



January 2011

country summary

Uganda

Freedoms of assembly and expression in Uganda have come under attack in 2010, the pressure intensifying in advance of presidential and parliamentary elections scheduled for February 2011. Journalists critical of the government face intimidation and sometimes criminal charges from state agents and members of the ruling party. Security and quasi-military organizations continue to illegally detain and torture suspects, in some instances leading to death. Impunity for human rights abuses persists. For example, Uganda failed to carry out investigations or prosecutions for the deaths of at least 40 people killed, some by military police, in riots in September 2009.

On July 11, 2010, two bomb blasts in Kampala, the capital, killed 76 people who had gathered to watch the football World Cup final. The Somali armed Islamist group al-Shabaab claimed responsibility and threatened further attacks if Uganda continued to supply troops to the African Union Mission in Somalia (AMISOM). Uganda arrested scores of suspects, charged 36 with terrorism and eventually committed 17 for trial. The judiciary issued an injunction barring the press from covering the investigations and, on July 28, police broke up an opposition demonstration, stating that public gatherings were banned until the perpetrators of the bombings were arrested.

Some fear of violence around the 2011 elections was furthered by irregularities surrounding the ruling National Resistance Movement primaries in August 2010. Roughly 350 petitions were filed with the party's electoral commission, alleging beatings, intimidation, and bribery. Investigations are ongoing at this writing.

Freedoms of Assembly and Expression

Opposition demonstrations protesting the composition of the electoral commission were met with police brutality. For example, in January 33 women from an opposition coalition were charged with illegal assembly, and in June police severely beat these women as they exited a court appearance causing four to be hospitalized.

Ugandan officials have repeatedly failed to hold state actors involved in election-related violence accountable. That continued in 2010, for example in March at the Rukiga by-election,

where police detained six opposition supporters and beat others who attempted to bring food to detainees leaving one person in a coma. Police were not charged with any crime.

In June an ad hoc group known as the *kiboko* (stick) squad assaulted Forum for Democratic Change presidential candidate Kizza Besigye and other opposition leaders at a rally in Kampala. The opposition accused the state of supporting and mobilizing the squad. Police denied the allegations, but failed on several occasions to arrest squad members. In July police in 13 towns arrested at least 80 people during a nationwide demonstration against the electoral commission. In Mbale, eastern Uganda, police used their guns to strike unarmed opposition demonstrators.

The Ugandan government uses media and penal laws to prosecute journalists, restrict who can lawfully work as a journalist, and revoke broadcasting licenses without due process. Journalists face harassment and threats, especially outside the capital. After being forced off air by security agents during the September 2009 riots, CBS Radio was permitted to operate again in October 2010. The government never provided evidence in court of any wrongdoing.

In August the constitutional court ruled, after five years, that the crime of sedition is unconstitutional. The court upheld the constitutionality of the crime of "promoting sectarianism," which prohibits any act promoting "feelings of ill will or hostility" on account of religion, tribe, ethnicity, or regional origin. At least four journalists and some opposition politicians who criticized alleged government favoritism of some ethnicities over others currently face this charge, which has effectively silenced debate.

At this writing, the government is considering draft amendments to the media law, which would further imperil freedom of expression.

Extrajudicial Killings, Torture, and Illegal Detention

As the Ugandan People's Defence Force (UPDF) continued a disarmament exercise in the northeast region of Karamoja, soldiers have killed civilians with impunity. The Uganda Human Rights Commission stated that soldiers killed civilians, including children and the elderly, in Kotido district, and two Karamoja parliamentarians accused the army of killing between 48 and 55 civilians between April and August. UPDF officials acknowledged that soldiers killed 10 Karamojong, four of them children, during crossfire on April 24 in Kotido, but said that no soldiers would be punished.

The Rapid Response Unit (RRU), formerly known as Operation Wembley and the Violent Crimes Crack Unit, a section of the police created to combat armed crime, continues to detain people without charge, well beyond the constitutionally mandated 48 hours. At least two individuals died this year as a result of torture in RRU custody. Those arrested by the RRU await trial before military courts for long periods of time. The slowness of the military courts has resulted in instances of defendants serving longer periods on remand than would result from the maximum sentence for their charges.

The RRU in September arrested Kenyan human rights activist Al-Amin Kimathi, who had criticized the handover of Kenyan suspects in the July bombings to the Ugandan authorities without due process. Kimathi was detained for six days without charge, denied access to a lawyer, and eventually charged with terrorism in the July bombing. At this writing, he is awaiting trial with 16 other suspects. Human Rights Watch was denied access to all the detainees on this file.

Bills Violating International Human Rights Law

Indicating a troubling authoritarian trend as elections loom, Parliament and the Cabinet drafted and debated a raft of repressive legislation.

The draft Public Order Management Bill would grant the inspector general of police and the minister of internal affairs wide discretionary powers over the management of all public meetings. The draft bill imposes extensive obligations on meeting organizers, which violates rights to freedom of assembly and speech. The bill would also allow state actors to regulate the conduct and content of discussions. The Constitutional Court has already deemed some of these provisions unconstitutional in previous cases.

The draft Press and Journalist Amendment Bill requires print media to be annually registered and licensed by government regulatory bodies. It empowers the Media Council to deny licenses based on its assessment of the newspaper's "values" and revoke them at will.

Homosexual conduct is already criminalized in Uganda, a violation of international standards, but the proposed 2009 Anti-Homosexuality Bill would go further, punishing homosexuality with up to life imprisonment, and "serial" homosexuality with the death penalty. The bill, still pending at this writing, would also punish failure to report acts of homosexuality and prohibit the "promotion" of homosexuality through advocacy on sexual minority rights, threatening work of human rights groups. In early October 2010 a new newspaper, *Rolling Stone*, published photographs, names, and locations of some Ugandan

lesbian, gay, bisexual, and transgender rights activists and individuals under a headline that included the phrase “Hang Them.” Some have since gone into hiding. The government has taken no action to protect them. The High Court issued a temporary injunction barring further publication of such articles, though *Rolling Stone* went on to allege that sexual minorities supported the July bombings.

The draft HIV/AIDS Prevention and Control Act criminalizes intentional or attempted transmission of HIV, an approach discredited by international principles. Contravening international standards of voluntary counseling and testing the bill also makes testing mandatory for pregnant women, their partners, and other specified groups. The bill allows medical practitioners to disclose HIV status without the patient’s consent potentially exposing women and girls to domestic violence.

Lord’s Resistance Army

While relative calm continued to prevail in northern Uganda, the Ugandan armed rebel group the Lord’s Resistance Army (LRA) continued killings and abductions across Central African Republic, southern Sudan and northern Democratic Republic of Congo (see chapter on the DRC).

Warrants issued by the International Criminal Court for LRA leaders in 2005 remain outstanding. President Museveni reportedly signed a bill domesticating the Rome Statute in May prior to the ICC Review Conference in Kampala. The newly created War Crimes Division of the Ugandan High Court is expected to begin its first trial in 2011 of LRA fighter Thomas Kwoyelo, charged with willful killing, taking hostages, and extensive destruction of property. Kwoyelo has applied for amnesty.

Refugees and Internally Displaced Persons

After two decades of conflict in Uganda’s northern region, internally displaced persons (IDPs) have largely moved out of the camps. For persons with disabilities there are significant hurdles to returning home. Research by Human Rights Watch found that women with disabilities experience stigma and isolation, gender-based violence, and obstacles in accessing health care and justice.

The government, cooperating with Rwandan authorities, forcibly repatriated more than 1,700 Rwandan refugees and asylum seekers from southwestern Uganda in July. Ugandan officials reportedly deceived the residents of Kyaka and Nakivale camps into gathering around trucks by announcing a food distribution and information on asylum appeals. Police and camp

commanders then forced the residents onto the trucks at gunpoint. In the ensuing panic 25 people were injured and at least two died.

Key International Actors

Uganda's Joint Budget Support partners—the European Commission, the World Bank, the United Kingdom, Germany, Denmark, Belgium, Ireland, Norway, the Netherlands, Austria, and Sweden—reduced their US\$360 million contribution to Uganda's budget by 10 percent due to concerns about unaddressed corruption.

A range of international actors, including United States President Barack Obama, actively condemned the Anti-Homosexuality Bill, which appeared to have contributed to retarding the bill's progress in Parliament. Other key human rights issues, particularly accountability for extrajudicial killings and torture by state agents, were not raised with similar zeal.

The US and the UK, among other donors, put significant effort into enhancing the election process in advance of 2011, including training for police in public order management and support to reduce legal and regulatory restrictions on freedom of expression. Some raised concerns about the independence of the electoral commission, but the government made no concessions.

The US continues to provide considerable logistical support and training to the Ugandan army, both in counterterrorism efforts and for the ongoing UPDF-led operations against the LRA. The FBI provided substantial resources to investigate the July 11 bombings, but denied reports that its agents were present during interrogations of suspects.