Department

NAME	DESIGNATION
63 Mr.Nathan Byamukama	Head of Department
64 Mr.Solomon Ossiya	Human Rights Officer
65 Mr. Wilfred Asiimwe Muganga	Research Assistant
66 Ms Felistas Odyek	Personal Secretary

D. Complaints and investigation Department

NAME	DESIGNATION
67 Mr Burhan Byenkya	Head of Department
68 Mr Mike Opolot Okwalinga	Human Rights Officer
69 Mr Bernard Turyashemerwa	Investigations Officer
70 Mr. Gailley Turyahebwa	Research Assistant
71 Mr Nicholas B Mambure	Research assistants
72 Ms Rose Karugonjo	Research Assistant
73 Ms Mary Immaculate Nyanzi	Personal Secretary
74 Ms Agnes F Kitui	Stenographer/ Secretary
75 Ms Hope Twongyeirwe	Records Assistant

E. Legal And Tribunals Department

	NAME	DESIGNATION
76	Ms Evelyn Edroma	Head of Department
77	Ms Ann Masibo	Human Rights Officer
78	Ms Cissy Nabazinga	Research Assistant
79	Ms Harriet Bafumba	Research Assistant
80	Mr Fredrick N Magala	Court Clerk
81	Ms Celinerose A Omoding	Personal Secretary
82	Mr Godfrey Katangula	Process Server

F. Gulu Regional Office

	NAME	DESIGNATION
83	Mr Joseph Ambrose Oneka	Human Rights Officer
84	Mr Anthony Adroa	Investigations Officer
85	Ms Patricia Achan	Research Assistant
86	Ms An Grace Akello	Stenographer Secretary
87	Mr Joel Ogwang	Office Assistant
88	Mr Patrick A H Egir	Driver

G. Soroti Regional Office

	NAME	DESIGNATION
89	Ms Christine Birabwa Nsubuga	Ag. Human Rights Officer
90	Mr. George P Ufoyuru	Investigations Officer
91	Mr Bernard Mugisha	Research Assistant
92	Ms Jane Asio	Stenographer Secretary
93	Ms Lydia Namulondo	Office Assistant
94	Mr Samson M Sagula	Driver

H. Mbarara Regional Office

	NAME	DESIGNATION
95	Ms Sarah Nakhumitsa	Investigations Officer
96	Ms Asha Nahabo	Research Assistant
97	Edith Kangabe	Stenographer Secretary
98	Dennis Obich	Office Assistant
99	Deus Katiiti	Driver

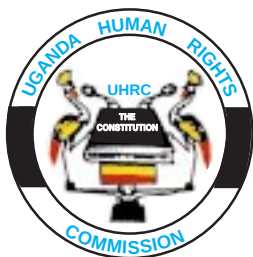
I. Fort Portal Regional Office

	NAME	DESIGNATION
100	Mr. Arthur Beingana	Human Rights Officer
101	Mr. Ferdinand Katendeko	Investigations Officer
102	Ms Merideth Lwanga	Research Assistant
103	Ms Mwesigwa Kaahwa	Driver

J. Jinja Regional Office

	NAME	DESIGNATION
104	Ms Rachael Odoi Musoke	Human Rights Officer
105	Mr Charles Muwunga	Investigations Officer
106	Ms Harriet Kainza	Research Assistant
107	Juliet Ndagire	Stenographer Secretary
108	Sam Bosio Wangudi	Office Assistant
109	Deo Mbareeba	Driver

Appendix - 6



UGANDA HUMAN RIGHTS COMMISSION

Press Statement

1. The Uganda Human Rights Commission learned with shock and concern the brutal murder of Rev Father Michael O'toole Declan and his staff Patrick Longoli and Fidele Longole on 22 March 2002. The Commission has since December 2001 noted the positive efforts of Father O'toole in the disarmament programme in Karamoja. The Commission condemns such callous and inhuman taking of innocent lives. On 23 March, 2002 when the Commission learned of the deaths it immediately contacted Captain Sonko of the UPDF Human Rights Desk and got assurance that the matter would be investigated and those responsible subjected to the law.
2. The Commission equally condemns the subsequent hasty trial and speedy execution of Cpl James Omedio and Pte Abdallah Mohammed who were subjected to a military trial without proper due process as provided for under the Constitution. While the law provides for a Field Court Martial, that court must follow the rules of natural justice. Article 221 of the Constitution makes it incumbent for the Army to observe Human Rights. It was therefore illegal, unconstitutional and a violation of human rights for the Court Field Martial to act contrary to Articles 22, 28 and 44 of the Constitution.
3. Article 22 of the Constitution provides that "No person shall be deprived of life intentionally except in execution of a sentence passed in a fair trial by a court of competent jurisdiction in respect of a criminal offence under the laws of Uganda and the conviction and sentence have been confirmed by the highest appellate court". In our opinion, a Field Court Martial is not exempted from the provisions of this Article.
4. Article 28 guarantees every accused person the right to a Fair trial. This right, according to Article 44 is non-derogable and therefore must be respected by all courts. Going by the information available to the Commission, the two soldiers Right to a Fair trial was violated because:-
 - the accused soldiers were not given adequate time and facilities to prepare their defence.
 - the accused persons were not given opportunity to get a lawyer of their choice.
 - statements made by the army prior to the trial indicated that they were already condemned before the trial.
 - the condemned soldiers were

not afforded the opportunity of Appeal contrary to Article 22 of the Constitution.

5. The Commission further takes exception to the methods used for the execution of the two soldiers and condemns it as **cruel, inhumiliating and degrading acts** which were contrary to Article 24 of the Constitution. To tie persons on trees, and execute them in public and in the presence of children was a cruel, inhuman, humiliating and degrading act which is prohibited by the constitution and international Human Rights Law. Such mode of execution serves no useful purpose and should never be repeated.
6. We note that the trial and executions of the two soldiers were purportedly done under the provisions of the National Resistance Statute 1993. We remind the Government that since 1997 the Commission has pointed out in all its Annual Reports that this is one of the laws that is inconsistent with the Constitution and called for its repeal or amendment in several areas. For example, very many of the offences under that Statute are not clearly defined contrary to the Constitution. The Commission wants to emphasize, here that any trials under that Statute which do not conform to Article 28 and 44 of the Constitution violate the rights of those being tried under the Statute. Also Article 121 (6) which prevents a person from benefiting

from the exercise of the prerogative of mercy where the conviction or sentence has been passed by the Field Court Martial should be amended as should Article 137 (5) to enable the Constitutional Court to determine question of law as to interpretation of the Constitution in the proceedings of the Field Court Martial.

7. On the available facts before us, the trials and executions of Cpl James Omedio and Pte Abdallah Mohammed did not satisfy the requirements of due process as outlined in Article 28 of the Constitution.

In conclusion, therefore, the Commission calls upon Government to institute an enquiry into the circumstances of the trial and executions with a view to making reparations and ensuring that similar mistakes are not made in the future. At the same time the Commission calls upon the Attorney General to advise government not to implement provisions of Acts of Parliament, like the NRA statute that are inconsistent with the Constitution. Further, the Commission calls upon the Attorney General to quickly have parliament amend or repeal the laws listed on page 83 of the Commission's Annual Report 2000-2001.

Signed:
Robert Kirenga
Ag. Public Relations Officer
Kampala: 28/3/2002

Appendix - 7

MAJOR PRESS REPORTS ON UHRC BETWEEN JANUARY 2001 and SEPTEMBER 2002

NO.	DATE	PAPER	TITLE OF ARTICLE
1	25-1-2001	The New Vision	Woman to get shs.10 m
2	2-2-2001	"	Rights organs petition candidates
3	3-2-2001	"	Human rights body calls for repeal of restrictive laws
4	22-2-2001	"	US rights group hails UHRC
5.	28-2-2001	"	Paper cites torture
6.	"	"	US attacks Uganda over Human rights
7.	7-3-2001	"	Ensure voting rights
8.	9-3-2001	"	UHRC: Appeal for a violence free election
9.	12-3-2001	"	UHRC:Appeal for a violence free election
10.	19-3-2001	"	Sekaggya advises on election results
11	20-3-2001	"	Besigye: UHRC to act
12	21-3-2001	"	UHRC raps city bombers Besigye petitions UHRC
13	25-3-2001	"	Besigye: rights body to quiz Col. Mayombo
14	28-3-2001	"	Movement scores on human rights
15	2-4-2001	"	The UHRC vacancies
16	13-4-2001	"	Besigye meets human rights officials
17	21-4-2001	"	Rights body writes to Katureebe on Besigye
18.	29-4-2001	"	UHRC needs shs.7.5 bn
19	8-5-2001	"	AG. Seeks more time to explain Besigye restrictions
20	17-5-2001	"	UHRC reshuffles officials
21	21-5-2001	"	UHRC announces internal changes
22	26-5-2001	"	Besigye blocked at Entebbe again. Govt to pay Besigye sh.1.54 m
23	28-5-2001	"	Two vie for Kumi woman seat
24	31-5-2001	"	UHRC set for security workshop
25	8-6-2001	"	Retired teachers appeal to UHRC
26	9-6-2001	"	Sensitise refugees on human rights
27	10-6-2001	"	Sekaggya advises organisations
28	17-6-2001	"	Smokers' rights 'should be upheld'
29	19-6-2001	"	Rights body pins security, politicians over abuses
30	2-7-2001	"	UHRC decries poll violence
31	2-7-2001	"	Rights subject in offing
32	4-7-2001	"	Election violence on the increase
33	9-7-2001	N/vision	UHRC:Art and Essay competitions
34	13-7-2001	"	NSSF, UHRC in feud
35	20-7-2001	"	H/R body plans anti-racism workshops
36	23-7-2001	"	The UHRC vacancies announcements
37	30-7-2001	"	Make laws for displaced
38	5-8-2001	"	Human rights
39	8-8-2001	"	UHRC pro-leaves for us
40	24-8-2001	"	Col Besigye in Uganda, says Winnie
41	25-8-2001	"	UHRC extends Monitoring programme
42	31-8-2001	"	UHRC announcement
43	12-9-2001	"	They said it

NO.	DATE	PAPER	TITLE OF ARTICLE
44	16-8-2001	N/vision	Tortured man appeals
45	24-9-2001		UHRC Annual Report of 1999 published
46	26-9-2001		Masaka pensioners appeal to UHRC
47	26-9-2001		Envoy cautions on disarming Karimojong
48	28-9-2001		Joint appeal statement for peace co-existence. UHRC and the NGO forums: Moroto/Nakapiripirit, Soroti, Kapchorwa, Mbale/Sironko and Katakwi
49	30-9-2001		UHRC joins Joint appeals statement for peace and co-existence. UHRC and the NGO forums: Moroto/ Nakapiririt soroti, Kapchorwa, Mbale/Sironko and Katakwi
50	2-10-2001		Disabled women abused
51	8-10-2001		Yumbe urged to develop
52	17-10-2001		Police hailed
53	20-10-2001		UHRC orders govt to pay Masaka pensioners their dues
54	28-10-2001		Joint statement for peace and co-existence. UHRC and the NGO forums: Moroto/Nakapiripirit, Soroti, Kapchorwa, Mbale/Sironko and Katakwi
55	2-11-2001		The Uganda HumanRights Commission; UHRC.NGO co- operative framework
56	3-11-2001		Tailor human rights pacts to Uganda, says Aliro
57	5-11-2001		The Uganda Human Rights Commission; UHRC/NGO co-operation framework
58	9-11-2001		DANIDA's Basket fundraising to complement Human rights
59	11-11-2001		Donors give 10 bn to human rights
60	19-11-2001		Let refugees vote UHRC
61	28-11-2001		UHRC cautions MPs on terror law
62	3-12-2001		UHRC results for the essay competition
63	5-12-2001		Uganda Human Rights Commission
64	7-12-2001		UHRC, Opinion on the Suppression of Terrorism Bill 2001 (no.22) presented to Parliament on Nov. 27, 2001
65	15-12-2001		UHRC
66	16-12-2001		UHRC goes to Karamoja
67	16-12-2001		UHRC opens tribunal
68	19-12-2001		UHRC Besigye case soon
69	21-2-2001	Monitor	Rights body condemns violence in elections
70	26-2-2001		Besigye's team writes to human rights bodies
71	8-3-2001		UHRC appeal for a violence free election
72	11-3-2001		Mutale is Museveni's problem- Sekaggya
73	12-3-2001		UHRC appeal for a violence free election
74	19-3-2001		Rights body hails election for exposing Uganda's woes
75	2-4-2001		Sekaggya speaks against sex slavery
76	2-4-2001		The UHRC vacancy
77	1-5-2001		Rights body probes CMI over detained rebel's wives
78	10-5-2001		Rights
79	12-5-2001		DANIDA gives 15.6 bn for human rights
80	26-5-2001		Besigye blocked at Airport again
81	1-6-2001		Tortured ISO man to sue Gov't
82	2-6-2001		MUK launches human rights, ethics degrees
83	8-6-2001		Rights body to get information centre
84	11-6-2001		US senators want Uganda off UN body
85	3-7-2001		Human rights body decries poll violence
86	6-7-2001		Rights body writes to CID over Mukwaya
87	6-7-2001		UHRC Art and Essay competitions
88	9-7-2001		Rights body calls for action against racism
89	15-7-2001		Rights body to fight tribalism
90	19-7-2001		Primary schools to teach human rights
91	23-7-2001		UHRC vacancies announcement
92	24-7-2001		Rights body decries racism
93	2-8-2001		Besigye case on travel ban fixed for August 14
94	3-8-2001	Monitor	Torture victim withdraws case

NO.	DATE	PAPER	TITLE OF ARTICLE
95	15-8-2001	Monitor	Besigye to sue Gov't over travel ban
96	26-8-2001	"	EU gives rights body shs.950m
97	28-8-2001	"	Museveni to attend racism summit
98	30-8-2001	"	UHRC; announcement
99	18-9-2001	"	Sekaggya raps Amara over CMI 'safe houses'
100	19-9-2001	"	Waliggo urges MPs to declare wealth
101	19-9-2001	"	Sekaggya says she didn't send Besigye into exile
102	24-9-2001	"	Human rights report reveals rot in prison
103	24-9-2001	"	The UHRC Annual Report, 1999 published
104	28-9-2001	"	Join appeal statement for Peace and co-existence. UHRC and the NGO Forums: Moroto/Nakapripirit, Soroti, Kapchorwa, Mbale/Sironoko and Katakwi
105	2-10-2001	"	Dismiss Besigye's case, UHRC told
106	6-10-2001	"	Waliggo wants rules on caning
107	14-10-201	"	80% of Ugandans don't know their rights - Gen Katumba
108	23-10-201	"	UHRC Annual Report published
109	26-10-201	"	MPs are shunning human rights reports- Sekaggya
110	30-10-201	"	Govt. discriminates in public service - don
111	30-10-201	"	Entebbe hosts Africa human rights camp
112	8-11-2001	"	Press Release: Launching of the Baske t funding for human rights and Democratisation in Uganda
113	10-11-201	"	Rights body to train scribes
114	11-11-201	"	South Africa pledges to promote human rights
115	13-11-201	"	Man takes CMI to Human rights court over torture
116	23-11-201	"	Karimojong want peace and security
117	23-11-201	"	"Karimojong for peaceful and effective disarmament"
118	23-11-201	"	'Katakwi' Peace and co-existence workshop
119	28-11-201	"	Commission wants fair terrorism law
120	29-11-201	"	UHRC wants terrorism fair law
121	5-12-2001	"	Don't use force to disarm Karimojong, UHRC tells Govt
122	7-12-2001	"	UHRC; Opinion on the suppression of terrorism bill 2001 (Bill no.22)
123	8-12-2001	"	UHRC to monitor Karimojong disarmament
124	10-01-02	"	Produce suspect, CMI told
125	17-01-02	"	Row erupts over rights body jobs
126	19-01-02	"	The army coup you never knew about
127	20-01-02	"	UHRC must explain job exercise
128	24-01-02	"	Visiting Ministers query Museveni on parties
129	09-02-02	"	Why did UHRC go to Makerere
130	22-02-02	"	Workers form team to study NSSF Reforms
131	27-02-02	"	Human rights court warns cops over perjury
132	03-03-02	"	Sweden gives shs. 1.25bn to UHRC
133	07-03-02	"	UHRC issues 2000/1 report
134	08-03-02	"	UHRC wants UPDF votes cast in open
135	11-03-02	"	130 report UPDF to rights body
136	11-03-02	"	Open voting is way to go
137	11-03-02	"	Declare wealth, US envoy tells leaders
138	22-02-02	New Vision	K'jong hand in 7,612 guns
139	23-02-02	"	French ambassador hosts scholars
140	28-02-02	"	UHRC told
141	08-02-02	"	Keep security out of politics
142	08-03-02	"	Celebrating women's day
143	09-03-02	"	Police statute unconstitutional
144	11-03-02	"	Stop Mob justice
145	13-03-02	"	US Ambassodor hails human rights in Uganda
146	10-04-02	Monitor	Diso drew gun at Rutaroh's wife
147	14-04-02	"	Human rights report is like Sekaggya's album Is Waliggo able to be impartial
155	23-05-02	"	Torture victim is awarded shs. 30m
156	23-05-02	"	Unhappy with dressing code by law
157	22-05-02	"	Government urged to probe Kanungu killings, punish perpetrators

NO.	DATE	PAPER	TITLE OF ARTICLE
158	30-05-02	Monitor	Kibwetere, Mwerinde had love affair-Report
159	31-05-02	"	Rwanyarare to take ISO case to high court
160	31-05-02	"	MUK don in court for child abuse
161	05-06-02	"	Swedish envoy commends Uganda on human rights
162	10-06-02	"	Rights commission needs all the support
154	10-05-02	Uganda Confidential	Rights tribunal awards torture victim 33m
155	22-05-02	New Vision	UHRC to revise its disarmament review meetings
156	23-05-02	"	Torture victim is awarded shs 30m
157	29-05-02	"	How Dutch support is
158	05-06-02	"	Swedish envoy commends human rights commission
159	24-05-02	"	History judges Kanungu The UHRC report on Kanungu based cult takes a human rights perspective
160	30-05-02	"	UHRC dismisses Rwanyarare arrest case with costs
161	04-06-02	"	Sekaggya attacks MPs
162	28-05-02	"	Kanungu cult report released
163	05-06-02	"	Swiss give sh 2bn for UHRC offices
165	07-06-02	"	Swiss envoy commends Uganda on human rights
166	27-06-02	"	N Byamukama and Pastor Sempa on Radio
167	27-06-02	"	Do enough home work, state spies
168	13-07-02	"	Rights body supports operation against Kony
167	13-07-02	"	Human Rights body Applauds government
168	13-07-02	"	RDC calls for human rights education
169	17-07-02	"	Attacks irk
170	17-07-02	"	Are the LDUs night guards or robbers
171	25-07-02	"	Salambwa doubts amnesty law
172	01-08-02	Monitor	Human rights body condemns army killings
173	14-08-02	New Vision	4th NHRI conference supplement
174	15-08-02	"	Museveni advises on human rights
175	17-08-02	"	Illicit arms
176	18-08-02	"	Ssebaana meets commissioners
177	27-08-02	"	District councils blamed over lack of rights committees
178	04-09-02	"	Talk of the town; Operation Wembley on trial
179	25-08-02	Monitor	UHRC, help these people
180	09-09-02	New Vision	Dr.Ndawula addresses TASO Masaka branch
181	10-09-02	Monitor	PROs response to earlier complaints about labour rights



The Uganda Human Rights Commission: Highlights of the Commission's Annual Report, January 2001-September 2002

1.0 Introduction:

This morning the Uganda Human Rights Commission (UHRC) presented its Fifth Annual Report to parliament pursuant to Article 52(2) of the Constitution. The report covers a broad spectrum of human rights issues between January 2001 and September 2002. The report has eight chapters and seven appendices providing a fair overview of the human rights protection and promotional activities of the Commission and covers the following themes:

- (i) Activities to promote and protect human rights
- (ii) An Assessment of the Commission since 1996
- (iii) Security and human rights
- (iv) The Karamoja disarmament program and human rights
- (v) Social Security and Pensions
- (vi) Xenophobia and intolerance
- (vii) The persistent violation of freedom from torture
- (viii) The Political Parties and Organization Act 2002 and Freedom of Association

The report is supported with the following appendices:

- (i) The UHRC Complaint Resolution Process;
- (ii) The Kampala Declaration of the 4th Conference of African National Human Rights Institution held in Kampala, Uganda, 14th-16th August 2002;
- (iii) The National Declaration of Commitment to Action: To the Durban (South Africa) World Conference against Racism, Racial Discrimination, xenophobia and related intolerance, 30th August- 8th September 2002;
- (iv) Press release by Uganda Human Rights Commission expressing Concern about the Northern Uganda conflict;
- (v) Press Release by Uganda Human Rights Commission on the infamous murder of Father Otoole and two of his employees and the subsequent court martial hearings and the Public Execution of UPDF soldiers, Kampala 28th March 2002;
- (vi) Major press reports on UHRC between January 2001-September 2002.

2.0 Justification for the issues covered:

The report was written at a time when the six year term of the inaugural Commission was coming to an end and therefore there was a need to include an evaluation and review of the contributions, shortfalls and successes of the "*Commission since 1996*" when it was established. The report captures the general and salient activities carried out by the Commission during that period. It must be noted that the period in focus is one that has been characterized by increased human rights violations emanating from unprecedented high levels of armed robbery, cattle rustling and its contingent vices and rebel atrocities especially in western and northern Uganda. These unconstructive activities provided the impetus and reasonable ground for government functionaries to act and set a stage in many cases for a high handed and harsh response which resulted in further violations of human rights. The merits and demerits of security operations by the State such as "*Operation Wembley*" and "*Operation Iron Fist*" are discussed under "Security and Human Rights" in the report with a view to making recommendations to ensure security interventions without violation of human rights.

The Report also reemphasizes the problems of torture by law enforcement agents, a practice that has persisted inspite of the interventions by the Commission through sensitization and exercise of its quasi-judicial functions in the award of compensation and damages. Of significant interest in torture cases are the ever-changing forms, faces and nature of perpetrators. For example, while in 1996, the police were considered the major perpetrators of human rights violations; today it is other security organs that top the list. The Commission reemphasizes its now historical plea and recommendations that there can never be any justification for torture and that this is recognized by the spirit of Article 24 of the Constitution, which makes freedom from torture non-derogable. The Commission has discouraged this practice by awarding hefty compensation to the victims of torture hoping that the state would call upon its agents to desist from it. The report explains some of the causes for the persistence of torture chiefly among which is the use of security organs to do police work for which they lack the necessary training.

The report further highlights the progress made in the much awaited *disarmament process in Karamoja and addresses human rights* concerns that emerged and continue to mar the process of disarmament. Recommendations are made on how to strengthen the Karamoja disarmament programme.

The period under review also witnessed serious instances of *xenophobia and intolerance*, which do not augur well for national unity and human rights. The consequences of these vices of intolerance are graphically highlighted in the report. The most significant cases were exhibited in Kibaale and in Teso and took place at a time when the whole world had just made an international declaration to denounce and outlaw racism, racial discrimination, xenophobia and other forms of intolerance at the Durban conference in South Africa. Many countries have since enacted or at least drafted policies to curb these negative practices. The report has put forward some pragmatic recommendations on how to deal with any future issues of xenophobia and intolerance.

The report also discusses the Political Parties and Political Organizations Act and its effect on freedom of Association. The debate on this issue has been protracted in both the

public and private spheres. However this annual report has devoted a chapter to the issue to make a contribution with from a human rights perspective. The chapter on political Parties and Organizations Act recognizes the need to respect democratic decisions and provisions within the Constitution and the Act. Yet, these provisions are in direct contradiction to the principles of international human rights law, which Uganda undertook to respect and implement when it signed and ratified the relevant human rights instruments.

Social security and pensions has been an area of human rights law not hitherto considered important. However the report attempts to bring this issue to public domain and articulates the rights of pensioners in the context of an economic and social right. The choice of this thematic area was precipitated by the ever-increasing complaints from disheartened pensioners about the management of public pension schemes including the government retirement benefit system and the National Social Security Fund. The chapter explains that social security is indeed a human right and that the State has the obligation to take measures to protect, respect and fulfill that right.

3.0 Activities of UHRC, January 2002-Sept.2003

The report covers activities by the UHRC to promote and protect human rights. These activities included:

- Receiving, investigating and handling complaints and conducting tribunal hearings;
- Visiting places of detention including police cells, prisons and remand homes;
- Civic education to create awareness of and respect for the Constitution and human rights through among others, seminars, workshops and conferences;
- Monitoring government’s compliance with international human rights treaties and conventions.

3.1 Receiving and handling complaints

In 2001 the Commission received a total of 1429 complaints, 805 at the headquarters in Kampala, 279 at Soroti Regional Office and 348 at the Gulu Regional Office. Between January 2002 and September 2002, the Commission received 812 complaints, out of which 575 were received at the Headquarters, 160 at Soroti Regional Office, 49 at Mbarara Regional Office and 28 at Fort Portal Regional Office.

There was no marked difference between the types of complaints received between 2001-2002 from those of the previous years. The greatest number of complaints continued to relate to the right to liberty, property, remuneration, fair and speedy hearing and freedom from torture, cruel, inhuman and degrading treatment. The right to maintenance of children also featured highly especially in regional offices. In 2001, **279** complaints related to **liberty** were received by the Commission, **210** complaints were on **torture**, **196** were on **property**, **127** were on **fair hearing**, **235** were on **maintenance** and **175** were on **remuneration**.

From January 2001 –September 2002, **123 cases were on liberty, 91 on torture, 104 on property, 54 on fair hearing, 110 on maintenance and 147 on remuneration.**

3.2 Investigations by the UHRC:

The Commission attempts to investigate all cases before it and this acts as a first step towards resolution. In 2001 for example the Commission investigated 311 complaints in total out of which 172 were originated at the headquarters, 75 in Soroti and 64 in Gulu

3.3 Commission Tribunal:

The Commission tribunal is one avenue of resolving complaints brought to the Commission. Only unsettled complaints are resolved through the tribunal. Otherwise most complaints are resolved through mediation and conciliation. Since the year 2000 there has been a progressive improvement in performance of the Commission's tribunal hearings. While the tribunal only heard 9 complaints between 1998 and 2000, 23 complaints (*11 in 2001 and 12 in 2002*) were resolved between January 2001 and September 2002. Depending on the nature of the violation the Commission has awarded compensation ranging from Shs 100,000/= to Shs 25,000,000/= during this period. Three appeals to the High Court as allowed by the law, have arisen out of the tribunal decisions.

3.4 Mediation:

Mediation is the first preferred method of resolution of a complaint at the Commission. Mediation has proved the most popular and preferred means through which parties reach an amicable solution. During the year 2001 a total of 90 complaints were referred for mediation/conciliation. Out of these 60 were settled and 22 retired due to loss of interest by the complainant. Only 8 are still pending from 2001. As of June 2002 there were 33 cases pending mediation inclusive of the 25 complaints received by June 2002.

The bulk of the complaints referred for mediation involved the rights of children, particularly the right to maintenance and education. Most of the complainants were biological mothers complaining on behalf of their children. Some children complained about their parents' failure to pay school fees. Most of these complaints were against biological fathers. Other complaints involved women's rights, particularly where the violation involved domestic violence. A few complaints brought by men involved the right to property, economic rights and inhuman treatment.

3.5 Inspecting places of detention:

In 2001 the Commission concentrated on inspection of jails and prisons under the control of local administration. Past experiences had shown that conditions of prisoners and respect for their human rights were improving in central government prisons, especially those in urban areas as opposed to the deterioration of conditions in the local

administration prisons which were in overall appalling. In 2001 a total of 120 places of detention were visited, out of these 11 were central government prisons, 41 were local administration prisons, 65 were police cells and 3 were remand homes.

From January –September 2002 a total of 154 places of detention were inspected by the Commission. Out of these 28 were central government prisons, 54 local administration prisons, 63 police cells and 9 remand homes.

3.5.1 Major findings in places of detention:

- (i) In police cells illegal detention continue to be the biggest challenge: suspects are detained in police cells beyond the 48 hours allowed by the Constitution without being produced to court.
- (ii) Police officers are increasingly becoming aware of the 48-hour rule and most are making clear efforts to comply with it. Nevertheless, they continue to be frustrated by: inadequate facilitation, irregular court sessions; and interference in police work by some politicians and members of other security organs. Police officers also say they have to keep some suspects in cells longer than is legal to save them from mob justice.
- (iii) Most police posts lacked facilities to detain male, female and juvenile suspects separately. There were some cases where children were found detained in the same cell as adults. No effort has been made to build new cells or expand existing ones.
- (iv) Torture had reduced tremendously in police cells. All the police stations/posts inspected by the Soroti Regional Office during the period in issue had no apparent or reported cases of torture.
- (v) In prisons there was sharp contrast between central government and local government prisons. In local government prisons, conditions of inmates were much worse and officials have limited awareness of prisoner's rights. The conditions of local government prisons are deteriorating and local authorities seem not to bother to improve their living conditions. Of great importance is the need for local government authorities to take strict cognizance of the rights of prisoners under their care and management and see that all prisoners in the local administration prisons enjoy their rights in line with the international minimum standards for persons held in detention.
- (vi) Congestion in prisons remains a serious problem in both local and central government prisons with some accommodating double or more than double their capacity
- (vii) Incidences of torture in prisons have reduced but it still remains far from being eradicated.
- (viii) The living conditions of the police staff remain appalling and in some cases inhuman and degrading. It is futile to call for the improvement in the conditions of suspects without improving those of their custodians.

3.6 Human Rights Education:

The Commission during the period targeted security organs for human rights education. Workshops and seminars for security forces were held particularly for the army and the police. The youth, district leaders and the general public were also sensitized. A total of 195 UPDF officers and men of all ranks including the chief political Commissar, division commanders, political commissars and administrators attended workshops held in Mbale, Kampala, Mbarara and Gulu. The aim was to empower the UPDF officers to understand their role in protecting human rights, democracy and the Constitution. The trained officers have demonstrated a high potential of being capable of training other officers of the UPDF and the Commission will continue to encourage training of trainers in the UPDF. Indeed these UPDF trainers have embarked on a training programme of fellow soldiers on human rights and this provide points for sustainability of the programme and has achieved the intended multiplier effect originally envisaged. The Commission however continues to monitor the programme to see that it remains on course.

Some of the recommendations that came up during the UPDF workshops were that:

1. Government should strengthen the capacity of the police to keep law and order so that the army only intervenes when there is extreme need for re-enforcement.
2. Government should improve soldiers' living conditions. Soldiers' rights should be protected if they are to safeguard other people's rights.
3. Government should strengthen the army's human rights desk, legal department and judicial system to enhance human rights in and outside the army. Human rights studies should be part of the syllabus in every military training school.

4.0 Campaign against Racism, Racial Discrimination, Xenophobia and other related intolerance

In 2001, with assistance from the United Nations High Commissioner for Human Rights, the Commission started a national campaign to increase awareness of the evils of racism, racial discrimination, xenophobia and other forms of intolerance such as tribalism and ethnocentrism

Findings:

- The Commission found that the people in Northern Uganda were particularly concerned about insecurity and poverty, which made them feel discriminated against. Such feelings can easily be manipulated to promote ethnocentricism, tribalism and violence and should be seriously discouraged. and the volatile security situation be given more concerted action towards settlement of the conflict;
- In Eastern Uganda, the major concern was insecurity caused by cattle raids resulting in killings, rape, destruction to property and the forced displacement of thousands of people into camps. The terror and insecurity in the area has driven

the people to believe that the government has an ulterior motive against them and is expressed as discrimination by the government in favour of the Karamojong who are left to carry illegal fire arms;

- In Western Uganda, key issues raised were religious rivalry between Catholics and Protestants and the latent xenophobia between the *Bairu* and *Bahima*. Most people saw a potential conflict between the *Bairu* and *Bahima* and thought politicians wanted it "swept under the carpet"

Recommendation

A national conference organized by the commission to discuss issues of racism, racial discrimination, xenophobia and related intolerances came up with a national declaration denouncing tribalism, racism and other forms of intolerance and calling upon all organs of the state and the civil society to do everything in their power and put in place an action plan to contribute towards elimination of such vices. (the Declaration is appended to this report). The Commission hopes to see that this declaration becomes a way forward in the struggle to build Uganda as a nation premised on equality without racism, tribalism and racial discrimination.

5.0 Visiting Refugees and Internally Displaced Persons (IDPs) Camps:

During the year under review the Commission visited three refugee camps and 18 camps for IDPs in 2001.

Findings:

In the refugee camps, the Commission found serious problems relating to domestic violence, health problems, food insecurity and a host of other vices relating to poverty and insecurity. There is a need for the refugees to undergo education on all key aspects of human rights; but in particular on the rights of refugees, children and women.

During its visits to Kyaka I refugee camp in Kabarole, the Commission was told of a potential conflict between the refugee settlement officials and the local population over land in Kazinga which had been vacated by Rwandese refugees in 1994. The local population encouraged by local politicians had encroached on the gazetted land, arguing that now that it was vacant, they can "reposes" it. It was alleged that in a bid for votes, politicians had told the locals that the land had been de-gazetted. The settlement authorities insist that this is illegal, and that encroachers should vacate the land or be forcefully removed. The LCI chairman of the area told the Commission about the power struggles between himself and the camp commandant.

A written submission by the refugee settlement commandant, Mr. Batenda-Bagaya, predicted conflict. It read "*...encroachment on Kyaka I Refugee settlement land has brought about an adverse relationship between the settlement administration and the LCs*

administration around the settlement. Therefore the refugee settlement commandant and his security guard are sitting on a time bomb. If encroachment does not get an urgent lasting solution, the end result may not be good..."

It was clear to the Commission that this potential conflict could have been averted if the local population had received the proper information and explanation from government regarding the land in dispute. If this has not been done it should be urgently done.

IDP Camps:

- In all the IDP camps most camp dwellers complained about insecurity, lack of schools, shortage of water, food, medical care, sanitation and land. There were high prevalence of diseases such as malaria, diarrhea and measles. At the time of visiting the IDP camps in Northern Uganda in the year 2001 the Commission found a people with a hope that they could return to their homes of origin. However, between June and September 2002 the security situation had deteriorated greatly with government not being able to adequately take care of the security needs of the people. There were also IDP camps visited in Eastern and Western Uganda and what the Commission would want to emphasize is that efforts to pacify insurgency and conflict prone areas should include a comprehensive strategy for dealing with the problems of IDPs. There is a legal obligation on government to have a strategy for handling IDPs. The strategy among others should include assuring the IDPs of security, shelter, a decent livelihood and social services all of which can be wrapped up within a policy for the assistance and protection of IDPs.

6.0 The Commission and its challenges:

The Commission continues to be under-funded due to budgetary constraints within government. The resultant consequence is that the Commission cannot hire sufficient staff or acquire adequate transport, office equipment and furniture. Under funding even become more critical with the setting up of regional offices. The Commission acknowledges the generous contribution of the donors which has supported its programmes. However donors do not pay for salaries as well as meet all the capital expenditure requirements, key areas which continued to affect capacity to perform its functions.

Recommendation

The Government should endeavour to prioritize its funding to issues of human rights and the Commission's activities as well as for its expansion, especially as it moves into the regions in its quest to make an impact in the countryside and at the grassroots. Currently; donors fund most of the Commission's increased activities. In particular, the regionalization programme needs support. Staff training is also a challenge: staff have a great need for further studies, basic and refresher courses in human rights and specialized areas such as investigations, monitoring, accounts and administration.

6.1 Major Commission Challenges since 1996

The report highlights major challenges the Uganda Human Rights Commission has faced since its inception in 1996, a challenge that seem to persist six years later. These challenges include:

- (i) **Failure to access Army detention places:** Gaining access to detention facilities under UPDF control has since 1996 proved extremely difficult. This is because the Commission is required by the UPDF to notify army authorities about any impending inspection. The only inspection of UPDF detention places occurred in 1998, but even then the Commission was part of delegation with the Foundation for Human Rights Initiative, which had been granted permission after notification. The Commission opposes this requirement because it defeats the whole purpose of inspection, which is supposed to be impromptu in order to have an objective assessment of the conditions. Under the UPDF terms of prior notification, nothing would stop the army from stage-managing the situation. We are still exploring ways of accessing these facilities
- (ii) **Illegal detention places/ Safe houses:** Illegal detention places, euphemistically known as "Safe houses" emerged in 1998 with the threat of terrorism in the country, especially in Kampala. People detained in these areas are held incommunicado as well as in un-gazetted places, which clearly violated the law. The Commission issued public statements in 1998 and linked up with the President over the same issue until the government latter issued a statement that all the people detained in safe houses would be produced in courts of law. This issue nevertheless has not been resolved since it was learnt that the CMI later took over sections of some police stations where some of the persons formerly in safe houses were transferred. This further complicated the matter and to date "safe houses" still exist for illegal purposes including torture. This practice goes against the spirit of the rule of law and Constitutionalism and it must be avoided.
- (iii) **Human Rights education:** Creating awareness about the Constitution and human rights is a core function of the Commission. The Commission has done a lot in this direction in the last six years. A recent study indicated that an average of 58% of Ugandans were aware of the Commission. Regionally the Commission was better known in Kampala (74%), followed by Northern Uganda (63%) and Western region (47%). Despite this progress, a lot needs to be done. Civic education is particularly needed for leaders at county, sub county and village levels. Training of trainers, strengthening the capacity of NGOs, utilizing radios and establishment of District human rights Committees would be the easiest way of reaching the grassroots.
- (iv) **Reporting under International Human Rights Instruments:** The Uganda` record of reporting to the UN treaty bodies has been improving but still poor. Many reports are unacceptably delayed and many more are still overdue. In

areas of torture and economic, social and cultural rights, where Uganda has a lot of problems it has never reported. Uganda has never fulfilled its reporting obligations under the Convention Against Torture (CAT) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). More than three reports are overdue in each treaty.

- (v) **Persistent armed conflicts:** Persistent armed conflicts in Northern, North Eastern (Karamoja) and Western parts Uganda caused grave humanitarian and human rights concerns which have been areas of focus since 1996. In Northern Uganda, the conflict has persisted for 16 years. In Western Uganda, there has been some hope of peace returning but rumours of the impending attacks by the so called "Peoples Redemption Army" might bring renewed misery to the people there. The Commission applauded the establishment of the Amnesty Commission and the reestablishment of diplomatic relations between Uganda and Sudan and the Lusaka Peace Agreement that are aimed at peaceful resolution of conflict in Uganda and in the region. The Commission further supports disarmament in Karamoja and governments appointment of the peace team to negotiate with the Lords Resistance Army. Nevertheless, there is need for concerted efforts to ensure that these initiatives yield fruits of peace in the country and the region. As of now not much light is seen at the end of the tunnel, as many hindrances seem to be in place.
- (vi) **Establishment of a living wage:** The Commission has persistently argued for a living wage in order to avoid exploitation of the vulnerable groups. Domestic workers, prison, army and police staff was one of the groups whose plight would be addressed by a living wage. This recommendation has fallen on deaf ears. But the Commission insists that the government should consider this matter seriously in light of its obligations under the International Covenant on Economic, Social and Cultural Rights and International Labour Laws. A minimum wage is a human right and morally it would be a distinct recognition of the rights of workers and their contribution to national development.

7.0 Security and Human Rights:

The country has gone through a spate of terrorist activities, armed robberies, and armed conflicts in some parts of the country and general relative insecurity in some urban and rural areas. The government responded to the situation with several measures namely: creating "safe houses", putting in place the Anti Terrorism law, establishment of "Operation Wembley" and establishment of "Operation Iron Fist"

7.1 The Anti Terrorism Act:

The Commission, in principle supported the law against terrorism. But it wanted a law that does not violate fundamental human rights. The Commission presented its opinion on the Suppression of Terrorism Bill (No. 220) to parliament on 27 November 2001. Out of the 39 clauses of the Bill, the Commission had problems with 17 (45%). With respect to these 17 clauses, the Commission either recommended improvement or complete

deletion. Parliament agreed with 15 clauses representing (88.2%) of the Commission's 17 recommendations.

Nevertheless, the Commission believes that the law against terrorism is necessary but that it is not in itself a sufficient mechanism to prevent terrorism. To prevent terrorism, it will be necessary to consider additional issues that a law against terrorism cannot not address. The report therefore recommends that:

1. The government needs to identify and consider why people resort to terrorism. Once identified, it will be easier to address the causes. People resort to terrorism for various reasons. Some terrorists are spurred by politics, ideology or religion. Others turn to terrorism because of perceived oppression and economic denial. Some terrorists are simply criminals on hire. While no cause can justify terrorism, it is important that as a country we should endeavor to pay attention to the possible causes of terrorist conduct and endeavor to find solutions to them.
2. The Commission stresses that combating terrorism should not be a pretext for ethnic, religious, political or racial profiling. The Police and other law enforcement officers should not rely on national or ethnic origin, religion, race colour or political descent as a basis for subjecting persons to investigation or for determining whether an individual is engaged in criminal activity. Terrorist often tend to claim to work on behalf of certain groups, when in fact they are working for themselves or a small group or a section of those they claim to be working for.
3. There is a need to sensitize people that there is no apparent or implied contradiction between the Anti-Terrorism Act and the Amnesty Act. The Anti-Terrorism Act considers groups such as the Lords Resistance Army (LRA) and the Allied Democratic Forces (ADF) to be terrorists chiefly because of their conduct and international connection to terrorist groups, organizations and states. On the other hand the Amnesty Act seeks to pardon former belligerents engaged in subversive acts against government. A key element is that such persons should denounce all armed rebellion or armed struggle against government and should not have committed war crimes.

7.2 Rebel Activities and Violation of Human Rights:

Two rebel groups namely the LRA in Northern Uganda and ADF in Western Uganda have disrupted the lives of the people in areas they operated. The UNRF II under the command of Major General Ali Bamuze opted for peace in April 2002 and the negotiations with government has raised a specter of hope in West Nile. The Commission commends the government and the UNRF II for adopting the road to peace. During the year however, the rest of the rebels especially LRA, continued to cause mayhem: People were maimed, conscripted, killed, the local economies reached near collapse; education, health and other social facilities dwindled; and

homes and families disintegrated. Rebels especially in the North abducted thousands of children, youth and adults. Landmines planted in these areas have killed and maimed many of those who are not abducted. Since the conflict began, it is estimated that over 26,800 people have been abducted. Over 10,000 of these are children. Young girls abducted have either become sex slaves or "wives" to the rebels. Some now are infected with HIV/AIDS.

8.1 Challenges of Government's Effort to end the LRA Rebellion:

8.1.1 Operation Iron Fist:

Human right violations during Operation Iron Fist:

- Loss of human life, abductions and destruction of property continued to be a common feature in Northern Uganda particularly in the areas of Gulu, Pader, Kitgum and Lira. The armed conflict has been there since 1986 but the rate of violations escalated in the year 2002, a year when "Operation Iron Fist" was launched.
- While, for example, the Commission's monitoring mechanisms indicate that about 198 people were killed due to insurgency in the north between January 2001-December 2001 (including soldiers, rebels and civilians), about 1277 people (soldiers, rebels and civilians) have been killed since January 2002-September 2002 after the launch of operation Iron Fist. According to President Yoweri Museveni, by 25th August 2002, 450 enemies (LRA) had been killed while UPDF lost 134 soldiers in four months (see New Vision, August 25th, 2003). Going by the figure of the President alone it means in four months the war had cost the loss of 574 Ugandans. This is an unacceptably high number and all efforts must be marshaled to stop this carnage.

Peace talks initiative have not yielded expected fruits: While the government succeeded to restore diplomatic relations with Sudan which allowed the government to pursue LRA within Sudan, the government did and has not succeed in its initiatives to talk peace with the LRA. By 1st October 2002 to this day it still remains vague and unclear whether the government will have any fruitful and meaningful peace talks with Kony's LRA. The failure of dialogue will inevitably end up in more war with the usual human suffering and humanitarian crisis.

Questionable Conduct by Operation Iron Fist:

The issue of child soldiers caught or killed in active combat has been a real and difficult dilemma for operation Iron Fist to deal with. Most of the children fighting in the ranks of the LRA are abductees under the apparent age of 15 which when Constitutionally interpreted means that these are actually children and not considered of age to make rational decisions. These children are further under extreme duress to perform and are continually traumatized leaving permanent scars in their tender

minds. The Commission's view is that once these children surrender or are captured they should be given reasonable facilitation to get reintegrated into their respective communities.

The Commission appreciates the difficulties faced by the army in its Operation Iron Fist. However, conduct and work method of certain elements within the army have been questioned by the Commission. For example, the Commission received a report that UPDF soldiers under the Command of Lt.Col Otema Awany and the Division IO surrounded government prison in Gulu at about 7:30 pm on 16th September 2002. The soldiers entered the Prison at about 10:00pm and took away 21 prisoners who were on remand. 19 of these had been charged with treason and two with murder. In addition, the UPDF killed a prisoner called Oloya Peter, commonly known as Yumbe who had been charged with murder. The Commission believes that the manner in which these prisoners were removed and detained in ungazetted places was high handed and illegal. Even if there were legitimate concerns about the security of the prisoners, the best option would have been to encourage the prison department to shift or transfer the prisoners. The UPDF was wrong to involve itself in prison detail.

8.2 Operation Wembley:

The President launched *Operation Wembley* on 25th June 2002 following a spate of armed robberies and murders. Twenty-six incidences of such murders and or robberies had taken place between 29th March and 20th June 2002. No doubt there was public outcry, as it appeared that armed gangs were terrorizing Kampala with unchecked success and the police seemed unable to cope on their own. Under *Operation Wembley* some of the criminals and gangs were either arrested or "put out of action" a euphemism term for killed. While the general public seemed relieved by the work of the operation, there were blaring human rights issues that were being engendered by the operation. The following are some of the Concerns:

- (i) In its bid to make quick and responsive counter measures and restore public confidence and sense of security in the population, Operation Wembley adopted a para military approach and did not bother to follow basic police and human rights standards, procedures of arrest and detention and general Constitutional procedures for dealing with suspects;
- (ii) The "shoot-to kill" policy adopted by Wembley was illegal and unconstitutional because many of the killings could not be said to be in self defense or conform to the principle of extreme necessity to justify the use of lethal force;
- (iii) The "shoot to kill" policy put the lives of innocent civilians at risk as shootings at times took place on busy streets;
- (iv) The Operation Wembley suspects were held in un gazetted places and incommunicado;

- (v) Suspects arrested under operation Wembley were detained illegally and spent more than 48 hours before they appeared in courts of law contrary to the Constitution. The General court Martial where the suspects are tried was established much later after some suspects had spent months and weeks in detention illegally; the impartiality of the court martial itself is questionable on the basis that it was set up after complaints of the formal courts were releasing some of the suspects.
- (vi) Torture of suspects was rampant as a means of extracting information from suspects. In some cases it was found that the tortured victims were actually not guilty and released by the Operatives themselves, when the damage was already done;
- (vii) Operation Wembley extended its work to issues that had nothing to do with security such as collection of debts and settling personal vendetta.

Some Recommendations on Security and Human Rights

- In view of the above, the Commission maintains its recommendations and stand on violations involving torture and illegal detentions. It calls for strengthening of the police to minimize involvement of other security organs in police work and equally calls upon government to respect the right to a fair hearing in all cases and to uphold the principle of equal justice for all consistent with the Constitution and international law.
- Torture is a non derogable right under Article 24 (a) of the Constitution meaning that there is no justification for any form of torture. All form of torture by state organs must therefore stop and the state has a legal responsibility to ensure its agents respect this constitutional provision;
- The provisions of the NRA Statute that are inconsistent with the Constitution should be repealed and brought in conformity with the Constitution. For example, the NRA Statute should be amended to allow appeals from judgments of the Court Martial Appeal Court to the Supreme Court to confirm or reject a death sentence. The law as it is discriminates against those who are convicted by the military Court Martial as it denies them access to the highest appellate court of the land;
- The Police force and not the army are mandated to uphold internal peace and security. The Institutional weaknesses of the Police must be addressed to strengthen their capacity to combat crime. Collaboration between security agencies and the police should be limited to the extent that it discourages usurping of functions and powers of the police.
- Illegal detentions of suspects at police stations, military barracks and / or in ungazetted places must be checked by measures ranging from facilitating the

police and strict compliance with the law. Suspects must be detained in places authorised by law, where details about them must be kept.

9.0 Karamoja Disarmament

The Commission supported the governments disarmament program in Karamoja. It campaigned for the removal of illegal guns without violating human rights. In all its previous annual reports the Commission has highlighted the need for lasting solutions to the strife in Karamoja. It has also made regular recommendations on Karamoja to Parliament in its previous reports. These recommendations pertained to the need for short and long term measures.

During the time of disarmament what came out clear is that more guns were collected during the short period of voluntary disarmament, and the Commission contributed greatly to the Karamojong handing over of guns both during the voluntary and forceful disarmament. During the forceful disarmament however, the rate of gun recovery slowed down. As we talk now the process has almost halted, instead there are bad news of rearmament. A number of reasons have contributed to the difficulties in the programme especially that Government did not honor its part of the bargain such as provision of security to the Karamojong and provision of law and order. The Commission therefore recommends that:

- The Government should not only adopt measures of protection but also put in place positive measures to ensure the micro security needs of all persons and their property in Karamoja. This will be a substantial confidence-building measure that might be able to neutralize the gun-wielding warriors and even make them unpopular.
- The government should also conduct regular consultations with the local people while carrying out its programmes: it should not rely solely on military intelligence to deal with problems on the ground.
- The return to law and order in Karamoja is essential. This can be done through the re-establishment of all the arms of government at lower levels. Key is the strengthening of the courts and the police.
- The government supported by donors should provide the badly needed capital and play a more active role in brokering peace between the Karamojong clans and between the Karamojong and their neighbours in the surrounding districts;
- Government should build and broaden livelihood capacity and resource base of the Karamojong to reduce the heavy reliance on cattle or tailor its programmes taking into account the pastoralists needs of the Karamojong;
- Exposure of the Karamoja region to the rest of Uganda will provide an avenue to improve attitudes. It will also help to shift from reliance on the gun to other

productive activities. One way to do this is by affirmative action within Karamoja's education system. The socio-economic problems of Karamoja require special attention by the government. Stop gap measures are necessary but will never be a substitute for a comprehensive programme that tackles the root causes of the situation in Karamoja.

10.0 Social Security and Pensions

Social security is not a legally recognized right in Uganda. Indeed there is often confusion that the funds managed by the National Social Security Fund (NSSF) constitute social security. In human rights law, social security is interpreted in much broader terms than just only pension fund. Social security becomes meaningful when means are in place to ensure that every citizen or resident, in work or out of work has access to basic requirements of life. The International Covenant on Economic, Social and Cultural Rights, (a convention to which Uganda is State Party) places obligation on states to put in place measures for the progressive realization of the right to social security. In this regard the Commission recommends that:

- (i) Government and Parliament should initiate a process towards a social security system by identifying in priority areas of individual need that require social security assistance. This is a government obligation under the International Covenant on Economic, Social and Cultural Rights and can be progressively implemented. In the Commission's view, the priority areas would be needy orphans, persons with disability who require assistance, health insurance, and the aged who require care. The social security system should not only be available to those in formal employment as is now the case.
- (ii) Government should re-examine the current management of the existing pension schemes that has left many beneficiaries disgruntled and have their rights violated. The issues to consider are: the adequacy of pension benefits at the time of payment and accessibility procedures. A system should be worked out to clear arrears and to ensure that payments are prompt and regular as required by the constitution.
- (iii) The National Social Security Fund should institute a system that guarantees beneficiaries compensation for loss in the value of money at the time of payment. The amount paid to beneficiaries should not be just the amount contributed by them but should also take into account the cost of living at the time the benefits are paid. Only then will the amounts contributed and paid to beneficiaries amount to social security in its true sense.

11.0 Xenophobia and Intolerance:

The year 2002 saw ethnic tensions escalate in parts of Teso and Kibaale regions. The under lying issues in the Kibaale case stemmed from a highly volatile electoral process

involving the election of the LC V Chairperson which saw the chair being won by a Mukiga, from an ethnic group considered immigrants (foreigners) in a largely Banyoro area. Apparently the Banyoro feel the immigrant Bakiga are taking over their area and should be condemned. Much of the xenophobic feeling was exacerbated by politicians who made outrageous claims to gain cheap popularity.

In 2002 in Teso and Kibaaale districts, xenophobia and intolerance almost reached the extent of ethnic cleansing. What was clear was that some local politicians and the leaders were spearheading and inflaming hatred in complete disregard to the rule of law.

On 9th April 2002 for example, the mid western Regional Police Commander SSP Haji Balimwonyo MM, reported to the inspector General of Police that politicians from Kibaale district were the ones fueling the conflict and hatred. He wrote that politicians *".... have been on the forefront though they do not want to be seen as being behind it"*.

The problem started in Kibaale between the Banyoro and Bakiga and later spread to Teso between the Iteso and the *Bararo /Bahima/ Banyarwanda* pastoralists/ nomads/ herdsman. There was negative speech on radios and newspapers. People in Kibale for example lost their lives and property because of this hatred and hate speech. While property was destroyed there was not enough evidence that the police arrested the culprits. There was visible government intervention in the resolution of conflicts but this does not easily repair the damage that would have taken place in the first instance. It is therefore recommended that:

1. It is incumbent upon politicians, even more than anybody else, to preach peaceful co existence and the rule of law. It is therefore recommended that political leaders desist from inflaming conflicts in their respective areas and in the country in general. They should resort to the law and the Constitution to resolve problems in their respective jurisdictions.
2. Government should implement all the recommendations by the Commissions of inquiry set up to address such problems. In the case of Kibaale, for example, the government needs to respond to the recommendation by the Kiyonga Committee that it address the *historical injustices meted out on Banyoro in respect of land ownership*. If this is not done, the country is addressing symptoms rather than causes.

12.0 Freedom from Torture: A Violation that Persists:

The practice of torture still remains real in many places of incarceration. It has been taking place in prisons, in police cells and in illegal detentions places. We note that there has been reduction in torture and commend the police for the effort exhibited but the fact that it still happens is testimony that the crusade against torture is needed.

The greater concern is that most torture goes unpunished because victims never report. In cases where compensation has been given it is more often than not that it is government paying.

1. There is a need for strict disciplinary measures against persons who torture others. Those public officials who are held responsible for inflicting torture should be taken to court and prosecuted. They should also be demoted or dismissed. The current practice is to merely transfer the perpetrator to other stations where often they continue to inflict violence.
2. Local administration prisons where torture is most rampant need overhauling. They should be manned by professional cadres who are well trained in handling inmates. At present, it often appears that these prisons are manned by people who are learning on the job.
3. The military should be trained in handling suspects who may have committed crimes. The military needs knowledge about how to extract information without resort to illegal treatment of suspects.

13.0 The Political Parties and Organization's Act 2002 and the Freedom of Association

The report discusses the freedom of association in Uganda on account of the continuous debate of the subject in the context of the limitations on activities of political parties by the Constitution and the Political Parties and Political Organizations Act. Without entering into the political arena, the report discusses the meaning of freedom of association as understood in international human rights law and points out Uganda's obligation to abide by international human rights law to which it is a party. In the view of the Commission, these discussions should be of interest and relevant to the Constitution Review Commission and to the members of the parliament who will ultimately be called upon to decide on the matter.

The report notes that in terms of Uganda's obligation under international law regarding the freedom of association, the country legally meets a number of obligations; for example the constitution guarantees freedom of association, including freedom to form political parties. It also provides specifically that Uganda shall not be a one party state. However there are restrictions imposed by the law and probably with popular support which do not conform with the nature of the restrictions on freedom of association allowed by the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples Rights. Both instruments are binding on Uganda.

According to the two instruments restrictions on the freedom of association should only be for the purpose of "*...public safety, public order, the protection of public health or morals or the protection of rights and freedoms of others...*" As expressed in the Constitution and implemented by the Political Parties and Political Organizations Act, the restrictions that are currently imposed on Political Parties are primarily for the purpose of

enabling the chosen political system operate without undue interference. In the process political parties have been prohibited from carrying out activities, which are essential for the enjoyment of the freedom of association. The Commission therefore, believes that the way forward should be through continued debate and compromise that allows for meaningful practice of the freedom of association as understood in International Human Rights Law. Details of the opinion are to be found in the report.