



# Concerns regarding Torture and other Cruel, Inhuman or Degrading Treatment or Punishment in Uganda

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## Introduction

Uganda ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment and Punishment in 1986. As the U.N. Committee against Torture scrutinizes Uganda's compliance with the Convention, Human Rights Watch and Foundation for Human Rights Initiative (FHRI) would like to take the opportunity to put forward a report on this important matter for its consideration.

This briefing paper is based on interviews that Human Rights Watch and FHRI have conducted between May 2004 and March 2005. In order to protect identity of the victims, their names have been changed, unless victims expressly agreed to be named.

## Patterns and cases of torture

In Uganda, government authorities frequently employ torture against government opponents, ordinary civilians accused of supporting rebel groups, as well as suspected common criminals. Members of the opposition Forum for Democratic Change (FDC) and civilians in northern Uganda in particular have often become victims of torture and ill-treatment.

Victims have been severely beaten with rifle butts, sticks, electric cables and other objects. Other methods of torture include tying the hands and feet behind the victim ("kandoya"), keeping detainees in pits in the ground; exposing the victim with mouth open to a water spigot, and inflicting injury to the penis and testicles. Withholding or denying necessary medical attention has resulted in more severe, even permanent, injury.

Human Rights Watch and FHRI have described a pattern of torture and ill-treatment in Uganda in previous publications.<sup>1</sup> As of March 2005, torture and ill-treatment continued in Uganda, as documented in this submission.

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<sup>1</sup> See for example Foundation for Human Rights Initiative, *The Bi-Annual Human Rights Reporter 2004*, Kampala, Uganda; Human Rights Watch: *State of Pain. Torture in Uganda* (New York, March 2004).

There is a confusing array of security organs in Uganda that have detained and tortured suspects. In many cases agents carrying out the arrest wear civilian clothes with no identifying insignia. Under Ugandan law, only the police are authorized to routinely arrest and investigate crimes, and the only authorized places of detention for civilians are police and sometimes prison facilities. Among the agencies against which credible allegations of torture have been made are the following:

- the Uganda Peoples' Defence Force (UPDF) and its military intelligence branch, Chieftancy of Military Intelligence (CMI)
- Internal Security Organization (ISO) and its District Security Organizations (DISO)
- Joint Anti Terrorism Task Force (JAT), a joint body of CMI, ISO and other security agencies
- Violent Crime Crack Unit (VCCU), a special unit comprised of CMI, ISO, and other security agencies, replacing Operation Wembley, tasked with stopping common crime
- the police and its Criminal Investigation Department (CID)

The most serious abuses seem to occur when suspects are arrested and held by the army and its intelligence service, the CMI, as well as JAT and the VCCU. The regular police – i.e. police with no special military or security brief – have a slightly better record and do not seem to torture suspects as a matter of course. However, the regular police and other security agencies have also committed acts of torture and ill-treatment.

When suspects – such as political opponents or alleged 'rebels' – are held by the army, CMI, JAT or VCCU, they are often held in "ungazetted" or unauthorized places of detention or "safe houses", where torture can and does take place without any observers. The government has repeatedly denied the existence of safe houses. In a meeting with Human Rights Watch on April 14, 2005, Defence Minister Amama Mbabazi stated that there are safe houses which are used by security services to do their intelligence work. He conceded that suspects may be interrogated in safe houses but denied that people are detained there.<sup>2</sup> However, field research by Human Rights Watch and FHRI has found that detainees were frequently detained in safe houses for days, weeks, and months at a time. For example, civilians have been and continue to be held at an unauthorized JAT detention centre in the

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<sup>2</sup> Human Rights Watch meeting with Amama Mbabazi, Minister of Defence, Sam Kutesa, Minister of Foreign Affairs, and Moses Byaruhanga, Secretary of the President. London, April 14, 2005.

Kololo neighborhood of Kampala and at other safe houses. Civilians are also often held for prolonged periods in army barracks in different parts of the country, especially the north and west, although by law the army is allowed to carry out arrests only in emergency situations and should promptly transfer the suspect to police custody. On some occasions in recent years, the security agencies and CMI have transferred detainees for the night in a police station and kept them all day at a safe house where the interrogation and torture takes place. This may be an effort to create a veneer of legality.

Human Rights Watch and FHRI have also found that the army, CMI, JAT and VCCU torture or ill-treat suspects frequently. As illustrated below, suspects are often detained by one of these agencies incommunicado in a safe house or barracks, and tortured or ill-treated to make a confession or to punish them for refusing to confess. Later, they are taken to a police station where they often suffer less abuse, and where the confession is taken again, sometimes in front of those who conducted the torture. Suspects are then charged by the police and produced in the Magistrate's Court and judicially charged with treason or terrorism.

Under the Ugandan constitution, treason and terrorism suspects can be detained for 360 days without trial and without bail. In many cases charges are dropped when the suspects are released on bail after the 360 days. In other cases, defendants seek amnesty for treason or terrorism, which requires a confession of guilt. The defendants sometimes seek amnesty because of the extreme slowness of the judicial system and the protracted time they must await trial.

Human rights observers have been denied access to unofficial places of detention. While the government readily allows independent observers to visit regular prisons and police stations, it is very difficult to get access to military barracks, CMI facilities, and other "ungazetted" and thus illegal places of detention such as the JAT detention facility in Kololo, Kampala, where many victims claim to have been tortured. During a recent visit to Uganda, Human Rights Watch was denied access by army officials to the military barracks in Gulu and Makindye to interview detainees in private.<sup>3</sup> Human Rights Watch was offered the opportunity to interview detainees in front of their guards, but decided not to do so as this is not conducive to an open discussion with the detainee.

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<sup>3</sup> Human Rights Watch was told that it could interview the detainees only in the presence of army officials. Human Rights Watch conducted interviews of officers in Gulu barracks and in April 2004 visited the waiting area of Makindye barracks, only to be refused permission to see any detainees or prisoners at all.

## ***Torture of alleged common criminals by the VCCU***

Suspected common criminals are frequently tortured, in particular when they are detained by the VCCU. The VCCU is the successor of Operation Wembley, which was tasked with cracking down on crime in Kampala starting in 2002. Many victims interviewed reported that they had been severely beaten and were still suffering the results.

In December 2003, Michael K., a forty-year-old man traveling by car from Masaka to Kampala was stopped by VCCU officers and told, “Black should come out.” (Black was a notorious robber; this man denied that he was Black.) He was held at VCCU headquarters in Kireka, to the eastern edge of Kampala, for three weeks and then transferred to the Central Police Station in Kampala. He related that during his detention at VCCU, he was beaten with batons, wires, and sticks on the back, chest, knees and ankles. The torture resulted in swollen and deformed knees and many scars on his ankles.<sup>4</sup>

Brian L., a thirty-two-year-old man from Luwero, was arrested in January 2004 and accused of stealing a motorcycle. He was arrested by four plainclothed men in a white car, who immediately beat him to extract information about the stolen motorcycle. According to the man, his captors hit the back of his knees, his ankles and genitals. This caused the victim to become incontinent. Brian L.’s itinerary shows how many agencies can be involved in a case, even when it concerns a minor crime: He was held briefly at CMI offices in Kitante, Kampala, then at Luwero police station, then at the VCCU headquarters and then at the Central Police Station in Kampala.<sup>5</sup>

In April 2004, Ben T., a car washer in Kampala was arrested on allegations of car theft. According to Ben T., he was first brought to Central Police Station in Kampala where he spent five days. As he was about to be released on police bond, the police Criminal Investigations Department objected. He was then taken to VCCU headquarters, Kireka, Kampala, where he spent eight days. He was beaten with a baton and electric wires after his hands were tied around his legs. Ben T. had swollen legs and could not move his legs as a result of the beatings. When he was brought back to the police station he sought medical attention but was only given a pain killer. As a result of the torture, Ben T. had difficulty walking. He was released in June 2004.<sup>6</sup>

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<sup>4</sup> FHRI interview with Michael K. at Kampala Central Police Station, May 27, 2004.

<sup>5</sup> FHRI interview with Brian L. at Kampala Central Police Station, May 27, 2004.

<sup>6</sup> FHRI interview with Ben T. at Kampala Central Police Station, May 27, 2004, and after release in Kampala, June 2004.

In some cases, suspects were not only beaten, but subjected to other types of torture. In November 2003, John W., a twenty-two-year-old man from Mengo, Kampala, was eating lunch when VCCU officers came to arrest the person sitting next to him. He told a FHRI researcher that he asked where they were taking the man, which angered the officers so that they arrested him as well. During his one week detention at VCCU headquarters, he had his right small finger chopped off by a VCCU officer. VCCU agents also beat him with wire on the chest, and he still has scars from the beatings. Later John W. was transferred to the Central Police Station in Kampala, where he had been held for four months at the time of the interview.<sup>7</sup>

In early May 2004, Martin O., a twenty-seven-year-old man was arrested in Kampala by security agents, most likely CMI agents. He said the agents beat him with metallic bars around the knees and toes while asking about a motorcycle that had allegedly been stolen. Martin O. was taken to the JAT safe house in Kololo and later taken to CMI offices on Kitante Road, Kampala. During interrogations, those detaining him threatened to squeeze his genitals so hard that he would never have children. They further threatened to beat him if he did not confess to having stolen that motorcycle.<sup>8</sup>

### ***Torture of political opponents***

Political opponents have frequently been threatened, arrested, detained, ill-treated and tortured. Particularly targeted are those who supported Kiiza Besigye in the 2001 presidential election, and who subsequently formed a political group called Reform Agenda. Besigye was President Museveni's strongest opponent in that election and fled the country in 2001 after harassment. In 2004 Reform Agenda merged with other groups to form what is now a registered political party, the FDC.<sup>9</sup>

Security agencies claim that members of Reform Agenda – now in the FDC – are actively involved with the People's Redemption Army (PRA). The PRA is a rebel group based in the Ituri district of the eastern Democratic Republic of Congo.<sup>10</sup> While dozens of political opponents and others have been arrested in connection with the PRA, no criminal trial has shown the link between the PRA and Reform Agenda or the FDC. Many observers believe

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<sup>7</sup> FHRI interview with John W. at Kampala Central Police Station, May 27, 2004.

<sup>8</sup> FHRI interview with Martin O. at Kampala Central Police Station, May 27, 2004.

<sup>9</sup> FDC brought together Reform Agenda and several other political groups. Reform Agenda is now part of the FDC and does not exist any more as a separate group.

<sup>10</sup> The PRA has at times fought with other armed groups in eastern DRC, such as the Union of Congolese Patriots (UPC).

that it poses little threat to security, law and order. Others have questioned the existence of the PRA because it has not conducted military operations inside Uganda. Some detainees have “confessed” PRA links to the press while in military custody and later said these confessions were made under duress. These detainees have been charged with treason or terrorism and detained for prolonged periods. A few have been amnestied and released.

Patrick Biryomumeisho, a Besigye campaigner and an elected official (LC-3) in Kabale district, southwestern Uganda, was arrested on May 2, 2003 and taken to an illegal detention centre run by CMI in Kampala where he was held for several months. He was accused of supporting Besigye and the PRA. According to Biryomumeisho, he was tortured during his detention at the CMI detention centre. CMI agents beat him with an iron bar and other instruments, and kicked him, injuring the testicles, left clavicle, and right back shoulder. They also hit his big toe with a hammer, causing the nail to fall off after several weeks. He had a red chemical substance poured into his eyes that made him blind for several weeks and impaired his vision for months afterwards. In July 2003 he was charged and sent to Kigo Prison. When Biryomumeisho’s detention exceeded the legal limit of 360 days, and after his lawyer brought a habeas corpus, he was released on August 2, 2004. The Director of Public Prosecutions (DPP) then withdrew the case against him. He has filed a civil suit before the Uganda Human Rights Commission, seeking damages for torture.<sup>11</sup>

On January 12, 2003, security officials arrested Pascal Gakyaro, a retired civil aviation engineer and supporter of Reform Agenda. He was held in unofficial places of detention for eight days and beaten during that period. On January 20, 2003, after the intervention of an MP and a High Court order, Gakyaro was charged with treason before the High Court. He was released on bail in July 2003, but re-arrested and only released in January 2005. The charges against him were dropped.<sup>12</sup> Pascal Gakyaro sought legal action, and on June 2004, the High Court ordered the government to pay thirty million Ugandan Shillings (about U.S. \$ 17,000) compensation for unlawful arrest, detention and torture. However the damages have not been paid yet.<sup>13</sup>

In January 2003, Francisco Ogwang Olebe, a Reform Agenda activist, was detained and tortured in a CMI safe house. His neck was dislocated as a result of the torture. He was

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<sup>11</sup> Human Rights Watch interview with Patrick Biryomumeisho, Kampala, March 18, 2005. Patrick Biryomumeisho is his real name.

<sup>12</sup> FHRI interview with Pascal Gakyaro, Kigo prison, March 2003. See also press reports: “Three PRA suspects cleared,” *New Vision*, January 18, 2005; “I was arrested over a woman, says Gakyaro,” *New Vision*, January 20, 2005. Pascal Gakyaro is his real name.

<sup>13</sup> “Shame that We Pay Millions for Torture,” *Monitor*, June 18, 2004.

charged with treason along with four others. After he was released on bail, he brought legal action in 2004 against the Attorney General for his torture and illegal detention. The High Court ruled in his favor, as the Attorney General did not appear, and awarded him eighty million Ugandan Shillings (about U.S. \$ 45,000) as compensation. His bail was revoked on January 17, 2005, on the grounds that the case was ready for trial, and he was detained again. By March 2005, Francisco Ogwang Olebe was still in Luzira prison awaiting trial. The award of damages has not been paid by the Ugandan government.<sup>14</sup>

There have been a number of arrests of government opponents in late 2004 and early 2005. Among them were FDC officials as well as many other less prominent political figures. Those arrested in early 2005 and held on terrorism or treason charges are likely to be unable to campaign during or participate in the March 2006 presidential elections, unless they are tried unusually fast.<sup>15</sup> As the testimonies below indicate, there is a risk that political opponents are held on treason charges merely with the aim of punishing them and instilling fear.

On November 24, 2004, soldiers arrested Steven K., a businessman and known government critic in Koboko town, Arua district in northwestern Uganda. They accused him of being a rebel and illegally possessing guns. According to the victim, he was carrying out a government-managed demobilization process with members of a former rebel group and had been authorized to buy back arms in that context. The soldiers tied his hands and legs together behind his back (“kandoya”) and cut him with a bayonet. He was held for one day in a pit at Koboko army barracks. After eight days of detention in Arua barracks where he had to suffer further abuse, he was transferred to the JAT safe house in Kololo, Kampala. Steven K. was again accused of being a rebel. They tied a stone to his penis with a short rope while he was in a squatting position, then forced him to jump in the air. He was forced to stand under a tap which jetted out water onto his head at such high pressure that he fainted several times and was eventually taken for treatment. At the time of this writing he was being held on treason charges in Luzira Prison. Steven K. told researchers that he saw other detainees in Kololo who were tortured “worse than me” and “who could not move”.<sup>16</sup>

In December 2004, Robert M., a leading member of the FDC, was arrested by CMI agents at Makerere University in Kampala. He told a Human Rights Watch researcher that he was

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<sup>14</sup> Human Rights Watch interviews with Francisco Ogwang Olebe, Luzira Prison, June 13, 2003, and March 19, 2005.

<sup>15</sup> The Uganda Constitution forbids bail or bond for 360 days after charges are brought in court in capital cases, which include treason and terrorism.

<sup>16</sup> Human Rights Watch interview with Steven K., Luzira Prison, March 19, 2005.



accused of having links with the PRA rebel group and told, “We are going to throw you into Luzira for a year. We shall see whether you shall not reduce that noise. You are on treason.” Robert M. was detained for three days at the JAT safe house in Kololo where his torturers stripped him naked, severely beat him, mutilated his penis with a razor blade, and threatened to kill him. Following his ordeal he was taken to the Criminal Investigations Department where he signed a statement under duress; he did not know the contents. He was being held on treason charges at Luzira Prison at the time of this writing.<sup>17</sup>

In late January 2005, Godfrey G., an opposition politician was arrested by ISO officials and held by CMI at the army barracks in Arua for almost two weeks. He was accused of planning “military activities” with Kiiza Besigye. According to his testimony, he was kicked and beaten badly, and he had a weight tied with a short rope to his testicles and penis while he was squatting; he was then forced to lift up, which was so painful that he declared he would rather be killed. Godfrey G. also had several liters of dirty water poured down his nose and mouth, the “Liverpool” treatment. The man was then taken to the JAT safe house in Kololo where he was beaten very severely on the chest, causing him to collapse. After almost two weeks, he was sent to court to be charged. As of the writing of this report, he was held at Luzira Prison and is charged with involvement in the PRA.<sup>18</sup>

High-profile politicians are not exempt from ill-treatment. On November 22, 2004, soldiers of the Ugandan People’s Defence Force beat three members of parliament in Acholi Bur, Pader district, northern Uganda, as they arrived to have a meeting with residents to discuss the government’s White Paper on the constitution. The victims, some of whom had wounds from the beatings, were Ministers of Parliament (MPs) Odonga Otto, Prof. Morris Ogenga Latigo, Michael Nyeko Ocula and their drivers. Odonga Otto had swollen arms and legs, Prof. Latigon suffered from head injuries and Michael Nyeko Ocula had swelling on the head and back.<sup>19</sup>

In November 2004, Reform Agenda’s Secretary for Information and Publicity, Dennis Savimbi Muhumuza, was reportedly caned sixty-five times by an intelligence officer because he was distributing Reform Agenda magazines and campaigning for the group without police

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<sup>17</sup> Human Rights Watch interview with Robert M., Luzira Prison, March 19, 2005.

<sup>18</sup> Human Rights Watch interview with Godfrey G., Luzira Prison, March 19, 2005.

<sup>19</sup> Human Rights Watch interview with witness, Kampala, March 3 and March 9, 2005. The names of the MPs are their real names.

permission. According to an FDC spokesperson he was also held at gunpoint, kicked and beaten.<sup>20</sup>

### ***Torture of alleged rebels in northern Uganda***

Northern Uganda has been wracked by armed conflict between the rebel Lord's Resistance Army (LRA) and the government UPDF army over the last eighteen years. The LRA has committed gross human rights violations against civilians, such as massacres, sexual slavery, abduction of children, mutilation and torture. Some of the crimes committed by the LRA amount to crimes against humanity.<sup>21</sup> In 2005, LRA rebels continued to commit abuses against civilians in northern Uganda. For example, Human Rights Watch interviewed several women whose lips were cut off by the LRA because the women were allegedly talking to government soldiers.<sup>22</sup>

While not on the same scale as the LRA, government forces in northern Uganda have also committed abuses against civilians, including torture. In some areas, the majority of the civilians live in camps for internally displaced persons. The camps are controlled by the army. Civilians in the camps are often accused of being "rebel collaborators" and then ill-treated or tortured. This happens frequently in certain areas when civilians breach the curfew, even if by only a few minutes. The local military battalion imposes a curfew on the civilian population; it sets a time by which they have to return to the internally displaced persons camp, and another time by which they have to be inside their huts. Beating of civilians by soldiers outside of the camps is prevalent in northern Uganda. In some cases civilians have been beaten even when they returned before the curfew has begun. Civilians also are beaten up regularly by soldiers for being out of their huts at night, although they are inside the camp. These abuses are occurring most frequently in two camps, Cwero and Awac in Gulu District, where the 11<sup>th</sup> Battalion is stationed. Although many have complained about this situation, as of late March 2005 no corrective action had been taken.

On February 17, 2005, Patrick W., a farmer near Cwero camp was arrested by soldiers. He had gone back to his old home outside the camp and built a fire break line around his house to protect his fruit trees, so that he could provide his family food to supplement the skimpy rations in the camp. The soldiers accused him of working for the rebels, caned him, and tied

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<sup>20</sup> "FDC appeals to Amama over torture of supporter," *New Vision*, November 12, 2004. Dennis Savimbi Muhumuza is his real name.

<sup>21</sup> See Human Rights Watch, *Abducted and Abused. Renewed War in Northern Uganda* (New York, July 2003); Foundation for Human Rights Initiative, *The Bi-Annual Human Rights Reporter 2004*, Kampala, Uganda.

<sup>22</sup> Human Rights Watch interview with victims, Kitgum Hospital, Kitgum, Uganda, March 2, 2005.

a rope around his testicles and pulled on it. Patrick W. fainted and was taken to nearby Cwero army barracks. He was released the next day and told never to go back to his home.<sup>23</sup>

Odang Binoni, in his seventies, was beaten to death by soldiers on February 19, 2005 in Cwero camp, Gulu district. He was out late at a funeral – funeral wakes usually continue the whole night – and was hence breaching the curfew rules. He had gone to the latrine, and when he returned, a soldier hit him with the butt of his rifle several times in the chest until the old man fell to the ground. Then several soldiers told the mourners to leave. Odang Binoni died shortly after of his injuries.<sup>24</sup>

In other cases, the army arrests and detains people accused of links with the LRA. Soldiers, similar to other security and intelligence officials, seem to use ill-treatment and torture as methods of interrogation; questions would be asked during the beatings about the suspects' links with the rebel LRA. In several cases victims have been detained in a pit within the barracks.

For example, in August 2003, Bob O., Charles B., James K. and Lucius O. were arrested by the army at Paicor camp as alleged rebel collaborators and taken to Paicor military barracks, Gulu district, where they were held in a deep, mud-filled pit. They were tied back to back to each other until the next morning. Afterwards, they were detained in a storage building close to the Acholi Inn in Gulu, where they were interrogated about LRA links, and severely beaten with sticks in front of the Military Intelligence Coordinator for northern Uganda, Col. Charles Otema, a senior commander. The following day the four men were transferred to the police, and shortly after they were charged with treason and transferred to Gulu Central Prison. After one year, they were released on bail; the charges are still pending.<sup>25</sup>

On April 2004, Theodor O. was arrested at Paicor camp on accusations of being a rebel and owing a gun. During the five days of his detention at Paicor military barracks, he was held for one day in a pit. During this time he witnessed severe abuses against other detainees:

There were other people in the pit who were ... taken out of the pit and beaten individually. The way the pit was constructed it had roofing you

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<sup>23</sup> Human Rights Watch interview with Patrick W., Cwero camp, Gulu District, Uganda, February 26, 2005.

<sup>24</sup> Human Rights Watch interview with relative of Odang Binoni, Cwero camp, February 26, 2005. Odang Binoni was his real name.

<sup>25</sup> Human Rights Watch interviews with Bob O. and Charles B., Paicor camp, Gulu District, February 27, 2005.

could peep through. I saw people beaten on the buttocks, beaten strictly on the buttocks until the stick was broken, until the buttocks were so swollen the person couldn't sit. I wasn't beaten but was tied up with rubber – it has ruined the circulation in my veins in my arms.<sup>26</sup>

In February 2005, Julius L. was arrested at Pabbo camp, Gulu district, on accusations of collaborating with the LRA and boasting about being a relative of Vincent Otti, a senior LRA leader. He was taken to Olwal military barracks and then forced to go out with soldiers to “show where the rebels were”. At one point the soldiers stopped and hit Julius L. severely on the head, put a rope around his neck, sat on him and started strangling him. He fainted but survived, and eventually made it back to his camp. He continues to have body pain and feel very weak, and has a fracture in the waist.<sup>27</sup>

## **State action against torture**

### ***Ugandan Human Rights Commission (UHRC)***

The UHRC was established under articles 51 to 59 of the Constitution. It is entrusted with a wide variety of important functions, such as investigating abuses, carrying out prevention work and trying civil suits regarding human rights. Its commissioners sit as judges in a human rights tribunal, where they have the power to make awards of damages for violations of human rights.

According to its most recent report, the UHRC received 446 torture complaints during 2003.<sup>28</sup> Most complaints were against the police, the army and the VCCU. The UHRC recognized that most torture complaints were closely linked to three illegal practices:

The use of torture was closely linked to the use of illegal detention places, detention beyond 48 hours as stipulated by law and the involvement of other security organs in police functions.<sup>29</sup>

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<sup>26</sup> Human Rights Watch interview with Theodor O., Paicor camp, February 27, 2005.

<sup>27</sup> Human Rights Watch interview with Julius L., Pabbo camp, February 25, 2005.

<sup>28</sup> UHRC, 6<sup>th</sup> Annual Report, 2003, p.88.

<sup>29</sup> UHRC, 6<sup>th</sup> Annual Report, 2003, p.88.

Out of the twenty-one complaints resolved by the UHRC Tribunal in 2003, eleven involved torture. Torture was established in nine of the complaints and in seven cases, compensation was ordered in favor of the complainants.<sup>30</sup> However, compensation payments have never been made because of general budgetary constraints in Uganda; no priority for payments is given to human rights victims.

Another key area of work of the UHRC is civic training and education for the promotion of respect for human rights. For example, UHRC has carried out important human rights training with the police and prison officials.<sup>31</sup>

### ***Criminal prosecution and civil suits regarding torture***

In a handful of cases, victims of torture have been able to file civil suits and have been awarded compensation. Apart from the UHRC tribunal, regular courts have occasionally dealt with such cases. For example, in two of the cases mentioned above – Francisco Ogwang Olebe and Pascal Gakyaro – the victims were awarded compensation although no payment has been made by the Ugandan government. Some other cases are pending. A girl and a woman who had been raped by UPDF soldiers and infected with the HIV virus had their case submitted to the High Court in Gulu on March 25, 2005 and are awaiting the court's decision. An old man tortured with melted plastic on his back in Gulu brought a suit against the Attorney General, who did not appear until the end of the trial, and did not present any witnesses.<sup>32</sup>

Criminal prosecution is even rarer. Complaints seem to be stifled at the local level by the local military commander. In almost all cases, the perpetrators are not punished.

### ***Parliamentary commissions***

A Parliamentary Select Committee to Inquire into Election Violence looked at the misconduct, mismanagement, violence and rigging that characterized the presidential, parliamentary and local elections held in 2001 and 2002. The investigations unearthed cases

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<sup>30</sup> The seven individuals who were awarded compensation payments for torture were the following: Stephen Gidudu, Akera Eric Bosco, Nsereko Sajjabi, Mahmood Hassouna, Embati Ophen, Acen Rose and Salim Chepkwui. UHRC, 6<sup>th</sup> Annual Report, 2003.

<sup>31</sup> UHRC, 6<sup>th</sup> Annual Report, 2003; FHRI, *The Defender*, Vol. 8 Issue No. 2, "Human Rights Education of Law Enforcement Personnel in Relation to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment", 2004.

<sup>32</sup> See *Abused and Abducted*, pp. 45-46 ; Human Rights Watch interview, Kampala, March 25, 2005.

of detention of suspected opposition politicians in illegal locations, torture and state-sponsored violence against opposition supporters. Unfortunately the report was never debated in parliament, as it was said its contents were too sensitive and touched on matters treated in court.<sup>33</sup> In 2005, according to donors, this report was finally to be debated in Parliament; the projected time of late March was not met, however.<sup>34</sup>

In 2002, a Select Committee under the Parliamentary Committee on Defence and Internal Affairs undertook a study of torture, safe houses, and other places of “ungazetted” (unofficial) detention. Among other things, its members visited prisons and interviewed many torture survivors. Unfortunately the results of this study were also not made public.

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<sup>33</sup> “Election Violence Report Shelved, Speaker Bashed,” *Monitor*, December 4, 2002; “NGOs appeal on violence,” *New Vision*, April 4, 2005.

<sup>34</sup> Human Rights Watch interviews with donors, Kampala, March 2005.