



UGANDA

## “Get the Gun!”

Human Rights Violations by Uganda’s National Army  
in Law Enforcement Operations in Karamoja Region

HUMAN  
RIGHTS  
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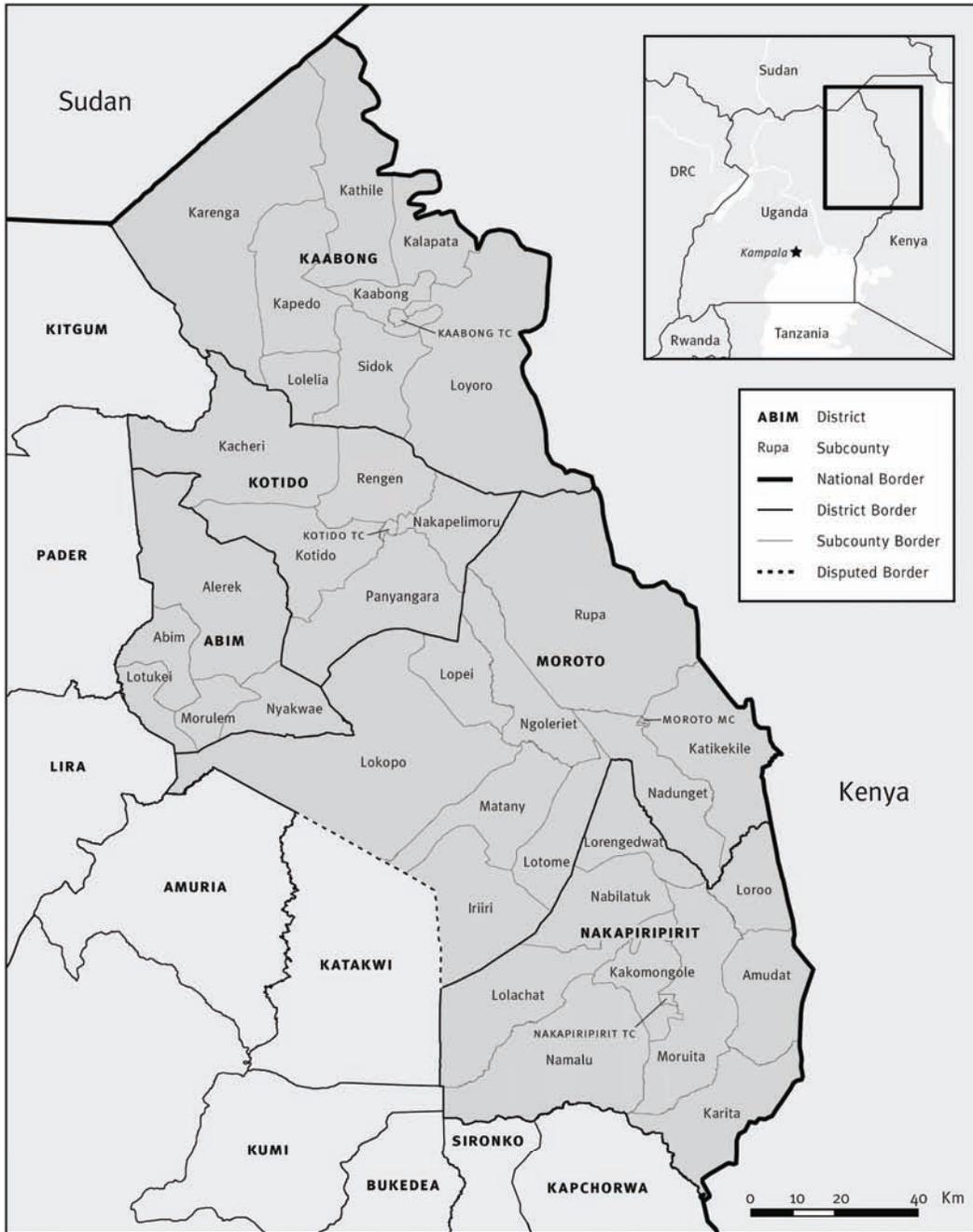
## “Get the Gun!”

### Human Rights Violations by Uganda’s National Army in Law Enforcement Operations in Karamoja Region

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# Map



Karamoja Region

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## I. Summary

The soldiers asked, “Why are you here?” We said, “We don’t know why we are here.” Then they said, “You are here because we want the gun.”... If you say, “I don’t know about the gun,” the soldiers get the stick and begin beating you .... They say, “Get the gun! Get the gun!”  
—I.N., detained in Kaabong barracks, September 2006

I heard the army vehicles and just ran out. I was trying to run but I saw that the soldiers were already there surrounding the [homestead]. I didn’t even know I was shot until I lay down and saw the blood.  
—B.P., young girl shot during disarmament operation, Kaabong district, December 2006

In the remote Karamoja region of northeastern Uganda, pastoralist herding communities struggle for survival amidst frequent drought, intercommunal cattle raids, and banditry. Gun ownership is pervasive, and armed criminality and cattle raiding by civilians in Karamoja exposes the population there, as well as those in neighboring districts, to high levels of violence, and restricts even the movement of humanitarian workers. It poses significant challenges to the government’s responsibility to provide for its citizens’ security and human rights.

Since May 2006 the national army, tasked with law enforcement responsibilities in the region in the absence of an adequate police presence, renewed a program of forced disarmament to curb the proliferation of small arms. In so-called cordon and search disarmament operations, soldiers surround villages in the middle of the night and at daybreak force families outside while their houses are searched for weapons.

This report, based primarily on field research in Kampala and in the Kaabong and Moroto districts of the Karamoja region in January and February 2007 and additionally drawing on reporting by the United Nations (UN) and other sources, documents alleged human rights violations by soldiers of Uganda’s army, the Uganda Peoples’ Defence Forces (UPDF), in cordon and search disarmament and

other law enforcement operations in the region. These violations have included unlawful killings, torture and ill-treatment, arbitrary detention, and theft and destruction of property. While the Ugandan government has a legitimate interest in improving law and order in Karamoja, including stemming the proliferation of illegal weapons, it must do so in a manner consistent with human rights.

Human Rights Watch welcomes steps taken by the Ugandan government in the past year to curb such human rights violations during disarmament and other law enforcement operations, in response to international and domestic pressure. The Ugandan government, however, has not adequately held to account those responsible for past abuses, and allegations of human rights violations continue to surface periodically in connection with disarmament and other law enforcement operations in Karamoja.

The government has mounted several disarmament campaigns—some voluntary, some forced—in Karamoja since 2001 to collect what it now estimates to be as many as 30,000 unlawfully-held weapons in the region. At the same time, however, government programs to improve security, including programs of disarmament, face a fundamental dilemma: guns are used to defend from raiders as well as to rob and steal. The dynamics behind weapon possession in Karamoja include, for some, the desperate need to secure and defend their cattle and access to limited resources essential for their cattle, a matter of life and death. Removing weapons while not providing sufficient guarantees of safety and security renders, in their view, many communities vulnerable to attack.

Weak government institutions in the region exacerbate these vulnerabilities and leave law enforcement responsibilities in the hands of the UPDF. The present disarmament campaign is just one of these responsibilities, which also include recovering raided cattle, apprehending and prosecuting criminal suspects, and protecting livestock in UPDF-guarded enclosures.

In Kaabong district in December 2006 and January 2007, UPDF soldiers shot and killed 10 individuals, including three children, as they attempted to flee during cordon and search operations. Only one of the individuals killed was reported to

have fired on the soldiers, while one other was running away with his gun. Four other individuals, including two children and one youth, were also shot and injured. In four armed confrontations with Karamojong communities between October 2006 and February 2007, at least two of which were preceded by cordon and search operations, dozens of civilians were killed, while the lives of an unknown number of UPDF soldiers were also claimed.

Soldiers routinely beat men, at times to uncover the location of weapons. In Moroto district victims of three cordon and search operations described an almost identical pattern of mass beatings by soldiers of the entire male population: men were first rounded up outside of their homesteads, and then subjected to collective beatings with sticks, whips, guns, and tree branches accompanied by soldiers' demands that they "get the gun."

Following cordon and search operations, soldiers detained men in military facilities. Although one UPDF spokesperson described such detentions—purportedly for the purpose of inducing the surrender of weapons—as lasting no longer than 48 hours—Human Rights Watch interviewed some men who were detained without access to family members for at least two weeks. Former detainees reported to Human Rights Watch that military authorities subjected them to severe beatings and violent interrogations, along with deprivation of food, water, and adequate shelter.

Communities were also the victims of property destruction and theft. During one cordon and search operation, soldiers drove an armored personnel carrier through a homestead, crushing six homes, and narrowly missing a crowd of people.

By conducting cordon and search operations to seize weapons, rather than to prosecute firearms offenses, the government may be seeking to avoid legal requirements authorizing searches, arrest, and detentions in the context of law enforcement operations and that protect the rights of persons under national and international law. Consequently, post-cordon and search detentions lack judicial control, and, at times, are not specific to individuals suspected of criminal activity, thereby violating the rights to be free from arbitrary arrest and detention. Moreover, searches conducted during these operations are authorized by military order alone,

and not court-issued warrants mandated under national law, violating individual privacy rights.

In response to allegations of human rights violations during disarmament operations, the government of Uganda has taken several steps. These include launching four investigations; developing a set of internal UPDF guidelines governing the conduct of military personnel during cordon and search operations, the violation of which subjects a soldier to discipline under the UPDF Act; providing UPDF soldiers conducting cordon and search operations with human rights training; and engaging with community members and local leaders about the goals of disarmament.

These steps appear to have had an encouraging effect. The most recent information received by Human Rights Watch indicates that cordon and search operations, while still ongoing, have been markedly less violent than in earlier months of the disarmament campaign and accompanied by far fewer allegations of human rights violations. But allegations of human rights violations, most notably continued detention following cordon and search operations and isolated reports of beatings, have not ceased altogether. Moreover, none of the reports produced by government investigations have been made public. The Ugandan army wrote to Human Rights Watch in September 2007 that a number of soldiers have been brought to justice for human rights violations, but provided no details of the underlying offenses and punishments imposed. In the three explicitly disarmament-related cases of which Human Rights Watch is aware, soldiers were disciplined for petty theft.

Accordingly, although it has taken steps in the right direction, Human Rights Watch calls on the Ugandan government to make further progress in stopping human rights violations by its forces. It should end impunity for violations by its soldiers by investigating and prosecuting or disciplining abuses where appropriate, and safeguard against future violations by revising its disarmament policies to comply with its human rights obligations under national and international law.

Publicity garnered by the disarmament campaign has concentrated national and international attention on the challenges of survival and security in Karamoja; some of these challenges are imposed from within and some from without. The Ugandan

government's efforts to respond to allegations of human rights violations in the past year have included increased engagement with the people of Karamoja, who have long been alienated from the rest of the country. To ensure the sustainability of efforts to bring security to the region, the Ugandan government, with the support of the international community and with the communities of Karamoja leading the way, should seize this opportunity to develop durable solutions that reduce conflict and reliance on guns for protection of lives and livelihoods in Karamoja.

## **Key Recommendations**

### *To the Government of Uganda*

- Publicly acknowledge and condemn human rights violations committed by government forces in the course of forced disarmament operations in Karamoja.
- End impunity for human rights violations committed by soldiers of the Uganda Peoples' Defence Forces (UPDF) and its auxiliary forces during cordon and search operations. Promptly, impartially, and transparently investigate and discipline or prosecute as appropriate all allegations of human rights violations, including unlawful killings, arbitrary arrests and detention, torture and other cruel, inhuman, or degrading treatment, and destruction of property.
- Expedite reforms in cordon and search operations procedures to ensure their compliance with international human rights law. Review in particular their compliance with protections against arbitrary search, arrest, and detention, and, to the extent such protections are not extended under Ugandan law to UPDF-conducted law enforcement operations, amend Ugandan law accordingly.
- Compensate victims of unlawful killings, torture and ill-treatment, arbitrary detention, and looting by government forces adequately and speedily.
- Convene a commission of independent experts on pastoralist livelihoods, arms control, and human rights to examine the relationship between livelihoods, conflict resolution, and arms proliferation in Karamoja. The commission, drawing on the existing Karamoja Integrated Disarmament and Development Programme (KIDDP) draft, and guided by a prioritization of human rights, should recommend

revisions to KIDDP and coordination with other existing government policies, including the National Action Plan on Arms Management and Disarmament. The commission should seek the input of relevant government ministries, the Uganda Human Rights Commission, the National Focal Point on Small Arms and Light Weapons (NFP), and local elected officials, traditional leaders, and civil society representatives from Karamoja.

*To Donor Countries and International Development Partners*

- Call on the Ugandan government to expedite reforms to cordon and search operations procedures to ensure the legality of these operations, and to investigate and prosecute human rights violations by its forces.
- Condition support for the Karamoja Integrated Disarmament and Development Programme (KIDDP) or any policy with a disarmament component on the compatibility of any such disarmament operations with the Ugandan government's human rights obligations under national and international law.

*To the United Nations Country Team*

- Continue, through the leadership of the UN Office of the High Commissioner for Human Rights, to closely monitor the Ugandan government's compliance with national and international human rights standards in its policies addressed to the Karamoja region, including disarmament.
- Increase, where possible, the activities of appropriate UN agencies in Karamoja to bolster human rights, humanitarian assistance, and civilian protection.

Detailed recommendations are given in Chapter VII.

## II. Methodology

Human Rights Watch carried out research for this report in Uganda in January and February 2007. In Kaabong and Moroto districts, Human Rights Watch spoke with 51 eyewitnesses about cordon and search and other law enforcement operations conducted by the national army, the Uganda Peoples' Defence Forces (UPDF), between September 2006 and January 2007, and visited the sites of six of these operations. In Kampala, Human Rights Watch spoke with two groups of women living in the Kisenyi area who had migrated from Moroto district.

Interviews were conducted in local languages with the assistance of translators. Most interviews were conducted individually, although they often took place in the presence of others. In several instances where interviews were conducted with multiple villagers rather than one-on-one, they are cited as group interviews.

Human Rights Watch also conducted telephone and in-person interviews in Uganda with representatives of international nongovernmental organizations, United Nations agencies, donor governments, UPDF spokespersons, and other persons with knowledge of livelihoods and human rights in Karamoja. Additional information for this report was gathered in New York and London between November 2006 and September 2007 through phone and in-person interviews, email communications, and desk research.

Where necessary, names have been withheld or replaced by initials (which are not the interviewee's actual initials) to protect identities.

### III. Background

The remote Karamoja region of northeastern Uganda, stretching across 10,550 sparsely populated square miles,<sup>1</sup> is home to several traditionally agropastoralist groups. For the Karamojong, as these groups are collectively known, restrictions on access to grazing lands across international and district borders have made survival amidst harsh environmental conditions—including frequent drought—more difficult. Successive governments have also marginalized the area, leaving it with the lowest development and humanitarian indicators in Uganda,<sup>2</sup> weak governmental institutions, and little support for alternative livelihoods.

Within these wider challenges of development, serious insecurity including cattle raiding, banditry, and road ambushes, exacerbated by pervasive use of illegal weapons, presents a significant law and order problem in Karamoja. During the period July 2003 to August 2006, at least a thousand lives were lost in cattle raids, armed clashes, banditry, and law enforcement operations.

The present National Resistance Movement government under President Yoweri Museveni has tasked the national army, the Uganda Peoples' Defence Forces (UPDF), with law enforcement responsibilities in the region. These responsibilities include armed operations to recover raided cattle and to arrest criminal suspects, and (as was the case under previous colonial and post-independence regimes) programs of disarmament. It is in this context that serious human rights violations by military personnel are reported to have taken place, particularly in the period since the government launched a new program of forced disarmament in May 2006.

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<sup>1</sup> Ben Knighton, *The Vitality of Karamojong Religion* (Aldershot: Ashgate Publishing Ltd., 2005), p. 19.

<sup>2</sup> UN Office for the Coordination of Humanitarian Affairs (OCHA), "Uganda 2007 Consolidated Appeals Process," November 30, 2006, [http://ochadms.unog.ch/quickplace/cap/main.nsf/h\\_Index/CAP\\_2007\\_Uganda/\\$FILE/CAP\\_2007\\_Uganda\\_VOL1\\_SCREEN.pdf?OpenElement](http://ochadms.unog.ch/quickplace/cap/main.nsf/h_Index/CAP_2007_Uganda/$FILE/CAP_2007_Uganda_VOL1_SCREEN.pdf?OpenElement) (accessed April 18, 2007), p. 12.

## A. Livelihoods and Insecurity in Karamoja

While the several ethnic groups of agropastoralists who live in northeastern Uganda are referred to collectively as Karamojong,<sup>3</sup> they constitute three distinct groups: the Dodoth to the north in Kaabong district; the Jie in central Karamoja in Kotido district; and the Karimojong to the south in Moroto and Nakapiririt districts.<sup>4</sup> Other smaller groups in Karamoja include the Pokot, the Tepeth, and the Labwor.<sup>5</sup> The population of the region is just under one million persons according to the 2002 census.<sup>6</sup>

In Karamoja, agropastoralism—livestock herding accompanied by cyclical migrations of people and animals and supplemented by settled agricultural cultivation—represents a specific response to environmental conditions that make agriculture difficult to sustain reliably.<sup>7</sup> Failed or poor crops occur in approximately one out of every three years, making livestock products an essential source of sustenance.<sup>8</sup> Pastoralism in Karamoja thus “is the only [subsistence] strategy that works consistently, given the ecological realities of their universe.”<sup>9</sup> Notably, a recent study by the United Nations World Food Programme (WFP) in Uganda found that while only 11 percent of households in a sample drawn from the eight counties of Karamoja derived more than half of their income from livestock and were thus classed as agropastoralists, agropastoral households had the lowest prevalence of food insecurity or moderate food insecurity in the region.<sup>10</sup>

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<sup>3</sup> Knighton, *Karamojong Religion*, p. 24.

<sup>4</sup> Sandra Gray et al., “Cattle Raiding, Cultural Survival, and Adaptability of East African Pastoralists,” *Current Anthropology*, vol. 44, supplement (December 2003), p. S4.

<sup>5</sup> Robert Walker, “Anti-pastoralism and the growth of poverty and insecurity in Karamoja: Disarmament and development dilemmas; A Report for DFID East Africa (Uganda),” March 2002, unpublished document on file with Human Rights Watch, p. 7.

<sup>6</sup> Uganda Human Rights Commission (UHRC), “Searching for Peace and Human Rights,” Special Report, 2004, [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/0DD3851AC3DD2CBE802570B7005A54F3/\\$file/karamoja.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/0DD3851AC3DD2CBE802570B7005A54F3/$file/karamoja.pdf) (accessed July 19, 2007), p. 4.

<sup>7</sup> Sandra J. Gray, “A Memory of Loss: Ecological Politics, Local History, and the Evolution of Karimojong Violence,” *Human Organization*, vol. 59 (2000), pp. 402-03.

<sup>8</sup> Sandra Gray, Paul Leslie, and Helen Aliga Akol, “Uncertain disaster: environmental instability, colonial policy, and resilience of East African pastoralist systems,” in William R. Leonard and Michael H. Crawford, eds., *Human Biology of Pastoral Populations* (Cambridge: Cambridge University Press, 2002), p. 108-09.

<sup>9</sup> Gray, “Memory of Loss,” pp. 402-03; James E. Ellis and David M. Swift, “Stability of African pastoral ecosystems: Alternate paradigms and implications for development,” *Journal of Range Management*, vol. 41 (1988), pp. 450-59.

<sup>10</sup> UN World Food Programme Uganda, “Emergency Food Security Assessment Karamoja Region,” unpublished document on file with Human Rights Watch, pp. 20-22 (data collected in April 2007).



During a typical cordon and search operation, government soldiers surround a *manyatta*—a traditional homestead like this one (shown here from above)—in the early hours of the morning, detaining residents outside while their houses are searched for weapons. © 2006 Raymond Rutting

Migration is a key element in this strategy, allowing for the movement of herds between pasture areas in response to environmental pressures.<sup>11</sup> During the rainy season, herds are grazed near to permanent homesteads or *manyattas*, with cattle camps or *kraals*<sup>12</sup> moving out to distant grazing lands during the dry season.<sup>13</sup> Men, women, children, and the elderly are present at both *manyattas* and *kraals*, resulting in a “constant flow of people, information, and livestock.”<sup>14</sup>

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<sup>11</sup> Gray, “Memory of Loss,” p. 403.

<sup>12</sup> Neither *manyatta* nor *kraal* is a local term, but are used in this report consistent with their widespread use within Uganda by the media and policymakers. Permanent homesteads were variously termed *manyattas* or villages by the translators who worked with Human Rights Watch, and the terms homestead, *manyatta*, and village are used interchangeably in this report.

<sup>13</sup> Neville Dyson-Hudson, *Karimojong Politics* (Oxford: Clarendon Press, 1966), pp. 59-61.

<sup>14</sup> Gray, Leslie, and Akol, “Uncertain disaster,” p. 109-11. As a general matter, women, young children, and the elderly remain in the *manyattas*, and men and boys above the age of five stay in the camps with the herds, along with some girls and young women. See also Dyson-Hudson, *Karimojong Politics*, pp. 33-34. But the population balance between *manyattas* and *kraals* varies by group and also by season. The Pokot, for example, rarely engage in cultivation, and, thus, the entire community remains with the cattle; among certain Karimojong sections and the Tepeth, young girls and young boys are present in the *kraals* in equal proportion, and the most vulnerable women and children are also sent to stay in the *kraals* to increase their access to livestock products. See Elizabeth Stites, Dyan Mazurana, and Darlington Akabwai, Feinstein International Center, untitled document (publication pending).

Movements by some groups reach into the neighboring Acholi, Lango, and Teso regions of Uganda, and into Kenya.<sup>15</sup> Access to grazing land outside of and between sections of Karamoja, however, has been restricted over time by government policy beginning in the colonial period—including the imposition of a fixed border between Uganda and Kenya<sup>16</sup>—and continuing in the post-independence era.<sup>17</sup> Conflict between groups within Karamoja, particularly within the Karimojong beginning in the late 1970s, has also curtailed grazing areas internal to Karamoja.<sup>18</sup>

While livelihood strategies vary across Karamoja and groups engage in livestock keeping, agriculture, and other economic activities in differing degrees—often reflecting underlying ecological and historical differences<sup>19</sup>—the Karimojong regard themselves as cattle people. Livestock herding is essential to both cultural identity and livelihood,<sup>20</sup> and the rights to both are protected by international law.<sup>21</sup>

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<sup>15</sup> Knighton, *Karimojong Religion*, pp. 29-30; Dyson-Hudson, *Karimojong Politics*, pp. 59-61; Charles Emunyu Ocan, “Pastoral Crisis in North-eastern Uganda: The Changing Significance of Cattle Raids,” Centre for Basic Research Working Paper No. 21, June 1992, pp. 8, 13-14.

<sup>16</sup> Gray, Leslie, and Akol, “Uncertain disaster,” pp. 115-16.

<sup>17</sup> Ocan, “Pastoral Crisis,” p. 10; Walker, “Disarmament and development dilemmas,” pp. 11-12, 16-17.

<sup>18</sup> Stites, Mazurana, and Akabwai, untitled document (publication pending); Gray, “Memory of Loss,” pp. 411-12.

<sup>19</sup> For example, according to Gray, many Bokora families were unable to recover from drought and raiding in the 1970s, losing their livestock holdings altogether, forcing outmigration and aid dependency, while the Pian, forced by Pokot raids to migrate further south in the 1950s, benefited from contacts with missionaries and international donors and turned increased rainfall in their new areas to their advantage, developing commercial agriculture. Gray, “Memory of Loss,” pp. 411-12. These changes reverberate politically: again, according to Gray, Bokora and Pian—educated through their contacts outside the region—dominate Karamoja politics and civil society, to the exclusion of the Matheniko, who benefited from raids against the Bokora and thus retained pastoralism to a greater degree. *Ibid.*, p. 412.

<sup>20</sup> *Ibid.*, p. 406.

<sup>21</sup> See generally, International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976, acceded to by Uganda in 1995, art. 27 (right to cultural identity); International Covenant on Economic, Social and Cultural Rights, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 49, U.N. Doc. A/6316 (1966), 993 U.N.T.S. 3, entered into force Jan. 3, 1976, acceded to by Uganda in 1987, art. 6 (right to livelihood). The UN Human Rights Council in 2006 adopted a Declaration on the Rights of Indigenous Peoples that provides for the right of indigenous peoples “to be secure in the enjoyment of their own means of subsistence and development.” Human Rights Council Resolution 2006/2, adopting the text of the Declaration and recommending the adoption of the Declaration by the General Assembly, June 29, 2006, <http://www.ohchr.org/english/issues/indigenous/docs/declaration.doc> (accessed June 26, 2007), art. 20. The Committee on the Elimination of Racial Discrimination has called on states to ensure that “no decisions directly relating to [indigenous peoples’] rights and interests are taken without their informed consent.” Committee on the Elimination of Racial Discrimination, General Recommendation 23, Rights of indigenous peoples (Fifty-first session, 1997), U.N. Doc. A/52/18, annex V at 122 (1997), reprinted in *Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies*, U.N. Doc. HRI/GEN/1/Rev.6 at 212 (2003). Uganda acceded to the Convention on the Elimination of Racial Discrimination in 1980. The African Charter on Human and Peoples’ Rights, adopted June 27, 1981, OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), entered into force Oct. 21, 1986, ratified by Uganda in 1986, provides in article 22 that “All peoples shall have the right to their economic, social and cultural development with due regard to their freedom and identity.”

While sharing much in common with neighboring groups in Kenya and Sudan,<sup>22</sup> the pastoralism of Karamoja and its attendant cyclical migrations of people and livestock is largely unique within Uganda. Policies of colonial administrations and post-independence regimes alike have tended toward marginalization of pastoralism in the region: government initiatives have been directed historically almost wholly toward increasing the sustainability of settled agriculture and the assertion of central control.<sup>23</sup> According to one observer, these initiatives, including animal confiscations and restrictions on mobility,<sup>24</sup> contributed to the present impoverishment of Karamoja by increasing competition over scarce, degraded resources, which in turn amplified the consequences of devastating droughts in the 1960s-80s.<sup>25</sup>

Competition over scarce resources contributes to high levels of insecurity in Karamoja. Conflicts between groups, including across international borders, and within the Karimojong group, conflict between its major territorial sections the Matheniko, the Pian, and the Bokora,<sup>26</sup> take the form of cattle raids. Traditionally, cattle raiding redistributed livestock “relieving grazing pressure on fragile grasslands,” effected political realignments and population distribution, and permitted the quick recovery of livestock losses.<sup>27</sup> The frequency of raiding increases with drought, disease, and other environmental stressors.<sup>28</sup>

Cycles of raiding and counterraidering between and within groups, however, now engender high levels of violence. As an example, there were 474 raids and 1,057 lives lost (including the lives of at least 45 women and children) during the period

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<sup>22</sup> The Karamojong of Uganda belong to the broader “Karamojong” or “Karimojong” cluster of ethnic groups, which includes at least the Iteso in the neighboring Teso region of Uganda, the Turkana in northeastern Kenya, and the Toposa and Jiye in southeast Sudan, and the Dongiro (Nyangatom) in southeast Sudan and southwest Ethiopia. Compare definition in Knighton, *Karamojong Religion*, p. 23 n.18, with Gray et al., “Cattle Raiding, Cultural Survival,” p. 54.

<sup>23</sup> Gray, Leslie, and Akol, “Uncertain disaster,” pp. 117-18 (colonial policies); Walker, “Disarmament and development dilemmas,” pp. 11-17.

<sup>24</sup> Gray, “Memory of Loss,” pp. 408-10; Walker, “Disarmament and development dilemmas,” p. 16.

<sup>25</sup> Gray, “Memory of Loss,” pp. 409-10; see also Walker, “Disarmament and development dilemmas,” pp. 15-17.

<sup>26</sup> Animosity between these territorial sections is of such intensity that, for Gray, “Karimojong” has ceased to be “a meaningful classification.” Gray, “Memory of Loss,” pp. 404-05. Knighton, while still ascribing a distinct identity to the Karimojong, admits that “when [the Karimojong territorial sections] raid each other’s cattle, they define other Karimojong as enemies, which is confessedly problematic for identity.” Knighton, *Karamojong Religion*, p. 24.

<sup>27</sup> Gray, “Memory of Loss,” pp. 404, 406-07.

<sup>28</sup> *Ibid.*, p. 404.

July 2003 to August 2006, according to data from only a handful of reporting sites in Karamoja collected by the Conflict Early Warning and Response Mechanism (CEWARN) of the Intergovernmental Authority on Development (IGAD). Although other violent incidents—including armed clashes, disarmament operations by the Ugandan military, banditry, and even demonstrations—were also reported during the period, CEWARN attributes most of the violent deaths reported in the region to raiding.<sup>29</sup>

Bokora women from Moroto district, who say they have been forced by the combined effects of drought, government programs of disarmament, and cattle raids to migrate seasonally to Kampala to generate income, described to Human Rights Watch living under the constant threat of raiding:

At 4 p.m. you start to get anxious, you start worrying. [The raiders] come as early as 4 or 5 p.m.

The enemies come at night. They climb fences and come inside the *ekidor* [main gate] of the homestead. Presently we have no animals. They take property .... If they are not in the mood of killing, they burn your house. They lock the house and burn you in the hut. The frequency [of raids] really varies. It can be once a week .... [If there is] no moon [by which to see at night], no raid. At any other time of month [they] raid.

[I left home because of] hunger, insecurity from cattle rustlers, and disarmament .... The two pressures [of raids and disarmament] at the same time—you can't really handle it.<sup>30</sup>

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<sup>29</sup> The Conflict Early Warning and Response Mechanism (CEWARN) in the Inter Governmental Authority on Development (IGAD) Region, "CEWARN Country Updates: May-August 2006, For the Ugandan Side of the Karamoja Cluster," January 11, 2007 (preliminary draft), <http://cewarn.org/reports/updates06/Update%20Uganda%20May-August%2006.pdf> (accessed May 22, 2007), pp. 6, 19. IGAD is a regional umbrella group comprising Djibouti, Ethiopia, Kenya, Sudan, Somalia, and Uganda (Eritrea withdrew from membership in 2007 in protest of IGAD's view on Ethiopia's role in Somalia).

<sup>30</sup> Human Rights Watch group interviews, Kisenyi, Kampala, January 30, 2007. The recent experiences of Bokora migrants, primarily women and children, in Kampala, including conditions of economic, sexual, and physical exploitation, and beatings at times at the hands of city officials and police officers, as well as the return and resettlement in February 2007 of some of these migrants in Moroto district under circumstances that may increase their vulnerability to violence are reported in Elizabeth Stites, Dyan Mazurana, and Darlington Akabwai, Feinstein International Center, "Out-migration, Return, and

Violence associated with cattle raiding is also periodically felt outside the borders of Karamoja. Cattle raids in the 1980s decimated herds in the neighboring Teso, Acholi, and Lango regions.<sup>31</sup> Raids continue to contribute today to the prolonged internal displacement of an estimated 130,000 persons in Amuria and Katakwi districts.<sup>32</sup> In areas of the Acholi region bordering Karamoja, persons displaced primarily due to the Lord's Resistance Army insurgency now cite Karamojong raids as a chief source of insecurity.<sup>33</sup>

The violence associated with cattle raiding is often linked to the wide availability of small arms in the region.<sup>34</sup> No reliable estimate exists of the number of firearms—primarily AK-47 assault rifles—in circulation in Karamoja; reported estimates range from 30,000 to 200,000,<sup>35</sup> while the Ugandan Ministry of Defence claims that there are 30,000 guns in illegal possession in Karamoja.<sup>36</sup> With a population of just under

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Resettlement in Karamoja, Uganda: The case of Kobulin, Bokora County," June 2007, <http://fic.tufts.edu/downloads/LivelihoodsandSecurityinKitgumFINAL.pdf> (accessed June 12, 2007), pp. 14-23. In February 2007 several hundred primarily Bokora migrants were removed from Kampala and housed temporarily at a juvenile detention facility before their removal to Moroto district. Ibid.; and "Uganda: Gov't relocates 'beggar' pastoralists," *IRIN*, April 19, 2007, <http://www.alertnet.org/thenews/newsdesk/IRIN/37acb6e3ea1befdb2d27404cdb8631fe.htm> (accessed April 19, 2007). The compatibility of these removals and returns—including conditions of detention—with Uganda's obligations under national and international human rights law bears further research and analysis.

<sup>31</sup> Kennedy Agade Mkutu, "Small Arms and Light Weapons among Pastoral Groups in the Kenya-Uganda Border Area," *African Affairs*, vol. 106 (2007), p. 52; Knighton, *Karamojong Religion*, p. 132; and Gray et al., "Cattle Raiding, Cultural Survival," p. S14.

<sup>32</sup> OCHA, "Uganda 2007 CAP," p. 11.

<sup>33</sup> David Labeja and Charles Akena, "Karimojong create insecurity in Pader," *Monitor* (Kampala), February 13, 2007; Elizabeth Stites, Dyan Mazurana, and Khristopher Carlson, Feinstein International Center, "Movement on the Margins: Livelihoods and Security in Kitgum District, Northern Uganda," November 2006, <http://fic.tufts.edu/downloads/LivelihoodsandSecurityinKitgumFINAL.pdf> (accessed May 24, 2007), p. 15.

<sup>34</sup> Gray and her colleagues, writing primarily about the experience of the Karimojong, believe that violence in Karamoja has increased in the last 30 years, correlated with the wide availability of guns, but caused by the increased competition for scarce resources to support pastoralist survival due to factors discussed above. At the same time, however, for Gray and her colleagues, reliance on armed raiding threatens pastoralist survival given the detrimental impact of armed raiding on the population. Gray et al., "Cattle Raiding, Cultural Survival," pp. S13-S22; Gray, "Memory of Loss," pp. 408-11. Knighton disagrees with this analysis. He notes that "there have never been more Karamojong people or cattle than at the start of this millennium," Knighton, *Karamojong Religion*, p. 127 n.32, and that Karamojong culture, with increased cattle ownership facilitated by guns and the weakness of neighboring regions in northern Uganda, is "thriving." Ibid., p. 132. Knighton does ascribe some change to the increased presence of guns in Karamoja, such as shifts in the balance of power between groups brought about by variation in access to guns, including through uneven patterns of disarmament. But, overall, "[c]urrent expressions of Karamojong violence are not an aberration, but just the modern outcome of old practices, ideas, and institutions of Karamojong warfare.... In other words, mortal violence against the other in Karamojong history has very little to do with the gun, Western technology and globalization." Ibid., pp. 112-32.

<sup>35</sup> Knighton, *Karamojong Religion*, p. 127 (cataloging estimates from various sources, but stating "no-one knows at all [how many guns are in Karamoja], for there will be no counting"); Mkutu, "Small Arms and Light Weapons among Pastoral Groups," pp. 47-48.

<sup>36</sup> "Response to UN High Commissioner for Human Rights Report," Republic of Uganda Ministry of Defence news article, May 10, 2007, <http://www.defenceuganda.mil.ug/details.php?item=34> (accessed May 14, 2007).

one million persons in the region, the Ministry of Defence's estimate would amount to approximately one gun for every 30 persons. Active gun corridors running across international borders to the north and east,<sup>37</sup> rebel groups,<sup>38</sup> sale by members of the UPDF and its auxiliary forces,<sup>39</sup> attacks on armed members of other Karamojong groups and government security personnel for the purpose of stealing weapons,<sup>40</sup> and direct arming of local militias by district and central governments<sup>41</sup> are all contemporary sources of arms.

Armed violence in the region has also taken on other forms only loosely connected to traditional cattle raiding. Armed theft of cattle for personal gain and commercial profit, spurred by the arrival of a cash economy and opportunistic businessmen in Karamoja, is common,<sup>42</sup> as is banditry, including road ambushes. A report by the Uganda office of the United Nations High Commissioner for Human Rights (OHCHR) chronicles at least eight ambushes during the period November 16, 2006, to March 31, 2007, involving 14 murders.<sup>43</sup> In one of these incidents, 15 women gathering firewood in Nakapiripirit district were ambushed in January 2007. Nine of the women, two of whom were pregnant, were killed, while the remaining six were injured.<sup>44</sup> Road conditions can be so insecure that international nongovernmental organizations working in the area have adopted various security protocols for inter-district travel, including following public buses, which are reported to be rarely the target of ambushes. Outside of towns, United Nations (UN) agencies are required to travel with armed escorts in all districts.<sup>45</sup> In May 2007 the WFP temporarily suspended

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<sup>37</sup> Mkutu, "Small Arms and Light Weapons among Pastoral Groups," pp. 52, 57-61.

<sup>38</sup> *Ibid.*, p. 52, 60.

<sup>39</sup> *Ibid.*, p. 52.

<sup>40</sup> *Ibid.*, pp. 56-57.

<sup>41</sup> *Ibid.*, pp. 53-55.

<sup>42</sup> *Ibid.*, pp. 62, 66; Kennedy Mkutu, *Pastoral conflict and small arms: The Kenya-Uganda border region* (London: Saferworld, 2003), pp. 15-16; Ocan, "Pastoral crisis," p. 2; and "Cattle rustling 'goes commercial,'" *IRIN*, March 21, 2007, <http://www.reliefweb.int/rw/rwb.nsf/db900sid/ACIO-6ZHF4C?OpenDocument> (accessed July 18, 2007).

<sup>43</sup> See UN High Commissioner for Human Rights, "Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Uganda: Update report on the situation of Human Rights in Karamoja, from 16 November 2006 to 31 March 2007," April 19, 2007, <http://www.ohchr.org/english/docs/OHCHR.Karamoja.March2007.rev4.1.doc> (accessed May 21, 2007), pp. 10-12.

<sup>44</sup> *Ibid.*, p. 11. As discussed further below, a violent confrontation ensued between UPDF soldiers tracking the murder suspects and a Karamojong community in Lotome subcounty, Moroto district.

<sup>45</sup> OCHA, "2007 Uganda CAP," pp. 54, 56, 57.

operations after one of its drivers was shot and killed in a road ambush in Kotido district.<sup>46</sup> Widespread local opinion attributes banditry to failed or deterred raiders.<sup>47</sup>

Armed criminality and cattle raiding by civilians in Karamoja poses significant challenges to the government's responsibility to provide for its citizens' security and human rights. At the same time, however, government programs to improve security, including programs of disarmament, discussed below, face a fundamental dilemma: guns are used to defend from raiders as well as to rob and steal.

The dynamics behind weapon possession in Karamoja include, for some, the need to secure and defend their cattle and the limited resources essential for their cattle, a matter of life and death. Removing weapons while not providing sufficient guarantees of safety and security renders, in their view, many communities vulnerable to attack. As a result, at the level of each small community guns are a rational feature of pastoralist life in Karamoja, given intensified competition over scarce resources between groups, all with access to arms, the absence of alternative supports for pastoralist livelihoods, and, as discussed immediately below, effective state security institutions.<sup>48</sup>

## **B. Government Approach to Law and Order in Karamoja**

The near absence in Karamoja of civilian law and order institutions exacerbates high levels of insecurity and criminality and rationalizes recourse to self-help by local communities. A draft planning document issued by the Ugandan Office of the Prime Minister in 2005 states: "Very few civil servants are willing to work in conditions of constant insecurity which is the norm in Karamoja. As a result Government infrastructure has been destroyed or broken down. Police posts, prisons quarters,

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<sup>46</sup> "WFP and Ugandan government agree to resume aid to Karamoja," WFP press release, May 31, 2007, <http://www.reliefweb.int/rw/RWB.NSF/db900SID/EVOD-73QHPM?OpenDocument&rc=1&cc=uga> (accessed June 13, 2007).

<sup>47</sup> Human Rights Watch telephone interview with Elizabeth Stites and Dyan Mazurana, Feinstein International Center, Tufts University, Boston, January 18, 2007.

<sup>48</sup> Mkutu, "Small Arms and Light Weapons among Pastoralist Groups," pp. 61-62, 68-69 ("[G]uns are now an instrument of economic subsistence as well as protection."); see also Gray et al., "Cattle Raiding, Cultural Survival," pp. S13-S15, S21-22 (characterizing armed raiding among the Karimojong as essential to maintaining access to cattle, and through cattle, pastoralist identities, while also demonstrating that the detrimental effects of armed raiding on the population threaten survival in the long term).

and District Farm Institutes have totally been demolished or simply abandoned to run to ruin.”<sup>49</sup>

Although the government announced plans in March 2007 to recruit an additional 30 police officers per subcounty in Karamoja,<sup>50</sup> as of August 2006 there were as few as 137 police officers of the central Uganda Police Force in the entire region.<sup>51</sup> With a population just under one million, the ratio of central police officers to population would have been 1:7,300, about one-sixteenth that of the UN standard of 1:450 and one-quarter that of the national ratio of 1:1,800<sup>52</sup>.

Government-sponsored security institutions that do exist are often auxiliary forces drawn from the local population and provided with limited law enforcement training; desertion from such forces has left weapons in circulation in the region in the past.<sup>53</sup> Auxiliary police units—Anti-Stock Theft Units (ASTUs)—have been deployed along the borders of Karamoja to prevent cattle raiding into neighboring regions, and an expansion of the program into Karamoja itself was announced in July 2007.<sup>54</sup> Human Rights Watch has expressed concern, however, that the limited training provided during the related recruitment of “special police constables” in the neighboring Acholi region of northern Uganda may have been insufficient to protect against

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<sup>49</sup> Office of the Prime Minister, Republic of Uganda “Recovery and Development Programme for Northern Uganda; Volume I: Emergency Rehabilitation,” February 2005 (discussion draft), p. 19.

<sup>50</sup> Milton Olupot, “Police to deploy in Karamoja – Kiyonga,” *New Vision* (Kampala), March 22, 2007, <http://www.newvision.co.ug/PA/8/13/555685> (accessed March 23, 2007).

<sup>51</sup> Karamoja investigation committee draft report (undated), unpublished document on file with Human Rights Watch, pp. 36-37. There may have been additional local administration police incorporated into the central Uganda Police Force in 2006.

<sup>52</sup> See UN High Commissioner for Human Rights, “Report on the work of the Office of the High Commissioner for Human Rights in Uganda,” addendum to “Implementation of General Assembly Resolution 60/251 of 15 March 2006 Entitled ‘Human Rights Council,’ Report of the High Commissioner for Human Rights and follow-up to the World Conference on Human Rights,” A/HRC/4/49/Add.2, February 12, 2007, p. 10.

<sup>53</sup> In the mid-1990s one such scheme known as “The Vigilantes” succeeded in reducing insecurity on the roads temporarily. See Mkutu, *Pastoral conflict and small arms*, p. 14. “The Vigilantes” were originally recruited by Moroto District Council, and were later expanded and put under UPDF command. But failure to pay “The Vigilantes”—caused in part by confusion over whether they were under the authority of the police or the army—led to desertion, and deserting personnel retained weapons that might otherwise have been subject to collection during disarmament programs. Mkutu, “Small Arms and Light Weapons among Pastoral Groups,” pp. 53-54. Successive government efforts to organize local defense units met with similar results.

<sup>54</sup> Nathan Etengu, “Government to Recruit 4000 ASTU Forces,” *New Vision* (Kampala), July 31, 2007 <http://allafrica.com/stories/printable/200708010023.html> (accessed August 1, 2007).

human rights violations by these forces and to ensure effective, professional policing.<sup>55</sup>

Other law and order resources are similarly scarce. There is no high court presence in the region.<sup>56</sup> The districts of Nakapiripirit, Abim, and Kaabong lack any judicial presence altogether.<sup>57</sup> This means that in Nakapiripirit district, for example, criminal suspects must be transported over 100 kilometers to the nearest magistrate judge in Moroto town.<sup>58</sup> There is a prison in every district apart from Kaabong.<sup>59</sup>

In this vacuum, the responsibilities tasked by the President Museveni government to the UPDF are extensive. They include armed operations by UPDF soldiers to recover raided cattle as well as to track and apprehend criminal suspects.

In instances of the former, UPDF soldiers have at times partnered with the raided community—including in at least one case providing members of the Bokora community with guns—to track cattle.<sup>60</sup> Cattle recovery operations by the UPDF have also led to violent confrontations between UPDF soldiers and armed members of Karamojong communities. In February 2007, as discussed further below, the UPDF claims that its soldiers encountered a stolen herd while on routine patrol in Kotido district. According to UPDF spokespersons and a subsequent statement by the Ministry of Defence, a fierce confrontation between UPDF soldiers and herdsman over several days left a reported four soldiers and at least 52 armed civilians dead.<sup>61</sup>

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<sup>55</sup> Letter from Human Rights Watch to Maj. Gen. Kale Kayihura, inspector general of police, Uganda Police Force, May 2, 2007, <http://hrw.org/english/docs/2007/05/21/uganda15971.htm>.

<sup>56</sup> Office of the Prime Minister, Republic of Uganda, “Karamoja Integrated Disarmament and Development Programme: Creating Conditions for Promoting Human Security and Recovery in Karamoja, 2007/2008-2009/2010” (KIDDP), January 2007 (draft), p. 74 (identifying “designat[ion] of a High Court judge to Moroto to constitute a special High Court session” as a recommended task to “improve the efficiency and effectiveness of the Judiciary”).

<sup>57</sup> Karamoja investigation committee draft report, p. 37.

<sup>58</sup> Human Rights Watch telephone interview with Michael Walatum, resident district commissioner, Nakapiripirit district, August 9, 2007.

<sup>59</sup> *Ibid.*

<sup>60</sup> Human Rights Watch interview with Elizabeth Stites, New York, April 6, 2007. See also Kakaire A. Kirunda, “Ex-Warriors to Benefit From UPDF Project,” *Monitor* (Kampala), April 30, 2007 (noting joint cattle recovery operations between the UPDF and a group of men who surrendered their weapons during the disarmament exercise in Nakapiripirit district).

<sup>61</sup> Human Rights Watch interview with Maj. Felix Kulayigye, Ministry of Defence/UPDF spokesperson, Kampala, February 15, 2007, and Human Rights Watch telephone interview with Lt. Henry Obbo, UPDF Third Division spokesperson, February 15, 2007.

(UPDF soldiers have also taken on responsibilities for livestock protection. The UPDF claims to have branded over 150,000 heads of cattle to discourage raiding,<sup>62</sup> and has established UPDF-guarded kraals at army barracks in some areas. In Kaabong, the UPDF-guarded kraals have provided some protection, although the kraals have still been vulnerable to raids.<sup>63</sup> Access of cattle owners to the kraals is restricted, impairing collection of livestock products for food and the use of oxen for agriculture.<sup>64</sup> Further, it is not clear how these kraals will be compatible with necessary migrations. Herds are normally broken up into smaller groups than the size of the herds currently kept in some of the UPDF-guarded kraals, and, as indicated above, migrations are usually accompanied by men, women, and children; these factors pose logistical and protection challenges.<sup>65</sup>)

Apprehending criminal suspects can also bring the UPDF into conflict with local communities. In January 2007 UPDF soldiers engaged in a firefight with residents of a village in Lotome subcounty, Moroto district as they entered the village while tracking suspects who had killed nine women collecting grass in Nabilatuk subcounty, Nakapiririt district a few days earlier. (The incident is discussed in detail in Chapter V.A.)

### *Civilians tried by courts martial*

Apprehension of criminal suspects is sometimes followed by prosecution before courts martial (two men accused of the murder of the nine women mentioned immediately above were court martialed and received nine and ten years' imprisonment, for example<sup>66</sup>). Uganda law provides for civilians to be tried under military jurisdiction, including for the unlawful possession of arms "ordinarily being the monopoly of the Defence Forces."<sup>67</sup> This jurisdiction has been challenged before

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<sup>62</sup> "UPDF cannot torture Karamojong pastoralists," Republic of Uganda Ministry of Defence news article, <http://www.defenceuganda.mil.ug/details.php?item=13> (accessed March 19, 2007).

<sup>63</sup> Confidential communication with Human Rights Watch, November 16, 2006.

<sup>64</sup> Confidential communication with Human Rights Watch, July 2, 2007.

<sup>65</sup> Stites, Mazurana, and Akabwai, "Out-migration, Return, and Resettlement," p. 25 (discussing kraals in Bokora area).

<sup>66</sup> Human Rights Watch telephone interviews with Lt. Henry Obbo, March 12-13, 2007.

<sup>67</sup> Section 119(h)(i) of the Uganda Peoples' Defence Forces Act, 2005, subjects persons found in unlawful possession of arms "ordinarily being the monopoly of the Defence Forces" to military law, and, in section 122, defines as an offense "failure to protect war materials" including "illegal possession of arms" by a person subject to military law.

the Ugandan constitutional court, but has been upheld by a vote of three-to-two, at least where civilians are charged under the UPDF Act jointly with military officials.<sup>68</sup> According to the spokesperson for the UPDF Third Division, although UPDF soldiers sometimes do hand over “warriors”—a term commonly used to refer to armed members of Karamojong communities—for prosecution before civilian courts, “the military courts are faster. People themselves ask us to use military courts. They have lost faith in the civilian courts. We don’t have time to wait for civilian courts. We are doing the work of the police.”<sup>69</sup>

### C. Government Disarmament Policies in Karamoja

Disarmament has been another key element in the President Museveni government’s law and order strategy for Karamoja, as it had been for previous governments.<sup>70</sup> The present government launched its first effort to disarm the Karamojong and to secure the region shortly after it came to power in 1986.<sup>71</sup> Reportedly accompanied by human rights violations, in the view of one commentator, the “campaign apparently succeeded only in intensifying the hostility of northern pastoralists toward the government in the south. Subsequently, armed looting of government and nongovernment facilities and convoys became the chief strategy for [Karamojong] recovery and resistance.”<sup>72</sup>

Concerted attempts by the government to disarm Karamojong communities were renewed in 2000. In March of that year, politicians from neighboring regions affected by Karamojong cattle raids succeeded in passing a resolution in parliament calling

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<sup>68</sup> See *Uganda Law Society v. Attorney General of the Republic of Uganda*, Constitutional Court Petition No. 18 of 2005, decision of January 31, 2006 (Judgment of Mukasa-Kikonyogo, Deputy C.J.), p. 44.

<sup>69</sup> Human Rights Watch telephone interviews with Lt. Henry Obbo, March 12-13, 2007. According to Obbo, between May 2006 and March 1, 2007, 68 civilian men from the Karamoja region were convicted of unlawful possession of firearms before courts martial; this figure does not include other civilians detained on remand in military facilities who had not yet been tried. In his 2007 State of the Nation address, President Museveni claimed that 101 “hard-core warriors” had been tried and imprisoned by the Third Division Court Martial. H.E. Yoweri Kaguta Museveni, President of the Republic of Uganda, State of the Nation Address 2007, June 13, 2007, <http://www.statehouse.go.ug/news.detail.php?newsId=1243&category=Major%20Speeches> (accessed June 20, 2007). Human Rights Watch has previously expressed its concern that the trial of civilians by military courts in Uganda may abridge international fair trial rights. See Human Rights Watch, *State of Pain: Torture in Uganda*, vol. 16, no. 4(A), March 2004, <http://hrw.org/reports/2004/ugandao4o4/>, pp. 68-69.

<sup>70</sup> UHRC, “Searching for Peace and Human Rights,” pp. 60-63.

<sup>71</sup> Gray et al., “Cattle Raiding, Cultural Survival,” p. S14-S15.

<sup>72</sup> *Ibid.*, p. S15.

for a program of disarmament in Karamoja.<sup>73</sup> A disarmament campaign was formally launched in December 2001.<sup>74</sup>

The disarmament campaign had a deadline of February 15, 2002, for the voluntary surrender of weapons. Preceded by an extensive mobilization campaign, which reached out to women, local politicians, and kraal leaders, and offering incentives including “an ox-plough, a bag of maize flour, and a certificate as a token of appreciation” to those individuals who handed in weapons, the two-month initiative succeeded in securing the surrender of approximately 10,000 weapons.<sup>75</sup>

After the expiry of the deadline for voluntary surrender of weapons, however, the strategy was shifted to one of military-driven forced disarmament, using “cordon and search” operations involving the creation by UPDF soldiers of a secure perimeter around manyattas and kraals, which are then searched for weapons.<sup>76</sup> There were soon reports of human rights violations: according to interviews conducted in Karamoja by one observer in March and April 2002, these included killings, beatings, rape, and looting.<sup>77</sup> An Irish priest, Fr. Declan O’Toole, who reported to the UPDF and his embassy beatings he witnessed during disarmament operations in Nakapelimoru, Kotido district on March 9,<sup>78</sup> was shot dead along with two companions by UPDF soldiers on March 21, 2002.<sup>79</sup> Within days, on March 25, two soldiers were executed publicly by UPDF firing squad in Kotido town for his murder.<sup>80</sup>

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<sup>73</sup> Office of the Prime Minister, “KIDDP,” p. 7.

<sup>74</sup> Ibid.

<sup>75</sup> Ibid., pp. 7-9; Mkutu, *Pastoral conflict and small arms*, pp. 30-31.

<sup>76</sup> Office of the Prime Minister, “KIDDP,” p. 9.

<sup>77</sup> See Ben Knighton, “The State as Raider among the Karamojong: ‘Where There Are No Guns, They Use the Threat of Guns,’” *Africa*, vol. 73 (2003), pp. 439-46.

<sup>78</sup> See Fr. Fons Eppink, MHM, “Fr Declan O’Toole MHM, a martyr for peace and reconciliation,” *Mission Today*, Autumn 2002, [http://www.missionsocieties.org.uk/Publications/MTOD/Auto2/MTOD\\_auto2\\_%20Eppink.htm](http://www.missionsocieties.org.uk/Publications/MTOD/Auto2/MTOD_auto2_%20Eppink.htm) (accessed August 12, 2007) (excerpting letter from Fr. O’Toole describing what he witnessed on March 9, 2002, and his subsequent actions). See also Knighton, “The State as Raider,” pp. 439-42.

<sup>79</sup> “Soldiers arrested for Irish priest murder,” *BBC News Online*, March 23, 2002, <http://news.bbc.co.uk/2/hi/africa/1890002.stm> (accessed May 24, 2007).

<sup>80</sup> “Priest condemns Uganda execution,” *BBC News Online*, March 26, 2002, <http://news.bbc.co.uk/1/hi/world/africa/1894436.stm> (accessed May 5, 2007).

The 2001-02 disarmament was ultimately unsuccessful. A draft government planning document attributes this in part to the redeployment of the UPDF from Karamoja to elsewhere in northern Uganda to fight a resurgent Lord's Resistance Army, claiming this left behind inadequate troop strength to provide protection to communities that had surrendered their weapons, as well as a failure to provide promised incentives in exchange for weapons.<sup>81</sup> In addition, the use of force led to a loss of trust and support among Karamojong communities and leaders for the disarmament.<sup>82</sup>

Insecurity escalated. According to one observer, groups retaining weapons, along with the UPDF itself, "sought to test [potentially new balances of military power] by raiding those thought to be less well-armed. Seldom has there been raiding in so many directions at once at the same time."<sup>83</sup> Uneven patterns of disarmament thus left some groups in Karamoja vulnerable to the raids of those groups still with arms. There is evidence that the present round of disarmament in 2006-07 is having the same consequence for some communities.<sup>84</sup>

The disarmament also paradoxically brought an influx of weapons into the region. Some groups who were disarmed and then raided by their neighbors rearmed for their own protection.<sup>85</sup> Pian home guards were directly rearmed by the government after uneven patterns of disarmament left the Pian vulnerable to raids.<sup>86</sup> In addition, the central government initially established local defense units (LDUs) in Karamoja, as well as in neighboring regions, as a component of the disarmament program to provide security against raiding. In Karamoja, the LDUs, which were never clearly under police or military supervision as a matter of law,<sup>87</sup> were permitted to retain their weapons, which were then registered as government property.<sup>88</sup> Instead of residing in their communities, however, the LDUs were placed in mixed units, under

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<sup>81</sup> Office of the Prime Minister, "KIDDP," pp. 9-10.

<sup>82</sup> Knighton, *Karamojong Religion*, p. 128 n.33.

<sup>83</sup> Knighton, *Karamojong Religion*, p. 122; see also Office of the Prime Minister, "KIDDP," pp. 9-10.

<sup>84</sup> Stites, Mazurana, and Akabwai, "Out-migration, Return, and Resettlement," pp. 7-8.

<sup>85</sup> Office of the Prime Minister, "KIDDP," p. 9.

<sup>86</sup> Mkutu, "Small Arms and Light Weapons among Pastoral Groups," p. 55.

<sup>87</sup> *Ibid.*, p. 54.

<sup>88</sup> Office of the Prime Minister, "KIDDP," p. 10.

central UPDF command,<sup>89</sup> and some were taken to fight the Lord's Resistance Army insurgency.<sup>90</sup> This led to high desertion rates as the initial understanding of LDU recruits within Karamoja that “they would reside in the community and be able to protect their own cattle and people and with money to feed their own families” was disappointed.<sup>91</sup> Deserting LDU soldiers took their weapons with them or, lacking clear supervision, simply used them for their own ends.<sup>92</sup> At the same time, fear of locally raised self-defense forces in neighboring Lango and Teso regions—the Arrow and *Amuka* boys—spurred acquisition of weapons within Karamoja.<sup>93</sup>

In September 2004 President Museveni revived disarmament as a priority.<sup>94</sup> In the interim, national commitments to conflict resolution, including through disarmament, arms control, peacebuilding, and development in Karamoja, were strengthened by their inclusion in the 2003-04 revision of the Ugandan government's key development framework, the Poverty Eradication Action Plan (PEAP).<sup>95</sup> The revised PEAP also called for implementation of the National Action Plan on Arms Management and Disarmament (NAP).<sup>96</sup> This is a comprehensive framework for implementation of the government's various commitments to arms control under international and regional agreements,<sup>97</sup> and is administered by a National Focal Point (NFP) housed in the Ministry of Internal Affairs.<sup>98</sup>

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<sup>89</sup> Ibid.

<sup>90</sup> Mkutu, “Small Arms and Light Weapons among Pastoral Groups,” pp. 54.

<sup>91</sup> Ibid.

<sup>92</sup> Ibid., pp. 54-55.

<sup>93</sup> Ibid. p. 55.

<sup>94</sup> Office of the Prime Minister, “KIDDP,” p. 12.

<sup>95</sup> Sarah Bayne, Saferworld, “Aid and conflict in Uganda,” March 2007, [http://www.saferworld.org.uk/images/pubdocs/Uganda\\_Bayne.pdf](http://www.saferworld.org.uk/images/pubdocs/Uganda_Bayne.pdf) (accessed May 24, 2007), pp. 13-17.

<sup>96</sup> Ibid., p. 15.

<sup>97</sup> Office of the Prime Minister, “KIDDP,” p. 17. Chief among these commitments is the Nairobi Protocol for the Prevention, Control, and Reduction of Small Arms and Light Weapons, which mandates the establishment of National Focal Points in its signatory countries. Nairobi Protocol for the Prevention, Control, and Reduction of Small Arms and Light Weapons, April 21, 2004, <http://www.Smallarmsnet.org/docs/saaf12.pdf> (accessed June 12, 2007), art. 16. Both Kenya and Sudan, also signatories to the Nairobi Protocol, have established National Focal Points. See Regional Centre on Small Arms and Light Weapons, member state information, <http://www.recsasec.org> (accessed June 12, 2007).

<sup>98</sup> Ibid.

As launched in 2004, the new disarmament initiative was primarily voluntary, with provision for forcible disarmament as a last resort. A new round of consultations with stakeholders in Karamoja was undertaken by President Museveni and other government officials.<sup>99</sup> At the same time, the Office of the Prime Minister and international development partners, led by the Danish International Development Agency (DANIDA), began to seek out a framework for disarmament that would capitalize on lessons learned from 2001-02 by coupling disarmament with development interventions. The result, after intensive consultations, was a draft Karamoja Integrated Disarmament and Development Programme (KIDDP).<sup>100</sup>

Not yet formally launched, the KIDDP continues to be discussed within the government, the donor community, and UN agencies. At this writing, the present draft, dated January 2007, sets out seven “programme components.” These include programs directed at improving security through disarmament, regional arms control, preventing raids, and the development of community security arrangements; strengthening law and order institutions; increasing the provision of social services; and developing alternative livelihoods. The draft, however, prescribes very little sequencing of disarmament and development interventions, and the first six months of programming heavily prioritize disarmament.<sup>101</sup> As a result, observers have expressed concern that the KIDDP as presently drafted does not provide adequate incentives for voluntary disarmament in the absence of first providing realistic alternatives to reliance on guns for the protection of livestock and livelihoods, as discussed above. The draft also continues to provide for forced disarmament through cordon and search operations, albeit as a last resort.<sup>102</sup>

#### **D. Return to Cordon and Search Disarmament, May 2006-Present**

In May 2006, while the KIDDP was under discussion in the Office of the Prime Minister and various working groups in Kampala, President Museveni directed the UPDF to begin cordon and search disarmament operations. This directive was

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<sup>99</sup> Office of the Prime Minister, “KIDDP,” p. 17; Human Rights Watch interview with Maj. Felix Kulayigye, February 15, 2007.

<sup>100</sup> Office of the Prime Minister, “KIDDP,” p. 12.

<sup>101</sup> *Ibid.*, p. 91.

<sup>102</sup> *Ibid.*, pp. 43-44.

spurred by the slow pace of voluntary disarmament—between November 1, 2004, and April 30, 2006, only 1,697 guns were surrendered<sup>103</sup>—and what the Ministry of Defence characterized as a sharp increase in armed crime in Karamoja.<sup>104</sup>

### *Cordon and search operations*

Human Rights Watch interviewed two UPDF spokespersons about cordon and search operations; these spokespersons provided slightly different accounts of a typical operation.

According to the Ministry of Defence/UPDF spokesperson, Maj. Felix Kulayigye, in a typical cordon and search operation UPDF soldiers surround an area identified through intelligence-gathering as having a certain number of firearms. Once this cordon is in place, the army commander then informs the local leaders, including the kraal leader and the local councilors<sup>105</sup> of the presence of the army and the nature of the disarmament. All individuals are then requested to exit the homesteads—manyattas—within the cordon.<sup>106</sup>

Soldiers conduct a search of the manyattas and collect any firearms. The owners of firearms collected by or surrendered to the UPDF are given certificates to document their disarmament.<sup>107</sup> Major Kulayigye claimed that once the search is completed, UPDF personnel leave the area, although any individual who resists disarmament by firing on soldiers may be arrested.<sup>108</sup>

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<sup>103</sup> Human Rights Watch interview with Maj. Felix Kulayigye, February 15, 2007.

<sup>104</sup> “Response to UN High Commissioner for Human Rights Report,” Republic of Uganda Ministry of Defence news article.

<sup>105</sup> As in the rest of Uganda, local government in rural areas consists of local councils at the village (LCI), parish (LCII), subcounty (LCIII), county (LCIV), and district (LCV) levels. Local Government Act, 1997, as amended by the Local Governments (Amendment) Act, 2006, sections 3, 9, 23, 45(2).

<sup>106</sup> Human Rights Watch interview with Maj. Felix Kulayigye, February 15, 2007. OHCHR reports that the UPDF has altered its strategy to target kraals, instead of manyattas. See UN High Commissioner for Human Rights, “Update report,” p. 8. As the UN High Commissioner points out, *ibid.*, and as also discussed above in Chapter III.A, women and children are frequently present in kraals. The same risks to men, women, and children identified here of operations carried out against manyattas are presented by operations against kraals.

<sup>107</sup> Human Rights Watch interview with Maj. Felix Kulayigye, February 15, 2007.

<sup>108</sup> *Ibid.*

However, according to Lt. Henry Obbo, the UPDF spokesperson for the Third Division (the division of the UPDF conducting the disarmament operation in Karamoja), after a search is completed, men from the cordoned area are escorted to so-called “screening centers” located within nearby army facilities. With the assistance of local leaders, the men are checked against a list the UPDF claims to have of all gun owners. If an individual is on the list, he is kept at the screening center.<sup>109</sup> If an individual is not on the list, he is released, unless he is otherwise wanted by the police or the military on suspicion of other crimes, including road ambushes and forcibly resisting disarmament by shooting at soldiers. In those cases, the individual is turned over to the police under the civilian criminal justice system or placed in military detention to face a court martial.<sup>110</sup>

According to Lieutenant Obbo, men detained at the screening center are held for one to two days. They are not arrested for unlawful possession of firearms. Instead, local leaders inform the families of the detained men that they should bring the men’s guns to the barracks to secure their release. Obbo stated that even if relatives have not turned in guns to the barracks, no one is detained beyond one to two days.<sup>111</sup>

Major Kulayigye, however, insisted that arrest and detention of men for the purpose of forcing the surrender of weapons had occurred early on during the disarmament, but was an act of “indiscipline and never authorized by policy.”<sup>112</sup> In a subsequent response to a letter from Human Rights Watch setting out the key findings of this report, Major Kulayigye acknowledged that “some persons are inconveniently rounded up and taken to screening centers” where “the wanted are sorted out from the innocent and later detained as investigations go on,” but that these screening centers are “not military detention centres or facilities.”<sup>113</sup>

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<sup>109</sup> Human Rights Watch telephone interviews with Lt. Henry Obbo, February 15, 2007 and March 12-13, 2007.

<sup>110</sup> Lt. Obbo seemingly contradicted himself on this point, claiming in one interview that some men are turned over to face a court martial, and in another interview, that no men are arrested for purposes of facing courts martial during cordon and search operations. Instead, those civilians in Karamoja who have faced courts martial are those who are caught engaging in road ambushes and other criminal activity. Human Rights Watch telephone interviews with Lt. Henry Obbo, February 15 and March 12-13, 2007.

<sup>111</sup> Human Rights Watch telephone interviews with Lt. Henry Obbo, February 15, 2007 and March 12-13, 2007.

<sup>112</sup> Human Rights Watch interview with Maj. Felix Kulayigye, February 15, 2007.

<sup>113</sup> Response from Ministry of Defence/UPDF spokesperson’s office to Human Rights Watch letter of July 23, 2007, received on September 4, 2007 (included below as Annex III).

Human Rights Watch does not know the exact number of cordon and search operations that have been carried out since the disarmament campaign was launched in May 2006. It is likely that they have varied in frequency from place to place. For example, eight cordon and search operations were recorded in Moroto district, 12 in Kotido district, and two in Nakapiripirit district between the start of the disarmament and June 15, 2006.<sup>114</sup> In Kaabong district, cordon and search operations were reportedly as frequent as twice a week in the initial months of disarmament, but as few as nine operations were carried out during the period September 2006 to January 2007.<sup>115</sup> The member of parliament for Pokot county in Nakapiripirit district estimated that each of the approximately 125 villages in his constituency has been subject to four cordon and search operations since May 2006.<sup>116</sup>

### *Scale of alleged human rights violations connected with UPDF operations*

According to a Ministry of Defence news release, 1,008 guns had been recovered through these cordon and search disarmament operations as of March 2007.<sup>117</sup> Allegations of human rights violations by UPDF soldiers, including killings, detentions, beatings, rape, and the destruction of property, however, also surfaced almost as soon as these operations began anew in May 2006. Already as of June 15, 2006, sources reported that the disarmament and related operations had claimed 23 civilian lives, including in exchanges of fire between soldiers and armed civilians, left 22 civilians injured, and resulted in 279 arrests in Kotido, Moroto, and Nakapiripirit districts, while the UPDF had collected 663 guns.<sup>118</sup>

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<sup>114</sup> Unpublished document on file with Human Rights Watch.

<sup>115</sup> Confidential communication with Human Rights Watch, November 16, 2006; unpublished documents on file with Human Rights Watch.

<sup>116</sup> Human Rights Watch telephone interview with Francis Kiyonga, Pokot county member of parliament, Kampala, August 9, 2007.

<sup>117</sup> "Response to UN High Commissioner for Human Rights," Republic of Uganda Ministry of Defence news article.

<sup>118</sup> Unpublished document on file with Human Rights Watch. A report appearing in *Inner City Press* detailed allegations of five killings, four rapes, detentions, and the destruction of property in connection with three specific disarmament operations in Jimos village, Kotido subcounty, Kotido district, on May 19, 2006, Loputiput and Longoleki villages, Nadunget subcounty, Moroto district, on May 19, 2006, and in Loperot parish, Moroto district, on May 26, 2006. Matthew Russell Lee, "Strong Arm on Small Arms: Rift Within UN about Uganda's Involuntary Disarmament of the Karamojong Villages," *Inner City Press*, June 21, 2006, <http://www.innercitypress.com/unhq062106.html> (accessed May 13, 2007).

During the period October 29, 2006, to March 31, 2007, OHCHR reported that at least 161 and possibly as many as 189 civilians were killed in cordon and search operations and other UPDF-conducted law enforcement operations. The reported deaths took place allegedly under various circumstances, including, critically, exchanges of fire between soldiers and armed civilians. They included deaths during four cordon and search operations,<sup>119</sup> two UPDF operations of an unspecified nature,<sup>120</sup> one UPDF cattle recovery operation,<sup>121</sup> the operation to apprehend murder suspects in Lotome subcounty, Moroto district that spawned a confrontation with the local community (mentioned above and discussed in detail below in Chapter V.A),<sup>122</sup> and—accounting for the vast majority of deaths—two armed confrontations between the UPDF and Karamojong communities in Lopuyo village, Kotido district in October 2006<sup>123</sup> and in Kotido subcounty, Kotido district in February 2007 (also discussed in more detail in Chapter V.A, below.)<sup>124</sup> OHCHR also reported that UPDF soldiers were killed during some of these and other incidents: an unknown number were killed during the confrontation in Lopuyo in October 2006;<sup>125</sup> four were killed in Lotome in January 2007;<sup>126</sup> seven were killed in Kotido subcounty in February 2007;<sup>127</sup> and three soldiers were killed in attacks on February 19, 2007, in Koblin village, Moroto district

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<sup>119</sup> These cordon and search operations took place in Kadokini village, Kotido district on November 10, 2006 (3 men shot dead by UPDF soldiers), UN High Commissioner for Human Rights, “Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Uganda: Situation in Kotido, Karamoja, from 29 October to 15 November 2006,” November 23, 2006, p. 6; Longoromit village, Lobongia parish, Kaabong subcounty, Kaabong district, December 10, 2006, UN High Commissioner for Human Rights, “Update report,” p. 8 (1 local defense unit deserter killed), Akorikeya village, Pokot county, Nakapiripirit district, January 31, 2007, *ibid.*, p. 9 (2 people killed); and Kapus dam, Kotido district, February 2007 (34 individuals killed in confusion caused by cordon and search operations), *ibid.*, pp. 19-22.

<sup>120</sup> These operations took place in Kanawat village, Kotido district, November 14, 2006 (4 people killed in exchange of fire), and Usake/Morongole Hills, Kalapate subcounty, Kaabong district, November 24, 2006 (5 persons killed). UN High Commissioner for Human Rights, “Kotido situation report”, pp. 6-7; and “Update report,” p. 8.

<sup>121</sup> Kalodeke village, Lokolia parish, Kaabong subcounty, December 7, 2006 (8 persons killed). UN High Commissioner for Human Rights, “Update report,” p. 8.

<sup>122</sup> *Ibid.*, p. 11 (4 murder suspects killed).

<sup>123</sup> UN High Commissioner for Human Rights, “Kotido situation report,” pp. 4-5 (48 villagers killed).

<sup>124</sup> UN High Commissioner for Human Rights, “Update report,” p. 9 (52-80 killed). As discussed further below, the relationship between these confrontations and the cordon and search operation on a kraal in the same area during the same time period is not clear.

<sup>125</sup> UN High Commissioner for Human Rights, “Kotido situation report,” p. 5.

<sup>126</sup> UN High Commissioner for Human Rights, “Update report,” p. 11.

<sup>127</sup> *Ibid.*, p. 9.

and on March 10, 2007, in Loro subcounty, Nakapiripirit district.<sup>128</sup> In addition, OHCHR reported cases of torture, arbitrary arrests, and destruction of property.

In response to these and other allegations,<sup>129</sup> the government of Uganda has taken several steps to curb human rights violations by its forces. These steps, discussed in greater detail below,<sup>130</sup> include launching four investigations; developing a set of internal UPDF guidelines governing the conduct of military personnel during cordon and search operations, the violation of which subjects a soldier to discipline under the UPDF Act; providing UPDF soldiers conducting cordon and search operations with human rights training; and engaging with community members and local leaders about the goals of disarmament. The most recent information received by Human Rights Watch indicates that cordon and search operations, while still ongoing, have been markedly less violent than in earlier months of the disarmament campaign and accompanied by far fewer allegations of human rights violations.

As this report demonstrates below, however, UPDF forces are alleged to have committed serious human rights violations in the course of cordon and search and other law enforcement operations in Karamoja since May 2006, and the government of Uganda has not yet taken steps to provide adequate accountability for the majority of these violations. In addition, the failure to make applicable the procedural safeguards that ordinarily attach to civilian law enforcement operations leaves those subject to UPDF operations in Karamoja vulnerable to arbitrary searches, arrests, and detentions, as well as heightens the risk of other serious human rights violations occurring during the conduct of UPDF operations.

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<sup>128</sup> *Ibid.*, pp. 11-12.

<sup>129</sup> According to a review conducted by Human Rights Watch, the English-language print media in Uganda reported that 11 civilians, including two women, were killed by UPDF soldiers during cordon and search operations, while 28 others were killed during UPDF-conducted law enforcement operations to foil ambushes and raids between May 2006 and at this writing. These figures exclude dozens of casualties during operations in Lopuyo in October 2006 and in Kotido subcounty in mid-February 2007 for which various estimates were reported.

<sup>130</sup> See Chapter VI below, "Government Response to Alleged Human Rights Violations."

## IV. Legal Standards Governing UPDF Law Enforcement Operations

### A. International Law

Under international law, military personnel carrying out policing duties—such as searches, arrest, and detention—are bound by the same human rights standards applicable to all law enforcement officials.<sup>131</sup> Many of these same standards—including protections against the arbitrary deprivation of life, torture and other cruel, inhuman, and degrading treatment, and arbitrary searches, arrests, and detentions, articulated more fully below—are binding on government agents as a matter of Ugandan law.<sup>132</sup>

With regard to confrontations between Uganda Peoples' Defence Forces (UPDF) soldiers and armed members of Karamojong communities, international law distinguishes between armed conflict and internal disturbances and tensions. International humanitarian law (the laws of war) is primarily applicable to the former, while the ordinary principles of international human rights law govern the latter.

Violent confrontations between the UPDF and armed members of Karamojong communities do not appear to have risen to the level of an armed conflict under international law. Article 3 common to the four Geneva Conventions of 1949 applies in cases of “an armed conflict not of an international character”;<sup>133</sup> the authoritative

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<sup>131</sup> See for example United Nations Code of Conduct for Law Enforcement Officials, adopted December 17, 1979, G.A. res. 34/169, annex, 34 U.N. GAOR Supp. (No. 46) at 186, U.N. Doc. A/34/46 (1979), art. 1 cmmt. See also Human Rights Committee, General Comment 31, Nature of the General Legal Obligation on States Parties to the Covenant, U.N. Doc. CCPR/C/21/Rev.1/Add.13 (2004), para. 4:

All branches of government (executive, legislative and judicial), and other public or governmental authorities, at whatever level—national, regional or local—are in a position to engage the responsibility of the State Party. The executive branch ... may not point to the fact that an action incompatible with the provisions of the Covenant was carried out by another branch of government as a means of seeking to relieve the State Party from responsibility for the action and consequent incompatibility.

<sup>132</sup> Constitution of the Republic of Uganda, 1995, as amended by The Constitution (Amendment) Act, 2005, arts. 22, 23, 24, 27.

<sup>133</sup> Article 3 common to the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, adopted August 12, 1949, 75 U.N.T.S. 31, entered into force October 21, 1950 (First Geneva Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, adopted August 12, 1949, 75 U.N.T.S. 85, entered into force October 21, 1950 (Second Geneva Convention); Geneva Convention relative to the Treatment of Prisoners of War, adopted August 12, 1949, 75 U.N.T.S. 135, entered into force October 21, 1950 (Third Geneva Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War, adopted August 12, 1949, 75 U.N.T.S. 287, entered into force October 21, 1950 (Fourth Geneva Convention). Uganda ratified the 1949 Geneva Conventions in 1964.

International Committee of the Red Cross “Commentary” to the Geneva Conventions distinguishes between non-international (internal) armed conflicts and acts of banditry and unorganized and short-lived insurrections for which the conventions do not apply<sup>134</sup>—the clashes in Karamoja appear to be cases of the latter. The Second Additional Protocol to the Geneva Conventions (Protocol II) applies only to non-international armed conflicts that are characterized by conflict between the national army and armed opposition groups “under responsible command” that “exercise such control of a part of [the state’s] territory as to enable them to carry out sustained and concerted military operations.”<sup>135</sup>

Elders and kraal leaders exercise authority over their individual groups, including raiding parties. However, the Karamojong groups—themselves often acting in opposition to one another—do not altogether function under a “responsible command.”<sup>136</sup> And their occasional confrontations with UPDF soldiers do not have the character of “sustained and concerted military operations.” Instead, these confrontations are more of a piece with “riots” and “isolated and sporadic acts of violence,” international disturbances and tensions to which international human rights law—and not international humanitarian law—applies.<sup>137</sup>

Unless confrontations with armed members of Karamojong communities rise to the level of an armed conflict, the applicable international law will be human rights law. The Ugandan government’s international human rights obligations include the fundamental injunction that force used by law enforcement officials, including members of armed forces, must be both necessary and proportional.<sup>138</sup> The rights to

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<sup>134</sup> Jean S. Pictet et al., *Commentary, I Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field* (Geneva: International Committee of the Red Cross, 1952), p. 50.

<sup>135</sup> See Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 1125 U.N.T.S. 609, entered into force December 7, 1978, art. 1(1).

<sup>136</sup> According to a knowledgeable source, “There is no organized resistance [to disarmament]. [The] [a]rmy just wants to justify [its] actions. [There is] [n]o command structure within the groups. Some Karamojong may come to the assistance of others when they hear that a village is under attack, but then they go back.” Confidential communication with Human Rights Watch, November 16, 2006.

<sup>137</sup> Protocol II, art. 1(2). See also International Committee of the Red Cross, *Commentary on the Additional Protocols of 8 June 1977 to the Geneva Conventions of 12 August 1949* (Geneva: Martin Nijhoff Publishers, 1987), pp. 1351-56.

<sup>138</sup> See, e.g. UN High Commissioner for Human Rights/Centre for Human Rights, *Human Rights and Law Enforcement: A Manual on Human Rights Training for the Police* (Geneva: United Nations, 1997), para. 525.

life, including against arbitrary deprivation, and to be free from torture permit no derogation.<sup>139</sup>

Civilians who commit criminal acts during violent confrontations with government authorities should be prosecuted under domestic law in accordance with international fair trial standards. But even while restoring internal order, the Ugandan government has a legal obligation to protect and respect the human rights of all individuals within its territory.<sup>140</sup>

## **B. National Law**

Human Rights Watch sought clarification from the government of Uganda by letter of July 23, 2007, as to whether procedures under Ugandan law regulating searches, arrest, and detentions in the context of civil law enforcement operations or pursuant to the military's prosecution of civilians for firearms offenses—to the extent the latter exist, as discussed below—are applicable as a matter of law to UPDF operations (the letter is included in this report as Annex II). The response received by Human Rights Watch from the Ministry of Defence/UPDF spokesperson's office (included as Annex III) did not provide details as to the procedures that must be followed under national law for UPDF-conducted law enforcement operations. Instead, the response referred generally to the UPDF's jurisdiction to try unlawful possession of firearms, discussed below, and to the Ugandan parliament's authorization of UPDF involvement in disarmament in its March 2000 resolution.<sup>141</sup> As far as Human Rights Watch is aware, Ugandan law does not set out the specific procedural safeguards that must be followed in the authorization of searches, arrests, and detentions by UPDF personnel.

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<sup>139</sup> ICCPR, art. 4(2).

<sup>140</sup> *Ibid.*, art. 2. See also Human Rights Committee, General Comment 31, Nature of the General Legal Obligation on States Parties to the Covenant, U.N. Doc. CCPR/C/21/Rev.1/Add.13 (2004) ("The obligations of the Covenant in general and article 2 in particular are binding on every State Party as a whole.")

<sup>141</sup> Response from Ministry of Defence/UPDF spokesperson's office to Human Rights Watch letter of July 23, 2007, received on September 4, 2007. The response also states that cordon and search operations "are conducted jointly with the Uganda Police as required by law, and in conjunction with civil authorities," but provides no further details. The Ministry of Defence/UPDF spokesperson previously told Human Rights Watch that cordon and search operations were military operations and thus were not required to be authorized by parliament. Human Rights Watch interview with Maj. Felix Kulayigye, February 15, 2007.

Although the UPDF and the Uganda Police Force are independent organs under the Ugandan constitution and governed by different acts of parliament,<sup>142</sup> UPDF “officers and militants” enjoy the “powers and duties” of police officers in assisting civil authorities where a “riot or other disturbance of the peace is likely to be beyond the powers of the civil authorities to suppress or prevent.”<sup>143</sup> Assuming the UPDF could be understood to be assisting the civil authorities through its law enforcement operations in Karamoja, its personnel would be bound by the same procedural safeguards—discussed in more detail in Chapter V.D, below—attached to searches, arrests, and detentions by police officers.

An alternative source of authority for UPDF-conducted searches, arrests, and detentions may lie in its authority under the UPDF Act to prosecute civilians for unlawful possession of firearms. As noted above (see Chapter III.B), the military shares jurisdiction over firearms offenses with civilian courts.<sup>144</sup> However, it is unclear under the UPDF Act to what extent the military may undertake searches, arrests, and detentions of civilians or civilian property.

The terms of the UPDF Act appear ordinarily to limit the subjects of UPDF powers of search to service members and property occupied by military personnel,<sup>145</sup> and the power of arrest to service members.<sup>146</sup> However, the UPDF Act does provide for the appointment of special personnel to “detain or arrest without warrant any person subject to military law [who] is suspected of ... having committed a service offence” and to “exercise such other powers as may be prescribed for the enforcement of military law.”<sup>147</sup>

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<sup>142</sup> See Constitution of the Republic of Uganda, arts. 208-210 (providing for UPDF) and 211-214 (providing for Uganda Police Force); The Uganda Peoples’ Defence Forces (UPDF) Act, 2005; and The Police Act, 1994, as amended by the Police (Amendment) Act, 2006.

<sup>143</sup> UPDF Act, sections 42, 43.

<sup>144</sup> The elements of the offenses proscribed under military and civil law differ, however. As discussed above, section 119(h)(i) of the UPDF Act subjects persons found in unlawful possession of arms “ordinarily being the monopoly of the Defence Forces” to military law, and, in section 122, defines as an offense “failure to protect war materials” including “illegal possession of arms” by a person subject to military law. Under the civil law, sections 3(1)-(2) of the Firearms Act, cap. 299, 1970, proscribe unlicensed possession of firearms.

<sup>145</sup> UPDF Act, section 186.

<sup>146</sup> *Ibid.*, section 185 (authorizing the arrest of “a person” suspected of committing an offense under the UPDF Act, but referring to the arrest of such a person by his commanding officer).

<sup>147</sup> *Ibid.*, section 187.

With regard to detentions, persons arrested under the UPDF Act are to be handed over immediately to either civilian or military custody, but the UPDF Act does not specify whether civilians may be committed to military custody.<sup>148</sup> Ordinarily, the Ugandan constitution prohibits detention in “ungazetted” facilities, that is, facilities not published in the official gazette by the minister of internal affairs; UPDF barracks are not gazetted.<sup>149</sup>

In the case of cordon and search operations, a further complication arises in assessing the applicable body of national law. As noted above (see Chapter III.D), according to a spokesperson for the Third Division these operations are conducted to seize illegal weapons, with no intent to charge persons with offenses under civilian or military law. He and the Ministry of Defence/UPDF spokesperson said that the only arrests carried out during disarmament operations for the purpose of charging with offences under military or civilian law are of people who resist disarmament, such as by firing on soldiers.

By restricting the aim of cordon and search operations in this way, the government may be attempting to avoid legal requirements authorizing searches, arrest, and detentions in the context of criminal prosecution. To the extent national law would allow for the use of the military to search private homes, and to arrest and detain individuals without charge in military facilities, however, such practices violate Uganda’s obligations under international law, as discussed in the next chapter.

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<sup>148</sup> *Ibid.*, section 188(1). A large number of civilians charged with firearms offenses before the General Court Martial appear to be detained awaiting trial in civil prisons. See Foundation for Human Rights Initiative, “Uganda: Human Rights Status Report, 2006,” pp. 40-43.

<sup>149</sup> Human Rights Watch, *State of Pain*, p. 59 and n.155.

## V. Human Rights Violations in UPDF Operations in Karamoja

During a field visit to Karamoja in late January/early February 2007, Human Rights Watch researchers interviewed victims of and eyewitnesses to nine cordon and search operations, as well as the January 2007 confrontation between Uganda Peoples' Defence Forces (UPDF) soldiers and Karamojong communities in Lotome subcounty, Moroto district.<sup>150</sup> Information about three other confrontations between UPDF soldiers and Karamojong communities, at least two of which were preceded by cordon and search operations, were collected from public reports of the Uganda office of the United Nations High Commissioner for Human Rights (OHCHR), the national print media, and interviews with UPDF spokespersons and other knowledgeable sources.<sup>151</sup> The findings of Human Rights Watch's research in Uganda tends to substantiate allegations of unlawful killings and other excessive force, torture and other cruel, inhuman, and degrading treatment, arbitrary detention, and destruction of property during UPDF-conducted law enforcement operations in Karamoja.

The Ministry of Defence/UPDF spokesperson's office, writing to Human Rights Watch in September, has denied that four of the operations described below took place at all.

### A. Unlawful Killings and Excessive Use of Force

International law protects the individual's right to life,<sup>152</sup> including from unlawful killings by state agents.<sup>153</sup> As a corollary, law enforcement officials may only use firearms in exceptional cases, with restraint, and even then as a last resort.<sup>154</sup>

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<sup>150</sup> The UN High Commissioner for Human Rights reported on two of these incidents—in Kalodeke ward, Lokolia parish, Kaabong subcounty, Kaabong district on December 7, 2006 and in Nakot ward, Lobongia parish, Kaabong subcounty, Kaabong district on December 10, 2006—in addition to the armed confrontation in Lotome county.

<sup>151</sup> Other confrontations have almost certainly occurred. A report of the UN High Commissioner for Human Rights cites three other unverified exchanges of fire between UPDF soldiers and Karamojong communities during the period November 16, 2006, to March 31, 2007. See UN High Commissioner for Human Rights, "Update report," p. 11. A draft report of a government committee investigating human rights abuses connected to disarmament also describes five hours of fighting on May 19, 2006, in Losilang parish, Kotido district, but does not reach any conclusions about the scale of loss of life or destruction of property. See below note 340.

<sup>152</sup> See for example ICCPR, art. 6(1) ("Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.").

## Lopuyo, Kotido district, and Morungole, Kaabong district, October 2006

On October 29, 2006, separate cordon and search disarmament operations in Lopuyo village, Rengen subcounty, Kotido district, and in the Morungole hills area of Kaabong district, led to violent clashes between the UPDF and the local population.

According to a local elected leader and other unidentified sources, as reported in a national newspaper, the clash in Lopuyo between the UPDF and armed men of a Jie community on October 29 was sparked when soldiers conducting a cordon and search operation shot dead six youths participating in a traditional dance and a UPDF major was then killed by members of the community.<sup>155</sup> A UPDF spokesperson told Human Rights Watch that reports the UPDF fired first were incorrect.<sup>156</sup>

According to an investigation by OHCHR (which does not purport to resolve whether one side or another initiated the clash), approximately 48 civilians, including women and children, and an unknown number of UPDF soldiers, including the major, were killed that day.<sup>157</sup> Allegedly, soldiers summarily executed six people and arbitrarily killed another four who were among 25 men they locked inside a building and fired upon through an open window; six others were injured. Soldiers allegedly raped an elderly woman.<sup>158</sup> Soldiers also allegedly set fire to 23 manyattas, rendering at least 1,133 people homeless, some of whom reportedly fled to the bush to escape further violence.<sup>159</sup>

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<sup>153</sup> Human Rights Committee, General Comment 6, Article 6 on the right to life (Sixteenth session, 1982), Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies, U.N. Doc. HRI/GEN/1/Rev.1 at 6 (1994), para. 1.

<sup>154</sup> Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August to 7 September 1990, U.N. Doc. A/CONF.144/28/Rev.1 at 112 (1990), paras. 5(a), 9. Exceptional circumstances justifying the use of firearms include “self-defence or defence of others against the imminent threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving grave threat to life, to arrest a person presenting such a danger and resisting their authority, or to prevent his or her escape, and only when less extreme means are insufficient to achieve these objectives.”

<sup>155</sup> See for example Nathan Etengu, “Kotido recalls horror,” *Sunday Vision*, November 12, 2006.

<sup>156</sup> Human Rights Watch telephone interview with Maj. Felix Kulayigye, December 18, 2006.

<sup>157</sup> UN High Commissioner for Human Rights, “Kotido situation report,” p. 4. The UN High Commissioner’s report does not indicate whether the six people allegedly summarily executed by the soldiers were those six youths reportedly killed while participating in a traditional dance.

<sup>158</sup> *Ibid.*, pp. 4-5.

<sup>159</sup> *Ibid.*, p. 4.

OHCHR also reported that a retaliatory attack and looting by armed civilians the following day, October 30, on civil servant quarters in nearby Kotido town caused the displacement of an estimated 702 individuals.<sup>160</sup> One child was wounded in the attack.<sup>161</sup> Separately, a policeman and a teacher were killed in a road ambush attributed to armed civilians near to Kotido town on October 30.<sup>162</sup> Humanitarian agencies, including the United Nations Children’s Fund (UNICEF), Caritas, Oxfam, and the Church of Uganda, provided emergency assistance to persons displaced by the violence.<sup>163</sup>

The clashes in the Morungole hills area, which also began on October 29, received comparatively less national attention. In a letter published in the government-owned *New Vision* newspaper, President Museveni stated that a UPDF helicopter gunship “inflicted serious damage to the cattle thieves” during these clashes.<sup>164</sup> According to the unverified reports of a knowledgeable source who spoke to Human Rights Watch on condition of anonymity, soldiers acting on information that the people who had taken their cattle to the area were heavily armed and also that some criminals were hiding in the hills approached the area from three directions in the early hours of October 29. Several firefights between the soldiers and members of the community ensued, with the UPDF ultimately resorting the following day to the use of helicopter gunships (as confirmed by President Museveni’s statement in his letter to the editor, quoted above) and tanks. Information collected by the source, but unverified by Human Rights Watch, indicates that at least 17-19 UPDF soldiers and an unknown number of civilians were killed; some of these civilians may have died from lack of medical care.<sup>165</sup>

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<sup>160</sup> Ibid., pp. 5-6.

<sup>161</sup> Ibid., p. 5.

<sup>162</sup> Ibid., p. 6.

<sup>163</sup> “UNICEF expresses concern about escalating violence in North Eastern Uganda,” UNICEF news note, November 29, 2006, [http://www.unicef.org/media/media\\_37110.html](http://www.unicef.org/media/media_37110.html) (accessed December 15, 2006).

<sup>164</sup> President Yoweri Kaguta Museveni, “No More Games with Kony and Karimojong,” letter to the editor, *New Vision*, November 15, 2006.

<sup>165</sup> Confidential communications with Human Rights Watch, November 16 and 21, 2006.

**Kalodeke ward, Lokolia parish, Kaabong district, December 7, 2006**

Eight individuals were killed as they attempted to flee during a cordon and search and stolen cattle recovery operation in Kalodeke ward, Lokolia parish, Kaabong subcounty on December 7, 2006.<sup>166</sup>

On the day of the operation, soldiers surrounded the manyattas at about 5 a.m. Witnesses estimated that there were around 300 soldiers on foot, who were described as all armed with automatic weapons and grenades, and accompanied by three military vehicles:<sup>167</sup>

At first we thought some enemies [cattle raiders] had come but then we realized it was the soldiers. When we saw the military vehicles we knew these were soldiers. We saw the soldiers and they started firing. They started spraying bullets. They killed six people from my village and two people from the other village.<sup>168</sup>

A husband, wife, and three of their children were among the eight killed as they attempted to flee.<sup>169</sup> The deceased couple's remaining child, a six-year-old boy, was shot in the hand as he followed after his family. He told Human Rights Watch,

We came out of the village with our parents. I was following my mother and father and I got shot. My mother was shot in front of me and fell down. Then I was shot .... One bullet went through [my] fingers.<sup>170</sup>

A girl, age about 10-12, was shot in the thumb of her right hand. She told us,

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<sup>166</sup> Human Rights Watch group interview, Kalodeke ward, Lokolia parish, Kaabong subcounty, Kaabong district, January 31, 2007.

<sup>167</sup> Ibid.

<sup>168</sup> Human Rights Watch interview with C.A., Kalodeke ward, Lokolia parish, Kaabong subcounty, Kaabong district, January 31, 2007.

<sup>169</sup> Human Rights Watch group interview, Kalodeke ward, Lokolia parish, Kaabong subcounty, Kaabong district, January 31, 2007.

<sup>170</sup> Human Rights Watch interview with A.L., Kalodeke ward, Lokolia parish, Kaabong subcounty, Kaabong district, January 31, 2007.

I heard the army vehicles and just ran out [of the manyatta]. I was trying to run but I saw that the soldiers were already there surrounding the manyatta. I didn't even know I was shot until I lay down and saw the blood.<sup>171</sup>

The men were rounded up outside of the manyattas and questioned; all but one were taken a short distance away to the center of the parish, and from there some of the men were taken to Kaabong barracks.<sup>172</sup> Cattle and goats were confiscated; while some were later returned, some were given to another community that claimed they had been stolen. “Only one of the men from here was involved in [cattle] raiding, but they blamed us all and took all the cows,” a Kalodeke resident told us.<sup>173</sup>

Soldiers also told the women and children to get outside, apart from a few who were tasked with opening up the granaries in the manyatta so the soldiers could search inside.

The young boy and girl who were shot and injured lay in the field for some four hours until the soldiers left the area and villagers helped them to a nearby health clinic.<sup>174</sup> Where firearms are used, international law calls upon law enforcement officials, to, among other things, “ensure that assistance and medical aid are rendered to any injured or affected persons at the earliest possible moment.”<sup>175</sup>

Major Kulayigye, the Ministry of Defence/UPDF spokesperson, told Human Rights Watch that four civilian men were killed in the operation in Lokolia parish on December 7, which he described as a joint UPDF and police operation, when they tried to come to the assistance of suspects apprehended on suspicion of criminal

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<sup>171</sup> Human Rights Watch interview with B.P., Kalodeke ward, Lokolia parish, Kaabong subcounty, Kaabong district, January 31, 2007.

<sup>172</sup> Human Rights Watch interview with C.A., Kalodeke ward, Lokolia parish, Kaabong subcounty, Kaabong district, January 31, 2007.

<sup>173</sup> Ibid.

<sup>174</sup> Human Rights Watch interviews with A.L. and B.P., Kalodeke ward, Lokolia parish, Kaabong subcounty, Kaabong district, January 31, 2007.

<sup>175</sup> Basic Principles on the Use of Force and Firearms, para. 5(c).

activity. Major Kulayigye denied that any of the victims were women or children.<sup>176</sup> Members of the community told Human Rights Watch that the soldiers justified the shootings as necessary because, the soldiers claimed, a young man had opened the manyatta gate, permitting people to run away.<sup>177</sup>

### **Nakot ward, Lobongia parish, Kaabong district, December 10, 2006**

In a cordon and search operation in Nakot ward, Lobongia parish, Kaabong subcounty on December 10, 2006, one man was shot and killed by UPDF soldiers who returned his fire and a second, P.E., was shot and injured as he attempted to flee.

P.E. was inside his manyatta when soldiers approached for a cordon and search operation. “I don’t know the time. I just realized that the military was outside. The military said open. We opened the gate and we came outside,” he said.<sup>178</sup>

P.E. told Human Rights Watch that a local defense unit (LDU) soldier opened fire on the soldiers;<sup>179</sup> separately, Human Rights Watch was informed that this LDU soldier had deserted.<sup>180</sup> P.E. saw the soldiers fire back at the LDU deserter, killing him, and P.E. started running: “I thought the soldiers would kill me. I didn’t have a gun. I just started running.” P.E. was shot three times by the soldiers, who were “showering the bullets,” and collapsed in the field outside the manyatta. P.E. regained consciousness only after the soldiers had already completed their cordon and search operation and left the area.<sup>181</sup> An elderly man, R.P., who stayed inside the manyatta

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<sup>176</sup> Human Rights Watch telephone interviews with Maj. Felix Kulayigye, December 19 and 21, 2007; see also Response from Ministry of Defence/UPDF spokesperson’s office to Human Rights Watch letter of July 23, 2007, received on September 4, 2007 (see Annex III).

<sup>177</sup> Human Rights Watch group interview, Kalodeke ward, Lokolia parish, Kaabong subcounty, Kaabong district, January 31, 2007.

<sup>178</sup> Human Rights Watch interview with P.E., Nakot ward, Lobongia parish, Kaabong subcounty, Kaabong district, February 2, 2007.

<sup>179</sup> Ibid.

<sup>180</sup> Confidential communication to Human Rights Watch, December 14, 2006.

<sup>181</sup> Ibid.

and (as discussed below) was severely beaten by soldiers as they searched the manyatta, recalled hearing many gunshots outside.<sup>182</sup>

While the soldiers do not appear to have acted improperly by returning fire at the LDU deserter who shot at them, the incident raises concerns that the soldiers used unnecessary force against the other villagers.<sup>183</sup>

### **Irosa village, Losogolo parish, Kaabong district, January 1, 2007**

During a cordon and search operation on Irosa village in Losogolo parish, Kaabong subcounty on January 1, 2007, a teenage boy, F.E., and his father were shot by soldiers as they fled. According to villagers interviewed by Human Rights Watch, the soldiers came in the night:

We heard military vehicles and then we were running and soldiers started firing. Nobody helped us.

All men were taken outside. They first collected us all outside and then took eight in the vehicle to the barracks .... They beat us while they were collecting us from here, but they didn't beat us after they took us to the barracks.<sup>184</sup>

One man, detained after the operation for five days in Kaabong barracks, attempted to hide outside in the bush:

I ran out and hid in the bushes. The soldier found me there and I was beaten on my back with the butt of the gun. The soldier said, "You

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<sup>182</sup> Human Rights Watch interview with R.P., Nakot ward, Lobongia parish, Kaabong subcounty, Kaabong district, February 2, 2007.

<sup>183</sup> The Ministry of Defence/UPDF spokesperson reported that two persons were killed during this operation, and one injured, when it was met with resistance. Response from Ministry of Defence/UPDF spokesperson's office to Human Rights Watch letter of July 23, 2007, received on September 4, 2007 (see Annex III).

<sup>184</sup> Human Rights Watch group interview, Irosa village, Losogolo parish, Kaabong subcounty, Kaabong district, January 31, 2007.

stop.” He beat me twice on my back and kicked me and I fell down.  
The soldier was saying, “Get the gun! Get the gun!”<sup>185</sup>

F.E. was shot, sustaining a fracture to his right femur and a ruptured bladder:

[A] woman told me soldiers were coming so I started running .... I never saw the soldiers. I just saw the fire [from the soldier’s gun] .... As I fell, I saw the soldier move away. I landed near him and he left me lying there.<sup>186</sup>

F.E.’s father was carrying his gun as he ran, and was killed. Residents of the village told Human Rights Watch,

Karamojong are cowards. When they see the government they start running. This elder [F.E.’s father] had a gun .... He was just holding his gun. He was running with his gun. We didn’t know he was killed until we saw the soldier had taken the gun.<sup>187</sup>

According to other members of the village, when they realized F.E. had been shot, his mother started crying and convinced a soldier to take the boy to the hospital in Kaabong town.<sup>188</sup> F.E. remained hospitalized at least five months after the incident.<sup>189</sup>

### **Loparpar village, Nakwamuru parish, Moroto district, January 6, 2007**

According to R.D., an eyewitness interviewed by Human Rights Watch, during a cordon and search operation on January 6, 2007, on Loparpar village, Nakwamuru

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<sup>185</sup> Human Rights Watch interview with E.N., Irosa village, Losogolo parish, Kaabong subcounty, Kaabong district, January 31, 2007.

<sup>186</sup> Human Rights Watch interview with F.E., Kaabong hospital, Kaabong town, Kaabong district, January 31, 2007.

<sup>187</sup> Human Rights Watch group interview, Irosa village, Losogolo parish, Kaabong subcounty, Kaabong district, January 31, 2007.

<sup>188</sup> Ibid.

<sup>189</sup> Confidential communication with Human Rights Watch, May 30, 2007. The Ministry of Defence/UPDF spokesperson denied that an operation took place in this location on this date, and reported that instead a cordon and search operation at Kalongole in Kaabong rural subcounty on this date was met with resistance during which one person was killed and one injured. Response from Ministry of Defence/UPDF spokesperson’s office to Human Rights Watch letter of July 23, 2007, received on September 4, 2007 (see Annex III).

parish, Lopei subcounty, Moroto district, UPDF soldiers fired rocket-propelled grenades at unarmed civilians. During the operation, R.D. saw in the distance a herd of cattle and women with firewood. The soldiers began shooting and launching grenades at these people, and asked R.D., “Who are those people? Are they coming to attack us?” R.D. told Human Rights Watch that he told the soldiers that they were just women collecting firewood.<sup>190</sup> No casualties during this incident were reported to Human Rights Watch.

### **Lotome subcounty, Moroto district, January 2007**

On January 19, 2007, members of the Bokora community in Lotome subcounty, Moroto district, clashed with UPDF soldiers as the latter entered Nachuka village while tracking raiders who had killed nine women collecting grass in Nabilatuk subcounty, Nakapiririt district, a few days earlier. According to T.O., a resident of this village, the men began to run away with their guns when women in the village raised the alarm about the soldiers’ presence, the soldiers fired on the men, and the men returned their fire. People from nearby villages joined in the fighting, which lasted about four hours.<sup>191</sup> T.O. claims that four soldiers and no civilians were killed in the clash; T.O. was not himself a participant or witness to the violence.<sup>192</sup>

The following day, UPDF soldiers in an armored personnel carrier (APC) and another military vehicle known as a “mamba” reportedly arrived at six nearby villages, including Nakaromwae and Lobei villages.

Human Rights Watch was told by P.L., a resident of Nakaromwae village, that people from Nakaromwae began to run away, but were followed by the military vehicles. Two men were crushed to death by the military vehicles; according to P.L., when the villagers returned after the army left, they found their skeletons already picked clean by vultures.<sup>193</sup> (Human Rights Watch researchers were shown photographs of the

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<sup>190</sup> Human Rights Watch interview with R.D., Moroto district (exact location withheld), February 3, 2007. According to this witness, three weeks later, on January 27, two boys were injured when grazing animals detonated unexploded ordnance, presumably left behind by the UPDF soldiers. One boy was injured on the hand, and the other on the thigh. Four goats and a dog were killed.

<sup>191</sup> Human Rights Watch interview with T.O., Lotome subcounty, Moroto district, February 4, 2007.

<sup>192</sup> Ibid.

<sup>193</sup> Human Rights Watch interview with P.L., Lotome subcounty, Moroto district, February 4, 2007.

skeletons.) A third man was stripped naked and severely beaten by the soldiers. P.L. told Human Rights Watch,

I did not witness the beating. But I came back that same day and we found him lying naked in the mud. I picked him [up] and helped him to the [hospital]. The whole body had swelling—they had really beat him.<sup>194</sup>

One or more vehicles were reportedly driven through a manyatta, crushing one home.<sup>195</sup> Human Rights Watch researchers visited and photographed the village in early February; damage to fences and other structures was still evident.

In Lobei village, Human Rights Watch was told by a resident, V.E., that people also began to run away as the military vehicles approached. Returning the following morning, villagers, including V.E., found an elderly man—a visitor from Moroto—crushed in the tire tracks of one of the vehicles.<sup>196</sup> According to V.E., soldiers had also looted the manyatta and taken away some of the elders to the UPDF's temporary campsite at a nearby school.<sup>197</sup>

A fourth man from another village, Angaro, was also reportedly crushed to death by the army vehicles.<sup>198</sup>

According to R.A., an elder from Nachuka village detained at the nearby school, the elders from Lobei village were among 19 persons detained by the soldiers, some for more than a week. R.A., interviewed by Human Rights Watch and detained for two days, was tied in a “three-piece,” that is, his arms were bent at the elbows, and then his elbows were tied together behind his back, stretching out his chest: “It was so painful we thought we were going to die.”<sup>199</sup> Soldiers told the detainees to get the

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<sup>194</sup> Ibid.

<sup>195</sup> Ibid.

<sup>196</sup> Human Rights Watch interview with V.E., Lotome subcounty, Moroto district, February 4, 2007.

<sup>197</sup> Ibid.

<sup>198</sup> Human Rights Watch interview with T.O., P.L., V.E., and R.A., Lotome subcounty, Moroto district, February 4, 2007.

<sup>199</sup> Human Rights Watch interview with R.A., Lotome subcounty, Moroto district, February 4, 2007.

guns that were used in the confrontation. R.A. was also kicked and beaten, and forced to stare into the sun. The treatment improved within a day of his detention after a high-ranking officer arrived and the local council chair of Moroto district (LCV chair) also intervened.<sup>200</sup>

According to the UPDF, four soldiers were killed and five injured, and their weapons stolen, in an operation on January 22, 2007, to arrest the men responsible for killing the nine women in Nakapiripirit district. Four civilians were killed and eight were captured in subsequent related operations by the UPDF.<sup>201</sup> As noted above (Chapter III.B), at least two were subsequently convicted by court martial for the deaths of the nine women and were sentenced to nine and ten years' imprisonment.<sup>202</sup>

### **Kotido subcounty, Kotido district, February 2007—Possible further episode of unlawful killings**

According to an investigation by OHCHR, UPDF cordon and search operations on a kraal at Kapus dam behind the Lokitelaebu trading center in Kotido subcounty, Kotido district, on February 12-13, 2007, “caus[ed] confusion and casualties amongst the population,” with 34 civilians (one girl, 15 boys, and 18 men) killed in all.<sup>203</sup> According to a list of 48 victims provided to OHCHR by a local community based organization—on which OHCHR relied in confirming the deaths of 34 of those listed—most victims died as a result of cattle stampede or were killed in crossfire between the army and the armed group.<sup>204</sup> OHCHR investigators photographed two items of unexploded ordnance within two kilometers of the kraal.<sup>205</sup>

OHCHR reported that these operations were “precipitated by an attack on patrolling soldiers near the watering point, following a series of ambushes by armed Karimojong elements on 12 February 2007” and that “[a]fter two day[s] of operations, the UPDF stated that some 80 individuals had been injured or had died as a result of

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<sup>200</sup> Ibid.

<sup>201</sup> UN High Commissioner for Human Rights, “Update report,” p. 11.

<sup>202</sup> Human Rights Watch telephone interview with Lt. Henry Obbo, March 12, 2007.

<sup>203</sup> UN High Commissioner for Human Rights, “Update report,” pp. 3, 18-22.

<sup>204</sup> Ibid., p. 22.

<sup>205</sup> Ibid., p. 20.

their offensive. The operations reportedly targeted *kraals* ... close to the location where the patrolling soldiers had been attacked.”<sup>206</sup> Three road ambushes along the Kotido-Abim road on February 13 were reported in the national media.<sup>207</sup>

Human Rights Watch interviewed UPDF spokespersons at the time of UPDF operations in the area. According to these spokespersons, their soldiers were on patrol on February 12 in Kotido district when they encountered herdsmen with a large number of cattle in an unpopulated area and were fired upon;<sup>208</sup> a subsequent statement by the Ministry of Defence identified the area as Kailong,<sup>209</sup> which is also in Kotido subcounty. The soldiers returned fire. Four soldiers and seven civilians were killed in the encounter before the herdsmen were dispersed, abandoning the cattle.<sup>210</sup> According to the Third Division spokesperson, on the following day, February 13, the group several times fired upon the soldiers who had set up a defense around the cattle, and 45 armed civilians were killed by the army. The group moved deeper into the bush, pursued by the army.<sup>211</sup> The UPDF Third Division spokesperson confirmed to Human Rights Watch that the UPDF used helicopter gunships, as well as rocket-propelled grenades and mortars in these clashes. According to the spokesperson, however, these were only used in an attempt to scare off the armed herdsmen and to prevent their escape to Kenya.<sup>212</sup>

The Ministry of Defence/UPDF spokesperson told Human Rights Watch that UPDF operations on February 12-15 were not preceded by a cordon and search operation.<sup>213</sup> However, in comments published the same day as he spoke to us, the Kotido police

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<sup>206</sup> *Ibid.*, p. 18.

<sup>207</sup> Five civilians were reportedly killed and five injured in the road ambushes on February 13, 2007. Joseph Orisa and Hellen Mukiiibi, “52 Warriors Killed in UPDF Clash,” *New Vision* (Kampala), February 15, 2007. Lt. Obbo alleges the ambushes were carried out by the same group that engaged the army. Human Rights Watch telephone interview with Lt. Henry Obbo, February 15, 2007.

<sup>208</sup> Human Rights Watch interview with Maj. Felix Kulayigye, February 15, 2007; and Human Rights Watch telephone interview with Lt. Henry Obbo, February 15, 2007.

<sup>209</sup> “Response to UN High Commissioner for Human Rights Report,” Republic of Uganda Ministry of Defence news article.

<sup>210</sup> Human Rights Watch interview with Maj. Felix Kulayigye, February 15, 2007, and Human Rights Watch telephone interview with Lt. Henry Obbo, February 15, 2007.

<sup>211</sup> Human Rights Watch telephone interview with Lt. Henry Obbo, February 15, 2007.

<sup>212</sup> *Ibid.*

<sup>213</sup> Human Rights Watch interview with Maj. Felix Kulayigye, February 15, 2007.

commander explained in the *New Vision* that the violence was triggered by UPDF disarmament operations at Kailong dam on February 12,<sup>214</sup> and, as stated above, a subsequent investigation by OHCHR found that UPDF cordon and search operations on a kraal in the Kapus dam area on February 12-13 were precipitated by a Karamojong attack on UPDF soldiers and ambushes. In light of these differing accounts, chronologies, and place names, the relationship between the operations acknowledged by the UPDF and the cordon and search operations reported by the Kotido police commander and documented by OHCHR is not clear.

## **B. Torture and Ill-treatment**

Torture and cruel, inhuman or degrading treatment are prohibited without qualification by international law and the Ugandan constitution.<sup>215</sup> The Convention against Torture, to which Uganda is a party, defines torture as intentional acts by public officials that cause severe physical or mental pain or suffering for the purpose of obtaining information or a confession, or for punishment, intimidation, or discrimination.<sup>216</sup> Cruel and inhuman treatment includes severe suffering that lacks one of the elements of torture or that does not reach the intensity of torture.<sup>217</sup> Degrading treatment includes treatment that involves the humiliation of the victim or that is disproportionate to the circumstances of the case.<sup>218</sup>

The beatings and other physical abuse described below, occurring during cordon and search operations and during post-cordon and search detention, amount to cruel and inhuman treatment, and even to torture, where severe and accompanied by soldiers' demands to "get the gun." Particularly harsh conditions of detention, including deprivation of food and water, have also been determined to constitute inhuman treatment under international law.<sup>219</sup> This abuse also violates the

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<sup>214</sup> Orisa and Mukiibi, "52 Warriors Killed in UPDF Clash," *New Vision*.

<sup>215</sup> ICCPR, art. 7; Constitution of the Republic of Uganda, art. 24.

<sup>216</sup> Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture), adopted December 10, 1984, G.A. res. 39/46, annex, 39 U.N. GAOR Supp. (No. 51) at 197, U.N. Doc. A/39/51 (1984), entered into force June 26, 1987, art. 1.

<sup>217</sup> Manfred Nowak, *U.N. Covenant on Civil and Political Rights, CCPR Commentary*, 2<sup>nd</sup> rev. ed. (Kehl: N.P. Engel, 2005), p. 163.

<sup>218</sup> *Ibid.*, p. 165-66.

<sup>219</sup> See Nowak, *CCPR Commentary*, 2<sup>nd</sup> rev. ed., p. 165.

guarantees of humane treatment and “respect for the inherent dignity of the human person” extended by international law to all detained persons.<sup>220</sup>

### *During cordon and search operations*

In all nine cordon and search operations investigated by Human Rights Watch, victims and witnesses reported that men were beaten by soldiers.

These beatings were isolated occurrences in the four cordon and search operations in Kaabong district about which Human Rights Watch obtained victim and eyewitness testimony. For example, in the cordon and search operation in December 2006 on Nakot ward in Lobongia parish, two soldiers beat an elderly man, R.P., as he sat in front of his house inside the manyatta. R.P. told Human Rights Watch that he had stayed behind when other villagers responded to the soldiers’ demands that they “come out” and “bring the gun”:

When I remained, the soldiers came inside the village. There was one soldier who pointed his gun at me and wanted to shoot me, but the commander stopped him. Another group [of soldiers] came and said, “Why are you here?” I said, “I am lame.” These two soldiers started beating me. The soldiers knocked me with the barrel of the gun on the head. Then they got out a bayonet and started stabbing me. They stabbed me three times with the bayonet on the head. I was also beaten with a stick on the leg. Just young men were beating me. The [commander] had already said that I didn’t have a gun. I was even kicked in the mouth. I started bleeding. I’m still having pus from my nose.<sup>221</sup>

R.P. spent seven days in the hospital.<sup>222</sup>

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<sup>220</sup> ICCPR, art. 10(1).

<sup>221</sup> Human Rights Watch interview with R.P., Nakot ward, Lobongia parish, Kaabong subcounty, Kaabong district, February 2, 2007.

<sup>222</sup> Ibid.

In Moroto district, victims from five communities described mass beatings of the male population. In cordon and search operations in three communities—Lorikitae parish, Lokopo subcounty (January 17, 2007), Loputuk parish, Nadunget subcounty (January 26, 2007), and Longalom village, Lokopo subcounty (September 2006), the pattern described was almost identical: soldiers first rounded up the men outside of their manyattas and then subjected them to collective beatings, often accompanied by soldiers’ oral commands to “get the gun.” According to the victims, soldiers used sticks, whips, guns, and tree branches to carry out the beatings.

### **Longalom village, Lokopo subcounty, Moroto district, September 2006**

At Longalom village, Lokopo subcounty in September 2006,<sup>223</sup> for example, victims told Human Rights Watch that soldiers conducting a cordon and search operation seated the men of the village on the ground outside of their manyatta. The soldiers asked the men to raise their hands if they had guns. Those who raised their hands were taken to a separate area. Those who remained behind—approximately 30 men—were made to lie down on the ground in a line. The soldiers began to step on and beat the men, moving down the line, saying “get the guns, get the guns.” The soldiers used sticks, including tree branches with thorns, and bayonets and other gun parts, to beat the men on their backs, at their joints, and on the soles of their feet.<sup>224</sup> Even a man who surrendered his gun to the soldiers told Human Rights Watch that he was beaten twice by a soldier on his arm and back, until other soldiers intervened, saying, “Why are you beating him? He gave his gun.”<sup>225</sup>

The victims of the cordon and search operation also told Human Rights Watch that the soldiers made some of the men dig in nearby kraals in search of buried weapons. The men tried to tell the soldiers that they were digging up graves, but the soldiers forced them to dig. B.L. told Human Rights Watch that the soldiers “pointed guns at

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<sup>223</sup>Human Rights Watch spoke on February 3, 2007, with a group of seven people who witnessed a cordon and search operation on Longalom, Moroto district. The operation was identified as having taken place in September 2006. Human Rights Watch separately spoke with an eighth man, K.L., who also said he was detained following a cordon and search operation on Longalom village in September 2006, and a ninth man, R.D., who said he was detained following a cordon and search operation on Longalom village in August 2006. It is not clear whether these men were all affected by the same cordon and search operation, or two or three separate incidents.

<sup>224</sup> Human Rights Watch interviews with B.L., C.N., D.A., E.D., and F.O., Moroto district (exact location withheld), February 3, 2007.

<sup>225</sup> Human Rights Watch interview with H.E., Moroto district (exact location withheld), February 3, 2007.

us and they were even prodding us with the guns, saying ‘quick, quick.’”<sup>226</sup> The men dug for two hours, digging up four graves including the coffin of a man who had just recently been buried. When the soldiers saw the deceased’s body in the coffin, the men were told to rebury it.<sup>227</sup>

### **Nadunget subcounty, Moroto district, January 26, 2007**

On January 26, 2007, soldiers surrounded a number of manyattas in Nadunget subcounty in Moroto district. In response to demands by the soldiers, a local community leader told Human Rights Watch that he made himself known to the soldiers and asked his people to come outside and surrender any guns. He then accompanied the soldiers as they searched each village. At one point, near to the center of the cordon, the man told Human Rights Watch that he was stopped and informed by the soldier, “We want to give you tea.” The soldiers began to bargain with one another over how many “cups of tea” to give him. After settling on 10 “cups of tea,” the soldiers made the man lie down and then beat him with 10 strokes.<sup>228</sup>

According to this man, then the soldiers began to beat the other men from the area with sticks and even their own shoes. Most men were made to lie down on the ground, and prevented from shielding their eyes from the sun, while the soldiers said, “Tell us where the guns are.” The soldiers then ordered the men to roll over and stepped on their backs.<sup>229</sup>

Another man, N.D., told Human Rights Watch that he was made to dig in nearby kraals for hidden guns, and was beaten with a stick by four soldiers and kicked in the side. Interviewed by Human Rights Watch over a week after the cordon and

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<sup>226</sup> Human Rights Watch interview with C.N., Moroto district (exact location withheld), February 3, 2007.

<sup>227</sup> Human Rights Watch interview with B.L., Moroto district (exact location withheld), February 3, 2007. The Ministry of Defence/UPDF spokesperson denied that any operations were carried out in Lokopo subcounty during September 2006. Response from Ministry of Defence/UPDF spokesperson’s office to Human Rights Watch letter of July 23, 2007, received on September 4, 2007 (see Annex III).

<sup>228</sup> Human Rights Watch interview with local community leader, Loputuk parish, Nadunget subcounty, Moroto district, February 4, 2007.

<sup>229</sup> Human Rights Watch interview with local community leader and group interview, Loputuk parish, Nadunget subcounty, Moroto district, February 4, 2007.

search operation, N.D. appeared barely able to move. He said, “My stomach is now so painful and hot. When I urinate the first thing that comes is blood.”<sup>230</sup>

Describing the treatment of his village, the local community leader quoted above told Human Rights Watch, “I don’t know why I was chosen as a leader when the army didn’t even ask me if I knew which people had guns.”<sup>231</sup>

No one from any of the communities subject to cordon and search operations investigated by Human Rights Watch reported resistance on the part of the community to the instructions given by UPDF soldiers during the operations, apart from the LDU deserter who was killed after he fired on the soldiers as they approached Nakot ward in Lobongia parish, Kaabong subcounty on December 10, 2006 (see previous section).<sup>232</sup>

### *During post-cordon and search detention*

According to Human Rights Watch’s research, men are routinely detained in harsh conditions for periods in excess of two days, sometimes even for weeks, following cordon and search operations. Former detainees reported severe beatings and violent interrogations, along with deprivation of food, water, and shelter.

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<sup>230</sup> Human Rights Watch interview with N.D., Loputuk parish, Nadunget subcounty, Moroto district, February 4, 2007.

<sup>231</sup> Human Rights Watch interview with local community leader, Loputuk parish, Nadunget subcounty, Moroto district, February 4, 2007. The Ministry of Defence/UPDF spokesperson denied that any operations were carried out on January 26, 2007, which was the National Resistance Army/Movement liberation day anniversary and thus “soldiers joined the rest of the country in marking the day.” Response from Ministry of Defence/UPDF spokesperson’s office to Human Rights Watch letter of July 23, 2007, received on September 4, 2007 (see Annex III).

<sup>232</sup> Men seeking to avoid arrest and detention by UPDF soldiers conducting a cordon and search operation in Lokopo subcounty, Moroto district on January 17, 2007, reported disguising themselves by putting on women’s dresses. According to one of the men, after a soldier realized that one individual wearing a dress was not a woman, the soldiers began to check those they suspected of being in disguise: “[The soldiers] were feeling our chests and when they couldn’t tell right away, they lifted up our skirts.” Human Rights Watch interview with W.L., Lorikitae village, Lokopo subcounty, Moroto district, February 3, 2007.

## Detention in Kaabong district

In Kaabong district, Human Rights Watch interviewed seven men detained in Kaabong barracks after an early morning cordon and search operation in the Komuria ward in September 2006.<sup>233</sup>

Komuria ward is located within Kaabong town council; instead of manyattas, households live in individual buildings and structures. As in a typical cordon and search operation, however, the soldiers surrounded the ward in the early hours. The soldiers gathered the men from inside or near to their homes—some by force—and brought them to a place near to the center of the ward.

As he was collected from his home, one man was beaten by soldiers with sticks as they said, “get the gun,” even though he protested that he did not have a gun.<sup>234</sup> A 54-year-old man was at home with his wife and children. According to the man, the soldiers argued among themselves, with some saying, “you leave this old man,” while others said, “no, we go.” The man was taken along with his son, who is in school grade primary six, that is, about 12 years old.<sup>235</sup> A third man told Human Rights Watch that after he was taken from his home he was knocked down by a soldier with the barrel of a gun, and then hit twice with the barrel and butt of the gun.<sup>236</sup>

Two men recalled that the soldiers began to screen out and release some individuals as the men were gathered in the center of the ward. “[The soldiers] started asking, ‘who are you?’ People who produced identity documents [that is, the professional

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<sup>233</sup> Of the seven men, two were able to give approximate dates for the operation, which they identified, respectively, as the 21<sup>st</sup> and 23<sup>rd</sup> of the “ninth month” (that is, September), 2006. Human Rights Watch interviews with K.A. and M.L., Kaabong district (exact location withheld), February 1, 2007. K.A. also recalled that the operation took place on a Saturday: September 23, 2006, fell on a Saturday. A third man estimated that the operation took place in the “ninth month.” Human Rights Watch interview with J.D., Kaabong district (exact location withheld), February 1, 2007. Another man claimed, however, that he was released from post cordon and search detention on November 28, 2006, having been in detention for only 10 days. Human Rights Watch interview with I.N., Kaabong district (exact location withheld), February 2007. Although this account is inconsistent with the dates given by several of the other men, overall, the accounts collected by Human Rights Watch tend to show that the operation in Komuria took place in September 2006.

<sup>234</sup> Human Rights Watch interview with M.L., Kaabong district (exact location withheld), February 1, 2007.

<sup>235</sup> Human Rights Watch interview with N.M., Kaabong district (exact location withheld), February 1, 2007.

<sup>236</sup> Human Rights Watch interview with K.A., Kaabong district (exact location withheld), February 1, 2007.

class, for example teachers and medics] were released.”<sup>237</sup> Those who remained—a group of approximately 75 men and some school-aged boys—were lined up and instructed to grab on to the back of the shirt of the person in front of them; in this way, they were marched a distance of several kilometers to the army barracks on the other edge of town. They left the main road before reaching the center of Kaabong town and were marched through the bush.<sup>238</sup>

After having been marched to the barracks, the group was pushed by the soldiers into a circular pit, which was about as deep as a man is tall, surrounded by a short wall, but open to the sky.<sup>239</sup>

We were taken to the barracks and put in the half-walled house. We were really piled in like logs. When people were suffocating, then they took us out. They told us to remove our shirts and we were put in the sun .... After some time they removed the elders, medical people, and school children. Those of us who remained were put back in the hole.<sup>240</sup>

[The soldiers] made us go into the house but the house was too full to enter. They made us enter. They were beating us like cows.<sup>241</sup>

[The pit] was too full already. We were piled like rocks.<sup>242</sup>

The men interviewed by Human Rights Watch remained in detention at the barracks for up to two weeks, during the course of which they all reported severe beatings by the soldiers while being interrogated about the ownership of guns. I.N., detained for

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<sup>237</sup> Human Rights Watch interviews with J.D. and K.A., Kaabong district (exact location withheld), February 1, 2007.

<sup>238</sup> Human Rights Watch interview with J.D., Kaabong district (exact location withheld), February 1, 2007.

<sup>239</sup> Human Rights Watch interviews with H.A., I.N., J.D., K.A., M.L., and N.M., Kaabong district (exact location withheld), February 1, 2007.

<sup>240</sup> Human Rights Watch interview with M.L., Kaabong district (exact location withheld), February 1, 2007. One of the other men told Human Rights Watch that they were removed at the direction of a commander, but were returned to the pit in the evening. Human Rights Watch interview with K.A., Kaabong district (exact location withheld), February 1, 2007.

<sup>241</sup> Human Rights Watch interview with J.D., Kaabong district (exact location withheld), February 1, 2007.

<sup>242</sup> Human Rights Watch interview with I.N., Kaabong district (exact location withheld), February 1, 2007.

10 days, gave the following account, which is representative of the group's experiences:

[On the day we were detained,] [t]he soldiers asked, "Why are you here?" We said, "We don't know why we are here." Then they said, "You are here because we want the gun." I said, "I don't know about the gun." They said, "You know about it." I was told to pick a stick. I took it to the big man [the commander] sitting under the tree. The big man says, "You tell us about the gun." If you say, "I don't know about the gun," the soldiers get the stick and begin beating you. They beat you here, here, here, here [*pointing to his elbows, wrists, knees, and ankles*]. They say, "Get the gun! Get the gun!" Then you become paralyzed and lay down and they beat you everywhere .... After three days they started beating again .... During the day, you bake in the sun. At night, we all stayed in [the pit].... At night I stayed in a crouched position.<sup>243</sup>

K.A. described two days of violent interrogations, beginning the day after the men were first detained:

One by one, [the soldiers] took us under the tree and beat us. I had to take 25 sticks to the tree where the big man [the commander] was. I was running with the sticks and they were beating me as I ran. They told me to lie down [*demonstrating lying face down on the ground with his legs bent up to expose the soles of his feet*]. They beat me on my soles under the tree where the big man was sitting. The big man was the one giving the orders. "Lie down." "Beat them." You [were] beaten for 15 minutes, then they take a two minute break, and then you are beaten again. Some were beating me on the back saying "get the gun." This went on for two days. We were beaten for about two hours each. You continue crying until you become tearless. Then they leave

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<sup>243</sup> Ibid.

you .... After two days [during which time the men were made to take painkillers] they left us [alone]—they saw we were really sick.<sup>244</sup>

J.D. and O.L. described being forced to lace their fingers together around small sticks, which were then tied to their fingers with rubber bands.<sup>245</sup> J.D. was made to beat his hands against the ground, and the soldiers also used other sticks to beat his fingers: “I felt the pain in my heart ... My fingers are still in pain now.”<sup>246</sup>

I.N. reported that although their relatives brought them food, they were not allowed to see them, and that the soldiers ate any meat that was brought, giving the men only leftovers.<sup>247</sup> H.A. said that he was told later by his relatives that the soldiers said, “We don’t want food, we want the gun.”<sup>248</sup> According to six men, the soldiers poured water mixed with urine over them at night when they complained of thirst.<sup>249</sup>

Human Rights Watch also interviewed four men who had been detained in Kaabong barracks on other occasions; three were detained separately after cordon and search operations in Kaabong district in December and January 2007, while one—an elderly man, L.E.,— was simply picked up off the side of the road by military personnel in June 2006. Three, including L.E., reported similar experiences to the men from Komuria ward detained in September 2006, that is, detention accompanied by beatings and demands to surrender guns.<sup>250</sup> The fourth, E.N., however, reported that although he was beaten during a cordon and search operation, he was not beaten at

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<sup>244</sup> Human Rights Watch interview with K.A., Kaabong district (exact location withheld), February 1, 2007. Although commanders were present during at least some of the beatings, according to two of the men they were subject to even worse treatment by the soldiers in the absence of the commander. Human Rights Watch interviews with H.A. and J.D., Kaabong district (exact location withheld), February 1, 2007.

<sup>245</sup> Human Rights Watch interviews with J.D. and O.L., Kaabong district (exact location withheld), February 1, 2007.

<sup>246</sup> Human Rights Watch interview with J.D., Kaabong district (exact location withheld), February 1, 2007.

<sup>247</sup> Human Rights Watch interview with I.N., Kaabong district (exact location withheld), February 1, 2007.

<sup>248</sup> Human Rights Watch interview with H.A., Kaabong district (exact location withheld), February 1, 2007.

<sup>249</sup> Human Rights Watch interviews with H.A., I.N., J.D., M.L., N.M., and O.L., Kaabong district (exact location withheld), February 1, 2007. The Ministry of Defence/UPDF spokesperson denied that any operations were carried out in Kaabong town council during September 2006. Response from Ministry of Defence/UPDF spokesperson’s office to Human Rights Watch letter of July 23, 2007, received on September 4, 2007 (see Annex III).

<sup>250</sup> Human Rights Watch interviews with D.L., Kalodeke ward, Lokolia parish, Kaabong subcounty, Kaabong district, January 31.; E.N., Irosa village, Losogolo parish, Kaabong subcounty, Kaabong district, January 31.; L.E., Kaabong district (exact location withheld), February 1.; and S.A., Nakot ward, Lobongia parish, Kaabong subcounty, Kaabong district, February 2, 2007.

the barracks and that he was given the food to eat that his relatives brought to the barracks.<sup>251</sup>

### **Detention in Moroto district**

In Moroto district, men detained following three cordon and search operations—Lorikitae parish, Lokopo subcounty (January 17, 2007), Loputuk parish, Nadunget subcounty (January 26, 2007), and Lomuria village, Lopei subcounty (September 2006)—reported to Human Rights Watch similar conditions and interrogations as those reported in the Kaabong barracks.

Human Rights Watch interviewed three men detained in Matany barracks after the January 17, 2007 cordon and search operation in Lokopo subcounty, Moroto district.<sup>252</sup> They said they were marched from their homes to the barracks: “[The soldiers] beat us in the barracks and told us to ‘get the gun.’” We were kept in a fenced-in enclosure. We sat in the sun all day and were kept there at night too. At night, the soldiers would pour dirty water on us. It was the water they used for washing dishes.”<sup>253</sup> One of the men was not released until February 2, spending more than two weeks in detention.<sup>254</sup> Other members of the community reported that about 15 men still remained detained at the time of Human Rights Watch’s visit on February 3; of these, three were LCI chairs.<sup>255</sup>

Following the cordon and search operation in Nadunget subcounty on January 26, 2007, the local community leader interviewed by Human Rights Watch estimated that between 50 and 100 men were initially detained in the Nadunget detach (a military outpost), although some were released that same day and three were taken

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<sup>251</sup> Human Rights Watch interview with E.N., Irosa village, Losogolo parish, Kaabong subcounty, Kaabong district, January 31, 2007.

<sup>252</sup> Human Rights Watch interviews with T.L., V.E., and W.L., Lorikitae village, Lokopo subcounty, Moroto district, February 3, 2007.

<sup>253</sup> Human Rights Watch interview T.L., Lorikitae village, Lokopo subcounty, Moroto district, February 3, 2007.

<sup>254</sup> Human Rights Watch interview W.L., Lorikitae village, Lokopo subcounty, Moroto district, February 3, 2007.

<sup>255</sup> Human Rights Watch group interview, Lorikitae village, Lokopo subcounty, Moroto district, February 3, 2007. The Ministry of Defence/UPDF spokesperson denied that any persons were detained following what he described as an operation to recover raided cattle, not a cordon and search operation, on January 17, 2007, at Loromokulek village, Lorikitae parish, Lokopo subcounty. Response from Ministry of Defence/UPDF spokesperson’s office to Human Rights Watch letter of July 23, 2007, received on September 4, 2007 (see Annex III).

to Moroto barracks.<sup>256</sup> One man, M.O., detained at the Nadunget detach for eight days, described being kept day and night at the bottom of a well: “I was thirsty. [The soldiers] would not give me anything to drink.... We were naked in there even in the damp of the night. We were kept in the well from morning to morning.” M.O. was beaten with sticks, and a soldier put a knife to his throat, telling him to “get the gun.” When M.O. told the soldiers that he did not have a gun, the soldiers gouged out skin from the bottom of M.O.’s foot with a knife. M.O. also described having his testicles squeezed between two sticks and pricked with thorns: “It was so painful I collapsed.”<sup>257</sup>

A young man Human Rights Watch interviewed, O.E., had been detained in Matany barracks separately from any cordon and search operation on suspicion of gun ownership, until his father surrendered his uncle’s gun to obtain his release. O.E., said he was severely beaten while in detention:

I was badly beaten by the soldiers until my father got a gun from my uncle and brought it to the barracks. I was released after two weeks. They beat me on the buttocks with a stick. Three days were really bad. It was immediately after I was detained that they started beating me. They were telling me to get five guns. They accused me of being a gun trafficker. I was kept in a uniport [a round, aluminum shelter often used as police barracks]. Six soldiers beat me.

The wounds on O.E.’s buttocks were clearly visible to Human Rights Watch researchers one week after his release.<sup>258</sup>

### **C. Looting and Destruction of Property**

Members of seven communities reported to Human Rights Watch theft, and, in some cases destruction of their property by soldiers during cordon and search operations.

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<sup>256</sup> Human Rights Watch interview with local community leader, Loputuk parish, Nadunget subcounty, Moroto district, February 4, 2007. The man surrendered a gun to the Moroto barracks in exchange for the release of all three men detained there.

<sup>257</sup> Human Rights Watch interview with M.O., Loputuk parish, Nadunget subcounty, Moroto district, February 4, 2007.

<sup>258</sup> Human Rights Watch interview with O.E., Lokopo trading center, Lokopo subcounty, Moroto district, February 3, 2007.

During searches of manyattas, soldiers reportedly carried off money, radios, knives, clothing, pickaxes, tobacco, ox ploughs, containers of *waragi* (a local brew), and other portable property.<sup>259</sup> Soldiers were reported to stuff their pockets with money, grain, and other items.<sup>260</sup> As one victim said, they “took what they could carry.”<sup>261</sup> In some cases, soldiers also destroyed property, by, for example, pricking holes in jerry cans<sup>262</sup> or tearing down fences<sup>263</sup> and grass from thatched roofs.<sup>264</sup> In the cordon and search operation in Nadunget subcounty on January 26, 2007, soldiers cut into still-sealed sacks of sorghum and maize—food aid provided to the community—spilling their contents onto the ground.<sup>265</sup>

R.P., the elderly man beaten while sitting inside the manyatta during the cordon and search operation on Nakot ward in Lobongia parish, Kaabong subcounty on December 10, 2006, told Human Rights Watch that he watched as an armored personnel carrier (APC) crashed through the back of the manyatta and drove straight through and out the front.<sup>266</sup> According to other witnesses, six homes inside the manyatta were crushed by the APC, and those seated in front of the manyatta had to quickly scatter out of the way to avoid being crushed.<sup>267</sup> In addition to R.P., there were also some women who remained inside the manyatta at the time the APC was driven through it.<sup>268</sup>

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<sup>259</sup> Human Rights Watch group interviews, Kalodeke ward, Lokolia parish, Kaabong subcounty, Kaabong district, January 31; Irosa village, Losogolo parish, Kaabong subcounty, Kaabong district, January 31; Nakot ward, Lobongia parish, Kaabong subcounty, Kaabong district, February 2; and Moroto district (exact location withheld), February 3, 2007. Human Rights Watch interview with local community leader, Loputuk parish, Nadunget subcounty, Moroto district, February 4, 2007.

<sup>260</sup> Human Rights Watch group interviews, Kalodeke ward, Lokolia parish, Kaabong subcounty, Kaabong district and Irosa village, Losogolo parish, Kaabong subcounty, Kaabong district, January 31, 2007. Human Rights Watch interview with local community leader, Loputuk parish, Nadunget subcounty, Moroto district, February 4, 2007.

<sup>261</sup> Human Rights Watch interview with B.L., Moroto district (exact location withheld), February 3, 2007.

<sup>262</sup> Ibid.

<sup>263</sup> Human Rights Watch group interview, Irosa village, Losogolo parish, Kaabong subcounty, Kaabong district, January 31, 2007.

<sup>264</sup> Human Rights interview with R.P., Nakot ward, Lobongia parish, Kaabong subcounty, Kaabong district, February 2, 2007.

<sup>265</sup> Human Rights Watch interview with local community leader, Loputuk parish, Nadunget subcounty, Moroto district, February 4, 2007.

<sup>266</sup> Human Rights Watch interview with R.P., Nakot ward, Lobongia parish, Kaabong subcounty, Kaabong district, February 2, 2007.

<sup>267</sup> Human Rights Watch group interview, Nakot ward, Lobongia parish, Kaabong subcounty, Kaabong district, February 2, 2007.

<sup>268</sup> Ibid.

As discussed above, Human Rights Watch also received reports—some from eyewitnesses—of the UPDF’s use of APCs to destroy a manyatta and to crush four people to death in responding to civil disorder in Lotome subcounty, Moroto district, in mid-January 2007.

#### **D. Arbitrary Searches, Arrests, and Detentions**

The procedural safeguards that ordinarily accompany law enforcement operations—including procedures authorizing searches, arrests, and detentions—appear to be absent from cordon and search operations. As the preceding sections have demonstrated, the absence of these safeguards leads to serious human rights violations including torture and other mistreatment. In addition, their absence violates internationally guaranteed rights to be free from arbitrary searches, arrests, and detentions.

##### *Arbitrary searches*

As a component of privacy rights, article 17 of the International Covenant on Civil and Political Rights (ICCPR) and article 27 of the Ugandan constitution proscribe arbitrary or unlawful interference with the home.<sup>269</sup> Although a “*house search* for the purposes of administration of criminal justice” may constitute “permissible interference” with the home, ICCPR article 17(2) “requires that house searches ensue only on the basis of a specific decision by a State authority expressly empowered by law to do so (usually, a court) for the purpose of securing evidence and that they respect the principle of proportionality.”<sup>270</sup>

The searches authorized under the cordon and search policy as described by UPDF spokespersons and eyewitnesses with whom Human Rights Watch spoke do not satisfy the requirements of national or international law. Military orders purport to authorize these operations, but under Ugandan law, magistrate’s courts are normally responsible for issuing search warrants.<sup>271</sup>

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<sup>269</sup> ICCPR, art. 17(1). See also Constitution of the Republic of Uganda, art. 27(1)(a) (“No person shall be subjected to—(a) unlawful search of the person, home or other property of that person.”).

<sup>270</sup> Nowak, *CCPR Commentary*, 2<sup>nd</sup> rev. ed., p. 400.

<sup>271</sup> The Magistrates Courts Act, cap. 16, 1971, sections 69-74. Warrantless searches may be authorized by police officers of the rank of sergeant or above where “undue delay” will impair collection of evidence, and after the officer records in writing

### *Arbitrary arrests and detentions*

International human rights law also protects against arbitrary arrest and detention.<sup>272</sup> Among other protections, arrests must be lawful, and persons in detention must have the opportunity to contest their detention before a court.<sup>273</sup>

Consistent with these international obligations, Ugandan law circumscribes the powers of arrest and detention. In the context of suspected criminality, warrantless arrests are permitted “upon reasonable suspicion that the person has committed or is about to commit a criminal offence under the laws of Uganda.”<sup>274</sup> Arrested or detained persons “shall be kept in a place authorized by law,” and “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>275</sup>

These safeguards are absent from the cordon and search operations described by the UPDF spokespersons and eyewitnesses interviewed by Human Rights Watch. Although the UPDF claims to have a list of gun owners, warrants are not obtained for their arrest, nor are these individuals singled out during operations. Those individuals who are detained are held in army facilities, which (as noted above, Chapter IV.B) are not “gazetted facilities” under Ugandan law, and thus are unlikely to constitute “place[s] authorized by law.”<sup>276</sup>

Finally, the release of all men within 48 hours as described by UPDF spokesperson for the Third Division Lieutenant Obbo does not satisfy the constitutional or international requirement of judicial control over detentions. The Ugandan constitution does not prescribe a 48-hour free pass to the authorities for the unsupervised detention of individuals; instead, it requires that arrested individuals

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the need for the search. The Police Act, section 27(1). This provision does not seem applicable to the circumstances of cordon and search operations.

<sup>272</sup> See for example ICCPR, art. 9(1) (“Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.”).

<sup>273</sup> *Ibid.*, art. 9(1), (4).

<sup>274</sup> Constitution of the Republic of Uganda, art. 23(1)(c).

<sup>275</sup> *Ibid.*, art. 23(2), (4).

<sup>276</sup> Human Rights Watch, *State of Pain*, p. 59 and n.155. As noted above, however, the UPDF Act does not appear to exclude holding civilians in service custody on suspicion of offenses under the UPDF Act.

“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>277</sup> No provision for judicial control over these detentions was described by Lt. Obbo, and, in fact, men were often detained for periods far in excess of 48 hours, as described above.

### *Lack of procedural safeguards leads to multiple detentions*

In spite of assurances to the contrary by the UPDF spokespersons, Human Rights Watch found little evidence that the army is consistently providing those individuals who surrender their weapons with documentation of disarmament.<sup>278</sup> Of the three individuals interviewed by Human Rights Watch who surrendered their weapons during a cordon and search operation—all in Moroto district—none said they received any certification from the authorities.<sup>279</sup> Neither did the young man O.E., mentioned above, whose father surrendered his uncle’s gun to obtain his release after he was detained in Matany barracks on suspicion of gun ownership.<sup>280</sup>

Active gun trade in the Karamoja region entitles UPDF soldiers to be suspicious that an individual previously disarmed may have acquired a new weapon. Arrests and detentions in the absence of any requirement on UPDF soldiers to show individualized, reasonable suspicion of firearms possession, however, mean that the same individual may be subject to arbitrary detention multiple times when soldiers disregard or fail to provide documentation of disarmament.

Five men interviewed by Human Rights Watch in Moroto district had been detained twice after cordon and search operations.<sup>281</sup> K.L., detained during a disarmament

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<sup>277</sup> Constitution of the Republic of Uganda, art. 23(4) (emphasis added).

<sup>278</sup> Human Rights Watch interviewed one man who had obtained a letter from the police—not the UPDF—documenting his voluntary disarmament. During the cordon and search operation on Longalom village in September 2006 he raised his hand when soldiers asked those men with guns to identify themselves. The soldiers took his letter and he was not detained, although soldiers did steal an ox plough and money from his home. Human Rights Watch interview with G.D., Moroto district (exact location withheld), February 3, 2007. Another witness to a disarmament operation in Lopei subcounty, Moroto district in January 2007 also claimed that soldiers provided men who surrendered their weapons with receipts. Human Rights Watch group interview, Kisenyi, Kampala, January 30, 2007.

<sup>279</sup> Human Rights Watch interviews with H.E., I.L., and C.T., Moroto district (exact location withheld), February 3, 2007.

<sup>280</sup> Human Rights Watch interview with O.E., Lokopo trading center, Lokopo subcounty, Moroto district, February 3, 2007.

<sup>281</sup> Human Rights Watch interviews with T.L. and V.E., Lorikitae village, Lokopo subcounty, Moroto district, and with I.L., K.L., and C.T., Moroto district (exact location withheld), February 3, 2007.

operation on Longalom village in August 2006, was detained once again following a cordon and search operation on Loparpar village, Nakwamoru parish, Lopei subcounty on January 6, 2007. This time K.L. was held in Matany barracks for two weeks: “I tried to explain to the soldiers that this is the second time to arrest me [and] I don’t have a gun, but they never listened.”<sup>282</sup>

C.T. surrendered his weapon shortly after being detained during a cordon and search operation in September 2006, but was nonetheless held for more than a month. C.T. received no documentation of his disarmament and was detained—again for a month—after a cordon and search operation on his wife’s village in October 2006. C.T. alleges that he was severely beaten during his second detention because he had no gun to surrender; he claims he was hit around the waist with a plastic rope and kicked in the groin with gum boots:

They change the army [personnel] so one group will take the gun and then another group will come again, get you and beat you up. You don’t get a paper or certificate to prove that you gave the gun. They used to give us cards to show we had given in the gun but when they find you another time [now], they tear your card or certificate and say “This has expired, you have another gun.” They don’t consider these certificates as valid anymore.<sup>283</sup>

Eleven men from the village of the local community leader interviewed by Human Rights Watch in Nadunget subcounty surrendered their guns during the cordon and search operation there on January 26, 2007.<sup>284</sup> Some of these men showed Human Rights Watch letters issued by a local councilor—for a fee—documenting the surrender of their guns.<sup>285</sup> The local councilor told Human Rights Watch that he had undertaken to provide these letters (after passing a bylaw, but without UPDF sanction) as a means to protect his people in view of the UPDF’s repeated

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<sup>282</sup> Human Rights Watch interview K.L., Moroto district (exact location withheld), February 3, 2007.

<sup>283</sup> Human Rights Watch interview C.T., Moroto district (exact location withheld), February 3, 2007.

<sup>284</sup> Human Rights Watch interview with local community leader, Loputuk parish, Nadunget subcounty, Moroto district, February 4, 2007.

<sup>285</sup> Human Rights Watch group interview, Loputuk parish, Nadunget subcounty, Moroto district, February 4, 2007.

disarmament operations against the same villages. The local councilor further told Human Rights Watch that the UPDF has told him he has no authority to issue certificates of disarmament and that its soldiers frequently disregard the letters he prepares.<sup>286</sup>

As recently as April 2007, members of parliament from Karamoja reportedly continued to press the Ministry of Defence to issue certificates of disarmament to prevent the detention of persons not unlawfully possessing guns, citing the alleged detention of 66 men from two villages in Nakapiripirit district, who—it was alleged by the members of parliament—had already surrendered their weapons in August 2006.<sup>287</sup>

### **E. Increasing Tension between the UPDF and Karamojong Communities**

To some, a heavy-handed approach to disarmament and other law enforcement activities in Karamoja appears to have increased hostility and violence between Karamojong communities and the UPDF. One member of parliament was quoted in November 2006 as saying, “The army’s conduct of operations is creating more enemies where there are none.”<sup>288</sup> This may also have contributed to the intensity of the confrontations that have occurred.

A local nongovernmental organization in Karamoja explained in its report that the violence at Lopuyo was “a result of dissatisfaction by the general public particularly the warriors who had faced brutal mistreatment during detentions in army barracks. The people all over Jie had expressed lots of anger over the manner in which the soldiers handled the disarmament.”<sup>289</sup> Similarly, the January 2007 KIDDP draft explains, “The intensification of forceful disarmament by government in this current phase of the disarmament campaign has only led to a spiraling of not only violent inter and intra ethnic

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<sup>286</sup> Human Rights Watch telephone interview with local councilor (name and location withheld), February 21, 2007.

<sup>287</sup> Yasiin Mugerwa, “K’jong MPs want govt to certify disarmed warriors,” *Monitor* (Kampala), April 16, 2007, <http://www.monitor.co.ug/news/newso4168.php> (accessed April 16, 2007).

<sup>288</sup> Emma Mutaizibwa and Emmanuel Mulondo, “K’jong avenging warriors’ deaths,” *Monitor* (Kampala), November 17, 2006 (quoting Imurni Lokodo, member of parliament, Dodoth county).

<sup>289</sup> Kotido NGO Forum, “A Report of an Armed Battle in Kotido District (Lopuyo Incident), Rengen Sub County,” November 6, 2006, p. 2.

conflicts, but also direct confrontations between the UPDF and armed Karimojong warriors. This culminated in the infamous Lopuyo incident.”<sup>290</sup>

Resentment and fear of the government was apparent in interviews conducted by Human Rights Watch:

If the soldiers wanted to come and search that would be OK if it was done in a gentle way and the commander came inside [the manyatta]. But now the commander stays outside and it is only the young boys who come in. Then they deny to the commanders that this has taken place.<sup>291</sup>

[The] Jie, Matheniko, Pian, Pokot, soldiers are all [the enemies of] the Bokora. You can't manage all five enemies.<sup>292</sup>

We heard that they are doing this [disarmament] for five years. I think they are just coming to kill.<sup>293</sup>

As Human Rights Watch researchers approached the village of Lolemuyek in Lokopo subcounty, Moroto district, in a vehicle, women and children ran away. When they returned after a few minutes, they told the researchers they had run away because they thought the army had arrived.<sup>294</sup>

The government's rhetoric has seldom sought a conciliatory approach to disarmament. For example, in his letter to the editor published in the *New Vision* newspaper on November 15, 2006, President Museveni acknowledged that a “large number of cattle rustlers have been killed in both Kaabong and Kotido since 29<sup>th</sup> October 2006. What is the message here? The days of playing with the UPDF and the

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<sup>290</sup> Office of the Prime Minister, “KIDDP,” pp. 13-14 (internal citations omitted).

<sup>291</sup> Human Rights Watch group interview, Irosa village, Kaabong subcounty, Kaabong district, January 31, 2007.

<sup>292</sup> Human Rights Watch group interview, Kisenyi, Kampala, January 30, 2007.

<sup>293</sup> Human Rights Watch interview with H.A., Kaabong district (exact location withheld), February 1, 2007.

<sup>294</sup> Human Rights Watch group interview, Lolemuyek village, Lorikitae parish, Lokopo subcounty, Moroto district, February 3, 2007.

security of the country are over. Bring back the guns and live a peaceful life; otherwise, you will go to jail or, even, die.”<sup>295</sup> The state minister of defence, Ruth Nankabirwa, invoking laws of war language, characterized Karamojong carrying arms as “armed and organised, with a command structure.”<sup>296</sup>

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<sup>295</sup> President Museveni, “No more games with Kony and Karimojong,” *New Vision*.

<sup>296</sup> Emmy Allio, “K’jong a threat, says Nankabirwa,” *New Vision* (Kampala), November 9, 2006, <http://allafrica.com/stories/200611090169.html> (accessed June 14, 2007). Human Rights Watch has found no evidence of a command structure among the Karamojong groups that would meet the requirement of a “responsible command” under Protocol II. See above note 135.

## VI. Government Response to Alleged Human Rights Violations

Allegations of human rights violations in Uganda similar to those documented here have been widely reported in the national and international media, and have been the subject of documentation by the Uganda office of the United Nations High Commissioner for Human Rights (OHCHR), among others. In response to these reports and expression of concern about the human rights conditions in Karamoja, the Ugandan government has taken a number of measures. As touched on briefly in the Background section above, and explored in greater detail below, these steps have included developing a set of internal Uganda Peoples' Defence Forces (UPDF) guidelines governing the conduct of military personnel during cordon and search operations and launching four investigations into allegations of human rights violations in connection with cordon and search and other UPDF operations in Karamoja. The government has also announced that a number of soldiers have faced court martial or other disciplinary measures for abuses against civilians.

The most recent information received by Human Rights Watch indicates that cordon and search operations, while still ongoing, have been markedly less violent than in earlier months of the disarmament campaign and accompanied by far fewer allegations of human rights violations.<sup>297</sup> Alleged human rights violations, most notably continued detention following cordon and search operations and isolated reports of beatings, however, have not ceased altogether.<sup>298</sup> In its response to Human Rights Watch, the Ugandan army stated that a number of soldiers have been brought to justice for human rights violations, but provided no details of the underlying offenses and punishments received.<sup>299</sup> In the three explicitly disarmament-related cases of which Human Rights Watch is aware, soldiers were

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<sup>297</sup> Confidential communications with Human Rights Watch, June 29, July 1-2, 2007.

<sup>298</sup> *Ibid.* On August 7, 2007, UPDF soldiers are alleged to have shot dead a civilian during a cordon and search operation in Karita subcounty in Nakapiripirit district. The area member of parliament has insisted that the man was unarmed and that the village did not attempt to resist the disarmament. He also reported that 15 men were detained by the military following the operation in the UPDF detach at the subcounty headquarters in Karita; their families were permitted to bring them milk the day after their detention. Human Rights Watch telephone interview with Francis Kiyonga, member of parliament, Pokot county, August 9, 2007. The Third Division spokesperson claimed in the national media that the man shot dead by UPDF soldiers had fired on them. Yasiin Mugerwa, "Disarmament: 3000 K'jong flee to Kenya," *Monitor* (Kampala), August 13, 2007.

<sup>299</sup> Response from Ministry of Defence/UPDF spokesperson's office to Human Rights Watch letter of July 23, 2007, received on September 4, 2007 (see Annex III).

disciplined for petty theft. Accordingly, although the government has taken steps in the right direction, more must be done to provide accountability for past violations and to prevent future abuses by UPDF personnel.

## A. Cordon and Search Guidelines

Following initial reports of human rights violations in connection with disarmament operations, the UPDF commendably developed a set of guidelines and standard operating procedures to govern cordon and search operations. According to the draft report of the Karamoja investigation committee (see below), there were no such formalized guidelines at the outset of the disarmament campaign.<sup>300</sup> The first guidelines were developed by the chief of defence forces in mid-August 2006.<sup>301</sup> Apparently these were then expanded on and formally issued by the then-commander of the UPDF Third Division, stationed in Karamoja.<sup>302</sup> Following clashes in Kotido and Kaabong districts at the end of October 2006 (discussed in Chapter V.A, above), the guidelines were revised by the commander of land forces, “[t]o insure that there are no loopholes in operations [and] [t]o insure that there are no more complaints.”<sup>303</sup>

The cordon and search “operational guidelines,” contained in a lengthier UPDF document outlining the background to cordon and search operations and standard operating procedures for commanders, include “treating [citizens] with courtesy,” involvement of local leaders, “use of proportionate fire power in case shot at,” and post-operation “cross-check[s] with local leaders to ascertain whether there was any misconduct or anything stolen by troops and declare such findings to the community.”<sup>304</sup> The standard operating procedures provide in part that after a cordon is established, commanders should “[i]nform the occupants of the cordoned off area of your presence at daybreak and call for their cooperation to avoid injuries;”

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<sup>300</sup> Karamoja investigation committee draft report, p. 34.

<sup>301</sup> *Ibid.*

<sup>302</sup> See Circular from Col. Gavas Mugenyi, Psc, commander, UPDF 3<sup>rd</sup> Infantry Division, dated August 23, 2006, referenced: UPDF/3DIV/A46-RESTRICTED, excerpted in Office of the Prime Minister, “KIDDP,” p. 44.

<sup>303</sup> Human Rights Watch telephone interview with Maj. Felix Kulayigye, December 18, 2006.

<sup>304</sup> UPDF, “Cordon & Search Operations Guidelines,” undated, on file with Human Rights Watch, pp. 4-5. These guidelines are reproduced in part in Annex I.

“Search Party enters and systematically search from house to house in presence of the owner to avoid accusations and claims of looting properties;” and “[s]eparate male occupants from females and children. These should be kept outside the cordoned area under strict guard.”<sup>305</sup>

According to the Ministry of Defence/UPDF spokesperson, each platoon commander has been provided with a pocket guide outlining these operational guidelines.<sup>306</sup> As of March 2007, according to OHCHR, Third Division forces are being trained on the guidelines as part of joint OHCHR/Uganda Human Rights Commission human rights training.<sup>307</sup> The Ministry of Defence has confirmed publicly that, as contained in the guidelines themselves, failure to observe the cordon and search guidelines subjects UPDF personnel to discipline under the UPDF Act.<sup>308</sup>

The introduction of these guidelines is a positive development, and Human Rights Watch acknowledges that allegations of human rights violations in connection with cordon and search operations have lessened with time. As the preceding sections demonstrate, however, Human Rights Watch has documented that in cordon and search operations in late 2006 and early 2007, which postdated the introduction and revision of the guidelines, UPDF personnel were allegedly responsible for unlawful killings, torture, and other cruel, inhuman, or degrading treatment of the civilian population during cordon and search operations, and theft and destruction of property.

Moreover, the guidelines do not appear to provide for the detention of men following cordon and search operations. According to Human Rights Watch’s research, these detentions are commonplace, and, in cases documented by Human Rights Watch, again, including operations postdating the introduction and revision of guidelines, these detentions were allegedly accompanied by torture and other cruel, inhuman, and degrading treatment.

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<sup>305</sup> Ibid., pp. 5-6.

<sup>306</sup> Human Rights Watch interview with Maj. Felix Kulayigye, February 15, 2007.

<sup>307</sup> UN High Commissioner for Human Rights, “Update report,” p. 16.

<sup>308</sup> “UPDF cannot torture Karamojong pastoralists,” Republic of Uganda Ministry of Defence news article.

Post-cordon and search detentions as carried out in the manner documented by Human Rights Watch’s research, including the description provided by the UPDF Third Division spokesperson (see Chapter III.D, above), are incompatible with international protections against arbitrary arrest and detention and lack a clear basis in Ugandan law. The absence of UPDF guidelines governing these detentions further deprives those subject to them of protection from arbitrary arrest and detention, and widens the risk of other serious human rights violations occurring in connection with detention. The Ugandan government should ensure that any arrests and detentions carried out in connection with cordon and search operations comply with international human rights standards prohibiting arbitrary arrest and detention, and revise national law accordingly.

Finally, UPDF spokespersons told Human Rights Watch that, consistent with the guidelines, the UPDF conducts “post-cordon and search verification operations”—that is, post-operation consultation with local leaders of the area affected by the operation—to determine whether any human rights violations have taken place.<sup>309</sup> The resident district commissioner for Nakapiripirit district also informed Human Rights Watch that his office meets with the army and local leaders from affected communities following cordon and search operations to determine whether there have been any problems.<sup>310</sup>

In February 2007, however, after the introduction and revision of cordon and search operational guidelines, Human Rights Watch interviewed two local councilors in Karamoja whose communities had been recently targeted by disarmament operations. One reported that he was not aware of any post-cordon and search consultations with local leaders.<sup>311</sup> The other reported that sometimes the army does alert him to the fact that a cordon and search operation has just taken place, and he will go to the nearby detach to see those who have been detained, but “when I’m around there’s no beating. The beating starts after I leave.”<sup>312</sup> And, as mentioned

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<sup>309</sup> Human Rights Watch interview with Maj. Felix Kulayigye, February 15, 2007, and telephone interviews with Lt. Henry Obbo, February 15 and March 12-13, 2007.

<sup>310</sup> Human Rights Watch telephone interview with Michael Walatum, resident district commissioner, Nakapiripirit district, August 9, 2007.

<sup>311</sup> Human Rights Watch telephone interview with local councilor (name and location withheld), February 15, 2007.

<sup>312</sup> Human Rights Watch telephone interview with local councilor (name and location withheld), February 21, 2007.

above (see Chapter V.D), this councilor's attempts to intervene by issuing documentation of disarmament to prevent multiple detentions have been rebuffed by the UPDF.<sup>313</sup>

The post-cordon and search consultations provided for in the cordon and search guidelines are a key opportunity for human rights violations and other problems to be identified and addressed immediately, and to foster cooperation and dialogue between UPDF personnel and local communities. The UPDF should ensure that such consultations are carried out after every cordon and search operation; that allegations of human rights violations raised during consultations are investigated and prosecuted or disciplined as appropriate; and that the outcomes of such consultations and investigations are made publicly available.

## **B. Accountability for Human Rights Violations by UPDF Personnel**

Human Rights Watch has received varying information from official sources about the extent of prosecutions for human rights violations by military personnel conducting disarmament or other law enforcement operations. However, it does not appear that the Ugandan government has acted to provide meaningful accountability for human rights violations by its forces.

In September 2007 the Ministry of Defence/UPDF spokesperson informed Human Rights Watch that "violation of [cordon and search standard operating procedures] automatically attracts stern punishments on the offenders. For example between 2006 to date, 42 soldiers were prosecuted and convicted and 41 are on remand for various offences including human rights violations."<sup>314</sup> Although this statement reflects a substantial number of investigations and prosecutions, it obscures how many of these cases relate specifically to human rights violations, as opposed to for example corruption, and did not provide information on in which jurisdictions cases were heard, the nature of punishments, when the soldiers were actually prosecuted, or the rank of soldiers involved.

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<sup>313</sup> Ibid.

<sup>314</sup> Response from Ministry of Defence/UPDF spokesperson's office to Human Rights Watch letter of July 23, 2007, received on September 4, 2007 (see Annex III).

Previously, the Third Division spokesperson had informed Human Rights Watch that as of March 2007 no UPDF soldiers had appeared before a court martial in connection with charges related to the disarmament campaign, but that there had been three disarmament-related cases involving petty thefts before the “unit disciplinary committee,” described as a magistrate-court equivalent to the court martial.<sup>315</sup>

According to separate information provided by the minister of defence to OHCHR in Uganda, during the period November 16, 2006, to March 31, 2007, there was one conviction of a UPDF soldier before the Third Division court martial for torture; the soldier was sentenced to two years in prison. An additional seven soldiers were under investigation for assault, and six soldiers faced trial for aggravated assault, murder, defilement, or rape. Two more cases of murder and assault had been referred to the police and two cases of assault and unlawful wounding had been resolved administratively.<sup>316</sup> It is not clear, however, whether any of these cases involved human rights abuses alleged in connection with disarmament operations.

Similarly, a Ministry of Defence document quoted in the national press in April 2007 in the context of alleged abuses committed during the disarmament campaign indicates that there are 18 soldiers under investigation or facing trial, but it is again not clear from the news article whether these cases are solely related to the disarmament campaign.<sup>317</sup>

OHCHR’s most recent report in September 2007 states that according to statistics provided by the Ministry of Defence, “10 soldiers are currently awaiting trial before the 3<sup>rd</sup> Division Court Martial for human rights violations in connection with disarmament operations in Karamoja between April and July 2007. In addition, seven soldiers are under investigation and two case files have been transferred to the

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<sup>315</sup> Human Rights Watch telephone interviews with Lt. Henry Obbo, March 12-13, 2007.

<sup>316</sup> UN High Commissioner for Human Rights, “Update report,” p. 13.

<sup>317</sup> “Security situation in Karamoja improves,” *New Vision* (Kampala), April 10, 2007, <http://allafrica.com/stories/200704091415.html> (accessed May 14, 2007).

police.”<sup>318</sup> OHCHR’s report also records one case in April 2007 which disciplinary actions was taken against a soldier for caning a man during a disarmament operation; two cases in April and May 2007 in which soldiers were arrested or disciplined for theft of property during disarmament or law enforcement operations; and one case in June 2007 in which an officer was charged by the unit disciplinary committee with “failing to execute his duties” after two unarmed youths were killed during a disarmament operation under his command.<sup>319</sup> In a further case of alleged torture committed by a UPDF soldier in March 2007, OHCHR notes that the soldier’s unit was ordered by the brigade commander to treat and feed the victim until his recovery, but no disciplinary action was taken against any perpetrator.<sup>320</sup>

The leadership of the Third Division, including the division commander, was rotated in January 2007, following widespread publicizing of human rights violations allegedly committed in connection with UPDF operations in Lopuyo village, Kotido district, at the end of October 2006. The significance of this rotation is hard to assess. While OHCHR called these personnel shifts “significant positive changes,” and noted “increased dialogue” as a result,<sup>321</sup> according to the Ministry of Defence/UPDF spokesperson, these changes were not made in response to complaints about the conduct of the disarmament campaign, but were instead “routine.”<sup>322</sup> The minister of defence characterized the rotation in the national media as removing “ineffective” field commanders.<sup>323</sup>

Even taking all these responses in sum, this remains an insufficient response to the number of human rights violations reported in Karamoja. The variation between different official sources gives rise to concern that ensuring accountability for rights violations remains unsystematic and piecemeal. While commending the Ugandan government and the UPDF for taking steps to curb and redress human rights

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<sup>318</sup> UN High Commissioner for Human Rights, “Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Uganda: Update report on the situation of human rights in Karamoja, from 1 April to 12 August 2007,” September 3, 2007, <http://www.ohchr.org/english/docs/Ugandareportfinal.pdf> (accessed September 3, 2007), p. 25.

<sup>319</sup> *Ibid.*, pp. 25-26.

<sup>320</sup> *Ibid.*

<sup>321</sup> UN High Commissioner for Human Rights, “Update report,” pp. 7, 16.

<sup>322</sup> Human Rights Watch interview with Maj. Felix Kulayigye, February 15, 2007.

<sup>323</sup> “Security situation in Karamoja improves,” *New Vision*.

violations by its forces, OHCHR's September 2007 report expresses concern that a "systematic institutional response" to human rights violations by government forces remains lacking.<sup>324</sup> Thus, notwithstanding the reported improvements in the conduct of cordon and search operations in recent months, the Ugandan government must acknowledge that human rights violations have taken place and act to bring its personnel to account and to deter future abuses.

### C. Government Investigations

The results of four government investigations into allegations of human rights violations committed by its forces during disarmament and other operations in Karamoja have not been made public.

On June 27, 2006, in response to allegations of human rights violations in connection with specific cordon and search operations, including killings, detentions, beatings, rape, and the destruction of property, the United Nations Development Programme (UNDP) suspended its support for programming in Karamoja.<sup>325</sup> Shortly thereafter, and in spite of initial denials by UPDF spokespersons of any abuses,<sup>326</sup> the chief of defence forces, Gen. Aronda Nyakayirima, announced that a six-member commission would investigate the allegations of violations raised by members of parliament from the Karamoja region. The commission was to begin work immediately, and the results were to be made public. In the meantime, the general said, disarmament would continue.<sup>327</sup>

But some three weeks later, on July 31, a new probe was announced.<sup>328</sup> This time, the prime minister, Prof. Apolo Nsibambi, appointed a committee ("Karamoja investigation committee") to investigate specific reports of human rights abuses

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<sup>324</sup> UN High Commissioner for Human Rights, "Update report from 1 April to 12 August 2007," p. 5.

<sup>325</sup> Email communication from William Orme, chief, external communications, United Nations Development Programme, to Matthew Lee, Inner City Press, June 27, 2006, quoted in Matthew Russell Lee, "Disarmament Abuse in Uganda Leads UN Agency to Suspend Its Work and Spending," *Inner City Press*, June 27, 2006, <http://www.innercitypress.com/unhq062706.html> (accessed May 13, 2007).

<sup>326</sup> Anne Mugisa, "UNDP suspends Karamoja projects," *New Vision* (Kampala), June 28, 2006, <http://www.newvision.co.ug/PA/8/13/506557> (accessed May 11, 2007).

<sup>327</sup> Richard Egadu, "Aronda orders probe in UPDF rights abuse," *Monitor* (Kampala), July 6, 2006.

<sup>328</sup> Kabona Esiara and Phoebe Mutetsi, "Govt to investigate human rights abuse in Karamoja region," *Monitor* (Kampala), July 31, 2006.

allegedly committed in connection with several different disarmament operations.<sup>329</sup> The army probe announced in early July was apparently incorporated into this investigation.<sup>330</sup> The new committee was comprised of 10 members drawn from the offices of the president and prime minister, military intelligence, the Uganda Police Force, the Uganda Human Rights Commission, one member of parliament from Karamoja (Pokot county), and one representative of civil society.<sup>331</sup> The Karamoja investigation committee apparently concluded its work within a month,<sup>332</sup> but its report was never publicly released.

However, a draft report was leaked to the national press in October 2006.<sup>333</sup> An undated copy of a draft report obtained by Human Rights Watch confirms certain human rights abuses, including the theft of property by UPDF soldiers during cordon and search operations in Kotido and Moroto districts,<sup>334</sup> arbitrary arrest and detention, including in one case of women and children, to secure surrender of guns by relatives without regard to whether the individual detained was personally suspected of gun ownership,<sup>335</sup> and (without much supporting discussion) torture.<sup>336</sup> The draft report quotes an admission by General Aronda that initial cordon and search operations were “free for all affairs”; the general attributed some mistakes to the actions of LDU soldiers, rather than UPDF personnel.<sup>337</sup>

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<sup>329</sup> Ibid.; Karamoja investigation committee draft report, p. 10 (terms of reference).

<sup>330</sup> Karamoja investigation committee draft report, p. 16 (stating that the UPDF “team was recalled to join the bigger team that has written this report”).

<sup>331</sup> Ibid., p. 9.

<sup>332</sup> Rodney Muhumuza, “Govt Report Pins UPDF On Raping Karimojong,” *Monitor* (Kampala), October 22, 2006, <http://allafrica.com/stories/printable/200610290107.html> (accessed November 21, 2006) (stating draft report dated August 31, 2006). According to the report, the committee reviewed existing media, UHRC, UPDF, and civil society reports on the disarmament, as well as the submission of one member of parliament, and conducted interviews with “victims, witnesses, security officials (UPDF, UPF, ISO, and Prisons Service), some elders and sampled local leaders,” as well as “civil society organizations, district officials, political leaders, parliamentarians from the region and several development partners.” Karamoja investigation committee draft report, pp. 10, 15-16.

<sup>333</sup> Rodney Muhumuza, “Govt Report Pins UPDF On Raping Karimojong,” *Monitor*.

<sup>334</sup> Karamoja investigation committee draft report, pp. 25-27.

<sup>335</sup> Ibid., pp. 28-30. Importantly, the UPDF apparently confirmed to the committee that it did arrest and detain individuals suspected of gun ownership as a means to force the surrender of weapons. UPDF spokespersons interviewed by Human Rights Watch disagreed on this point of policy, with only one confirming that post-cordon and search detentions occur as a matter of policy. The committee did not appear to evaluate whether even the arrest and detention of those identified as gun owners through intelligence gathering in military facilities may also be arbitrary.

<sup>336</sup> Ibid., p. 31.

<sup>337</sup> Ibid., p. 34.

The Karamoja investigation committee indicated in the report that it was unable to verify specific allegations of castration<sup>338</sup> and rape (but concluded that rape by the UPDF was not widespread),<sup>339</sup> and found that although civilian deaths had occurred during cordon and search operations, these were associated with exchanges of fire between UPDF soldiers and the communities subject to disarmament.<sup>340</sup>

The draft report demonstrates that while the government was aware by the end of August 2006 that some allegations of human rights violations had been substantiated by its own internal investigation, the UPDF nonetheless continued to carry out cordon and search operations marked by some of the same human rights violations substantiated by the committee. As discussed in the preceding section, Human Rights Watch documented allegations of torture and other cruel, inhuman, and degrading treatment during cordon and search operations particularly in the Lokopo and Nadunget subcounties of Moroto district in September 2006 and January 2007; arbitrary detention, accompanied by torture and ill-treatment, particularly in Kaabong district in September 2006 and in Moroto district in September 2006 and January 2007; and theft and destruction of property in operations in Kaabong and Moroto districts in September 2006, December 2006, and January 2007.

The draft report also demonstrates a lack of awareness about the implication of its findings, including failing to recommend further investigation and prosecution of UPDF personnel responsible for human rights violations. This may have contributed to continued violations.

Continued disarmament culminated in the clashes in Lopuyo parish, Kotido district, and the Morungole hills area, Kaabong district, at the end of October 2006. Although

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<sup>338</sup> Ibid., p. 32.

<sup>339</sup> Ibid., pp. 17-21.

<sup>340</sup> Ibid., p. 30-31. In the case of a specific operation in Losilang parish, Kotido district on May 19, 2006, following which UPDF soldiers and members of the community engaged in several hours of fighting, the committee concluded that while numerous huts and granaries were burned down, there was “no clear evidence that soldiers deliberately set the houses on fire.... It is reasonable to believe that the fire was a result of the fighting.” Ibid., p. 23. UHRC reported that 204 huts and 192 granaries were burned, while the LCIII chair put the number at 499 houses and 466 granaries, according to the investigation committee report. Ibid. The committee made no specific conclusions regarding the allegations cited in the report that five civilians, including at least one young girl, were also killed in Losilang parish, but it did conclude as a general matter that the fighting was initiated by members of neighboring villages who fired on the soldiers from outside the cordon. Ibid. pp. 22-25. The committee blamed “operational mistakes,” that is, the failure of the UPDF soldiers to effectively control the cordon, for the violence at Losilang. Ibid. 24-25.

the UPDF announced a new investigation, this investigation focused on “reported mistakes during operations,”<sup>341</sup> not allegations of human rights abuses. This report was not made public, but according to OHCHR, which reviewed a copy, the UPDF acknowledged only the deaths of seven civilians in crossfire and made no reference to OHCHR’s much more extensive findings of abuse in connection with its investigation, also discussed above. Not surprisingly then, the report did not recommend disciplinary action against UPDF personnel.<sup>342</sup> It was separately reported however, that the Yankee battalion, an LDU unit drawn from Abim district, was dissolved following allegations of misconduct in connection with events in Lopuyo.<sup>343</sup>

Revelations about UPDF conduct in Lopuyo compelled some members of parliament as well as civil society groups within Karamoja to call on the government to suspend the forced disarmament campaign.<sup>344</sup> The UN High Commissioner for Human Rights echoed these concerns.<sup>345</sup>

Although the disarmament campaign was not stopped, UPDF commanders and other government officials did respond by engaging in a series of meetings with Karamoja nongovernmental organizations and local leaders, as well as international partners. During a visit by a delegation of international development partners to Kotido district and Lopuyo in late November 2006, the state minister for Karamoja affairs offered an apology on behalf of the government to those “who lost their dear ones.”<sup>346</sup> However, it was not reported whether he offered to provide reparations or other measures to assist the victims of government abuses or their families.

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<sup>341</sup> “Army to probe human rights abuses in northeast,” *IRIN*, December 1, 2006, <http://www.alertnet.org/thenews/newsdesk/IRIN/f5c9319caa1afaae5fe5fb31e88a7d52.htm> (accessed July 18, 2007) (quoting Dr. Crispus Kiyonga, minister of defence). The Ministry of Defence/UPDF spokesperson informed Human Rights Watch that the investigation, which had been concluded within a matter of weeks, was directed at determining “why we lost so many people in what was a peaceful operation.” Human Rights Watch telephone interview with Maj. Felix Kulayigye, December 18, 2006.

<sup>342</sup> UN High Commissioner for Human Rights, “Update report,” pp. 12-13.

<sup>343</sup> Emmy Allio, “K’jong a threat, says Nankabiwa,” *New Vision* (Kampala), November 9, 2006, <http://allafrica.com/stories/200704091415.html> (accessed June 14, 2007).

<sup>344</sup> Mariam Nalunkuuma, “Karamoja MPs want disarmament halted,” *New Vision* (Kampala), November 10, 2006, <http://allafrica.com/stories/200611100305.html> (accessed May 14, 2007).

<sup>345</sup> “High Commissioner Expresses Serious Concern Over Escalating Violence against Civilians in Northeastern Uganda,” UN Press Release, November 23, 2006.

<sup>346</sup> Nathan Entengu, “Minister apologises for Karamoja killings,” *Sunday Vision* (Kampala), November 25, 2006, <http://www.sundayvision.co.ug/detail.php?newsCategoryId=123&newsId=534297> (accessed December 4, 2006).

Also in late November 2006, as reported by OHCHR, the minister of defence and the state minister for Karamoja affairs made a number of commitments in a meeting with representatives of the international community, including to reorganize UPDF deployment in the region, reinforce military discipline within the UPDF, and implement the recommendations of the UPDF board of inquiry, including the possible referral of soldiers to prosecution by a court martial.<sup>347</sup> It is not clear to what extent these commitments were implemented.

Cordon and search guidelines and standard operating procedures were revised following the clashes in Kotido and Kaabong districts in October 2006. The leadership of the Third Division, including the division commander, was rotated in January 2007, but, again as stated above, the significance of these changes is unclear. As reported in detail by OHCHR, however, public engagement of local communities and leaders by UPDF and central government leadership continued into 2007, including several meetings in the region about disarmament and other security issues and a new community mobilization drive over a 10-day period in February-March 2007.<sup>348</sup>

Although in April 2007 OHCHR, reporting on the period November 16, 2006, to March 31, 2007, noted little improvement in the human rights situation in Karamoja notwithstanding advocacy efforts in the aftermath of the Lopuyo incident in Kotido district in late October 2006,<sup>349</sup> since that time the latest information obtained by Human Rights Watch indicates that cordon and search operations have been accompanied by less violence and far fewer allegations of human rights violations.<sup>350</sup> This suggests that the government of Uganda and the leadership of the UPDF have taken positive steps in response to criticism and lobbying by the international community and local civil society.

There are disturbing signs, however, that impunity for human rights violators will persist, and consequently, so too will the risk of future violations. The UPDF

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<sup>347</sup> UN High Commissioner for Human Rights, "Update report," pp. 6-7.

<sup>348</sup> *Ibid.*, pp. 13-15.

<sup>349</sup> *Ibid.*, p. 16.

<sup>350</sup> Confidential communications with Human Rights Watch, June 29, July 1-2, 2007.

announced a fourth investigation in response to the allegations about its conduct in Kotido district in February 2007.<sup>351</sup> Although the final report was still pending at the time of writing, an independent human rights expert who participated in the government's investigation has refused to sign on to the official report, citing the investigation's lack of independence.<sup>352</sup> Meanwhile, a Ministry of Defence list of statistics for the Karamoja disarmament for the period November 2006 to March 2007 posted in response to OHCHR's report on this same period includes categories such as "civilians killed by warriors" (86) and "soldiers killed by warriors" (24), but contains no category for "civilians killed by soldiers."<sup>353</sup>

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<sup>351</sup> "Response to UN High Commissioner for Human Rights Report," Republic of Uganda Ministry of Defence news article. The investigation was convened specifically in response to allegations by the nongovernmental organization Save the Children in Uganda that 66 children had been killed during a February 12 cordon and search operation in Lokitelaebu parish, Kotido subcounty, Kotido district. This appears to be the same operation that was the subject of OHCHR's investigation.

<sup>352</sup> Niels Jacob Harbitz, "Statement explaining why I am not signing the report 'Independent Verification of the Save the Children Uganda (SCiU) Report about the 12<sup>th</sup> February 2007 incident in Kotido District, Karamoja' submitted today to the Office of the Prime Minister," June 21, 2007, <http://www.humanrightshouse.org/assets/1000Karamoja%20statement%20Harbitz.htm> (accessed July 11, 2007). Harbitz's own preliminary report on the February 2007 Kotido incident is available at <http://www.humanrightshouse.org/assets/1000Karamoja%20Report1.pdf> (accessed July 11, 2007).

<sup>353</sup> "Response to UN High Commissioner for Human Rights Report," Republic of Uganda Ministry of Defence news article.

## VII. Detailed Recommendations

### To the Government of Uganda

- Publicly acknowledge and condemn human rights violations committed by government forces in the course of forced disarmament operations in Karamoja.
- End impunity for human rights violations committed by soldiers of the Uganda Peoples' Defence Forces (UPDF) and its auxiliary forces during cordon and search operations. Promptly, impartially, and transparently investigate and discipline or prosecute as appropriate all allegations of human rights violations, including unlawful killings, arbitrary arrests and detention, torture and other cruel, inhuman, or degrading treatment, and destruction of property.
- Investigate whether any civilians apprehended in connection with cordon and search operations or otherwise on suspicion of firearms possession remain arbitrarily detained in military facilities, and release any such individuals. Transfer cases of individuals charged with firearms possession or other criminal acts to the jurisdiction of the civilian criminal justice system.
- Expedite reforms in cordon and search operations procedures to ensure their compliance with international human rights law. Review in particular their compliance with protections against arbitrary search, arrest, and detention, and, to the extent such protections are not extended under Ugandan law to UPDF-conducted law enforcement operations, amend Ugandan law accordingly.
- Compensate victims of unlawful killings, torture and ill-treatment, arbitrary detention, and looting by government forces adequately and speedily.
- Reform national legislation authorizing the military detention and prosecution of civilians on firearms offenses to place exclusive jurisdiction over these offenses with the civilian criminal justice system.

- Increase the capacity of the police, including units with specialized training in responding to civil disorder, the judiciary, and other civilian justice institutions in Karamoja to ensure effective policing and access to justice consistent with respect for human rights.
- Reconsider whether special auxiliary police forces, including the Anti-Stock Theft Units, are adequately trained and appropriately equipped to provide effective, professional policing. Provide all police personnel with practical human rights training, including on the appropriate use of force.
- Convene a commission of independent experts on pastoralist livelihoods, arms control, and human rights to examine the relationship between livelihoods, conflict resolution, and arms proliferation in Karamoja. The commission, drawing on the existing Karamoja Integrated Disarmament and Development Programme (KIDDP) draft, and guided by a prioritization of human rights, should recommend revisions to KIDDP and coordination with other existing government policies, including the National Action Plan on Arms Management and Disarmament. The commission should seek the input of relevant government ministries, the Uganda Human Rights Commission, the National Focal Point on Small Arms and Light Weapons (NFP), and local elected officials, traditional leaders, and civil society representatives from Karamoja.
- Pursue regional cooperation through the NFP and its counterparts in Kenya and Sudan to eliminate cross-border arms trafficking, including through steps prescribed by the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects and the Nairobi Protocol for the Prevention, Control, and Reduction of Small Arms and Light Weapons.
- Engage with elders, women, youth, local elected officials, and civil society representatives, as well as regional organizations, including the Inter-Governmental Authority on Development, to promote inter- and intratribal peace building initiatives and community-based security arrangements to deter raiding and facilitate cattle recovery.

## **To the Uganda Human Rights Commission**

- Increase the presence and effectiveness of the Uganda Human Rights Commission in Karamoja to investigate complaints of human rights violations by government personnel. Deploy additional human rights officers, with adequate resources, including transportation, to investigate complaints.
- Exercise constitutionally mandated powers to investigate places of detention to ensure that civilians are not detained in military facilities following cordon and search operations.
- Increase outreach and human rights education efforts to encourage communities in Karamoja to report on human rights violations.

## **To Donor Countries and International Development Partners**

- Call on the Ugandan government to expedite reforms to cordon and search operations procedures to ensure the legality of these operations, and to investigate and prosecute human rights violations by its forces.
- Condition support for KIDDP or any policy with a disarmament component on the compatibility of any such disarmament operations with the Ugandan government's human rights obligations under national and international law.
- Support programs with a successful record of improving the capacity of justice and law and order institutions in Karamoja, including the police and the judiciary.
- Support human rights education and human rights monitoring by nongovernmental organizations in Karamoja.
- Fully fund the Uganda 2007 Consolidated Appeals Process, which includes support for humanitarian assistance in the Karamoja region.

## **To the Member States and the Secretary-General of the Commonwealth**

- In advance of the Commonwealth Heads of Government Meeting (CHOGM) in Uganda in November 2007, call on the Ugandan government to live up to the principles of respect for human rights, the rule of law, and just and honest government enshrined in the 1991 Harare Commonwealth Declaration, by investigating allegations of human rights violations, ending impunity for the perpetrators of human rights violations, and to expedite reforms to cordon and search operations procedures in Karamoja to ensure compliance with international human rights law.

## **To the United Nations Country Team**

- Continue, through the leadership of the Uganda office of the United Nations High Commissioner for Human Rights, to closely monitor the Ugandan government's compliance with national and international human rights standards in its policies addressed to the Karamoja region, including disarmament.
- Increase, where possible, the activities of appropriate United Nations agencies in Karamoja to bolster human rights, humanitarian assistance, and civilian protection.

## **To Ugandan, Regional, and International Nongovernmental Human Rights Organizations and International Foundations**

- Support local nongovernmental organizations in Karamoja in the investigation and documentation of human rights violations by providing training and resources, including transportation subsidies and photography equipment.
- Assist local organizations or individuals in Karamoja who have been victims of abuse with filing civil lawsuits in Ugandan courts, and complaints and submissions before the Uganda Human Rights Commission, the African Commission on Human and Peoples' Rights, the UN Human Rights Committee, the UN Committee against Torture, the UN Independent Expert on Minority Issues, and the UN Working Group on Minorities.

## **Acknowledgments**

This report was researched by Tiseke Kasambala, researcher in the Africa division of Human Rights Watch, and Elizabeth Evenson, Leonard H. Sandler fellow in the Africa division, and was written by Elizabeth Evenson. The report was edited and reviewed by Georgette Gagnon, deputy director of the Africa division, Andrew Mawson, deputy program director, and Ian Gorvin, consultant to the program office. Legal review was provided by James Ross, legal and policy director of Human Rights Watch.

Sarah Jackson and Anna Gressel, associates in the Africa division, coordinated report production, and Anja Kortenaar and Lucy Cohen, interns in the Africa division, provided research assistance. Anna Lopriore assisted with the cover photograph. Andrea Holley, Grace Choi, and Fitzroy Hepkins made possible the production of the report.

Human Rights Watch wishes to thank all those who agreed to be interviewed for this report, especially those in Karamoja who courageously shared their experiences with us. We acknowledge with deep gratitude the advice and assistance provided by many individuals and organizations in the research and preparation of this report.

Human Rights Watch also gratefully acknowledges the support of the Bridgeway Charitable Foundation.

## Annex I

### OPERATIONAL GUIDELINES FOR PEACEFUL CORDON, SEARCH AND DISARMAMENT<sup>354</sup>

1. Karamoja has had a long history of having illegal guns [leading to] untold suffering within the region and the neighborhood due to lawlessness that has also hindered development in the region
2. The ongoing disarmament exercise therefore is aimed at restoring law and order to create a peaceful environment. Reference is made to a resolution passed during a workshop held in Moroto on 21 Mar 05 under recommendation 04/05 para 19 which was as follows:
  - a. No ambushes
  - b. No crossing district boundaries while armed
  - c. No crossing international border for pasture while armed for raiding
  - d. No inter-clan livestock raids
  - e. No attacking any government installation or bases
  - f. No moving in public while armed
  - g. No crossing into neighborhood districts for pasture without the consent of host authorities
  - h. No possession, receipt, delivery, sell [sic] or use of any military stores
  - i. No destruction of crops
3. However, because of persistent violations of the above perpetrators hiding in their places of abode with their arms the army has since May 2006 embarked on Cordon, Search and Disarmament. In order to avoid operational misconduct, the following guidelines should be strictly adhered to:-
  - a. Treating Wanaichi<sup>355</sup> with courtesy
  - b. Cordon, Search and Disarmament to be done transparently

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<sup>354</sup> Excerpt from UPDF, "Cordon & Search Operations Guidelines," undated, on file with Human Rights Watch, pp. 4-6.

<sup>355</sup> *Wananchi* is a Swahili word meaning "citizens."

- c. To involve local leaders during searching, as witnesses and suspects to be taken and innocent ones released after interview
  - d. Women and children shall be the object of special respect and protection and even where found armed or implicated, appropriate reasonable means shall be devised to search and disarm them
  - e. Use proportionate fire power in case shot at
  - f. On completion of an exercise in an area, immediately cross-check with local leaders to ascertain whether there was any misconduct or anything stolen by own troops and declare such findings to the community
  - g. The commander should soon after the exercise return to the community to re-ensure them of the Army protection and evaluate the exercise
  - h. To conduct regular meetings with the local leaders in order to maintain confidence between the two
  - i. Be disciplined and professional
  - j. Be firm but fair
  - k. Auxiliary forces shall only operate during combined forces
  - l. No Cordon, Search and Disarmament exercise should be done without authority from the Div. Comdr, Sector Comdr, Bn Comdr
  - m. Protect and respect the Karimojong objects of cultural heritage and in particular the dressing code and any other tradition provided it does not hinder disarmament and not in conflict with the established law
4. The above guidelines are aimed at effective disarmament of Karimojong warriors and failure or neglect to observe any of them will be tantamount to commission of offence (s) under Part IV of the UPDF Act 07/05 termed “operational Offences Relating to Security”.

**GOOD LUCK**

....

## THE CORDON

1. For the Cordon to be more effective the objective must be cordoned off under cover of darkness in the following sequences; (...)
  - Inner Cordon: This seals off objective and provides close observation /monitoring of the activities within the objective(manyatta)
  - Command Base established with all its elements and support weapons
  - BMP2s called in to form the outer cordon/Flank Protection. These should be kept at a distance with communication to avoid their noise alerting those in the cordoned off area. (The BMP2 should by now know the route of entry to the objective). The BMP2 produce a shock effect on the occupants of the cordoned objective.
  - Inform the occupants of cordoned off area of your presence at daybreak and call for their cooperation to avoid injuries
  - Search Party enters and systematically search from house to house in presence of the owner to avoid accusations and claims of looting properties
  - Separate male occupants from females and children. These should be kept outside the cordoned area under strict guard.
  - All arms/ammo recovered must be recorded/registered and safely kept away from the cordon area. BMP2 could be used to secure these arms
  - Annex B provides an alternative deployment method where the BMP2 cannot be employed, distance between outer and inner cordon should be at least 200 meters.

## HUMAN RIGHTS WATCH

350 Fifth Avenue, 34<sup>th</sup> Floor  
New York, NY 10118-3299  
Tel: 212-290-4700  
Fax: 212-736-1300  
Email: hrwnyc@hrw.org

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## Annex II

www.hrw.org

### Human Rights Watch letter to Minister of Defence Dr. Crispus Kiyonga, July 23, 2007

#### AFRICA DIVISION

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Vacant, *Advocacy Director*  
Stephen Kass, *Special Counsel*  
Alison L. Des Forges, *Senior Advisor*  
Chris Albin-Lackey, *Researcher*  
David Buchbinder, *Researcher*  
Maria Burnett, *Researcher*  
Corinne Dufka, *Senior Researcher*  
Elizabeth Evenson, *Leonard H. Sandler Fellow*  
Etelte Higonnet, *Robert L. Bernstein Fellow*  
Chris Huggins, *Researcher*  
Tiseke Kasambala, *Researcher*  
Norma Kriger, *Consultant*  
Leslie Lefkow, *Researcher*  
Nobuntu Mbelle, *Consultant*  
Ben Rawlence, *Consultant*  
Jemera Rone, *Horn & East Africa Coordinator*  
Dustin Sharp, *Researcher*  
Carmen Silvestre, *Researcher*  
Anneke Van Woudenberg, *Senior Researcher*  
Nicholas Vysny, *Researcher*  
Anna Gressel, *Associate*  
Sarah Jackson, *Associate*  
Celeste Robinson, *Associate*  
Beth Wolfram, *Associate*

Hon. Dr. Crispus Kiyonga  
Minister of Defence  
P.O. Box 132  
Bombo, Uganda

Sent via facsimile and email

July 23, 2007

Dear Dr. Kiyonga,

As you may know, Human Rights Watch is a non-governmental organization that monitors and reports on human rights abuses in more than 70 countries around the world. I am writing to you in advance of the publication of a report by Human Rights Watch to bring to your attention various areas of concern relating to human rights violations allegedly committed by soldiers of the Uganda Peoples' Defence Forces (UPDF) during disarmament operations in the Karamoja region.

We would be grateful for information on action the government has taken or is planning to take to ensure that reports of human rights violations are independently and impartially investigated, on the results of investigations, on steps to bring soldiers and any other persons alleged to be responsible for human rights violations promptly to justice, and on measures to ensure that respect for human rights is built into operational procedures during

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Wilder Tayler, *Legal and Policy Director*  
Jane Olson, *Chair, Board of Directors*

disarmament operations. In addition, we would welcome the government's clarification of various legal issues that are laid out towards the end of this letter. It is our hope that we can take the government's response and information into account in our report, and in order to ensure this we would welcome a reply by Monday, August 6.

In January and February 2007, a small team of Human Rights Watch researchers visited Uganda to investigate the situation of human rights in the north and northeast. We had the opportunity to meet with some government officials as well as members of the public and civil society organizations. The team visited Kaabong and Moroto, as well as traveling to other parts of the country. On behalf of my colleagues, I would like to express our gratitude for our useful conversations with UPDF spokespersons and with other government officials.

During the course of our visit to Uganda we paid particular attention to the situation in the northeast. We recognize that this is and has been for many years a troubled part of the country where complex factors interact to create a major security challenge for the civilian population in Karamoja itself and in neighboring areas. We note that large numbers of people have lost their lives in inter-communal clashes, that cattle raiding is a significant problem, and that banditry and other forms of criminality have a major impact. Improving security, including by removing unlawful weapons, is clearly a legitimate state goal.

Human Rights Watch's concern arises from reports of human rights violations committed during the context of disarmament, in particular during "cordon and search" operations. We are also concerned by reports of other violations in the context of clashes between UPDF soldiers and armed members of Karamojong communities, which have led to loss of both civilian and military life. In addition, although a number of investigations have been announced into the conduct of disarmament operations, we note that to the best of our knowledge none of these have yet been made public.

Specifically, Human Rights Watch researchers collected the accounts of eyewitnesses to nine cordon and search operations, and received reports of human

rights violations in the context of many other such operations. During the course of these nine operations, our team found evidence of apparently unlawful killings, torture and other cruel, inhuman, or degrading treatment, arbitrary detention in military facilities, and theft and destruction of property.

While improving the security situation in the northeast is an understandable priority, we believe that for this to be achieved most effectively the authorities should ensure that disarmament policies comply with Uganda's human rights obligations under national and international law. This should include holding members of security forces accountable for human rights violations, whatever their rank.

### **Key Human Rights Violations Identified by Human Rights Watch**

- UPDF soldiers are alleged to have shot and killed eight people, including one woman and three children or youths during an operation in Kalodeke ward, Lokolia parish, Kaabong subcounty, Kaabong district on December 7, 2006. Two children were also wounded during this operation. During an incident in Nakot ward, Lobongia parish, Kaabong subcounty, Kaabong district on December 10, 2006 in which a man shot on UPDF soldiers and was killed by return fire, soldiers also allegedly shot an unarmed man trying to flee the scene. One youth was shot and wounded as he ran away from an operation in Irosa village, Losogolo parish, Kaabong subcounty, Kaabong district on January 1, 2007.
- Our researchers have uncovered a disturbing pattern of beatings during cordon and search operations; often these beatings were directed at uncovering the location of weapons. In Moroto district, eyewitnesses to three cordon and search operations described an almost identical pattern of mass beatings by soldiers of men. In each incident men were first rounded up outside of their homesteads, and then subjected to collective beatings with sticks, whips, guns, and tree branches accompanied by soldiers' demands that they "get the gun." These operations took place in Longalom village, Lokopo subcounty in September 2006; Lorikitae parish, Lokopo subcounty on January 17, 2007; and Loputuk and Lotirir parishes, Nadunget subcounty on January 26, 2007.
- Following all nine cordon and search operations about which Human Rights Watch collected witness accounts, UPDF soldiers detained men in military facilities, including Kaabong and Matany barracks. In Kaabong district, men were detained after operations in Komuria ward in Kaabong Town Council in

September 2006; Kalodeke ward, Lokolia parish, Kaabong subcounty on December 7, 2006; Nakot ward, Lobongia parish, Kaabong subcounty on December 10, 2006; and Irosa village, Losogolo parish, Kaabong subcounty on January 1, 2007. In Moroto district, detentions followed operations in Longalom village, Lokopo subcounty in September 2006; Lomuria village, Nakwamuru parish, Lopei subcounty in September 2006; Loparpar village, Nakwamuru parish, Lopei subcounty on January 6, 2007; Lorikitae parish, Lokopo subcounty on January 17, 2007; and Loputuk and Lotirir parishes, Nadunget subcounty on January 26, 2007. Some men interviewed by Human Rights were detained without access to family members for two weeks. Former detainees reported to Human Rights Watch that military authorities subjected them to beatings and violent interrogations, along with deprivation of food, water, and adequate shelter.

- In some situations soldiers conducting cordon and search operations are reported to have destroyed property and committed theft. During one cordon and search operation in Nakot ward, Lobongia parish, Kaabong subcounty in Kaabong district on December 10, 2006, soldiers drove an armored personnel carrier through a homestead, crushing six homes and narrowly missing a crowd of people.

At least four violent confrontations between UPDF soldiers and armed members of Karamojong communities involving loss of civilian and military life occurred between October 2006 and February 2007. These incidents took place in and around Lopuyo village, Rengen subcounty, Kotido district and the Morungole hills area of Kaabong district in late October and November 2006; Lotome subcounty, Moroto district beginning on January 19, 2007; and in Kotido subcounty, Kotido district in mid-February 2007. An investigation by the UN reported that the UPDF was allegedly responsible for human rights violations including extrajudicial, summary, and arbitrary executions in connection with the clashes in Lopuyo village, Rengen subcounty, Kotido district in late October 2006.

We understand from UPDF spokespersons that cordon and search operations are carried out pursuant to military orders for the purpose of seizing weapons, rather than for prosecuting firearms offenses. We would be grateful for information on the basis under Ugandan law for the use of the military to search private homes, and to arrest persons and detain them in military facilities. Further, we would be grateful for

your guidance on what protections against arbitrary searches, arrests, and detention are available under national law to civilians subject to military operations.

Specifically, we seek your response to the following questions:

1. What national law authorizes UPDF personnel to carry out searches, arrests, and detentions of civilians?
2. What national laws ensure protection against arbitrary searches, arrests, and detentions to civilians subject to military operations? Does the UPDF consider itself to be bound by the procedures under Ugandan law regulating searches, arrest, and detention in the context of civil law enforcement operations?

We look forward to your response. We hope that you are able to provide a response by Monday, August 6 (Fax: +12127361300) which would enable us to take the response into account in our published report.

Yours sincerely,



Georgette Gagnon  
Deputy Director, Africa Division  
**Human Rights Watch**

cc: Hon. Sam K. Kutesa, Minister of Foreign Affairs

## Annex III

Response from Ministry of Defence/UPDF spokesperson's office to Human Rights Watch letter, received on September 4, 2007

### RESPONSE TO HUMAN RIGHTS WATCH QUERIES

#### BACK GROUND

The involvement of the UPDF in the disarmament exercise was sanctioned by the parliament of the Republic of Uganda, in a motion under Rule 42 of the rules of Procedure on the 15<sup>th</sup> March 2000, titled “ *A motion for resolution respecting the disarmament of the Karimojong warriors, restraining, the said Karimojong warriors from invading neighbouring districts and involving them in participatory and self sustainable development programmes in Karamoja,*” after persistent criminal acts from the warriors were almost isolating Karamoja region.

In the exercise, one of the methods the UPDF had at its disposal in recovering illegal guns is Cordon and Search, since civilians are involved and it is civilian friendly compared to other military operations.

However, Cordon and Search inevitably requires that some persons are inconveniently rounded up and taken to screening centres (not military detention centres or facilities).

The UPDF conducts cordon and search after thorough intelligence and in most cases all the wanted criminals are known prior to the operation.

At the screening centres therefore, the wanted are sorted out from the innocent and later detained as investigations go on.

The UPDF Act 7 of 2005, Sec 119 (h) (i) and (ii) mandates the UPDF to arrest, detain and try in a military court martial any person found in unlawful possession of arms, ammunition or equipment ordinarily being the monopoly of the Defence Forces or

other classified stores. The illegally armed Karimojong are not exceptional and as a result, 100 warriors have been successfully prosecuted and convicted since November 2004 to date, while hearing of cases for 50 others is still on going.

### IN ACCURACY

The queries singled out in regard to these operations have short comings as follows;

- a. Some I must say are imaginary because they are not known to have occurred nor registered any where. They simply did not occur.
- b. Some occurred but the stated results are inaccurate.
- c. Others occurred in the stated areas but on different dates from what is reported.

The above mentioned portray inaccuracy on the part of the “researchers” and therefore a high possibility of falsification of the entire findings.

It is however also noteworthy that those who have been disarmed against their will, (forcefully), being the majority are bitter with the UPDF, considering that the price of an illegal gun has sky rocketed to 1,200,000/= (one million two hundred thousand shillings).

Most of these people are seeing the UPDF as having denied them a “source of income” and when interviewed will definitely talk ill about the exercise with deliberate inaccuracies.

### RESPONSE TO SPECIFIC CASES

#### **December 7, 2006 in Lokoria Parish**

On the said date, UPDF forces from 61 and 63 battalions, reinforced by Uganda Police conducted a cordon and search operation in Lokoria parish between Kaabong rural and Kalapata sub-counties.

There was armed resistance by warriors where 04 warriors were put out of action, 06 guns, 60 rounds of live ammunition, 01 empty magazine, 03 military shirts were recovered. No women or children were killed as alleged.

### **December 10, 2006 at Nakot – Kaabong rural sub-county**

This was another cordon and search operation that was resisted. Again 02 warriors were put out of action, 01 injured, 02 guns, 12 rounds of ammunition recovered and 53 suspects were arrested for screening. Specific wanted people were among the rounded up suspects.

### **January 1, 2007**

There was no operation at Irosa village in Losogolo parish as alleged. That date a cordon and search operation was conducted at Kalongole in Kaabong rural sub-county, by forces from 61 and 63 battalions.

There was armed resistance where 01 warrior was put out of action, 01 injured, 02 guns and 39 rounds recovered from these killed and injured criminals.

### **September 2006**

During this month, no operation was carried out in the entire Kaabong Town Council. Operations were carried out in Sidok, Kapedo and later Kawalakot though all in Kaabong District. It cannot be true therefore that, men were detained after operations in Kamuria ward, Kaabong Town Council as reported yet no operations were conducted in these areas.

### **December 07, 2006 at Nakot ward**

No body was arrested or detained from Nakot on the said date. Rather on the 8<sup>th</sup> December 2006, two warriors named Meri John and Lolem Peter, who had been terrorizing Kaabong sub-county for a long period of time were arrested and have since been successfully charged, and convicted at Division Court Martial in Moroto.

### **January 17, 2007 at Lorikitae parish, Lokopo sub-county**

Forces from 29 and 27 battalions recovered 23 guns, 13 rounds and 40 head of cattle belonging to the Jie of Kotido from Loromokulek village, Lorikitae parish Lokopo sub-county.

It was not a cordon and Search exercise but the items were recovered on spot by the forces. There was no detention of anyone whatsoever.

### **September 2006, in Longalom village, Lokopo sub-county.**

In the said month, no operation was carried out in Lokopo, instead operations throughout Moroto district were conducted in Nadunget, Lotome and Rupa where only 02 guns were recovered from thugs. This also disqualifies the alleged detentions in Lokopo in the same month.

### **January 26 2007, in Loputuk and Lotiriri Parishes.**

This day was NRA/M Liberation day anniversary. No operations were carried out any where, as soldiers joined the rest of the country in marking the day. No detentions can therefore be claimed here again.

### **THEFTS AND DESTRUCTION OF PROPERTY**

No thefts or deliberate destructions can be made by troops and go undetected or unpunished. It has only been in isolated incidents where huts have been burnt as a result of fire exchange between UPDF troops and resistant armed warriors. Such cases occurred on 19<sup>th</sup> May 2006 at Losilang and 29<sup>th</sup> October 2006, at Lopuyo Kotido District, where even a UPDF senior officer Maj Kam Rwashande and scores of other soldiers were killed by the warriors.

### **OBSERVANCE OF CORDON AND SEARCH REQUIREMENTS**

Any cordon and search operation is preceded by thorough preparation. The UPDF ensures that food, soap and water are provided to the victims in the cordoned area for the period of the exercise. If these items are not in place, the operation does not take off. Besides, the operations are conducted jointly with the Uganda Police as required by law, and in conjunction with civil authorities.

## CONCLUSION

Before the start of cordon and search operations, Standard Operating Procedures (SOPs) were designed by the UPDF leadership and distributed from the top most to the lowest officer or soldier participating in the cordon and search operations. Copies of these guidelines were also given to the local and government leaders in the area to work as checks and balances against the members of UPDF.

Any violation of these procedures automatically attracts stern punishments on the offenders. For example between 2006 to date, 42 soldiers were prosecuted and convicted and 41 are on remand for various offences including human rights violations.

## “Get the Gun!”

### Human Rights Violations by Uganda’s National Army in Law Enforcement Operations in Karamoja Region

In the remote Karamoja region of northeastern Uganda, pastoralist herding communities struggle for survival amidst frequent drought, intercommunal cattle raids, and armed banditry. Weak government institutions in the marginalized region leave the national army, the Uganda Peoples’ Defence Forces (UPDF), tasked with law and order responsibilities. Since May 2006, these responsibilities have included a renewed program of forced disarmament to curb pervasive gun ownership.

Allegations of human rights violations in connection with UPDF-conducted disarmament operations surfaced almost as soon as the program was launched. *Get the Gun!*, based on field research in Kampala and in the Kaabong and Moroto districts of the Karamoja region in January and February 2007 and additionally drawing on reporting by the United Nations and other sources, documents alleged human rights violations by UPDF soldiers in disarmament and other law enforcement operations in the region. These violations included unlawful killings; torture and ill-treatment, often accompanied by arbitrary detention in military facilities; and theft and destruction of property.

The Ugandan government has a legitimate interest in stemming the proliferation of small arms in the region, where gun violence claims countless lives every year, including the lives of UPDF soldiers conducting law enforcement operations. And it has taken steps to curb human rights violations by its forces in Karamoja in response to the allegations of abuses that have emerged in the past year.

The Ugandan government, however, has not adequately held members of the security forces accountable for past human rights violations, and must also revise its disarmament policies to ensure compliance with its human rights obligations under national and international law.

*Men attend an intercommunal peacebuilding meeting in the remote Karamoja region of northeastern Uganda, where rival herding communities struggle for survival amidst drought, violent cattle raids, and armed banditry. A program of forced disarmament carried out by the national army against communities in Karamoja has been marked by allegations of human rights violations including unlawful killings, torture, arbitrary detention, and property theft and destruction.*

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