



## **In Hope and Fear: Uganda's Presidential and Parliamentary Polls**

Overview.....	2
Recommendations.....	4
Background.....	6
Recent Elections and the 2005 Referendum .....	6
Institutional and Legal Context .....	7
Militaryization of Public Office .....	8
Intimidation and Violence by Government and the Ruling Party.....	9
The Besigye Prosecutions .....	9
Other Apparently Politically Motivated Prosecutions .....	12
Violence and Intimidation against Opposition Supporters .....	14
Intimidation and Violence against Independent Candidates .....	16
Army Code of Conduct Violated .....	17
Inequality of Campaigning Opportunities .....	18
Imbalance in Campaign Resources, and NRM-O Misuse of State Resources..	18
Restrictions on the Right to Free Expression .....	19
The Performance of the Electoral Commission .....	22
Not Enough Time to Prepare.....	23
Voter Registers Not Displayed.....	23
Voter Verification Software and Voter Card Problems .....	24
Insufficient Election Constables.....	25
Problems of Voting in the Northern War-Zone .....	26
LRA Intimidation .....	26
UPDF Intimidation and Control.....	26
Access to Polling Stations .....	27
Conclusion .....	27

## Overview

On February 23, 2006, the Ugandan people will elect a president and members of parliament. Local council elections will be held on February 28 and March 6 and 9. These elections are the first since Ugandans voted for the return to a multiparty system in the referendum of July 28, 2005. As the presidential and parliamentary election day nears, the playing field for the candidates and their parties is not level. The conditions for a free and fair election have not been met. Ugandans are gripped alternately by excitement with multiparty elections and fear that the government is not committed to upholding fundamental human rights.

The Ugandan constitution charges the Ugandan Electoral Commission with “ensuring regular, free and fair elections.” The principles of a free and fair election are derived from the fundamental human rights protected by the Constitution and international and African human rights conventions, as well as by the procedural provisions of the Presidential Elections and Parliamentary Elections Acts of 2005. Further, the Southern African Development Community (SADC), to which Uganda has applied for membership, has issued Principles and Guidelines Governing Democratic Elections, which include full participation of citizens in the political process, freedom of association, political tolerance, equal opportunity for all political parties to access the state media, independence of the judiciary, independence of the media, impartiality of the electoral institutions, and voter education.<sup>1</sup>

In the campaign so far only two of these principles have fully been met: the judiciary and the Electoral Commission have maintained their independence and impartiality. But in all other areas, the electoral process in Uganda is lacking.

There is considerable uncertainty in Uganda as to whether incumbent President Yoweri Museveni and his ruling party, the National Resistance Movement Organisation (NRM-O), will respect the will of the people. He hinted during an address to a January 8 rally in the Kasese district, which was widely reported, that a vote against him might not be respected, saying, “You don't just tell the freedom fighter to go like you are chasing a chicken thief out of the house.”<sup>2</sup>

He also reportedly appeared to suggest, at a rally in Entebbe on January 14, that only the NRM-O government could control the army: “All the past governments collapsed because they failed to control the army. . . . [W]e have managed to tame it.”<sup>3</sup> Claims that the current government has “tamed” the military, when many active military officers have been appointed to senior civilian positions and the army routinely commits unlawful arrests, torture and other serious abuses, can only intimidate opposition

---

<sup>1</sup> SADC Principles and Guidelines Governing Democratic Elections, adopted by the SADC Summit, Mauritius, August 2004, [online] [http://www.sadc.int/english/documents/political\\_affairs/index.php](http://www.sadc.int/english/documents/political_affairs/index.php).

<sup>2</sup> Richard Mutumba and Solomon Muyita, “I will not go easily, says President Museveni,” *Monitor*, January 9, 2006, [online] <http://www.afrika.no/Detailed/11209.html>; Timothy Murunga, “Museveni Intimidating Voters to Remain In Power”, *East African Standard*, January 15, 2006, [online] <http://allafrica.com/stories/200601160570.html>.

<sup>3</sup> Grace Matsiko and Rogers Mulindwa, “Only Mvmt Can Control The Army – Museveni,” *Monitor*, January 16, 2006, [online] <http://allafrica.com/stories/200601160315.html>.

supporters.

The government is selectively interpreting and applying the laws of sedition, libel, and incitement to violence to harass opposition candidates and disrupt their campaigning. Police are summoning opposition politicians and requiring them to report to police stations on a regular basis. Other opposition politicians are being tried on apparently politically motivated charges, sometimes in inappropriate tribunals, while yet others have been detained illegally.

The Forum for Democratic Change (FDC) party is the leading challenger to the NRM-O. The most prominent of the apparently politically motivated criminal cases are against three senior FDC members: the main opposition presidential candidate, Dr. Kizza Besigye, who has been charged with treason, terrorism and rape, and his wife Winnie Byanyima and FDC treasurer Jack Sabiiti, charged with criminal libel. All are currently on trial, and their election campaigning is impeded while they attend court hearings in Kampala.

By its own admission, the Electoral Commission is inadequately prepared. Voters have complained of inaccuracies and deficiencies in the voter register, missing voter cards and poor voter education. The Electoral Commission told Human Rights Watch that it does not yet have sufficient police to guard polling stations and is in the middle of a crash recruitment campaign. To boost numbers it is even training members of a pro-government militia known as the Arrow Boys as “special constables” to assist with the elections. Aside from the fact that the Arrow Boys have previously been accused of abusive behavior towards civilians, this is a serious conflict of interest as the Arrow Boys are commanded by a candidate for office, the State Minister for Health, Mike Mukula, member of parliament.

State and private media do not accord equal coverage to all parties, despite statutory and constitutional obligations to do so. Freedom of the press is also under threat from new restrictions on foreign journalists and from government attempts to curb the freedom of local journalists through ministerial gagging orders, arrests, and prosecutions.

The “Movement” national political system still dominates Ugandan political institutions. The Movement Act of 1997, which has not been repealed, created a national political structure funded by parliament alongside the state. The NRM-O uses the same facilities and has practically the same personnel as the “Movement” national political system that preceded it. The amended constitution does not dismantle the Movement system or close its offices until after the elections on February 23, and currently these offices are used by the NRM-O. Thus, the ruling party enjoys privileged access to state resources for partisan purposes.

In the districts visited by Human Rights Watch, reports of intimidation and violence against the opposition are rife. The police Electoral Offences Squad is investigating cases of intimidation and assault in twenty-two (of sixty nine) districts.

This report focuses on human rights violations by the government and the ruling party,

which have broad obligations under international human rights law. The majority of allegations about election-related violence and intimidation heard by Human Rights Watch were leveled against the ruling party and state officials. However, opposition supporters have also caused problems. Therefore, the opposition political parties must do their part to restrain their supporters and to promote a peaceful campaign. Opposition parties should denounce violence whenever it occurs and call on their members to act with restraint, and to make complaints through the appropriate channels.

Research was carried out for this report during three weeks in January 2006. Human Rights Watch researchers visited districts in the north, south, east and west of Uganda—Kampala, Mbarara, Rukungiri, Kanungu, Ntungamo, Soroti, Gulu, Adjumani, and Nebbi, and interviewed some 110 persons, including candidates from the ruling and opposition parties, diplomats, Uganda Peoples' Defence Force (UPDF, Uganda's army) soldiers, prison officers, police, Election Commission officials, international and local nongovernment organization (NGO) representatives, journalists, and many ordinary voters.

## **Recommendations**

### ***To the Ugandan Government***

- Clearly and publicly commit to abide by the election results;
- Publicly and promptly condemn any violence and intimidation by NRM-O party supporters and call on party members and supporters to act in accordance with the law;
- Respect the right of independent candidates to stand for election, and their right to do so without intimidation or interference;
- Respect the freedom of the press and withdraw charges against journalists;
- Respect and enforce the Presidential Elections Act and the Parliamentary Elections Act of 2005 and the minimum broadcasting standards in the Electronic Media Act of 1996 regarding equal access to the media for all political parties;
- Respect and enforce the Parliamentary Elections Act and the Presidential Elections Act of 2005 regarding use of government resources for campaigning;
- Suspend all resettlement of internally displaced persons until after the elections;
- Ensure sufficient police or other mandated personnel are available to provide adequate security at polling stations, and that mandated personnel are appropriate for the purpose;
- Ensure the army remains impartial and takes no part in campaigning or supervising the electoral process, except to provide general security in combat areas; and
- Respect the ruling of the Constitutional Court of January 31, 2006 (Petition no.18 of 2005) and return to civilian jurisdiction all those wrongly charged in military courts, including the twenty-two individuals charged with terrorism

along with Dr. Besigye.

***To the Opposition Parties***

- Publicly and promptly condemn any violence by party supporters and call on party members and supporters to act in accordance with the law;
- Report all cases of intimidation, violence or other electoral malpractice to the police and the Electoral Commission as appropriate; and
- Report all human rights violations to the Uganda Human Rights Commission.

***To the Electoral Commission***

- Promptly, impartially and thoroughly investigate all election-related offences;
- Verify the entire voter register using photographic identification software, not just “hot spots”; and
- Investigate credible allegations of false registration and inflation of the voter register, particularly in districts where controversies have arisen, such as the districts of Ntungamo and Hoima.

***To the Governments of the European Union, Norway and the United States***

- Impress upon the Ugandan government the importance of ensuring free and fair elections and election campaigns at all levels of government; and
- Urge the Ugandan government to respect the ruling of the Constitutional Court of January 31, 2006 and to return to civilian jurisdiction all those wrongly charged in military courts, including the 22 individuals charged with treason along with Dr. Besigye.

***To International and Local Election Observers***

- Take into account the entire election process when assessing the elections, including the following issues: pre-election human rights abuses, intimidation, media bias, and misuse of government resources; and
- Be alert to the potential vulnerabilities of the election process caused by inadequate policing and an inaccurate voter register.

***To the Lord's Resistance Army***

- Respect the right of Ugandans to exercise their democratic rights, free from intimidation and other unlawful interference.

## Background

### ***Recent Elections and the 2005 Referendum***

The government of President Yoweri Museveni came to power in 1986 through force of arms after a disputed election. During the twenty years of the “Movement” political system he pioneered, the National Resistance Movement, now a political party (the NRM-O), has held power while denying other political parties the right to operate.<sup>4</sup> Museveni and the National Resistance Movement have long stated that Uganda’s unfortunate history of civil conflict is a result of “sectarian” and “confusing” multiparty political systems.<sup>5</sup>

Two previous presidential elections have been held under the Movement system, in 1996 and 2001. Both were marred by violence, the latter one seriously so. The two main contenders in 2001, as in 2006, were the incumbent Museveni and his former personal physician and fellow insurgent, Dr. (Ret. Col.) Kiiza Besigye.

Dr. Besigye challenged the results of the 2001 election in the Supreme Court, which upheld President Museveni’s re-election. It ruled by a vote of 3 to 2, that there had been substantial electoral malpractice, but also ruled 3 to 2 that the intimidation, ballot stuffing, and “cheating in a significant number of polling stations” was insufficient to affect the result of the elections “in a substantial manner.”<sup>6</sup>

A Select Committee on Election Violence was established by Parliament to investigate violence and intimidation during the 2001 presidential election.<sup>7</sup> Its September 2002 report, never tabled in Parliament, documented violence, intimidation, and vote rigging primarily by the government.

Since 2001, Uganda has undergone a political reorganization in reaction to a combination of internal civic pressure and external pressure from donors and the World Bank. While the 2001 election was conducted under the “Movement” system without political party participation, in 2005 the NRM-O government announced a referendum which included a proposal on a return to multiparty democracy (an earlier referendum in 2000 having endorsed the Movement political system). The 2005 referendum, in which the Movement campaigned for a “yes” vote on a multiparty system, saw that vote prevail, and political parties were thus free to officially participate in the 2006 elections.

The opposition boycotted the 2005 referendum, however. They were protesting that alongside the vote on a multiparty system, the same referendum included a vote to

---

<sup>4</sup> For more information on Uganda’s “no-party” political system and the suppression of political freedoms see Human Rights Watch, *Hostile to Democracy: The Movement System and Political Repression in Uganda*, (New York: Human Rights Watch, September 1999), [online] <http://hrw.org/reports/1999/uganda/>; and Sabiti Makara et al., *Voting for Democracy in Uganda*, (Kampala: LDC Publishers, 2003).

<sup>5</sup> Sabiti Makara et al, *Voting for Democracy in Uganda*, p.2.

<sup>6</sup> Dr. Kizza Besigye vs. Yoweri Museveni and Electoral Commission, Petition No.1 of 2001, Supreme Court of Uganda, April 21, 2001.

<sup>7</sup> Parliamentary Select Committee Report on Election Violence, Parliament of Uganda, Kampala, September 2002.

amend the Constitution to lift the two-term limitation on the office of president—and that only the Parliament could officially repeal the ban on political parties in the Constitution. The Constitutional Court ruled though, that since the 2000 referendum had endorsed the Movement system, another referendum was valid. According to the Ugandan Democracy Monitoring Group (DEM Group), the turnout for the referendum was “very low” and the “referendum campaigns fell short of a fair contest.”<sup>8</sup>

### ***Institutional and Legal Context***

The legal framework for the switch to multipartyism for the 2006 elections was presented to Parliament by the Attorney General very late in the day, and legislation was passed in a rush. The Parliamentary Elections Act, the Presidential Elections Act, the Electoral Commission Act and the Political Parties and Organisations Act of 2005 were finally gazetted on November 21, 2005.<sup>9</sup> This late passage of the legislation created a very tight timetable for campaigns and for the Electoral Commission to get its house in order before voting day, which it set as February 23, 2006. It provided only three months for the first multiparty electoral campaigns in more than two decades.<sup>10</sup> Voter education and the recruitment of extra policeman for polling day are still incomplete as of the writing of this report.

The government described the “Movement” or “no-party” ideology as a political “system” in which all Ugandans had membership; members of local and national government were chosen on merit from within the Movement. In fact the Movement worked more like a traditional one-party state where all other parties were banned. Indeed, the Constitutional Court ruled on a 2002 petition that the Movement is in fact a political party.<sup>11</sup>

The one-party state technically still exists. The amended Constitution does not provide for the dismantling of the Movement system or the closing of its offices until after the elections on February 23.<sup>12</sup> According to a 1997 law that is still in effect, the Movement organization should be funded by “monies as may be from time to time appropriated by

---

<sup>8</sup> “Statement on the Monitoring of the Referendum on Change of Political Systems In Uganda,” *DEM Group Press Release*, July 30, 2005.

<sup>9</sup> The Parliamentary Elections Act 2005 is almost identical to the Presidential Elections Act 2005: Section 23 provides for equal treatment, freedom of expression and access to information of candidates, and states in point 1 that “During the campaign period, every public officer and public authority and public institution shall, give equal treatment to all candidates and their agents.” Section 24, on the Rights of Candidates, states in point 1 that “All presidential candidates shall be given equal treatment on the state owned media to present their programmes to the people.” Section 26 prohibits “interference with electioneering activities of other persons”; and Section 27, on use of Government Resources, states that “no candidate shall use Government resources for the purposes of campaigning for election.”

<sup>10</sup> The legislation was gazetted after the voter registration period had closed, on October 31.

<sup>11</sup> P. K. Ssemogerere and five others vs. Attorney General, Petition No 5 of 2002

<sup>12</sup> For a full description of the Movement system, see Human Rights Watch, *Hostile to Democracy: The Movement System and Political Repression in Uganda*. See also the concerns expressed in a recent report, Chr. Michelson Institute and Makerere University, “The Legal and Institutional Context of the 2006 Elections in Uganda, Research Report: Lessons from the referendum for the 2006 elections,” p. 15, [online] <http://www.makerere.ac.ug/socialsciences/Uganda%202006%20elections/documents/referendum-report-2005.pdf>.

Parliament.”<sup>13</sup> The National Resistance Movement Organisation (NRM-O) still occupies Movement offices and draws government funds. The effects of NRM-O use of state resources for campaigning are discussed below.

The Presidential Elections Act of 2005 provides that the election of the president can only be annulled for:

non-compliance with the provisions of this Act, if the court is satisfied that the election was not conducted in accordance with the principles laid down in those provisions and that non-compliance affected the result of the election in a substantial manner.<sup>14</sup>

There can nonetheless be considerable vote rigging or other serious malfeasance that does not meet this standard of substantially affecting the election results.<sup>15</sup>

The police have formed an Electoral Offences Squad intended to investigate allegations of violence (including threatening or inciting violence), defacing posters, malicious damage, rigging, bribery and forgery, among others. According to the Electoral Offences Squad Summary published on January 30, 2006, the NRM-O had 135 complaints made against it, the Forum for Democratic Change 65 complaints, the Democratic Party (DP) eight, and there were seventy general cases.<sup>16</sup>

### ***Militarization of Public Office***

The 2006 elections are taking place in the context of increasing militarization of public office in Uganda. High-ranking UPDF officers (or recent former officers) have been appointed to many civilian positions in the last several months. The present and former Inspector General of Police (IGP) are both active duty military men: current post-holder Kale Kayihura was an army general leading the now internationally-discredited UPDF campaign in the Democratic Republic of Congo. Col. Noble Mayombo, for many years the vigorous head of military intelligence (the Chieftancy of Military Intelligence, CMI), is now both permanent secretary in the Ministry of Defence and Chairman of the Board of the *New Vision* newspaper. The high-profile role played by the military in Ugandan society is highlighted by the recent appointment of Gen. Elly Tumwiine (head of the General Court Martial—see below) as manager of the national soccer team.<sup>17</sup>

The history of the army’s role, especially in the northern region, compromises its ability

---

<sup>13</sup> Movement Act 1997, Section 32 (1). Under the Movement Act, state and Movement structures were effectively fused by creating an identical “Movement” pyramid structure that precisely mirrored local government structures. Many offices in both structures were held by the same people.

<sup>14</sup> Parliamentary Elections Act 2005, Section 59 (6).

<sup>15</sup> One member of the Supreme Court said in the 2001 elections ruling, “There must be evidence adduced by the petitioner to prove that because of non-compliance with the principle of free and fair election, [President Museveni] unfairly obtained so many votes, which the petitioner would have got; and that because of lack of transparency, [President Museveni] unfairly got so many votes, which he ought not to have got.” Justice of the Supreme Court Alfred N. Karakora, in Supreme Court Judgment, Petition No.1 of 2001.

<sup>16</sup> “Summary of Election Offences Reported and Being Handled by Electoral Offences Squad Country Wide,” *CID*, Kampala, January 30, 2006.

<sup>17</sup> Mandazi Brother, “Elly Tumwiine to Manage Cranes,” *Sunday Monitor*, January 29, 2006.



to be seen as honest brokers by the population. The culture of impunity within the army and the continuing activities of the CMI military intelligence in detaining suspects without charges in “safe houses” or unofficial and illegal places of detention, and sometimes torturing them, has been the subject of several reports by human rights organizations, including Human Rights Watch.<sup>18</sup> Various interventions by the military into events and activities related to the election are noted below.

### **Intimidation and Violence by Government and the Ruling Party**

As noted above, the Electoral Offences Squad is investigating cases against the ruling party and the opposition. Allegations against the opposition, in particular the Forum for Democratic Change, range from forging academic papers to incitement to violence and assault. However, the majority of allegations are against the NRM-O ruling party and state organs. Investigations by Human Rights Watch discovered other cases as yet not reported to the police, together with gross infractions against the opposition that are beyond the remit of the Electoral Offences Squad. While the work of the Electoral Offences Squad has been commendable, several of the cases on its books raise serious questions about the impartiality of the Director of Public Prosecutions (DPP), the army and the police.

#### ***The Besigye Prosecutions***

The most notorious attempt by the government to intimidate the political opposition during the campaign has been the criminal charges brought against the FDC opposition presidential candidate, Dr. Kizza Besigye, in both civil and military courts. The power of the state so brought to bear against the leading opponent to the incumbent president resulted in diverting the attention, resources and time of the opposition from the campaign.

As noted above, Dr. Besigye was the defeated candidate in the 2001 election. After failing to get the results of the 2001 election overturned in the Supreme Court and experiencing police harassment, Dr. Besigye went into exile in South Africa. The Movement government alleged that while in exile he worked to set up a paramilitary group, the People's Redemption Army, in the Democratic Republic of the Congo, with the support of the Rwandan government.

Dr. Besigye returned to Uganda on October 26, 2005. Within barely a fortnight, on November 12, he was arrested and charged, with others, with treason relating to his alleged activities in exile, and with rape. He was confined to Luzira Prison in Kampala. His arrest sparked international and national condemnation and provoked protests (including some vandalism) on the streets of Kampala when he appeared in court on November 14. On that day, security forces used excessive force to disperse protestors, resulting in the death of one opposition supporter and injuries to many others.

On November 22, Internal Affairs Minister Dr. Ruhakana Rugunda announced a ban on

---

<sup>18</sup> See Human Rights Watch, “Uprooted and Forgotten: Impunity and Human Rights Abuses in Northern Uganda,” *A Human Rights Watch Report*, vol. 17, no. 12(A), September 2005.

all public rallies, demonstrations, assemblies or seminars related to the trial of Dr. Besigye. The following day Information Minister Dr. James Nsaba Buturo banned talk shows and media debates on Besigye's case, claiming that they might prejudice the trial.

When it appeared that Besigye and his twenty-two co-defendants in the treason case might be released on bail by the civilian court, the UPDF prosecutor, in an apparent attempt to prevent Besigye's candidacy, brought terrorism charges against him (and his twenty-two co-defendants in the treason trial) on November 24 in the General Court Martial (GCM).<sup>19</sup> These accusations appeared intended at a minimum to keep Dr. Besigye confined for the duration of the campaign.

On November 25 the High Court held a bail hearing for Besigye and fourteen of his twenty-two co-defendants. A group of heavily armed men called the Black Mambas Urban Hit Squad (officially described later as part of the army's anti-terrorism unit, but reportedly later seen at court in police uniforms) was deployed at the High Court ostensibly ready to detain the defendants as soon as they were free on bail. The defendants, who had been granted bail, decided to remain in Luzira Prison (instead of risking detention by the UPDF). The show of force by the UPDF and other uniformed services prompted condemnation by the Chief Justice and by High Court Judge James Ogoola, who described the incident as "a despicable act" and a "rape of the judiciary."<sup>20</sup> The Constitutional Court ruled on January 31, 2006, that army intimidation of the High Court was "illegal."<sup>21</sup>

In the meantime, on November 26, the High Court ordered a stay of proceedings in the court martial pending the review of the court martial's jurisdiction by the Constitutional Court, where the Ugandan Law Society had brought a public interest petition seeking to strike down jurisdiction of the court martial over civilians in terrorism cases.

In reaction to these events and to dissatisfaction with government actions, several international donors cut aid to the Government of Uganda. On December 20 the United Kingdom diverted £15 million (U.S.\$26 million) from direct budget support to the government and reallocated it to the United Nations (U.N.) for its humanitarian operations in northern Uganda.<sup>22</sup> Other donors including Sweden, Norway, Ireland, and the Netherlands made similar moves.

On January 2, 2006, however, the High Court ruled that the stay of proceedings in the court martial was valid, and freed Besigye on bail. In the ruling Judge John Bosco Katusi said, "The applicant has been under illegal detention. He should enjoy his bail as granted by the High Court."<sup>23</sup> Although his co-defendants were also granted bail, they were not

---

<sup>19</sup> General Court Martial, case no. UPDF/GMC/075/05 on 24<sup>th</sup> November 2005 with Terrorism c/s 7(1), (b) and (2)(j) of the Anti-terrorism Act 14 of 2002 and Unlawful Possession of Firearms c/s 3(1), (2)(a) and (b) of the Firearms Act Cap. 299.

<sup>20</sup> Will Ross, "Museveni: Uganda's Fallen Angel," *BBC News Online*, November 30, 2005, [online] <http://news.bbc.co.uk/1/hi/world/africa/4482456.stm>.

<sup>21</sup> Constitutional Court Judgment, Petition No.18 of 2005.

<sup>22</sup> U.K. Department for International Development (DFID), *Press Release*, December 20, 2005.

<sup>23</sup> *BBC Online*, 'Museveni Election Rival Released, 2.1.06, available at: <http://news.bbc.co.uk/1/hi/world/africa/4574692.stm>

freed on bail until early February.

The government also tried to prevent Besigye from receiving the FDC presidential nomination. In respect of Besigye's prospective presidential candidacy, the Attorney General wrote to the Electoral Commission on December 7 that Besigye's candidacy was "tainted with illegalities."<sup>24</sup> Nonetheless, the Electoral Commission cleared Besigye for nomination on December 12, and two days later he was nominated by the FDC as its presidential candidate.

With Besigye free on bail the trial on the rape charge proceeded, and he appeared in court starting on January 4, 2006. While the judge is yet to issue a ruling, the assessors on February 1 advised the court to dismiss the rape charges against Dr. Besigye.<sup>25</sup> Observers noted a lack of credible prosecution witnesses and inconsistencies in the police account.

The entire proceedings against Besigye severely impinged on the ability of the opposition to conduct its campaign on anything like a level playing field. In a six-week flurry of activity, legal charges, counter-charges, appeals, and dramatic court decisions were extensively reported. Besigye has spent almost as many days in court as on the campaign trail.

*Judicial independence as demonstrated by the Besigye case*

The High Court (which is Uganda's equivalent of a trial court for serious crimes) has been widely applauded in the media and in diplomatic circles for its independence in the midst of many controversial trials. It allowed Dr. Besigye to be nominated, and freed him on bail to campaign.<sup>26</sup>

The Ugandan Law Society brought a legal challenge to the General Court Martial terrorism proceedings against Besigye in the Constitutional Court,<sup>27</sup> which on January 31, 2006, held that the General Court Martial could not hear and did not have jurisdiction over terrorism cases against civilians, and that Besigye and his co-defendants could not face trial in the Court Martial and the High Court simultaneously. The court said that the attempt by the army to try Besigye and twenty-two others in the Court Martial was both "illegal and unconstitutional."<sup>28</sup>

The Constitutional Court nevertheless ruled that the GCM could have jurisdiction over

---

<sup>24</sup> Attorney General's Letter to Electoral Commission, December 7, 2005, on file at Electoral Commission.

<sup>25</sup> Juliet Kasendwa, assessor, said, "I am very much convinced that the present accused retired Colonel Dr. Kiiza Besigye is innocent of the charges of rape," and Frederick Lubowa, assessor, said, "I am advising this honourable court to acquit him," quoted in Monitor team, "Besigye wins round one," *Daily Monitor*, February 2, 2006.

<sup>26</sup> Opinion of the High Court, Justice John Bosco Katusi, January 2, 2006.

<sup>27</sup> In another demonstration of condemnation of the intimidation of the High Court by the presence of the Black Mambas and other Uganda Peoples' Defence Force (UPDF, the Ugandan army) and security forces, on November 28 the Ugandan Law Society went on strike for a day.

<sup>28</sup> The majority ruling said, "The GCM was established by Act of Parliament as a disciplinary organ to deal with the Uganda Peoples Defence Forces but not civilians who have committed the offence of terrorism," quoted in Monitor team, "Besigye army trial illegal, court rules." *Daily Monitor*, February 1, 2006.

civilians where they “aid and abet persons subject to military law to commit a crime.”<sup>29</sup> Moreover, the Constitutional Court held by 3 to 2 that the GCM has powers equal to those of the High Court. Justice Laetitia Mukasa Kikonyongo, chair of the Constitutional Court, said in her ruling that the earlier Constitutional Court ruling, *Joseph Tumushabe v. Attorney General*,<sup>30</sup> upholding the supremacy of the High Court, “was wrongly decided. . . . The General Court Martial is equivalent to the High Court in parallel systems.” The court agreed 3 to 2 with the public argument of the GCM’s president.<sup>31</sup>

The portion of the ruling relating to GCM jurisdiction over civilians is disturbing insofar as it undermines fundamental constitutional rights to a fair hearing for civilians charged with a criminal offense, and puts a powerful repressive weapon in the hands of the Ugandan army. The practice of trying civilians before military tribunals raises numerous fair trial issues under international law. The U.N. Human Rights Committee—the body authorized to interpret and monitor compliance with the International Covenant on Civil and Political Rights (ICCPR)—has stated in a General Comment that military courts prosecuting civilians can “present serious problems as far as the equitable, impartial and independent administration of justice is concerned.” The Committee concluded that the trial of civilians by military courts should be very exceptional and occur only under conditions that genuinely afford full due process.<sup>32</sup>

Shortly after and apparently emboldened by the ruling, Gen. David Tinnyefunza, coordinator of security services and presidential adviser, told a radio show on February 2 that the army would not accept “this business of being ordered by [judges].”<sup>33</sup> A political environment where the army sets itself above the law, whether in respect to the civilian population or members of the military, seriously jeopardizes the possibility of free and fair elections.

### ***Other Apparently Politically Motivated Prosecutions***

The arrests of two FDC members of parliament, Ronald Reagan Okumu (co-chair of the Forum for Democratic Change) and Michael Ocula, on murder charges together with Stephen Olanya Otim, a locally elected official from Gulu, in April 2005, foreshadowed the later use of criminal charges against Dr. Besigye.<sup>34</sup> The two MPs were acquitted, but not until after Besigye’s arrest and release on bail.<sup>35</sup>

---

<sup>29</sup> Constitutional Court Petition No. 18 of 2005, *Uganda Law Society v. Attorney General*.

<sup>30</sup> Constitutional Court Petition No.6 of 2003

<sup>31</sup> On January 17, General Elly Tumwiine, a non-lawyer who is head of the General Court Martial, declared that his court was not subject to the High Court and could try civilians for terrorism: “The Court martial is not subject to the High Court, I repeat, the Court Martial is not subject to the High Court.” Solomon Muyita and Siraje K. Lubwama, “Court Martial Defies High Court,” *Daily Monitor*, January 18, 2006; see also “Uganda: Military must bow to civilian courts,” *Human Rights Watch Press Release*, January 19, 2006, [online] <http://hrw.org/doc/?t=africa&c=uganda>.

<sup>32</sup> Human Rights Committee, General Comment 13, Article 14 (Twenty-first session, 1984), *Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies*, U.N. Doc. HRI/GEN/1/Rev.1 at 14 (1994), para. 4.

<sup>33</sup> KFM Radio (Kampala), *Andrew Mwenda Live*, February 2, 2006.

<sup>34</sup> According to Okumu, the state took a keen interest in the trial: half the courtroom was always full of military officers and the legal adviser to the President, Mr. Fox Odoi, often accompanied the witnesses to the trial. Human Rights Watch interview with Reagan Okumu MP, Kampala, January 16, 2006.

<sup>35</sup> Solomon Muyita and Lydia Mukisa, “MPs acquitted of murder, Besigye demands probe,” *Daily Monitor*, January 10, 2005.

The suspects were remanded in Luzira Prison for two weeks before being released on bail. Thereafter, until their acquittal, the two members of parliament and the local councilor were required to report twice a month to the police that, according to Okumu, impacted on his work as an MP and on his campaigning.<sup>36</sup>

On January 9, 2006, the High Court hearing the murder case against these elected officials, harshly reprimanded the prosecution, holding, "The evidence tendered by the prosecution shows clearly that it is a crude and amateur attempt at creative work."<sup>37</sup> The presiding judge called into question the credibility and motivation of the state in bringing the case: "I must confess that I am surprised that the lady assessor, on the discreditable evidence adduced by the prosecution, could advise me to find the accused guilty. . . . The prosecution has failed to prove the case." He added that the prosecution witnesses were, "men of shoddy character, self-confessed criminals and outright thugs."<sup>38</sup>

Another example of abuse of the criminal justice system to harass opposition members is the criminal prosecution of Dr. Besigye's wife, Winnie Byanyima, who is campaigning for the FDC, and FDC party treasurer Jack Sabiiti. The police charged them on January 24, 2006, with giving false information and criminal libel after they wrote privately to Chief Justice Benjamin Odoki asking him to investigate allegations of bribery of High Court Judges by Col. Leo Kyanda, the Chief of Military Intelligence. The letter was leaked to the press on December 31, 2005.

On January 17, the day that these two FDC leaders were summoned by the police, President Museveni published an article in the *New Vision* newspaper saying,

the lies and malicious fabrications should not go unpunished. I call upon the relevant authorities to investigate whether or not Byanyima and Sabiiti can not be legally punished for uttering such glaring falsehood, which are, no doubt, aimed at arousing disaffection and ill will against the person of the President and the democratically elected Movement government.<sup>39</sup>

The Judicial Services Commission is the body established in the Constitution to investigate complaints against judges, but as of January 31 it had not received any request to investigate the bribery case from the Chief Justice or anyone else.<sup>40</sup>

#### *Threatened prosecutions*

In an example of police harassment, Democratic Party youth chairman Mwangi Kivumbi was summoned on January 9, 2006, to police headquarters in Kampala to answer charges of sedition concerning remarks he made in Soroti on December 30,

---

<sup>36</sup> Okumu told Human Rights Watch that the acquitted are seeking damages from the state for trumped-up charges.

<sup>37</sup> Muyita and Mukisa.

<sup>38</sup> Hilary Kiirya and Hillary Nsambu, "MPs Okumu, Ocula acquitted, *New Vision*, January 10, 2006.

<sup>39</sup> President Museveni, "How can FDC say I bribed judges?" *New Vision*, January 17, 2006.

<sup>40</sup> Human Rights Watch interview with Patrick Musinguzi, Judicial Services Commission, January 31, 2006.

2005. He had allegedly said that the NRM-O and the president had lied because of the promises they had made and then broken. He was released on bond, but required to report each day to police headquarters in Kampala, a condition that disrupted his election campaigning.<sup>41</sup> Eventually he ignored the order and carried on campaigning, and the police have not summoned him since. The threat of use of the sedition law to punish accusations that politicians have “lied” is shocking.

Ingrid Turinaawe, FDC chairwoman of Rukungiri, was summoned to the police station there to answer charges of sedition concerning remarks she made on the local radio station, Radio Rukungiri. She told the police to produce the evidence, a tape of the show, and they said they would get back to her.<sup>42</sup> As of this writing, they have failed to do so.

### ***Violence and Intimidation against Opposition Supporters***

The Electoral Offences Squad is investigating cases of threats, incitement to violence and assault by members of the NRM-O, or army or state officials against opposition candidates and supporters in Kampala (2 cases), Mubende (1), Nakasongola (1), Rakai (1), Mbarara (1), Kanungu (1), Hoima (6), Kibale (3), Arua (2), Adjumani (1), Nakapiripirit (4), Soroti (4), Kumi (1), Pallisa (2), Mbale (4), Sironko (1), Kapchorwa (2), Tororo (1), Busia (3), Iganga (3), Kitgum (1), and Apac (1).<sup>43</sup>

As noted above, Human Rights Watch visited districts throughout Uganda and recorded reports of intimidation and violence in all but two of the districts visited (Ntungamo and Kanungu, western Uganda). Some of the cases investigated by Human Rights Watch are as follows:

On Saturday 4 February, an FDC official, Mr. Mujasi of Sanga in Nyabushozi, Kiruhura district, was waylaid at night in Rwamubuku village on Saturday and beaten to near death. According to the FDC he was beaten by the local NRM chairman accompanied by several Local Defence Unit (LDU militia). On his way to hospital he was then arrested and charged with attempting to steal a motorbike. When HRW spoke to local FDC officials on February 9<sup>th</sup> he was in a critical condition in police custody.<sup>44</sup>

Several residents of Soroti reported armed men and police guarding NRM-O supporters putting up NRM-O posters and taking down FDC ones at night.<sup>45</sup> Armed men in uniform and yellow T-shirts in a government pick-up truck attempted to arrest Munu Patrick after he objected to his neighbor hanging a poster of Museveni over his doorway. Munu Patrick, FDC mobilizing Secretary in Soroti, told Human Rights Watch, “When you put on an FDC T-Shirt you have committed a crime in Soroti.”<sup>46</sup>

---

<sup>41</sup> Human Rights Watch interview with Mwanga Kivumbi, Kampala, January 14, 2006.

<sup>42</sup> Human Rights Watch interview with Ingrid Turinaawe, January 19, 2006.

<sup>43</sup> Electoral Offences Squad Summary, January 30, 2006.

<sup>44</sup> Felix Basiime, “FDC man waylaid, beaten into coma,” *Daily Monitor*, February 6, 2006 and HRW Interview with FDC officials, Kiruhura, by phone 9 February, 2006

<sup>45</sup> Human Rights Watch interviews with Munu Patrick, John Enomu, James Elese and Philip Anyou, Soroti, January 15, 2006.

<sup>46</sup> Human Rights Watch interview with Munu Patrick, Soroti, January 15, 2006.

Philip Anyou and James Elese, FDC supporters from Soroti, reported to Human Rights Watch and later to the police that they were beaten by Stephen Omoding, personal political assistant in Soroti to Mike Mukula, the incumbent member of parliament and state minister for health. James Elese said he was beaten in the presence of Mike Mukula on nomination day. According to Elese, as Mukula's campaign procession approached the market, Stephen Omoding entered the market and grabbed a boy who was blowing a whistle and started beating him. Elese intervened and was himself beaten by Omoding and several other NRM-O supporters. He sustained head and chest injuries, photographed by Human Rights Watch. A security guard from the bank opposite broke up the mob by firing three shots into the air.<sup>47</sup> Despite Elese having reported the assault to the police, no action is known to have been taken as of this writing.

Also in Soroti, local FDC supporter reported being stopped on January 9 by two government politicians, who were in a car. The first asked her to get in but she refused. He allegedly told her, "I will deal with you, you are a notorious woman in this area and you decampaign [campaign against] me."<sup>48</sup> The second man expressed his disgust and allegedly said, "It is time for petrol to begin now, it is time for burning people." Although the man did not say which "people," the FDC supporter is afraid and after this and several warnings from friends has tried to keep a low profile.<sup>49</sup>

In Nebbi in western Uganda, an army major allegedly called the agent of the FDC parliamentary candidate, Otuga Ronald, and warned him not to campaign in the town.<sup>50</sup> Also in Nebbi, Issa Olar, FDC secretary for the disabled, said he was threatened by a government official who told him, "If you support FDC, we shall kill you and destroy you."<sup>51</sup> According to the FDC vice-chairman for the district, Ichangon Anjelo Munzjaa, when Museveni visited West Nile Region, army personnel camped outside the FDC Adjuman district offices for three days, which he considered a form of intimidation.<sup>52</sup>

FDC supporters among the Ugandan Taxi Operators and Drivers Association (UTODA) said they were told in early January by plainclothes government agents to take down FDC posters from their minibuses. After several threats, one former driver, John, who spoke to Human Rights Watch, was dismissed from the taxi rank on January 14, and forbidden from operating there. He claimed that the Internal Security Organisation and CMI officers were camped at the UTODA headquarters and were forcing people to take down FDC posters.<sup>53</sup> On January 23 UTODA welfare chief Paul Kalegeya made a public announcement banning campaign posters on minibuses.<sup>54</sup>

As well as directly threatening opposition candidates and members, some government spokespersons have made general threats to the population and NGOs. For example,

---

<sup>47</sup> Human Rights Watch interviews with Phillip Anyou and James Elese, Soroti, January 15, 2006.

<sup>48</sup> Human Rights Watch interview with FDC supporter, Soroti, January 15, 2006.

<sup>49</sup> Ibid.

<sup>50</sup> Human Rights Watch interview with Otuga Ronald, Nebbi, January 19, 2006. The name of the person who allegedly gave the warning is on file with Human Rights Watch.

<sup>51</sup> Human Rights Watch interview with Issa Olar, Nebbi, January 20, 2006. The name of the person making the alleged threat is on file with Human Rights Watch.

<sup>52</sup> Human Rights Watch interview with Anjelo Munzjaa, Adjumani, January 18, 2006.

<sup>53</sup> Human Rights Watch interview with John Otim, Kampala, January 23, 2006.

<sup>54</sup> Madinah Tebajukira, "UTODA bans posters on taxis," *New Vision*, January 24, 2006.

Haji Kigongo, NRM national vice-chairman, told a rally in Ntungamo on January 12, that, “only supporters of the Movement will get jobs after the election.” This comment was made on the day of the NRM nomination of presidential wife Janet Museveni to stand for election to parliament and reported in the press; Haji Kigongo's statement was condemned in a Monitor editorial of January 18.<sup>55</sup> Former Vice President Dr. Speciosa Kazibwe addressing youths in Kayunga on Saturday February 4<sup>th</sup> made a similar threat. She told the crowd: “There is no way the government will fund districts whose chairpersons opposes it and fight its programmes. You must elect NRM candidates as your district chairperson and member of parliament if you want to get a share of the national cake.”<sup>56</sup>

#### *Allegations against opposition supporters*

The majority of allegations about election-related violence and intimidation heard by Human Rights Watch were leveled against the ruling party and state officials. However, opposition supporters have also caused problems. The Electoral Offences Squad is investigating cases of incitement, assault and intimidation by opposition supporters in the districts of Kampala (17 cases), Soroti (1), Ntungamo (1), Mbale (4), Busia (6), Iganga (1) and Sironko (1).<sup>57</sup> Human Rights Watch did not receive any reports of electoral offences by the opposition that were not being investigated by the police except for a report that people in Atiak internally displaced persons camp (northern Uganda) stoned the car of the incumbent local council chairman of Gulu district, standing on the NRM-O ticket, when he visited the camp in January.<sup>58</sup>

#### ***Intimidation and Violence against Independent Candidates***

Many of the complaints submitted to the Electoral Offences Squad concern the contested NRM-O primary elections on November 30, 2005, following which defeated candidates filed petitions alleging vote rigging and malpractice to the NRM-O, the Electoral Commission and the police.

Some seventy NRM-O members who disputed the results opted to stand as independent candidates in the parliamentary elections, but reported ruling party intimidation and threats to dissuade them from so doing, or in retaliation for criticism.

Stephen Dagada, the incumbent local councilor-5 Chairman of Kayunga district (Central Uganda), complained to the Electoral Commission that on January 13, armed men, some in police uniform, raided a meeting he was holding with his campaign team at the home of his campaign manager. His car was impounded, his driver and thirteen other people were arrested and three people were injured.<sup>59</sup> The Kayunga deputy police commissioner told the press that Dagada was holding an “illegal campaign rally” after the specified deadline of 6:00 pm, and that a file had been forwarded to the Director of Public Prosecutions.

---

<sup>55</sup> “Has Kiggongo joined the victimization advocates,” *Monitor*, January 18, 2006.

<sup>56</sup> “No NRM vote, No funds – Kazibiwe,” *Monitor*, February 8, 2006.

<sup>57</sup> Electoral Offences Squad Summary, January 30, 2006.

<sup>58</sup> Human Rights Watch interview with Godfrey Okema, DEM Group, Pabbo Camp, January 21, 2006.

<sup>59</sup> Letter from Stephen Dagada to Electoral Commission, January 14, 2006. Copy on file with HRW



Local Movement and police officials in Mbarara district (southern Uganda) allegedly called independent candidates to a meeting at the Pelican Hotel in Mbarara on Sunday, January 16. The candidates were told to pull out of the contest and warned, “We will use state machinery to make sure you do not get elected.” According to a candidate present, the police commander said, “If you do not withdraw I am ready to use my officers to deny access to your polling agents at the polling stations.”<sup>60</sup>

### ***Army Code of Conduct Violated***

The UPDF in 2006 seems keen to appear professional, in contrast to its activities in the 2001 elections where the Supreme Court cited evidence that the army had acted illegally in intimidating and arresting and assaulting opposition supporters.<sup>61</sup> On December 18, 2005, UPDF Chief of Defence Forces Gen. Aronda Nyakairima and Deputy Inspector General of Police Julius Odwee held a joint press conference to launch their “Code of Conduct for Security Personnel during an Election Process.”<sup>62</sup>

The code of conduct and relevant legislation are only useful to the extent that they are observed.<sup>63</sup> Human Rights Watch received several reports of illegal military involvement in election campaigns from around the country, however.

The Electoral Commission in Iganga (eastern Uganda) is investigating allegations by the incumbent MP, Abdu Katuntu, an FDC member, that serving UPDF officers Maj. Swaliki Kiswiriri and Lt. Surambaya have been campaigning for the NRM-O parliamentary candidate, Deputy National Political Commissar Ali Kirunda Kivejinja.<sup>64</sup> Katuntu told Human Rights Watch that soldiers were travelling around Iganga in a vehicle registered to the Movement Secretariat,<sup>65</sup> and had beaten two people in Bugala and three in Idudi.<sup>66</sup>

On February 2, NRM-O supporters and FDC supporters clashed in Iganga town. According to reports in the media, some NRM-O supporters were armed while the FDC supporters were not. There were several casualties on both sides. An NRM-O

---

<sup>60</sup> Human Rights Watch interview, identity withheld, Mbarara, January 18, 2006.

<sup>61</sup> Dr. Kizza Besigye vs. Yoweri Museveni and Electoral Commission, Petition No.1 of 2001. The court ruling cited one killed and fourteen injured at a FDC rally in Rukungiri on March 3, 2001, and the abduction of Maj. Okwir Rwamboni at Entebbe airport. Justice Odoki in Supreme Court Judgement Petition No.1 of 2001, p.105: “I find that the highest concentration of intimidation, violence and harassment took place in Rukungiri, Kanungu and Kamwenge. The intimidation interfered with the petitioner’s campaigns in those districts. In Rukungiri and Kanungu it was perpetuated mainly by the PPU [Presidential Protection Unit]. In Kamwenge it was done by UPDF soldiers. . . . On polling day, intimidation consisted of ordering voters to vote for the 1st respondent and harassing petitioner’s polling agents.”

<sup>62</sup> Human Rights Watch interview with Lt. Chris Magezi, UPDF Gulu, January 23, 2006.

<sup>63</sup> The code of conduct bans security personnel from participating in partisan politics, influencing voters or entering polling areas unless requested to do so by the police. Political Parties and Organisations Act, 2005, Section 16 (1): “A member of the Uganda Peoples Defence Forces, the Uganda Prisons Service or public officer or a traditional or cultural leader or a person employed in a company wholly owned by the government shall not - (a) be a founder, promoter or other member of a political party or organisation; (b) hold office in a political party or organisation (c) speak in public or publish anything involving matters of political party or organisation controversy; or (d) engage in canvassing in support of a political party or organisation or of a candidate standing for public election sponsored by a political party or organisation.”

<sup>64</sup> Joseph Mazige, “Army Officers campaign for Kivejinja - Katuntu,” *Daily Monitor*, January 23, 2006; Summary of Election Offences Reported and Being Handled by Electoral Offences Squad as at January 30, 2006.

<sup>65</sup> Vehicle registration number: UG 107810 B.

<sup>66</sup> Human Rights Watch telephone interview with Abdu Katuntu, January 24, 2006.

supporter wearing a yellow NRM T-Shirt in a crowd of other party supporters was pictured in the *New Vision* newspaper carrying an AK-47, suggesting an improper relationship between the NRM-O party and the security forces in Iganga.<sup>67</sup> NRM-O spokesman Ofwono Opondo later confirmed that the men in yellow T-shirts were off-duty Local Defence Units who were also NRM members.<sup>68</sup>

In East Moyo county, Adjumani (northern Uganda), DEM Group reported that Gen. Moses Ali was campaigning with soldiers during the NRM-O primaries and continuing to do so during the campaign, including on nomination day for parliamentary candidates, January 12, 2006.<sup>69</sup>

State Minister for Health Mike Mukula reportedly campaigns with the Arrow Boys militia in Soroti (eastern Uganda), which he commands. He has even been seen campaigning in military uniform despite not being a serving member of the army.<sup>70</sup> Such practices increase the identification of the NRM-O with the UPDF, compromise the military's neutrality, and scare voters.

## **Inequality of Campaigning Opportunities**

### ***Imbalance in Campaign Resources, and NRM-O Misuse of State Resources***

The funding and infrastructural imbalance between the NRM-O and the opposition parties is a severe impediment to equal campaigning opportunity. Not only is the NRM-O in receipt of state funds as successor of the Movement (see above), but government ministers avail themselves of the resources of their ministries to campaign. Uganda's domestic judicial commission of inquiry into misuse of money from the U.N. Global Fund to Fight AIDS, Tuberculosis and Malaria disclosed in late 2005 that Ministers even borrowed funds from the Ministry of Health to campaign during the 2005 referendum.<sup>71</sup>

The Electoral Commission has noted the NRM-O's unequal access to cash, and the weakness of the enforcement mechanisms in accounting for and controlling campaign finance.<sup>72</sup> Human Rights Watch recorded several eyewitness accounts of government vehicles being used for campaigning,<sup>73</sup> and the press reported that the Vice President was using a government vehicle to campaign.<sup>74</sup>

Both the Parliamentary and Presidential Acts have restrictions on the use of non-financial government resources by office-holders during election campaigns, and

---

<sup>67</sup> *New Vision*, February 3, 2006.

<sup>68</sup> "Iganga Gunmen were NRM – Opondo," *Daily Monitor*, February 9, 2006

<sup>69</sup> Human Rights Watch interview with George Leru, DEM Group, Adjumani, January 19, 2006.

<sup>70</sup> Human Rights Watch interview with Munu Patrick and James Elese, Soroti, January 15, 2006.

<sup>71</sup> Jude Etyang, "Ministers Cited in GF Scam," *New Vision*, January 23, 2006, [online] <http://allafrica.com/stories/200601231454.html>.

<sup>72</sup> David Kaiza, Esther Nakazzi and Julius Barigaba, "Uganda parties buying voters' cards," *East African* (Nairobi, Kenya), January 23, 2006, [online] <http://www.nationmedia.com/eastafrican/23012006/News/news230120062.htm>.

<sup>73</sup> Human Rights Watch interviews, Rukungiri, January 18, 2006, and Iganga, January 24, 2006.

<sup>74</sup> Alex Atuhaire, "VP uses government car to campaign," *Daily Monitor*, February 6, 2006.

prescribe fines for misconduct.<sup>75</sup> The Presidential Elections Act restricts the President to using “only those Government facilities which are ordinarily attached to that office.”<sup>76</sup> This works as a loophole for the incumbent who has all government facilities at his or her disposal. The police have yet to prosecute a minister for campaigning in government vehicles, but in theory they could, pursuant to the Parliamentary Elections Act.

State Minister for International Affairs and NRM-O member Henry Oryem Okello said, “There is no way Museveni is going to lose the elections. Not with all the government machinery at his disposal. I am in government and I know what I am talking about.”<sup>77</sup>

Opposition parties also complained to Human Rights Watch about the inadequacy of state subsidies for their campaigns:<sup>78</sup> under the Presidential Elections Act 2005, presidential candidates receive a subsidy of Ugandan Shilling (Ush) 20 million (U.S. \$ 12,000) subsidy from the government, but first they must pay a Ush 8 million (U.S. \$ 4,400) registration fee.<sup>79</sup> Opposition parties also complain about the financial advantages of the ruling party. According to the media, NRM-O has promised each of its parliamentary candidates between Ush 5 and 25 million (U.S. \$ 2,700-13,900).<sup>80</sup>

### ***Restrictions on the Right to Free Expression***

The state has acted against journalists who criticize it or disagree with government policy. Its actions constitute an attack on freedom of speech and have drawn criticism from both Ugandan and international organizations such as the Committee to Protect Journalists.<sup>81</sup>

On December 13, 2005, editor James Tumusiime and reporter Semujju Ibrahim Nganda of the privately-owned *Weekly Observer* were charged with “promoting sectarianism” by reporting that the Forum for Democratic Change had accused the president and three top military officials of persecuting Dr. Besigye on ethnic grounds. The two could face up to five years’ imprisonment under Uganda’s penal code.<sup>82</sup>

On February 1, 2006, the army raided the Unity FM radio station in Lira and arrested station manager Jimmy Onapa Uhuru, journalist Paul Odonga and two others after they made remarks warning people about meningitis in Moroto region and reporting that people from Moroto were being brought in to boost numbers at a forthcoming NRM-O presidential rally. They were taken to the district police station and required to record

---

<sup>75</sup> Parliamentary Elections Act 2005, Section 25 (2): “Where a candidate is a Minister or holds any other political office, he or she shall, during the campaign period, restrict the use of the official facilities ordinarily attached to his or her office to execution of his or her official duties.”

<sup>76</sup> Presidential Elections Act, Section 27 (2).

<sup>77</sup> James Odong, “Besigye can’t win - Oryem,” *New Vision*, January 16, 2006.

<sup>78</sup> Human Rights Watch interviews with Sara Eperu, FDC, January 13, 2006 and Mwanga Kivumbi, DP, January 14, 2006.

<sup>79</sup> Presidential Elections Act 2005, Section 22 (2): “The Commission shall offer to each candidate as a contribution to be used solely for the election - (a) the sum of one thousand currency points; and (b) such other facilities as may be approved by Parliament.”

<sup>80</sup> Ssemujji Ibrahim Nganda, “NRM Candidates to get Shs 10m,” *Weekly Observer*, January 12-16, 2006.

<sup>81</sup> Open Letter to President Museveni. *Committee to Protect Journalists*, New York, January 24, 2006.

<sup>82</sup> *Ibid.*

statements before the district police commander. The deputy police chief Taire Idwege told local journalists that the police have opened an investigation against the radio station staff.<sup>83</sup>

In a case unrelated to the elections, but impacting the election media environment, Andrew Mwenda, political editor of the *Monitor* newspaper and a radio presenter (probably the most outspoken and critical of the lively community of talk show hosts in Uganda), is on bail facing several charges of sedition and “promoting sectarianism” for remarks he made on his radio show in August 2005 about the responsibility of the Ugandan government in the death of Sudanese Vice President John Garang in a Ugandan presidential helicopter crash.

Government intimidation of the media was a particular problem during the arrest and trial of Dr. Besigye. A directive from the Ministry of Information was issued on November 23, 2005, to media outlets forbidding them from running any stories on Besigye, since to do so might prejudice his trial.<sup>84</sup> This directive was generally ignored by the press, who continued to cover the campaign and trials. However, Winnie Byanyima, Besigye’s wife, was pulled from speaking on Robert Sempala’s show on Radio Sapienza on November 23.<sup>85</sup>

With the election campaign underway, a planned radio appearance by Dr. Besigye on Mega FM in Gulu on January 23 was cancelled by the radio station at the last minute. According to Nancy Okello, district registrar of the Electoral Commission, this was apparently because Besigye did not have a scheduled campaign meeting in Gulu.<sup>86</sup> Another radio appearance was hastily arranged on Choice FM, a rival station, but the deputy police commissioner blocked the candidate from appearing on the same grounds.

By contrast, President Museveni as a candidate has never been turned away from a radio station, even when he had no campaign program in the town concerned, according to the Electoral Commission campaign schedule.<sup>87</sup> For instance, he appeared on Radio West, Mbarara, on January 4, although he was scheduled to campaign in Rukungiri that day.<sup>88</sup>

The Constitution and national law provides that the government-owned media is to provide equal access to all presidential candidates.<sup>89</sup> It has not done so, according to independent research. Uganda Journalists Safety Committee monitored print and broadcast media coverage of the main parties and candidates from January 16-29. While

---

<sup>83</sup> Human Rights Watch telephone interview with journalist Joe Wacha, February 3, 2006; Emma Masumbuko, “Police arrest four Radio Unity journalists,” *Daily Monitor*, February 6, 2006.

<sup>84</sup> “Uganda: Political Repression Accelerates,” *Human Rights Watch Press Release*, November 24, 2005, [online] <http://hrw.org/english/docs/2005/11/24/uganda12089.htm>.

<sup>85</sup> Human Rights Watch interview, Robert Sempala, Kampala, January 16, 2006.

<sup>86</sup> Chris Ocowun, “Security Organs Block Besigye,” *New Vision*, January 30, 2006.

<sup>87</sup> Copy on file with Human Rights Watch.

<sup>88</sup> Radio West, Mbarara, January 4, 2006.

<sup>89</sup> Constitution of the Republic of Uganda, Section 67, Clause 2: “no candidate shall be denied reasonable access and use of State-owned communication media”; Clause 3: “all presidential candidates shall be given equal time and space on the State-owned media to present their programmes to the people.” See also Presidential Elections Act 2005, Section 24, Clause 1, as above.

in the print media, both state and private, Besigye and the FDC party received slightly more coverage than the NRM (49.2 percent to 47.4 percent), and other parties only 3.4 percent, most of this was attributable to the Besigye trials.<sup>90</sup>

On the Uganda Broadcasting Corporation Television (UBC-TV), however, the coverage was heavily in favor of the ruling NRM-O, which received almost ten times as much coverage as the FDC: 62.4 percent for the NRM-O compared to 6.4 percent for FDC, and 0 percent for all other parties.<sup>91</sup>

Ugandan law requires that, during an election, television and radio stations, whether state or privately owned, must abide by minimum broadcasting standards including equal coverage as follows:

Where a programme that is broadcast is in respect to a contender for a public office, then each contender is given equal opportunity on such a programme.<sup>92</sup>

In many areas local private radio stations are owned by incumbent NRM office holders and members. Thus there is Voice of Teso, owned by Soroti district MP and State Minister for Health Mike Mukula; Radio Rukungiri, owned by Rukungiri district MP and Health Minister Jim Muhwezi; Radio Kinkizi FM owned by Defence Minister Amama Mbabazi; and Radio Paidha in Nebbi, owned by NRM-O candidate Simon D'Ujanga. FDC local businessman James Musinguzi attempted to open up a rival radio station to Radio Kinkizi FM in Kanunugu, but was blocked by the Broadcasting Council.<sup>93</sup> Simon D'Ujanga, an NRM candidate, circulated a memo to staff at Radio Paidha raising the rates for all political programs. Previous charges were 100,000 Uganda Shillings (U.S. \$ 55) for 60 minutes. The new rates are 1 million Ush (U.S. \$ 550) for 60 minutes with 15 minutes costing 200,000 USh (U.S. \$ 110).<sup>94</sup> The FDC claims such exorbitant charges prohibit it from advertising on radio, while the NRM gets free access.<sup>95</sup>

Lastly, the government has attempted to constrain foreign journalists. They were notified to re-register with the Media Centre in January 2006 and seek clearance before they travel more than one hundred kilometers outside Kampala.<sup>96</sup> Information Minister James Buturo later said the step was taken because foreign journalists had become a "security threat."<sup>97</sup>

---

<sup>90</sup> Uganda Journalists Safety Committee Preliminary Report on the state media coverage of the 2006 elections, January 2006, copy on file with Human Rights Watch.

<sup>91</sup> Ibid and Human Rights Watch interview, Uganda Journalists Safety Committee (UJSC), Kampala, February 5, 2006.

<sup>92</sup> Electronic Media Act of 1996, First Schedule, (d).

<sup>93</sup> Human Rights Watch interview with FDC Officials in Kanungu, January 19, 2006.

<sup>94</sup> Circular CI 06 seen by Human Rights Watch, January 20, 2006.

<sup>95</sup> Human Rights Watch interview with John Baptist Oyer, FDC Chairman, Nebbi, January 20, 2006.

<sup>96</sup> Frank Nyakiru, "Govt sets tough rules for foreign journalists," *Daily Monitor*, January 14, 2006. DEM Group has said, "The mandate and functions of the Media Centre remain largely unknown and can therefore be used to undermine the freedom of the press." "Statement on new restrictions on foreign journalists," DEM Group, January 16, 2006.

<sup>97</sup> Open Letter to President Museveni, *Committee to Protect Journalists*, January 24, 2006.

## The Performance of the Electoral Commission

In Uganda, the head of state has exclusive authority to choose and appoint electoral commissioners. This contrasts unfavorably to the electoral commissions in southern Africa, where in all states except Namibia political parties have a role in nominating or choosing candidates for the commission.<sup>98</sup> Nevertheless, the Ugandan Electoral Commission has so far conducted itself in an impartial manner.

The record of the previous Ugandan Electoral Commission and its subordinate bodies was not good during the 2001 presidential election. A Supreme Court opinion found that “[t]here was evidence of cheating in a significant number of polling stations,” and that election officials were complicit.<sup>99</sup>

Since then, steps were taken by the government to reform the Electoral Commission and its operations. In this effort the government received financial support of €5.3 million (U.S. \$ 6.3 million) from donors through the Election Basket Fund managed by the Danish development agency DANIDA.<sup>100</sup>

The voter register has been significantly overhauled since the 2001 elections. A new photographic register has been compiled with software to check double registration. Parish tribunals have been formed to check the local registers and remove the names of those who have died, moved away or are registered twice. Party agents are supposed to nominate agents to witness the work of the tribunals, but in many cases they have not done so, according to the Electoral Commission.<sup>101</sup>

The Electoral Commission’s main public test of its independence so far was the decision to allow Dr. Besigye to be nominated as a presidential candidate while he was in pre-trial detention in Luzira Prison. As noted above, the Attorney General contended that Besigye’s nomination would be “tainted with illegalities,”<sup>102</sup> but the commission adhered to the law which stated that only persons convicted of certain crimes can be barred from nomination, and not persons who have only been accused.<sup>103</sup> It was widely applauded in the Ugandan media and beyond for its decision.

The Commission’s independence is being tested again, in the recruitment of presiding officers and polling officials. DEM Group is concerned that some of those being appointed are known NRM sympathizers.<sup>104</sup> DEM Group released a statement urging

---

<sup>98</sup> See, for example, Human Rights Watch, “The Zimbabwe Electoral Commission Bill: Will It Improve the Electoral Process?” *A Human Rights Watch Briefing Paper*, November 25, 2004, [online] <http://www.hrw.org/background/africa/zimbabwe/2004/11/zimbabwe1104.pdf>.

<sup>99</sup> Justice of the Supreme Court Alfred N. Karakora, in *Dr. Besigye vs. Yoweri Museveni and Electoral Commission*, Supreme Court Judgement Petition No.1 of 2001: “In a limited number of polling stations election officials permitted multiple voting.”

<sup>100</sup> Human Rights Watch interview with Simon Osborn, Election Technical Adviser, Kampala, January 25, 2006.

<sup>101</sup> Human Rights Watch interview with Jabweri Okello, Electoral Commission, Kampala, January 27, 2006.

<sup>102</sup> Attorney General to the Electoral Commission, December 7, 2005.

<sup>103</sup> Presidential Elections Act, 2005 Section 4, Clause (4)(e,f), states that a person is not qualified for election as an MP [or President] if he has been sentenced to death or to longer than nine months in jail; has been convicted of a crime involving dishonesty or moral turpitude in the past seven years; or in the same time period has been convicted for violating election law.

<sup>104</sup> Human Rights Watch interview, DEM Group official, Kampala, February 5, 2006.

that “the Electoral Commission should ensure that all proposed presiding officers who have expressed their party affiliation should not be recruited.”<sup>105</sup>

### ***Not Enough Time to Prepare***

Human Rights Watch encountered complaints from voters, opposition parties and NGOs in all of the districts visited about the disorganised, haphazard and at times unprofessional work of the Electoral Commission. Its independence is so far commendable, together with its decisions to use transparent ballot boxes, and to extend the period of time for the display of the registers. But the Electoral Commission was unable to start its preparations until November 21, 2005, after Parliament had passed the relevant laws. The extremely tight timeframe is undermining much of the commission’s good work as it rushes to meet deadlines. Commission chairman Prof. Badru Kiggundu rightly noted, “When the enactment of laws is delayed, the smooth planning of the electoral process is hampered leading to poor management of the process, hence insecurity.”<sup>106</sup>

Voter education, a responsibility of the Electoral Commission, was lagging badly at the time of Human Rights Watch’s visit to Uganda, with less than a month to go before polling day. The Uganda Joint Churches Council, which is carrying out its own voter education in some districts, said, “Voter education is not reaching enough people.”<sup>107</sup> The Electoral Commission admits the shortcomings but claims it is powerless to do any more at this stage.<sup>108</sup> The effect of the lack of voter education became apparent in a poll conducted by the International Republican Institute, published on February 10, which revealed that 47 percent of Ugandans don’t know the date of the Presidential polls, and 79 percent believe that a voter’s card is necessary for voting.<sup>109</sup>

### ***Voter Registers Not Displayed***

The most serious concern is that the voter registers have not effectively been displayed across the country.<sup>110</sup> The Electoral Commission acknowledges the problem. It explained to Human Rights Watch that since it had no display boards it was unable to confirm whether the registers had actually been “displayed” at all.<sup>111</sup>

The Commission told Human Rights Watch that local-level election officials responsible for making the lists publicly accessible (“display officers”) were simply provided with lists of names; whether they actually allowed people to inspect the lists is difficult to test.<sup>112</sup> In its interim statement on January 10 on the monitoring of the display exercise,

---

<sup>105</sup> “Statement on the Independence of the Judiciary and Condemnation of Violence,” DEM Group, February 3, 2006.

<sup>106</sup> John Semakula, “Kiggundu blames insecurity on poor laws,” *Daily Monitor*, January 12, 2006.

<sup>107</sup> Human Rights Watch interview with Clare Okello, UJCC, , Gulu, January 21, 2006.

<sup>108</sup> Human Rights Watch interview with Jabweri Okello, Electoral Commission, Kampala, January 27, 2006.

<sup>109</sup> Poll conducted between Jan 20 and 24, 1,200 face to face interviews in urban and rural areas in 46 out of 69 districts, +/- 3% error margin, International Republican Institute, Kampala, February 9, 2006

<sup>110</sup> Electoral Commission Act 2005, Sec. 25,(1), says that for at least 21 days before each election the commission shall display the voters roll for public scrutiny In each parish or ward, and receive objections or complaints to it.

<sup>111</sup> Human Rights Watch interview with Jabweri Okello, Electoral Commission, January 27, 2006.

<sup>112</sup> Human Rights Watch interview with Jabweri Okello, Electoral Commission, January 27, 2006.

DEM Group reported that in some districts display officers were not present at the polling stations during the specified hours while in others the display officers moved house to house checking people's names.<sup>113</sup> Such a practice is not only illegal, but as DEM Group noted, it leaves open the possibility for electoral manipulation as an officer may decide to only visit certain houses and not all of them.<sup>114</sup>

DEM Group monitors in Gulu, northern Uganda, interviewed by Human Rights Watch confirmed that display officers were absent from their posts during required hours in Atiak camp and Unyama camp.<sup>115</sup> In Ntungamo, southern Uganda, suspicions prompted local FDC officials to request their own copy of the register from FDC colleagues in Kampala.<sup>116</sup> Upon inspection, they reported eighty-five confirmed names in one polling station of persons who were non-residents and a further 141 which they suspect are not genuine, and whom they are investigating. They are also suspicious of the large number of registered voters (62 percent of residents) in one sub-county (Ngoma) because the census shows that 50.1 percent of the Ugandan population is under fifteen and thus ineligible to vote.<sup>117</sup>

### ***Voter Verification Software and Voter Card Problems***

After the controversy surrounding the 2001 election the Electoral Commission agreed to introduce photo-recognition software for the 2006 elections, and to require that everyone be photographed and their image scanned and included in the actual voter register. Given the short timeframe, however, this measure will not be fully realized. The software was designed to cross-check photographs against each other to discover people who may have registered more than once. But due to time constraints, it will not be possible to cross-check all the photographs in the register. Instead the commission will focus on "hotspots" to identify multiple registered persons.<sup>118</sup> So far it has identified 2,000 double-registered people in Kampala and Wakiso districts alone.

The lack of a comprehensive national scan is a serious shortcoming. It defeats the purpose of having a register with voters' photographs, and leaves open the possibility of multiple registration leading to multiple voting. Nor is it the only problem with the register: in every district visited by Human Rights Watch, residents complained of mixed-up names and photos, missing photos, missing names and spelling mistakes in the register.

The other voter identity verification safeguard is supposed be voter cards. However, none of the people registered during the last update exercise during October 2005 (approximately two million voters) have yet received their voter cards and may not receive them before the election.<sup>119</sup>

---

<sup>113</sup> "Interim statement on the display of the voter's register," DEM Group, January 10, 2006.

<sup>114</sup> Ibid.

<sup>115</sup> Human Rights Watch interviews with DEM Group officers in Pabbo and Unyama camp, January 21, 2006.

<sup>116</sup> Human Rights Watch interviews with Residents of Baptist "B" Camp in Soroti, January 15, 2006; Human Rights Watch interview with George Karamira and Barnabas Tuliatusima, FDC, Ntungamo, January 18, 2006.

<sup>117</sup> Uganda Census 2002, Uganda Bureau of Statistics, [online] [www.ubos.org/2002censuspreliminarytable.pdf](http://www.ubos.org/2002censuspreliminarytable.pdf)

<sup>118</sup> Human Rights Watch interview with Jabweri Okello, Electoral Commission, Kampala, January 27, 2006.

<sup>119</sup> Ibid.



Because of the register inaccuracies and the delay in distributing voter cards, the Electoral Commission said in a statement on January 28 that anyone whose particulars and photograph is on the register may vote, and that cards are not needed.<sup>120</sup> This poses serious questions about the integrity of the entire voting process. All the benefits of a computerised and photographic register will be nullified if the decision about who may vote is once again left up to the discretion of polling station officers. As noted above, nearly 80 percent of voters still believe they need a card to vote. The Electoral Commission has a tough job to get the message out as fast as possible.

Poor communications after the announcement of the creation of new polling stations have left many people struggling to identify and locate their polling station.<sup>121</sup> People in Gulu were not familiar with the new places and had sometimes trekked to three or more polling stations before finding their name on the register there.<sup>122</sup>

### ***Insufficient Election Constables***

There are 19,788 polling stations each requiring an “election constable,” normally a policeman, to supervise law and order.<sup>123</sup> Existing strength of the police force, who will double as “election constables” at January 30, 2006, is 15,000. To make up the shortfall more “election constables” are being appointed, but some newly appointed constables have been implicated in human rights abuses. The Arrow Boys, a government militia commanded by a NRM-O parliamentary candidate, are among 4,000 being trained as “Special Constables” to assist with election supervision.<sup>124</sup>

The Arrow Boys militia were created to fight the Lord’s Resistance Army insurgency in Teso region in 2003, but have since been accused of lawlessness and terrorising the local population.<sup>125</sup> Local residents filed several complaints with the Civil-Military Operations Centre, Soroti, against Opio Egwongu-Redman of that militia, accusing him of extortion, detention without trial and torture of several residents.<sup>126</sup> Also implicated is the Arrow Boys’ regional coordinator, the former resident district commissioner and parliamentary candidate for Amuria, Moses Ecweru.<sup>127</sup> No investigation of Opio Redman or Moses Ecweru has been made as of the writing of this report.

---

<sup>120</sup> Apollo Mubiru and Josephine Maseruka, “Voting without cards allowed,” *New Vision*, Kampala, January 29, 2006.

<sup>121</sup> The Electoral Commission says that it issued copies of locations of all the polling stations to the parties and published a list on its website on November 30, 2005.

<sup>122</sup> Human Rights Watch interviews with residents of Pabbo camp, Gulu, January 21, 2006.

<sup>123</sup> Presidential Election Act 2005, Section 42 (1) states that to maintain order in the polling station throughout polling a presiding officer in a rural area may appoint another person as an election constable in the absence of a police officer, when there is actual or threatened disorder or when it is likely that a large number of voters will seek to vote at the same time.

<sup>124</sup> Human Rights Watch interview with Jabweri Okello, Electoral Commission, January 27, 2006. See also United Nations Integrated Regional Information Networks (IRIN) – Africa, “Uganda: Some Key Names, November 17, 2004, [online] [http://www.irinnews.org/S\\_report.asp?ReportID=44185](http://www.irinnews.org/S_report.asp?ReportID=44185).

<sup>125</sup> Testimony collected by NGOs in Teso, on file with Human Rights Watch, and Human Rights Watch interviews with James Enomou and Philip Anyou, January 15, 2006.

<sup>126</sup> The alleged victims are Okello Lambert, Okiror Lambert and Iputo Sam and his father and wife. Complaints filed with Civil-Military Operations Center, Soroti, on file with Human Rights Watch.

<sup>127</sup> Complaints have been filed against Moses Ecweru for harassment, intimidation, arbitrary detention and, according to one witness, the murder of George Pius Obwnagor. Testimony collected by NGOs in Teso, on file with Human Rights Watch.

## Problems of Voting in the Northern War-Zone

### *LRA Intimidation*

Ugandans who live in areas threatened by the Lord's Resistance Army (LRA) insurgency since 1986 have faced particular difficulties during the pre-election period. Not only do military operations threaten to disrupt the process, but the LRA has specifically involved itself in the election campaign with a threatening message. It conducted attacks on December 29 and 31, 2005, and January 3, 2006, killing and abducting civilians.<sup>128</sup> According to local NGOs, returning abductees bring the LRA's message: if you vote for the government you will pay a price.<sup>129</sup>

### *UPDF Intimidation and Control*

Some citizens of northern Uganda have also been threatened by the UPDF, in a different way. According to several FDC officials resident in Dzaipi, northern Uganda, soldiers campaigning in Dzaipi told them, "If you don't vote NRM-O, you will run away from this place."<sup>130</sup> According to opposition party officials in Pakele, army Lt. Col Abiriga allegedly told residents during a NRM-O rally at Lewa in Pakele sub-county (northern Uganda), "if you don't vote for Gen. Moses Ali, I will order my soldiers to withdraw from this [military] detach[ment]."<sup>131</sup> Such a threat is serious since Pakele is affected by the LRA insurgency and local communities rely on UPDF protection.

This echoes concerns publicly expressed by a caller into Gulu-based radio station Mega FM on January 13, 2006. The caller, who said he was from an internally displaced persons (IDP) camp in Pader (northern Uganda), said that soldiers there had been threatening to withdraw and leave residents to the mercy of the LRA should the people not vote for the NRM-O. Human Rights Watch was unable to substantiate the threat, and the UPDF denied any knowledge of similar threats, but the issue warrants further investigation.

In northern Uganda, the UPDF is in de facto control of the civilian population—almost two million people, the vast majority of whom have been forced to reside in IDP camps by virtue of rebel attacks and/or UPDF orders to move to the camps.<sup>132</sup> The police have a token presence in the area and civilian security mostly falls to the army, which often arbitrarily detains, tortures and otherwise mistreats civilians suspected of rebel associations, though perpetrators are rarely charged or tried. Louise Arbour, the United Nations High Commissioner for Human Rights, noted in 2006: "I have concerns that the UPDF have been tasked with the disproportionate amount of police functions which

---

<sup>128</sup> "Chronology of recent incidents," *Justice and Peace News*, January 2006, Vol. 7 No.13, p.11

<sup>129</sup> Human Rights Watch interview with Father Carlos, Gulu Archdiocese January 21, 2006, Human Rights Watch separate interviews with Pedro Amolat, WFP Gulu Chief, and Lt. Chris Magezi, UPDF, Gulu, January 23, 2006.

<sup>130</sup> Human Rights Watch interview with opposition party FDC officials, Eranya Joseph and colleagues, Adjumani, January 19, 2006.

<sup>131</sup> *Ibid.*

<sup>132</sup> The armed conflict has been going on since President Museveni first came to power, in 1986; forced displacement by army order to camps commenced in 1996.

are traditionally for civilian police.”<sup>133</sup> Human Rights Watch in 2005 criticized the chronic understaffing of the police in northern Uganda.<sup>134</sup>

### ***Access to Polling Stations***

Insecurity and the government’s resettlement programs also threaten access to polling stations. In Pabbo IDP camp west of Gulu, Human Rights Watch received reports of people who had been moved to new camps as part of the “decongestion” program being implemented by the government. They are still registered to vote in Pabbo and so must travel up to seven kilometers back to the camp to vote.<sup>135</sup> Public transport in the war zone is almost non-existent and walking is hazardous. In addition, freedom of movement is generally subject to the local UPDF detachment’s assessments of the security situation.<sup>136</sup>

Residents in Baptist “B” camp in Soroti told Human Rights Watch that some of them moved home in 2005 when the government encouraged people to return to their villages. They registered to vote there but were then forced to return to the camps after LRA attacks picked up in 2006. In order to vote, some would have to travel up to fifty kilometers back to their home villages.<sup>137</sup>

Voting for many in northern Uganda will likely be a trying, dangerous and ultimately impossible task. The Uganda Joint Churches Council has called on the government to halt resettlement programs until after the elections.<sup>138</sup> The Electoral Commission is unable to tell how many people are affected by the resettlement programs,<sup>139</sup> but DEM Group is “concerned that the on-going schemes affecting IDPs may negatively affect their participation in voting.”<sup>140</sup>

## **Conclusion**

The conditions for a truly free and fair election in Uganda on February 23 are lacking. The playing field cannot be level as long as the intimidation noted continues and opposition politicians have been diverted from campaigning to battle politically motivated charges in the courts. State and private media coverage is hampered, the election laws are selectively applied, and the continued independence of the judiciary is vulnerable to military interference. Judicial independence could be put to the ultimate test in the event of a challenge to the presidential election results.

The Electoral Commission has done a good job in difficult circumstances, but the shortfall in the number of police and the inaccuracies in the register threaten to undo

---

<sup>133</sup> U.N. High Commissioner for Refugees and Uganda Human Rights Commission, Press Conference, Sheraton Hotel, January 12, 2006.

<sup>134</sup> “Uprooted and Forgotten: Impunity and Human Rights Abuses in Northern Uganda,” *A Human Rights Watch Report*, vol. 17, no. 12(A), September 2005, pp. 48-49.

<sup>135</sup> Human Rights Watch interview with residents of Pabbo camp, January 21, 2006.

<sup>136</sup> Human Rights Watch interview with UPDF at Pabbo camp, January 21, 2006.

<sup>137</sup> Human Rights Watch interview with residents of Baptist “B” Camp, Soroti, January 15, 2006.

<sup>138</sup> HRW Interview with DEM Group officials, Kampala, January 17, 2006.

<sup>139</sup> Human Rights Watch interview with Electoral Commission, Kampala, January 27, 2006.

<sup>140</sup> “Interim Statement on the Display of the Voters Register,” DEM Group, January 10, 2006.

much of its hard work. In the remaining time to election day, the playing field cannot be completely leveled, but the government could improve the situation and alleviate the culture of fear that surrounds these elections by following the recommendations outlined above.