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He (Kony) is not a Muslim, or a Christian, he is his own religion. He can sit and then talk from very far away and give orders. And then he can look at you and tell you he knows what you are thinking. Everybody is afraid of him. But we all admired him. He promised us that he will take over the government and then we would be able to live in big houses and drive cars. We were forced to watch those who wanted to escape being killed. Nobody wanted to escape then.

-- Testimony to Human Rights Watch

## **ABDUCTED AND ABUSED: Renewed Conflict in Northern Uganda**

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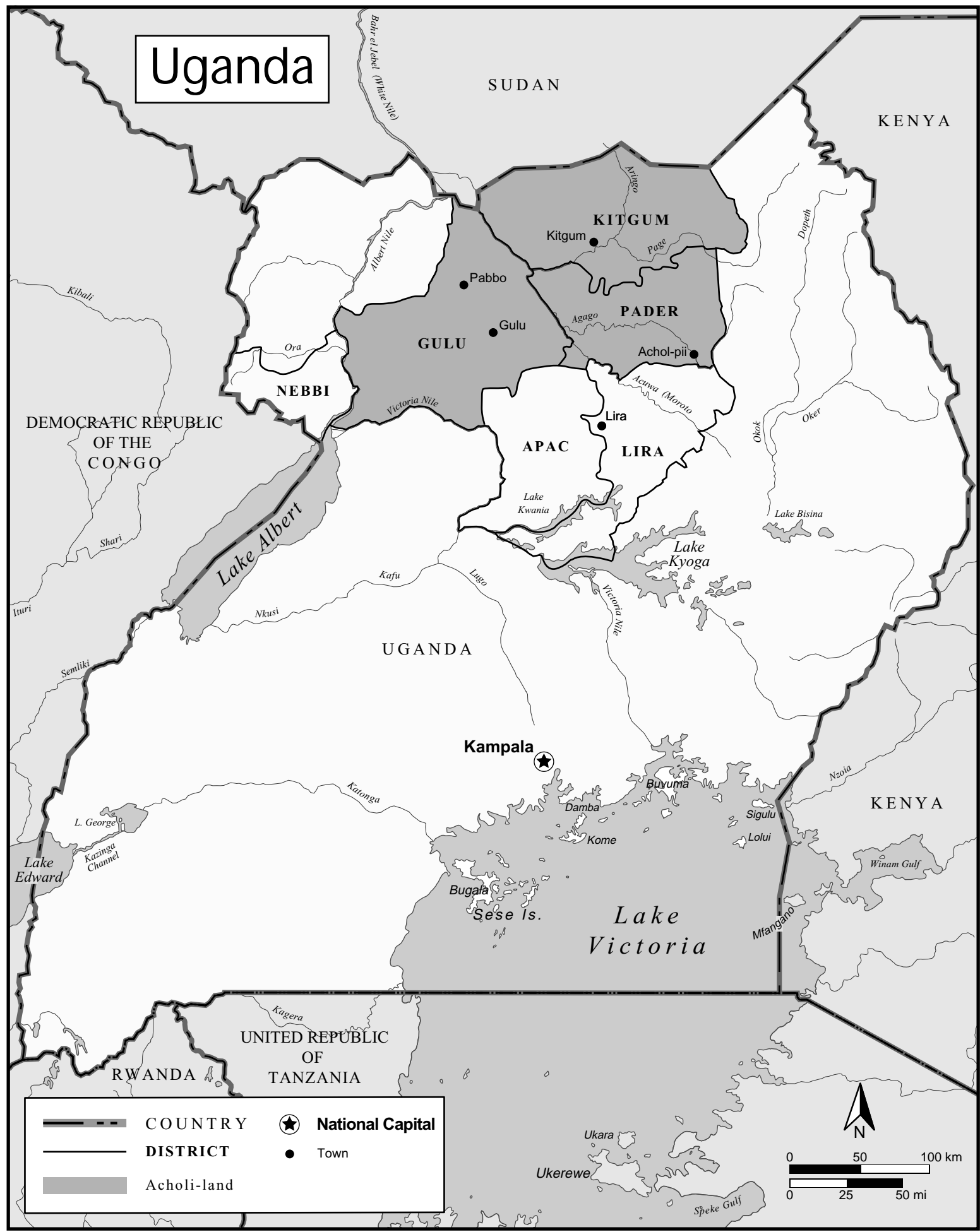
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# UGANDA

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# Uganda



SUDAN

KENYA

KITGUM

Kitgum

PADER

GULU

Gulu

Achol-pii

NEBBI

APAC

LIRA

Lira

DEMOCRATIC REPUBLIC OF THE CONGO

UGANDA

Kampala

KENYA

KENYA

UNITED REPUBLIC OF TANZANIA

RWANDA

COUNTRY



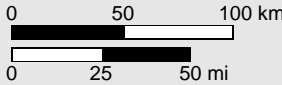
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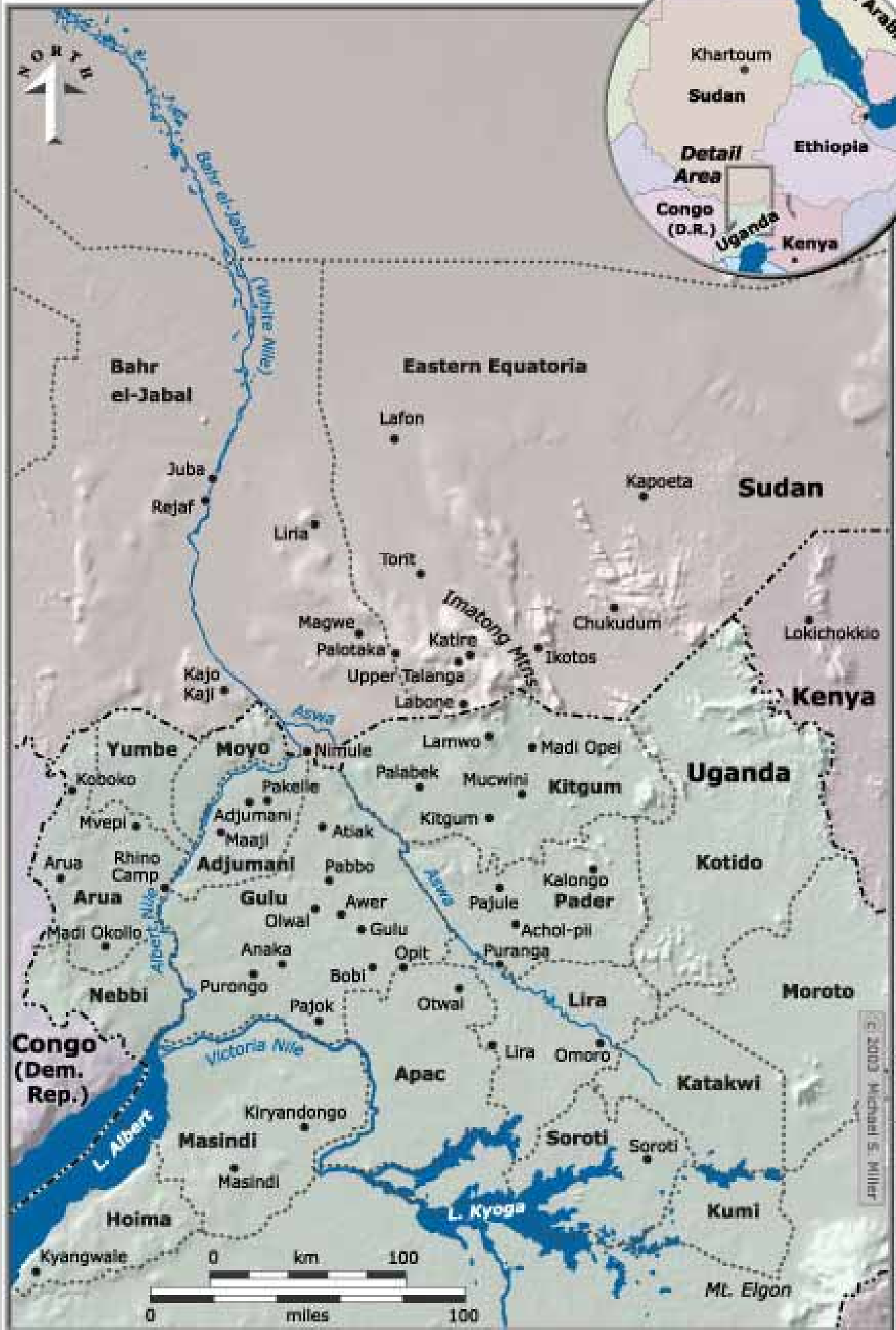
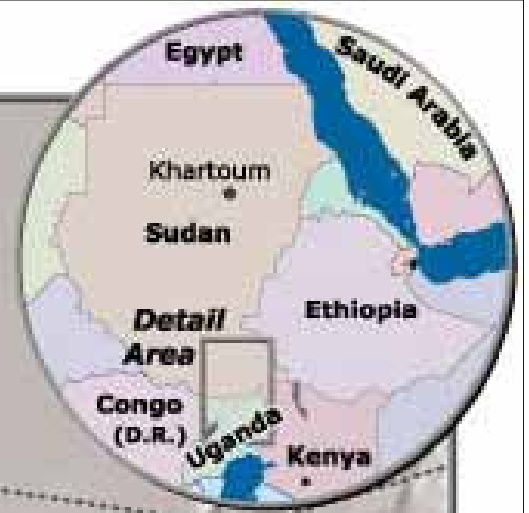
DISTRICT



Town

Acholi-land





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## ACKNOWLEDGMENTS

This report was researched in northern Uganda (and Kampala) from January 23 to February 11, 2003 by Annette Weber, consultant to the Africa Division of Human Rights Watch, Jo Becker, advocacy director for the Children's Rights Division, and Tony Tate, researcher for the Children's Rights Division, and by Jemera Rone, counsel for the Africa Division, who visited Kampala in June 2003. The report was written by Annette Weber and Jemera Rone, with sections relating to children written by Jo Becker and Tony Tate. The report was edited by Jemera Rone. Iain Levine, program director, and Joseph Saunders, deputy program director, also edited the report. Production and coordination assistance was provided by Jeff Scott and Colin Relihan, associates for the Africa Division, and Patrick Minges, director of publications.

Human Rights Watch would like to thank all of the victims and witnesses of human rights abuses who spoke with us in our research. Human Rights Watch interviewed victims of violations by Ugandan governmental military and paramilitary groups, relatives of victims of unlawful killings by a paramilitary group, and more than twenty former LRA abductees.<sup>1</sup> Human Rights Watch talked to local and national Ugandan authorities, and local and national Ugandan human rights organizations. We held meetings with army representatives, police and prison representatives, and members of the judiciary. We also met with Ugandan and international nongovernmental organizations, humanitarian agencies, church leaders, parliamentarians, and journalists.

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<sup>1</sup> All names of children have been changed to protect their privacy. The names of adults who requested anonymity have been changed also.

## I. SUMMARY

The seventeen-year war in northern Uganda has been characterized by great brutality by the rebel Lord's Resistance Army (LRA), as documented in Human Rights Watch's 1997 report, *The Scars of Death: Children Abducted by the Lord's Resistance Army in Northern Uganda*, and later publications. The atrocities increased in 2002, but international attention has been distracted by less savage emergencies. A Ugandan peace effort, spearheaded by the Acholi Religious Leaders Peace Initiative (ARLPI), has not broken through the parties' desire for a military solution.

The latest effort to bring the war to a close by military means has failed as well. In March 2002, Uganda's army, the Ugandan People's Defence Force (UPDF), launched Operation Iron Fist, a military campaign intended to wipe out the LRA by attacking its southern Sudanese sanctuaries. Instead the conflict inside northern Uganda intensified. The LRA—which draws its recruits, mostly abducted children, from the Acholi population of northern Uganda—evaded the UPDF in Sudan and moved back into Uganda in June 2002 where it has stepped up its abduction, killing, looting, and destruction aimed at civilians and their property.

The UPDF responded with massive forced displacement and increased arrests. The victimized northern population became more alienated from both sides, and less hopeful about the future, than ever before.

This report, a follow-up to the 1997 study, details the deteriorating situation in northern Uganda today. Dozens of eyewitnesses and civilian victims provided Human Rights Watch detailed accounts of the renewed devastation being wreaked by the conflict, particularly on children. Since June 2002, the LRA has abducted approximately 8,400 children, resumed its despicable practice of mutilating people it believes to be affiliated with the government, and targeted religious leaders, aid providers, and other civilians. It has expanded the war's reach beyond northern Uganda into the Soroti area of eastern Uganda.

One thirteen-year-old boy was abducted together with his four brothers in 2002 and he escaped. Others were less fortunate, if this can be termed "fortunate": he reported that

the LRA explained to us that all five brothers couldn't serve in the LRA because we would not perform well. So they tied up my two younger brothers and invited us to watch. Then they beat them with sticks until the two of them died. They told us it would give us strength to fight. My youngest brother was nine years old.

Although the Ugandan government has an obligation to intervene to end such abuses, government forces themselves have been responsible for human rights violations, including cases of torture and rape, summary execution, and arbitrary detention of suspects. Government investigators have pursued some cases of abuse by UPDF soldiers, but prosecutions have languished and wrongdoers continue to enjoy virtual impunity. Both the UPDF and the Local Defence Force (LDU) have recruited underage boys as soldiers.

The history of the alienation of northern Uganda from the government of Yoweri Museveni, and government forces' abuses in the north, may partly explain why some northern Ugandans tolerate or assist the LRA in their midst, despite its atrocities. This tolerance, and fear of LRA retaliation, is evident from the widespread dispersion of LRA forces and the inability of the UPDF to achieve a military solution.

The Ugandan government's forced displacement policy also has contributed to the suffering of northern Ugandans and their resentment of the heavy-handed and ineffective way the UPDF wages war, at their expense. On October 2, 2002, the government ordered thousands of civilians in the affected areas of

Gulu, Kitgum, and Pader districts (Acholiland) to relocate into “protected” camps. This had been tried before, in 1996. In early 2002, there were still more than 500,000 civilians internally displaced in northern Uganda. By the end of 2002 and as a result of the LRA’s stepped up attacks and the Ugandan government’s October 2 displacement order, this figure had increased substantially, to more than 800,000 internally displaced persons (IDPs), or approximately 70 percent of the population of Acholiland, a staggering proportion of IDPs.

Despite these measures, the government has been unable to provide sufficient security and assistance to the population to offset the economic disruption caused by massive displacement. Insecurity in the form of LRA ambushes and attacks on World Food Programme (WFP) and other relief vehicles hampers the delivery of humanitarian aid, and the WFP is under funded.

Since 1994, the LRA’s only known supporter has been the Sudanese government, reportedly in retaliation for the Ugandan government’s support of the rebel Sudan People’s Liberation Movement/Army (SPLM/A). Both sides deny that they are providing material support to the other’s rebels.

After the LRA was declared a terrorist organization by the U.S. Department of State in late 2001, however, the Sudanese government quietly claimed it had cut off supplies to the LRA; it sought to improve Sudanese-U.S. relations. This purported assistance cut-off was short-lived. After the LRA helped the Sudanese government recapture the Sudanese garrison town of Torit from the SPLM/A in October 2002, arms and ammunition—including anti-tank landmines—flowed again from the Sudanese side to the LRA. This happened despite LRA killing and looting of Sudanese civilians in southern Sudan and in refugee camps in Uganda.

Despite the tragic situation the war has created, there is no silver bullet solution for the seventeen-year conflict. But the situation may change soon, as the Sudanese government and the SPLM/A are engaged in serious peace negotiations supported by the U.S., the U.K., and Norway (the “Troika”). If the Sudanese conflict ends, it should no longer be necessary for the Sudanese and Ugandan governments to engage in retaliatory arming of each other’s rebels. The Troika must assure that any Sudan peace agreement provides guarantees for cessation of all cross-border rebel assistance.

Although the LRA claims that it has prepared for this eventuality by stockpiling weapons and ammunition, it stands to lose its sanctuaries across the border in Sudan and its main arms and ammunition supplier. The LRA may again become willing to negotiate, as it was in mid-2002 after the Sudanese government reduced or eliminated its assistance.

At this point it will be up to the donors and others in the international community to press the parties to find an end to the conflict. The difficulty then may be to persuade the Ugandan government to abandon its efforts for a military solution, and to improve its relations with its northern citizens by improving its human rights performance.

In the meantime, the U.N. secretary-general should appoint a special envoy to negotiate the release of the abducted children from the LRA. The Sudan peace talks may not succeed, and the 8,400 children abducted from June 2002-May 2003—who have not already been murdered or escaped—require urgent release from captivity, together with the thousands already in LRA hands. The Sudanese government must end all forms of support for the LRA, both directly and indirectly, not on account of any promises by the Ugandan government, but because of the LRA’s long record of gross abuses of human rights. The LRA should release all abducted people in its custody and cease abductions and attacks on civilians and civilian infrastructure.

The Ugandan government must put an end to abuses by its armed and security forces. It must promptly and publicly investigate complaints of their abuses and punish those found guilty. Donors should

fully fund relief efforts. They should insist that the UPDF provide proper protection for civilians and relief convoys in northern Uganda, and not condition protection on payment for fuel and food, which is all too frequently done. Donors should encourage the Ugandan government to devise creative and attractive solutions to demobilization, and impress upon it the need to end the suffering in northern Uganda, keeping in mind that seventeen years of military solutions have not brought peace.

One major justification for Operation Iron Fist was the rescue of abducted children held by the LRA at its bases in southern Sudan. But during June to December 2002, the number of LRA child abductions (5,000) was two times greater than the number of abducted children rescued by the UPDF (2,227).

The number of civilians—many very young—killed, injured, and abducted by the LRA, and the extensive property destruction, are not the whole story. The LRA's brutality to its victims is shocking. From the beginning of the LRA's activities in northern Uganda, children and adults it abducted frequently have been beaten into submission to serve as LRA soldiers. Many are given weapons training and some are forced to fight against the UPDF and, inside southern Sudan, against the SPLM/A. All have to porter heavy, looted loads over long distances.

Young girls must work long hours fetching water and firewood, gathering food, and performing domestic duties for LRA commanders. After they reach puberty, girls are forced into sexual slavery as "wives" of LRA commanders. They are subjected to rape, forced pregnancy, and the risk of sexually transmitted diseases, including HIV/AIDS.

LRA abductees—adult and child—are threatened with death if they try to escape, and these threats have been carried out in the thousands since 1994. Children are forced to beat, club, or trample to death other children and adults who attempt to escape.

The threat of LRA abduction makes children fear for their safety. Each night, thousands of children pour into Gulu, Kitgum, and Pader towns (Acholi land) from surrounding areas, hoping to avoid abduction. They seek refuge on verandahs, in the bus park, on church grounds and in local factories before returning home again each morning. They receive little assistance, and are vulnerable to theft, sexual assault, and other abuses from other children and adults.

The UPDF and other government-related armed groups have contributed to fear and insecurity in northern Uganda. UPDF soldiers have arrested scores of civilians, with little evidence, on suspicion of rebel collaboration; some of the detainees are supporters of the unarmed political opposition. Suspects of treason or terrorism (death penalty crimes) are kept in detention without bail and without cause shown for up to 360 days. In practice this period is longer. There are also cases of UPDF torture, ill-treatment, and rape: in January 2003, UPDF soldiers severely beat a surrendering sixteen-year-old LRA child soldier so much that he was sure his backbone had been broken. He reported, "I was tied in the three-point way and kicked. I really regretted my decision to surrender. [LRA leader Joseph] Kony told us that the UPDF will kill you and I felt it was true." In another case, two UPDF soldiers captured a girl aged thirteen and a nineteen-year-old woman returning from working in the fields; each soldier raped both the girl and the woman and both contracted the HIV virus from the rapes. Although the soldiers' names were reported to the UPDF, it appears the only government response was to transfer them to another garrison.

Paramilitary groups created and armed by the government or its officials, such as the Kalangala Action Plan (KAP), headed by the senior presidential advisor Kakooza Mutale, engage in harassment and unauthorized arrest, and sometimes kill civilians. All levels of government deny that they control the KAP and other paramilitary groups, making accountability almost impossible.



Since Operation Iron Fist began in March 2002, ceasefires have come and gone. Peace negotiations have broken down. The aims of the LRA, and what it wants in a negotiated settlement, have been impossible to establish.

The brunt of the war is borne by the civilian population, in terms of homes destroyed, goods stolen, children abducted and brutalized, family members killed and raped, all of which has reduced the more than one million Acholi inhabitants of northern Uganda to a state of destitution and despair. Many wonder about their future. Sixteen-year-old John W., a former LRA child soldier abductee made an orphan by the LRA, said, “What disappoints me most is the future. Some seem to have things to do here, and a place to go, but for me, the future is blank. . . .”

Absent a major impetus from outside Uganda, the war in northern Uganda will continue at this heightened pace, cruelly destroying families, schools, lives, and hope—especially affecting the young. The case for international action on behalf of this stricken area could not be stronger.

## II. RECOMMENDATIONS

### To the Lord's Resistance Army:

- Cease attacks on civilians and civilian objects.
- Stop abducting civilians, including children.
- End all killing, torture, and sexual abuse of civilians and abductees.
- Release all abductees remaining in captivity.
- Support, cooperate with, and create a conducive environment for the proper functioning of an internationally led human rights monitoring body on northern Uganda, based in Uganda.

### To the Government of Uganda:

- End impunity for human rights violations by government security and armed organizations.
- Ensure that the UPDF take immediate steps to investigate and prosecute alleged human rights violators over whom it has jurisdiction.
- Publicly clarify command structure and responsibility of government security organizations.
- Disband all organizations, such as the Kalangala Action Plan and the Labeca group, which engage in functions reserved to the police and security forces (such as investigation of possible crimes and detention), where those organizations have not been created by an act of Parliament.
- Revise the constitutional limit on pre-trial detention without bail, which currently allows for the detention on remand without bail for a period up to 360 days in cases triable only by the High Court, such as terrorism and treason, to conform to international human rights standards.
- Release or bring promptly to trial all persons detained on treason, terrorism, or other security related charges, who have been in detention for longer than the constitutionally permitted period of 360 days.
- Promptly review all cases of treason and terrorism suspects to ensure that sufficient evidence exists to justify detention.
- Cease using treason or terrorism charges as a holding charge for those arbitrarily detained in areas in which rebels are active.
- Undertake a prompt and comprehensive review of national legislation governing treason, terrorism, and other public order charges to ensure compliance with international human rights standards. In particular:
  - no arrests should take place without sufficient evidence. Cease the practice of "arrest now, investigate later."
  - the use of confessions as a basis for pre-trial detention should be limited to confessions freely made in the presence of counsel.
  - Pre-trial detention should be kept to a minimum.
  - the independence of the judiciary and law enforcement agencies, including from interference by the army, should be guaranteed.
- Ensure efficient mechanisms that enable victims and their families to report allegations of human rights abuses. Reporting mechanisms should be designed to ensure legal action can be taken and reporters of abuse are protected.
- Thoroughly investigate all alleged cases of sexual abuse or rape by members of the UPDF, and bring to justice those responsible.
- Ensure that all members of the UPDF receive HIV/AIDS education and awareness training, and have access to counseling and testing services.
- Take effective measures to protect civilians.
- Instruct the UPDF and security personnel to take all possible steps to protect children from abduction by the LRA.

- When fighting the LRA, take all feasible steps to minimize child casualties.
- Transport children as quickly as possible from outlying barracks in the districts to the Child Protection Units. Ensure that children are kept at the CPU's no longer than forty-eight hours.
- Identify and demobilize all children currently serving in the Local Defence Units (LDUs) or UPDF.
- Immediately end all recruitment of those under the age of eighteen years into the LDUs or UPDF and ensure that all individuals recruited in the future are at least eighteen years of age, pursuant to the Ugandan constitution.
- Investigate allegations of recruitment of released or returned child abductees while held at UPDF barracks, such as the child abductees held at Achol-Pii barracks in late 2002. Promptly bring those responsible for child recruitment to justice.
- Relocate Sudanese refugee camps a safe distance from the border with Sudan and other areas of LRA activity, and with sensitivity to the ethnic composition of the refugees and host communities.
- Provide a public accounting to the citizens of Uganda of the reasons for which displacement of northern Ugandans has been ordered, pursuant to article 17, Protocol II of 1977 to the Geneva Conventions of 1949.
- Provide satisfactory conditions, such as spelled out in the U.N. Guiding Principles on Internal Displacement, of shelter, hygiene, health, safety and nutrition for internally displaced persons.
- Ensure protection for existing IDP camps and, except for extreme circumstances of insecurity, allow those who wish to leave the camps to do so.
- Support, cooperate with, and create a conducive environment for the proper functioning of an internationally led human rights monitoring body on northern Uganda, based in Uganda.

**To Ugandan Legal Institutions Including the Police, the Judiciary, and the Uganda Human Rights Commission**

- Ensure that the treason and anti-terrorism provisions of the Ugandan Penal Code are not applied to any person without a thorough investigation and are not used to detain persons (especially if they are political opposition members) against whom there is little or no evidence.

**To the Sudanese Government:**

- Protect Sudanese civilians from attacks by the LRA and end all forms of support for the LRA.
- Remove all children in LRA custody within the borders of Sudan from the LRA and arrange to have them cared for in accordance with the Convention on the Rights of the Child.

**To the U.N. Secretary-General:**

- Appoint a special representative for the abducted children of northern Uganda to conduct "shuttle diplomacy" between the LRA and the Ugandan government with the aim of securing the release into safety of all those abducted by the LRA as children, and to seek an end to future abductions. The envoy should work closely with the appointed government peace team, religious and other civilian leaders in northern Uganda, as well as with NGOs and U.N. agencies involved in the situation.

**To the U.N. Children's Fund (UNICEF):**

- Establish and maintain an office in northern Uganda in order to strengthen child protection activities on behalf of children in the north, including refugee children.
- Continue to monitor child recruitment by Ugandan military forces, including the UPDF and LDUs, and continue to raise the issue with the relevant authorities.

**To Donor Countries:**

- Closely monitor any military assistance to the Ugandan government to ensure that human rights standards are strictly observed by the UPDF and security forces.
- Continue to support international NGOs and U.N. agencies working in northern Uganda for the protection of children, refugees, internally displaced persons, and other civilians.
- Sponsor and support the creation of a full-time international human rights monitoring field presence in northern Uganda and Kampala. The monitoring unit should investigate incidents of abuses and submit regular and public reports on the conflict in northern Uganda.
- Insist that all parties cease targeting civilians and provide immediate and unimpeded access for humanitarian activities both in southern Sudan and northern Uganda.
- Contribute the necessary funds for the assistance of the at-risk population of northern Uganda.
- Encourage the government of Uganda and the UPDF to provide proper security for relief and humanitarian activities in northern Uganda as needed, and not on the basis or condition of payments in cash or kind to the UPDF for fuel, food, and other items.
- Provide diplomatic and financial support for the appointment of a special representative for the abducted children of northern Uganda.
- Encourage the government of Uganda to disband paramilitary groups.
- Support the Sudanese refugees from Achol-pii refugee camp in their desire to be relocated far from insecure areas of Uganda.

**To the Canadian Government:**

- Follow up on commitments made at the Winnipeg Conference and continue negotiations with Sudan and Egypt for release of the abducted children.

**To the African Union and the African Commission on Human and People's Rights:**

- Investigate and report on human rights abuses in northern Uganda and widely circulate the findings to African Union members.
- Work with and support the East African community and the InterGovernmental Authority on Development in discussions on solutions for human rights abuses in northern Uganda.

### III. BACKGROUND

The current conflict in northern Uganda has its immediate roots in the troubled times after Ugandan independence in 1962, when military groups of different ethnic and ideological composition aspired to and often succeeded in overthrowing a succession of Ugandan governments. Colonial preference to development of the southern regions and neglect of the north led to an economic imbalance and hence to higher rates of military service by northern populations in the volunteer army. No ethnic group is in the majority in Uganda's 24.6 million population; they inhabit an area of 242,554 square kilometers, a dense population for an African country with an agricultural economy.<sup>2</sup> The first prime minister, Milton Obote, was ousted by his army commander, Colonel Idi Amin, in 1971. Within Amin's army, his kinsmen from the West Nile (northwest) region began killing Langi and Acholi soldiers. Amin was overthrown by rebel Ugandan soldiers and the invading army of Tanzania in 1979. Contested national elections were held and Milton Obote returned to power in 1980. As was the case under the first rule of Obote, the national army, then known as the Uganda National Liberation Army (UNLA), drew heavily from the impoverished northern Ugandan Acholi population.

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<sup>2</sup> Uganda has 265 persons per square mile. Aside from the island nations, in Africa only Burundi and Rwanda have higher population density per square mile, 622 and 727 respectively. "World Population Data Sheet," 2002 Population Reference Bureau, pp. 4-5, [http://www.prb.org/pdf/WorldPopulationDS02\\_Eng.pdf](http://www.prb.org/pdf/WorldPopulationDS02_Eng.pdf) (accessed April 16, 2003).

In part because of the election fraud that brought Obote back to power, Yoweri Museveni created the National Resistance Army (NRA) and Movement in 1980 that took up arms to overthrow the government. The NRA took up positions and bases in the area known as the Luwero triangle to the north of the capital, Kampala. In an effort to crush local support of the NRA, the UNLA (including its Acholi soldiers) committed gross human rights violations, in this area, including the mass killing of thousands of civilians, the looting of property and goods, and the destruction of government buildings and homes; the UNLA sustained heavy casualties itself. Many Acholi believe that, dating from these events, the incumbent (1986-present) government of Yoweri Museveni has written the Acholi and their northern region off, which the government denies.

Obote was overthrown by the army again, this time by Acholi officers in the UNLA led by Tito Okello Lutwa and Basilio Okello. They took control of the government in July 1985. Shortly thereafter, the NRA captured Kampala in January 1986 and overthrew the UNLA.

When the NRA came to power, remnants of the UNLA Okello forces fled into their Acholi homeland in northern Uganda and formed the Ugandan People's Democratic Army (UPDA). Despite the NRA's taking power, Uganda continued to generate more armed rebel movements. In 1985, Alice Lakwena (Auma), an Acholi of northern Uganda, formed the Holy Spirit Movement (HSM). She declared that she had been given spiritual powers by the spirit Lakwena (meaning messenger in Acholi) to cleanse the Acholi of their "sins," including human rights abuses committed by Acholi government soldiers in the war against the rebel NRA. In 1986 the spirit Lakwena allegedly directed her to engage in combat to protect the Acholi from the NRA government. Her Acholi armed movement was defeated in late 1986 and she and a few followers fled to Kenya.

In April 1987, Joseph Kony, a school dropout, claimed to have inherited the spiritual powers of Lakwena from Alice, and started his own movement. He was armed, as Alice had been, by the mostly Acholi rebel group the UPDA. His military force, first called the Lord's [Salvation] Army and later the United [Salvation] Christian Army, became the Lord's Resistance Army in 1994.<sup>3</sup> In June 1988 a peace accord was signed between the UPDA and the NRA government, and some UPDA troops laid down their arms and were integrated into the NRA. Thus even today there are Acholi officers and soldiers in the Ugandan government army fighting the Acholi in the LRA.

The LRA has been assisted by the Sudanese government since about 1994, in retaliation for the support that President Museveni gives to the Sudanese rebels, the SPLM/A.<sup>4</sup> President Museveni claims that the Sudanese rebels receive political support only, but this is not accurate. In 1997, for example, the SPLM/A received the assistance of the UPDF, including troops, in its sweep from the Ugandan border

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<sup>3</sup> See Heike Behrend, "Is Alice Lakwena a witch? The Holy Spirit Movement and its fight against evil in the north," in eds. Hansen, Holger Bernt, and Michael Twaddle, *Changing Uganda* (James Currey Ltd: London, 1991), pp. 164-67. According to this early research, Acholi soldiers in Obote's Uganda National Liberation Army (UNLA) forces had looted, raped, and killed civilians in the war against the National Resistance Army (NRA); many Acholi UNLA soldiers were killed by NRA guerrillas. There was also tension between Acholi and Langi within the Obote forces. With Obote's defeat in July 1985 by a military coup, the Acholi forces took revenge on Langi civilians. When the military coupists were overthrown by the NRA in January 1986, these Acholi UNLA soldiers fled home to avoid feared reprisals; at home they committed more crimes. The NRA forces that occupied Acholi towns also committed abuses against Acholi civilians; supposedly among the NRA were former UNLA forces and forces belonging to the Baganda ethnic group (Luwero triangle) that was abused by the Acholi UNLA soldiers under Obote. These forces were withdrawn from Acholiland after complaints, but not until several months after the abuses started. In June 1988 UPDA soldiers (including other Acholi ex-UNLA forces) surrendered in return for amnesty, among them Holy Spirit Movement (HSM) soldiers. Many were integrated into the NRA or Local Defence Forces and fought their former allies. "A progressive dehumanization took place on both sides." Ibid.

<sup>4</sup> There are many reasons for the Ugandan political support given to the Sudan People's Liberation Movement/Army (SPLM/A), including sympathy for the African population of southern Sudan being subjected to forced Islamization and Arabization by the northern-based Sudan government which defines itself as Arab and Muslim.

north through Equatoria and Bahr El Ghazal. With the help of the UPDF and others, the SPLM/A captured many Sudanese army garrisons from Yei to Tonj towns, and took thousands of prisoners of war. Among the prisoners of war were at least one thousand members of the West Bank Nile Front, a Ugandan rebel group also supported by the Sudanese government. The West Bank Nile Front was effectively disbanded.<sup>5</sup>

Whereas Lakwena mobilized volunteers into her army through charisma and initial military success, Kony drew his forces largely from abducted villagers, focusing on easily manipulated children. These abductees have been used as soldiers, porters, laborers, and in the case of girls, as sexual slaves. To terrorize Ugandans or because individuals were suspected of government sympathies, the LRA cut off the hands, ears or lips of many villagers in the early years of the rebellion—a practice returned to in 2003. When the deadly Ebola disease broke out in Gulu in 2000, the LRA pulled back into southern Sudan, and LRA raids within Uganda dropped off sharply.

The LRA has long had sanctuary at bases in the Eastern Equatoria region of Sudan, comprising several states. There were more than four armed forces with bases in that same area of Eastern Equatoria (south of Juba and Torit towns and east of the Nile): the Sudan government, its Equatorian Defence Forces militia (including Sudanese Acholi), the SPLM/A, and the LRA. For the most part from 2000 until 2002, these forces did not engage in a high level of armed conflict.

According to LRA captives, the LRA military camp in Lubanga-tek, Sudan, had more than three battalions, about 4,500 LRA troops in all, most of them abductees. Lubanga-tek was the main camp where LRA leader Joseph Kony was based. It was supplied directly by the Sudan government army.<sup>6</sup> Former LRA captives say that, during their time in Sudan, their main activity was fighting against the SPLM/A inside southern Sudan.

In December 1999, the governments of Uganda and Sudan signed an agreement in Nairobi pledging that each would stop supporting the rebel forces of the other. The agreement was neither immediately nor completely honored. But rapprochement between the two countries was growing.

In late 2001, the U.S. State Department listed the LRA as a “terrorist organization.” The Sudanese government, engaged in a diplomatic effort to end its estrangement from the U.S., reacted by distancing itself from the LRA. (It claimed that it had cut off all support for the LRA.)

Thereafter the LRA, fearing that its Sudanese protector would take action against it, began to relocate its bases, soldiers, and child soldiers into the remote Imatong Mountains to the east, on the border with Uganda and Kenya. The LRA was evidently experiencing food shortages, because it stepped up its raids against the villages of southern Sudan, including not only those “belonging” to the SPLM/A, but also those villages belonging to the Sudanese government militia, the Equatorian Defense Force (EDF), which included Sudanese Acholi. Many Sudanese civilians were uprooted from their homes by LRA attacks, and their possessions were looted and in many cases burned.

The governments of Sudan, Uganda, and their allies discussed in 2001-02 how best to end the problem once and for all. “Surgical” strikes focused on capturing the LRA leader Joseph Kony were

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<sup>5</sup> See Human Rights Watch, *Famine in Sudan, 1998: The Human Rights Causes* (New York, 1999), p. 15-18.

<sup>6</sup> Human Rights Watch interview with Peter O., Gulu, Uganda, February 6, 2003. Peter O. was a returnee who spent several years with the Lord’s Resistance Army (LRA) after being abducted in 1997. He was based most of that time in Lubanga-tek (Rubangatek) LRA camp in Sudan. He explained that military equipment, ammunition, uniforms as well as military training were given to the LRA by the Sudanese army. For more advanced military training LRA cadres were sent to Juba and then to Khartoum. Peter O. stayed in Khartoum after he was wounded in a clash with the SPLM/A in the area of Lubanga-tek. According to him the Sudanese army did not stop supplying the LRA when the 1999 Nairobi agreement was signed.

discussed and discarded.<sup>7</sup> The military plan finally approved was that the Sudanese government would permit the UPDF to enter Sudan for the purpose of wiping out the LRA. But the Sudanese government would not engage in any military action for that purpose,<sup>8</sup> nor would it tolerate a UPDF-SPLM/A collaboration. It was wary that the UPDF would use the occasion of being in southern Sudan to re-supply and otherwise assist the SPLM/A in its fight against the Sudanese government. Uganda's defence minister announced in early 2003 that it would not train SPLM/A soldiers to fight the Sudanese army—a statement that remains unclarified.<sup>9</sup>

The UPDF launched Operation Iron Fist in March 2002 into southern Sudan, deploying as many as 10,000 troops. It overran several LRA camps southeast of Juba inside Sudan, in the triangle between the Nile and the Kit Rivers. Those camps included Lubanga-Tek (or Rubangatek), Odek, Benrot (Bin Rwot), Lalar, and Kampacho. Most of these camps had already been deserted.

Operation Iron Fist had a boomerang effect in that the LRA, instead of being wiped out, evaded the UPDF in Sudan and returned to northern Uganda in June 2002, with new equipment, uniforms, and training. It had eluded the UPDF in southern Sudan, possibly because it knew the terrain better than the UPDF and the UPDF was said to be suffering from both low morale and corruption due to its involvement in the war inside the Democratic Republic of Congo.<sup>10</sup> Some southern Sudanese allege that the Sudanese government provided intelligence on the UPDF whereabouts to the LRA during this period, and that Sudanese civilians in the area, weary of LRA attacks and looting, alerted the UPDF to LRA whereabouts. On at least one occasion, according to these informants, the UPDF did not act on the information because it was outnumbered and outgunned.<sup>11</sup>

Inside northern Uganda the LRA attacks, abductions, killings, burning and looting of villages and homes, and ambushes on vehicles escalated sharply in 2002. The LRA killed and injured hundreds of civilians who were in isolated villages, internally displaced persons camps, and Sudanese refugee camps—perhaps acting for the benefit of the Sudanese government in the attacks on the Sudanese camps, which the Sudanese government believed were harboring SPLA members and future rebel recruits. In addition the LRA attacked humanitarian relief convoys carrying food to northern Ugandans as well as other relief convoys transiting northern Uganda to internally displaced civilians inside southern Sudan.<sup>12</sup> Inside Sudan the LRA continued to attack Sudanese villages, even those allied with the Sudanese government.<sup>13</sup>

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<sup>7</sup> Human Rights Watch confidential interviews, early 2002.

<sup>8</sup> On March 26, 2002, the Sudanese government, smarting from an LRA attack on its forces in Nisitu, only thirty kilometers southeast of Juba, announced that it had launched an offensive against the LRA. In the LRA attack, a colonel was among more than two dozen Sudanese government forces killed. The charge d'affaires of Sudan's embassy in Kampala, Mohammed Surajedin, said, "It is going to be a ping pong game. We hit them and the Ugandan army hits them. They will be hit hard on both sides." "Sudan Opens War on Uganda's Rebels," *Xinhua*, Kampala, March 26, 2002. Sudan's "war" on the LRA was no more than a skirmish, however. It engaged in defensive or retaliatory tactics only when the LRA attacked its outlying positions, which attacks came after the relationship deteriorated and the LRA was bitter about the Sudanese government's abandonment.

<sup>9</sup> "Uganda not to train Sudanese rebels: defense minister," *Xinhua*, Kampala, February 27, 2003.

<sup>10</sup> See Human Rights Watch, "Uganda in Eastern DRC: Fueling Political and Ethnic Strife," New York, March 2001, <http://www.hrw.org/reports/2001/drc/>; Human Rights Watch press release, "D.R. Congo: Uganda Must Protect Civilians in Ituri," New York, April 7, 2003 <http://hrw.org/press/2003/04/congo040703.htm>; Human Rights Watch backgrounder, "Attacks on Civilians in Ugandan Occupied Areas in Northeastern Congo," New York, February 13, 2002, <http://www.hrw.org/backgrounder/africa/bunia0213bkg.htm> (accessed April 14, 2003).

<sup>11</sup> Human Rights Watch interview with southern Sudanese in exile, Kampala, Uganda, June 14, 2003.

<sup>12</sup> One NGO reported several abductions by the LRA in and around Bibia, Uganda, near Nimule, southern Sudan, on or about October 31, 2002. U.N. Operation Lifeline Sudan (Southern Sector) (OLS-S) Security Sitrep no. 314, Nairobi, Kenya, October 31, 2002. When the LRA clashed with the Uganda People's Defence Force (UPDF) near Madi Opei, Uganda, on October 22, 2002, the Ugandan authorities closed the road used by relief agencies from Kitgum to Ikotos, southern Sudan. OLS-S Security Sitrep no. 305, October 24, 2002. On November 26, 2002, the LRA attacked a truck between Bibia and Atiak in northern Uganda, killing and burning five Sudanese. OLS-S

In October 2002, the Ugandan government gave its forty-eight hour ultimatum to northern Ugandans to move back to camps. The international NGOs who operated programs in northern Uganda warned that the continuation of the conflict was destroying the gains from prior years of rehabilitation during the relative quiet of 2001-02, and was forcing self-sufficient communities into dependency on aid.

In response to the increased military campaigns in northern Uganda, the ARLPI, traditional leaders from northern Uganda, northern political representatives, and others continued to be active in preparing the ground for peace negotiations.

Following ARLPI's work as intermediaries carrying notes back and forth from the LRA to the government, the government appointed a peace team in late 2002. But one of the peace negotiators from the ARLPI noted that there was an enormous change in the LRA attitude towards negotiations between July and September 2002. Whereas in July 2002 there was a military stalemate and the LRA seemed to be interested in peace talks, by September the LRA had acquired new military equipment and was unwilling to negotiate seriously. In all, the three peak moments when the LRA expressed the wish for 'peace talks' through religious leaders were identified as July 10-21, 2002, August 21-30, 2002 and February-mid April 2003.

This change in LRA attitude in late August coincided with the SPLM/A capture of Torit (on the northern border of LRA activities in Sudan) on August 31, and LRA participation with the Sudanese army and government militias (including the EDF) in the recapture of Torit from the SPLM/A, in September and October 2002. Many sources, including representatives of the government militias that fought alongside the LRA and Sudanese government in the retaking of Torit, confirmed that the LRA was active in that Sudanese government offensive.<sup>14</sup>

The Sudanese government put a high premium on the recapture of Torit from the SPLM/A. If the LRA had been cut off by the Sudanese government before, this relationship took on new and improved life after Torit was recaptured.

Fr. Carlos Rodriguez, a Luo-speaking Comboni Catholic priest based in Uganda, in early June 2003 also noted reports of the LRA participation in retaking Torit, and other evidence of continued Sudanese government assistance to the LRA:

I have heard young men recently coming from rebel captivity in the Sudan telling stories of Sudanese Army officers delivering trucks of military aid to Kony. . . . Although at the beginning of the Iron Fist operation [March 2002] the LRA fought fiercely against the Sudanese Armed Forces, it seems that they tried to reconcile in July 2002. Eyewitnesses have told me of a meeting in Nisitu [southern Sudan] at that time in which Kony was delivered a good amount of military supplies.<sup>15</sup>

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Security Sitrep no. 344, Nairobi, Kenya, November 29, 2002. On January 31, 2003, a U.N. official serving with OLS-S witnessed an LRA ambush on a civilian passenger vehicle eight kilometers south of the Sudan-Uganda border, killing one and injuring two civilians. OLS-S Security Sitrep no. 28, Nairobi, Kenya, January 31, 2003.

<sup>13</sup> Relief agencies operating in Sudan under the U.N. umbrella, and others, reported continued LRA attacks in southern Sudan even after most LRA troops returned to northern Uganda. See, e.g., U.N. Khartoum Security Sitrep 29, September 24-30, 2002 ("LRA attacked Lobwoya (20 klms from Ikotos)" inside southern Sudan on September 26, 2002); Khartoum Security Sitrep 30, October 1-7, 2002 ("During the night, LRA attacked the IDP camp in Gumbo killing 2 IDPs." Gumbo is a Sudanese government-controlled area close to Juba).

<sup>14</sup> Human Rights Watch interviews with confidential individuals and organizations, January, April, and May, 2003.

<sup>15</sup> Fr. Carlos Rodriguez, "War In Acholi: What Can We Do?" Kitgum, Uganda, June 2003.



In mid-June 2003, Defence State Minister Ruth Nankabirwa told the Ugandan Parliament that some members of the Sudanese army had reestablished links with the LRA and made arms deliveries, stopping short of attributing this to the Sudanese government.<sup>16</sup> President Museveni himself earlier accused Ugandan opposition figures of fighting alongside the LRA in the north. He pointed to the Reform Agenda, an opposition group lead by former 2001 presidential candidate Kiiza Besigye, and specifically to James Opoka, a one-time top Besigye aide.<sup>17</sup> The chief of Military Intelligence Col. Noble Mayombo and the Chief of the External Security Organization (ESO) David Pulkol accused Kiiza Besigye of directly supplying the LRA.<sup>18</sup> Kiiza Besigye denied all allegations and said that he had no evidence of any LRA involvement of his former aide. (The Ugandan government has also accused Kiiza Besigye of being involved in another rebel movement, the Patriotic Redemption Army (PRA), said to be located in the southwest and associated with the Rwandan government, charges Besigye also denies.)<sup>19</sup>

It is unclear from where the new supplies for the LRA might have come—if not from Sudan, its long-term supplier. The LRA claimed that it was supplied through capture of goods from the UPDF (or corruption), which was probably only partly true, as the LRA seemed to eyewitnesses to have better arms, communications equipment, and newer uniforms than did the UPDF.

Undoubtedly the LRA was in and out of Sudan even after it returned in force to northern Uganda in June 2002; former child abductees reported to UNICEF that in late 2002 the LRA took at least 500 children to Sudan.<sup>20</sup> In early March 2003, LRA second-in-command Vincent Otti reportedly crossed from northern Uganda into southern Sudan with some 300 LRA fighters and civilian abductees.<sup>21</sup> A social worker who counsels LRA abducted and escaped child soldiers said that many children reported that the stronger boys were forced to march into Sudan in 2003 and porter back a large cache of arms. Other children reportedly said that the LRA boasted that it had stockpiled enough arms to last for five years.<sup>22</sup>

Agencies based in northern Uganda and others reported airdrops by low-flying planes, possibly by the Sudanese armed forces, in northern Uganda in 2003. The planes were Antonovs, a make frequently used by the Sudanese government, and the planes came from the direction of Juba, Sudan and returned back after dropping, without landing.<sup>23</sup> Further evidence of continuing Sudanese army involvement with

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<sup>16</sup> Felix Osike and Henry Mukasa, “Sudanese Officers Arm Kony,” *New Vision* (Kampala), June 19, 2003.

<sup>17</sup> “Museveni links Kony to Besigye,” *New Vision* (Kampala), April 23, 2002. The president made the statement to the parliamentary committee on election violence. Opoka later defected to the LRA with several other Reform Agenda followers, but they allegedly were executed in March 2003 by Joseph Kony, who accused them of trying to form a rival political group. See below.

<sup>18</sup> Emma Mutaozibwa, “Pulkol warns of War,” *The Monitor* (Kampala), December 14, 2002; “Besigye a rebel, insists Mayombo,” *New Vision* (Kampala), August 9, 2002.

<sup>19</sup> Alex B. Atuhairi, “Col. Besigye: I have no Evidence on James Opoka,” *The Monitor* (Kampala), November 1, 2002; see Alex B. Atuhairi, “Dr. Besigye Denies Links to New Rebel Group,” *The Monitor* (Kampala), April 14, 2003 <http://allafrica.com/stories/200304140117.html> (posted to web April 14, 2003) (denying links to the LRA, the Ugandan rebel People’s Redemption Army, a Congo rebel group, and Allied Democratic Forces, a western Ugandan rebel group).

<sup>20</sup> UNICEF document provided to Human Rights Watch, Kampala, Uganda, February 3, 2003.

<sup>21</sup> “Some 300 LRA rebels cross to southern Sudan,” *Xinhua*, Kampala, March 4, 2003. The UPDF fifth division commander in northern Pader district was the source of the report. He claimed that the UPDF had recovered, among other things, two Sudanese military uniforms after a clash with the LRA.

<sup>22</sup> Human Rights Watch interview with social worker based in northern Uganda, Kampala, Uganda, June 13, 2003.

<sup>23</sup> Reportedly there was a large airdrop just inside Uganda by a non-relief agency plane flying very low on Thursday February 20, 2003, presumably from the Sudanese government judging by the direction it flew. Email, NGO representative to Human Rights Watch, February 23, 2003. Human Rights Watch interview, anonymous, Lokichokio, Kenya, May 29, 2003 (low-flying Antonov seen passing into Uganda around Nimule, Sudan, coming from the direction of Juba, a government garrison town, in late October or early November 2002).

the LRA came in the form of detailed interviews conducted in Luo, the Acholi language, with LRA senior returnee officers, according to the ARLPI.<sup>24</sup> The Sudanese government denied all accusations.<sup>25</sup>

LRA leader Joseph Kony announced a unilateral ceasefire on March 2, 2003. Ugandan President Museveni initially rejected the offer after some LRA forces continued to commit abuses and abducted civilians in breach of the ceasefire. However, a few days later, President Museveni called for a limited ceasefire with the LRA for the areas in which the LRA should assemble to hold peace talks with the government-appointed peace team, headed by his younger brother Lt. Gen. Salim Saleh.<sup>26</sup>

On March 9, 2003, James Opoka, the former aide to Kiiza Besigye, was reportedly executed with nine other ex-Reform Agenda members on the orders of Joseph Kony. According to news reports, Kony suspected them of establishing a political wing inside the LRA without Kony's consent.<sup>27</sup>

After giving several deadlines for the end of Operation Iron Fist, President Museveni announced in February 2003 that the war might have to last longer, noting that even the U.S. cannot always find the individual it is pursuing.<sup>28</sup> In late February 2003, the Sudanese government agreed to extend the existing protocol for UPDF operations in southern Sudan until May 31, 2003, and continues to extend it.<sup>29</sup>

In late March, President Museveni announced that Uganda needed to spend more on defence. He stressed that the war in the north had been going on for a long time because "we do not have good military equipment."<sup>30</sup> Indeed, the defence budget was increased some 20 percent for the year July 2002-June 2003 above what was planned, diverting money from planned social expenditures. Following discussions with the government in which the donor group expressed its dissatisfaction at the defence overrun and reduction in social spending, the group reduced its funding of Uganda's budget by 20 percent.<sup>31</sup>

On April 18, 2003, the Presidential Peace Team revoked the limited ceasefire and resumed open warfare with the LRA. This marked the end of the ARLPI contacts with the leadership of the LRA, and peace talks in general, as the violence continued to intensify in northern Uganda.

In June 2003, the LRA opened up the war on new fronts: it threatened the Catholic Church clergy, ordering that "Catholic missions must be destroyed, priests and missionaries killed in cold blood and nuns beaten black and blue."<sup>32</sup> It attacked a Catholic mission in eastern Uganda—also signaling its willingness to expand the war beyond northern Uganda.<sup>33</sup>

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<sup>24</sup> Ogen Kevin Aliro, "Priests trace Kony's deadly flow of arms," *The Monitor* (Kampala), June 17, 2003. This information was made public shortly before the defence state minister informed Parliament that the LRA and Sudanese army officers had reestablished links and the LRA was receiving arms from that source, above.

<sup>25</sup> "Khartoum denies backing Ugandan rebels," *Integrated Regional Information Networks (IRIN)*, Kampala, Uganda, June 19, 2003.

<sup>26</sup> Will Ross, "Uganda Declares Short Truce," *BBC News*, Kampala, March 10, 2003, <http://news.bbc.co.uk/2/hi/africa/2837273.stm> (accessed June 24, 2003).

<sup>27</sup> "Opoka Confirmed Dead," *New Vision* (Kampala), March 14, 2003. Others attributed the killing to financial promises gone bad. Human Rights Watch interview with confidential source, Kampala, Uganda, June 19, 2003.

<sup>28</sup> The president said at a press conference: "This fight is not a joke. America went to Afghanistan; they went to the satellite to see where Osama bin Laden is. Did they get him? Where is bin Laden?" quoted in "No Kony Deadline," *The Monitor* (Kampala), February 2, 2003.

<sup>29</sup> "Uganda not to train Sudanese rebels . . .," *Xinhua*, February 27, 2003.

<sup>30</sup> "Uganda: Museveni says gov't needs to spend more on defence," *IRIN*, Kampala, March 31, 2003.

<sup>31</sup> Human Rights Watch confidential interview with donor, Kampala, Uganda, June 18, 2003.

<sup>32</sup> "Church Fears Uganda Rebel Threat," *BBC News*, June 17, 2003, <http://news.bbc.co.uk/2/hi/africa/2996824.stm> (accessed June 24, 2003). Fr. Carlos Rodriguez suspects that the LRA is targeting the clergy because some junior LRA commanders defected from the LRA after peace meetings with church intermediaries. *Ibid.*

<sup>33</sup> "Rebels abduct 100 schoolgirls in northeast Uganda: army," *Agence France-Presse (AFP)*, Kampala, Uganda, June 24, 2003, referring to an LRA attack on a girls' school in Soroti district.

#### IV. HUMAN RIGHTS ABUSES BY THE LORD'S RESISTANCE ARMY

*Godfrey lies in pain in the dressing room of St. Joseph's Hospital, in Kitgum Mission. I can see the terror in his eyes. In the evening of May 30<sup>th</sup> [2003] the [LRA] rebels came to his home in Mucwini and subjected him to a most horrible mutilation which left him without ears, lips and fingers. It is the fourth such incident I have seen over the last month. His torturers wrapped his ears in a letter and put it in his pocket. The blood-stained piece of paper gave a strong warning to whoever wants to join the local defence forces (LDU): "We shall do to you what we have done to him".*

Father Carlos Rodriguez, Kitgum, Uganda, June 2003<sup>34</sup>

LRA abuses have mounted in 2003, and its practice of mutilating civilians as a warning appears to be making a tragic comeback.

The numbers and rates of its other abuses in northern Uganda have increased from the late 2000-early 2002 period, in which the LRA stayed mostly in southern Sudan. According to the ARLPI, from June to December 2002 the LRA conducted 456 attacks and forty-three ambushes; killed 539 civilians and 122 UPDF soldiers; and seriously injured at least 114 civilians and twenty-five UPDF troops—in two of northern Uganda's three Acholi districts (Kitgum and Pader).<sup>35</sup>

The ARLPI reported that at least 2,611 civilians were abducted in 2002 from Kitgum and Pader, of whom three-quarters were children. At least 870 people escaped or were released within several weeks. One of every two returnees was an adult, leaving most of the children remaining with the LRA.<sup>36</sup> These numbers do not include Gulu district and cover only six months.

In addition, the LRA burned at least 1,946 houses and 1,600 storage granaries, looted at least 1,327 houses, 116 villages, and 307 shops; stole or looted 991 goats, 1,335 chicken, and burned or looted at least 130 bicycles, and attacked eighteen schools and five clinics in those two districts.<sup>37</sup>

A number of attacks, including abductions, in Kitgum and Gulu municipalities illustrated the fragility of safety, even in towns. A local NGO representative told Human Rights Watch about an LRA attack on Pece, in Gulu municipality, on New Year's Eve 2002.

The rebels abducted children from this neighborhood. Thirty people were abducted and the adults returned. People raised the alarm at the nearby army barracks but there was no action taken by the UPDF. The children did not return.<sup>38</sup>

In most LRA attacks, the rebels did not appear to expect resistance or counterattacks by the UPDF, according to eyewitnesses from the Catholic Church of Uganda.<sup>39</sup> This suggested to these eyewitnesses and other residents that the LRA attackers were not afraid of being intercepted by the UPDF. It heightened the residents' sense of insecurity.

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<sup>34</sup> Fr. Carlos Rodriguez, "War In Acholi: What Can We Do?" Kitgum, Uganda, June 2003.

<sup>35</sup> Acholi Religious Leaders Peace Initiative (ARLPI), Acholibreaks Chronology: Full report and chronology through December 12, 2002 (ARLPI study), at <http://www.acholipeace.org/chronology2002.htm> (accessed April 7, 2003).

<sup>36</sup> Of 2,611 abductees, some 1,958 were children and 653 were adults. Of 870 persons who escaped or were released, 653 were adults and only 287 were children. This leaves 1,671 children and seventy adults captive, of those who were abducted from two of three districts in the last six months of 2002. ARLPI study, *ibid*.

<sup>37</sup> *Ibid*.

<sup>38</sup> Human Rights Watch interview with People's Voice for Peace representative, Gulu, Uganda, February 1, 2003.

<sup>39</sup> Human Rights Watch interview with Catholic Church of Uganda representative, Gulu, Uganda, February 1, 2003.

## Abduction and Abuses Against Abductees

*That night, the LRA came abducting people in our village, and some neighbors led them to our house. They abducted all five of us boys at the same time. I was the fifth one. . . . We were told by the LRA not to think about home, about our mother or father. If we did, then they would kill us. Better to think now that I am a soldier fighting to liberate the country. There were twenty-eight abducted from our village that night. . . . We were all tied up and attached to one another in a row. After we were tied up, they started to beat us randomly, they beat us up with sticks.*  
Martin P., abducted in February 2002 at age twelve.<sup>40</sup>

*What did I do with the LRA during my time in captivity? Killed people, beat up people, and looted property. This was under order from the commanders.*  
James K., abducted in May 2002 at age sixteen<sup>41</sup>

Conservative estimates place the total number of children abducted by the LRA since the beginning of the conflict in 1986 at more than 20,000.<sup>42</sup> The abducted children who survive deliberate killing and disease are brutalized, are forced to serve the LRA army as conscripts and sex slaves, and are forced to commit crimes themselves.

After the LRA's retreat to Sudan (and absence from northern Uganda) following the Ebola outbreak in Gulu in late 2000, abductions sharply decreased, but this was only temporary. The abductions increased dramatically when the LRA returned to Uganda in mid-2002 and since then have been at the highest rate ever.

An estimated 8,400 children have been abducted in the year of June 2002-May 2003— more than any previous year of the conflict and a sharp increase from the less than one hundred children abducted in 2001.<sup>43</sup> For the entire period of 1990-2001, UNICEF says that 12,000 children were registered as abducted, making more than 20,000 child abductees.<sup>44</sup> Based on reports from local volunteers, the ARLPI reports that in the period starting in 2002, children account for approximately three of every four abductions.<sup>45</sup>

UNICEF states that in the year 2002, 3,927 children between ages five and seventeen were registered as abducted in Pader alone, one of the three districts in northern Uganda. Children are most vulnerable to abduction at night, when the LRA carries out raids on villages and camps, looting, burning, and abducting.

Attacks on schools and boarding schools have increased. In June 2003 the LRA attacked a Catholic mission boarding school, the Rwala Girls Secondary School, outside of Soroti, the capital of Soroti district in eastern Sudan. It kidnapped twenty-nine girls, the youngest age twelve. The LRA chopped off the

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<sup>40</sup> Human Rights Watch interview with Martin P., Gulu, Uganda, February 6, 2003.

<sup>41</sup> Human Rights Watch interview with James K., Gulu, Uganda, February 6, 2003.

<sup>42</sup> UNICEF reports that more than 38,000 adults and children have been abducted during the course of the conflict, with children making up the majority of abductions. Human Rights Watch interview with UNICEF representative, Kampala, Uganda, February 3, 2002. There were 12,000 registered child abductions from 1990-2001, and 8,400 from June 2002-May 2003, a total of 20,400 for these periods. Email, Mads Oyen, UNICEF Uganda, to Human Rights Watch, June 27, 2003.

<sup>43</sup> Ibid. Email, Mads Oyen to Human Rights Watch.

<sup>44</sup> Ibid.

<sup>45</sup> Information provided to Human Rights Watch by the ARLPI February 2003. For more information, see [www.acholipeace.org](http://www.acholipeace.org) (accessed April 10, 2003).

fingers and toes of one girl who tried to escape, but the others were not deterred.<sup>46</sup> Most girls escaped but six were still missing as of June 25.<sup>47</sup>

There is a recognizable change in the system and consequences of abduction and abductees since the return of the LRA to Uganda in June 2002. The number of people abducted to carry loot is increasing, yet the majority of the adult abductees—some 2,000 from June 2002 to early 2003—are used as porters and released by the rebels.

More children manage to escape than before, due to the forced mobility of the rebels—a result of encounters with the UPDF. Frequent movements also meant that the new recruits received less military training. Most captives were not taken to now-abandoned camps in Sudan (where they were trained before), but were kept with LRA units in Uganda—and the familiar surroundings made it easier for abductees to escape. UNICEF estimated, based on interviews with escaped children, that some 500 abductees were taken to Sudan in 2002—a far smaller proportion of the abductees than previously.<sup>48</sup>

More boys than girls apparently have been abducted since June 2002, in a ratio of about two to one.

The children who are abducted are younger than before. A priest familiar with LRA abuses in the north referred to cases where children aged twelve and older were sent back home by the LRA. “They want younger children, those whose minds can be transformed in a matter of weeks.”<sup>49</sup> The director of the World Vision rehabilitation center for former LRA soldiers in Gulu told Human Rights Watch, “Now, children of nine or ten are being abducted. It used to be thirteen, fourteen or fifteen. Now, children of fifteen and sixteen are being released. [The LRA is] more interested in the younger ones.”<sup>50</sup>

These abductions have a terrible impact even on those who are not abducted. Thousands of children still live at home, but fearing LRA abduction, travel into the towns, Gulu, Kitgum, and Pader, nightly from surrounding areas to sleep on verandas, in the bus park, on church grounds, and in local factories before returning home the next morning. These children are known locally as “night commuters.” In early February 2003, more than 1,000 children were sleeping each night in Gulu town, and about 3,000 people, the vast majority unaccompanied children, sought safety at Lacor hospital outside of Gulu.<sup>51</sup> By May 2003, the number had tripled, to 13,400 children staying in six buildings in and around Gulu, according to the Office for the Coordination of Humanitarian Affairs (OCHA) in Gulu.<sup>52</sup>

Adults usually stayed in their homes to protect their property during LRA raids. Adults abducted by the LRA are generally kept for short periods to help carry the looted goods, and then released. For children who are abducted, captivity can last for years.

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<sup>46</sup>“Girls escape Ugandan rebels,” BBC News, <http://news.bbc.co.uk/2/hi/africa/3018810.stm> (accessed July 2, 2003).

<sup>47</sup> Vincent Mayanja, “Most of the 100 abducted Ugandan children found,” *AFP* (Kampala), June 25, 2003; see “UNICEF horrified by abduction of schoolgirls,” *IRIN*, Nairobi, June 26, 2003.

<sup>48</sup> Human Rights Watch interview with UNICEF representative, Kampala, Uganda, February 3, 2003.

<sup>49</sup> Human Rights Watch interview, Gulu, Uganda, February 1, 2003.

<sup>50</sup> Human Rights Watch interview with Charles Watmon, Gulu, Uganda, February 4, 2003.

<sup>51</sup> In July 2002, when the LRA had just returned to Uganda, as many as 60,000 nightly were seeking refuge in Gulu and the Lacor hospital, according to a Ugandan NGO. Human Rights Watch interview with Fellowship of Reconciliation, Kampala, Uganda, July 23, 2002. Other sources indicated that the peak figure of night commuters in Gulu was 40,000.

<sup>52</sup> U.N. Office for the Coordination of Humanitarian Affairs (OCHA) Gulu office, “Night Commuters to Gulu Town,” May 17, 2003.

Re-abduction is not uncommon, and the World Vision rehabilitation center for former LRA abducted child soldiers in Gulu reported that since 2000, at least eighteen children who passed through the center were re-abducted and escaped for a second time.<sup>53</sup>

Mark T., seventeen, from Pader district, has an older brother named Julius who had been abducted by the LRA several years ago. After Julius escaped in 1997, the LRA went to his village to look for him and when they failed to find him, killed his parents instead.<sup>54</sup> Julius was re-abducted in August 2002.<sup>55</sup>

Preadolescent girls are among the favorite LRA abduction targets; the LRA believes these girls are free of sexually transmitted diseases (STDs). They are subjected to continual beatings as servants of LRA officers and soldiers after capture. When they are deemed sexually mature, they are “given” to LRA officers as “wives.” (See below)

Susan A. was abducted in October 2002 when she was twelve. She was returning from her grandmother’s house with her older sister at about four in the afternoon when they met a group of eight LRA men. They beat her older sister badly and left her on the roadside. “They wanted to know where the gumboots (rubber boots) were, but she wouldn’t tell them,” Susan A. said.<sup>56</sup> As they moved through the bush with Susan A., the LRA abducted more children, including an eleven-year old girl whom Susan A. knew.<sup>57</sup>

Janet W. was also twelve when she was abducted in late November 2002 together with two of her sisters. At another house, the LRA abducted four boys, perhaps thirteen or fourteen years old, and then proceeded to the home of Janet W.’s uncle. There, Janet W. and her sisters found that their father had also been abducted. The LRA tied the young abductees together and gave them loot to carry.

Janet W. reported, “Thirty-two were abducted from the village, both children and adults. I was the youngest, at age twelve.”

The following day the LRA beat the adult captives, among them Janet W.’s father, whom they left for dead. They “told the old people, including my father, to lie down on the ground. They started beating them with a machete. They cut him badly and left him there.” Later, she heard that her father managed to survive and reach home. Of her two sisters, one was eventually released; the other is still in captivity.<sup>58</sup>

Children are often taken in large numbers. John W. reported that thirty-eight children, mostly boys and girls in primary school, were taken when he was abducted in July 2002.<sup>59</sup> Martin P. was taken with twenty-eight boys from his village in February 2002.<sup>60</sup> Grace T. said that in July 2002, she was abducted with seven other children, but soon joined a larger group of at least seventy new abductees.<sup>61</sup>

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<sup>53</sup> Human Rights Watch interview with Charles Watmon, Gulu, Uganda, February 4, 2003.

<sup>54</sup> Julius was being kept in the army barracks at the time. Human Rights Watch interview with Mark T., Gulu, Uganda, February 5, 2003.

<sup>55</sup> Human Rights Watch interview with Mark T., Gulu, Uganda, February 5, 2003. Mark T. said that after he himself was abducted on August 5, 2002 and forced to march with other abducted boys toward Kalong, they encountered another group of abductees where he saw his other brother Amos, age nineteen. Amos “told me that he and Julius were abducted from home the same day as me.” Ibid.

<sup>56</sup> The LRA soldiers were referring to rubber boots usually worn by the UPDF soldiers and were implying that the UPDF was visiting or living in the house.

<sup>57</sup> Human Rights Watch interview with Susan A., Gulu, Uganda, February 9, 2003.

<sup>58</sup> Human Rights Watch interview with Janet W., Gulu, Uganda, February 9, 2003.

<sup>59</sup> Human Rights Watch interview with John W., Gulu, Uganda, February 5, 2003.

<sup>60</sup> Human Rights Watch interview with Martin P., Gulu, Uganda, February 6, 2003.

<sup>61</sup> Human Rights Watch interview with Grace T., Gulu, Uganda, February 6, 2003.

Children and adult abductees are repeatedly told they will be killed if they try to run away. When Edward T. was abducted from his home in July 2002, he was tied to other abductees and forced to carry a large bag of *posho* (maize meal) on his head. “I kept thinking that I would run away as soon as I could, but then I saw someone who tried to run, was captured and killed. He was shot. After I saw that, I was afraid and realized I may never be able to run away.”<sup>62</sup>

A day or two after their abduction, the adults and children not released or killed by the LRA are initiated. First they are beaten, purportedly to “harden” them to life as soldiers. Thirteen-year-old Martin P. was told by the LRA that “they were beating us to give us strength, so not to fear what would lie in store for us in the future.”<sup>63</sup>

Children were warned not to cry during the beatings or they would be killed. Sixteen-year-old John W. was beaten together with fourteen others; a fifteen-year-old boy in his group cried out. That boy was clubbed on the back of the head and killed.<sup>64</sup>

Seventeen-year-old Mark T. described how the LRA soldiers beat the group of twenty-three new recruits:

They gave us 150 strokes of the cane, and eight slaps with the machete on the back. . . . For the cane we were made to lie on the stomach and then the soldiers would beat us on the buttocks. . . . For the machete, we were made to bend over at the waist, and then the soldiers would use the blunt end of it to beat us on the back.<sup>65</sup>

Grace T. told Human Rights Watch that after she was abducted in July 2002, the LRA told her and the other abductees, “Now we want to train you to be soldiers, but first we must harden you by beating you twenty strokes.” This sixteen-year-old was abducted with two of her sisters and a younger brother, age fourteen. She said they were all stripped naked in preparation for beating.

One of Grace’s sisters asked to put on her clothes before being beaten. The LRA threatened to kill her. Grace T. and her other sister and brother pleaded for her life, offering to serve as LRA soldiers willingly. All were then beaten on the back repeatedly (not just the twenty strokes promised), first with a stick, and then with a machete.<sup>66</sup>

After the beatings, a ritual usually took place. Children were smeared with shea nut oil. The oil was placed on each child’s forehead, chest, back, hands, and feet in the sign of the cross. Brenda O. explained what this meant: after being smeared with oil, “then you are no longer with your mother and father, but for the LRA. If you leave, they will kill you.”<sup>67</sup> Some abductees were told or believed that the shea nut oil would make it easier for the LRA to find them should they try to escape. Samuel B. said that when he was anointed with shea nut oil, he was told “that it would make us not escape, for if we would try, this would help them track us down and find us.”<sup>68</sup>

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<sup>62</sup> Human Rights Watch interview with Edward T., Gulu, Uganda, February 6, 2003.

<sup>63</sup> Human Rights Watch interview with Martin P., Gulu, Uganda, February 6, 2003.

<sup>64</sup> Human Rights Watch interview with John W., Gulu, Uganda, February 5, 2003.

<sup>65</sup> Human Rights Watch interview with Matthew A., Gulu, Uganda, February 4, 2003.

<sup>66</sup> Human Rights Watch interview with Grace T., Gulu, Uganda, February 6, 2003.

<sup>67</sup> Human Rights Watch interview with Brenda O., Gulu, Uganda, February 5, 2003.

<sup>68</sup> Human Rights Watch interview with Samuel B., Gulu, Uganda, February 6, 2003. Early in its history the LRA “cleansed” initiates from witchcraft and sorcery in a ceremony that included the use of shea-butter oil and water. Behrend, *ibid.*

## **Brutality**

*Early on when we were captured, the LRA explained to us that all five brothers couldn't serve in the LRA because we would not perform well. So they tied up my two younger brothers and invited us to watch. Then they beat them with sticks until the two of them died. They told us it would give us strength to fight. My youngest brother was nine years old.*

Martin P., age thirteen<sup>69</sup>

Many of the abducted children and adults interviewed for this report were forced to assist in the killing of others, often children and even relatives. Those made to participate in the beating or trampling of fellow abductees received a powerful message about their fate if they attempted escape.

The practice of using the recently abducted children and adults to collectively kill fosters guilt and fear among them and acts as a deterrent from attempting escape. These brutal and dehumanizing tactics—used to control the children especially—make their personal rehabilitation and reintegration into their home communities that much more difficult.

Many former captives interviewed by Human Rights Watch, if not forced to participate in crimes, were forced to watch helplessly the beatings, tying of abductees, killings, abductions, rape, and slaughtering of others, sometimes their closest relatives.

Robert O., a twelve-year-old boy from Opit camp—who was in early 2003 staying in Gulu town for safety—was abducted in July 2002 and forced to watch the LRA kill his mother in front of him.<sup>70</sup> A fourteen-year-old boy and his younger brother abducted on August 19, 2002 were forced to watch when the LRA killed their father. “We were forced to watch other captives to be killed with bayonets. You were not allowed to turn your head [away].”<sup>71</sup>

A twenty-year-old woman, abducted in March 1996 by the LRA from Pabbo in Kilak County, was held by —or “stayed with,” as the ex-captives describe it—the LRA for more than six years. She was forced to kill four people with sticks, and was threatened that if she refused to kill them, she would be killed herself.<sup>72</sup>

Some of the children, while too afraid to refuse the orders of the LRA, nevertheless spoke later with difficulty about performing these killings. They feared the spirits of the dead children and possible revenge. They had recurring memories of the brutality they were forced to perform. James K. told Human Rights Watch:

[A] group of children escaped. Two girls, aged fourteen, were [re]captured. They were given to the group of child abductees and we were told that we must kill them with clubs. Every one of the new recruits was made to participate. We were warned that if we ever tried to escape, we would be killed in the same manner.<sup>73</sup>

According to seventeen-year-old Samuel B., he was spared from killing personally—but he was forced commit another reprehensible act: to mutilate the corpse of a boy beaten to death by other child abductees, because the boy had tried to escape. “One time I was ordered to cut up a dead body with a

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<sup>69</sup> Human Rights Watch interview with Martin P., Gulu, Uganda, February 6, 2003.

<sup>70</sup> Human Rights Watch interview with Robert O., Gulu, Uganda, January 30, 2003.

<sup>71</sup> Human Rights Watch interview with night commuter, Gulu, Uganda, January 29, 2003.

<sup>72</sup> She was subjected to multiple other abuses: she was raped and forced to become one of the twenty “wives” of an LRA commander who continuously beat her.

<sup>73</sup> Human Rights Watch interview with James K., Gulu, Uganda, February 6, 2003.



knife. I was then forced to pick up the pieces of flesh and throw them down on the ground to show my loyalty.”<sup>74</sup>

Mark T., also seventeen years old, spoke of one death by trampling, also administered by new recruits under orders, which occurred when the abductees were marching towards Pajule in Pader district. The eighteen-year-old male victim had tried to escape. Mark T. said, “Soldiers laid him on the ground and told us to step on him. All the new recruits participated—we trampled him to death.”<sup>75</sup>

During his time with the LRA, other children escaped, and seven of these were caught. They were all killed, either by or in front of the other young abductees: “Two were hacked to death with machetes and five were clubbed or trampled. We were either made to participate or watch the killings. The youngest recruit killed was maybe nine or ten years old.”<sup>76</sup>

Edward T., age eighteen, was with the LRA for six months and during this time “many abductees escaped.” Not all succeeded. One boy tried to escape and was caught, tied up, and marched back to camp, Edward T. remembered. All the recruits from the various companies were told that they were never going home, that they were fighting with the LRA, “so as a symbol of our pledge to fight on, this boy would be killed and we would help.”

The LRA soldiers who gave the orders then laid the boy on the ground. The soldiers stabbed him three times with a bayonet until the blood began seeping from the wounds. Then we new recruits approached the boy and beat him on the chest, each one had a turn and could only stop once the blood from the body splashed up on to you. This boy was sixteen years old. We were beating him with sticks, each recruit was given a stick.<sup>77</sup>

Murder was not the only crime the abducted children and adults were forced to commit. Alet O., a fourteen-year-old boy abducted in July 2001 with three other children from his household, was tortured and forced to show the rebels the way to other children to be abducted. He was forced to burn people in their houses in retaliation when the children of the area escaped from the rebels. The LRA suspected that residents reported them to the UPDF.<sup>78</sup>

In addition to caning at the time of initiation, LRA commanders and soldiers beat the children, often severely, for minor infractions committed while under their orders. The LRA also beat children to encourage them to march faster, including those wounded in the fighting, and sometimes killed those who could not keep up the pace. Others also spoke of the long marches and the hunger, thirst, injuries, and punishment that they suffered during those marches.

Sondra O. said that children who could not continue to march, or who stopped to rest, were killed. Three children in her group tried to stop because their legs were swollen and they had difficulty walking. “The LRA tied the children’s hands behind their backs and ordered the others to beat them to death with sticks as big as my arm,” she said. Later the LRA soldiers removed the victims’ clothing and threw their bodies into a swamp.<sup>79</sup> This happened as well to weaker and older adults who could not keep up the pace set by the LRA.

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<sup>74</sup> Human Rights Watch interview with Samuel B., Gulu, Uganda, February 6, 2003.

<sup>75</sup> Human Rights Watch interview with Matthew A., Gulu, Uganda, February 4, 2003.

<sup>76</sup> Human Rights Watch interview with Matthew A., Gulu, Uganda, February 4, 2003.

<sup>77</sup> Human Rights Watch interview with Edward T., Gulu, Uganda, February 8, 2003.

<sup>78</sup> Concerned Parents Association Registration Files. Alet O. was abducted on July 15, 2001 and escaped on January 15, 2002. Human Rights Watch interview with CPA, Gulu, Uganda, January 30, 2003.

<sup>79</sup> Human Rights Watch interview with Sondra O., Gulu, Uganda, February 9, 2003.

Christopher W., age fifteen, marched on bare feet, got bad blisters and an infection from thorns embedded in the soles of his feet. In addition to that, he was beaten when he fell behind. “Eventually, I could no longer keep up and the commander who had initially abducted me told me I was ‘useless’ as I could not walk,” he said. “Two soldiers, in full uniform, approached and started beating me with the heavy end of their RPG’s [rocket propelled grenade launchers]. I was repeatedly beaten on the head and body and left for dead. Two days later, a local farmer found me.”<sup>80</sup>

John W. confirmed that the LRA soldiers themselves would sometimes kill children who got blisters and could no longer walk. “Other times, the leaders would make the new abductees come and help with the clubbing. Those who refused, risked death themselves,” he said.<sup>81</sup>

In addition to killing those who attempted escape, abducted children and adults were also made to kill and beat civilians in the raided villages and displaced persons camps. Some expressed confusion as to why this was done and how some victims were chosen. James K. explained, “When we approached a village, some persons would be singled out. We were never told why these people and not others, we were simply told that this one had to be killed.”<sup>82</sup>

Edward T. spent some of his time stealing from homes as well. When his LRA unit arrived at a village or camp, the soldiers would break into small groups. The officers would stay outside and send the recruits like eighteen-year-old year old Edward T. and fifteen-year-old Christopher into the houses to steal and bring the goods outside. “We would loot as much as we could carry and then move off together in a group.” Sometimes LRA soldiers would attack the army detachments; if the attack was successful, “when the shooting abated, we recruits would be given the all-clear sign and then break into the houses and shops.”<sup>83</sup>

According to children interviewed for this report, the weapons used for the beatings include sticks made from branches of trees, the butts of weapons, and other instruments. Sixteen-year-old John W. explained that in addition to the cane, a piece of wire normally used for locking a bicycle was the LRA instrument used to punish him. Other times, the wooden end or the blunt side of a machete was used to beat the buttocks of a child. Soldiers beat John with both during his seven months with the LRA.<sup>84</sup>

Bonifatius O., a seventeen-year-old boy from Koro Abili in Koro sub county, explained that he was kept tied with ropes to several other children after LRA Commander Opio’s forces abducted them on September 4, 2002: “You have to do everything together, when one needs to pee, all need to go with him. They always tied five of us together. When we were attacked they told us to lie down.”<sup>85</sup>

He was injured in a UPDF helicopter gunship attack on Lalogi on November 18, 2002. The LRA abandoned him in the bush because he could not walk any more. He managed to make himself known to villagers and was rescued.<sup>86</sup>

Children are often assigned as servants to individual commanders or soldiers and are charged with caring for their personal items. Any lost or broken personal effect can mean a caning.

Charles M., only thirteen years old, described the severe beating he received:

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<sup>80</sup> Human Rights Watch interview with Christopher W., Gulu, Uganda, February 8, 2003.

<sup>81</sup> Human Rights Watch interview with John W., Gulu, Uganda, February 5, 2003.

<sup>82</sup> Human Rights Watch interview with James K., Gulu, Uganda, February 6, 2003.

<sup>83</sup> Human Rights Watch interview with Edward T., Gulu, Uganda, February 8, 2003; see Human Rights Watch interview with Christopher W., Gulu, Uganda, February 8, 2003.

<sup>84</sup> Human Rights Watch interview with John W., Gulu, Uganda, February 5, 2003.

<sup>85</sup> Human Rights Watch interview with Bonifatius O., Gulu, Uganda, February 3, 2003.

<sup>86</sup> Ibid.

I was nearly beaten to death by my commander, Bukot, because of another officer in the LRA. Commander Bukot cut a branch from the [Cwaa] tree [that is good for poles for building houses], and shaved it down to a smooth pole, about two feet long. He then ordered me to keep it well for him to use.<sup>87</sup>

The boy ran into trouble, however, when an officer from a different company ordered him to hand over the stick. "I could not refuse an officer," he said.

When Commander Bukot found out that I had given away his stick, he charged me with negligence and ordered 250 strokes of the cane. About half way through the beating, the pain became so great, I thought I was going to die. I lost count of the beatings and lost consciousness. Following the caning, I was forced to stand on my feet and had my arms tied behind my back, bound just above the elbows. I was told that I was going to be taken and clubbed to death.<sup>88</sup>

Evidently, the commander felt that the caning was enough and the punishment stopped for the day.

Jules O., a sixteen-year-old boy from Pacong, was abducted by the LRA in June 2002, and was nearly killed after he accidentally got a tape wet in the river.

I had to carry a radio tape when we crossed the river in Kitgum. The tape got wet because the river was deep. When we reached shore, [the soldiers] shouted at me: "Why is the tape wet? We will kill you." They tied me with a rope and called other abducted children to kill me. Only because Commander Odiambo came and told them not to kill me, I was spared.<sup>89</sup>

### *Life in Captivity*

*As we moved from place to place, we would have to sleep on the grass, under trees or in the sand. I had to fetch water, wash clothes and cook the meals. The "wives" would sometimes beat me or make me carry heavy loads. If I walked slowly, I was beaten. I was beaten practically every day.*

Susan A., age twelve

The LRA uses Joseph Kony's alleged spiritual power to keep its young captives in permanent fear. Kony, the LRA soldiers and officers say, is possessed by a strong spirit and his decisions are unpredictable. When he appears to switch personalities, it often has a traumatizing effect on abductees, who attribute this to his omnipotence.

An abducted boy who "stayed with the LRA" for several years, mostly in Joseph Kony's headquarters in Lubanga-tek, southern Sudan, recalled with awe and fear:

He (Kony) is not a Muslim, or a Christian, he is his own religion. He can sit and then talk from very far away and give orders. And then he can look at you and tell you he knows what you are thinking. Everybody is afraid of him. But we all admired him. He promised us that he will take over the government and then we would be able to live in big houses and drive cars. We were forced to watch those who wanted to escape being killed. Nobody wanted to escape then.<sup>90</sup>

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<sup>87</sup> Human Rights Watch interview with Charles M., Gulu, Uganda, February 8, 2003.

<sup>88</sup> Human Rights Watch interview with Stephen A., Gulu, Uganda, February 6, 2003.

<sup>89</sup> Human Rights Watch interview with Jules O., Gulu, Uganda, February 3, 2003.

<sup>90</sup> Human Rights Watch interview with Peter O., Gulu, Uganda, February 5, 2003.

Another former LRA child soldier described his meeting with Kony and the LRA's promises: "We were told that the LRA will capture the country and Joseph Kony will become the president. We will by then be with him and become big people. I saw Kony once and we all knew that his spirit is very powerful, and we feared his power."<sup>91</sup>

Phillip Lutara, head of the Concerned Parents Association, told Human Rights Watch about a Sunday religious service in a local church in Gulu district that reflected the fear not only of children but also of adults in northern Uganda:

The priest asked the congregation: "Who rules the world? The United States? God? The rebels?"  
The congregation answered in unison: "It is the rebels."

"When they are coming everybody, even the soldiers, are running. Everybody is helpless and in fear when the rebels come."<sup>92</sup>

Children's main duties during their time in captivity are to perform menial tasks, often acting as servants. Children who were taken across the border to Sudan typically spent many months in one place and were ordered to fetch water, plant and harvest, and—especially for girls—perform domestic services for commanders' and soldiers' "wives" and children.

Christine A. spent several years at a camp in Sudan. It seemed that most of the time she spent looking for water:

There was a big water problem, more of a problem than food. We would wake up around four in the morning and go out to search for water, sometimes returning home at mid-day. Some children became so thirsty they would drink their own urine for relief. Other times, we were unable to urinate our thirst was so great.<sup>93</sup>

Fifteen-year-old Josephine M. said that in Sudan, "we worked from six in the morning until sundown in the fields of the commanders. We weren't given food from those fields, it went to the commanders and their 'wives.'"<sup>94</sup>

Abductees who were taken in 2002 or 2003 and remained in Uganda led a much more nomadic life than they would have in Sudan. The children held inside Uganda were tasked with portering goods, cooking, looting fields and homes, and abducting other children. Often moving to a new location daily, children described breaking into small groups during the day and often joining up with their larger units at night. Those interviewed for this report expressed their worry about being detected and attacked by Uganda government troops and complained about their exhausting, mobile lifestyle.

Sondra O. spent four months with the LRA in Uganda, marching many kilometers daily with a heavy load on her head: "I was given one and a half basins of beans to carry plus an empty water container, all on my head. It was very heavy and my neck caused me great pain, it still aches today."<sup>95</sup>

Christopher W., aged fifteen, explained that his main job with the LRA was cooking and watching the fires—and beating the women, girls and boys who let the fires grow too large. "The leaders would get

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<sup>91</sup> Human Rights Watch interview with Antonio E., Gulu, Uganda, February 6, 2003.

<sup>92</sup> Human Rights Watch interview with Phillip Lutara, Concerned Parents Association, Gulu NGO, Gulu, Uganda, January 30, 2003.

<sup>93</sup> Human Rights Watch interview with Christine A., Gulu, Uganda, February 5, 2003.

<sup>94</sup> Human Rights Watch interview with Josephine M., Gulu, Uganda, February 6, 2003.

<sup>95</sup> Human Rights Watch interview with Sondra O., Gulu, Uganda, February 9, 2003.

very angry if too much smoke was coming from the fires as this could attract enemy aircraft,” he explained. “If I didn’t do my job well, I risked being beaten myself.”<sup>96</sup>

Thomas O., fourteen, was made to carry a crate of soda that belonged to the officer to whom he was assigned. He accidentally broke a soda bottle. “I was tired from the long marches with the heavy crate of drinks on my head and at one point I slipped,” he said. “It was very hot, I was thirsty, and we had marched for many kilometers. I lost my balance and the crate fell to the ground.” One of the bottles broke. The commander forced the fourteen-year-old to lie down, and caned him severely for the accident.<sup>97</sup>

The children serving in Uganda had the additional responsibility of abducting new recruits, often while looting villages and camps. Thomas O., who was with the LRA from August until December 2002, never went to Sudan but stayed in Uganda, mostly moving around Pader district. “During our time, we abducted more people, even girls were abducted in Lira district. We abducted them during a looting raid on a village there.”<sup>98</sup> He added that a few days later, three of these girls were released.

Fifteen-year-old Matthew A., who spent four years with the LRA, said while in Uganda he had to abduct children. In four months, he abducted four girls and seven boys during raids. When he was responsible for choosing new recruits, he would ask questions, he said. One time he released some children. “I didn’t like to take two children from the same house, so one time, I took one sister and left the other.”<sup>99</sup>

### ***Training and Battle***

*I was scared. There were many bullets fired. I dropped down for safety, but could see the tree leaves falling from the bullets. . . I didn’t shoot, but six rebel soldiers and many abducted children were killed. Over twenty children died. I was running for safety and had to jump over many of the bodies. The youngest was about twelve.*

- Grace T., age sixteen<sup>100</sup>

Antonio E., a fourteen-year-old boy, told Human Rights Watch, “There was promotion for killing in the LRA, if you killed somebody you would gain status.”<sup>101</sup> To gain further status in the LRA children were encouraged to go to the frontline in exposed positions.

Like their other responsibilities, the nature and duration of the military tasks assigned to children changed once the LRA moved back into Uganda. Most children who were abducted before 2002 and spent time in Sudan were given a longer, more formalized training program and fought in the front lines, in Uganda against the Ugandan army and in Sudan against the Sudanese rebel movement, the SPLM/A.

Since mid-2002, training for new recruits has been more sporadic although the numbers of new recruits increased dramatically to 8,400 abductees in the year from the time when the LRA returned to Uganda, June 2002. Some of the youngest were not trained at all. Others were given minimal training but no weapons or uniforms.

While only a few of the former child soldiers interviewed admitted active participation in hostilities against the UPDF, the majority faced battle conditions and some were wounded due to their proximity to the fighting.

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<sup>96</sup> Human Rights Watch interview with Christopher W., Gulu, Uganda, February 8, 2003.

<sup>97</sup> Human Rights Watch interview with Thomas O., Gulu, Uganda, February 4, 2003.

<sup>98</sup> Ibid.

<sup>99</sup> Human Rights Watch interview with Matthew A., Gulu, Uganda, February 4, 2003.

<sup>100</sup> Human Rights Watch interview with Grace T., Gulu, Uganda, February 6, 2003.

<sup>101</sup> Human Rights Watch interview with Antonio E., Gulu, Uganda, February 6, 2003.

Matthew A. recalled that during his military training, the recruits/abductees were divided into groups of fifty children, both boys and girls, the youngest in the group being age eight or nine. In training lasting several weeks, they learned to march in formation and parade and were taught to shoot, clean, and assemble and disassemble sub machine guns that held a magazine of thirty rounds. These weapons were large, heavy to carry and not easy for the children to use at first. "If you made a mistake, you were severely beaten," he said.<sup>102</sup> Edward T., during his six months with the LRA in 2002, received hasty training while the troops were on the move inside Uganda. The training was in "foot drill" and "how to fire, but I never shot a weapon in the training," he said. "[W]e would get one lesson here and another at the next place we marched to. We were drilled to work faster to load and dismantle the guns as quickly as possible."<sup>103</sup>

Stephen A., age ten, was shown how to load, assemble, and clean a wooden-handled gun that could shoot many bullets at a time. He carried the gun for an adult soldier but did not use it in battle himself. Nevertheless, he reported, "it felt nice to have the gun. I felt safe."<sup>104</sup>

He was given a gun for purposes of looting, however. During a raid on a village, he was sent into one of the houses to loot. When he saw a man hiding inside, the youngster became confused and shot his gun in the air to warn the others. The LRA shot back at him before discovering the problem. "The LRA soldiers were angry and beat me with a machete."<sup>105</sup>

Although Sondra O. received neither a gun nor arms training, she was wounded in battle, as were so many LRA children. One morning, as the LRA with its captives crossed a road, the UPDF opened fire on them; they fought for several hours. "I saw seven people killed and I was shot in the leg. . . . Many LRA soldiers and captives alike were killed."<sup>106</sup>

James K. was wounded by a UPDF helicopter gunship attack only a few weeks after his abduction in 2002. He was among the lucky survivors: "Many abductees were killed as well as LRA soldiers. We were a group of 500 before the attack, with 400 of those abducted children and adults. Hours later only 200 had survived."<sup>107</sup>

Most of those abducted prior to 2002 also were exposed to the dangers of battle inside Sudan—with the SPLM/A, the enemy of their patron the Sudanese government. Antonio E., who was abducted on January 20, 2000 with his brother and five other children, was based close to Nimule, Sudan, on the Nile near the Uganda border.<sup>108</sup> "Our main problem in Sudan was fighting against the Dinkas [SPLM/A]," Antonio E. said.<sup>109</sup>

Peter O., abducted in the 1990s from Amoro County, Gulu district, was taken to the LRA camp at Lubanga-tek inside Sudan, where "there were Arab soldiers of [Sudanese president Omar] Bashir. They came from Juba to help us." He was wounded in the leg when on December 24, 2000, the SPLA fired at the camp. He received medical care in the Sudanese government garrison town of Juba and in the capital, Khartoum. His treatment was "not so bad, but it was difficult since we were losing our friends and feared

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<sup>102</sup> Human Rights Watch interview with Matthew A., Gulu, Uganda, February 4, 2003.

<sup>103</sup> Human Rights Watch interview with Edward T., Gulu, Uganda, February 8, 2003.

<sup>104</sup> Human Rights Watch interview with Stephen A., Gulu, Uganda, February 6, 2003.

<sup>105</sup> Ibid.

<sup>106</sup> Human Rights Watch interview with Sondra O., Gulu, Uganda, February 9, 2003.

<sup>107</sup> Human Rights Watch interview with James K., Gulu, Uganda, February 6, 2003.

<sup>108</sup> His brother was killed en route to Sudan because he could not march fast enough. Human Rights Watch interview with Antonio E., Gulu, Uganda, February 6, 2003.

<sup>109</sup> The commander of Antonio's unit was Lt. Okelo Ochoka.

attacks by the SPLA, and they told us the UPDF would kill us if we would try to escape and run back to Uganda.”<sup>110</sup>

When Uganda started Operation Iron Fist, “Kony told us that we are on our own now and that we should fear the UPDF since they came to finish us,” sixteen-year-old Peter O. said. He was one of 1,000 LRA troops and soldiers crossing back into Uganda via Agar on the Sudan border in mid-2002. “We did not face any resistance on returning. Commander Odhiambo was crossing with us. We stayed in Kitgum district in Palukal at the border to Karamojong.”

The 1,000 split into five groups, and he ended up in one of the two groups under Commander Odiombo which moved into Gulu district while the other three remained in Kitgum district. When he saw his chance, he escaped and surrendered to the UPDF.<sup>111</sup>

### *Slaves, “Wives,” and Mothers: The Experience of Girls*

Angela was only ten when she was abducted by the LRA. At age fifteen, she was forced to become a “wife” to an LRA commander. She gave birth to two children in the bush. The first, a boy, she named *Komakech*, which means, “I am unfortunate.” The second, a girl, she named *Can-Oroma*, meaning “I have suffered a lot.”

Girls have been abducted in large numbers by the LRA, although fewer girls than boys have been taken overall. Some girls are given military training and forced to fight, to carry out raids on villages, and to help abduct other children. Most are virtual slaves, forced to work long hours carrying heavy loads, to walk long distances to fetch water and firewood, and to perform other tasks, including cooking and field work. At age fourteen or fifteen, many are sexually enslaved as “wives” of commanders and subjected to rape, unwanted pregnancies, and the risk of sexually transmitted diseases, including HIV/AIDS.<sup>112</sup>

After abduction, younger girls are assigned to commanders as *ting ting* (servants). They often begin work before dawn and continue until evening. Janet W. explained, “You must work all of the time. The moment you refuse to work, they will kill you or beat you to death.”<sup>113</sup> She, like other girls, was forced to carry heavy loads, fetch water and firewood, cook, wash, “dig” (farm), and tend the commanders’ children.

The LRA appears to have a practice of not raping the prepubescent girls. This practice reportedly “saves” the girls from exposure to STD’s so that when they are assigned to their “husbands” they are not infected.

Age does not protect any girl from frequent beatings by LRA commanders or their “wives,” however. Brenda O. was assigned to Commander Ochang. She said, in an understatement, “He didn’t treat me very well.” Daily he called her and two of the other *ting ting* to lie down and would say, “Do you know why I am beating you?” The girls never knew, so “the soldiers caned us, fifty strokes. This happened every day. They beat us on the buttocks, but if you cry, they will beat every part of your body and not count the strokes.”<sup>114</sup>

Other girls described being mistreated by the commander’s “wives,” who are often abductees themselves who had been similarly brutalized. Charlotte W. told Human Rights Watch that Commander

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<sup>110</sup> Human Rights Watch interview with Peter O., Gulu, Uganda, February 6, 2003.

<sup>111</sup> Human Rights Watch interview with Peter O., Gulu, Uganda, February 6, 2003.

<sup>112</sup> One headline told it all: Kathryn Wescott, “Sex slavery awaits Ugandan schoolgirls,” BBC News Online, June 25, 2003, <http://news.bbc.co.uk/2/hi/africa/3019838.stm> (accessed July 2, 2003).

<sup>113</sup> Human Rights Watch interview with Janet M., Gulu, Uganda, February 9, 2003.

<sup>114</sup> Human Rights Watch interview with Brenda O., Gulu, Uganda, February 5, 2003.

Okeny did not mistreat her, but that two of his six “wives” “would beat me every day for small mistakes, or for no reason. . . . Not a single day passed when I wasn’t beaten.”<sup>115</sup>

After reaching puberty, girls are forced to become “wives” to commanders, often subjected to rituals beforehand to underline their subservient status. Angela P. said, “When I became a ‘wife’ I was smeared with shea nut butter and told my loyalty was to Commander Okello.”<sup>116</sup>

Forced into sexual relationships, many girls become pregnant and give birth in the bush, with only other young girls to assist them. According to one child mother, by the late 1990’s, more than 800 children had been born to LRA “wives,” and were concentrated at Jebelain camp in southern Sudan where she stayed for a year and a half from April 1997 until late 1998.

Many “wives” contracted STDs. A nurse at World Vision rehabilitation center reported that of the children entering the Gulu center in 2002-03, about 50 percent had STDs, including syphilis, gonorrhea, chlamydia, and pelvic infections. Two years earlier, when returnees were more likely to have been in captivity for longer periods, the rate was much higher – nearly 85 percent.<sup>117</sup> Children (girls) who are in captivity for shorter periods (which is the case for many recent returnees) are less likely to have been made into “wives” of commanders, and therefore less likely to be infected with STDs.

The prevalence of HIV among abductees is unknown but can be estimated based on tests given in World Vision and Gulu Save Our Children Organisation (GUSCO) rehabilitation centers for former abductees that offer HIV testing to children in their centers. Former abductees are given HIV/AIDS education and counseling and then may choose to be tested or not.

At World Vision, eighty-three children have been tested, and thirteen—seven boys and six girls—were HIV positive. The youngest was thirteen. Three of the girls were child mothers. At least one has since died of AIDS.<sup>118</sup> At GUSCO, of eleven children tested between June and December of 2002, two were HIV positive.<sup>119</sup> It should be noted that those who choose to be tested are more likely to be at high risk of HIV infection than those who are not tested. Based on counseling they have received, most have assessed themselves to be at high risk, often because of repeated rapes by LRA commanders.<sup>120</sup>

For many girls, becoming a “wife” brings some privileges. “Wives” often work fewer hours and receive better food. Once they have children, they no longer participate in raids or fighting. Christine A. was given as a “wife” to Commander Okello when she was sixteen. She said that when she became pregnant, he was “very happy” and took good care of her. After he was killed in battle, however, life became more difficult. She said:

[T]hey start to treat you like a girl again and beat you. I was beaten severely and given less food. Sometimes I didn’t have food for my baby. I had to work in the garden like a slave, beginning at 5:00 a.m. and coming back late in the evening. Unless you get another man, you suffer.<sup>121</sup>

For Angela P., however, life was better as a ting ting or servant. She said, “As a ‘wife,’ I was beaten and sexually abused. As a ting ting, I was beaten twice; as a ‘wife’ I was beaten so many times I couldn’t count.”<sup>122</sup>

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<sup>115</sup> Human Rights Watch interview with Charlotte W., Gulu, Uganda, February 6, 2003.

<sup>116</sup> Human Rights Watch interview with Angela P., Gulu, Uganda, February 6, 2003.

<sup>117</sup> Human Rights Watch interview with nurse, Gulu, Uganda, February 10, 2003.

<sup>118</sup> Ibid.

<sup>119</sup> Human Rights Watch interview with Julius Tiboa, program coordinator, Gulu Save Our Children Organisation (GUSCO), Gulu, Uganda, February 4, 2003.

<sup>120</sup> Human Rights Watch interview with nurse, Gulu, Uganda, February 10, 2003.

<sup>121</sup> Human Rights Watch interview with Christine A., Gulu, Uganda, February 5, 2003.



In June 2002, as the LRA was crossing over from its former safe haven in southern Sudan into Uganda to elude the UPDF, the LRA released more than one hundred persons, including “child mothers” with their children, the elderly, and the sick. Christine A., released then with her two children, was told by the LRA that it “was coming (to Uganda) for battle, for real war.” Local NGOs believe that mothers were released because their young children hindered the LRA’s movements.

When Christine A. learned that she was being released after nearly ten years of captivity, she said, “I was happy because I knew I would come back home and not suffer any more.”<sup>123</sup>

The child mothers were sent to rehabilitation centers in Gulu with the LRA message that they should be “well taken care of.” At least twenty of the child mothers were “widows”; their commander “husbands” had been killed in battle or died from disease. Many commanders did not want to release their “wives,” however. During Operation Iron Fist, the LRA sent many of these child mothers to Alar, an LRA camp southwest of Gulu, which also tended many of the sick and wounded LRA soldiers.

Christine A. heard from children who escaped the LRA later that the LRA leadership regretted the decision to release the child mothers, especially those with boy children. She was released with her two sons, who were ages three years and seven months at the time of interview, and was fearful that the LRA would come back for her. She had no relatives in “safe” towns so she felt she had no choice but to return to the village from which she was abducted.<sup>124</sup>

Although abduction is a traumatizing experience for all abductees, abducted women and girls suffer unique abuses and consequent problems. Whereas beating, torture, and maltreatment are the experiences for most people abducted by the LRA, rape and forced sexual slavery is inflicted on women and girls. While there seems to be a higher rate of acceptance back into the community for long-term female abductees as opposed to male returnees who spend several years with the LRA, the pattern is different for mothers who have LRA-born children.<sup>125</sup>

According to several Ugandan NGOs in Gulu working with returnees,<sup>126</sup> the children born in captivity as a result of rape by one or several LRA soldiers are sometimes seen as unacceptable outsiders. According to the custom and kinship structure found amongst the Acholi people, the child belongs to the father and his family. Since the father in cases of gang rape is not known, or the father is an LRA rebel, the child may not be accepted by the mother’s kin. Women who were married before being abducted are rarely accepted back by their husbands, who often fear their wives are infected with sexually transmitted diseases including HIV/AIDS.

Another factor that makes it difficult for women to return from captivity is that they are expected to conform to certain stereotypes of female behavior. Women captive with the LRA for years have become used to war, fighting, rough bush life, harsh conditions, and living with other fighters. At times they may have difficulty adjusting to traditional expectations of women.

The twenty-two-year old former “wife” of LRA Commander Tabuley is one case in point, according to a woman responsible for following women’s issues at Caritas: “She is a convinced LRA fighter and does not want to be here.” Many women and girls find it hard to adjust to the life back home. “They know

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<sup>122</sup> Human Rights Watch interview with Angela P., Gulu, Uganda, February 6, 2003.

<sup>123</sup> Human Rights Watch interview with Christine A., Gulu, Uganda, February 5, 2003.

<sup>124</sup> Ibid.

<sup>125</sup> *Seventy Times Seven: The Implementation and Impact of the Amnesty Law in Acholi*, ARLPI; Caritas Gulu Women’s Desk, Justice and Peace Commission of Gulu Archdiocese, May 2002, p. 18f.

<sup>126</sup> Human Rights Watch interviews with Caritas Gulu Women’s Desk, Concerned Parents Association, People’s Voice for Peace.

they are a burden for their relatives, they will not be able to go to school if they return with children, and they don't see any future for themselves here.”<sup>127</sup>

### *Escape/Release*

*One night I was beaten terribly and then sent to sleep outside in the cold and rain. The next morning, at 5 a.m., I was beaten again and then sent to fetch water. My hands were swollen so I wasn't able to lift the jerry can onto my head. No one came to help, so I decided to pour out the water and throw the can away. I went into the bush. It was raining heavily so I stayed under a tree. When it stopped, I stayed in the wilderness, eating leaves. I spent three weeks there. One day I saw a road. I had no strength left and collapsed by the road. A hunter came and found me and carried me on his bicycle.*

- Ruth K., age twelve<sup>128</sup>

Despite the risk of death if they are caught, some children manage to escape from the LRA. Others surrender to the UPDF, or are rescued or captured during battle. Some are released or abandoned when they become sick or injured.

The number of children returning from the LRA has increased dramatically since early 2002. This is because the number of abductees was high during the period starting with June 2002, combined with the fact that the LRA stayed in Uganda where recent abductees have a better chance of escape; in Sudan the escape possibilities are limited.

In 2002, more than 1,700 returnees, mostly children, passed through the World Vision and GUSCO rehabilitation centers based in Gulu after escaping LRA captivity. More than 1,000 returnees (both adults and children) were assisted by the World Vision Children of War program in 2002, up from 263 returnees in 2001.<sup>129</sup> GUSCO assisted 745 children between June and December of 2002, with the largest number of children —185— being brought to the center in December.<sup>130</sup> Other children have undoubtedly gone directly home, without passing through the centers.

The ARLPI reported that 2,611 abductions were documented in Kitgum and Pader districts from June through December of 2002. At least 870, or one-third of those abducted, escaped or were released within several weeks of abduction. The ARLPI report also found that although children make up three-quarters of abductions, half of those returning are adults. It concluded, “A larger portion of children are remaining with the LRA.”<sup>131</sup>

The children interviewed by Human Rights Watch escaped or were released from the LRA between May 2002 and February 2003. Half left captivity in December 2002 and January 2003. Some were released or abandoned after they were injured in battle or developed physical problems from the hardships of LRA life; the majority had to escape.

Children look for opportunities to escape when they may not be watched, or during the confusion of battle. Thirteen-year old Martin P. escaped in December 2002, when he and three others were looking for food.

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<sup>127</sup> Human Rights Watch interview with Caritas Women's Desk, Gulu, Uganda, January 31, 2003.

<sup>128</sup> Human Rights Watch interview with Ruth K., Gulu, Uganda, February 6, 2003.

<sup>129</sup> Human Rights Watch interview, World Vision, Gulu, Uganda, February 10, 2003

<sup>130</sup> Human Rights Watch interview, GUSCO, Gulu, Uganda, February 4, 2003.

<sup>131</sup> *Seventy Times Seven: The Implementation and Impact of the Amnesty Law in Acholi*, ARLPI, Caritas Gulu Women's Desk, Justice and Peace Commission of Gulu Archdiocese, May 2002.

I saw some *sim sim* (sesame) and told the others to go and collect it. They ran off and left me alone. So then I took off the gumboots I was wearing and left my gun and ran. I ran until I got to Amuru camp. I ran because life was bad with the LRA. I couldn't stand it anymore. I couldn't stop thinking about my brothers (whom the LRA killed).<sup>132</sup>

Charles M., age thirteen, escaped during a battle with the UPDF. When a UPDF armored vehicle began firing, "the LRA fled in all directions. I fled then and fell into a swamp. I lay among the papyrus reeds. I could hear the fighting still going on, but I kept calm and didn't move at all."

He slept overnight in the bush and the next day went to the UPDF.<sup>133</sup> Another young recruit said that his group returned from Sudan to Kitgum district in October 2002. He saw his chance and escaped: "When we were back in Uganda we killed daily, we attacked camps and villages all the time. Just after Christmas, they left me alone for a while and I recognized Guna Mountain, so I ran."<sup>134</sup>

Mark T., seventeen, decided to run after his unit carried out an ambush and killed the brother of an uncle with whom he had stayed in Kampala. "I realized that I had to get out. Killing all my relatives was bad. Better to try [and escape] and die than not try at all."<sup>135</sup>

Some children are "rescued" by the UPDF during military operations. Often these are children who surrender to the UPDF or who are wounded in battle and left behind by the LRA, according to local NGOs critical of the UPDF for the way it has reported its military operations during Operation Iron Fist. "Those killed are called terrorists or rebels, and those who survive are 'rescued abductees,'" said one Ugandan NGO representative.<sup>136</sup>

Some injured children are simply abandoned or left for dead by the LRA. James K., seventeen, was injured in an UPDF air attack near Lira in which many new recruits were killed and many left for dead, including older LRA soldiers. James K's legs were hit and there was no medical aid. At first he was made to retreat with the LRA: This consisted in LRA soldiers beating him with a stick when he limped, and threatening to kill him if he did not move along. After they settled in one position, his swollen leg wounds began to ooze yellow pus. Still he received no medical aid. "I didn't know what to do and if I was going to live because my legs were hurting me so badly. . . Finally, my wounds got so bad that they abandoned me in the bush. I was left there to die."

He crawled on his knees until he came to a dirt road where a cyclist passed and gave him a lift.<sup>137</sup>

Thirteen-year-old Janet M. developed swollen legs from walking and was left at a woman's house. The woman was told to take care of Janet and that the LRA would come back for her. "They told her not to allow me to go home. If they found that I was taken home, they said they would either kill the woman or her family." The woman nevertheless gave the girl food and medicine, washed her clothes, and took her to the army barracks. Janet M. worried about LRA retaliation against this woman.<sup>138</sup>

Julius Tiboa, director of the GUSCO rehabilitation center, said that children released by the LRA "are mostly sick and malnourished, children who could not be of help or significance to their efforts."<sup>139</sup>

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<sup>132</sup> Human Rights Watch interview with Martin P., Gulu, Uganda, February 6, 2003.

<sup>133</sup> Human Rights Watch interview with Charles M., Gulu, Uganda, February 8, 2003.

<sup>134</sup> Human Rights Watch interview with Mark T., Gulu, Uganda, February 5, 2003.

<sup>135</sup> Ibid. .

<sup>136</sup> Human Rights Watch interview with nongovernmental representative, Gulu, Uganda, February 4, 2003.

<sup>137</sup> Human Rights Watch interview with James K., Gulu, Uganda, February 6, 2003.

<sup>138</sup> Human Rights Watch interview with Janet M., Gulu, Uganda, February 9, 2003.

<sup>139</sup> Human Rights Watch interview with Julius Tiboa, Gulu, Uganda, February 4, 2003.

Children who are released, rescued, or escaped are usually brought to the nearest army detachment, transported to the Fourth Division army barracks in Gulu, and then to a special Child Protection Unit (CPU) managed by the army, where they are held for debriefing by army intelligence. If injured, the children might receive treatment at the local army hospital. Most children, particularly those only briefly in LRA captivity, are held at the CPU for periods of one to three days. Children with the LRA for longer periods, particularly as combatants, might be held several weeks or more. In one case reported to Human Rights Watch, two children were kept for more than two months, reportedly because they were receiving medical treatment at the army hospital.<sup>140</sup>

After debriefing, children are taken from the CPU to nongovernmental rehabilitation centers in Gulu, Kitgum, or Pader. Other children are brought to the centers directly by community members. At these centers, children receive medical care, including testing for STDs, counseling, vocational training, and other assistance. The centers help trace the families of abducted children and work with both the children and their families to reintegrate the children into their communities.

### ***The Future***

*I'm not happy at all because they ruined me. I had to cut short my studies. I have no hope that I will one day be somebody. I gave birth to two children and was not prepared. I have two children and no means of survival. I worry about what will happen next.*

- Christine A., twenty, released in June 2002<sup>141</sup>

For most abductees, release or escape does not end their ordeal. Most are fearful of re-abduction and few are able to return to their original homes because of the increased LRA activity in 2002-03. Many have siblings or other family members still in captivity. Girls and young women with children born in captivity fear they will not be able to support their children. Many bear physical or psychological scars.

Former LRA captives report that the LRA is registering all abducted children. Those who managed to escape greatly feared that the LRA would conduct revenge attacks on their families and communities, and that if they returned home, the LRA would come for them, abduct them again, and possibly kill them.<sup>142</sup>

This fear is reflected in a joint report by the ARLPI, the Peace and Justice Commission Committee, and Caritas Gulu Women's Desk. They found a

+correlation between length of time spent in captivity and fearing for one's life. Some 61 percent of those held by the LRA more than two years feared for their lives, while only 29 percent of those in captivity less than a year voiced that fear. That relationship was reversed on the issue of fear of re-abduction. More than 50 percent of those fearing re-abduction had been in captivity less than one year, as opposed to 24 percent of those inducted more than two years.<sup>143</sup>

After escaping from the LRA in January 2003 Angela P. discovered that the LRA had killed her mother during a raid. Others find that their families have relocated to IDP camps or even other districts seeking safety from the LRA. Ruth K., age twelve, was abducted from Purongo, a "protected" village, in July 2002. Her family left the camp after her abduction and moved to Masindi district. Unable to join them, she planned to stay near Gulu and live with a cousin.<sup>144</sup>

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<sup>140</sup> Human Rights Watch interview with local religious leader, Gulu, Uganda, February 5, 2003.

<sup>141</sup> Human Rights Watch interview with Christine A., Gulu, Uganda, February 5, 2003.

<sup>142</sup> According to *Seventy Times Seven: The Implementation and Impact of the Amnesty Law in Acholi*, ARLPI, Caritas Gulu Women's Desk, Justice and Peace Commission of Gulu Archdiocese, May 2002.

<sup>143</sup> *Ibid.*

<sup>144</sup> Human Rights Watch interview with Ruth K., Gulu, Uganda, February 6, 2003.

Many of the children worry about brothers and sisters still in LRA captivity. One-third of the returned children interviewed by Human Rights Watch were abducted with siblings who are still missing. As described above, Grace T., age sixteen, was abducted in July 2002 together with two of her sisters and a brother; one sister and the brother are still in captivity. Janet M., age twelve, was abducted in November 2002 with two sisters, ages fifteen and seventeen. One sister was released, but the other remains missing. Thirteen-year-old Martin P. was abducted with four brothers; two were killed by the LRA, one was killed by the UPDF, and one is still missing.<sup>145</sup>

Most of the children want to return to school, but many do not feel it is safe at home. Charlotte W. said, "I want to go back to school, but I will stay with my uncle in town. In my home area, rebels are moving freely, so I could easily be re-abducted."<sup>146</sup> Similarly, Janet M. said, "I want to go back to school, but I'm afraid the rebels will come for me." Because of these fears, she lives and studies in town with her uncle.<sup>147</sup> Matthew A. feared that if he returned home, he would not be able to run fast enough if the LRA attacked his village: his leg was amputated after he was shot in a battle with the UPDF.<sup>148</sup>

Representatives of Save the Children Denmark, which supports the GUSCO center, said that:

[T]he insurgency made reintegration difficult. Initially the idea was to have social workers go out first and contact family members and the community, and then go back a week later. Then send the child out for one day, and then have the child come back for a longer period, a gradual reintegration period. But this has been disrupted. There is insecurity to the child, the family, and the social workers . . . The majority of returned children stayed in and around the municipality, or were sent to other districts.<sup>149</sup>

Some children joined the "night commuters," the children who live outside Gulu, Kitgum, and Pader towns, and travel into town nightly, seeking to avoid abduction. Grace T. was abducted from Agwe, two kilometers from Gulu town. She planned to return to her family in Agwe, but then said she and her formerly abducted sister would go to Gulu nightly for safety. Grace T. said she was "afraid when I hear about the LRA, because now that I have been abducted, they might kill me."<sup>150</sup>

Returnees also suffer on-going physical and psychological problems. A nurse at World Vision identified gunshot wounds, skin problems from walking long distances, and sexually transmitted diseases as the major physical problems affecting returnees. She estimated that about 15 percent returned with gunshot wounds, and another 5 percent had shrapnel injuries. Fifteen children assisted by the center since 1996 have had limbs amputated.<sup>151</sup> Another counselor at the center said that girls who had spent long periods in LRA captivity were often missing hair on the tops of their heads from portering supplies.<sup>152</sup>

The same nurse also reported, "Almost all of them suffer from nightmares and flashbacks, especially those that were long in the bush. Some are quiet, withdrawn and don't want to talk."<sup>153</sup> Susan A. told

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<sup>145</sup> Human Rights Watch interview with Martin P., Gulu, Uganda, February 6, 2003.

<sup>146</sup> Human Rights Watch interview with Charlotte W., Gulu, Uganda, February 6, 2003.

<sup>147</sup> Human Rights Watch interview with Janet M., Gulu, Uganda, February 6, 2003.

<sup>148</sup> Human Rights Watch interview with Matthew A., Gulu, Uganda, February 4, 2003.

<sup>149</sup> Human Rights Watch interview with Save the Children Denmark representatives, Gulu, Uganda, February 6, 2003.

<sup>150</sup> Human Rights Watch interview with Grace T., Gulu, Uganda, February 6, 2003.

<sup>151</sup> Human Rights Watch interview with nurse, World Vision rehabilitation center, Gulu, Uganda, February 10, 2003.

<sup>152</sup> Human Rights Watch interview with counselor, World Vision rehabilitation center, Gulu, Uganda, February 4, 2003.

<sup>153</sup> Human Rights Watch interview with nurse, World Vision rehabilitation center, Gulu, Uganda, February 10, 2003.

Human Rights Watch that she dreams that she is staying with her mother and that the LRA comes and abducts her.<sup>154</sup>

Many wonder about their future. Sixteen-year-old John W., now an orphan, said, “What disappoints me most is the future. Some seem to have things to do here, and a place to go, but for me, the future is blank. . . . What am I going to do?”<sup>155</sup>

### Attacks on Schools

The Lord’s Resistance Army established a routine of attacking schools throughout the 1990’s and continued to do so after its 2002 return from Sudan. Many schools have been closed or displaced, and many families are reluctant to send their children to school, for fear of abduction. Because of the insecurity, many schools that are still open have reduced their hours of instruction so that pupils can travel to school after 10:00 am in the morning and return home before 3:00 pm, times considered safe.

In Kitgum and Pader districts, the ARLPI received reports of eighteen schools attacked between June and December of 2002. Schools have been looted and books and supplies burned. Teachers have been beaten, abducted, and killed during LRA attacks, and children have been abducted. In August and September of 2002, children were abducted from schools in Lapole, and Akwang and Lukolu sub counties.<sup>156</sup>

On July 12, 2002 the LRA raided Pa-minyai displaced primary school. It abducted nine pupils and burned down forty-five huts. On December 10, 2002, the LRA abducted forty-two students at schools in Palenga Gudu, Bobi sub county, together with more than fifty other people. Again, on February 27, 2003, the LRA abducted thirty pupils from Abung Primary School in Koch Ongako, and another eleven secondary pupils from Oxford School in Kitgum town. On the same day, another LRA group attempted to abduct pupils at Wii-Awor Primary School near Lacor Hospital in Gulu municipality.<sup>157</sup> In early June 2003, the LRA abducted forty-one persons from a Catholic seminary school.<sup>158</sup>

According to the Gulu District Inspector of Schools, nearly half of the district’s schools – 116 of 234 – have been displaced due to the conflict and only 56 percent of primary school-aged children are currently attending school.<sup>159</sup> He commented that education suffers in the absence of political stability:

Some parents are not sending children to school because they fear abduction. Some people are moving away from Gulu to go to safer areas, including teachers. In some areas, school instructional materials have been destroyed. The general management of education becomes very difficult. Teachers complain that they are not effectively teaching.<sup>160</sup>

Education took an even heavier blow from LRA-caused insecurity in the Pader district. A U.N. assessment in March 2003 revealed that in Kalongo Trading Center alone, 55 percent of the children registered by the assessors were not attending school. Kalongo had two sites hosting students from thirty

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<sup>154</sup> Human Rights Watch interview with Susan A., Gulu, Uganda, February 9, 2003.

<sup>155</sup> Human Rights Watch interview with John W., Gulu, Uganda, February 5, 2003.

<sup>156</sup> See [www.acholipeace.org](http://www.acholipeace.org) for a detailed chronology of abuses in the north, including attacks on schools, for the period of June through December 2002.

<sup>157</sup> “LRA Men Abduct 30 Pupils in Gulu,” *New Vision* (Kampala), February 28, 2003.

<sup>158</sup> “Ugandan rebels kill boy, abduct 41 others in raid on seminary,” *AFP*, Kampala, May 11, 2003; “Uganda army seeks Catholic students,” *BBC News*, May 12, 2003, <http://news.bbc.co.uk/2/hi/africa/3019563.stm> (accessed June 24, 2003).

<sup>159</sup> Human Rights Watch interview with James K. Lomoro, Gulu District Inspector of Schools, Gulu, Uganda, February 7, 2003.

<sup>160</sup> *Ibid.*

schools, “all of them displaced due to insecurity.”<sup>161</sup> The persons conducting the assessment believed that this “could be the tip of the iceberg in Pader district,” where there were at least twelve camps for IDPs.<sup>162</sup>

### **LRA Abuses of Internally Displaced Persons: Attacks on IDP Camps and Food Convoys**

The LRA suspected those who moved to internally displaced camps, or “protected villages,” of being against the LRA and for the government. It has at various times demanded they leave and has targeted these camps to punish people who remain. Targeting civilians is a gross abuse of customary international humanitarian law (rules of war) governing internal armed conflict.<sup>163</sup>

The LRA communicated these threats to the camp population through letters left after attacks on the camps. In one communication of January 2003 to IDPs in Kora camp the LRA stated, “We know now that the people of Acholi want to stay in the [IDP] camps. We will come [to the camps] and kill you.”<sup>164</sup>

During an attack on Purongo IDP camp in Anaka sub county, Gulu district on June 29, 2002, the LRA killed seven civilians and abducted an unknown number of persons. LRA Commander Matata left a letter addressed to the sub county chief, to the local commissioner, and to the camp population, stating:

- (1) Don't stay in the camp. Museveni has put you in the camps to finish you and take over the land in Acholi.
- (2) We will kill everybody in the camp
- (3) There will be nobody left to bury the death (Golgotha) [*sic*].
- (4) Cdr. Matata is coming to pick [up] 15.000.000 Ush [fifteen million Ugandan shillings or U.S. \$ 9,000] from Olunya. Olunya is in hiding but we will collect the money.
- (5) We want peace talks. Traditional leaders (*Rwot Moo*), religious leaders of local council V, and other elders should be present.<sup>165</sup>

A former abductee told Human Rights Watch that the LRA did not hesitate to kill people as a warning of what would happen to those who did not obey the LRA. Christopher W., age fifteen, said,

At one time, we went to a displaced persons camp and immediately killed three people. This was done to warn people not to stay in the camps but to move back to their villages. I don't know why these three were selected. We later abducted many children from that camp.<sup>166</sup>

Although the LRA warned people not to stay in the IDP camps, it ironically continues to kill people who have stayed in the villages as well. And it has spread fear and forced people to abstain from any movement by conducting ambushes on commercial and civilian vehicles. It has also ordered people not to use bicycles and not to travel along main roads, especially on Fridays and Sundays. One result of these attacks is the crippling of the northern Ugandan economy.

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<sup>161</sup> U.N. OCHA, “Humanitarian Update – Uganda,” vol. V, issue 3 (March 2003). While 5,787 students were registered, fewer than 2,600 were attending classes.

<sup>162</sup> *Ibid.*

<sup>163</sup> Uganda has acceded to the Four Geneva Conventions of 1949, in which article three common to the four conventions governs internal armed conflicts. The 1949 Geneva Conventions and their 1977 Protocol II, as well as customary international humanitarian law, apply to rebel forces of countries signatory to the conventions, although the rebel forces do not have the legal capacity to sign these conventions.

<sup>164</sup> Human Rights Watch interview with ACORD, Gulu, Uganda, January 31, 2003. This LRA note is in the possession of Human Rights Focus (HURIFO), a Ugandan human rights nongovernmental organization based in Gulu.

<sup>165</sup> LRA Commander Matata died in January 2003.

<sup>166</sup> Human Rights Watch interview with Christopher W., Gulu, Uganda, February 8, 2003.

## **LRA Attacks on Food Convoys and Malnutrition of IDPs**

In response to the crippled economy, humanitarian agencies have undertaken to provide relief to the afflicted area of northern Uganda. But LRA abuses against internally displaced persons extend to its attacks on humanitarian relief convoys. A crisis of great proportions has developed: the level of malnutrition of children in IDP camps is very high.

The World Food Programme has become the principal source of food assistance in northern Uganda—and its trucks and stores and delivery points are therefore frequently attacked and its beneficiaries way laid by the LRA. In Gulu and Kitgum districts, WFP relief food is subject to LRA looting after it is delivered.

In Pader district conditions are so unstable and insecure that the WFP (which has become the only provider of relief food for the district's needy population) can barely operate there. The U.N. OCHA reported in January 2003 that "Humanitarian organizations cannot access almost all IDPs in Pader District" as a result of insecurity.<sup>167</sup> LRA military activity aimed at civilians and civilian transport and movement is not the sole cause of the desperate lack of food in northern Uganda. The UPDF has come in for its share of criticism by the agencies attempting to provide relief to the stricken population, for failure to provide adequate protection (including sufficient armed escorts for the relief trucks) and for limiting access of farmers to their fields. After a February 2003 assessment mission to isolated and congested camps in Pader district that had been cut off without any tangible humanitarian assistance due to fighting in the district, the WFP noted other factors that compounded the blockage of food deliveries: "inadequate coping mechanisms and a lack of access to the fields."<sup>168</sup>

The child malnutrition rates among the IDP camp population of Acholiland—where 70 percent of the population is internally displaced<sup>169</sup>—were described as "alarming" by the WFP in early 2003. Its analysis of Ugandan ministry of health data showed that the global acute malnutrition rate for children under 5 years of age was unusually high: it

was assessed . . . to be between 16 and 23% (of the median) based on findings from 2 [IDP] camps in Gulu district.<sup>170</sup> These figures are extremely concerning given that under WFP and UNICEF international standards, any situation where over 15 percent of children under five are acutely malnourished, blanket supplementary feeding should be immediately put in place to address the crisis and prevent an increase in the number of children affected.<sup>171</sup>

The WFP put the findings in an African context, noting that "above 10% is alarming for an African in-camp population" and beyond 15% warrants a blanket supplementary feeding of the children according to the U.N. framework.<sup>172</sup>

A later survey by Action Against Hunger-USA (ACF-USA) conducted in April and May 2003 in two IDP camps near Gulu concluded that the chronic malnutrition rates for children under five was 41.4 percent, which represents a steady increase over the last six years for which comparable data is available.

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<sup>167</sup> U.N. OCHA, "Humanitarian Update – Uganda," vol. V., issue 1 (January 2003).

<sup>168</sup> WFP Emergency Report No. 09 of 2003, February 28, 2003, <http://qqq.qdp.oef/index.asp?section-2> (accessed April 10, 2003). "According to a study conducted among 400 children in Kalongo hospital in Pader, 14 percent of the children were found to be acutely malnourished and 29 percent were at risk." Ibid.

<sup>169</sup> Human Rights Watch telephone interview with Lars Eric Skaansar, U.N. OCHA representative, Kampala, Uganda, June 26, 2003.

<sup>170</sup> The IDP camps in Gulu district are more accessible for relief purposes than those in the Kitgum and Pader districts.

<sup>171</sup> Figures for Anaka and Pabbo camps show 31 percent of children in Anaka and 5-18 percent of children in Pabbo suffer from acute malnutrition. U.N. OCHA, "Humanitarian Update – Uganda," vol. V., issue 2 (February 2003).

<sup>172</sup> U.N. OCHA, "Humanitarian Update – Uganda," vol. V., issue 2 (February 2003).



Global Acute Malnutrition (GAM) for under five's was found to be 6.2 percent, not as high as in the January study, but for children between six and twenty-nine months, the GAM was 10.2 percent.

Even more troubling was the Respective Mortality Rate (for three months in 2003): for the under five's, it was 5.67/1,000, where 4/1,000 is considered an emergency for that group. This rate was the highest recorded in five years, and three times the usual observed rate in comparable figures. ACF-USA concluded,

There has been no noteworthy epidemic in Gulu area that could justify the spike in mortality. There is thus a very serious possibility that children have simply died of hunger.<sup>173</sup>

### **LRA Abuses in Sudan and Sudanese Refugee Camps in Uganda**

Since 1994, the LRA has been helping the Sudan government fight against the Sudanese rebel force, the SPLM/A, near the areas of Sudan south of Juba where the LRA was encamped at Sudanese government expense. The Sudanese government, pressured by the U.S. State Department's 2001 listing of the LRA as a "terrorist organization," reduced assistance to the LRA in 2001-02. Angered by the reduction of support by the Sudanese government and in need of food, the LRA attacked villages, killed civilians, raped, looted and burned property and displaced southern Sudanese—not only those believed aligned with the SPLM/A, as before, but also those living in the territory of the government.<sup>174</sup>

With the beginning of UPDF Operation Iron Fist inside Sudan, LRA abuses against their southern Sudanese hosts increased. The LRA was forced to become more mobile as UPDF forces moved by the thousands into the mountainous and sometimes dense terrain near the Ugandan border in Eastern Equatoria. The LRA attacked government-held villages southeast of Juba, and in the area between the Nile and the River Kit. Hundreds of people therefore fled north toward Juba, the largest town in southern Sudan, heavily garrisoned by the Sudanese government.

In April and May 2002, or perhaps as early as the alleged post-9/11 assistance cutoff, numerous units of the LRA also moved eastwards towards the Imatong Hills, south of Torit, looting, killing, and displacing civilians along the way.<sup>175</sup> In April 2002 the LRA attacked Sudanese civilians living in the Imatong Mountains, reportedly committing abuses against women and children as well as men. The LRA destroyed the crops in the ground. The frightened civilians fled to Ikotos, some three hours away, and three IDP camps were created for this human flood. Many people returned to Imatong and rebuilt their destroyed homes, still leaving a large population in the IDP camps at Ikotos.<sup>176</sup>

According to an OCHA report, the LRA displaced 1,800 southern Sudanese in July 2002 alone.<sup>177</sup> Despite the displacement and insecurity of the population in Eastern Equatoria, however, the government

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<sup>173</sup> Action Against Hunger-USA (ACF-USA), "Nutritional Survey in IDP Camps, Gulu District, Northern Uganda" (ACF-USA, New York: May 2003), p. 2.

<sup>174</sup> Human Rights Watch interviews, former abductees, Gulu, Uganda, February 6, 2003; Human Rights Watch interview with LC-V Chairman, Gulu District, Walter Ochora, Gulu, Uganda, February 4, 2003.

<sup>175</sup> Human Rights Watch Annual Report 2002, referring to Diocese of Torit (southern Sudan) records documenting the death of 470 southern Sudanese civilians killed by the LRA. "Kony kills 470," *New Vision* (Kampala), May 11, 2002.

<sup>176</sup> Human Rights Watch interview with anonymous officials and relief workers, Lokichokio, Kenya, May 29, 2003.

<sup>177</sup> U.N. OCHA Sudan Humanitarian Update, July 2002, dated July 29, 2002:

Approximately 1,800 internally displaced persons (IDPs) fled to Gomba (5 km east of Juba [Sudanese government garrison town]) following LRA attacks on their villages [in southern Sudan]. During the attacks two of this caseload were killed and seven abducted. The [Sudanese government] military prevented IDPs attempting to move to Juba from accessing the town, as they were concerned that members of the LRA could filter in with them. OCHA has taken up the issue locally with authorities. LRA activity has also

of Sudan did not lift the flight ban, which it had imposed on the area in 1999, preventing the international relief operation, U.N.-led Operation Lifeline Sudan (OLS), from having any access to this area or its needy population.<sup>178</sup>

Reports of LRA attacks inside southern Sudan indicate that the LRA continued to be an active threat to Sudanese civilians in 2003, attacking and displacing Sudanese families, killing civilians, abducting children, looting food, and destroying houses. On February 20, 2003 the LRA attacked the compound of Norwegian Church Aid in Parajok, a mostly Acholi area of Eastern Equatoria, Sudan, killing one civilian male, injuring one child, and looting the NGO compound. The attack occurred less than two days after a large delivery of medicines was made to this medical NGO.<sup>179</sup>

### **LRA Attacks on Sudanese Refugee Camps in Uganda**

Sudanese refugees in Uganda continue to be targeted by the LRA, with three major attacks in 2002. Many of these United Nations High Commissioner for Refugees (UNHCR) camps for Sudanese are in the Adjumani district, west of Acholiland and near the Sudanese border.<sup>180</sup>

The worst LRA attack of 2002 on refugee camps was the brutal onslaught on Achol-pii refugee camp in Pader district on August 5, 2002, where the LRA killed more than sixty people, and the more than 24,000 Sudanese refugees there dispersed into the bush and elsewhere, in fear.<sup>181</sup> The LRA took hostage four aid workers from the International Rescue Committee (IRC), a humanitarian NGO, during the attack, although they were later released.

In other attacks upon returning to northern Uganda, the LRA killed five Sudanese refugees and burned 126 houses in Maaji refugee camp in Adjumani on July 8, 2002,<sup>182</sup> then returned for a second attack on the same camp three months later, on October 3, 2002, when LRA fighters killed several UPDF soldiers and burned another sixty-five homes.<sup>183</sup>

According to the March 2003 report on Sudan prepared by the Watchlist on Children and Armed Conflict, the situation for Sudanese refugees in Uganda is problematic: the majority of Sudanese refugees in Uganda live in twenty-five designated settlements.<sup>184</sup> The LRA has subjected them to many of the same abuses to which Ugandans are subjected:

The LRA and other rebels regularly attack [Sudanese] refugee sites. During raids the LRA injures, abducts and kills children and adolescents. . . . Attacks have increased dramatically in 2002, since the LRA scattered in northern Uganda as a result of Uganda's Operation Iron Fist.<sup>185</sup>

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prevented people residing in villages up to 30 km from Juba from accessing their land and in some cases safe drinking water.

<sup>178</sup> The four years' long flight ban on this area was not ended until late October 2002, when the Sudanese government and the rebel SPLM/A signed a humanitarian access agreement in the context of peace negotiations.

<sup>179</sup> Human Rights Watch interview with Norwegian Church Aid (NCA) official, Lokichokio, Kenya, May 29, 2003. The LRA captured the communications radio belonging to the NCA in an ambush on an NCA vehicle in 2001 en route to Kitgum from Sudan, and presumably used the radio's channels to monitor the NGO's deliveries thereafter. Ibid. See OLS-S Security Sitrep # 52, Nairobi, February 26, 2003 (February 27, 2003).

<sup>180</sup> The refugees are fleeing the SPLM/A and/or the Sudanese government. They are often from ethnic groups that overlap the Uganda/Sudan border such as the Acholi, Madi, Bari, and others.

<sup>181</sup> "Resettlement of Achol-Pii Refugees to Be Expedited," *IRIN*, Kampala, Uganda, August 15, 2002.

<sup>182</sup> According to a former LRA captive who participated in the Maaji raid and killed a person, there were at least fourteen people killed. Human Rights Watch interview with Antonio E., Gulu, Uganda, February 6, 2003.

<sup>183</sup> "Uganda: LRA attacks another refugee camp in the north," *IRIN*, Kampala, Uganda, October 7, 2002.

<sup>184</sup> Watchlist on Children in Armed Conflict. Sudan Report March 2003 (c/o Women's Commission for Refugee Women and Children. New York), [www.watchlist.org](http://www.watchlist.org), (accessed April 8, 2003).

<sup>185</sup> Ibid., p. 25.

A large number of Sudanese refugees who fled the attack on Achol-pii refugee camp were relocated to Kiryandongo refugee camp in Masindi district in central Uganda, far from the Sudan border.<sup>186</sup> The Kiryandongo refugee camp was established in 1996 for 13,000 Sudanese refugees fleeing Achol-pii camp after a 1996 raid by the LRA, in which one hundred refugees were killed, according to a Sudanese refugee leader interviewed by the press.<sup>187</sup>

Following the next large LRA raid on Achol-pii, in 2002, some 16,000 Sudanese refugees from that camp were relocated to the Kiryandongo refugee camp. This produced extreme overcrowding and deterioration of sanitary conditions. The Ugandan government, through its minister for disaster preparedness Moses Ali of the West Nile region, identified two locations in West Nile region to which it wanted the Achol-pii refugees moved. The UNHCR assessed the locations and sought to defer the decision to move the refugees,<sup>188</sup> then said it thought the new locations in northwestern Uganda were too close to conflict zones and therefore not safe for the refugees.

The Ugandan government in April 2003 apparently expelled the resident representative of the UNHCR as a result of this disagreement,<sup>189</sup> although Uganda and the UNHCR later denied that the UNHCR representatives had been expelled. The UNHCR's chief Ruud Lubbers told a news conference that the country representative would be "replaced" and the Sudanese refugees would be transferred to two locations in Uganda's West Nile region considered safe from rebel activity.<sup>190</sup>

In a letter of May 12, 2003, to the Ugandan government, Achol-pii refugee representatives reiterated that they could not move to West Nile because it is unsafe, citing an LRA warning to them not to cross the Nile again (the refugees have been on the East Bank of the Nile). They also cited a clash on May 8, 2003, between Sudanese refugees and locals at Koboko in northwestern Uganda, in which two refugees were killed and seventeen others were seriously injured. The refugees also referred to ethnic animosity between them (most are Sudanese Acholi and Latuko) and the residents of West Nile as another reason they considered the locations unsafe. The refugees said they would rather walk back to Sudan than go to West Nile.<sup>191</sup>

The UNHCR noted that the two existing Sudanese refugee camps in that northwestern region, Rhino and Mvepi, have never been attacked by the LRA, and have not been attacked by rebels since 1996, when the West Nile Bank Front (since disbanded) attacked. The UNHCR further said that the Ugandan government believes that the Nile, which is very wide in that area, is a barrier to the LRA entering northwestern Uganda, and that the Ugandan government also signed a peace agreement on December 24, 2002 with the local rebel Ugandan National Rescue Force II.<sup>192</sup>

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<sup>186</sup> Achol-Pii refugee camp was attacked by the LRA supposedly because it believed that the SPLA used that camp for training. Vincent Mayanja, "Worries of rebel attacks pit Sudan refugees against their hosts," *AFP*, Kiryandongo, Uganda, April 16, 2003.

<sup>187</sup> "Worries of rebel attacks . . .," April 16, 2003.

<sup>188</sup> U.N. OCHA, "Humanitarian Update – Uganda," vol. V, issue 3 (March 2003).

<sup>189</sup> "Uganda expels UNHCR representative," *AFP*, Kampala, Uganda, April 13, 2002; United Nations Foundation, U.N. Wire, "Uganda: Government Expels UNHCR Envoy; Lubbers Visits Country," Washington, DC, April 14, 2003, [http://www.unfoundation.org/unwire/util/display\\_stories.asp?objid=33166](http://www.unfoundation.org/unwire/util/display_stories.asp?objid=33166) (accessed April 16, 2003).

<sup>190</sup> "Uganda: UNHCR says no rift with government," *IRIN*, Kampala, April 16, 2003; Ssemujju Ibrahim Nganda, "Govt Denies Expelling UN Refugee Boss," *The Monitor* (Kampala), April 16, 2003.

<sup>191</sup> Letter to the Office of the Second Deputy Prime Minister, from Achol-pii community, May 12, 2003/

<sup>192</sup> Human Rights Watch interview with Stephen Gonah, Senior Protection Officer, U.N. High Commissioner for Refugees (UNHCR), Kampala, Uganda, June 13, 2003. The Ugandan National Rescue Force II (UNRF II), a splinter from the UNRF I (which laid down its arms in the late 1980s), left Sudan in April 2002 and encamped at Yumbe to negotiate the peace agreement.

On May 28, 2003, the LRA attacked a bus convoy going to Sudan on the western road from Karumba to Arua, via Pakuach, at Pajok II, a frequent LRA target, to the south of the proposed refugee camps. Fifteen were killed and thirty-five were captured and taken away.<sup>193</sup> This road, the main land route from West Nile to Kampala, is often disrupted by LRA ambushes and attacks. On June 17, 2003, the LRA attacked an orphanage run by the Catholic Church in northern Uganda, abducting fifteen children, twelve of whom were Sudanese refugee orphans.<sup>194</sup>

The UNHCR stated that the Ugandan government is firm on its insistence that the more than 15,000 Achol-pii refugees not already relocated from Kiryandongo—8,500 were moved to a camp in central Uganda, Kyangwalle—be relocated to the two sites in Icafe, Yumbe district, and Madi Okollo, Arua district in West Nile. The government is proceeding with its preparation of the sites, which will take until the end of 2003.<sup>195</sup>

## V. HUMAN RIGHTS VIOLATIONS BY UGANDAN GOVERNMENT FORCES

UPDF forces and officials of other government-related military security agencies have committed multiple abuses of the rights of northern Ugandans, including summary execution, torture, rape, child recruitment, and inhuman conditions of detention in unauthorized detention locations. They are rarely prosecuted for crimes committed against civilians. Even when UPDF abuses have been investigated, the investigations have sometimes been kept internal and therefore have created an appearance of impunity, which has not improved public trust.

UPDF responses to allegations of abuses against civilians, such as rape, unlawful killing, and torture, range from the crime going unpunished, to being “punished” by transferring the accused, to the court martial of some individual soldiers without proper investigation, all the way to the rare court martial. Often it appears that the action followed, or the punishment meted out is at the sole discretion of the individual field commander.<sup>196</sup>

The Uganda Human Rights Commission (UHRC) began seeking monetary damages against the Attorney General for some torture victims, although the amounts awarded by the Uganda Human Rights Tribunal were not quickly paid.<sup>197</sup> In 2003 several victims of human rights abuses sought damages for torture through civil suits in the court in Gulu against the Attorney General.<sup>198</sup>

### Extrajudicial Execution and Torture by UPDF Forces

#### *Storming the Gulu Prison*

The UPDF has committed summary (extra judicial) execution and torture of captives since Operation Iron Fist began and the LRA returned to Uganda.

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<sup>193</sup> “15 killed, 35 abducted in northern Uganda rebel attacks,” *AFP*, Kampala, Uganda, May 28, 2003.

<sup>194</sup> Patrick Alioni and Dennis Ojwee, “LRA Hits Atiak, Adjumani Church”, *New Vision* (Kampala), June 23, 2003, <http://www.newvision.co.ug/detail.php?mainNewsCategoryId=8&newsCategoryId=12&newsId=141412> (accessed June 24, 2003). The Adjumani district is an area east of the Nile but outside Acholiland where there are large Sudanese refugee camps.

<sup>195</sup> Human Rights Watch interview with Stephen Gonah, Senior Protection Officer, UNHCR, Kampala, Uganda, June 13, 2003.

<sup>196</sup> “Three Soldiers Executed After Unfair Trial, Says AI,” *IRIN*, Kampala, Uganda, March 6, 2003.

<sup>197</sup> Human Rights Watch interview with Uganda Human Rights Commissioner Veronica Eragu Bichetero, Kampala, Uganda, June 13, 2003.

<sup>198</sup> Human Rights Watch interview with James Otto, HURIFO chairman, Kampala, Uganda, June 14, 2003.

The best-known case of summary execution occurred on September 16, 2002, when four UPDF *mambas* (armored vehicles) full of UPDF soldiers raided Gulu Prison. The raid was conducted under the command of the head of military intelligence of Operation Iron Fist, Lt. Col. Charles Awany Otema. According to eyewitness reports by prison inmates and confirmed by the assistant superintendent of Gulu Central Prison,<sup>199</sup> prison authorities (wardens) refused entry to the soldiers after the UPDF officers failed to produce a search warrant or any other document permitting them to enter.

The UPDF soldiers beat and pushed aside the prison wardens, as they forced their way into the prison. Captain Rugadia, of the intelligence division of Internal Security, ordered twenty-three prisoners by name out of their cells.<sup>200</sup> A UPDF officer singled out a prisoner known as “Yumbe,” Peter Oloya, who was accused of planning to escape from the prison. That officer then ordered the soldiers to shoot Peter Oloya.

The prison wardens rejected this accusation and tried to stop the killing, arguing with the UPDF that no one would try to escape from the prison with so many soldiers present, and therefore there was no reason to shoot any prisoner. Nevertheless, the UPDF soldiers shot Peter Oloya in the back, with the bullet exiting his chest. Everyone panicked and another prisoner was almost shot.

The soldiers hastily loaded the twenty-two prisoners, together with the dead body of Peter Oloya, on the *mambas*, ordering them to lie down flat. They took the prisoners straight to the quarter guard at the army barracks detention center in Gulu. The UPDF took Peter Oloya’s body away and has not released it to his relatives for burial as of the writing of this report. This event, and the subsequent torture of the prisoners at the Gulu barracks, has generated a number of civil suits, and actions by the UHRC.

The UPDF claimed it had to move the prisoners from Gulu Prison based on military intelligence’s discovery of a planned rescue attempt by the LRA.

### ***Torture and Ill-Treatment by the UPDF***

In the Gulu Prison case, above, most if not all of the twenty-two prisoners removed from the prison to the army barracks by the UPDF in October 2002 were subjected to ill treatment and torture. One said that the group of twenty-two was held in the barracks for two weeks in a room without light: “There was a lady amongst us and we only had a bucket to release ourselves. The food was not enough and bad. We could not communicate with anybody outside and we did not see anybody we knew.”<sup>201</sup>

In early October 2002 Colonel Otema allegedly told the prisoners that they would be released from the barracks and from custody if they gave evidence that Kiiza Besigye (presidential candidate for the 2001 presidential elections<sup>202</sup>) was supporting and financially supplying the LRA and was recruiting an army to fight against the government. Most of the prisoners were suspected of supporting the political opposition.<sup>203</sup> Some were relatives of LRA commanders, including the lone woman who was gang-raped; she was the maternal aunt of Joseph Kony.<sup>204</sup>

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<sup>199</sup> Human Rights Watch interview with assistant superintendent of Gulu Prison, Gulu, Uganda, February 2, 2003.

<sup>200</sup> Oduho G. and Alex Otim reported from the first ward. Eighteen others charged with treason or misprision of treason were from the second ward. Peter Oloya was from the third ward.

<sup>201</sup> Human Rights Watch interview with one of the twenty-three people taken from Gulu Prison to Gulu army barracks, Gulu, Uganda, February 2, 2003.

<sup>202</sup> Kiiza Besigye headed the political opposition group Reform Agenda, but by this time was in exile in the U.S.

<sup>203</sup> Human Rights Watch interview with Oduho G., Gulu, Uganda, January 30, 2003.

<sup>204</sup> Human Rights Watch interview with Uganda Human Rights Commissioner Veronica Eragu Bichetero, Kampala, Uganda, June 13, 2003.

On November 14, 2002, after public protests against the UPDF action, the prisoners were again loaded into military trucks and transferred back to Gulu Prison. Three remained there and the nineteen others were taken to Kigo Prison between Kampala and Entebbe.<sup>205</sup>

In February 2003 members of parliament visited Kigo Prison and interviewed, among others, two of these nineteen, who said that the UPDF tortured them during their stay in the UPDF Gulu barracks.<sup>206</sup> Aida Lagulu claimed that she was gang-raped during her detention there.<sup>207</sup> Tony Kitara, the local councilor-III of Bungatira, Gulu district, reported that he was tortured in Gulu barracks. He also alleged that the army kept snakes in the torture cell.<sup>208</sup> The prisoners were also interviewed by the UHRC, which later sought damages from the Tribunal of the UHRC on their behalf on account of the UPDF abduction and torture of the prisoners from the Gulu Prison.<sup>209</sup>

The remaining nineteen prisoners in Kigo Prison were transferred back to Gulu Prison, where they were charged with treason and where they must remain on remand for a total of 360 days before they can present their case to any court and apply for bail.<sup>210</sup>

In a separate case, Stephen O., a twenty-five-year-old man from Laibi in Gulu municipality, lost a leg after UPDF soldiers shoot him outside a shop and later came back to make sure he was dead. According to him, on September 15, 2002, he went on his bicycle to the trading center to buy paraffin. Just before he entered the shop some UPDF soldiers ordered the shopkeeper to close up. Two of the soldiers came up to him, placed him under arrest, asked him about his home, and started beating him with the butts of their guns.

One soldier, addressing the victim in Kiswahili, ordered him to run but the victim did not understand him and ignored the order. The other soldier, from Teso in eastern Uganda, told him (in a language he understood) to run “otherwise I would be shot. I started to run and they shot at me. They hit me in my leg.”

The Teso soldier ordered the many people around the shop to leave. The victim lost consciousness and woke up three hours later and started crawling into a nearby hotel. He heard the soldiers coming back to check on him and one said, “I told you the guy’s leg was not shot properly, so he escaped.”

The victim hid under a bed in a hotel room but the soldiers, after more searching, found him and took his identification card. He played dead. More soldiers came in and argued over whether the victim was dead or not. Searching his belongings, they took 1,000 Ugandan shillings (U.S. \$ 0.60) from his pockets,

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<sup>205</sup> Two suspects remaining in Gulu Prison were charged with the murder of Alfred Bongomin, Movement (Museveni’s party) sub county chairman of Pabbo in Kilak county. The director of public prosecution, however, dropped the charges against them on for lack of evidence of their involvement in the murder and they were released.

<sup>206</sup> “Inmates Name 13 ‘Safe Houses,’” *New Vision* (Kampala), February 27, 2003.

<sup>207</sup> See also Human Rights Watch interview with Uganda Human Rights Commissioner Veronica Eragu Bichetero, Kampala, Uganda, June 13, 2003.

<sup>208</sup> “Inmates Narrate Snake Torture,” *New Vision* (Kampala), February 20, 2000; “MPs Compile Torture Report,” *The Monitor* (Kampala), February 20, 2003.

<sup>209</sup> Human Rights Watch interview with Uganda Human Rights Commissioner Veronica Eragu Bichetero, Kampala, Uganda, June 13, 2003.

<sup>210</sup> Another suspect, Oduho G., had been arrested several times before for political opposition activities. Bogomin, the movement’s chairman in Pabbo, was killed. Before any police investigation into that murder had begun, the LC-V chairman of Gulu, Walter Ochora, announced on the radio that “Oduho G. and Yumbe got Mao’s vehicle and killed the movement’s chairman in Pabbo. We will use the jungle law against them.” These actions prejudiced a fair trial for Oduho G. for the murder of Bogomin. Human Rights Watch interview with Oduho G., Gulu, Uganda, January 30, 2003.

and left. Two soldiers came back, dragged the victim from the room, and threw him into the bush. Early in the morning, he managed to reach a nearby house and ask for help.

The victim's leg was amputated in Lacor hospital in Gulu but he did not take his medical form, describing his injuries, to the police afterward. He did not see any reason for doing this because, "There are so many people who were shot by UPDF in my area and nothing happened, nothing will happen when I bring the form to the police."<sup>211</sup>

Torture is inflicted on some people held in military detention facilities by UPDF soldiers. After David O. was arrested for alleged collaboration with rebels on January 22, 2003, UPDF soldiers under the command of a second lieutenant, whose name the victim provided, allegedly burned David O. by pouring melting plastic from a jerry can over his shoulders and back.

The incident was reported to a local human rights organization. According to the report, David O. was initially arrested by members of the Kalangala Action Plan, and the torture allegedly took place in their presence. Subsequently the case developed its own momentum. The UPDF arrested and reportedly tortured members of David O.'s family inside the army detachment to force them to disclose the name of the person who had reported the case to the human rights group. Under coercion, they provided the name of the paralegal of Olwal IDP camp, who was then arrested and kept in detention at the army detachment in Olwal camp.

David O., the torture victim, was asked to pay 35,000 Ugandan shillings (U.S. \$ 21) for his release, but he refused. He was later sent to the hospital for treatment of his back, which was badly injured.

Lt. Paddy Ankunda, public relations officer of the Fourth Division, told Human Rights Watch that there was no statement recorded on the allegation of torture of David O. Later he said that the second lieutenant allegedly in charge of the torture was in the field. Three days later the accused paralegal was released.

A lawyer for David O. filed a civil complaint for damages against the attorney general on March 24, 2003.<sup>212</sup>

A sixteen-year-old abductee LRA soldier, Peter O., was shot at by the UPDF when he approached a roadblock, still wearing his LRA uniform, to surrender. The soldiers shot at him three times, but failed to hit him. "I started rolling and then raised my hands in surrender, so the commander ordered them to stop shooting."<sup>213</sup>

The UPDF beat him badly. The soldiers asked where his guns were, removed his uniform, and gave him very dirty clothes. "They started beating me in the barracks, loaded me on a vehicle and took me to Miajakulu detachment" where he said he was kicked and beaten "until I was sure my backbone was broken. I was tied in the three-point way and kicked. I really regretted my decision to surrender. [LRA leader Joseph] Kony told us that the UPDF will kill you and I felt it was true."<sup>214</sup>

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<sup>211</sup> Human Rights Watch interview with Stephen O., Gulu, Uganda, February 1, 2003.

<sup>212</sup> Human Rights Watch interview with attorney, Kampala, Uganda, June 16, 2003.

<sup>213</sup> Human Rights Watch interview with Peter O., Gulu, Uganda, February 6, 2003.

<sup>214</sup> Human Rights Watch interview with Peter O., Gulu, Uganda, February 6, 2003.

### ***Rape and Sexual Abuse by the UPDF***

Sexual violence, including rape and defilement,<sup>215</sup> appear to have risen in the north as a result of the current conflict, with adolescent girls at greatest risk. A 2001 survey found that in Gulu, girls identified “rape and defilement” as their third most important concern behind “insecurity, abduction and murder” and “displacement.”<sup>216</sup>

The apparent increased incidence of rape is associated with the increased presence of the UPDF and the vulnerability of the displaced population. Girls are vulnerable to sexual assault when traveling from IDP camps to work in the fields of their original homes, and when traveling into town in the evenings as “night commuters.” Young boys are also at risk.

There is a social stigma attached to being raped. The perception that abused women should feel guilty and might have seduced the rapists is still prevalent in Acholiland, according to the program coordinator of Caritas’ women’s desk, Sister Margaret Aceng. People’s Voice for Peace reports documented several cases where women were abandoned by their husbands or communities after they reported being raped to the police.

The case of Mrs. Paska, forty-eight years old, mother of eleven, and a widow, exemplifies the dilemma of many raped women. She found herself grief-stricken over being raped and also over the death of one of the twins born as a result of the rape. She was pained by her in-laws’ comments that “‘I knew the soldier or else how could he come to me.’” She stated, “My in-laws do not want this child and even my older children do not want this child.”<sup>217</sup>

Even when the family of the rape victim is supportive, the perpetrators identified, and the case reported to the police, the result is discouraging because many women do not want to draw more attention to themselves. In addition, women may be discouraged from reporting cases of rape by soldiers because most reports are not followed through, the violators are transferred to another unit, and the case might be stuck at the local police or army detachment where it was reported.

Human Rights Watch interviewed two cousins, ages thirteen years and nineteen years, raped by two UPDF soldiers on October 12, 2002. Joanna A. and Alice O. went with Joanna’s mother from the displaced persons camp where they lived to their garden in the early morning to work. Returning to the camp at about ten o’clock in the morning, they met two uniformed soldiers at a junction in the road. The soldiers told them to sit on the ground. Then they asked if they had chickens at home. The mother replied in the affirmative, and one soldier then said, “If they are there, let’s go and get them.”

Although the mother wanted to return to the camp on the regular path, the soldiers wanted to move through the bush. At a certain point, one of the soldiers stopped and began to prepare the ground, stepping on the grass. According to one of the teenagers, Joanna A.,

He said to sit down and then ordered us to take off our clothes. First we refused, and one of the soldiers said that if we didn't, he would shoot us. Then he told us to lie down. When Alice [her cousin] didn't, one of the soldiers kicked her in the chest. My mother said "don't mistreat my children; they are very young." The darker soldier took Alice a short distance away, while the

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<sup>215</sup> In Uganda, the rape or sexual abuse of girls under the age of eighteen is legally categorized as “defilement.”

<sup>216</sup> See Women’s Commission on Refugee Women and Children, *Against All Odds: Surviving the War on Adolescents, Promoting the Protection and Capacity of Ugandan and Sudanese Adolescents in Northern Uganda* (New York: Women’s Commission on Refugee Women and Children, September 2001). More than 2,000 adolescents and adults were interviewed as part of this participatory research study with adolescents in northern Uganda.

<sup>217</sup> Margaret Atim Tebere, “Report on Women’s Experiences of War during armed conflict in northern Uganda – Gulu District,” People’s Voice for Peace, Kampala, Uganda, June 1999, p. 9.



other one stayed with me. He threatened me with a gun and raped me. I was just crying. The other soldier raped Alice. Then the darker soldier who had raped Alice called me to him and raped me too, while the other one raped Alice.<sup>218</sup>

Upon release, Joanna A., Alice O., and Joanna's mother immediately reported the rape to the camp's local councilor, the local army commander, and the local police.<sup>219</sup> One of the soldiers was apprehended and taken back to the barracks, where he was reportedly beaten. The other returned to the barracks that night and family members of the rape victims were told he was beaten also. However, two days later, the unit was transferred out of the area.

Family members lodged two complaints with the Fourth Division of the UPDF, as well as with the UHRC. Although the names and the army identification numbers of both soldiers are known, to date, no legal or disciplinary action has been taken.<sup>220</sup>

The soldiers did not use condoms, and both survivors were fearful that they were infected with the HIV virus. Joanna said, "People tell us we will die. They say the soldiers may be infected. I think about it a lot."

Both Joanna and Alice were tested for the HIV virus after the rape, and the results were positive.

The ARLPI received reports of more than twenty-seven women and girls raped by UPDF soldiers in Kitgum and Pader districts between June and December 2002. Among the incidents reported to ARLPI were gang rapes of three different women by three different groups of UPDF soldiers in Kalongo on August 25; rapes of several young girls and women in Lagile Parish on September 22; the rape of a young girl by two UPDF soldiers at Puranga trading center on October 28; and rapes of several women by UPDF soldiers from Aptongo barracks on November 1.<sup>221</sup>

Lt. Paddy Ankunda, the public relations officer (PRO) for the Fourth Division of the UPDF in Gulu, denied that there was a lack of legal redress for the rape victims. He insisted that, "In all cases of harassment of civilians by the army the culprits are brought to the book. We take action and follow the case. There are no cases where rapists were transferred."<sup>222</sup>

In Matere, Kitgum district, according to a women's rights activist, a group of women visiting a mother and her newborn were gang-raped by twenty UPDF soldiers on January 16, 2003. They had been followed to the home of the new mother by the group of soldiers. The soldiers entered the compound and ordered the women to lie down, at gunpoint. They raped the women there and threatened them with death if the women reported the rapes: "Should we hear anything about you, you are all dead."

The local councilor (LC-I)<sup>223</sup> of the area witnessed and reported the case, but no identification of the soldiers was made.<sup>224</sup>

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<sup>218</sup> Human Rights Watch interview with N.A., Gulu, Uganda, February 9, 2003.

<sup>219</sup> The mother was not raped.

<sup>220</sup> Human Rights Watch sent an e-mail query to Lt. Paddy Ankunda, public relations officer (PRO) for the UPDF Fourth Division on February 18, 2003, inquiring what steps authorities had taken to investigate and prosecute the case, but as of the writing of this report had not received a response.

<sup>221</sup> See chronology of LRA abuses documented by the ARLPI at [www.acholipeace.org](http://www.acholipeace.org).

<sup>222</sup> Human Rights Watch interview with Lt. Paddy Ankunda, Gulu, Uganda, February 5, 2003.

<sup>223</sup> Local Councils are elected bodies that start at the village level (LC-I), and progress through the parish (LC-II), to the sub-county (LC-III), county (LC-IV), and district level (L-CV).

<sup>224</sup> Human Rights Watch interview with coordinator of the women's desk at Caritas, Gulu, Uganda, January 31, 2003.

Even when the perpetrator has been identified, according to a local credible source, women fear reporting crimes committed by the UPDF. In the case of a woman raped in October 2002 while she had her newborn baby tied on her back, the rape was reported, and the soldier was arrested.<sup>225</sup> The police started the investigation but the woman withdrew her statement, telling the credible source after leaving the police station that she was afraid of UPDF reprisals.<sup>226</sup>

### ***Abuses by Government-Related Paramilitary Organs***

The proliferation of government-related military, security, and paramilitary groups complicates the task of bringing perpetrators to justice. Even senior civilian and military authorities seem to have different information about who is responsible for which organization. This leaves victims of their violations with great difficulty in seeking redress.

One example is the question of chain of command and reporting and accountability for Local Defence Units (sometimes referred to as home guards). LDUs are officially under the Ministry of Internal Affairs, yet receive their orders from the UPDF and may be deployed by the UPDF far from home—although the army does not accept responsibility for the activities of members of LDUs (see below).

Suspected supporters of the political opposition as well as civilians at large have been subjected to arrests and detention by the UPDF, LDUs (home guards), the Presidential Protection Unit (PPU), the Chieftaincy of Military Intelligence (CMI), and the Internal Security Organization (ISO). The Director General of the ISO, Brig. Henry Tumukunde, made it clear, in a statement issued in September 2002, that the authority of the security and paramilitary agencies was restricted and that only the police had the authority to arrest people. No other security organ, including ISO, was allowed to arrest suspects, he said.<sup>227</sup>

There are other security-paramilitary organs whose legal status is unclear but which have reportedly threatened suspected political opposition supporters, carried out arbitrary arrests, and have been involved in unlawful killings. The most prominent paramilitary group is the Kalangala Action Plan, formed by the senior presidential advisor, Kakooza Mutale. Another organization operating in Gulu municipality is locally known as the Labeca (also spelled Labeja) group.

These two paramilitary groups active in northern Uganda arbitrarily arrested people suspected as rebels, rebel collaborators, thugs, thieves, or robbers. They have operated without a legal mandate but were believed by locals to have been supplied by the army with arms and vehicles. The Local Councilor for Gulu District, Walter Ochora, tried to justify this by citing the need for “community” policing and protection for the population to supplement gaps in what the established authorities provided.

We need police. The inspector general of the police is in charge of five counties, yet only one county has police. With any crime the army is forced to step in. I promote the idea of community police and we are currently in negotiations with the World Bank on this project. These should be young people, twenty to twenty-five years old, recommended by their LC-I and trained with the police militarily. But the problem is funding. For now we have joint patrols. We have the police, the army and civilians. They are given army pickups and arms, and patrol for the security of the civilians. I see no problem with that.<sup>228</sup>

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<sup>225</sup> The woman was on her way to spend the night in Gulu for safety. The soldier, wearing a uniform with his service number on it, stopped her near the Fourth Division headquarters and raped her.

<sup>226</sup> Human Rights Watch interview with official from Negri Village, Gulu, Uganda, February 4, 2003.

<sup>227</sup> “‘Let Police Carry Out Arrests’ says Brig. Henry Tumukunde,” *New Vision* (Kampala), February 5, 2003.

<sup>228</sup> Human Rights Watch interview with Walter Ochora, LC-V chairman, Gulu, Uganda, February 4, 2003.

The creation of new security organs and policing structures will not solve the problem of the lack of accountability in existing structures.

There are no reported cases in which members of paramilitary groups (linked to the government) stood trial on allegations made against them of human rights abuses, however.

### *I. Kalangala Action Plan (KAP)*

KAP was created by Maj. Roland Kakooza Mutale, senior advisor to the president of Uganda. It was officially launched in 2001 as a mobilization group for the reelection of President Museveni,<sup>229</sup> complete with agricultural activities and educational programs often provided by the government.<sup>230</sup> Mutale marched through Gulu town with his KAP units on December 7, 2002 to give a public face to the group.

The KAP was instrumental in President Museveni's 2001 presidential election campaign. During the campaign, members of the KAP allegedly committed several arbitrary arrests, detained people without legal authority, and committed violent attacks, according to reports in both government and independent newspapers based in Kampala.<sup>231</sup>

The UPDF reportedly funded the KAP as a Special Operations Unit and the state house officially requested the UPDF to arm the KAP.<sup>232</sup> The State Minister for Security, Muruli Mukasa, denied these reports yet explained, "Mutale as a presidential advisor draws his salary from the President's Office, while those working under him, most of whom are soldiers, are paid by UPDF."<sup>233</sup> Earlier in 2001 the public relations officer of KAP claimed that President Museveni was chairman of KAP, an allegation that was questioned but not denied by Museveni's spokesman.<sup>234</sup>

KAP does not have an official status as a government security organ, yet it arrests and ill-treats civilians, including threatening political opponents of the Movement system.<sup>235</sup>

### *II. Labeca Group*

The Labeca group (also written Labeja) is a paramilitary group active in Gulu municipality. It was named after a retired UPDF commander. The Labeca group reportedly carried out arrests which it had no legal right or mandate to do. It patrolled with UPDF soldiers as well as with civilians.

Dennis U. was shot dead by members of the Labeca group while his mother and other bystanders watched from a short distance away, on October 20, 2002.<sup>236</sup> Dennis' parents reported the case to the police, to human rights organizations, to the regional district commissioner, and to the army, but did not receive any response. Their son was apparently killed because of allegations that he had stolen a bicycle, but there was no investigation, no evidence, and no warrant for his arrest—and certainly no trial.

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<sup>229</sup> See Human Rights Watch, *Hostile to Democracy* (Human Rights Watch: New York, August 1999) for a description of the Movement system, designed by President Museveni as a one-party alternative to a multiparty system.

<sup>230</sup> CEDO-KAP, the education program, is said to be the economic arm of Kalangala Action Plan (KAP).

<sup>231</sup> Ssemujju Ibrahim Nganda, "Mutale's Man Raid EU Offices," *The Monitor* (Kampala), December 19, 2002; Richard Mutumba, "State House Doesn't Fund Mutale's KAP," *New Vision* (Kampala), June 21, 2002; "Mutale's KAP is a Time Bomb," *The Monitor* (Kampala), June 20, 2002.

<sup>232</sup> "Mutale's KAP is a time bomb."

<sup>233</sup> Richard Mutumba, "State House Doesn't Fund Mutale's KAP," *New Vision* (Kampala), June 21, 2002.

<sup>234</sup> David Kibirige, "Museveni 'Leader of Kalangala Action Plan,'" *The Monitor* (Kampala), March 7, 2002.

<sup>235</sup> David O. was initially arrested by a sub county chairman of KAP. He was then allegedly tortured by the UPDF in the presence of a leader of KAP, a UPDF commander, and several other UPDF soldiers. See above.

<sup>236</sup> Human Rights Watch interview with the parents of a victim of unlawful killing by the Labeca paramilitary group, February 3, 2003.

The parents said that on October 20, 2002, in Obiya west, nineteen BodaBoda (local motor bicycle taxi) men came to collect their son, Dennis U., twenty-two years old. A woman had alleged that he stole her bicycle. Dennis U. was beaten and knifed by the BodaBoda men, although he remained alive. The BodaBoda men telephoned for orders, following which a white pickup truck arrived with three armed men from the Labeca group. The family could give no more information about any relationship between the Labeca group and the motor bicycle taxi group.

Before the arrival of the armed men in the white truck, the local commissioner-I of the Laipi area took Dennis U. to his house for protection. The three armed men, in standard plain green UPDF uniforms, came to the house of this local commissioner and took the young man away in the pick-up.

A young BodaBoda member told Dennis U.'s parents, "You should be assured that your son will be killed." The mother ran outside but the women there took her aside. She heard gunshots. She saw the white pickup parked in the open ground opposite Lacor hospital. Her son was shot in front of the house of Steven O., while the mother was standing by. The men in the truck shot him in the leg and asked, "Did you steal the bike?" the mother, who could hear them, reported.

My son said no. They said, "We are going to kill you." My son answered, "You can kill me, but I am not a thief." They shot him again and killed him right there. A Catholic brother offered to transport his body to our home. He took pictures of the dead body. People were afraid. Nobody would come and help us dig the grave for our son. The Catholic brother offered his workers to help us dig the grave, but they refused. My husband and I are old. I already lost eight sons to this war. Now this one is buried in a shallow grave.

The parents complained that even if their son were a thief, there should be an investigation by the police, and even if guilty, the boy should not be shot by somebody, "just like that."<sup>237</sup>

On January 8, 2003, the parents finally reported the case to the police at Gulu station. There the father was told to come back the next week. He went back. He was told to come back at the end of the month. On January 30 a researcher from a Ugandan human rights organization accompanied the father to the police station. The police did not take down the complaint.<sup>238</sup>

One leader of the Labeca group allegedly participated in a case of mock-execution reported by the victim to a human rights organization. The victim, John O. (not his real name), was a resident of Pece II in Gulu municipality. The Labeca group arrested him in April 2002. John O. said that the arrest was made by six men in plainclothes, one armed UPDF soldier, and a boy, who went in the company of the Labeca group leader to investigate a case of robbery in which John O. was accused as a participant.

John O. denied the allegations, but was ordered to lie flat on the bed of the Labeca leader's pick up truck,<sup>239</sup> together with another suspect in the robbery, who was beaten after he admitted that he had a gun which he had hidden. The two suspects were taken by the Labeca group to the hiding place of the gun in

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<sup>237</sup> The police sent them to get a letter from the local councilor I (LC-I). The LC-I of the parish where the victim was killed only wrote a letter to the LC-I of the parents' parish, LC-I Okelo, to ask him for a sheep to be slaughtered since blood was spilled in the first-mentioned parish. LC-I Okelo, however, wrote a letter to be presented to the *Rwot* (chief), who he said would help the parents talk to the police and ask for compensation from the owner of the bicycle.

<sup>238</sup> The human rights worker returned with the old man the next day to make a statement. He was told to come back with his wife as an eyewitness. The parents went to the police station together on February 3. They were told that they had to come with the local councilor-I in person.

<sup>239</sup> The pick up is a white Nissan with the license plate that regularly drives up and down in Gulu town. Many people fear when it patrols the streets of Gulu. This vehicle is known in Gulu to belong to someone associated with the Labeca group. Human Rights Watch interview with John O., Gulu, Uganda,

Pece, where the second suspect was forced to dig up the gun. Although he denied involvement in the robbery, John O. was beaten seriously.

After being beaten we were ordered to lie on our stomachs, in one of the excavated holes, turn our faces to one side and one person started burying us alive. Our bodies were covered with sand except for our faces particularly the mouth so that we could talk. I had given up life at that time and so told them why don't you kill me. [The Labeca group leader] then fired two bullets from the AK 47 submachine gun he was carrying, close to my head.<sup>240</sup>

After the mock-execution, John O. was taken with the other suspect to Koro army detachment where they were held in detention. According to John O., they were accompanied by this Labeca group leader to the headquarters. The second suspect was ordered out of the cell in the army detachment by a soldier and was tied three-piece(*kadoya*).<sup>241</sup> John O. said,

I was called out and with the excess rope tied in the same way, but back to back with X. We spent the night tied up and in the morning after untying us we were given hoes to go and dig. We were caned even as we dug, especially if we stopped to rest. We were not given food but only raw potatoes.<sup>242</sup>

That evening on Friday April 19, 2002, the commanding officer of the detachment told them they were to be released the next day. The same Labeca group leader was present when John O. was released; he was released without any document evidencing his arrest or release. He affirmed in a written complaint to a local human rights organization that he had abrasions on his back and scars from cigarette burns.<sup>243</sup>

### **Arrests of Alleged Rebel Collaborators**

According to the Legal Aid Project of the Ugandan Law Society, complaints of arbitrary arrests increased after the LRA returned to northern Uganda in June 2002. The Gulu branch of the Legal Aid Project received complaints that Ugandan government authorities, mostly the UPDF, had arbitrarily detained people on treason charges, illegally detained persons in UPDF barracks, conducted arrests without warrants, and denied detainees access to the judiciary. Human Rights Watch conducted interviews with treason suspects and collected reports on arrests for rebel collaboration from various IDP camps.

The picture that emerged was that suspects were kept in military instead of police detention, investigations and collection of evidence were rare, torture and ill-treatment of suspects were rampant, living conditions were unsanitary and overcrowded in many cases, and some of the persons carrying out the arrests had no authority to do so. Suspects have been arrested by the UPDF, the LDUs, the police, the KAP, the CMI, and officers from various intelligence agencies connected to the Internal Security Organization (ISO). Many people arrested for alleged rebel collaboration in northern Uganda were arrested in their villages or fields, pursuant to an order of October 2, 2002, whereby the government restricted movement from the internally displaced persons camps as described above.

This order resulted into a precarious situation for the population of northern Uganda. They were restricted to camps where they were vulnerable to LRA attacks and famine (food shortages due to little space in which to garden and LRA attacks on relief food convoys), or they risked arrest for alleged rebel collaboration for trying to return to their homes and fields to plant or harvest food crops.

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<sup>240</sup> Statement, signed by John O., Gulu, Uganda, April 29, 2002, made to a local human rights organization.

<sup>241</sup> "Three-piece" means that the ankles and legs are tied together behind the back, leaving the victim flat on his stomach, not able to move.

<sup>242</sup> Statement, signed by John O., Gulu, Uganda, April 29, 2002, made to a local human rights organization.

<sup>243</sup> *Ibid.*

Many detainees were supporters of the political opposition. In a region where the support for President Museveni in the last presidential elections allegedly did not exceed 20 percent,<sup>244</sup> the arbitrary practice of the UPDF and security organs of arresting and incarcerating civilians created an atmosphere of fear and political repression. According to one of the Gulu prisoners mentioned above,

I was politically outspoken and I had told the president [Museveni] during a rally in Gulu that he will not win 87 percent of the votes in Gulu as his campaigners promised. I had been in and out of prison for my political convictions since the NRM [President Museveni's political organization] came to Gulu in 1986.<sup>245</sup>

Others detained for treason or on collaboration charges also belong to political opposition organizations. Some were reportedly members of Uganda Young Democrats, campaigners for Kiiza Besigye's losing presidential campaign, supporters of opposition candidate Lt. Col. Okot Alenysio in his electoral campaign for local councillor-V, or campaigners for government opponent Kerobino Uma for the district chairmanship elections.<sup>246</sup>

A credible source from Palatjera IDP camp reported that more than sixty people from that camp were arrested on allegations of rebel collaboration. According to him there was an arrest list in circulation with an additional 400 names on it.<sup>247</sup> A human rights defender from the Luwal IDP camp in Lamogi sub county told Human Rights Watch that arrests from the camp increased after Operation Iron Fist started, and that there were ten Luwal people charged with treason being held in the Fourth Division barracks in Gulu. The ten, all males, were arrested on January 28, 2003.<sup>248</sup> According to a credible source from Atiak camp, "In Atiak camp every week somebody is picked up as a rebel collaborator. Some are released, others remain in the military barracks."<sup>249</sup>

Several people who acted as messengers between the government's appointed peace team and the Acholi traditional and religious leaders peace team have reportedly been arrested and harassed. This appears to be in violation of the Anti-Terrorism Act, which exempts those involved in peace negotiations from being defined as terrorists.<sup>250</sup> A contact person for the ARLPI peace team was arrested on September 23, 2002, and charged with rebel collaboration. Only after Pader district leaders pleaded with President Museveni was he released from Gulu barracks, on October 2.<sup>251</sup> He reported that he had been kept in a *unipot* (metal hut), denied food for five days, and told that he could be set free without charges if he would refrain from further activities.

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<sup>244</sup> In the presidential elections of 2001 President Museveni officially received 69 percent of the vote nationwide, whereas the runner up, Kiiza Besigye, won 28 percent. According to a Reform Agenda supporter, Museveni did not win more than 20 percent of the votes in Gulu. Human Rights Watch interview with opposition supporter, Gulu, Uganda, January 30, 2003.

<sup>245</sup> Human Rights Watch interview with former prisoner, Gulu, Uganda, January 29, 2003.

<sup>246</sup> "Fourteen Youth Arrested in Gulu," *The Monitor* (Kampala), September 17, 2002; "Three Local Leaders Arrested in Gulu," *The Monitor* (Kampala), September 9, 2002.

<sup>247</sup> Human Rights Watch interview with Palatjera credible source, Gulu, Uganda, January 30, 2003.

<sup>248</sup> Human Rights Watch interview with Michael O., credible source from Luwal camp, Gulu, Uganda, January 31, 2003.

<sup>249</sup> Human Rights Watch interview, Gulu, Uganda, February 3, 2003.

<sup>250</sup> Anti-Terrorism Act, Art. 11 (2): "a person who arranges or assists in the arrangement or management of a meeting to be addressed by, or who addresses any meeting with a person or persons belonging or professing to belong to a terrorist organisation for purposes of negotiating peace" shall be excluded from the definition of terrorist and the provisions of the Act.

<sup>251</sup> ARLPI Chronology on the war in northern Uganda, see [www.acholipeace.org](http://www.acholipeace.org) (accessed February 12, 2003).

In early January 2003, another peace meeting organizer was detained in Pajule. He was held in the headquarters of the Fifth Division of the UPDF in Achol-pii. He had helped organize two meetings between a traditional chief and the LRA.

A credible source from Palatjera IDP camp associated with the reconciliation initiatives told Human Rights Watch,

I was arrested on January 2, 2003 by the UPDF. They took me to a room for twenty-four hours and told me not to attend any [peace or reconciliation] meetings. If I attend then I should not be allowed to talk. They also told me never to leave the camp and go to the village.<sup>252</sup>

According to the Rwot (traditional) paramount chief in northern Uganda, almost all meetings he held with the rebels were attacked by UPDF. According to ARLPI records, many meetings with the LRA were either attacked or aborted by the army.

According to a representative of ARLPI, there are conflicting messages sent by the government. "Whereas Museveni is supporting the peace efforts and promotes meetings between ARLPI and the LRA, hardliners, and including some UPDF officers on the ground, do not support peace talks."<sup>253</sup> The LRA also gave mixed signals about the peace talks: one UPDF captain on the government negotiation team, Okech Kuru, was killed by the LRA at Lapul, in Pader district during a peace mission in early March 2003.<sup>254</sup>

### ***Treason and Terrorist Charges***

The number of detentions on grounds of treason increased after June 2002 when the LRA returned to Uganda, according to Detective Ochola, the second in command of Gulu Central Police.<sup>255</sup>

In cases to be tried only by the High Court, which includes treason and most anti-terrorist cases, the police have 360 days after receiving the suspect (usually from the UPDF, which has conducted a military intelligence interrogation but not a police investigation) to finish the investigation and commit the case to the trial (High) court, or release the accused.<sup>256</sup> During this time, the suspect is not allowed bail nor is he charged with any offense before an impartial tribunal. This procedure is said by Ugandan authorities to be permitted under the Uganda Constitution, article 23 (6) (c).<sup>257</sup> This interpretation of the Uganda Constitution, article 23 (6) (c) conflicts with another constitutional guarantee under article 23 (4) (b), which requires that a person detained on suspicion of having committed a criminal offense be brought to court not later than forty-eight hours after the detention.<sup>258</sup>

The 360-day period of detention without bail or charges is unreasonably long under international human rights law also. The International Covenant on Civil and Political Rights (ICCPR), article 9 (3) provides that anyone detained on a criminal charge shall be brought

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<sup>252</sup> Human Rights Watch interview with Palatjera credible source, Gulu, Uganda, January 30, 2003.

<sup>253</sup> Human Rights Watch interview with ARLPI representative, Gulu, Uganda, February 1, 2003.

<sup>254</sup> "Civilians targeted by their own people," *IRIN*, Nairobi, Kenya, April 2, 2003.

<sup>255</sup> Human Rights Watch interview with Detective Ochola, second in command of Gulu Central Police, Gulu, Uganda, February D, 2003.

<sup>256</sup> See Human Rights Watch, *Hostile to Democracy*, pp. 130-73.

<sup>257</sup> Ugandan Constitution., art. 23 (6) (c) provides that, for bail where a person is arrested:

in the case of an offence triable only by the High Court the person shall be released on bail on such conditions as the Court considers reasonable, if the person has been remanded in custody for three hundred and sixty days before the case is committed to the High Court.

<sup>258</sup> Ugandan Constitution., art. 23 (4) states that a person arrested or detained "b) upon reasonable suspicion of his or her having committed or being about to commit a criminal offence under the laws of Uganda, shall, if not earlier released, be brought to court as soon as possible but in any case not later than forty-eight hours from the time of his or her arrest."

promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial . . .

The practice in Uganda, where the detainee suspected of treason or terrorism is brought before a magistrate to be charged, but these offenses are not triable by a magistrate's court, but by a High Court, as they carry the death penalty. The detainee is not allowed to enter a plea with the magistrate's court (as it is not the trial court) or allowed bail for almost one year, 360 days, is a violation of ICCPR, article 9 (3). The High Court may grant a petition for bail, but most of the detainees are poor and therefore do not have an attorney, and in most cases they do not even appear before the High Court until their 360-day period of detention has run. Even in these death penalty cases, the accused does not have a state-provided attorney until the time of trial.

This practice also violates the presumption of innocence<sup>259</sup> and the right of the suspect to a fair, speedy, and public hearing before a court or tribunal.<sup>260</sup>

Although detention without bail or a judicial hearing might, under international law, be justified during a state of emergency, the requirements of the ICCPR for derogating from certain rights have not been met. Derogation is only justified when two requirements have been met: a time of public emergency that threatens the life of the nation, and an official declaration of a state of emergency. Even then, derogations may only be made "to the extent strictly required by the exigencies of the situation."<sup>261</sup>

Indeed, the requirement that the rights of personal liberty and fair trial are derogable only under specified circumstances such as a "public emergency which threatens the life of the nation"<sup>262</sup> is violated by the enshrinement of the 360-day provision in the Ugandan constitution. Such a public emergency is by its nature temporary. However, no state of emergency has been declared either by the Parliament or by an enactment "other than an Act of Parliament" as defined in the constitution.<sup>263</sup>

The Ugandan constitution also provides specifically for detentions during a time of emergency.<sup>264</sup> Even under emergency provisions, however, a suspect is to be provided with a written statement

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<sup>259</sup> Ugandan Constitution, article 28 (3) (a), states that each person charged with a criminal offense "shall be presumed to be innocent until proved guilty or until that person has pleaded guilty." See International Covenant on Civil and Political Rights (ICCPR), article 14 (2).

<sup>260</sup> Ugandan Constitution, article 28 provides: "(1) In the determination of civil rights and obligations or any criminal charge, a person shall be entitled to a fair, speedy and public hearing before an independent and impartial court or tribunal established by law." See ICCPR, article 14 (c).

<sup>261</sup> ICCPR, article 4 provides:

1. In time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the States Parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law . . . .

<sup>262</sup> *Ibid.*

<sup>263</sup> Ugandan Constitution, article 46 ("Human Rights and Freedoms During a State of Emergency"):

(1) An Act of Parliament shall not be taken to contravene the rights and freedoms guaranteed in this Chapter, if that Act authorises the taking of measures that are reasonably justifiable for dealing with a state of emergency.

<sup>264</sup> Ugandan Constitution, article 47 ("Detention under emergency laws"):

Where a person is restricted or detained under a law made for the purpose of a state of emergency, the following provisions shall apply-



specifying “the grounds upon which he or she is restricted or detained.” From our interviews, it appears that this provision is not honored by the UPDF or police.

The spouse or relatives of the suspect are also to be notified and allowed access to the detainee within seventy-two hours of detention according to the constitution. This provision is likewise ignored and many families are left entirely in the dark for long periods as to the whereabouts of their detained relatives.

More than 180 people suspected of treason were in Gulu barracks as of early 2003, according to the information of several nongovernmental organizations in Gulu. But a much smaller number, only twenty-six, treason cases were registered in the office of the Officer in Charge of Crime at Gulu police station as of January 2003. Detective Ochola admitted that many more persons suspected of treason than the twenty-six were in police custody, but it was difficult at times to charge them with treason or anything else, because the police had to investigate (and find evidence) before charging anyone.

“If there is no evidence we have to release them,” he said. Sometimes “people give somebody’s name and call him a rebel collaborator. After investigation we find out that it was because of a land dispute that they accused the person.”<sup>265</sup>

The admission that many more persons than the twenty-six charged with treason were in police custody suspected of treason, but without being charged, is deeply disturbing. Without charges, there are no grounds for either the police or the UPDF to hold suspects longer than the forty-eight hours maximum specified in the Ugandan constitution, article 23 (4),<sup>266</sup> and, even if the emergency detention provisions of the constitution were to apply, the relatives must be given notice and access to the detainee within seventy-two hours of detention.<sup>267</sup>

In April 2002 twelve people from Pabbo IDP camp were arrested for rebel collaboration, according to two credible sources working in the camp. They were taken away from the district. They were all adults including one woman charged with treason. Since their arrest, their whereabouts are unknown.<sup>268</sup>

This is a violation of the Ugandan constitution’s provision that those arrested or detained shall be charged within forty-eight hours. In this case, the suspects’ whereabouts were not known from the time of detention in April 2002 until the date of the interview, early February 2003.

Despite the high rate of LRA activity in the last six months of 2002 and in 2003, the number of treason cases transferred to the jurisdiction of the Gulu High Court in 2002 did not exceed five cases,

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(a) he or she shall, within twenty-four hours after the commencement of the restriction or detention, be furnished with a statement in writing specifying the grounds upon which he or she is restricted or detained;

(b) the spouse or next-of-kin of or other person named by the person restricted or detained shall be informed of the restriction or detention and allowed access to the person within seventy-two hours after the commencement of the restriction or detention;

(c) not more than thirty days after the commencement of his or her restriction or detention, a notification shall be published in the Gazette and in the media stating that he or she has been restricted or detained and giving particulars of the provisions of the law under which his or her restriction or detention is authorised and the grounds of his or her restriction or detention.

<sup>265</sup> Human Rights Watch interview with Detective Ochola, Gulu Central Police, Gulu, Uganda, February 5, 2003.

<sup>266</sup> Ugandan Constitution, article 23 (4) states that a person arrested or detained “(b) upon reasonable suspicion of his or her having committed or being about to commit a criminal offence under the laws of Uganda, shall, if not earlier released, be brought to court as soon as possible but in any case not later than forty-eight hours from the time of his or her arrest.”

<sup>267</sup> Ugandan Constitution, article 47, above.

<sup>268</sup> Human Rights Watch interview with Pabbo IDP camp credible sources, Gulu, Uganda, February 5, 2003.

according to High Court Registrar Maria Madrara.<sup>269</sup> Prolonged detention without trial, often in military custody, seems to be the fate of many treason and terrorist suspects.

In 1992 an Anti-Terrorism Act was passed and signed into law.<sup>270</sup> It provides for a mandatory death penalty on conviction of an offense directly resulting in the death of any person.<sup>271</sup> “Terrorism” is broadly defined: a terrorist indiscriminately commits certain violent acts, with intent to cause injury or death, for purposes of influencing the government or intimidating the public or a section thereof and for political or other aim.<sup>272</sup> Some persons are charged with terrorism for possession of an unlicensed gun.

The Anti-Terrorism Act confers wide powers on those investigating acts of terrorism. The offense of terrorism and any other offense punishable by more than ten years imprisonment under this act are triable only by the High Court—and bail may be granted for those accused of these offenses only by the High Court. Thus the provisions of 360 days of detention without bail would apply also to many terrorist acts.<sup>273</sup>

### ***Treason Charges Against Children***

In late 2002, two children aged fourteen and sixteen, both former LRA abductees, were charged with treason, a crime carrying a possible death sentence.<sup>274</sup> Under the Uganda constitution and the Convention on the Rights of the Child, however, minors may not be sentenced to death. In principle, no child abductee should be charged with treason since he or she had no opportunity to make a choice about being in the LRA and treason is an offense that requires that the accused had the opportunity to choose freely his or her actions.

Uganda is also a state party to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, which obliges the government to assist former child soldiers by providing “all appropriate assistance for their physical and psychological recover and social reintegration.”<sup>275</sup>

Antonio E., age fourteen, was abducted by the LRA in 2000; his brother, abducted with him, was killed en route to Sudan because he could not march fast enough. Antonio was trained and stayed in Sudan, then in January 2002 was sent back to Uganda on operations. He surrendered to the UPDF in the area of Pakelle in Adjumani district on December 12, 2002.<sup>276</sup>

Peter O., aged sixteen, was the other child charged with treason. He is from Amoro County, twenty miles west of Gulu. He told Human Rights Watch that he had been abducted on the way home from primary school to Amoro internally displaced persons camp. When after several years in Sudan his LRA unit returned to Gulu district, Uganda, fleeing Operation Iron Fist, he decided to walk to the UPDF

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<sup>269</sup> Human Rights Watch interview with Maria Madrara, Registrar at the High Court, Gulu, Uganda, February 5, 2003. In cases of treason, the High Court is the trial court.

<sup>270</sup> Acts Suppl. No. 7, Act 14, Anti-Terrorism Act, 2002 (June 7, 2002). It defines terrorist organizations in its Schedule 2, section 10 (1) as the LRA, the Lord’s Resistance Movement, the Allied Democratic Forces, and Al Qaeda.

<sup>271</sup> Anti-Terrorism Act, section 7 (1).

<sup>272</sup> Ibid., section 7 (2).

<sup>273</sup> Ugandan Constitution, article 23 (6) (c).

<sup>274</sup> Letter, Human Rights Watch to Mrs. Janat Mukwaya, Ugandan Minister of Justice, February 19, 2003, <http://hrw.org/press/2003/02/uganda021903-ltr.htm> (accessed April 15, 2002); see also, Human Rights Watch press release, “Drop Treason Charges Against Child Abductees,” March 4, 2003, <http://hrw.org/press/2003/03/uganda030403.htm> (accessed April 15, 2003).

<sup>275</sup> Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, article 6, acceded to by Uganda, May 6, 2000.

<sup>276</sup> In January 2002 his group moved back to Uganda. He participated in the LRA attack on Maaji, where he killed one of the fourteen people killed in that attack, and abducted five children. Human Rights Watch interview with Antonio E., Gulu, Uganda, February 6, 2003.

roadblock and surrender. He was tortured by soldiers of the UPDF and then asked to join the UPDF, although he protested that he was only sixteen years old, younger than the eighteen-year-old minimum age of recruitment under Ugandan law.<sup>277</sup>

A member of LAPEWA<sup>278</sup> was appointed custodian for the two boys and they were released on bail under LAPEWA custody. After trying and failing to find help for the boys from the rehabilitation centers, probation, welfare, and the district commissioner's office, the social worker said, "Now we feel that LAPEWA is looked at as the opposition since we took up the case. But we are not, we are only doing our duty as caretakers."<sup>279</sup>

Former LRA child soldiers who surrender are rarely charged with any crime, and James Awundo, the clerk of the Amnesty Commission—an independent government commission under the Ministry of Justice created by an act of parliament to process rebel applications for amnesty—in Gulu, said of these two former LRA abducted child soldiers charged in 2002 with treason, "We could not see any difference in [their] story to that of other abductees [who have been amnestied]." <sup>280</sup> The head of the Amnesty Commission, Peter Onega, told Human Rights Watch that these treason charges against ex-LRA combatants would undermine the work of the Amnesty Commission by sending the wrong signal to those still in LRA captivity and to those already granted amnesty.<sup>281</sup>

In April 2003, the boys applied for amnesty with the Amnesty Commission, and it appeared that the government would drop the treason charges against them.<sup>282</sup>

### **Recruitment of Former LRA Child Soldiers into the UPDF**

*I joined nine others who were there, mostly boys. The soldiers lured us into accepting to fight with the UPDF with offers of money and benefits, but I refused. One boy, sixteen, accepted and he immediately started training at the barracks with the other soldiers. He was moved from us and kept in better quarters.*

-Edward T., age eighteen<sup>283</sup>

Children who escape, are captured, or are released from the LRA usually stay in UPDF detachments or barracks for an average of one week before transfer to the Child Protection Unit (CPU) in Gulu or Kitgum towns, and finally, to the civilian-run rehabilitation centers. While at the barracks, before transport and safe passage to the CPU can be arranged, the children are questioned by the UPDF on their activities, the LRA structure, and recent LRA operations.

In the barracks in Gulu, Kitgum, and Pader districts, soldiers asked the majority of the formerly abducted boys – the youngest of whom was thirteen – interviewed for this report to enlist in their ranks.

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<sup>277</sup> Human Rights Watch interview with Peter O., Gulu, Uganda, February 6, 2003. According to the report filed by the Amnesty Commission, Peter O. crossed back to Uganda in August 2002 with Cdr. Njombo Okot. He was allegedly involved in the raid on Otwal and Omak camps as well as in raids on Gulu and Koch Goma. He surrendered after his LRA unit raided a trading center.

<sup>278</sup> LAPEWA is a Gulu women's organization that regularly visits police cells to look for child detainees. It accompanies children to their court hearings and takes them into their custody, since there are no juvenile detention facilities in Gulu district. LAPEWA stands for "LARoo PEce Women's Association." Laroo and Pece are two of the four divisions that form Gulu Municipality.

<sup>279</sup> Human Rights Watch interview with member of LAPEWA, Gulu, Uganda, February 6, 2003.

<sup>280</sup> Human Rights Watch interview with James K. Awundo, Gulu, Uganda, February 4, 2003.

<sup>281</sup> Human Rights Watch interview with Peter Onega, head of the Amnesty Commission, Kampala, Uganda, February 10, 2003.

<sup>282</sup> John Eremu, "Treason Suspects Apply for Amnesty," *New Vision* (Kampala), April 5, 2003.

<sup>283</sup> Human Rights Watch interview with Edward T., Gulu, Uganda, February 8, 2003.

Soldiers knew the ages of the boys from their questioning. The boys, some of whom had spent years with the LRA undergoing the hardships detailed above, were tempted with promises of respect, money, new uniforms, and a better life. None of the boys interviewed by Human Rights Watch at the rehabilitation centers agreed to join the UPDF, but they gave credible information about others who did. One military detachment where this type of recruitment was repeatedly mentioned was Achol-Pii barracks in Pader district.

Most boys did not report the use of force against them, but one boy, Peter O., later charged with treason, was badly tortured during UPDF interrogation about his LRA activities. During this interrogation, a UPDF officer asked the boy if he wanted to join the Ugandan army. "If not, you will stay here in this prison forever," he threatened. The boy refused, although his father was in the army. "I want to go to school and not stay in the army," he later said. "I was not given enough food and was kept in the barracks for two months."<sup>284</sup>

Sixteen-year-old John W. spent nine days in the barracks at Achol-pii in January 2003. The soldiers tried to lure former LRA child soldiers held in the barracks into joining the armed forces of Uganda. "They would say things like, 'we will treat you well, give you money and food and a new uniform. Why waste your time going home and doing nothing?'"

At one point, soldiers approached the sixteen-year-old with a newly pressed uniform and 80,000 Ugandan shillings (U.S. \$ 45). "They told me that I could have this money and clothes right now, and more later if I agreed to join them."<sup>285</sup>

Mark T. spent one week in early December 2002 at Achol-Pii barracks. When he arrived, he found twenty-four LRA escapees there, almost all of them boys under seventeen. They were all asked to join the UPDF. Five of the boys accepted, the youngest a fifteen-year-old named Michael. Mark T. refused. "Soldiers would tempt and taunt us, insulting us for being in an army like the LRA which only runs away during the fighting. 'Be a real man, fight with a real army now like the UPDF. You will get money for your work, a gun and a uniform,'" they told him.<sup>286</sup>

Former abductees were ordered to give military information about their time with the rebels. Some were ordered to guide UPDF units to their former LRA camps and training grounds,<sup>287</sup> exposing them to great danger in violation of the army's duty under article 3 common to the four Geneva Conventions of 1949 to protect ex-enemy combatants who have laid down their arms.

This was reportedly carried to the extent of forcing seventeen former abductees to guide the UPDF all the way back to their former LRA camps inside Sudan. These seventeen boys had escaped from the LRA in October 2001 and returned to their homes in Pajule. In January 2002 the UPDF followed them to their homes and forced them into service in Sudan as guides.<sup>288</sup>

In February 2002 the Justice and Peace Commission complained to the commander of the Fourth Division, Col. Gutti Muheesi, about several such cases. The commission alleged that a named UPDF soldier, who had been a former LRA commander himself, traced several former abductees. In two cases he

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<sup>284</sup> Human Rights Watch interview with Peter O., Gulu, Uganda, February 6, 2003.

<sup>285</sup> Human Rights Watch interview with John W., Gulu, Uganda, February 5, 2003.

<sup>286</sup> Human Rights Watch interview with Matthew A., Gulu, Uganda, February 4, 2003.

<sup>287</sup> Human Rights Watch interview with representative of the Church of Uganda, Gulu, Uganda, February 2, 2003; Human Rights Watch interview with journalist from *The Monitor* (Kampala), January 27, 2003.

<sup>288</sup> Human Rights Watch interview with representative of a local organization in contact with the children after they escaped the LRA in October 2001, February 1, 2003., Gulu, Uganda.

reportedly offered money (200,000 Ugandan shillings or U.S. \$ 120) to the former abductees to lure them into a UPDF operation inside southern Sudan. One of these was only sixteen years old.<sup>289</sup>

Thirteen-year-old Martin P. was subjected to UPDF pressure and initially agreed to “help” the UPDF find the LRA. Through the intervention of a UPDF commander, he was spared. “I spent two weeks at the UPDF detachment at Amuru. The soldiers there asked me lots of questions about the LRA, just like you,” he told Human Rights Watch. They asked if he could take them to where the LRA was located. “Once the commander of the post learned I was going out with the soldiers he intervened . . . saying that this boy could not be taken back out there.” Martin P. believed that the UPDF commander saw that he was reluctant to go.<sup>290</sup>

A journalist with the *Monitor* newspaper in Kampala told of a former LRA abductee forced to accompany the UPDF into southern Sudan to guide them to his former camp. The UPDF had also invited several journalists on this trip to accompany Operation Iron Fist to former LRA camps in southern Sudan. The journalists present argued with the UPDF when it became apparent that the former abductee was being left behind in Sudan with the remaining UPDF forces as the journalists were departing. Their complaints had no effect.<sup>291</sup>

Questioned about these allegations, the public relations officer of the UPDF, Lt. Paddy Ankunda, denied them.

There are no children in the [UPDF] army. We do not push them. Most of them hate uniforms. We don't need to force returnees to accompany us to the LRA locations. We get the information by interrogation and we have them mapping the locations. There was a lot of negative indoctrination in the bush against the UPDF, we want them to reverse this image. We want the children to see a difference.<sup>292</sup>

Boys who return from the LRA are often seasoned fighters, knowledgeable of LRA activities, and are understandably valuable to the UPDF in the fight against the LRA. They are also malnourished and abused and often arrive with only the clothes on their backs. In a physically and psychologically weakened state, they may fall prey to temptations from the soldiers and the promise of money and a new life.

### ***Recruitment of Children into Local Defence Units and Their Use by the UPDF***

Not all children recruited by the Uganda forces are former LRA abductees; the UPDF also recruits from camp residents and the urban poor.<sup>293</sup> Sometimes the children are recruited into the Local Defence Units (LDUs), also known as “home guards,” which are intended to provide security for local villages or camps.

The LDUs were originally presented as a policing institution and not as a replacement for UPDF soldiers. The initial idea was to set up a long-term policing system with recruits trusted by the camp population because they were locally recruited and known to the people; the LDUs are under the jurisdiction of the Ministry of Internal Affairs.

The LDUs do not receive proper military training but are only shown the most basic items, such as how to use and maintain a gun. They are not prepared to participate in military operations. However, after

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<sup>289</sup> Letter, Justice and Peace Commission to Col. G. Muheesi, Fourth Division UPDF commander, February 8, 2002.

<sup>290</sup> Human Rights Watch interview with Martin P., Gulu, Uganda, February 6, 2003.

<sup>291</sup> Human Rights Watch interview with journalist with *The Monitor* (Kampala), January 27, 2003.

<sup>292</sup> Human Rights Watch interview with Lt. Paddy Ankunda, Gulu, Uganda, February 5, 2003.

<sup>293</sup> See also Coalition to Stop the Use of Child Soldiers, *Global Report 2001*, and Coalition to Stop the Use of Child Soldiers, *Child Soldiers 1379 Report*, November 2002 (prepared to follow up U.N. Security Council resolution 1379 on children and armed conflict).

being trained, many children do not return to their home areas and are reportedly used to fight with the UPDF in other areas, including outside of Uganda.

The use of LDUs outside their home areas led one credible source to note, “It is the broadest definition of the word ‘local’ when describing the activities of the LDUs in the Congo or the Sudan.”<sup>294</sup>

The salary for a soldier in the LDUs is 40,000 Ush a month (U.S. \$ 23) while a regular UPDF soldier receives between 90,000 and 150,000 Ush (U.S. \$ 51 and U.S. \$ 86). For many boys from families impoverished by the war and without a source of income, the promise of a salary entices them to join the LDUs.

The LDUs come under the military authority of the UPDF, although salaries for LDUs are paid through the Ministry of the Interior, while salaries for the UPDF come from the Ministry of Defence. According to reported received by Human Rights Watch, many LDU salaries are paid late or not at all.

According to Lt. Paddy Ankunda, the public relations officer for the UPDF’s Fourth Division, candidates for the LDUs must be at least eighteen years old, have completed their education to level S4 (four years of secondary education) or above, be in good health, and have a recommendation from their LC-I (local councilor). He stated that the responsibility for the recruitment process lies with the local councilors— the sub county leaders (LC-IIIs)—and that verification of age is the responsibility of local leaders who presumably know the candidates and their families.<sup>295</sup>

According to local authorities questioned on LDU candidature, there is a both an official and unofficial recruitment process. The official recruitment is conducted much as described by Lt. Ankunda above, drawing largely from retired military and former security personnel. An unofficial recruitment process, however, bypasses the local councilors, with men and underage recruits reporting directly to military posts. Age and education verification as well as letters of recommendation are neither presented nor demanded.

One LC-I responsible for an area just outside of Gulu town became aware of this unofficial recruitment when parents berated him for recommending their children to serve—which he had not done. The youngest boy recruited from his parish in 2002 was twelve years old. When this local councilor approached the barracks on several occasions to protest, he was told that the boys were not there or were away fighting for the defence of their country.

The leader of an IDP camp outside of Gulu town also reported that boys approach the barracks directly for recruitment, skirting the recommendation requirement. However, the local councilor from the area was able to release some of the boys.<sup>296</sup>

Representatives of the Catholic Church of Uganda provided Human Rights Watch with details related to twenty-two boys and young men, aged fifteen to eighteen, who were recruited into the LDUs and subsequently escaped.<sup>297</sup> The recruitment took place in Nebbi district (west of Gulu district) in March or April of 2002. Some of the recruits responded to radio announcements regarding LDU recruitment, and were promised that after training, they would be returned to their home areas. Others heard that the UPDF was offering scholarships for secondary boarding schools. Both groups were loaded into trucks together with up to 300 other boys, and taken to the Fourth Division headquarters in Gulu, where they reported that

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<sup>294</sup> Human Rights Watch interview with representative of the Church of Uganda, Gulu, Uganda, February 8, 2003.

<sup>295</sup> Human Rights Watch interview with Lt. Paddy Ankunda, Gulu, Uganda, February 5, 2003.

<sup>296</sup> Human Rights Watch interviews with IDP camp reliable source., Gulu, Uganda, February 5 & 9, 2003.

<sup>297</sup> Human Rights Watch interview with Church of Uganda representatives, Gulu, Uganda, February 6, 2003. These representatives conducted direct interviews with the recruits in June and July 2002.

all of their documentation, including identification cards and birth certificates, were burned. The recruits were then taken to a UPDF training camp called “Waligo” and quartered in the barracks of Ngomoromo in Lamwo county in Kitgum district, near the Sudan border.

The boys told the church representatives that the military training lasted a month, and that during that time some trainees died from disease, lack of food, and other hardships. Over time, they said, they became weaker and weaker, and began making more mistakes, resulting in more frequent punishments. In some cases, recruits who tried to escape were reportedly killed. Trainees were given military uniforms, but no papers, matriculation number, or salary.

Eighteen of the twenty-two boys escaped from these training camps. The remaining four were sent to Sudan with other boys and young men to assist with Operation Iron Fist. These four were not used as fighters but carried communications and served as porters. They later made a rare escape from Sudan in June and July 2002.

Church leaders believe that the recruitment of children in early 2002 is linked to the beginning of Operation Iron Fist and news articles at the time alleging military corruption through empty payrolls and “ghost soldiers”: “There is a strong connection here between Iron Fist needing manpower,” they said, “and empty places on [military] payrolls, so people needed to fill the ranks quickly to cover themselves.”<sup>298</sup>

Church leaders believed that large-scale recruitment of children, like that in Nebbi, may have ended, in part because of protests by the church. Other reports indicate that smaller-scale recruitment of children into the LDUs continues.

A local councilor (LC-I) representing an area near Gulu told Human Rights Watch that in December 2002 many boys responded to radio announcements calling for new recruits for the LDUs. He said they responded because of the promised salary and “out of frustration” with their situation. He saw boys being trained at a training camp in Binya parish, about forty kilometers east of Gulu town, and he knew of at least fifty boys recruited from Acet and Awer camps in December. He also provided specific details of seven boys between the ages of twelve and sixteen, from Omoro, Nwoya, and Aswa counties (Gulu district), whose parents reported that they had been recruited into the LDUs with the knowledge of local authorities.<sup>299</sup>

The councilor said, “I heard from families that some (boys) were killed by rebels in the bush. Parents are very tired of the insecurity and don’t want their children to join, but children join without their parents’ permission.”<sup>300</sup>

The LC-I said that some parents try to get their children back through local officials such as LC-Is or LC-IIIs, but have been told by soldiers that if their son has been in training for two weeks or more, he cannot be released. He knew of some ten cases where boys had run away from the LDUs after enlisting, but were found and returned to the LDU by soldiers.<sup>301</sup>

### **Forced Displacement of Civilians for Reasons Connected with the Conflict**

The LRA targets civilians for killing, abducting, raping, looting food, and destruction of homes. It bears a good deal of the responsibility for the desperate situation in northern Uganda in 2003. But it is not

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<sup>298</sup> Ibid. See Ogen Kevin Aliro, “Records Show 10,000 ‘Ghosts’ Found in UPDF,” *The Monitor* (Kampala), May 22, 2002.

<sup>299</sup> Human Rights Watch interview with local councilor (LC-I) from Pece division, Gulu, Uganda, February 5, 2003. Additional documentation provided to Human Rights Watch, February 28, 2003.

<sup>300</sup> Ibid.

<sup>301</sup> Ibid.

the only responsible party. In response to the LRA's military campaign, the government of Uganda has engaged in a policy of forced displacement of civilians into camps, including by order of October 2, 2002, that has put the people and economy of Acholiland in a social and economic straightjacket with no end in sight.

Article 17 of the Additional Protocol II to the Geneva Conventions of 1977, which addresses the protections the warring parties must provide for civilians in non-international armed conflicts, prohibits the forced displacement of civilians for reasons connected with the conflict. It does, however, allow for such displacement if "imperative military reasons" or the "security of the civilians" requires—both of which are facts within the government's control. It has the burden of explaining them, which it has not done. But the length of the displacement—in some cases seven years (1996-2003)—the impact on civilians (in an economic and security sense), and the conditions under which the displaced have been received appear to fall short of what Protocol II envisions.

Nor has Uganda met the U.N. Guiding Principles on Internal Displacement which require the government to explore all feasible alternatives in order to avoid displacement, and which state that governments are obliged to protect against the displacement of peasants. Nor has Uganda complied with its own laws on displaced persons.

This forced displacement policy of the Ugandan government violates the ICCPR as it abridges the right to movement set forth in ICCPR, article 12.<sup>302</sup> The abridgment in this case is the forced movement or uprooting of 70 percent of the population of Acholiland. The Ugandan government may not abridge this right unless it meets the requirements of article 4 of the ICCPR for derogation of certain rights pursuant to an official declaration of a state of emergency.

***Reasons for Displacement: "Imperative Military Reasons" or "Security of Civilians"***

The oral army order of October 2, 2002, displacing some 300,000 people, together with those 500,000 previously displaced,<sup>303</sup> resulted in approximately 800,000 displaced and needy persons originating in the three northern districts, according to the WFP—a total of 70 percent of their population—an astoundingly high percentage. Most of adults in this population are capable of economic self-sufficiency through small farming for themselves and their families—but now they are dependent on international relief to survive.

Article 17 (1) of Protocol II<sup>304</sup> states in part: "1. The displacement of the civilian population shall not be ordered for reasons related to the conflict unless the security of the civilians involved or imperative military reasons so demand."<sup>305</sup>

The term "imperative military reasons" usually refers to evacuation because of imminent military operations. The provisional measure of evacuation is appropriate for example if an area is in danger as a result of military operations or is liable to be subjected to intense bombing or other military action. It may also be permitted when the presence of protected persons in an area hampers military operations. The prompt return of the evacuees to their homes as soon as hostilities in the area have ceased is implied in the article.<sup>306</sup>

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<sup>302</sup> ICCPR, article 12 provides: "1. Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence. . . ."

<sup>303</sup> U.N. OCHA, "Humanitarian Update – Uganda," vol. IV, issue 2, February 28, 2002. (Some 508,4000 internally displaced Ugandans in southwestern and northern Uganda reside in and around protected villages/IDP camps on a full or part-time basis.)

<sup>304</sup> Uganda acceded to Additional Protocol II of 1977 to the 1949 Geneva Conventions on March 13, 1991.

<sup>305</sup> Protocol II of 1977 to the four Geneva Conventions of 1949, article 17.

<sup>306</sup> Article 17 of Protocol II was inspired by the wording of Article 49 of Geneva Convention IV relative to the Protection of Civilian Persons in Time of War. Article 49 states that "Persons thus evacuated shall be transferred



Displacement or capture of civilians solely to deny a social base to the enemy has nothing to do with the security of the civilians. Nor is it justified by "imperative military reasons," which require "the most meticulous assessment of the circumstances"<sup>307</sup> because such reasons are so capable of abuse. One authority has stated:

Clearly, imperative military reasons cannot be justified by political motives. For example, it would be prohibited to move a population in order to exercise more effective control over a dissident ethnic group.<sup>308</sup>

The U.N. Guiding Principles on Internal Displacement state that, "prior to any decision requiring the displacement of persons, the authorities concerned shall ensure that all feasible alternatives are explored in order to avoid displacement altogether."<sup>309</sup> The principles state that states are under "a particular obligation to protect against the displacement of . . . peasants, pastoralists, and other groups with a special dependency on and attachment to their lands."<sup>310</sup>

The commander of the Fourth Division, Brig. Aronda Nyakairima, handing down the oral army evacuation order to the people of northern Uganda of October 2, 2002,<sup>311</sup> stated:

This announcement goes to all law-abiding citizens in the abandoned villages of Gulu, Pader and Kitgum districts to vacate with immediate effect. . . . This is because we have discovered that the LRA terrorists when pursued by the UPDF hide in huts located in these villages. . . . Get out of these villages in order not to get caught in cross fire.<sup>312</sup>

This order suggests both "imperative military reasons" and the security of the population.

Forty-eight hours after this order was issued, the UPDF began shelling, bombing, and using helicopter gun ships to attack the areas around the camps. The government, interpreting the order broadly, reasoned that after the forty-eight hour ultimatum, everyone found outside the "protected villages" or IDP camps would be a rebel or a rebel collaborator---therefore converting almost the entire northern Uganda into a military operational zone in which civilian movement is sharply limited. This order, together with the LRA military campaign, has further crippled the rural economy of northern Uganda.

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back to their homes as soon as hostilities in the area in question have ceased." According to the International Committee of the Red Cross (ICRC) Commentary, "The text which was adopted, with a few additions, has the same tenor as the original draft." ICRC, *Commentary on the Additional Protocols of 8 June 1977 to the Geneva Conventions of 12 August 1949* (Martinus Nijhoff Publishers: Geneva 1987), p. 1492 (footnote omitted).

<sup>307</sup> Ibid., p. 1472.

<sup>308</sup> Ibid., p. 1473.

<sup>309</sup> The Guiding Principles on Internal Displacement, Principle 7 (1). These Guiding Principles were adopted in September 1998 by the U.N. General Assembly. They reflect humanitarian law as well as human rights law, and provide a consolidated set of international standards governing the treatment of the internally displaced. Although not a binding instrument, the Guiding Principles are based on international laws that do bind states as well as some insurgent groups, and they have acquired authority and standing in the international community. The Guiding Principles on Internal Displacement, annotations by Walter Kalin, may be found at [http://www.asil.org/study\\_32.pdf](http://www.asil.org/study_32.pdf) (accessed April 15, 2003).

<sup>310</sup> Ibid., principle 9.

<sup>311</sup> The October 2, 2002 order does not appear to have been published in writing. It was announced in press interviews. See, "Uganda: Acholi ordered back to 'protected camps,'" *IRIN*, Nairobi, October 4, 2002. In this interview, Maj. Shaban Bantariza, the Ugandan army's spokesman, said that civilians had been ordered to return to the camps for protection against the LRA and because the UPDF was conducting a stepped-up offensive against the LRA.

<sup>312</sup> "Army gives Acholi 48 Hours to Quit Homes," *The Monitor* (Kampala), October 4, 2002.

Whether the security of the civilians or “imperative military reasons” justify such massive disruption of life and the economy is a hotly contested issue. It remains to be established what the imperative military reasons are that would warrant forced displacement of 70 percent of the population for such a long period—some have been displaced since 1996. Nor is it clear why the government is unable to provide for the security of the civilians in any way other than such forced displacement, which is so drastic for the affected population that it should be the last resort. Because these facts are exclusively within government knowledge, the burden is upon the government to establish that its actions comply with international legal standards and its own policy on displacement.

While the government claims that it cannot protect persons living in far-flung rural areas from LRA attacks, there is also a hint of the “draining the sea” counterinsurgency strategy at work in northern Uganda. Pursuant to that doctrine, the rebels are the fish and the peasants the sea in which they swim. Dry up the sea by moving the peasants away, and the fish (rebels) die.

Some 70 percent of the population has been “dried up” or removed from places where they might, forcibly or willingly, be of material assistance to the LRA. To judge by the LRA attacks, which have continued at high levels before and after the October 2, 2002, displacement order, even high levels of displacement have not been an effective deterrent.<sup>313</sup> Several months after the evacuation order, security has not been restored. As described above, the government security and military forces and paramilitaries have themselves become a source of insecurity for displaced civilians, even in “protected” villages and camps.

#### ***Duty to Receive Displaced Civilians under Satisfactory Conditions***

Even if the Ugandan government met the “insecurity of civilians” or “imperative military reasons” test in ordering such forced displacement on account of the conflict, it would still be obliged under Protocol II, article 17, to receive the displaced under satisfactory conditions of shelter, hygiene, health, safety and nutrition.<sup>314</sup> It has done a poor job of meeting this duty.

#### ***Conditions of Safety for the Displaced***

##### ***Safety in IDP Camps***

The first area of poor performance is security or safety of the internally displaced. The Ugandan policy on internal displacement provides that the ministries of defence and internal affairs “will ensure” adequate safety and security of internally displaced persons.<sup>315</sup> The Guiding Principles specifically state

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<sup>313</sup> Indeed, when rebel forces are supplied from outside the country, they do not feel the pinch of hunger to the same extent as does the rural population when it is deprived of its ability to farm.

<sup>314</sup> Protocol II, Art. 17 (1) states:

Should such displacements have to be carried out, all possible measures shall be taken in order that the civilian population may be received under satisfactory conditions of shelter, hygiene, health, safety and nutrition.

<sup>315</sup> Under the National Policy on Internal Displacement, prepared by the Office of the Prime Minister Department of Disaster Management and Refugees, the Ugandan government recognized its obligation to provide security for internally displaced persons:

3.1. Security

The Ministry of Defence through the Uganda People’s Defence Forces (UPDF) and the Ministry of Internal Affairs in cooperation will ensure adequate safety and security of internally displaced persons through a division of responsibilities.

The Ministry of Internal Affairs, in consultation with the Ministry of Defence will extend police services to IDP centres and be responsible for maintaining law and order within the displaced communities and communities where the displaced are returning.

that internally displaced persons “shall be protected, in particular, against attacks against their camps or settlements.”<sup>316</sup>

Civilians do not appear to be secure in the “protected” camps, which are regularly attacked by the LRA. Several people living in Pabbo, the largest camp in Gulu district, told Human Rights Watch that few soldiers – possibly 80 – guarded the estimated 45,000 camp population.<sup>317</sup> This number of soldiers was confirmed by the senior mobilizer in the Regional District Commissioner’s Office, Victor Apire,<sup>318</sup> and further confirmed by the public relations officer of the Fourth Division, Lt. Paddy Ankunda.<sup>319</sup>

The government solution for the lack of security in the camps was to recruit LDUs, which often provide inadequate protection. These protectors are usually outnumbered by the attackers. The LDUs and, where there are UPDF soldiers deployed to protect the camp, the UPDF soldiers have been known on many occasions to throw down their weapons and run when the LRA attacks. Many displaced persons, who had to watch helplessly, made this comment to Human Rights Watch.

As a credible source from Atiak camp reported:

There is no UPDF in Atiak camp. They recruited LDUs for our protection. But these are young men, very young, sixteen, seventeen, and they have no military training but they are armed. They are not trained to defend the camp, so when the rebels are coming there is nobody to protect us.<sup>320</sup>

People were beaten to force them to join the LDU. “Adult men were beaten by young kids to join the LDUs, they also recruited underage [boys]. And still the rebels attack.”<sup>321</sup>

The situation deteriorated further when the Ugandan government increased its recruitment of LDUs without adequately paying them, according to credible sources from different camps and confirmed by different local organizations.

Because they do not get enough money, and the little money they were supposed to get never got to them, the LDUs as well as some of the UPDF soldiers go into the villages that people left and take whatever is there. They go to their fields and harvest whatever is there.<sup>322</sup>

The high numbers of LRA attacks, persons killed and injured, and property destroyed or looted during the last six months of 2002 and increasing in the first six months of 2003 indicates that the Ugandan government is not making progress but is falling behind in providing conditions of safety for the internally displaced.

### *Safety for Humanitarian Convoys Serving the IDP Camps of Northern Uganda*

Finally, the UPDF accompanies WFP convoys to protect them from LRA attack—but only if the WFP provides the necessary fuel for army vehicles, and food for the UPDF troops in the convoy. This additional payment, which the UPDF routinely requires of many who wish UPDF escorts in northern

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<sup>316</sup> Guiding Principles, principle 10 (2) (d).

<sup>317</sup> Pabbo camp population was estimated in U.N. OCHA, “Humanitarian Update – Uganda,” vol. V, issue 2, February 2003 (February 28, 2003), <http://www.reliefweb.int> (accessed April 14, 2003). The interviewees believed the camp had 80,000 people.

<sup>318</sup> Human Rights Watch interview with Victor Apire, senior mobilizer in the Regional District Commissioner’s Office, Gulu, Uganda, February 3, 2003.

<sup>319</sup> Human Rights Watch interview with Lt. Paddy Ankunda, Gulu, Uganda, February 5, 2003.

<sup>320</sup> Human Rights Watch interview with credible source from Atiak camp, Gulu, Uganda, January 30, 2003.

<sup>321</sup> Ibid.

<sup>322</sup> Assessment given by representatives of ACORD, interviewed by HRW in Gulu, Uganda. January 31, 2003

Uganda, is viewed by some NGOs as a completely unjustified charge. They believe that the UPDF is the national army and should provide such protection as a matter of course, first of all to Ugandan civilians and secondly to aid organizations supplying assistance to needy Ugandans. These NGOs resent the privatization of protection and fear the development of a “protection racket.”<sup>323</sup>

An NGO umbrella group composed of organizations working in northern Uganda wrote of its concerns to the prime minister in May 2003:

The protection of civilians and the assurance of safe access to humanitarian aid are the immediate priorities.

A first step is for the Government of Uganda to take concrete measures to ensure the observance of their obligations under domestic and international humanitarian law. For example, road travel in Karamoja and Acholiland is becoming intolerably risky. . . . Attacks on humanitarian vehicles and civilian convoys are regular. Despite this intolerable situation, the security services have been unsuccessful in attempts to open up arterial roads. They are not even able to provide escorts for transport services or aid agencies without first receiving money for fuel and food.<sup>324</sup>

A group of donor countries had similar concerns about relief assistance in the north:

Substantial humanitarian support is required and donors have made resources available. . . . However insecurity continues to disrupt the delivery of humanitarian assistance. We therefore call upon the [government of Uganda] to ensure the effective protection of food convoys and humanitarian agencies working in the North and to better resource and strengthen its own humanitarian response and coordination structures.<sup>325</sup>

Even if provided with fuel and food, the UPDF will not go to the locations it deems too dangerous.<sup>326</sup> The WFP noted that it was unable to distribute food even to camps in Gulu district –due to lack of military escort—during the week of February 17-21, 2003.<sup>327</sup> “This points to the inadequate security available for escort to the humanitarian organizations and agencies in northern Uganda,”<sup>328</sup> U.N. OCHA said.

Although the government of Uganda’s policy is that food must be secured for the internally displaced,<sup>329</sup> it has not performed well in carrying out this policy in northern Uganda.

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<sup>323</sup> Human Rights Watch interview with anonymous NGO official, Kampala, Uganda, June 13, 2003.

<sup>324</sup> Civil Society Organizations for Peace in Northern Uganda (CSOPNU), “Toward a Just and Lasting Peace in Northern Uganda,” paper presented to the Prime Minister of Uganda, Kampala, Uganda, May 2003. CSOPNU was founded by twenty-five civil society organizations in May 2002, to promote advocacy for a peaceful and just solution to the conflict in Northern Uganda. Its steering committee includes CARE, Danida, NGO Forum, Oxfam Great Britain, Save the Children Denmark and Uganda Child Rights NGO Network.

<sup>325</sup> CG Common Donor Statement on Northern Uganda, Kampala, Uganda, May 2003.

<sup>326</sup> Residents’ reports and interviews with former abductees confirm that the LRA moves freely in Pader district in 2002-03, and that there are small mobile LRA training camps in the area. Civilians are forced to hand over to the LRA whatever food they have grown or purchased.

<sup>327</sup> U.N. OCHA, “Humanitarian Update – Uganda,” vol. V., issue 2 (February 2003).

<sup>328</sup> U.N. OCHA, “Humanitarian Update – Uganda,” vol. V., issue 2 (February 2003).

<sup>329</sup> Article 3.8, food security:

During displacement and the initial stage of any return and resettlement process, the responsible Ministry will provide food rations and relief to the displaced persons for a period to be determined by the time when the IDPs harvest their first crop. Government will endeavor to invite humanitarian organizations to provide support with relief for:

- Daily subsistence needs until the internally displaced have adequately revived their productive capacities;

### *Conditions of Health and Nutrition*

The second failure is equally basic, and linked to the first: food, enough to provide for the nutrition and health of the displaced. The Ugandan government has poorly provided for the nutrition and health of those people it has forcibly displaced; the LRA also shares in responsibility for this alarming situation in its attacks on humanitarian convoys, as described above.

The causes of the high rates of malnutrition in the IDP camps, described above, are several: local food production has dropped because the UPDF restricts farming by displacing people, and by limiting their movement outside the camps; the WFP does not have adequate funding to cover all needs; and the LRA ambushes on vehicles in the northern area make all trade and relief deliveries uncertain and LRA attacks on civilians make farms insecure.

The farmers of northern Uganda also are restricted by the UPDF in a way that makes it difficult for them to remain self-supporting. Those inside the camps are restricted by the UPDF in their movements outside, and are often not permitted to cultivate, weed, and tend their fields, on pain of beatings or arrest. Many displaced have been arrested when bicycling to their gardens without written permission to leave the camps—a risk people take because of hunger when permits are refused. “People are afraid to leave the camps, but they are afraid to starve in the camps.”<sup>330</sup>

The window of opportunity to plant seeds is limited to a few weeks in the first and second planting seasons,<sup>331</sup> and if movement of civilians to their farms is impeded by UPDF restrictions on movement or LRA attacks, then the result is continued need for WFP food. The WFP noted that a mid-March 2003 assessment of Acet IDP camp in Gulu confirms fears that “IDPs in this region do not have much hope of accessing their gardens [farms] in order to utilize the first planting season. . . . The continuation of this situation for three more weeks would mean a wasted first rains for the IDPs.”<sup>332</sup>

The result is that the WFP would have to extend the period of emergency food operations “for a period of not less than five months from now.”<sup>333</sup>

Even those still living in villages outside the camps are restricted. Charles Moro, a local coordinator of production, said that food was cultivated but due to UPDF prohibitions on movement it could not be harvested.<sup>334</sup>

In addition to the burning of property by the LRA, the UPDF has burned crops in fields on occasion, possibly to clear the land for military operations, according to HUR�PEC, a Ugandan nongovernmental human rights organization.<sup>335</sup> The type of burning is not the same as the dry season burning done by Acholi farmers and pastoralists to clear weeds and debris to prepare for the coming planting season.

According to OCHA, the WFP in January 2003 was feeding 395,000 IDPs in Gulu (thirty-three camps), 99,000 IDPs in Kitgum (seven camps), 271,000 in Pader (twenty camps) and another 47, 000 in Lira district immediately to the south in temporary camps. The total of IDPs in northern Uganda assisted by the WFP was 812,000 in early 2003; in contrast in July 2002 the total number assisted was 520,000.

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- Support for food-for-asset programmes aimed at preparing land, rehabilitating social infrastructure and other activities necessary for community stability . . . .

<sup>330</sup> Human Rights Watch interview with representatives of ACORD, Gulu, Uganda, January 31, 2003.

<sup>331</sup> Uganda enjoys two planting seasons due to abundant rainfall and fertile soil.

<sup>332</sup> U.N. OCHA, “Humanitarian Update – Uganda,” vol. V, issue 3 (March 2003).

<sup>333</sup> *Ibid.*

<sup>334</sup> John Mut-Ono P’Lajur, “Far from Over,” *The Monitor* (Kampala), March 2, 2003.

<sup>335</sup> Human Rights and Peace Centre (HUR�PEC) debriefing of Mission to Northern Uganda, Kampala, January 24, 2003.

The U.N. OCHA noted that, "in addition, 150,000 [Sudanese] refugees in 66 settlements in eight districts are in need of food assistance" from the WFP.<sup>336</sup>

Another problem faced this beleaguered population: the WFP suffered from a worldwide funding shortage, and consequently had available only a fraction of the estimated food needs.<sup>337</sup> By March 2003, the WFP calculated, it had received donations to cover only one third of the total of its February 2003 needs assessment of northern Uganda.<sup>338</sup> Its requests for funding were not being met by international donors.<sup>339</sup>

The government forty-eight hour evacuation order was accompanied by a plan that would ultimately make the economic and health conditions of the camps even worse. This was a plan to merge smaller internally displaced persons camps into larger ones. Many smaller IDP camps were spread out and fragmented to allow space for minimal food cultivation in small gardens inside the camp areas. Civilians were forced to desert the smaller camps and assemble in greater density in the remaining camp areas.

The forty-five camps in Gulu district before October 2002 were reduced in number—halved—to only twenty-two camps after the evacuation order. In the Pabbo camp, which was very densely populated prior to October 2002, with a population of 46,977, the population rose as of January 2003 to an estimated 70,000, an increase of almost 50 percent.

The displaced lived, by March 2003, in fifty-three densely populated, improvised camps, where living conditions were very poor, according to the WFP. In a best case scenario, all the IDPs would remain almost entirely dependent on WFP for food until the next harvest in August 2003, the U.N. news agency reported.<sup>340</sup>

In Pabbo camp, more than 2,200 homes burned down and more than 11,245 individuals were affected by two fires in early February 2003, during the windy dry season. "Congestion in the camps is the biggest fuel of the fires," the U.N. OCHA concluded.<sup>341</sup>

A paralegal from Amoro camp in Kilak county described the situation: "Since the camps were congested there is not enough security for the number of people in the camp. We have about 8,250 households in the camp. Food is not enough, the hygienic situation is very bad."<sup>342</sup>

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<sup>336</sup> Ibid.

<sup>337</sup> U.N. OCHA reported,

However, due to a critical shortfall of cereals in January 2003, WFP [World Food Programme] has been forced to suspend distributions of cereals to the IDPs in northern Uganda and to reduce all cereal rations to refugees by 50 percent until the pipeline stabilizes. IDPs in northern Uganda are expected to receive only pulses, vegetable oil, and some CSB during January. . . . [T]he current shortfall [is] 87,329 tons from January to July 2003.

U.N. OCHA, "Humanitarian Update – Uganda," vol. V, issue 1 (January 2003). Despite pledges from donors, serious food pipeline shortages remained. On April 1, 2003, WFP took over the responsibility for food distribution from the UNHCR for the refugee camps inside Uganda, on a one-year basis. WFP, "WFP Emergency Report No. 14 of 2003," April 4, 2003, <http://www.reliefweb.int> (accessed April 14, 2003).

<sup>338</sup> "Malnutrition rates high among displaced children," *IRIN*, Nairobi, Kenya, March 5, 2003.

<sup>339</sup> Press release, "WFP welcomes announced cease-fire by LRA rebels and potential impact on humanitarian situation in north," WFP, Rome, March 4, 2003; "Humanitarian Crisis Looms in Rebel Infested Region," African Church Information Service, Kampala, February 17, 2003.

<sup>340</sup> Ibid.

<sup>341</sup> U.N. OCHA, "Humanitarian Update – Uganda," vol. V, issue 2 (February 2003).

<sup>342</sup> Human Rights Watch interview with Amoro camp credible source, Gulu, Uganda, January 30, 2003.

### *Forced Displacement as a Violation of the Right to Freedom of Movement*

This forced displacement policy of the Ugandan government violates the ICCPR as it restricts the right to movement set forth in ICCPR, article 12.<sup>343</sup> The restriction in this case is the forced movement of 70 percent of the population of Acholiland, and the prohibition of their return to the places from which they were moved. It includes limitations on movement from IDP camps to nearby fields for cultivation, and bans on travel on many roads.

The Ugandan government may not violate the right to movement, unless it meets the requirements of article 4 of the ICCPR for derogation of this right. Article 4 specifies that it is necessary to issue an official declaration of a state of emergency explaining the reasons for and extent of the suspension of the derogable right. The Ugandan government has not declared any state of emergency.

## **VI. INSECURITY AND THE EFFECTS ON THE CIVILIAN POPULATION**

The LRA's abusive manner of waging war, through abductions, killings, and attacks on civilians, has produced a desperate situation for northern Ugandans. This has been compounded by the fact that the Ugandan government has frequently failed to protect civilians from military attacks.

Even in a nonmilitary sense, the Ugandan government has not satisfactorily provided for the needs of the civilians in northern Uganda. While Uganda is not a rich country, it has received a considerable sum of international assistance.<sup>344</sup> More than half its budget is provided by foreign donors.<sup>345</sup> Even with all that aid, some of it targeted for northern Uganda, the Ugandan government has fallen far short of its duty to provide minimum government services for northern Ugandans.

These failings are illustrated by the "night commuters," the spread of poverty and associated "survival sex" and spread of sexually-transmitted diseases, and the sad state of education in northern Uganda.

### **Night Commuters**

In villages and outlying areas around Gulu, Kitgum, and Pader towns, LRA raids have resulted in the abduction of children and the looting of personal property. Parents faced with the continued insecurity send their children to sleep in town for their own security while they themselves stay at home to guard their property. While the LRA abducts both children and adults, adults tend to be held for a few days and released whereas children can spend years in captivity.

Children's fear of abduction was poignantly reflected by a survey of school children in Kitgum. When asked if they had ever been abducted by the LRA, 75 percent of those who had not replied by saying "not yet."<sup>346</sup>

Around dusk, streams of children known as "night commuters" begin to flow into Gulu, Kitgum, and Pader towns to seek shelter and return home the next day at dawn.<sup>347</sup> Often clutching reed mats or other

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<sup>343</sup> ICCPR, article 12 provides:

1. Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence. . . .

<sup>344</sup> See, for instance, "Commission provides EUR 500,000 for vulnerable population groups in Uganda," European Commission, Humanitarian Aid Office (ECHO), October 9, 2002, IP/02/1447. The release by the European Commission noted that since 2000, ECHO had provided close to 2.5 million Euros to support vulnerable populations in Uganda.

<sup>345</sup> Human Rights Watch interview with European donor representative, Kampala, Uganda, June 18, 2003.

<sup>346</sup> Human Rights Watch interview with Geoffrey Oyat, Save the Children Norway (Uganda), in Geneva, March 31, 2003.

sleeping materials, these children travel alone or in small groups searching for places to sleep. A few children are able to stay with relatives in their homes; many more sleep in groups on verandas, at the bus park, on church grounds, or in local warehouses. Those living to the west and north of Gulu gather at Lacor hospital at night, joining a group of displaced persons living there.

In February 2003, some 1,000 children were coming into Gulu nightly while at the hospital more than 2,500 people, mostly children, were seeking shelter. During the months of October and November 2002, when insecurity reached its highest level, over 40,000 individuals, the majority unaccompanied children, made this nightly sojourn.

Despite these high numbers, no official assistance is provided to the children and abuses to them, both while en route and at night, have taken place. An assistant of the Chief Administrator's Office confirmed to Human Rights Watch that the municipality was as of February 2003 providing no assistance to these night commuters.<sup>348</sup>

Since February, the number of night stayers in Gulu has tripled, to 13,400 in mid-May 2003. U.N. OCHA's Gulu office sent out a plea for assistance for these children.<sup>349</sup>

In Kitgum, thousands come to sleep at the Catholic Mission every night, according to a priest. Even during the day, approximately 500 children stay in the Mission because they are too afraid to return to their nearby villages. "Many have refused to leave the mission. Sometimes their parents bring them." The army has deployed troops to protect the thousands sleeping in the Mission buildings at night.<sup>350</sup>

Children travel on foot, alone or in small groups, from as far as four miles away. Children as young as five are generally accompanied by older siblings or neighbors in their commute, which can take up to two hours.

According to one international NGO worker, the night commuters are vulnerable to theft and physical and sexual abuse from other children and adults. He cautioned that children, particularly those who are not staying in more well-established areas, may also be tempted into drinking, drugs, and sexual activities.<sup>351</sup>

Human Rights Watch researchers met with night commuters in Gulu town on two evenings, visiting the bus park, the church mission, and two warehouses where children sleep. The children have no access to water, and limited toilet facilities. In these areas, no assistance or formal supervision was apparent.

Two girls aged thirteen and eleven explained to Human Rights Watch why they choose shelter in town. The thirteen-year-old said that LRA rebels abducted her sister from her home some two kilometers outside of Gulu town in November 2002. Following the abduction, her parents, who are displaced from the interior of the district, began sending her into town to avoid possible capture. The eleven-year-old girl spoke of three neighborhood children who were abducted from her village, about a one-hour walk from Gulu. She fears the LRA because they "burn homes, loot property and abduct children."<sup>352</sup>

Lacor Hospital is located four kilometers outside of Gulu town. The LRA has not attacked the hospital in over a decade and so it serves as a place of safety for children and the displaced.

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<sup>347</sup> The U.N. OCHA also refers to these as "night stayers" and notes that they throng the cities of Gulu, Kitgum, and Pader between the hours of 6:30 pm and 6:30 am. U.N. OCHA, "Humanitarian Update – Uganda," vol. V., issue 3 (March 2003).

<sup>348</sup> Human Rights Watch interview with official, Gulu, Uganda, February 10, 2003.

<sup>349</sup> U.N. OCHA Gulu office, "Night Commuters to Gulu Town," May 17, 2003.

<sup>350</sup> Fr. Carlos Rodriguez, "War In Acholi: What Can We Do?" Kitgum, Uganda, June 2003.

<sup>351</sup> Human Rights Watch interview with Santa Odwar, Gulu, Uganda, February 6, 2003.

<sup>352</sup> Human Rights Watch interview with sister, Gulu, Uganda, February 7, 2003.



Approximately 1,500 internally displaced persons live behind the hospital in a make-shift camp, venturing out during the day to search for food or casual employment and returning in the evenings. In addition, in February 2003, more than 2,500 people, the majority unaccompanied children, came to the hospital at night to sleep. Some children sleep in a partially constructed hospital ward, others in the courtyard, on terraces outside of rooms, or elsewhere on the hospital grounds. The hospital is considered a safer area for children to sleep than on the street. But children who spend the night, mostly coming from a three-kilometer area around Lacor, continue to face harassment on their way each evening and from other children at the hospital.

A group of boys and girls, aged ten to fourteen, interviewed inside the medical compound, said that it takes them about one hour to reach the hospital in the evening. Sometimes while en route drunkards leer and shout at them, but none had been physically abused. Since the hospital gate is closed at 9:00 pm, they must walk quickly or risk being shut out if they don't arrive in time. They stressed that once inside the hospital grounds, they are harassed and bullied by older children when they are sleeping and that they need shelter especially during the rainy season. Another problem they identified was the lack of blankets for sleeping; three of the four children interviewed had blankets stolen from them in the past when they were asleep.<sup>353</sup>

A twelve-year old girl, traveling with her two younger brothers, interviewed just outside the hospital gates, explained that they make the commute each night because they fear rebel abduction. Twice in the last year, the LRA passed near their home, so they walk more than a mile each night to reach the safety of the hospital. This group had never experienced abuse on their walk. However, a local volunteer at the hospital reported that some men, including UPDF soldiers, sexually harass or abuse girls along the routes children typically take to arrive at the hospital.<sup>354</sup>

In one case, a ten-year-old boy was raped by a nineteen-year-old youth at the Mission in late December 2002. According to the boy's female relative, the ten-year-old would leave the outskirts of Gulu and sleep at the Mission for safety with other children. One night, the nineteen-year-old slipped through the open window, covered the mouth of the boy, and raped him. The children sleeping in the same room were either not awakened or too afraid to come to the child's assistance. The boy recognized the nineteen-year-old rapist as someone who occasionally played soccer with him. The family learned of the case the following day and brought it to the attention of the LC-I and LC-III authorities, but two months after the attack, the man had not been charged. The boy's family believed that the young man was related to local officials who prefer to keep the case quiet.<sup>355</sup>

#### **“Survival Sex,” Rape, Sexual Abuse, and HIV/AIDS**

A medical officer with the Office of Health Services in Gulu district identified several factors contributing to the spread of HIV/AIDS in the north:

First, cultural education and the social system are disrupted. Children are not getting proper lessons at home. Also, the closeness of people living in the camps with nothing to do leads to an increase in sexual activity. Secondly, the mobile troops (UPDF) are forcibly raping women. There is real fear on the part of the population to report these cases, but sometimes they go for medical treatment for STDs and the stories come out. Third, rampant poverty means that young girls will accept sex for small amounts of money or favors. And psychologically, people are

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<sup>353</sup> Human Rights Watch interview with night commuters, Lacor Hospital, Gulu, Uganda, February 8, 2003.

<sup>354</sup> Human Rights Watch interview with a local volunteer, Lacor Hospital, Gulu, Uganda, February 8, 2003. .

<sup>355</sup> Human Rights Watch interview, Gulu, Uganda, February 5, 2003.

traumatized so they take decisions that are not good for their health as well. They may make rash decisions on sexual practice, not thinking of the future.<sup>356</sup>

Local Acholi leaders say that increasing poverty coupled with the increased presence of the UPDF has also facilitated an increase in “survival sex,” where girls and young women find no alternatives but to exchange sex for food or money. Often it is UPDF soldiers who engage in these transactions. A volunteer at Lacor Hospital told Human Rights Watch that fourteen- and fifteen-year-old girls taking shelter at the hospital at night are particularly susceptible to sexual exploitation: “The UPDF should protect the people. Instead, they go to young girls and use money to bribe them. Other UPDF are being treated at the hospital, and the soldiers take the girls to their rooms.”<sup>357</sup>

A camp leader at an IDP camp near Gulu said that when the LRA abducts women or girls, it is for them to be taken as “wives.” On the government side, he continued, “the soldiers give money or small presents to women and girls under eighteen in exchange for sex. Everybody knows about it.”<sup>358</sup>

Soldiers also use boys to put them in contact with women in the camps with whom the soldiers then seek to have consensual or forced sex. “They pay the boys a little money, so the children would lure the women to the army installations.” Then the soldiers would force the women they could not buy. “Normally the women would get money for a compensation, since they cannot report the rape, for they have to stay in the camps with those soldiers.”<sup>359</sup>

Rape, sexual abuse, and exploitation (including the use of women and girls who engage in “survival sex”) by UPDF soldiers—as well as LRA rapes of women and “wives”<sup>360</sup>—contribute to the transmission of HIV. UNAIDS reports that military personnel are especially vulnerable to STDs, including HIV/AIDS. During peacetime, STD prevalence among armed forces globally is generally two to five times higher than in the comparable civilian population; in times of conflict, it may be much higher.<sup>361</sup>

Although overall HIV prevalence in Uganda has reportedly declined substantially in recent years from previous highs, lingering high prevalence in the north and among other populations is a continuing concern. Gulu reportedly has the second highest rate of HIV/AIDS prevalence after Kampala.<sup>362</sup> An antenatal testing program for mothers at Lacor Hospital found that of those who chose to be tested, 11 percent tested positive for HIV in 2000, and 12 percent tested positive in 2001.<sup>363</sup> In Kitgum and Pader, between May and December 2002, testing programs at three hospitals found HIV prevalence between 4.8 and 10.4 percent of women tested.<sup>364</sup> Nationally, the rate of HIV was estimated at 5 percent of the adult population in 2001.<sup>365</sup>

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<sup>356</sup> Human Rights Watch interview with medical officer affiliated with the Gulu District Office of Health Services, Gulu, Uganda, February 10, 2003.

<sup>357</sup> Human Rights Watch interview with volunteer at Lacor Hospital, Gulu, Uganda, February 5, 2003.

<sup>358</sup> Human Rights Watch interview with IDP camp leader, Gulu, Uganda, February 9, 2003.

<sup>359</sup> Human Rights Watch interview with Godfrey Alango, Caritas contact person for Pagak camp, Gulu, Uganda, January 31, 2003.

<sup>360</sup> There were in fact only four reported LRA rape cases during LRA attacks from June to December 2002 in Kitgum and Pader districts, according to the ARLPI (see [www.acholipeace.org](http://www.acholipeace.org)). However, many women and girls abducted by the LRA are subjected to rape as “wives” of LRA commanders but do not have the opportunity to report it until they escape, as described in the section entitled “Slaves, ‘Wives’ and Mothers: The Experience of Girls,” above.

<sup>361</sup> See U.N. Joint U.N. Programme on HIV/AIDS (UNAIDS), “HIV/AIDS and uniformed services,” [http://www.unaids.org/security/Issues/uniform\\_serv.html](http://www.unaids.org/security/Issues/uniform_serv.html), (accessed April 6, 2003).

<sup>362</sup> “Gulu HIV Rates High,” *New Vision* (Kampala), August 7, 2001.

<sup>363</sup> Human Rights Watch interview with medical officer with the Gulu District Office of Health Services, Gulu, Uganda, February 14, 2003.

<sup>364</sup> Information provided by the Associazione Volontari per il Servizio Internazionale (AVSI), March 6, 2003.

<sup>365</sup> UNAIDS/World Health Organization (WHO) Epidemiological Fact Sheet, 2002 Update, [http://www.unaids.org/hiv/aids/info/statistics/fact\\_sheet/pdfs/Uganda\\_en.pdf](http://www.unaids.org/hiv/aids/info/statistics/fact_sheet/pdfs/Uganda_en.pdf), (accessed March 4, 2003).

## Education

Attacks by the LRA have severely disrupted the educational system in the north, and many schools have been closed or displaced. However, the Ugandan government has a responsibility for providing children with access to education, and its national policy on internally displaced persons affirms the government's obligation to ensure that children in the camps enjoy equal access to education as children elsewhere in Uganda.

The government's failure to live up to this policy was glaringly evident to a primary school teacher from Omoro County, seven kilometers from Gulu. He described the conditions at his school, which has been displaced:

The educational system is very poor. Some children come from Gulu town, walking fifteen kilometers round-trip. We operate under trees, with no structure. We have 2,000 pupils but only ten teachers. The students are very poor and can't afford books or uniforms. We have no textbooks or supplies. Many students drop out because no learning is taking place.<sup>366</sup>

He predicted that of 2,000 pupils at the beginning the school year, only 700 would complete the year. Another teacher estimated that the teacher: pupil ratio was low in general in areas of displacement: "In areas of displacement, you can find more than 100 students to a teacher. Drop out rates are high. There are several factors: abduction, defilement [rape of minors] leading to early pregnancy, and economic hardships."<sup>367</sup>

In a different IDP camp near Gulu, there were some 200 children in each class. Each room was small, and with just one teacher, there were too many students for each to be attentive, according to the camp leader. The WFP provided food for the school, and the government paid school tuition. Parents were required to bring firewood and to pay the cooks in order for their children to attend. But the Parent-Teacher Association and the school management charged additional fees. Although these were waived for orphaned or destitute children, the camp leader acknowledged that even this was not enough in some cases and the children simply dropped out because of the overcrowding and economic pressures:

Still, some children are at home taking care of parents, getting food. They don't see the point in going to school sitting in a classroom with 200 students and not getting anywhere.<sup>368</sup>

War has sharply reduced families' ability to make a living and limited many families' ability to pay school fees. Although Uganda officially adopted a policy of universal primary education in 1997, expenses per child per term (there are three terms per year) can exceed 50,000 Ugandan shillings (U.S. \$ 30). These include costs for textbooks and notebooks, uniforms, lunch fees, and extra charges established locally to pay for school maintenance and construction, school furniture, and transportation, accommodation and incentives for teachers. Families living in camps, with restricted sources of income, rarely have the ability to pay such fees.

In late January 2003, government officials announced that the budgets of some ministries, including the Ministry of Education, would be cut in order to increase defence spending. The Ministry of Education was directed to cut its budget by ten percent.<sup>369</sup> A teacher observed that "Since the NRM came into power, the government's priority has shifted from education and agriculture to security."<sup>370</sup>

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<sup>366</sup> Human Rights Watch interview with primary school teacher, Gulu, Uganda, February 5, 2003

<sup>367</sup> Human Rights Watch interview with lecturer from a teacher training college, Gulu, Uganda, February 9, 2003.

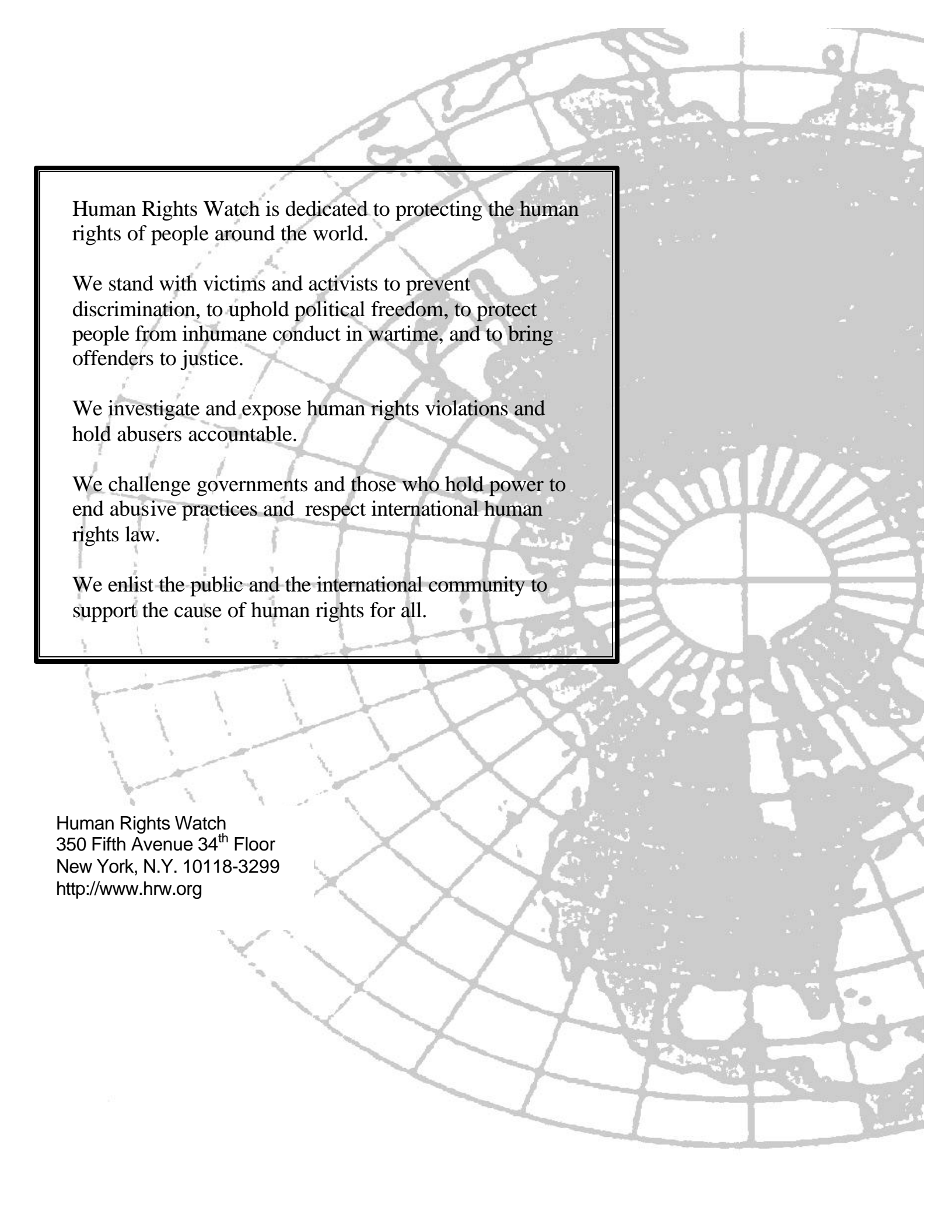
<sup>368</sup> Human Rights Watch interview with camp leader, Gulu, Uganda, February 9, 2003.

<sup>369</sup> "Defence budget to increase by 49 bn," *Sunday Vision* (Kampala), February 2, 2003.

<sup>370</sup> *Ibid.*

## ACRONYMS

ACF-USA	Action Against Hunger – USA
ARLPI	Acholi Religious Leaders Peace Initiative
CMI	Chieftaincy of Military Intelligence
CPU	Child Protection Units
EDF	Equatorial Defence Force, a Sudanese armed group supported by the Sudanese government
FHRI	Foundation for Human Rights Initiative
GAM	Global Acute Malnutrition
GUSCO	Gulu Save Our Children
HRC	Uganda Human Rights Commission
HSM	Holy Spirit Movement
HURIFO	Human Rights Focus, Gulu, Uganda
HURIPEC	Peace and Human Rights Center of Makerere University
ICCPR	International Covenant on Civil and Political Rights
IDP	Internally displaced person
IRC	International Rescue Committee
ISO	Internal Security Organization
KAP	Kalangala Action Plan
LAPEWA	Laroo Peace Women’s Association
LC	Local Councils, formerly known as Resistance Councils (RC)
LCIII	Sub county leaders
LDU	Local Defence Unit
LRA	Lord’s Resistance Army
NGO	Non Government Organization
NRA	National Resistance Army, subsequently renamed the UPDF
NRM	President Museveni’s political organization
OLS	Operation Lifeline Sudan, a U.N. emergency relief operation serving Sudan
PRO	Public Relations Officer
RDC	Resident District Commissioners
RPG	Rocket propelled grenade launcher
SPLM/A	Sudan People’s Liberation Movement/Army
STD	Sexually Transmitted Disease
UHRC	Uganda Human Rights Commission
UNAIDS	U.N. AIDS program
UNEDOC	Uganda Human Rights Education and Documentation Center
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children’s Fund
UNLA	Uganda National Liberation Army
U.N. OCHA	U.N. Organisation for the Coordination of Humanitarian Affairs
UNRF II	Uganda National Rescue Front II
UPDA	Ugandan People’s Democratic Army
UPDF	Uganda People’s Defence Force
WFP	World Food Programme



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