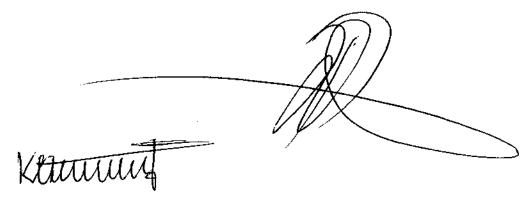
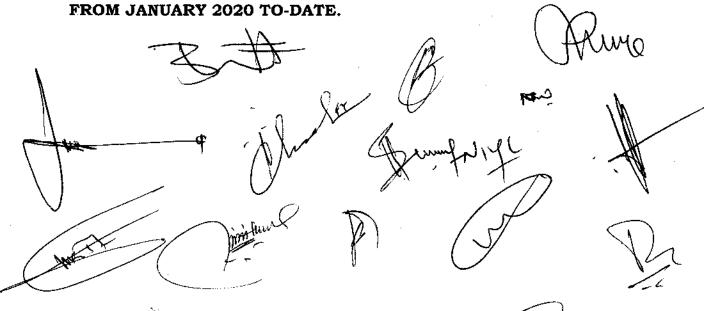




PARLIAMENT OF UGANDA



REPORT OF THE COMMITTEE ON HUMAN RIGHTS ON THE STATE OF HUMAN RIGHTS AND HUMAN RIGHTS VIOLATIONS IN THE COUNTRY



OFFICE OF THE CLERK TO PARLIAMENT

JULY 2022

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LIST OF ACRONYMS

Uganda Human Rights Commission **UHRC** 

DGF Democratic Governance Facility

**KCCA** Kampala Capital City Authority

LBT Legal Brains Trust

**UWA** Uganda Wildlife Authority

Civil Society Organization CSO

**FHRI** Foundation for Human Rights Initiative

**ACTV** African Centre for Treatment and Rehabilitation of Torture

Victims

UJA Uganda Journalists' Association

National Resistance Movement NRM

NUP National Unity Platform

Forum for Democratic Change FDC

**UPC** Uganda People's Congress

LoP Leader of the Opposition

Resident District Commissioner **RDC** 

Office of the Director of Public Prosecution ODPP

FPU Fisheries Protection Unit

CMI Chieftaincy of Military Intelligence

LDU Local Defence Unit

CDF Chief of Defence Forces

Internal Security Organisation

**JLOS** Justice, Law, and Order Sector-

**RSAs** Resident State Attorneys

National Identification & Registration Authority

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**NIRA** 

ISO





CID Criminal Investigation Department MDAs Ministries Departments and Agencies Non-Governmental Organizations NGOs Dullui Page 5 of 150



#### 1 INTRODUCTION

The Committee on Human Rights is a Standing Committee of Parliament. It derives its mandate from Rule 185 of the Rules of Procedure of Parliament. The Committee, among others is enjoined to;

- a) to track and report on human rights concerns in every business handled by Parliament;
- b) to monitor Government compliance with national and international human rights instruments to which Uganda is a party and follow up on Government periodic reports to international human rights monitoring bodies;
- c) examine the recommendations in the Uganda Human Rights Commission reports and ensure that Government is held accountable in this regard;
- d) to inquire into any matter relating to human rights in Uganda; and
- e) carry out such other functions relating to human rights as may be assigned to it by Parliament under these Rules or any other law in force.

Rt Hon. Speaker, during the Sixth Sitting of the Third Meeting of the First Session of the 11<sup>th</sup> Parliament of Uganda held on Tuesday, 8 February 2022, the House directed the Committee to inquire into the state of human rights and human rights violations in the country from January 2020 to date. This was in response to public outcry regarding numerous allegations of enforced disappearances, illegal detentions, impunity by security forces and torture by both state and non-state actors.

2 SCOPE

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The Committee restricted the scope of its inquiry to the period from January 2020 to June 2022. The Committee, also inquired into the prolonged detention of the Royal Guards of the Obusinga Bwa Rwenzururu who have been in detention since November 2016.

3 METHODOLOGY

To execute this mandate, the committee used a multipronged approach which included:

 a) holding meetings with Ministries, Departments and Agencies, political parties, Non-Governmental Organisations, informal groups of persons and several individuals

receiving memoranda from the above-mentioned stakeholders reviewing documents, including the Annual Reports of the Uganda Human Rights Commission, the Universal Declaration of Human

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Rights, Uganda's Reports to the United Nations Universal Periodic Review (UPR) and resolutions and declarations passed by different legislative bodies such as the Inter-Parliamentary Union and the European Parliament specifically relating to Uganda.

- d) reviewing statutory provisions governing the protection and promotion of human rights
- e) reviewing judicial decisions in respect of human rights litigation
- f) attending workshops and seminars organised by the Uganda Human Rights Commission and the Office of the High Commissioner for Human
- g) the Committee co-opted technical personnel from the Office of the Directorate of Public Prosecution (ODPP), the Uganda Police Force (UPF), Uganda Human Rights Commission (UHRC) and the Uganda Law Society (ULS).

Note: The nominee from ULS did not participate in any of the Committees' activities related to this inquiry.

The non-exhaustive list of stakeholders mentioned in (a) and (b) about includes:

i. Minister for Presidency

ii. Ministry of Defence and Veteran Affairs

iii. Ministry of Foreign Affairs

Ministry of Gender, Labour and Social Development iv.

Ministry of ICT and National Guidance v.

Ministry of Internal Affairs/Directorate of Immigration vi.

The Minister for Security/Internal Security Organisation vii.

viii. The Attorney-General

Kampala Capital City Authority ix.

Office of the Director of Public Prosecutions X.

xi. Uganda Communications Commission

Uganda Human Rights Commission

Uganda Police Force

xiv. Uganda Prisons Service

Uganda Wildlife Authority XV.

Office of the UN High Commissioner Human Rights xvi.

The European Union - Delegation to Uganda and The EU Special xvii. Representative for Human Rights

African Centre for Treatment and Rehabilitation of Torture Victims xviii. (ACTV)

xix. Foundation for Human Rights Initiative (FHRI)

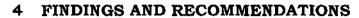
Human Rights and Peace Centre - Makerere University XX.

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Human Rights Watch xxi. xxii. MPs from Kasese District: Hon. Atkins Katusabe and Hon. Harold Muhindo xxiii. National Association of Broadcasters xxiv. Political Parties represented in Parliament: the National Resistance Movement, National Unity Platform, Forum for Democratic Change, Uganda People's Congress, People's Progressive Party and the Justice Forum. Torture victims XXV. Uganda Christian University - Human Rights Association xxvi. Uganda Journalists Association xxvii. xxviii. Uganda Parliamentary Press Association

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Rt Hon. Speaker, Article 51 of the Constitution provides for the Uganda Human Rights Commission (UHRC) as an independent national human rights institution, with jurisdiction over all parts of the country. It is the lead agency in promoting and protecting human rights, and handling cases of abuse and infringement. The body receives, investigates and hears cases of human rights violations. The Commission is responsible for monitoring Government compliance with international human rights obligations and standards.

UHRC has 11 regional offices and 10 field offices.

4.1.1 Complaints registered by the Uganda Human Rights Commission since January 2020 to-date.

In fulfilment of the mandate of the Commission under Article 52 of the Constitution, during the period under review - January 2020 to January 2022, the Commission recorded 1,205 complaints of alleged human rights violations.

Rt Hon. Speaker, the alleged human rights violations were in part due to:

i. The COVID-19 pandemic that ravaged the country in 2020 and 2021;
 and the control measures instituted by government in order to curb its
 spread;

ii. The enforcement of Standard Operating Procedures (SOPs) related to the mitigation of the spread of COVID-19

iii. Political activities related to the January 2021 General Elections

The complaints received by UHRC fall under the specific categories listed

below:

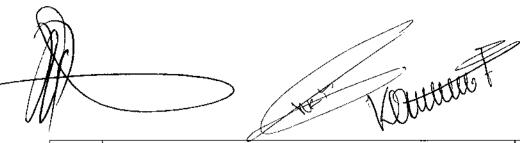
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SN.	Category	No. of Cases Recorded	
i.	Torture or cruel, inhuman or degrading treatment or punishment	443	
ii.	Deprivation of personal liberty/detention beyond 48 hours	378	
iii.	Deprivation of the right to life	90	
iv.	Perpetrators of torture/Deprivation by security personnel	71	
v.	Disappearance of persons	65	

highest number of complaints reported to UHRC was torture or cruel, inhuman or degrading treatment or punishment (443), followed by deprivation of personal liberty/detention beyond 48 hours (378).

The Commission, informed the Committee that persons arrested by nonuniformed security personnel or those without name tags cannot identify their gaolers. The victims may only be able to identify the vehicles or uniforms of the arresting officers and locations where they are (were) eventually held. The majority of the complaints received by the Commission lack information regarding the names of the people who allegedly arrested or tortured them.

The Commission reported to the Committee that some of the law enforcement or security agencies wear civilian clothes, sometimes with their faces covered in masks, while those in uniforms lack name tags. The identification of perpetrators is further compounded when there are joint operations by the Uganda Police Force, UPDF, CMI and ISO.

Rt. Hon. Speaker, freedom from torture is an absolute and non-derogable right under Article 24 of the Constitution. The Committee resolved from the outset to work towards total eradication of torture and the creation of a torture, free country. To achieve this, the Committee conducted parallel investigations and verification of information supplied by UHRC to ascertain the authenticity of such information and action taken to address the cases recorded against Government entities and private individuals.

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The Committee notes that there was arbitrary deprivation of the right to liberty because of wrongful procedure of arrest by Police and security agencies. Most suspects were held incommunicado and were not informed of the cases against them.

Rt Hon. Speaker, in developed democracies, law enforcement and security agencies require their officers to read the suspect their rights during arrests.

The Miranda warning commonly uses statements –

"You have the right to remain silent. Anything you say can and will be used against you in a court of law. You have the right to an attorney. If you cannot afford an attorney, one will be provided for you. Do you understand the rights I have just read to you? With these rights in mind, do you wish to speak to me?"

Article 23(3) of the Constitution of the Republic of Uganda makes similar provisions protecting this fundament right of a person's liberty. It states:-

(3) A person arrested, restricted or detained shall be informed immediately, in a language that the person understands, of the reasons for the arrest, restriction or detention and of his or her right to a lawyed of his or her choice.

Any arrest conducted in violation of article 93 of the Constitution and the Miranda's principle espoused above would amount to arbitrary deprivation of the right to liberty.

The Committee recommends that the law enforcement and security agencies should always wear name tags and identify themselves to all the suspects they arrest and detain during their operations.

### 4.1.2 Deprivation of the Right to Life

Article 22 of the Constitution recognises the right to life as a human right.

The Committee noted that UHRC reported 90 cases of alleged deprivation of the right to life. However, the report did not contain any additional information on how each case was handled and the status of said the cases.

Deprivation of the right to life constitutes gross violation of human rights that should be addressed aggressively and expeditiously at all times. The Committee took exception to the laxity with which the 90 cases of the alleged deprivation of the right to life was handled by the Commission.

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The Committee notes that UHRC should have put more emphasis on these allegations and invested resources on investigating all the 90 cases under this category.

The Committee recommends that in all instances where UHRC receives complaints pertaining to the deprivation of the right to life, it should only deal with the civil aspects of compensation and refer the criminal aspects to the Office of the Director of Public Prosecution (ODPP) for purposes of arraigning the perpetrators in court.

It should also follow up each case it refers to the ODPP until final disposal by the courts.

#### 4.1.3 Perpetrators of torture/Deprivation by security personnel

Article 52(1)(a) of the Constitution provides that the Commission shall investigate complaints made by any person or group of persons against the violation of any human rights.

The Commission registered and investigated 443 complaints of alleged violation of the right to freedom from torture. The Soroti regional office recorded the highest number of complaints (112), followed by the Fort Portal regional office, 78, Central regional office, 77, while the lowest number of cases were recorded in the Arua regional office, 11.

The Committee was informed that the highest number of complaints of torture at the Soroti regional office, were as a result of enforcement by the Fisheries Protection Unit of the Uganda People's Defence Forces in the districts of Serere, Amolatar and Kaberamaido.

The Committee was given a breakdown of the cases perpetrated by law enforcement and security agencies. These cases were attributed to the enforcement of the Standard Operating Procedures to mitigate the spread of COVID-19 by law enforcement and security agencies.

Below is a tabulation of the psymber of complaints registered against various entities during the period wild review.

SNo.	Entity	Frequency Reported cases	of
(i)	Uganda Police Force	218	1
(ii)	Uganda People's Defence Forces	164	-

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		Total	469
	(xv)	Chief Administrative Officers	01
	(xiv)	Remand Homes	01
7	(xiii)	Private Security Companies	02
	(xii)	Private Companies	02
	(xi)	Clan Leaders	02
	(x)	National Forestry Authority	02
	(ix)	Resident District Commissioners	05
	(viii)	Internal Security Organisation	05
	(vii)	Chieftaincy of Military Intelligence	06
-	(vi)	LC1 Chairpersons	07
	(v)	Uganda Wildlife Authority	11
	(iv)	Uganda Prisons	18
	(iii)	Private Individuals	25

**Note:** Whereas UHRC received and investigated only 443 complaints, some complaints are made against more than one entity. This explains the complaints against these entities tabulating to a higher number – 469.

Evidence shows that the perpetrators of torture are not limited to law enforcement and security agencies. The perpetrators include both state and non-state actors.

Rt Hon. Speaker, the government position in respect of torture was presented to the Committee by the Minister for Defence, the Minister for Security, the Minister for Internal Affairs, the Attorney General, the Minister for Information and National Guidance, the Inspector General of Police and the Commissioner-General of Prisons, inter alia. The Committee was informed that the Government of Uganda does not condone torture. To the contrary, the Government policy is ZERO Tolerance to torture. To underscore this position, evidence was availed to the Committee of a written presidential directive to all security agencies, (attached as annex one), to refrain from torture and all forms of human rights abuse.

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These agencies further stated that punitive action is always taken against individuals who use their position to torture people. They concurred that there are individual rogue elements within the forces who use torture to extract information from suspects. Kattellule

The Committee recommends that:

- The Government takes deliberate steps to promote a culture of respect for human rights. It is, therefore, essential to educate both the leaders and citizens on their roles in ensuring that human rights are respected and protected.
- Government should always provide parliament with a list of persons tried for human rights violations and the punitive action taken against them.
- iii. Perpetuators of human rights violations should be relieved of their public duties.
- iv. The liability to compensate victims of torture must be borne by the perpetuators personally and government should ensure it is paid promptly.
- should place v. Government put mechanisms rehabilitation of victims of torture.
- υi. The Uganda Police Force should conclusively investigate the cases reported under the period in review and submit the files to ODPP for prosecution. A report of implementation of this particular recommendation should be submitted to Parliament within a period of six (6) months.
- vii. When action is taken against a perpetrator of torture, a statement should be issued in the media on the specific action taken.

4.1.4 Alleged alsappearances of persons

The Committee was informed that between the months of January 2020 and March 2021, the Uganda Human Rights Commission received 65 complaints of alleged disappearances of persons in the districts of Kyotera, Mukono, Kampala, Wakiso, Mpigi, Pallisa, Bundibugyo and Mityana.

The Commission investigated the complaints through recording eye witness statements and followed up on the whereabouts of the victims with the law

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enforcement and security agencies alleged to have arrested and detained these persons. The Commission specifically engaged the Uganda People's Defence Forces, the Chieftaincy of Military Intelligence and the Uganda Police Force.

Arising from the investigations by the Commission, 60 of the 65 missing persons have since been found. The five who are allegedly still missing are:

i.	John Damulira	-	since 21 November 2020

- Matthew Kafeero since 21 November 2020 ii.
- since 23 November 2020 iii. Matthew Kigozi
- since 23 December 2020 iv. Sarah Namayanja
- Agnes Nabwire since 23 December 2020 v.

UHRC made a subsequent submission in which the list of alleged missig persons was updated to include an additional two (2) names:

- i. George Kasumba since 8 January 2021
- ii. Ibrahim Chekede since 14 December 2021

Alleged complaints concerning missing persons were registered against the following entities:

- Uganda People's Defence Forces 48
- Chieftaincy of Military Intelligence ii. 8
- Uganda Police Force 4 iii.
- 2 iv. Internal Security Organisation

The Committee was informed that UHRC interviewed missing persons who were found or released from detention. Those who claimed to have been tortured in detention were referred to the African Centre for Treatment and Rehabilitation of Torture Victims (ACTV) for medical assessment and treatment as part of the investigation and management process.

In respect of the seven (7) persons allegedly still missing, UHRC reported that continues to engage with the Uganda Police Force to trace their whereabouts.

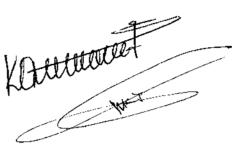
The Commission also reported that it advised the families of the victims to obtain orders of Habeas Corpus from the courts of law. The Family of Damulira John obtained orders of Habeas Corpus but all security agencies deny having him in their custody.

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The Committee was further informed that immediately before and after the January 2021 elections (November 2020 to February 2021), 71 people were reported missing. The breakdown per district is as follows:

i.	Mukono	20
ii.	Kyotera	18
iii.	Kampala	11
iv.	Mpigi	08
v.	Wakiso	06
vi.	Mityana	06
vii.	Bundibugyo	01
viii.	Pallisa	01

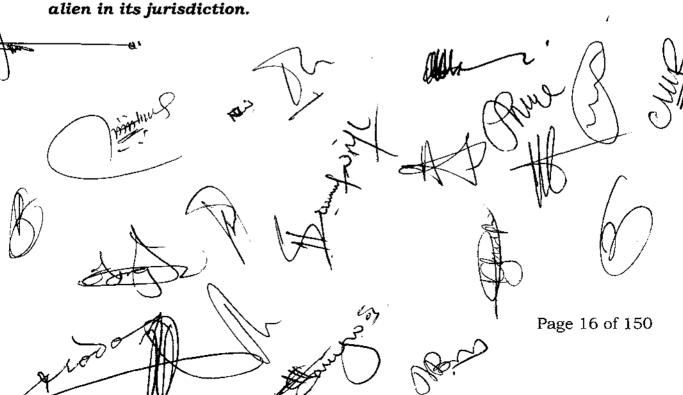


Rt Hon. Speaker, information obtained by the Committee showed that alleged victims were released in areas of Kivuvu, Kiwala and Mbalala in Mukono district, in Nansana and Kakiri in Wakiso district, in Mbizinya and Buwama in Mpigi district and in Kyabadaaza in Masaka district.

Some of the released persons allege to have been freed from the Special Investigations Unit in Kireka, Wakiso district while others contend they were produced in court and remanded to Kitalya Prison.

The Committee notes with concern allegations of missing persons and recommends that the Uganda Police Force should expedite the process of tracing the whereabouts of the missing persons.

The Committee further recommends that government should put in place measures and build capacity to account for every citizen and alien in its jurisdiction.



#### 4.1.5 Joint Operations by UPDF, CMI, UPF and ISO

Sections 42, 43 and 44 of the Uganda Peoples Defence Forces (UPDF) Act, allows UPDF officers to aid civil power, and may have powers of police officers. Section 42 stipulates: "The Defence Forces, and any officer is liable to be called out for service in aid of civil power in any case in which a riot or disturbance of the peace occurs or is, in the opinion of the appropriate civil authority likely to occur, if in the opinion of the appropriate civil authority the riot or disturbance of the peace is likely to be beyond the powers of the civil authorities to suppress or prevent". HIMITELLE

The Committee noted that in some instances joint operations were not conducted in accordance with the law. In some cases, there were allegations that the UPDF operated singularly.

The Committee further received complaints that unidentified, masked gunmen riding in unregistered vehicles also known as "drones" arrested people. The Committee expressed concern that criminal gangs may exploit the use of unregistered vehicles to commit crimes if the security agencies continue using the same to effect arrest. It further tasked the Attorney General to communicate to all the security agencies to use only registered motor vehicles for purposes of their operations.

The Committee recommends that:

The joint operations between the Police, UPDF and other security agencies should be conducted in accordance Sections 42, 43, 44 and 45 of the UPDF Act, 2005.

The security agencies should desist from the use of excessive force when arresting people.

The 14-seater vans (drones) used to transport security agents for operations should be registered with the Uganda Revenue Authority and assigned number plates in accordance with the law.

iv. The Uganda Police Force should always take the lead in all joint operations and should be accountable for the operations.

#### 4.1.6 Investigations Conducted at Kitalya Prison After 2021 Elections

The Committee was informed that on 18 March 2021, the UHRC conducted investigations at Kitalya Prison and recorded statements from 87 inmates who alleged to have been arrested and remanded on charges related to the 2021 General Elections.

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Rt Hon. Speaker, UHRC reported that the inmates informed them that some had been arrested in Kalangala by the Uganda People's Defence Forces (35). while accompanying the National Unity Platform Presidential Candidate, Hon. Robert Kyagulanyi Ssentamu, on his campaign trail. Others alleged to have been arrested from various parts of Kampala and Wakiso by the Chieftaincy of Military Intelligence (52).

The Committee was informed that these suspects were initially charged with offence of engaging in acts likely to spread an infectious disease (breaching COVID-19 SOPs). After a while, the chargesheets for a number of them were amended by the inclusion of the offence of being in possession of stores that are the preserve of the UPDF.

The Committee noted with concern that the stores that are the exclusive preserve of the UPDF should have been discovered and exhibited on the day of the arrest and that the initial charge sheets should have reflected that fact. The fact that it didn't, raises fundamental credibility questions in respect of the investigations and the motives of the charges.

In order for the country to protect and preserve the culture of political pluralism, it is important for all state actors to desist from using the law to selectively curtail the political participation of sections of the population.

#### The Committee recommends that:

(i) Government should desist from making politically motivated arrests and prosecutions.

Government should cause a review of all the 87 cases and report to parliament within a period of six months.

Government should cause the expeditious, free and fair trial of the suspects where there is sufficient evidence of criminality.

4.1.7 Alleged Torture of Mr.Kakwenza Rukirabashaija and Mr Masereka Samuel

Rt. Hon. Speaker, Uganda domesticated the United Nations Convention against Torture (UNCAT) and criminalised torture through the enactment of the Prevention and Prohibition of Torture Act, 2012, commonly referred to as PPTA.

Section 12 of the PPTA provides that "torture" means any act or ornission, by which severe pain or suffering whether p hysical or mental, is intentionally

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(iii)

(ii)



inflicted on any person by or at the instigation of or with the acquiescence of any person whether a public official or other person acting in an official or private capacity for such purposes as -

a), obtaining information or a confession from the person or any other person;

punishing that person for an act he or she or any other person has committed or is suspected to have committed or of planning to commit: or

c) intimidating or coercing the person or any other person to do or to refrain from doing, any act.

Rt Hon. Speaker, the Committee observed, without prejudice to proceedings in court, that there is cogent evidence to show that Mr Kakwensa Rukirabashaija was tortured by persons yet to be identified.

UHRC informed the Committee that it made efforts to ascertain where Mr Kakwenza Rukirabashaija was detained and whether he was produced in court to face charges. After arraignment and remand to Kitalya Prison, UHRC visited the Prison to ascertain his condition and urged him to lodge a complaint. At the time of the Committee's interface with UHRC, Mr Kakwenza Kukirabashaija had not lodged a formal complaint.

UHRC reported that they learnt that he had left the country.

Rt Hon. Speaker, the UHRC reached out to Mr Samuel Masereka, the National Unity Platform Registrar for Kasese District, with a view of commencing investigations into his alleged torture, but they were informed that he had opted to file a civil suit in the High Court.

It should be noted that the Constitution and the Human Rights Enforcement Act, 2019 provide options for enforcement of rights in both Courts of Law and at the Uganda Human Rights Commission and citizens may choose to lodge their complaint with the Commission or with the courts of law. Therefore, when one chooses to file their case in court, the Commission does not intervene in accordance with Article 53(4) of the Constitution.

Rt Hon. Speaker, the Court of Appeal in Civil Appeal No. 91 of 2021 between Paul Wanyoto Mugoya and Sgt. Oumo Joshua and the Attorney General canvased the rights of a torture victim not to be tried. The court made the following declarations and orders:-

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1. the conduct and actions of the respondent No. 1 as an investigating officer of torturing a one Patrick Mugisha alias Kantu Allan, A4 in Criminal Case No. 75 of 2019 by inserting sticks tied with rubberbands between his fingers commonly known as "baibbuli" and coercing him to hand over his certificate of title and land comprised in **Busiro Block** 312 Plot 841 land at **Kalambi** that was eventually sold to the applicant, violated, contravened and infringed upon the said Kantu Allan's non-derogable rights and freedoms from torture, cruel inhuman and degrading treatment guaranteed under **Article 24** and **44** (a) of the Constitution.

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The process leading to the initiation of criminal proceedings against the Applicant under s. 3(3) of the Anti-Money Laundering Act, having acquired the property from the said Patrick Mugisha alias Kantu Allan, who, unknown to the Applicant had been tortured by the Respondent no. 1 before reaching a decision to dispose of the subject property, violates and contravenes the Applicant's fundamental rights and freedoms to liberty, to just and fair treatment guaranteed under **Articles 23, 42 and 45** of the Constitution.

- 3. The non-derogable rights and freedoms and other fundamental rights of the appellant and Patrick Mugisha alias Kantu Allan in Criminal Case NO. 75 of 2019 have been violated and infringed upon through use of torture by the respondent no. 1.
- 4. The trial of the appellant and Patrick Mugisha alias Kantu in criminal case No. 75 of 2019 is a nullity for the blatant violations and infringement of the accused persons' non derogable rights and freedoms from torture, cruel, inhuman and degrading treatment, and other human rights and freedoms guaranteed under **Articles 23, 24, 42** and **44(a)** of the Constitution by the Respondent no. 1.
- 5. The Judge directed the Registrar of the court to transmit to the Director of Public Prosecutions, a copy of this judgement, in light of the functions of the Director of Public Prosecutions under article 120 (1) & (2) of the Constitution.

The court nullified the charges against the Appellant and Patrick Mugisha alias Kantu Allan.

The Committee notes the law laid down in the judgement above.

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The Committee recommends that the Director for Public Prosecutions should desist from initiating and continuing prosecution of victims of torture.

#### 4.1.8 The Uganda Human Rights Commission Tribunal Hearings

The Committee was informed that the Uganda Human Rights Commission Tribunal had not convened for a period of two years, following the demise of the Commission Chairperson, Al-Hajj Meddie Ssozi Kaggwa on 20 November 2019 and the subsequent delay to appoint a replacement.

UHRC however, resumed tribunal hearings in January 2022, following the appointment of a new Chairperson, Hon. Mariam Wangadya and with the financial support of the Justice, Law and Order Sector (JLOS) to the tune of Uganda Shillings One Hundred Million.

UHRC cause listed 218 matters to be heard by the Tribunal for the quarter from January to March 2022; out of these matters, 110 are in respect of allegations of torture.

The Committee was further informed that UHRC expected to receive an additional Uganda Shillings Two Hundred Million from the JLOS to facilitate the hearing of an additional 400 cases before the end of FY2021/22.

Rt Hon. Speaker, the Commission has only four, out of seven Commissioners which greatly impacts the rate at which the hearings are conducted. In fact, the Committee learned that before the most recent appointment and swearing in of the Chairperson and Members of the Commission, the Commission did not have the requisite legal quorum for almost two years. This affected the operations of the tribunals which can only be conducted when the Commission is fully constituted.

The Committee noted that during this inquiry, the Commission's Members reduced. The contracts of two Members expired in January 2022 and one newly appointed member, Hon. Rev. Fr. Simon Lokodo unfortunately died on 28 January 2022.

The-Committee recommends that:

the Appointing Authority expeditiously appoints Commissioners to the UHRC and ensures that it is fully constituted to preside over the Commission Tribunal and deliver justice to Ugandans.

Government should raise the UHRC budget ceiling to fund its activities, including the operations of the Tribunal.

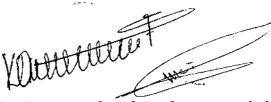
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### 4.1.9 Compensation for victims of torture and other human rights violations

The Committee was informed that the UHRC does not enforce its awards. However, it works closely with the Office of the Attorney-General and other JLOS institutions to ensure that compensations are made in a timely manner.

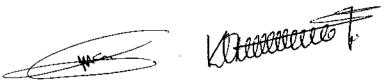
Currently, the Attorney-General coordinates payments, but it is not responsible for actual payment of awards, following the decentralisation of payment of court awards in FY2015/16.

## The table below shows the orders for compensation and its current status:

SN	Case No.	Complainant	Prison Unit	Date of Judgement	Award
1.	UHRC/JJA/115/ 2005	Opio Patrick and another	Tororo	22/05/2005	35,000,000= (Payment being processed)
2.	UHRC/JJA/131/ 2008	Kasule Sylvester	Buikwe	26/09/2016	30,000,000= (Payment being processed)
3.	UHRC/GLU/23/ 2010	Okwanga John	Loro	28/11/2016	14,000,000= (Payment being processed)
4.	MKN/093/2017 (H/Ct)	Mulooki Henry	Kitalya	07/10/2017	200,000,000= (Payment being processed)
5.	UHRC/JJA/14/2 010	Dhikusooka Godfrey	Kirinya	22/11/2017	20,000,000= (Payment being processed)
6.	UHRC/FPT/49/2 008	Bigabwa Ezekeli	Kibaale	12/04/2018	5,000,000= (Payment being processed)
7.	UHRC/MSK/43/ 2011	Ssebwana Michael Mugisha	Masaka	23/11/2016	4,000,000= (Payment being processed)

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8.	UHRC/MBA/12/	Tukamusherura	Kanungu	22/09/2016	30,000,000=
	2010	James			(Payment being
					processed)

From the above, the Committee observed that even in cases where the Uganda Human Rights Commission Tribunal and Courts of law have done their part in dispensing justice to the victims of torture and other human rights violations, the awards remained unpaid for long periods. In the case of Uganda Prisons Service there is evidence of awards not paid for up to seventeen (17) years with a claim dating back to 2005 being the oldest.

The Committee notes that the delay in payment of awards is in itself a violation of the rights of the victims.

The Committee recommends that the settlement of these awards should be prioritised since the victims of these human rights violations often lose their source of livelihood and the ability to make a living.

The committee further recommends that all human rights compensation awards should be settled within a period of one financial year from the date of award.

The Committee recommends that MDAs should avail to Parliament a status of all human rights compensation awards annually.

# 4.1.10 Funding for the Uganda Human Rights Commission - Democration Governance Facility (DGF)

The Committee was informed that the Uganda Human Rights Commission suffered loss of revenue amounting to Uganda Shillings Ten Billion Two Hundred Ninety-Two Million for the period under review due to the closure of DGF by the Government.

The funds had been programmed to be utilised on various interventions under four development outcome areas contained in UHRC's previous strategic plan. Planned programs were not implemented for want of alternative sources of funding.

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The table below is a summary of DGF approved funding for the year 2020 and 2021 per outcome area.

SN	Outcome Area	Total for Year 1	Total for Year 2	Sum for Yr1 +Yr 2
1.	Enhanced	1,465,266,305	552,612,000	2,017,878,305
	observance of			
	human rights and			
	accountability			
2.	Adequately	4,448,263,595	392,330,447	4,840,594,042
	informed and			
	empowered			
	citizenry that			
	participates in			
	Governance			
3.	Economic, Social	609,629,089	274,091,100	883,720,189
	and Cultural			
	Rights Promoted		·	
Subto	otal for Outcomes			
(1+2+	-3)	6,523,158,990	1,219,033,547	7,742,192,537
4.	Institutional	1,565,623,290	984,318,085	2,549,941,375
	Development			
	including			
	Administration			
	Support			
Gran	d Total	8,088,782,280	2,203,351,632	10,292,133,912

A total of UGX 2,0 1,878,305 had been approved by DGF to be utilised in the two years under review, under the enhanced observance of human rights and accountability outcome area by UHRC. These among others, was for complaints management, involving receipt and e-registration of complaints, investigations, mediations, tribunals inspecting detention facilities (Police, Prisons, UPDF, Remand homes and any other facility) as well as monitoring refugee hosting communities.

Additional funding of UGX 4,840,594,042 approved for the execution of interventions under the outcome area of adequately informed and empowered citizenry that participates in governance. Under this, UHRC was supposed to conduct countrywide massive civic education and human rights awareness; trainings of security agencies (UPF, UPS, UPDF, ISO and RDCs on human rights observance in line of duty; and research on welfare of Police Personnel.

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UHRC had also secured funding of UGX 883,720,189 for the enhancement of economic, social and cultural rights: monitoring health facilities, monitoring the pre-election events in the country, orientation of Electoral Commission Officials on human rights and observance of human rights; meeting with the Elders' Forum on the 2021 elections; Training of Uganda Wildlife Authority (UWA) and National Forestry Authority (NFA) on human rights and a dialogue on vulnerable persons.

Under institutional strengthening, a total of UGX 2,549,941,375 had been approved to support payment of allowances for graduate volunteers (FY2021/2022 absorbed into the UHRC staff structure), conduct audits, monitoring and evaluation, hiring vehicles to support regional offices, implement activities and subscription to Navigation (a finance management software).

The failure by UHRC to implement the programmed activities under DGF greatly affected its operations as a key national human rights institution. This to a certain extent contributed to -

i. Increase in the human rights caseload at the investigations and Tribunal levels,

Loss of trust and confidence in the ability of the UHRC to deliver human ii. rights services to the general public,

iii. Increased impunity by security agents,

Increased human rights violations in detention facilities specifically iv. torture, inhuman and degrading treatment, personal liberty, right to life, and right to health among others,

Increased ignorance of the citizenry about their rights and v. responsibilities,

Increased inability by the citizenry to make their leaders accountable. vi.

Lack of respect of provisions of the Constitution, vii.

Increased cases of torture, inhuman and degrading treatment of viii. citizens by state and non-state actors in their line of duty,

ix. Increased lawlessness and disrespect of the law,

Riotous community and lawlessness before, during and after the 2021 x. elections that also contributed to an increase in police expenditure on crowd control equipment and personnel,

Inability by the Commission to address emerging human rights issues. хi,

xii. Relegation of a national and constitutional duty, particularly civic Education, to CSQs/NGOs in management of human rights affairs of

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the country.

The Committee observed that the failure by the Government to provide 100% funding for the UHRC compromises its performance and turns it into a beggar-entity that has to engage development partners and other external funders which exposes it to foreign interests that may be harmful to the country's national fabric.

The Committee further observes that Government, on top of failing to fully fund 100% of the budget of the UHRC, it has also blocked critical donor funding to this poorly facilitated entity.

The Committee recommends that Government funds 100% of the budget of the Uganda Human Rights Commission.

The Committee further recommends that Government clears the Democratic Governance Facility to resume operations and provide critical funding to the Commission. Page 26 of 150



#### 4.2 COMPLAINTS REGISTERED AND **ADDRESSED** BY CAPITAL CITY AUTHORITY (KCCA)

Kampala Capital City Authority (KCCA) is a government entity, which administers the capital city on behalf of the Central Government. The authority's mandate is to assist in the maintenance of law, order and security in the capital city through law enforcement assistants, revenue officers and health inspection officers.

KCCA informed the Committee that it receives reports of violation of human rights. It stated, however, that since January 2020, there had been few incidents of human rights violations involving KCCA, largely due to the two country-wide COVID-19 lockdowns instituted in 2020 and 2021.

The Authority informed the Committee of the following cases:

#### 4.2.1 Alleged Assault by a one Kamara Geoffrey, KCCA Law enforcement assistant

The Committee was informed that a street vendor known as Mukabya Gideon reported an assault case against KCCA Monitoring and Investigations Unit. Mukabya alleged that on 30 September 2021, KCCA enforcement officers impounded his merchandise. That, when he followed up his merchandise at the new taxi park, he was assaulted and thrown into Nakivubo drainage channel, fracturing bone(s) in his hand(s).

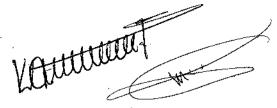
Police investigations established that the victim was assaulted by unknown persons. The enforcement officers reported were not near the scene at the time of the assault. This was confirmed by his initial report at Old Kampala police station in which he reported a one Kabugo Michael and other unknown bersons. The entry on "other unknown persons" was whitewashed and the name Kamara Geoffrey and other law enforcement officers superimposed. The Resident State Attorney advised that there was no evidence that the enforcement assistants had committed the said crime. The criminal file was accordingly closed.

The Committee observed that effort was made to investigate, and, address the matter.

The Committee commends KCCA, UPF and ODPP for expeditiously and conclusively addressing the matter.

The Committee recommends that all entities should adopt similar work methods to address allegations of human rights diolations.

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#### 4.2.2 Complaint No. UHRC/18/2019 Nassanga Kofia HAWA and KCCA

The Committee was informed that KCCA received a letter from the UHRC on 29<sup>th</sup> March 2021, to respond to allegations that on 22<sup>nd</sup> January 2019, Nassanga Kofia was arrested by KCCA law enforcement officers who undressed her and took her picture.

Upon investigations by the KCCA's Criminal Investigations Unit, it was established that the complainant undressed herself to incite the public against KCCA enforcement officers. She was arrested, prosecuted and convicted on her own plea to the charge of obstruction.

The Committee commends KCCA, UPF and ODPP for expeditiously and conclusively addressing the matter.

4.2.3 Legal Brains Trust (LBT) Limited Vs. KCCA and AG Misc. Application No. 256 of 2020, arising from Misc. Cause No. 98 of 2020

The Committee learned that Legal Brains Trust filed a public interest case, following the death of a 56-year-old Cissy Namukasa, a vendor in Bugolobi Market. Ms. Namukasa drowned in a drainage channel in Nakawa Division on 2 May 2020. Her body was recovered more than a month later.

The application prayed to Court to declare that Namukasa's right to life was violated as a result of Government and KCCA's failure to make safe drainage channels for pedestrians in the city.

In his judgement, Justice Elubu ruled that Government and KCCA infringed on the right to life; to protection from deprivation of property; and to a safe and clean environment of Kampala City dwellers.

#### The Committee recommends that:

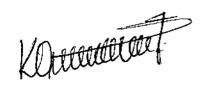
- a) Government should adequately support KCCA and all Urban authorities to provide a safe and clean environment in order to safeguard and protect the right to life.
- b) Government should adequately support KCCA in its efforts to implement Section 7 of the KCCA Act to construct and maintain roads and major drains in order to avert flooding and cover open drains in the city.
- c) KCCA should report to Parliament within a period of six months on action taken (both planned and implemented) in response to the judgement above.

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#### 4.2.4 KCCA staff injured during operations

Rt Hon. Speaker, KCCA informed the Committee that their staff are routinely violently assaulted by the general public. During the reporting period, at least two KCCA employees were assaulted by the public during the execution of their duties.

- (i) Bashir Bugembe one of the scouts from Seven Hills Team attached to Smart City operations was beaten by angry vendors. He sustained injuries to the head and was hospitalized.
- (ii) In November 2020, Mr Robert Kalumba and his colleagues were assaulted by members of the public in St. Balikuddembe (Owino) Market. Mr Kalumba sustained injuries.

The Committee notes with concern the growing culture of violence, lawlessness and impunity.

The Committee recommends that government should take deliberate steps to educate the population on their rights and duties as citizens.

#### 4.2.5 KCCA operations in the gender-based violence arena

The Committee was informed that one of the major areas of focus in KCCA sensitisation engagements is the prevention of Gender Based Violence (GBV). KCCA emphasises prevention of GBV by encouraging people to utilise the existing channels of communication to amicably resolve differences that may arise. Where GBV cases occur, victims are encouraged to report to Police. Some victims report to LCs, Probation Officers, and health centres and at the GBV shelter in Bwaise managed by Action Aid.

The Committee was further informed that the Ministry of Gender, Labour and Social Development established a National Gender Based Violence Data Base, (NGBVDB) that captures all GBV cases.

Below are the GBV physical torture cases reported in Kampala from 2020 todate, highlighting the age group and number of cases

Age Group	No. of cases
Below 18 years	33
18 - 30 years	118
Above 30 years	69
Total	220

Of the 220 cases recorded, 59 victims were male while the majority (161) were female.

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GBV cases reported to various areas:

Reporting Centre	No. of cases
GBV shelter	66
Health centre	111
LC1	1
Police	15 .
Probation office	7
Total	200

Rt Hon. Speaker, KCCA reported that in order to strengthen their internal mechanisms for addressing child exploitation, Council passed the Kampala Child Protection Ordinance 2021. The ordinance is due for gazetting. Furthermore, another ordinance, Kampala Capital City Prohibition and Prevention of Gender Based Violence Ordinance is currently undergoing the approval process.

Rt Hon. Speaker, the following are the interventions made by KCCA towards promotion and protection of human rights in Kampala City.

- i. A toll-free line to report any misconduct by KCCA employees.
- ii. Sensitisation programs run on radios, televisions and loud speakers among the communities;
- iii. Training law enforcement officers in observance of human rights. These trainings are conducted by KCCA, UPF and UHRC
- iv. KCCA's Sanctions and Rewards Committee that conducts disciplinary proceedings for errant officers;
- v. A dedicated investigations unit headed by a Superintendent of Police responsible for investigating staff misconduct of a criminal nature including torture and assault;
- vi. Provision of professional counselling by KCCA Probation Officers and Community Development Officers to victims to resolve grievances amicably;

vii. Trained child protection committee members and para social workers——to support the identification and referral of child abuse.

The Committee commends KCCA for developing the Kampala Child Protection Ordinance 2021 and the Kampala Capital City Prohibition and Prevention of Gender Based Violence Ordinance.

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It further commends the authority for putting in place elaborate measures for the promotion and protection of human rights within its jurisdiction.

The Committee recommends that the Attorney General's chamber expedites the approval of the two ordinances and that KCCA immediately effects their implementation.

Other government entities should be encouraged to adopt, with the necessary modifications, the measures put in place by KCCA for the promotion and protection of human rights as a best practice.





# 4.3 COMPLAINTS REGISTERED AND ADDRESSED BY UGANDA WILDLIFE AUTHORITY (UWA)

Section 4 of the Uganda Wildlife Act (Cap 200 of 2000) established UWA. This was saved by Section 5 of the Uganda Wildlife Act No.17 of 2019. UWA's mission is to conserve, economically develop and sustainably manage the wildlife protected areas of Uganda in partnership with neighbouring communities and other stakeholders.

Rt Hon. Speaker, during its interaction with UWA, the Committee was briefed that UWA can arrest, search any suspects and investigate wildlife crime related cases. UWA also prosecutes suspects by virtue of the provisions of Section 18 of the Uganda Wildlife Act, No. 17 of 2019 and the regulations made thereunder.

#### 4.3.1 Land disputes or forceful evictions

WA reported to the Committee that a large number of conflicts arise from land disputes. The land disputes are mainly caused by encroachment on protected areas and a high demand of land for individual use by the communities around such protected areas. Furthermore, some communities do not recognise the boundaries in the gazettement instruments.

Rt Hon. Speaker, whereas encroachment on protected areas was rampant during the era of Game Department and Forest Department (for forest reserves upgraded to National Parks), this, to a greater extent, has been contained by UWA, working with other stakeholders.

The Committee was informed that due to the increasing human population in Uganda, the demand for land for settlement and cultivation is also increasing. Wildlife protected areas, wetlands and forest reserves are soft targets for communities and encroachers resulting in confrontation between the Government and the communities that forcefully enter gazetted land.

There are a number of court cases where communities have been mobilised, filed suits and instigated to enter protected areas. They sought interim orders and injunctions to protect them. These cases are common in Mt Elgon National Park, East Madi Wildlife Reserve and Kibale National Park.

UWA reported that it has established ranger outposts at strategic sites across the wildlife protected areas. The rangers are trained on matters related to enforcement and human rights. They are expected to execute their work within the confines of the law. UWA further reported that its rangers resisted encroachment by organized groups in Morulu-lokwangat inside Bokora

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Wildlife Reserve (Kotido District) in February 2021. This was at the peak of election campaigns in 2020.

UWA reported that it strives to settle most of the land disputes amicably through consensual boundary marking processes. In some instances, however, the boundary marking processes have generated conflict because of corruption.

The Committee was informed that in the cases of Mt. Elgon National Park, Karuma Wildlife Reserve, Katonga Wildlife Reserve, Kibale National Park, Tooro Semliki Wildlife Reserve, and some parts of Ajai Wildlife Reserve, land was recovered from encroachers and compensation was paid to claimants by the Government.

Rt Hon. Speaker, the following protected areas continue to experience conflicts:

- a) Pian Upe Wildlife Reserve,
- b) Bokora Wildlife Reserve,
- c) Matheniko Wildlife Reserve,
- d) East Madi Wildlife Reserve,
- e) Mt. Elgon National Park,
- f) Queen Elizabeth National Park and
- g) Kibale National Park.

Most of these land conflicts are before the courts of law but, there have been several efforts made by the Government to resolve them.

UWA expressed its disappointment by the manner in which the courts of law have handled many of the land cases. Some cases have been in courts of law for over 20 years. There are cases filed at the Mbale High Court by the communities of Namisindwa, Bumbo, Wanale, Bumasobo, Buluganya, Zesui and Bukwo, among others, that remain unresolved.

The Committee commends UWA for the execution of its core mandate and for their efforts targeting peaceful resolution of conflict with stakeholder communities.

The committee recommends that

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- (i) the courts should expedite resolution and disposal of the pending cases.
- (ii) The boundary opening process initiated by government should be expedited and concluded.
- (iii) Electric fences should be erected around the wildlife reserves and national parks to prevent animal and human conflict to protect life, limb and property. HHATILLIE

#### 4.3.2 Disputes over compensation

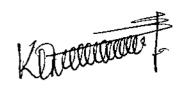
The Committee received complaints of inadequate compensation for land recovered and property destroyed by wildlife. It tasked UWA to respond to these complaints.

UWA informed the Committee that they have no documented disputes anywhere in Uganda resulting from inadequate compensation communities. UWA reported that they have in the recent past effected acceptable compensations to communities who held land titles over land comprising of Katonga Wildlife Reserve (Kisoro and Byabasita blocks), Karuma Wildlife Reserve (Bonanibo) family) and Ajai Wildlife Reserve (John Juruga family).

The Committee was further informed that the Chief Government Valuer is responsible for the determination of values for all the compensations whenever Government avails funds for the same and the local governments in the area are always involved in the process. The compensation process for some of the Katonga Wildlife Reserve land title holders was handled through Kyegegwa and Kamwenge local governments. A grace period of 6 months was granted to the former owners of land to relocate after being paid. The matter relating to the Bonanibo family in Karuma Wildlife Reserve was settled by consent of both parties and the family given a grace period of four months to settle outside the reserve. In the Ajai Wildlife Reserve, the family of John Juruga was given a similar grace period to resettle outside the reserve.

The Bwindi Mbwa tract which was compensated amicably before 1991 had community members that were using the forest as gardens with houses outside the affected area. These people were paid and asked to harvest whatever crops that were in the area before they were finally restricted from accessing the land for further cultivation. Kibale National Park Mpokya encroachment and the Mgahinga Forest Reserve encroachments were also handled similarly.

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The Committee was informed that the communities living around the National Parks in Muhororo Town Council, Mpefu Subcounty in Kagadi District; the slopes of Mount Elgon, Kyebando Subcounty in Kibaale District, Elegu in Amuru District, and, ranches around Lake Mburo National Park in Kiruhura district and other areas suffer from problem animals that pose threats to human life or property outside protected areas.

The Committee noted UWA's effort in amicably resolving land disputes and compensating title holders in games reserves and national parks.

The Committee recommends that UWA should control problem animals and build the capacity of Local Governments in areas outside reserves, parks and protected in accordance with Section 6(i) of the Uganda Wildlife Act, 2019.

## 4.3.3 Issues raised by Amnesty International in respect of the Benet community around Mount Elgon National Park

In its 2020 Report, Amnesty International raised specific issues of human rights violations by UWA during the eviction of Benet from Mt Elgon National Park.

The removal of Benet from the interior of Mt Elgon National Park was done for 2008, after a Belgian tourist, Annick Van De Venter, on a hike in the park was brutally killed by criminals who hid among the Ndorobo (Benet sub group).

After a series of consultations and in a bid to protect the fragile forest ecosystem, the Government took a decision to remove all Benets from the interior of the forest and provided them 318 hectares at the periphery of the park at Amanang, in Bukwo District, and 205 hactares at Kisitu in Kween District, for temporary settlement of Benet groups that did not benefit from the 1983 land allocation.

The report alleged that UWA officials killed the Benet people and raped women but it did not provide specific cases. The Committee treats allegations of deprivation of the right to life as serious issues. Every such allegation should be made with supporting cogent evidence and / or leads to aid exhaustive investigation. The Committee's position is the same with regard to allegations of rape or defilement. It considers rape to be a gross violation of human rights.

The lack of detail and credible leads relating to the allegations in the Amnesty International report and the lack of a police record of such crimes made it difficult for the Committee to meaningfully interrogate the allegations.

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#### 4.3.4 Torture chambers in national parks

The committee received reports alleging that UWA operates and maintains torture chambers within national parks.

In its report, UWA denied the existence of torture chambers in national parks or any location associated with it. They contend that once arrested, suspects are handed over to UPF for detention.

UWA reported that they have always cooperated with UHRC when issues of human rights violations are raised against its officers.

UWA staff involved in human rights violations are handled in accordance with the law. In October 2020, four UWA staff based in East Madi Wildlife Reserve were arrested and charged before the 4th Division Army Court Martial after they were involved in a fatal shooting incident while on patrol inside the reserve. Two staff were exonerated by the Court Martial and two staff convicted; one was sentenced to 20 years in prison.

# 4.3.5 Interventions undertaken by UWA to mitigate human rights violations in the gazetted areas

#### A. Collaborative resource management

Rt Hon. Speaker, the Committee was informed that since 1996, UWA has used collaborative resource management as one of the strategies to cement the relationship between UWA and the neighbouring communities. To enhance wildlife benefits to communities, UWA has executed a number of Memoranda of Understanding with the communities. These include

- (i) Fifteen collaborative resource access agreements in Kibale National Park,
- (ii) Five collaborative resource access agreements in Tooro Semiiki Wildlife Reserve,
- (iii)Ten collaborative resource access agreements in Katonga Wildlife Reserve,
- (iv) Eighty-six collaborative resource access agreements in Mt. Elgon National Park

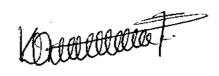
(v) and a number in Bwindi, Rwenzori, and Queen Elizabeth National Parks for harvesting of medicinal plants, thatch, bee keeping among

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UWA has also undertaken forest restoration activities in partnership with communities under the "Taungya" system (e.g., Mount Elgon, Kibale and Rwenzori Mountains National Parks). The communities are allowed to plant seasonal crops in areas where trees are planted until the trees form canopies.

The Committee was further informed that UWA continues to sensitise the communities and leaders to respect the protected areas. They are encouraged to engage with UWA and enter into allowable resource access arrangements with UWA.

### B. Strengthening mechanisms to fight corruption

UWA operates a zero tolerance to corruption policy and has been exemplary in the management of Uganda's wildlife resources. To effectively deal with corruption and other malpractices, intelligence and investigation units have been established within the organisation to provide accurate information for management decision making.

UWA developed a Human Resource Manual to provide disciplinary procedure for staff who break the code of conduct and / or commit human rights violations. The training of rangers includes provision of specific information on human rights. Culpability in human rights violations or any other offences by staff is punishable either through the UWA disciplinary process or courts of law.

WUWA informed the Committee that its management is committed to ensuring that the people of Uganda benefit from the natural resources and services offered in the National Parks and Wildlife reverse that they will continue to implement and promote mechanisms of peaceful co-existence with the neighbouring communities.

The Committee commends UWA for the interventions undertaken to prevent human rights violations in gazetted areas and for punishing offending officials.

The Committee recommends that UWA adopts and implements an appropriately modified version of KCCA's interventions for the promotion and protection of human rights in their jurisdiction.

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# 4.4 HUMAN RIGHTS CHALLENGES IN THE RWENZORI SUBREGION: THE **KASESE MASSACRES OF NOVEMBER 2016**

The House directed the Committee to investigate the human rights challenges related to the prolonged detention of the royal guards to the King of the Rwenzururu.

The inquiry included issues related to the Obusinga Bwa Rwenzururu, examining the current status of the complaints registered with UHRC, the delayed trial of the King (Obusinga Bwa Rwenzururu) the Omusinga Charles Wesley Mumbere Iremangoma and the royal guards, their prolonged detention, allegations of torture, among others.

A team of Members of Parliament from Kasese made submissions to the Committee. They preceded their submissions with a call for the unconditional discharge of the King of the Rwenzururu and the royal guards. The team informed the committee that the joint state security operation of UPDF and UPF raided and attacked the offices of Obusinga Bwa Rwenzururu (OBR) Cultural Institution in Kasese Town on the 26th November and later the palace on 27th November 2016. The team reported that over 200 people lost their lives and 225 were arrested and eventually incarcerated at Kirinya and Luzira Prisons.

Members from Kasese in their submission reported that the persons who were arrested, especially the royal guards, had spent five years in jail without trial. They contended that the King and the Prime Minister along with four minors had been granted bail in early 2017. The Committee was informed that most recently an additional one hundred and thirty-two others had been released on bail. The members asserted that eighty persons remain incarcerated.

The Members of Parliament from Kasese were concerned that the health condition of some of the royal guards that remain in detention had deteriorated significantly with some being reported as critically ill. They further reported that nine of these royal guards had died in detention and their relatives had been invited by the Prisons Authorities to pick their bodies and accord them decent but 'quiet' burials.

The Committee was informed that, in the aftermath of the attack, the 10th Parliament tasked the Sectoral Committee on Defense and Internal Affairs, at the time, led by Hon. Judith Nabakooba to carry out an independent investigation. The report of the investigation has never been tabled.

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The members allege that the incarceration of the King and the royal guards was intended to dehumanize, politically terrorise and that it constituted an enhanced Ugandanised apartheid.

The Committee interrogated UHRC and the Uganda Prisons Service on the issues raised by the Members of Parliament from Kasese District.

The UHRC informed the Committee that it had concluded investigations into 31 complaints, which arose from the 2016 post-election conflict in the Rwenzori Subregion. They reported that the complaints mainly Kasese and Bundibugyo are currently before the Commission's Tribunal. The complaints comprise of 20 cases of alleged torture, and 25 cases of deprivation of personal liberty. Thirty-one (31) of the complaints were against UPF while three (3) were against the UPDF.

The Uganda Prisons Service confirmed to the Committee that nine members of the royal guard died while in custody. Their remains were handed over to their families for interment.

The Committee tasked the Uganda Prisons Service to assign a Justice of The Peace to a team from UHRC and the legal representative of the royal guards to extract affidavits or statutory declarations from the royal guards who remain incarcerated.

The Uganda Prisons Service and UHRC reported to the Committee that the royal guards refused to provide any evidence in respect of this matter. The Committee was informed that despite encouragement from their legal representatives, the royal guards declined to record statements for the Committee's use. The team reported that the royal guards refusin suspicious of the entire justice system and government machinery.

The Committee noted with grave concern the long periods suspects spend on remand without trial. The Committee notes that the inordinately long remand periods constitute a breach of the right to fair trial guaranteed by the Constitution.

The Committee recommends that:

the ODPP and the Judiciary should strive to ensure expeditious trial of suspects that are not granted bail.

The ODPP should submit to Parliament an updated list of all persons held on remand for a period exceeding one year with reasons for the delay to try their cases. This list should be submitted annually.

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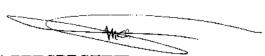
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- (iii) Government should compensate all persons who are acquitted after spending many years on remand.
- (iv) The UHRC Tribunal should dispose of all matters that are now before it and report to the House within six (6) months.
- (v) the Government should engage in dialogue with the people of Kasese in order to find a lasting solution to the long-standing conflict.
- (vi) Government should also create mechanisms to support the recovery process following the raid of November 2016 on the Obusinga Bwa Rwenzururu.





### 4.5 CIVIL SOCIETY ORGANISATION (CSO) PERSPECTIVE

The Committee interacted with Civil Society Organisations (CSOs) and Non-Government Organisations (NGOs) operating in the human rights arena to get their perspective on the state of human rights and alleged human rights violations from January 2020 to-date.

### 4.5.1 The Foundation for Human Rights Initiative (FHRI)

The Foundation for Human Rights Initiative (FHRI) submitted that International human rights law imposes a duty on states to respect and uphold human rights (ICCPR, 1966, Article 2 (1). The obligation to promote and protect human rights principles includes the duty to ensure respect for the dignity of the individual, the freedom and right to make informed choices, and the obligation to deepen inclusivity and public participation (SDG 16). In order to guarantee the enjoyment of these rights, states have the duty to ensure that law and order, peace and stability prevails in a human rights friendly environment.

They reported that Uganda experienced a democratic backlash in 2020 and 2021 due to marked deterioration in the country's human rights environment.

## The socio-political context

FHRI assessed the socio-political and human rights landscape in Uganda in 2020-2022 using the following parameters:

i. The continued threat of COVID-19 pandemic,

ii. The 2021 General Elections

iii. Restrictions on civic and political space

iv. Restricted access to education and health services

v. Restricted access to justice

vi. Poverty and inequality.

# i. The continued threat of COVID-19 pandemic

In a bid to contain the COVID-19 pandemic, the Minister of Health, exercising the powers conferred upon her by Sections 11 and 27 of the Public Health Act, Cap 281 issued The Public Health (Control of COVID-19) Rules, 2020, which gave rise to the adoption of Standard Operating Procedures (SOPs).

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Rt Hon. Speaker, the President issued several directives to operationalise government's effort to curb the spread of COVID-19. Government granted broad powers of enforcement of SOPS and curfew restrictions to security

personnel.

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FHRI avers that in the absence of an instrument to declare a public health emergency as required under Article 4 of the ICCPR, Uganda adopted a utilitarian approach that places national security and human rights as opposites. A climate of "de jure impunity" was created resulting in use of excessive force against suspected offenders, arbitrary deprivation of life and extortion of unsuspecting members of the public by errant officers. Without a clear declaration of a public health emergency, human security that requires more investment in guaranteeing dignity of the individual was pitted against physical security that is common with intransigent states.

Local Defence Unit (LDUs) personnel were reported to have used excessive force, including beatings and extortion of money from Boda boda riders, food vendors and taxi drivers in Kampala, Wakiso, Entebbe and Jinja purportedly to enforce Presidential Guidelines for the prevention of COVID-19 in 2020 and 2021.

# Right to life, liberty and security of person:

Rt Hon. Speaker, FHRI reported that the right to life, liberty and security of person was under threat due to arbitrary arrests and unlawful detention of suspects at police stations beyond the 48-hour rule. They stated that the right to legal representation was severely restricted due to travel restrictions imposed on lawyers as COVID-19 Prevention Directives did not include lawyers as an essential service.

They contended that the COVID-19 Directives and regulations coupled with arbitrary arrests exacerbated the already overwhelmed prison population worsening prison congestion and overcrowding. Prison statistics at the end of 2020 and 2021 indicate prison population as follows:

Year	Prison Population	% of Convicts	% of Remands
2020	63,851	44.9	54.8
2021	66,210	47.1	52.8

# ii. The 2021 General Elections:

FHRI stated that the 2021 General Elections were held amidst a climate of suspicion, fear and tension among the general population. They opined that the elections were marred by wide spread abuses. They accused security forces of arbitrarily arresting and beating opposition supporters, journalists, killing protesters, and disrupting opposition rallies.

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FHRI submitted that there was rampant denial of freedom of expression, association and assembly including media freedom prior to the general elections held on January 14 2021. They reported that the restrictions on freedom of expression and assembly were stepped up as security forces, using COVID-19 restrictions, broke up political rallies of opposition politicians, arrested Government critics and members of opposition parties and placed restrictions on media.

Rt Hon. Speaker, FHRI documented the incidences of violation of human rights of opposition politicians below:

On January 6 2020, police blocked public meetings by presidential candidate, Robert Kyagulanyi Ssentamu on grounds that he had not met the requirements of the Public Order and Management Act (POMA), 2013.

On January 7th, police blocked People Power Pressure Group from ii. accessing a venue where they were supposed to hold a consultative meeting with the public.

iii. On January 8 2020, the same group was blocked from holding another event in Lira. Robert Kyagulanyi was detained but released shortly. Police arrested journalists covering these events in Gayaza and Lira but were released shortly thereafter.

Relatedly, on February 5 2020, Parliamentary Committee on Human Rights released findings indicating that authorities held detainees in safe houses and subjected them to torture and abuse with impunity.

On March 23 2020 soldiers beat locals in Mityana District claiming that they had not adhered to the order to close bars.

On March 24 2020 Agnes Linda, the DPC, Amur Descrict threatened to beat people who congregate in public spaces.

On Mach 26 2020, police shot and injured two construction workers riding on a motorcycle in Mukono. On the same day, LDUs beat several people including vendors and motorcycle riders in downtown Kampala.

On March 282020 six police officers shot at a group of people in Bududa, injuring one claiming to enforce a ban on public meetings.

On March 302020 stick wielding LDUs attacked Ssembajiwe, a journalist and a motor cyclist in Makindye claiming to enforce COVID-19 curfew and a ban on public transport. At least six journalists are reported to have been assaulted between March 19th and April 22nd 2020.

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On March 30 2020, the Army Chief of Defence Forces publicly apologised to three victims of LDU attacks and promised to hold those responsible. Prior to the 2021 General Elections, restrictions on freedom of expression and assembly were stepped up as security forces broke up opposition rallies, arrested Government critics and opposition members and placed restrictions on media.

On April 19 2020, police arrested and tortured Francis Zaake for distributing food assistance to locals in Mityana.

On June 9 2020, the military tribunal withdrew charges against UPDF soldiers who had been accused of brutalising students protesting fee increase at Makerere University in October 2019; and in July, 2020 the UPDF withdrew LDUs from field operations and subjected them to human rights training.

On July 24 2020 police arrested 4 comedians popularly known as "Bizonto", released four days later, for posting online a satirical video calling on Ugandans to pray for top government officials, described by Minister of Communications and Technology as offensive.

On September 7 2020, the Uganda Communications Commission (UCC) issued a public notice requiring providers of online data and communication including bloggers and online TV, to seek authorisation from the body by October 5 2020; and pay a fee of UGX 100,000.

On November 18<sup>th</sup> and 19<sup>th</sup> 2020 following the arrest of Kyagulanyi in Luuka, protests broke out in Kampala and surrounding areas. Security forces fired teargas and live bullets at protesters and the public leading to death of over 54 people. A spate of arrests and abductions that followed the November 18 2020 killings, post- election violence, and possession of military stores reportedly resulted in military detention and enforced disappearances of 177 people. This is according to a list presented by Internal Affairs Minister Jeje Odong to Parliament on March 42021).

For example, on January 8 2021, Police charged 49 NUP supporters with alleged possession of government stores.

On January 9 2021 security personnel surrounded Robert Kyagulanyi's home and beat Francis Zaake when he attempted to visit him. A few days before the elections on January 14th 2021, government shut down the internet for five days, and restricted access to social media sites including Twitter and YouTube for a month. Face book access was blocked indefinitely allegedly in retaliation of Facebook having taken

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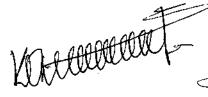
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down a network of accounts and pages linked to government. The authorities have since restored partial access to social media sites, excluding Face book. In the lead up to the January 14, poll, Presidential candidates, Patrick Amuriat of FDC and Robert Kyagulanyi were among those arrested.

On January 18 2021, security forces blocked access to Kyagulanyi's xviii. party offices allegedly to counter any plans to carry out "mass riots and violent demonstrations"

In February 2021, military police beat journalists covering Presidential xix. Candidate Robert Kyagulanyi, as he delivered a petition seeking intervention over repeated abuse, abduction and illegal detention of his supporters to the UN Office for Human Rights in Kampala.

In May 2021, police detained a 24-year-old law student, Michael Muhima for a tweet parodying the police spokesperson and charged him with offensive communication. In June 2021 government replaced social media tax with a 12% tax on the purchase of internet data.

#### iii. Restrictions on civic and political space

Rt Hon. Speaker, FHRI reported that the authorities restricted the work of activists and civil society groups. They alleged that the Electoral Commission declined to accredit many local and international observers including CCEDU and the National Coalition of Human Rights Defenders. The EU and US Mission declined to observe the 2021 Elections citing pre-electoral violence, excessive use of force by law enforcement agencies which adversely affected the credibility of the electoral process.

FHRI reported that on 14 September 2020, the Uganda Government stated that it had suspended the operations of 208 refugee organisations including 85 international groups over non-compliance with Ugandan refugee regulations. Only 69 aid agencies are now authorised to assist Uganda's 1.4 million refugees.

Rt Hon. Speaker, FHRI assert that according to the Minister for Relief, Disaster Preparedness and Refugees, many of these organisations that were suspended lacked valid permits or possessed expired permits to operate or were running unauthorized projects. In fact, on January 14 2021, police arrested over 20 people working with Citizen Watch-IT and the Women's Democracy Network for allegedly operating a parallel tallying centre at Hotel Africana, and On August 20 2021, NGO Bureau suspended the activities of 54 NGOs allegedly for operating without a permit or proper registration.

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They further reported that due to forced evictions carried out by security forces in Apaa, Northern Uganda, thousands of eligible voters were unable to participate in the 2021 Elections. They had been excluded from the updated voter register.

#### iυ. Restricted access to education and health services

Rt Hon. Speaker, FHRI reported that on March 18 2020, President Museveni ordered the closure of all schools as a COVID-19 control measure. This affected more than 15 million school going children. They noted that this measure was discriminatory because of partial / staggered reopening and many international schools remained open.

FHRI reported that over the last 20 years since the Abuja Declaration in 2000, there has been nominal increment in the budget allocation to the health sector. For example, the health sector budget has decreased from 8.9% in 2016/17 to 6.2% in the 2021/2022 financial year.

### Restricted access to justice

FHRI stated that prisons remain overcrowded largely due to indiscriminate arrests, inadequate legal aid services, under-funded judiciary and limited financing of the Uganda Human Rights Commission.

Fair trial and due process rights are adversely affected by the continued practice of trying civilians in military courts, and the growing phenomena of enforced disappearances.

#### υi. Poverty and unemployment

FHRI reported that in 2020, 1.8 million Ugandans fell back into poverty. During that year, the COVID-19 pandemic had driven four percent of Ugandans back into poverty, posing the toughest challenge ever for the country's budgeting process.

FHRI reported on the following statistics attributed to (extracted from) a World Bank report on 2021.

- That Uganda's the Gross Domestic Product (GDP) dropped by 1.1%, after being hit by the COVID-19 pandemic.
- That the GDP was estimated to have recovered by 3.3% by 2021
- That due to the loss of jobs and sources of income through business, most of the population was forced to rely on agriculture and other natural sources of income. This enabled them to work through the crisis.

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- That this shift and reliance on agriculture saved the economy from collapse into a dire poverty level.
- That on a positive note, the economic growth outlook for Uganda is 4.6% in 2022, and acceleration to 6.4 percent in the 2023 fiscal year, as domestic demand conditions improve and global recovery continues. This is in part due to the roll out of COVID-19 vaccines despite the unequal distribution of the same in the global south

FHRI stated that the levels of unemployment in Uganda have also subsequently increased as a result of the COVID-19 effects on the economy. In its 17' Uganda Economic Update (UEU) - 'From Crisis to Green Resilient Growth', the World Bank notes that the COVID-19 shock caused a sharp contraction of the economy in Uganda to its slowest pace in three decades. Household incomes fell when firms closed and jobs were lost, particularly in the urban informal sector.

FHRI reported that child labour saw a significant increase in 2020 and 2021 in order to earn and support their families' standard of living. Children were exposed to long working hours of exploitation for little pay, in order for them to put food on the table. Children aged between 9- and 16- year-olds were reported to be working for more than 16 hours a day with little pay. (Human Rights Watch "Uganda: Covid-19 Pandenic) Fueling Child Labor" 26 May 2021)

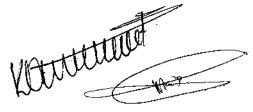
### Progress and proposed way forward

Rt. Hon. Speaker, FHRI identified a number of positive developments in the period under review.

- a. The enactment of the Administration of the Judiciary Act, 2020 that has paved way for the financial independence of the judiciary.
- b. Funding to the Judiciary has since been increased to Ushs 376 billion to cater for recruitment of judicial officers, construction of more courts including the Supreme Court and Court of Appeal.
- c. Decentralisation of courts is projected to result in establishment of chief magistrate courts at every district, regional court of appeal in Mbarara, Gulu, Soroti and Lira. With more courts and judicial officers, we should expect expeditious trial. It is reported that the judiciary has embarked on daily criminal trials.

d. The Constitutional Court has declared Section 8 of the Public Order Management Act, 2013 as unconstitutional. Once the threat of COVID-

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19 has subsided, there is every reason to reassert the rights to freedom of expression, association and assembly.

- e. The Constitutional Court in 2020 held that the right to health is a constitutional right and urged government to take reasonable steps and measures to ensure its realization by the citizens.
- f. Government has developed the National Action Plan on Business and Human Rights. If implemented, the National Human Rights Action Plan would provide a legal framework within which alignment of the National Development Plan can be based.

On 27 January 2022, Uganda underwent the 3<sup>rd</sup> Universal Periodic Review before the UN UPR Working Group. UN member states made several recommendations towards improving Uganda's human rights record. If the recommendations are implemented, significant progress would be made in addressing the current human rights and democracy deficit.

The Committee commends the Foundation for Human Rights Initiative for a well-researched and comprehensive presentation on the state of human rights in Uganda; and for their enthusiasm and effort towards the promotion and protection of human rights in Uganda.

The Committee recommends that Government should:

- i. Ratify the Optional Protocol to the Convention Against Torture to guarantee freedom of expression, association and assembly including the media.
- ii. Ratify the International Convention for the Protection of All

  Persons from enforced disappearance.
- iii. Ratify the Second Optional Protocol to the ICCPR to abolish the death penalty.
- iv. Issue a standing invitation to the Special Procedure Mandaté
  Holders to visit Uganda and appraise her human rights situation.
- v. Conduct impartial and effective investigations into use of excessive use of force, extrajudicial killings and torture and bring the perpetrators to a fair trial.
- vi. Finalise and implement the National Action Plan on Business and Human Rights.

vii. Ratify the African Charter on Democracy, Elections and Governance, 2007.

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- viii. Guarantee the right to freedom of expression during elections for online activists including unblocking Facebook.
  - ix. Revisit the tax on internet access.
  - x. Revisit current Guidelines on accreditation for election observers
- xi. Enact the Human Rights Defenders Bill.
- xii. Implement the Human Rights Enforcement Act, 2019.
- xiii. progressively increase funding to the health sector to meet the Abuja Declaration threshold of 15%.
- xiv. Enact the National Legal Aid Policy into law.

# 4.5.2 The African Centre for Treatment and Rehabilitation of Torture Victims (ACTV)

The Committee interfaced with African Centre for Treatment and Rehabilitation of Torture Victims (ACTV) in order to ascertain the support available for victims of torture.

ACTV was established in 1993 as the pioneer provider of services to survivors and victims of torture in Uganda. It is accredited by the Ministry of Health to operate a medical referral centre that provides physical and psychological care to support the process of rehabilitation of survivors and victims of torture.

The Committee was informed that ACTV is the Chair of the Coalition Against Torture in Uganda. The Coalition was instrumental in the passing of the Prevention and Prohibition of Torture Act. The Prevention and Prohibition of Torture Act was introduced in parliament as a private members bill in 2012. The concerted efforts of the coalition also resulted in the enactment of the Prevention and Prohibition of Torture Regulations of 2017 by the Ministry of Justice and Constitutional Affairs.

ACTV is also accredited to the International Rehabilitation Council for Torture Victims, a grouping of 160 torture treatment centres in 70 countries around the world. It is mandated to train the police, the military, prison staff, legal and medical officials in issues of human rights and on the Istanbul Protocol guidelines to effectively document torture.

# Legislative framework against acts of torture and ill treatment in Uganda

Rt Hon. Speaker, ACTV canvased the legal framework available in Uganda to deal with torture. It maintained that Uganda has an elaborate and comprehensive legal framework.

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### International law:

- 1984 Convention against Torture and other forms of cruel, Inhuman i. Degrading Treatment or Punishment (UNCAT),
- 1948 Universal Declaration of Human Rights (UDHR) (Art. 5), ii.
- iii. 1966 International Covenant on Civil and Political Rights (ICCPR) (Art. 7)
- Istanbul Protocol of 1998. This is what ACTV has been using in its professional documentation of victims and survivors for specialised care attititu and services.

### In the African region;

- i. 1989 Convention on the Rights of the Child (CRC) (Art. 37 (a)),
- ii. 1981 African Charter on Human and Peoples' Rights (Art. 5)

### Domestic law;

- Articles 24 and 44 of the 1995 Constitution of Uganda,
- ií. The 2017 Regulations to the Prevention and Prohibition of Torture Act, 2012,
- iii. Anti-Terrorism Act, 2002 - Section 21(e), Section 24(4) of the Police Act Cap 303, The Prevention and Prohibition of Torture Act 2012 and the Human Rights Enforcement Act 2019.

Rt Hon. Speaker, ACTV opined that the right to rehabilitation is a human right which continues to be neglected. ACTV stressed that civic space and human rights enjoyment continue to shrink especially after the closure of 54 NGOs by the NGO Bureau.

ACTV informed the Committee that torture victims remain silent for fear of retribution. This fear is compounded by the lack of a witness protection law <u>in Uganda.</u>

ACTV informed the Committee that the Istanbul Protocol establishes rules and guidelines for documentation of cases of torture. This is the gold standard for investigation and handling of case of torture. ACTV asserts, however, that health workers, legal professions, police officers, prisons staff and judicial offers have limited appreciation of its importance and applicability. Ultimately, this undermines the ability of victims of torture to access justice.

ACTV asserts that this situation is further compounded by officers of the UPF's continued reluctance to utilise the Form 4 of the 2017 Regulations to

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the Prevention and Prohibition of Torture Act 2012 when investigating and documenting torture cases.

#### II. Torture Trends analysis in Uganda

The Committee was informed that, on average, ACTV registers 1,000 cases of torture allegations for treatment, rehabilitation and legal support annually. ACTV in the same period registered and offered treatment and rehabilitation services to 960 (532 Male and 428 Female) cases of alleged torture and other cruel, inhuman or degrading treatment.

The perpetrators of these human rights violations are alleged to be from security agencies like UPDF, UPF as well as private individuals including local leaders, Resident District Commissioners and politicians.

ACTV reported that 323 torture victims were aged between 18 and 35 years; the most productive period of their lives. They noted that this negatively impacts on the National Agenda of social economic integration and transformation and consequently, nation building.

# COVID-19 Pandemic and enforcement of the measures and guidelines

ACTV reported that the implementation of the COVID-19 Standard Operating Procedures and directives regrettably resulted into alleged torture and ill treatment by some errant enforcers. ACTV related that from January 2021 to February 2022, it received and treated 116 cases arising from torture meted by security agencies during the enforcement of COVID-19 guidelines and directives.

#### IV. The 2021 General Elections

The Committee was informed that the January 2021 general election period coincided with the restrictive measures taken to curb the spread of COVID-

This posed a challenge to state and political actors as they had to ensure that campaigns and elections were conducted while observing COVID-19 SOPs. This resulted into reports of alleged rampant brutalities and torture incidents.

From January 2021 to February 2022, ACTV offered treatment and rehabilitation services to 109 victims of torture arising from election related violence. 15 victims were allegedly tortured by private individual political extremists, while the other 94 victims were allegedly tortured by rogue security agents, politicians and local leaders.

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Rt Hon. Speaker, the Committee commends ACTV for the pioneer work they continue to do in treating and rehabilitating the victims of torture, in training security agents, the legal fraternity and medical personnel in handling reporting and documentation of cases of torture.

The Committee recommends that

- the Uganda Law Reform Commission, the Ministry of Justice and Constitutional Affairs, the First Parliamentary Counsel and the Ministry of Internal Affairs should fast track processing of the Witness Protection Bill, the National Legal Aid Bill and the Human Rights Defenders Protection Bill and submit them to Parliament for consideration within 6 months.
- Government should ratify the Optional Protocol to the Convention Against Torture (OPCAT) 2006, to allow unlimited access to all places of detention in addition to establishment of a National Prevention Mechanism (NPM) against torture.
- The Parliament of Uganda should increase appropriation of resources towards the investigation agencies in order to develop the capacity to gather evidence for use in the courts of law to effectively implement the PPTA
- Politicians and political parties should:
  - raise awareness to the need to report cases of torture as stated in Section 20 of the PPTA.
  - institute mechanisms that provide access to professional and timely documentation of victims of torture and violence.
  - o Create a dialogue for political parties to, address torture, and political violence.
- The Uganda Police Force should:
  - investigate and institute charges using the Prevention and Prohibition of Torture Act, 2012 on all alleged 2021 general elections torture cases.
    - adopt the use of the PPTA regulations for effective documentation of all torture allegations to inform effective investigation.
  - avail its officers implicated in the 2021 General Election violence, COVID-19 guidelines enforcement and torture to be

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investigated and prosecuted accordingly in the criminal courts rather than the disciplinary courts.

- continuously train its offices on principles of human rights and public order management, during election periods.
- Uganda People's Defence Forces should:
  - avail all its officers implicated in the 2021 General Election violence, COVID-19 guidelines enforcement and torture for investigation and prosecution be done accordingly in the criminal courts rather than the disciplinary courts.
  - continuously train its officers on principles of human rights and public order management especially during election periods so as to avoid the high number of incidents of election violence.
- The Uganda Human Rights Commission (UHRC) should:
  - investigate and document torture related claims and human rights violations, and ensure that survivors' access to justice for the violations of the right of freedom from torture. (Section 7 (2) and (3) of the UHRC Act Cap 24)
  - popularise the use of PPTA 2017 Regulations for effective implementation of the Prevention and Prohibition of Torture Act No.3 of 2012.
  - develop a programme to fast-track receipt of the compensatory awards to torture victims and survivors in accordance with Section 7 (k) of the Uganda Human Rights
     Commission Act Cap 24.
- Civil society organisations should:
  - create awareness about the right of freedom from torture and the importance of early professional documentation of survivors of torture.
  - build a referral mechanism that can support effective rehabilitation (i.e., medical treatment and psychosocial services) of survivors and access to justice.
- Ministry of Health should:

 train health workers in effective documentation of torture uşing the Istanbyl Protocol sq as to increase accessibility

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and availability of documentation services for survivors of torture,

- o develop a policy on comprehensive rehabilitation of survivors of torture as it is stated in General comment Number 4 to the African Charter. Uganda already has a National Policy on Elimination of Gender Based Violence,
- institute policy guidelines on treatment and rehabilitation of torture victims,
- o set up centres with trained personnel to treat and rehabilitate torture victims,
- o increase accessibility of mental health services and awareness to communities so as to support the many survivors of election violence and COVID-19 guidelines enforcement. Duttette
- Local Governments should:
  - o in accordance with Section 17 (b) of the Local Governments Act Cap 243, work together with Non-Governmental Organisations in safeguarding the civic space which enables identification, documentation and referral of torture related cases for specialised care and legal support;
  - mainstream a Human Rights Based Approach while monitoring the provision of Government services and any implementation within their project control/leadership/jurisdiction, in accordance with Section 24 of the Local Governments Act Cap 243 and National Development Plan III;
  - in accordance with Section 26 (c) on assisting in maintenance of law, order and security and Section 26 (e) of the Local Governments Act Cap.243, sensitise the public on torture and human rights, identify cases and refer them for specialised care and support.
  - The general public should:
    - o report all acts of torture to the relevant institutions, and also seek for professional documentation of their experience.
      - always use legal means to advocate for their rights, and respect each other in order to avoid political violence.

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The Coalition Against Torture (CAT) should: o create horizontal synergies within partners that work on human rights issues; build the capacity of its membership to identify, document and refer torture related cases for specialised care and provide legal support; advocate for the operationalisation of the 2017 Prevention and Prohibition of Torture Regulations; Utilise Form 4 of the 2017 Regulations in documenting torture related allegations. The media fraternity should; continue identifying and referring torture related cases for specialised care and support; o embrace the trauma-informed approach in investigation and telling stories of torture victims and survivors; o continue exposing torture incidents to foster torture prevention and accountability. The Office of the Director of Public Prosecutions should; Expeditiously prosecute all alleged cases of torture during the 2021 General Elections and COVID-19 guidelines enforcement using the PPTA so that all perpetrators are individually held accountable. KP HANDINE The Judiciary should; o insist on the non-admission of evidence obtained through torture and ill treatment from suspects. (Section 14 and 15 of the Prevention and Prohibition of Torture Act 2012) and nullify all prosecution of torture victims. Page 55 of 150 ye od o



# 4.5.3 Human Rights and Peace Centre: Makerere University School of Law

The Committee interacted with the Human Rights and Peace Centre (HURIPEC) - MUK School of Law.

HURIPEC submitted to the Committee that the passing of the national Constitution in 1995 was a landmark change in Uganda's human rights and constitutional history. It guaranteed progressive recognition of human rights in its Chapter Four Bill of rights. The Government of Uganda is the key duty bearer and has obligations to respect, protect, and fulfil human rights. HURIPEC observed that since 1995, there have been a number of negative developments with regard to the promotion and protection of human rights.

This Centre highlighted some of the challenges to human rights enjoyment in Uganda in the period 2020 - 2022 both in the area of civil and political as well as economic, social and cultural rights. It emphasized the effects of Covid-19 on the enjoyment of human rights in the country.

#### I. Abductions, deaths and extra judicial killings

HURIPEC reported that from the start of the official presidential and parliamentary election campaigns in November 2020, not less than 500 Ugandans were abducted, kidnapped, held in custody without trial or in military facilities and "safe houses", or killed extra-judicially. HURIPEC alleged that on November 18 and 19th 2020 alone, it was estimated that over 100 Ugandans were executed on the streets of Kampala in a bid to contain protests that were triggered by the arrest of NUP Party flag bearer Robert Kyagulanyi Ssentamu.

They further claimed that while a few of the citizens arrested in this onslaught were arraigned before courts of law, an unknown number were found dumped in jungles and other remote places; often in poor health, bearing torture marks. Some women reported to have been sexually violated. These acts have gone hand in hand with a growing practice of trying Ugandan citizens in military tribunals. HURIPEC expressed concern that this is against the letter and spirit of Uganda's constitution.

#### II. Narrowing civic space

HURIPEC informed the Committee that there are growing episodes of attacks on civil society, mostly targeting actors deemed to be working on electoral democracy, natural resources management, human rights and political accountability. According to it, the trend suggests that citizens, their organisations as well as anyone funding them are targeted.

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HURIPEC enumerated the attacks on civic space as follows:

- The closure of the Democratic Governance facility (DGF) a funding agency for civil society since 2020;
- The ban of unregistered forms of citizen organizing such as loose ii. coalitions like the National Election Watch (NEW-U) in October 2020. The NEW-U, a coalition of sixty-four domestic COs planning to observe the elections, was arbitrarily declared illegal and suspended via a public statement issued by the NGO Bureau on October 29 2020. NEW-U had operated under a legal loophole in which coalitions are not expressly required to register;
- The Deportation of staff of foreign missions (embassies) and staff of iii. international NGOs working on elections;
  - The freeze on bank accounts of several NGOs working on democracy, human rights and accountability including the Uganda National NGO Forum, Chapter Four and Uganda Women's Network (UWONET).
- Targeted break-ins on NGO premises and homes of staff, without any report on investigations from the state;
  - Arrests of civil society leaders, such as the Executive Director of AFIEGO, Mr Dickens Kamugisha and other staff across the country in October 2021, the ED of Chapter Four in December 2020 and over 20 CSO Election observers in January 2021;
- Withholding CSO tax exemptions. Under the Non-Governmental vii. Organisations Regulations, 2017, many COs were stripped of existing tax exemptions and had to re-apply for them in a process that remained unclear and complicated. Very few organisations were granted exemptions in 2020.

HURIPEC maintains that these attacks are not only disturbing but indicate the deteriorating human rights situation in the country especially in view of the fact that they fall outside of the operations of the law. HURIPEC raised issue with the legal framework regulating CSOs in Uganda. They contend that laws such as the Public Order Management Act, 2013; the Non-Governmental Organisations Act 2016; and the Police Act 2006 (as amended) have the potential to suppress civic space in Uganda. Most of these laws have been passed under suspicious circumstances surrounded with public and international criticism.

Rt Hon. Speaker, HURIPEC argues that the wrath of these laws is mostly felt by organisations whose mandate directly calls for Government accountability

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to the citizenry and promote good governance and democracy. In particular, the aforementioned laws have introduced many procedural and non-procedural requirements which stifle the operation for CSOs.

Furthermore, HURIPEC contends that

- the Non-Governmental Organisations Act of 2016 creates rigorous registration procedures for NGOs.
- The Act is full of bureaucracy which affects the smooth operation of NGOs. That it provides for a process of incorporation, registration and obtaining a permit. Yet, after these steps the Act requires any organisation that wishes to carry out activities in any part of the country to be authorised by a district NGO Monitoring Committee.
- this law places a number of legal and regulatory policy measures that impose cumbersome administrative procedures thereby limiting the freedom of association, provides for overly broad, undefined, and vague obligations that contravene the principle of legality, with the potential to muzzle the ability of the NGOs to operate meaningfully in Uganda.

HURIPEC supports its claims by citing a number of organisations that have expressed fears and concerns about the adverse effects of these legislative provisions on their activities while others have experienced its wrath on their mandates and objectives. They conclude that the NGO Act has reinforced an already hostile environment for CSOs in the country and in general, the legal regime on civic space has created an environment of fear and self-censorship among most CSOs in carrying out their duties under the fear of being deregistered.

# III. The right to privacy and management of personal data

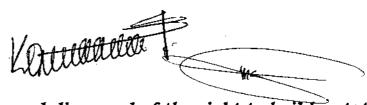
HURIPEC further submitted that parallel and multiple collection of personal data of Ugandans has serious repercussions on the right to dignity and privacy. Processes like SIM card registration, validation of SIM Cards with a national ID, and capturing of biometric data has deposited a lot of personal information in the custody of private telecom companies operating in Uganda. It maintains that the same is true of a number of institutions both in the private and public sector. Article 27 of Uganda's Constitution protects the right to privacy of person and guarantees that no person shall be subjected to interference with the privacy of their correspondence, communication or other property.

It argues that whereas there is a Data Protection Law, all institutions should be strictly regulated on how to use citizen's personal data

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### Persistent use of torture and disregard of the right to bail by state IV. security agencies

Rt Hon. Speaker, HURIPEC also made a submission on the cases of Kakwenza Rukirabashaija and Samuel Masereka both of which have been conversed under section 4.1.7 of this report. HURIPEC contends that Uganda's courts have failed to condemn torture and the unlawful re-arrests of persons who express dissent against the State.

They urged government to hold perpetrators of torture to account in criminal courts. They argue that the lack of accountability emboldens impunity for the crime of torture. They reiterated Uganda Law Society's call upon State leaders and the Judiciary to send a stern message of discipline and to take action against the perpetrators of torture.

HURIPEC further raised concern about disregard of the right to apply for bail. They noted that while speaking at the opening of the 2022 New Law Year, President Museveni characterised the grant of bail as "provocation". They expressed fear that the president's public pronouncements will intimidate judicial officers.

# Effects of COVID-19 on human rights enjoyment

Rt Hon. Speaker, HURIPEC expressed concern that the government of Uganda used the COVID-19 pandemic to impose excess and disproportional restrictions to the enjoyment of human rights. Some have referred to it as the "weaponisation" of lockdown restrictions.

It reported on the negative repercussion of the COVID-19 crisis on economic rights. It quoted a Ministry of Finance, Planning, and Economic Planning report on Uganda's economy, stating that an additional 780,000 Ugandans were pushed into poverty in 2020 as unemployment increased and household incomes dwindled.

HURIPEC reported that Civil society organisations were also affected by the pandemic. With the lockdown measures in 2020 and 2021, many NGOs were not able to comply with their annual registration processes and filing of financial returns with the Financial Intelligence Authority (FIA). Regulation 45(1) of the Anti-Money Laundering Regulations of 2015 requires every accountable person to report their level of compliance to the FIA at the end of each calendar year in a process that can be long and tedious. It reported that according to the NGO Bureau, only 2,234 of the roughly 13,000 CSOs in its database in 2020/had valid certificates of registration and operating permits.

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Attitude

In 2021, most CSOs continued to work under threat of closure for noncompliance in 2020.

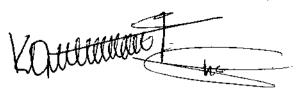
HURIPEC further reported that alongside COVID-19, in 2020 alone, Uganda experienced emergencies such as floods, locust invasion, rising water levels on Lake Victoria and droughts which had serious socio-economic impacts on the population and exposed stark disparities in individuals' and groups' capacity to cope with the sudden downturns in incomes, livelihoods and social wellbeing. As a result, there was a slump in economic growth as people lost or had their income significantly reduced across all sectors.

Consequently, the Ministry of Finance, Planning and Economic Development estimated that in addition to 8 million people who live below the national poverty line, between 800,000 and 2.6 million people would fall into poverty due to loss of livelihoods as a result of the pandemic. The Bank of Uganda monetary policy report projected economic growth of between 3% and 3.5% but noted that the economic outlook going forward remains uncertain due to COVID-19 and its effects. HURIPEC purported that attempts at stimulating recovery have seen the government engage in unprecedented borrowing that has increased public debt and introduced new or increased taxes to secure income for running government programmes, yet there are concerns that the secured recovery funds are not reaching the individuals and sectors most in need.

HURIPEC stated that a key lesson learnt from the pandemic is the role of resilient and quality public services to cushion people from the socioeconomic fall out resulting from the pandemic. It asserted that Uganda is gradually abdicating her responsibility to provide essential public services like health and education. The implementation of the structural adjustment programs left a big blow to public special services delivery especially water, education, health and electricity.

HURIPEC expressed concern that to late Uganda struggles with weak public health systems and inadequately equipped schools, lack of access to clean and safe water and expensive and often inaccessible electricity. They advised that the State is obligated to invest more in social protection and public services such as health and education. It noted however, these public critical services continue to be under funded and further affected by the gradual privatization of public services. The private sector is increasingly relied upon to deliver social services like health care and education, organised in procedures ranging from purely private to Public Private Partnerships (PPPs).

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HURIPEC reports that there has been a massive and unprecedented increase of private providers of these services in Uganda. In health, 55% of the health facilities are private or community owned. In the education sector, at primary level, about 39% of the schools are private owned, with about 21% enrolment rate of the learners. The private schools share of primary education enrolment has been growing at an average of about 1% per annum over the last ten years. At the secondary level, over 66% of the schools are private and these have been enrolling on average 51% of students. The electricity sector on the other hand was also restructured and distribution privatized to a private company through a concession. The country's electricity tariff remains high.

The Committee commends HURIPEC for the value addition it made to this inquiry.

The Committee recommends that Government should;

- i. Review and reform the NGO Act 2016 to impose only demonstrably
   justifiable regulations on NGOs and CSOs.
- ii. Protect and promote the human rights that are guaranteed in the Constitution.
- iii. support the UHRC and the Equal Opportunities Commission to become more visible and accessible to the Public.
- iv. Government should fully fund the Uganda Equal Opportunities

  Commission to execute its mandate.
- v. improve facilitation to the UHRC to undertake their core human rights protection function and conduct civic and human rights education.
- vi. ensure that those who torture and violate the human rights of Ugandans are prosecuted.
- vii. Ensure that perpetrators of torture are held accountable in the courts of law.
- 4.5.4 Human Rights Watch Perspective on The State of Human Rights in Uganda

The Committee received submissions from the Human Rights Watch.

Rt Hon. Speaker, Human Rights Watch is an independent, non-profit, non-governmental human rights organisation. Each year, Human Rights Watch publishes more than 100 reports and briefings on human rights conditions in

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more than 90 countries. The findings of their investigations are used to advocate for changes in policy and practices that promote human rights and justice around the world.

The Human Rights Watch submission to the Committee focused on its research findings and its the March 2022 report on the unlawful detention of people in ungazetted places of detention in Uganda since 2020. The research was undertaken between April 2019 and November 2021. Fifty one people were interviewed including former detainees and witnesses of abductions, as well as lawyers, government officials, members of parliament, opposition party members, diplomats, human rights activists, journalists, and representatives of non-governmental organizations (NGOs).

### I. Unlawful detentions during the 2021 Election Campaigns

The Committee was informed that Human Rights Watch found that for several weeks following widespread and sometimes violent protests on November 18<sup>th</sup> and 19<sup>th</sup> 2020, in Kampala and other parts of Uganda, security forces carried out a spate of arbitrary arrests and detentions of opposition supporters, government critics, and others for allegedly participating in the protests. Human Rights Watch contends that armed men, including police, soldiers, and other security agents in plainclothes, grabbed people from the streets, their homes, or their workplaces and took them way in unmarked Toyota Hiace vans, locally known as "*Drones*."

Human Rights Watch opined that the lawless manner in which these arbitrary detentions happened qualifies them for "abductions". It asserts that there is no doubt that these are not the random actions of a rogue cohort of criminals, but a deliberate practice carried out by law enforcement and security operatives, knowingly operating outside of the law.

Human Rights Watch accuses security forces of engaging not just in arbitrary detention but enforced disappearances. Enforced disappearances are, for good reason, prohibited at all times and criminalized under international law.

II. Places of detention

Human Rights Watch fluther alleged that the unlawful detentions were in the following locations;

- i. Kigo Maximum Security Prison, Kigo, Wakiso
- ii. Kitalya Maximum Security Prison, Kitalya, Wakiso
- iii. Kissajjagirwa military barracks, Masaka

iv. Masaka Police Station, Masaka

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- Masaka Ssaza Prison, Masaka v.
- Chieftaincy Military Intelligence headquarters, Mbuya, Kampala vi.
- vii. Makindye military barracks, Makindye, Kampala
- viii. Special Investigations Directorate, Kireka, Kampala.

#### III. Unlawful arrests and detention of opposition supporters

The Committee was informed that Human Rights Watch documented emblematic cases of people who were arbitrarily detained and held in unauthorised locations, for allegedly participating in protests or for supporting the opposition. Most were later released.

Former detainees told Human Rights Watch that after the security forces who detained them forced them into waiting "Drones", they beat them, drove them to unknown locations and tortured them using sadistic methods.

The Committee notes that Human Rights Watch declined to provide the identities of the alleged victims citing confidentiality and their work protocols. The Committee was therefore unable to independently corroborated the allegations contained in the submissions of Human Rights Watch.

For purposes of evidence-based reporting, the Committee would greatly benefit from material disclosure in respect of every allegation made.

# 4.5.5 Uganda Journalists' Association

Rt Hon. Speaker, in a liberal democratic state, the media plays a pivotal role by informing the public and performing a watch-dog function. The media plays a vital and complimentary role in the dissemination of information, education, the fight against corruption and the promotion and protection of human rights and democratic principles and practices.

Government has a duty to guarantee journalists' enjoyment of constitutional rights and freedoms of speech, expression and conscious. Uncensored and unhindered press or other media as a cornerstone of a democratic society

### Scientific Elections

Rt Hon. Speaker, Uganda has held six general, parliamentary and local council elections since the promulgation of the 1995 Constitution.

Uganda Journalists' Association (UJA) reported to the Committee that each of These elections presented varying degrees of politically motivated violence and human rights abuses by political party candidates, members, and supporters.

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UJA accused law enforcement personnel of using excessive force during the six elections and proposed that the 2021 general elections were the worst experience for journalists and human rights defenders.

UJA expected to play a more pivotal role in the electioneering process since the elections were conducted during the COVID-19 outbreak when public gatherings and political campaign rallies were banned. The Electoral Commission restricted candidates to virtual campaigns using Radio stations, TVs and other media of communication to solicit votes.

Rt Hon. Speaker, UJA reported to the Committee that several journalists were injured by security during the course of their work; covering the 2021 elections. A survey conducted by UJA, for the period November 2<sup>nd</sup> 2020 and May 12<sup>th</sup> 2021, they recorded violations of rights for over 50 journalists in form of physical attacks, confiscation of work tools, vandalism, tear gas and pepper sprays, unwarranted arrests, detention and intimidation by the security forces and private citizens.

The survey revealed exploitation of journalists by their employers during the COVID-19 pandemic lock down and its negative impacts on their livelihoods.

The other form of abuse recorded by UJA was the internet shutdown by the state. It further opined that a number of regulatory measures and legislations applied against professional journalists practices by the state agencies are draconian.

# II. Cases of violations of journalists and other citizen's rights

UJA provided the Committee with a list of fifteen incidents in which rights of journalists and ther citizens were alleged violated during the period under review.

i. On November 3 2020, Vision Group journalist, Ronald Kakooza was arrested while covering events at the Forum for Democratic Change Headquarters in Najjanakumbi.

ii. On the same day, a group of more than 30 journalists who were covering presidential nominations at Kyambogo University were tear-gassed and pepper-sprayed by the security personnel.

iii. On November 5 Moses Bwayo, a freelance journalist was reportedly shot at with a rubber bullet and sustained facial injuries while covering candidate Robert Kyagulanyi's journey from Kibuli mosque to his party headquarters in Kamwokya.

iv. On November 12 2020, the BS TV crew covering Kyagulanyi's campaign in Northern Uganda was attacked by unknown assailants who

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vandalized their car and stole their property including a laptop and phones. These journalists included Daniel Lutaaya and Thomas Kitimbo.

- On November 18 2020, Ashraf Kasirye, a journalist with Ghetto Media v. was brutally arrested and sustained injuries that left him hospitalized
- On the same day, Sam Balikowa, a journalist with City FM and Nile TV, vi. who was covering Kyagulanyi's campaigns in Luuka District was brutally arrested.
- vii. Arthur Wadero of Daily Monitor was also attacked on his way horse from covering the same event.
- On December 12 2020, David Tamale of Bukedde TV, SsessangaBatte viii. of BBS TV, John Cliff Wamala of NTV, Moses Waiswa of Busoga One FM, Ronald Mugenyi of Ghetto Media and Jonan Atusingwize of Pearl FM were assaulted by the security personnel as they covered Kyagulanyi's campaigns in Alebtong District.

On December 27 2020, Ali Mivule of NTV, Daniel Lutaaya and Ashraf Kasirye were hit with suspected explosives by the police which seriously left them injured as they covered Kyagulanyi's campaigns at Kyabakuza in Masaka district. Kasirye went out of conscious for a very long time as a result of severity from an explosive that was fired at his head.

On December 30th, several journalists including Derrick Wandera of Daily Monitor and Culton Scovia Nakamya of BBS TV were arrested as they took pictures of Kyagulanyi's arrest in Kalangala. They were both released without charges. Wandera's phone was impounded and damaged.

On the same day, journalists in Masaka under SOBUJA accused the Masaka RPC Enock Baine of persistent violation of their rights in form of harassment- issuance of threats and vowed to suspend coverage of police activities if it did not stop

On the same day, (December 30th, 2020), then the Deputy IGP Maj. Gen Paul Lokech issued a statement in which he vowed to command the police enforce the Media Council restrictive orders against journalists that had not been accredited by the Council to cover election, setting as ultimatum 31st December 2020 for them to have the said clearance.

On January 5 2021, Bruno Aliga, a journalist based in West Nile was abducted in connection with the political campaign related issues in the country.

Journalists Timothy Murungi (New Vision), Henry Sekanjako (New Vision), Joseph Sabiiti (then NBS TV), Thomas Kitimbo (NBS TV), Geoffrey (NTX), John Cliff Wamala (NTV), Irene Abalo(Daily

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xiv.

Monitor), Shamim Nabakooza (Record TV), Rashida Nakaayi (Galaxy FM) and Josephine Namakumbi (NBS TV), were on Wednesday 17th February,2021, badly beaten by the military police as they covered the NUP president Robert Kyagulanyi Sentamu who was delivering his petition to the UN Human Rights office in Kololo-Kampala.

NTV's Mityana- based correspondent Enock Matovu was on Friday 23 April, 2021, beaten by soldiers. A group of soldiers at Busimbi - Gombolola in Mityana accused him of moving during curfew hours despite being an essential worker.

The Committee held a joint meeting a number of stakeholders to address the concerns of the journalists. The stakeholders included the Attorney General's Chambers, the Ministry of Defence and Veteran Affairs, the Ministry of Information and National Guidance, the Ministry of Internal Affairs, the Ministry of Gender, Labour and Social Development, the Ministry for Security, the UPDF, the UPF, Uganda Prisons Service, UJA and Uganda Parliamentary Press Association.

The Committee noted that in most cases action had been taken against offending individuals. Compensation and apology had also been rendered. While the Committee commended the entities for the remedial action taken, it took the position that violations and abuses should never occur in the first place.

The Committee recommends that:

- i. The UPF and UPDF in all their operations should create a media sanctuary for occupation and use by journalists.
- ii. The Ministry of Gender, Labour and Social Development, the Ministry of ICT and National Guidance as well as Uganda Communications Commission should conduct studies into mechanisms to improve the remuneration and working conditions of journalists and other media practitioners.
- iii. Government should desist from internet shutdowns.
- iv. Journalists should stick to the professional conduct and desist from political activism throughout their operations.
- v. The leadership of Uganda Police Force should undertake a deliberate policy to frequently educate and sensitize police officers on promoting and protecting the rights of journalists and other Ugandans.

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vi. Government should note that compensation of the assaulted journalists was partially done and it should provide for compensation of all those whose payments remained outstanding. Those whose equipment was damaged or destroyed should also be compensated.

vii. Government should meet the medical bills of all journalists injured by security agents during the course of their operations.

viii. Government should institute a minimum wage.





### 4.6 POLITICAL PARTIES REPRESENTED IN PARLIAMENT

The Committee noted that the number of allegations of torture and other human rights violations reported to UHRC and other entities increased exponentially during the peak of an election cycle. There is a nexus between political activities and allegations human rights abuse.

The Committee invited all political parties represented in Parliament to deliver their assessment of the state of human rights in the country during the period under review. It should be noted, however, that substantive submissions were received only from the National Resistance Movement (NRM), the National Unity Platform (NUP), Forum for Democratic Change (FDC) and Uganda People's Congress (UPC). attitume

### 4.6.1 National Resistance Movement (NRM)

The ruling party, NRM submitted that during the period under review, Ugandans generally have continued to enjoy the fundamental rights and freedoms guaranteed under the Constitution. The NRM acknowledged that the long spell of COVID-19 presented challenges to the promotion and protection of human rights while at the same time curbing the pandemic. It started that whenever there was derogation, it was demonstrably justifiable and only intended to safeguard the sanctity of life arm the survival of Ugandans.

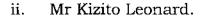
#### Specific Human Rights violations claims by NRM members: I.

The Committee was informed that there are specific violations of the rights of NRM members reported during the period under review. Among these are:

- Election petition No.7 of 2021 of Fort portal High Court:
  - a. Birungi Samuel,
  - b. OmuherezaMugabyomu Joseph,
  - c. Kabuzi Wilson Nyamutare,
  - d. MwanguhyaAbiola, and,
  - e. Musinguzi Baseka Adolf.

Rt Hon. Speaker, the Committee was informed that the aforementioned persons are NRM members who, on the polling day, were allegedly abducted and tortured by an independent candidate for the Parliamentary Elections. The independent candidate subsequently deposited them at a police station.

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Mr Kizito Leonard is an NRM supporter and a resident of Kakunyu D cell, Bukomero Trading centre, Kiboga District. His residence was torched by anti-NRM elements within the trading centre.

The NRM members contend that this was an act of political violence intended to intimidated NRM supporters.

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# iii. Mr Kabunga Godfrey

Mr Kabunga Godfrey is an NRM member and a resident of Muzaana Zone Kisenyi 1 Parish in Kampala Central. During the election period, he was attacked by goons as he was coming from a meeting at Primera Hotel. He suffered severe injuries on the head.

iv. Kawumuza Miladi

Mr Miladi was an NRM mobilizer. He alleges that he was attacked by NUP youth goons at the Tula Zone, Kawempe Il Parish during the campaigns on the 4 December 2020. He sustained a compound fracture of leg.

v. Mr. Mukiibi James

Mr Mukiibi alleged that his vehicle was destroyed during the campaign. The NRM identifies him as a staunch supporter.

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vi. Kabonge John

A resident of Wabusanke Cell Kalagala ward, Wakiisi Division, Njeru Municipality, Buikwe District a registered NRM supporter, alleges that was violently attacked by anti-NRM elements during the last election cycle.

vii. Owachgiu Charles Moses

Mr Owachgiu is a registered NRM supporter who alleges that his motor vehicle, a Toyota Paso used for campaigns was torched and destroyed at Nwoya district close to Alago bridge by anti-NRM elements.

The Committee observed that the level of violence and lawlessness during elections is worrying. For Uganda's young democracy to survive and thrive, violence and lawlessness should be firmly dealt with.

The Committee recommends that

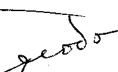
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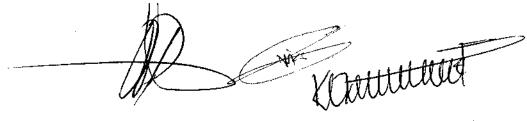
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- All political actors should inculcate a culture of tolerance and non-violent political discourse in their ranks and among their supporters.
- All acts of criminality should be thoroughly investigated and the culprits prosecuted to curb the growing culture of impunity.

### 4.6.2 National Unity Platform (NUP)

Rt Hon. Speaker, the Committee received submissions from the National Unity Platform (NUP), a registered political party under the laws of Uganda.

NUP informed the Committee that attacks on its members have continued unabated. They cited the example of the 14 October 2020 incident where it is alleged that a combined force of the UPF and the UPDF raided NUP offices without a search warrant and confiscated several items, including branding materials, documents and money. It reported that immediately after elections, the party's office remained under siege for over a month.

The Committee was informed that NUP offices in Lira, Kiruhura, Rukiga, among others were raided different times. It alleged that party officials were arrested and items, including party registers and cards, were confiscated by security operatives.

The party requested the Committee to investigate violations of human rights suffered by its members from its inception in 2018 when it was still styled as People Power Movement. The party contended that the members of People Power Movement suffered gross human rights violations including extra judicial killings, abduction, torture and illegal detention.

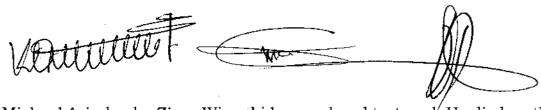
The party presented the following examples of alleged human rights violations committed prior to the period under review:

- i. Yasin Kawuma, a driver to Hon. Kyagulanyi Ssentamu Robert shot dead in Arua on 13 August, 2018.
- ii. Hannington Ssewankaambo, aka Sweet Pepsi brutalized by security operatives live on camera on 20 September 2018. He would later succumb to his injuries on 31st October 2019.
- iii. Asuman Walyendo, shot dead in Bugiri on 19 July 2018.
- iv. Vincent Sserugaya, shot dead in Gomba on 23 August, 2018.
- v. Kalende Yusuf, knocked down by a police truck in Luwero on 27 August, 2018.

vi. Walugembe Raphael, shot dead in Natete on 14 May, 2019.

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- Michael Arinda aka Ziggy Wine, kidnapped and tortured. He died on the vii. 4 September 2019.
- Lukoma Stephen, shot dead in Buvuma on 7 June, 2019. viii.
- Kibalama John Bosco, abducted on 3 June 2019 and he is missing to ix. date.
- Hakim Ssekamwa, knocked down by a police vehicle on 6 August, 2019 x. and he died shortly after.

The Party submitted that Article 20(1) of Uganda's Constitution stipulates that human rights are inherent and not granted by the State. Clause 2 of the same Article, enjoins all organs and agencies of Government and all persons to respect, uphold and promote the rights and freedoms enshrined in Chapter Four of our Constitution. The party however, lamented that most of the egregious violations of human rights have happened been occasioned by government officials.

NUP alleged that in November 2020, over 3,000 Ugandans were abducted and kept under military detention for several weeks or months before being produced in the military courts. It further claimed that the security operatives that carry out these abductions are normally dressed in masks covering the entire head, making it difficult to identify them.

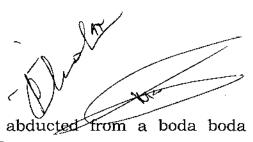
The party alleged that most victims of abductions who were able to identify where they were detained and tortured from, have reported being held in safe houses in Kalangala, Entebbe, Mbuya CMI facility, Kyengera, Nakasongola, ( Nakasero, Masaka, Makindye with more recent reports of a notorious safe house being operated in Mbarara. It further asserted that its members who are released from these torture centres made reports of hundreds more still under detention.

NUP reported the following fourteen supporters as missing, having been been allegedly abducted by security operatives:

- Kibalama John Bosco picked up from Gayaza Road on 3 June, 2019
- ii. Ddamulira John abducted on gunpoint in Kisekka Market on 21 November, 2020. Police initially confirmed his arrest. The High Court issued a habeas corpus order for his release
- iii. Mbabazi Moses aka Kawenja picked up from Kisekka Market on 7 December, 2020.
- Nalumonso Vincent abducted from Bugolobi Market on 15 December iv.

Lukwago Martin egaally abducted from Bugolobi Market on 15 December 20200 C

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- vi. Zimula Denis abducted from a boda boda stage in Kyebando in November 2020.
- vii. Luwemba Mustafah equally abducted from a boda boda stage in Kyembando in November 2020.
- viii. Michael Ssemuddu abducted from Munaku, Kasubi on 21 November 2020.
  - ix. Hassan Mubiru abducted from Kawaala in November, 2020.
  - x. Muhereza Gaston, abducted in November 2020.
- xi. Kasumba George abducted from Kyotera district on 19 January, 2021 together with a group of 18 other NUP supporters who were later dumped in swamps and other areas.
- xii. Wangolo Shafik abducted from Nansana, Kyebando on 3rd December 2020
- xiii. Muhammad Kanatta abducted from Namawojolo, Mukono district in November 2020.
- xiv. Ssempija Yudah picked up from Kyampisi Sub-county, Mukono district in November, 2020.

# I. Extra-judicial killings

The party reported to the Committee that following protests in November 2020, after the arrest of the NUP president Hon. Kyagulanyi Ssentamu Robert in Luuka district, security forces extra-judicially killed a number of party supporters.

NUP further alleged that prior to November 2020, four other Ugandans were extra-judicially killed. They were:

- i. Rita Nabukenya was run over by a police patrol truck on 24 February, 2020.
- ii. Daniel Kyeyune was shot dead on 25 February, 2020 by one Faizal Kakooza, an LDU officer.
- iii. Charles Mutyabule was run over by a police vehicle in Mabira on 18 July, 2020.
- iv. Ssenteza Frank Kalibala, a member of NUP's security team was run overby a military police truck No. H4DF 2382 on 27 December, 2020.

Rt Hon. Speaker, NUP members reported to the Committee that a number of Ugandans lost their lives during the enforcement of the COVID-19 SOPs under circumstances indicated against the names of the victim below:

i. Eric Mutasiga, a head teacher of a primary school in Mukono shot by the police.

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- ii. Benon Nsimenta a lay reader in Kasese district shot dead by an LDU.
- iii. Margret Nanyunja, an 80-year-old woman, who died after LDU personnel raided her home in Kyengera town council and beat her up.
- iv. Wilber Kawono, a resident of Budaka District who was shot by police on April 18, 2020.
- v. Robert Ssenyonga, a boda boda rider in Njeru municipality who succumbed to wounds at the hands of LDU personnel.
- vi. Evelyn Namulondo, a resident of Budhumbuli, in Jinja town, shot in the stomach by security personnel in camouflage.
- vii. Charles Sanga, a businessman also died after he was beaten by soldiers and policemen led by then Jinja DC Erick Sakwa.

viii. Vincent Serungi, a resident of Wakiso town council who was shot and killed on March 31, 2020.

### **Torture**

Rt Hon. Speaker, NUP informed the Committee that in breach of Article 24 of the Constitution, which guarantees the freedom from torture or cruel, inhuman or degrading treatment or punishment, its members reported being subjected to various forms of torture including water boarding, electrocution, use of pliers or wires to pluck parts of the body, beatings, denial of food and water, refusal to sleep, hanging, use of boiling water to burn parts of the flesh, etc. Some victims reported that they were injected with unknown substances either upon arrest, or upon release.

The committee was further informed that where cases of torture have been filed in courts of law, it has been very difficult for victims to get justice.

NUP availed to the Committee the list of torture victims below:

i. Hon. Kyagulanyi Ssentamu Robert,

ii. Hon. Francis Zaake,

iii. Ssegawa Ronald,

iv. Masereka Samuel,

v. Lumu Ronald,

vi. Kawooya Abdluwahab,

vii. Nicholas Magezi,

viii. Luzige Masuudi,

ix. Mutambuuka Emmanuel,

x. Yasin Busulwa,

xi. Kassim Migadde,

xii. John Bosco Sserunkuuma,

xiii. Male Musa,

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xiv. Umar Kagimu,

xv. Lule David and others.

### III. Attack on the Media

Article 29 (1)(a) of the Constitution protects the freedom of the press and other media. NUP members expressed concern that journalists continue to be on the receiving end of state sponsored brutality.

NUP members reported that on February 17 2021, when its leadership delivered a petition about human rights abuses to the UN Human Rights office in Kololo, military police personnel beat ten journalists; some of whom were hospitalized. They further reported that Bukedde newspaper journalist Lawrence Kitatta was recently assaulted by police officers while covering a protest against torture. They alleged that on 10th March, nine journalists working with the Alternative DigiTalk TV, an online TV were abducted by security operatives who raided their offices and confiscated their items.

# IV. Electoral malpractices

NUP members reported to the committee that the 2021 election saw some of the vilest forms of election malpractices, denial of the right to vote for many Ugandans and a general sense of intimidation. They alleged that many NUP polling agents were arrested and tortured and that those who carried Declaration of Results forms were hunted downs beaten and the DR forms confiscated.

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### V. Denial of the Freedom of Assembly

Rt Hon. Speaker, NUP reported that their right to freedom of assembly and association has frequently been violated. They further reported that every attempt to hold peaceful protest by any group of people, except NRM supporters, is met with violence and brutality.

According to NUP, the most recent groups to face the wrath of security forces were students of Makerere University demonstrated against the continued closure of the university. A 23-year bio-medical sciences student called Ssebuganda Richard hand was smashed by a teargas canister when he teturned to his hall of residence, Lumumba Hall. He is at Mulago hospital, with little or no help from the authorities.

They further reported that on 15 December, 2021 Doctors under their umbrella organization, Uganda Medical Association were violently blocked from marching to Parliament to present a petition against plans by the state to evict medical interns from hospitals.

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# VI. Violation of right to property

NUP members alleged that UPF confiscated hundreds of boda bodas from their supporters in the period leading up to the January 2021 general elections and in the immediate aftermath.

# VII. Freedom of Expression

Rt Hon. Speaker, NUP members contended that the perpetrators of human rights violations turned off of the internet during elections, denying the people of Uganda freedom of expression and access to information

NUP members also stated that in some cases, the children of political prisoners have been denied the right to education, the right to health among others.

The Committee recognises that there are a number of torture victims.

The Committee recommends that:

The political space should be open, sanitised and respect for political dissent should be promoted and maintained. This should be a reciprocal obligation of all political players.

II. Government should;

- a. investigate each and every allegation of torture and abuse of human rights by whomsoever raised and report to the house within a period of six months.
- b. release all political prisoners and avoid trying civilians in military courts.
- c. Identify and compensate all political prisoners as well as persons who we arrested and released without charge.
- d. Financially support the UHRC to comprehensively engage all victims of human rights violations.
- e. empower the Electoral Commission to conduct free and fair elections and to conduct comprehensive civic education prior to every election.

Judiciary should create a Human Rights Division of the High Court with specialized judges to deal with cases of human rights violations.

# 4.6.3 Forum for Democratic Change

III.

Rt Hon. Speaker, Uganda is a ratified and is a signatory to several international treaties and conventions. One of them is the Convention against torture and other cruel, inhuman and degrading treatment or punishment.

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The same is domesticated by the Prevention and Prohibition of Torture Act, 2012. Parliament also enacted the Human Rights (Enforcement) Act, 2019 to aid in the enforcement of human rights.

During the course of this inquiry, the Forum for Democratic Changed (FDC) informed the Committee that the 2021 General Elections were marred with violence. Opposition politicians were often arrested, detained and harassed. This climaxed in the November 2020 indiscriminate shootings that resulted in the death of several people.

They expressed concern that acts of torture are now institutionalized in the UPF, UPDF and the Judiciary.

# I. Right to life and liberty

Rt Hon. Speaker, Members of FDC alleged that the UPDF is currently involved in extra-judicial killings in Karamoja and implored the committee to investigate the matter expeditiously.

## II. Freedom from torture

Rt Hon. Speaker, FDC members reported to the Committee that during the campaigns preceding the general elections of 2021, FDC Flag Bearer and Party President, Hon. Patrick Amuriat Oboi, was arrested and tortured a number of times. They reported that these acts of torture almost blinded him.

They reported that Dr Stella Nyanzi, who is currently in exile, was psychologically and physically tortured while in Luzira Womens Prison to an extent that she had a miscarriage and highlighted the alleged torture of their member Mr Kakwenza Rukirabashaija.

# III. Freedom of opinion and expression

Rt Hon. Speaker, everyone has a right to opinion and expression without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers. The FDC leadership avers that Dr Kizza Besigve has been a victim of violation of these freedoms. FDC asserts that its leaders have been arrested on their way to radio stations or political rallies, thereby undermining their capacity to engage the public. They further allege that excessive force is used during the arrests and that media houses are intimidated.

The Committee commends the FDC for the submission made.

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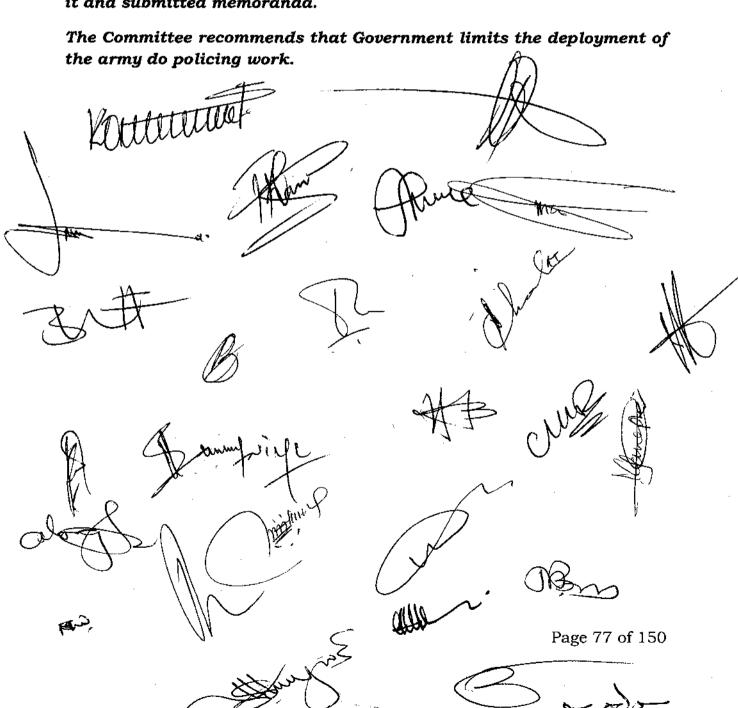
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# 4.6.4 Uganda People's Congress (UPC)

Rt Hon Speaker, the Uganda People's Congress appeared before the Committee. In its submissions, the party asserted its belief that the Uganda Government does not adequately observe the International Covenant on Civil and Political Rights (ICCPR). They accused the government of arbitrary arrests, abductions, kidnaps, trial of civilians in military courts and prolonged incommunicado detention. The party cited the incidents during the January 2021 General Election period where several people, including the party campaign managers experienced violence which infringed on political rights and freedoms of entire citizenry:

The Committee commends all the political parties that appeared before it and submitted memoranda.



# 4.6.5 Submission By the Leader of Opposition

Rt. Hon Speaker, the Committee on Human Rights invited the Rt Hon. Leader of the Opposition on three different occasions to make submissions to the Committee. On another two occasions, he was invited to appear along with the National Unity Platform Party. He did not honour any of the five invitations extended to him but sent his apologies on account of a busy schedule.

That notwithstanding, the Committee reviewed his submission made on the floor of the House. It notes that all the issues raised therein were conversed in the submissions made by NUP party members, the FDC delegation, UPC representatives and others. The issues have been exhaustively examined in this report.

Rt Hon. Speaker, the Committee has attached the submission by the Leader of Opposition on the state of human rights and human rights violations on the Floor of the House in Annex Six.





### 4.7 ALLEGED HUMAN RIGHTS VIOLATIONS BY RDCS

The Committee received allegations of human rights violations by Resident District Commissioners in various parts of the country. It invited the Minister responsible for the Presidency to respond to these allegations. The Minister presented to the Committee the policy position of the Presidency on matters pertaining to torture as well as the corrective action taken against field officers/RDCs alleged to have committed acts of torture.

# 4.7.1 Policy position of the Presidency on matters pertaining to torture

The Committee was informed observance of the law, respect and promotion of human rights is the guiding principle for the Presidency field staff. This position is underpinned by the provisions of the Prevention and Prohibition of Torture Act (2012) and guidance issued to all security organs by H.E. the President on how to manage public gatherings, riots, curfew defaulters. The Minister reported that H.E. the President instructed all government agencies to observe and adhere to the law when arresting suspects and detaining them

The Minister informed the Committee that the President directed that any security official involved in acts of torture should be held personally liable and answerable for his maleficence. Further that these directives were aimed at illegal arrests, torture, mismanagement of suspects and weeding out rogue elements from the ranks of the security organs.

# 4.7.2 Remedial action taken against RDCS alleged to have committed acts of torture

The Minister stressed to the Committee that the Presidency does not condone torture. As such, any field officer alleged to have committed such actions, is held personally accountable. He presented the following cases to illustrate:

# Allegations of torture against RDC Kole

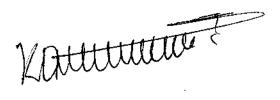
In August 2020, the then Kole RDC, Johana Omara Olweny allegedly beat up a man who later died. The RDC and his guards also allegedly assaulted and robbed Okot Janan, the Youth Councilor for Ojwina Division in Lira City, who unfortunately succumbed to the wounds on 10 August 2020.

The Committee was informed that the allegations made against Mr Olweny were true. The Office of the President received the complaint. Mr/Okveny was interdicted on August 29th 2020.

While he was still on Interdiction, on 12 January 2021, H.E the President reshuffled and appointed Resident District Compaissioners and their

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Deputies. Mr. Olweny Omara was dropped as RDC and is no longer an employee of the Office of the President.

Mr. Olweny Omara was tried in the courts of law and on 15 December 2021, charges against him were dismissed.

#### II. Allegations of torture against RDC Buliisa

The Committee received a complaint that an Italian freelance journalist Ms Federica Mars and Mr Maxwell Atuhura a Ugandan human rights defender working with African Institute for Energy Governance were arbitrarily detained by the RDC of Buliisa. The duo were purportedly interviewing communities affected by the Tilenga project developed by the French oil company TOTAL Energies. They were taken to the Central Police Station in Bulisa without being told the reason of their arrest and without charge. The Buliisa CPS officers released Ms Federica Marsi was released shortly afterwards. Mr Maxwell Atuhura was transferred to Hoima CPS for questioning. It is further alleged that the Police asked Mr Atuhura for a written statement, asking him "why he was working against TOTAL with foreigners".

Maxwell Atuhura allegedly continued to receive threats and intimidation by way of anonymous calls. Both his homes in Kampala and Buliisa were vandalized. He filed a complaint at the Buliisa Police Station on 24 May 2021.

The Minister informed the Committee that this matter was never brought to the attention of the Office of the President. He further reported that this matter is still under Police investigation.

The Committee observed that the police investigation into these serious allegations had dragged for an inordinately long period of time.

The Committee recommends that the Presidency and UPF should conclude these investigations, take remedial action and report back within a period of six months

#### III. Allegations of torture against the RDC Jinja 🏃

The Committee received a complaint that on 24 April 2020 the RDC Jinja, Mr. Eric Sakwa in the company of one Mohamed and Bumali Bazimbwewa tortured Mr Charles Isanga while implementing presidential guidelines on containing the COVID-19 pandemic.

The Minister confirmed Mr Eric Sakwa was duly appointed and deployed in Jinja as RDC at the material time. Upon peceipt of this complaint and several

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others against him, he was interdicted on 4 May 2020. He was arrested and charged with manslaughter. He appeared in court for trial.

On January 12th 2021, H.E. the President dropped Mr Sakwa from the position of RDC. He is no longer an employee of the Presidency.

#### IV. Allegations of torture against RDC Namisindwa

Rt Hon. Speaker, the Committee received a complaint against Mr Moses Kigai Wamoto, the RDC for Namisindwa. It is alleged that he together with Mr David Twebanje the officer in charge of Namisindwa Central Police Station tortured 62-year-old Lauben Wabomba, a resident of Namisindwa Town Council during the enforcement of COVID-19 lockdown. Mr Wabomba was illegally detained and it took the intervention of the Town Council LC3 Chairperson Mr Godfrey Bwayo to secure his release on police bond after being charged with assault. Wabomba's case has drawn the attention of human right's activists in the region.

The Minister reported to the Committee that this matter is still under police investigation and that the presidency had was unaware of this complaint until the Committee brought it to their attention. He informed the Committee that H.E. the President dropped Mr Moses Kigai Wamoto on March 23rd 2022. He is no longer an employee of the Office of the President.

The Committee recommends that the presidency and UPF should conclude these investigations, take remedial aftion and report back within a period of six months

# Allegations of torture against the Kabale RDC:

The Committee received a complaint that between 3rd April 2020 and 28th May 2020, the RDC of Kabale tortured journalists Mr Rogers Asiimwe and Mr Bob Rumanzi of Freedom Radio and confiscated a mobile telephone belonging to Mr Richard Akandwanaho, then of Voice of Kigezi.

Mr Asiimwe in days leading up to his arrest had discussed the origin of Coronavirus in Wuhan, China and lockdown measures put in place by Ugandan Government to contain the spread of COVID-19 on his science and technology radio show. Mr Rumanzi a presenter and operations manager at freedom radio alleges that RDC Darius Nandida and a group of Police officers kicked and slapped him and shouted at him. That the RDC alleged that he had had given government negative coverage. He alleges that he suffered minor injuries and developed a headache but did not seek medical treatment.

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The Minister reported that the Office of the President had not received this complaint prior to it being raised by the Committee and that it is still under police investigation.

The Committee recommends that the presidency and UPF should conclude these investigations, take remedial action and report back within a period of six months

The Minister emphasised that RDCs and RCCs are responsible for monitoring and supervision of Government programs in their jurisdictions. They are not above the law and the Presidency does not condone any acts of torture or lawlessness. He encouraged Members of Parliament and the public to report errant RDCs/RCCs to the police and the presidency.

The Committee recommends that RDCs should desist from arresting and intimidating journalists who host opposition political leaders.



# 4.8 GOVERNMENT'S POSITION ON THE STATE OF HUMAN RIGHTS IN THE COUNTRY SINCE JANUARY 2020

# 4.8.1 Submission by the Attorney General

II.

Rt Hon. Speaker, the Committee received submissions from the Attorney General on the state of human rights and allegations of human rights violations in the country since January 2020.

The Attorney General stated that The National Objectives and Directive Principles of State Policy (V) and Chapter 4 of the Constitution clearly provide for the Protection and Promotion of Fundamental and Other Human Rights and Freedoms. He reported that Uganda has experienced progressive improvement in the protection and promotion of human rights, challenges notwithstanding.

# Assessment of the state of human rights situation since January 2020 to date

The Attorney General submitted that it is government's mandate to empower its citizens in the enjoyment of their human rights, performance of their obligations, duties and responsibilities. That government executes this mandate through the Uganda Human Rights Commission. UHRC carries out civic education and human rights awareness promotion among the citizens of Uganda.

The Committee was informed that there has been success in the multidimensional approach to building public awareness of human rights through public debates and interactive media talk shows on human rights issues. The sustained public awareness on human rights standards and citizen responsibilities had progressively grown over years from limited human rights mandated institutions of Government to a broad responsibility involving non state actors.

# Compensation paid to victims of torture and other human rights violations

The Committee was informed that payment of compensations and awards in respect of human rights violations is subject to availability of funds. The Attorney General receives orders and awards of compensation from UHRC's Tribunal and the Courts of Judicature. In some instances, the Attorney General makes a determination that compensation is appropriate.

The Attorney General informed the Committee that since FY2015/2016, payment of compensation and awards was decentralised. That his chambers

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are currently developing a mechanism for tracking and collecting information on payment of compensations by the various MDAs periodically.

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Claims for compensation for the period before the decentralisation to MDAs in FY2015/2016 have largely been settled. Some outstanding claims are in respect of beneficiaries who cannot be traced. The chambers have run advertisements in the media to trace them.

Other outstanding claims are in respect of cases where the regional offices have not forwarded the same to Attorney-General's Chambers. To mitigate this, the chambers have instituted measures to ensure that all approved matters are forwarded within the next 90 days.

# Periodic Reporting

Rt Hon. Speaker, the Attorney General reported that the Government submitted to the United Nations Universal Periodic Review Reporting mechanism in October 2021 and Uganda successfully underwent the third cycle of review. Government considered the recommendations from the review.

The Attorney General further reported that the State Report in respect to the Convention Against Torture (UN-CAT) was finalised and submitted to the relevant Committee; satisfying the State obligation. He stated that Government, through the Inter-Ministerial Committee on Human Rights, commenced the preparation of the State report on Economic, Social and Cultural Rights. It is expected to be submitted to Cabinet for approval before close of calendar year 2022.

# The January 2021 Elections

The Attorney General submitted that in January 2021, Uganda successfully held national elections; a major exercise of civic rights by Ugandans. The UHRC enhanced civic education through the media and dissemination of ICT materials. This was complemented by the Electoral Commission and CSOs.

He acknowledged that the national election season was constrained by the COVID-19 pandemic which limited the extent of physical association and citizen engagement. He added that the Uganda Police Force played a critical role in demobilising illegal political gatherings and enforcement of COVID-19 prevention SOPs, which resulted in various skirmishes.

The Attorney General asserted that overall, the national election day was relatively peaceful and during the entire election season, the UHRC registered only 22 human rights complaints.

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# Alleged violations: The November 2020 riots

Rt Hon. Speaker, the Attorney General submitted that the contestation in enforcement of COVID-19 SOPs climaxed on 18 November 2020, as riots spurred by the arrest of the National Unity Platform Presidential Candidate, Hon. Robert Kyagulanyi Ssentamu, while campaigning in Kiyunga Trading Centre, Luuka District. He reported that these riots and demonstrations occurred in Kampala, Wakiso, Mukono, Mityana and Masaka; resulting into 56 deaths and arrest of 1,088 suspects.

He noted that the clashes between the civilians and the security agencies resulted into human rights violations, including deaths of civilians; injuries from stray bullets and allegations of torture. He reported that there were attacks on police personnel by civilians; citing the case of ASP Justine Kasule, a female police officer who was chased and hit on the head with a stone and a hammer.

The Attorney General reported that a total of 286 cases involving riotous situation were registered by the police between 18th and 20th November, 2020. After screening, 198 (69.2%) were taken to court, out of which, 66 (33.3%) convictions were secured. Fifty (50) cases representing 25.2% were dismissed while 82 (41.4%) are still ongoing. He added that 80 cases are still under inquiry, while 8 cases were closed and put away by the Office of the Director of Public Prosecutions. The Attorney General clarified that some of the cases that were dismissed by court were for want of prosecution as a result of the accused persons jumping bail. Two cases were taken over by the military, where two LDU personnel shot and killed three people in two different incidences.

Rt Hon. Speaker, the Committee was informed that UHRC registered and investigated 23 complaints involving the alleged violation of the right to life (11); the right to security of person involving people who were injured as a result of bullets and tear gas canisters, (6); the right to freedom from torture, cruel, inhuman and degrading treatment or punishment, (2); the right to personal liberty, (3); and the right to property (1).

The Attorney General informed the Committee that government embarked on the compensation of the victims. However, some of the families opted to obtain redress through court and Government is looking into these cases with a view to having them appropriately resolved. The Government remains committed to ensure that every life that was lost in these unfortunate events is investigated and accounted for.

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The Attorney General asserted that defiance by some political leaders to observe COVID-19 measures directly caused these riots. In a display of impunity, the politicians repeatedly stoked fear and incited violence that culminated into the deadly riots of November, 2020 which were a danger to the security and stability of the country and its citizens.

# VI. Alleged shrinking of civic space

The Attorney General submitted that the Government of the Republic of Uganda recognises the critical role played by NGOs in the advancement of democracy. He hastened to add that all NGOs registered in Uganda are expected to comply with the law. He stated that Uganda, like many other countries, has a comprehensive regulatory framework for the NGO sector, which provides legal obligations that all NGOs operating in the country must comply with. These include; possession of a certificate of incorporation, certificate of registration, a valid NGO permit, and filing of annual returns and audited books of accounts to the NGO Bureau and others.

He reported that non-complaint NGOs were given the opportunity to be heard by the NGO bureau. Over 25 NGOs took the opportunity to resolve their issues while others opted to seek redress in the courts of law.

### VII. Torture

Rt Hon. Speaker, the Attorney General emphasised that Government does not condone any form of torture. He reiterated H.E the President's public pronouncements made in this regard. The Committee was informed that Government is actively conducting investigations into allegations of torture with a view to bringing the perpetrators to book and that there is good will from the highest office to eradicate this menace.

# VIII. Measures to address human rights violations by the Government

The Committee was informed that the security and governance sector (formerly, JLOS) undertook strategic interventions to strengthen measures to reduce human rights violations. These measures, among others include;

• the establishment of functional human rights structures at all service points to facilitate the enforcement of the existing legal and policy , frameworks.

enhancement of staff capacity to be responsive to human rights matters and embrace the human rights-based approach at the service points. This is particularly helpful in light of the persistent attribution of human rights violations to security personnel.

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• MoJCA is in the process of drafting the National Action Plan (NAP) on Human Rights for consideration by Cabinet Secretariat. The National Action Plan on Human Rights is a key policy document which embodies the government's commitments to the protection and promotion of human rights, outlining clear goals and describing strategies to be used in achieving the set targets and defining clearly stipulated time bound indicators. The draft NAP is undergoing review to align it with the National Development Plan III and to consider input of some of the recommendations, arising from the 3rd cycle of Universal Periodic Review. It is hoped that the National Action Plan on Human Rights will be a guiding document in the enforcement of human rights, and ultimately the reduction of human rights violations.

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# 4.8.2 The Uganda Prisons Service Submission on Cases of Torture

The Uganda Prisons Service (UPS) made submissions to the Committee on a number of occasions throughout this inquiry. Their submissions in response to specific questions are reflected under the relevant heads. A summary of the general submissions is captured below:

The Uganda Prisons Service informed the Committee that it operates 259 Prison facilities grouped in 16 regions across the country, with prisoner population of about 67,532 as at March 2022, against a holding capacity of 19,986. Out of the 67,532 prisoners, 31,928 are convicts; 35,402 on remand while 202 are debtors.

The Uganda Prisons Service further informed the Committee that it has a staff strength of 12,701 of whom 10,219 were uniformed, 2,030 are uniformed junior trainees while 452 are non-uniformed staff. Another 200 cadets had been admitted to the Prisons training school in March 2022.

The Committee was informed that some prison facilities were housing above five times of their designed holding capacities as shown in the Table below.

	SN	Prison	Capacity	Population	No. of times above	Occupancy (%)
		Deceleration (MC)	106	1 551	capacity	922.0
	1.	Bushenyi (M)	186	1,551	8.3	833.9
	2.	Mbarara (M)	303	2,514	8.3	829.7
4	- 3.	Masindi (M)	262	2,175	8.3	830.2
, ]	4.	Kiruhura	42	347	8.3	826.2
	5.	Lira (M)	121	800	6.6	661.2
	6.	Rukungiri	88	549	6.2	623.9
	7.	Ndorwa (M)	105	669	6.4	637.1
Ì	8.	Kakiika	116	785	6.8	676.7
	9.	Fort Portal (M)	309	1,849	6.0	598.4
	10.	Kitgum	61	365	6.0	598.4
	11.	Bushenyi (W)	36	225	6.3	625.0
	12.	Masaka Ssaza	58	345	5.9	594.8
$\bigvee$	13.	Upper Prison	756	2,705	3.6	357.8

Rt Hon. Speaker, the Uganda Prisons service reported challenges of a high ( remand population and lengthy remand periods; very long terms of imprisonment because of decreasing use of the death penalty, inadequate S

resources.

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# I. Action taken by the Uganda Prisons Service to mitigate torture.

UPS concurred with other government entities that any person who tortures another commits an offence and is criminally liable. It informed the Committee that in the period under review, it did not record any cases of torture perpetuated by its staff. The Service reported having recorded isolated incidents of other human rights violations perpetuated by staff and that action had been taken against the offending officers.

UPS reported that the following actions were taken to promote and protect human rights:

- i. Over 95% of the prisons staff underwent human rights training. It was further asserted that human rights is one of the basic modules at the Prisons Academy and Training School.
- ii. Human rights committees for staff and prisoners have been established in all the prisons to monitor human rights observance, awareness and adherence to human rights standards.
- iii. Uganda Prisons Service has a department of Inspectorate and quality assurance that ensures that the rights of prisoners are observed. In addition, a legal and human rights department was established at Prisons Headquarters to promote and coordinate all human rights activities in the prisons.
  - iv. An independent oversight mechanism known as Visiting Justices carries out monitoring and inspection visits to assess the prison living and working conditions vis-à-vis international, regional and national human rights instruments and standards.

# II. Isolated incidents of human rights violations perpetrated by staff and the action taken

During the period under review, the Committee was informed that the Prisons Service did not record any internal cases of torture. The Uganda Prisons Service, however, reported that there had been isolated incidents of human rights violations perpetuated by staff but disciplinary action had been taken against them as shown in the table below.

SN	Disciplinary Offences	No.	of	Action Taken
	$\land$	cases		
		I_remely	J. )	
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1	1)	Assault of a Prisoner	1	Suspended sentence of
1				discharge for 12 months
	2)	Discreditable conduct	2	Fines
	3)	Oppressive conduct	1	Stern warning
ſ	4)	Neglect of Duty	3	Discharge U.B.E and Fines
	5)	Unlawful Exercise of Authority	1	Fine and stern warning
	6)	Withdrawal from duty	1	Fine

# III. Prisoners remanded into the custody with injuries

The Committee tasked the Uganda Prisons Service to avail details of the prisoners who had been admitted with injuries during the period under review. They were also required to avail the causes of the injuries given by the prisoners at the time of admission.

Rt. Hon. Speaker, UPS provided a list of 94 prisoners (see list below) in their custody who had been admitted with various injuries.

From the detail provided, the Committee observed that the majority of injuries are bruises, wounds and broken limbs. The Committee noted a worrying culture of torture and mob justice. The Committee is concerned that this torture is meted out as a means of either extracting information or punishing suspects by both state and non-state actors.

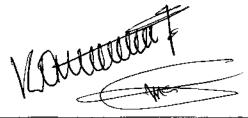
# Prisoners admitted to into the prisons service with injuries.

	SN	Station	Name of Prisoner	Court	Date of Admission	Nature of Injuries
•	1)	Mbarara	Kajoomu Mustafa Alias Jaja Mwanga Moses	Ibanda	13/01/2022	Marks on back and legs
	2)	Kyegegwa	Talemwa Tadius	Kyegegwa	10/02/2022	Tried to jump off a motor cycle on arrest and sustained
/	3)	1	Kyomuhendo Charles	Kyegegwa	18/11/2021	injuries Complications in the waist
<i>!</i>	4)	7	Mukonyezi Edward	Kyegegwa	23/02/2022	Swollen knee

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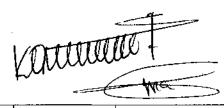
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	5)		Tumwijukye Obed	Kyegegwa	23/02/2022	Swollen hand
	6)	Ndorwa	Atuhaire Brian	Kabale C Court	M 21/02/2022	Big cut on left palm
1	7)		Ntambirweki Barnabas	Kabale G1	07/01/2022	Wound on left leg
<b>.</b>	8)	Bugembe	Ngobi Eric B	Bugembe	08/02/2022	<u> </u>
	9)	Nakifuma	Mpaata Anthony	Nakifuma	20/01/2022	Fresh wounds/cut on the head and swollen legs
	10)	μ · · · · · · · · · · · · · · · · · · ·	Byaruhanga Awali	Nakifuma	14/01/2022	Recurrent septic wound on the head and swollen legs
	11)	Butaleja Prison	Ongido Robert	Pallisa	17/02/2022	Compound fracture on the upper left arm
	12)	Kapchorwa	Mayiyi Akim	Kapchorwa C Court	M   18/02/2022	Head injuries
	13)	Kitalya M Max Prison	Kamya Godfrey Declucker	LDC	19/11/2021	Broken right hand
	14)	·	Kasoro Robert Musajjalumbwa	Luweero	10/02/2022	Chest pain
	15)		Osipira Emmanuel	Wakiso	02/02/2022	Bruises on the chest, back and right arm
	16)		Musinguzi Isma	Makindye	02/02/2022	Bruises on the back, right leg and both arms
	17)		Matovu Ali	Luweero	03/02/2022	Bruises on the left leg, hands, back and head
	F C	- James	pringly me	***************************************	Page 13	91 of 150 S

	1 Million						
The state of the s	/	. /	Ottillian				
	10)	-	Ekwang	City Holl	29/01/2022	Choot main	
	18)		Stephen	City Hall	29/01/2022	Chest pain	
$\vee$	19)		Kato Paul	Buganda Road	04/02/2022	Wounds on	
						the knees and	
N 40	20)		Valered a	December December 1	04/00/0000	left ribs	
	20)		Kakande Muslin	Buganda Road	04/02/2022	Bruises on the right thigh	
	21)		Magino Hassan	Nakasongola	28/01/2022	Complained of	
<b>//</b> ^`	21,		magnio riassari	Hakasongola	20/01/2022	chest pain	
٠.	22)		Tindyebwa	Kiira	21/01/2022	Complained of	
7			Kasajja David		, ,	chest pain	
\	23)		Wasikundi	Mukono	26/01/2022	Bruises on the	
İ			Isaac			left arm and	
لي						the back	
	24)		Lumbuye Musa	Kiira	21/01/2022	Bruises on the	
<b>9</b>						right leg and	
	25)		Wamala	City Hall	29/01/2022	left leg	
Th.	23)		Abdulakim	City Hall	29/01/2022	Complained of chest pain	
\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \	26)		Kakwenza	Buganda Road	11/01/2022	Stroke marks	
			Rukirabashaija		11, 51, 1011	on the back,	
						buttocks, left	
- The state of the	<b>0</b> .					arm, thighs	
	-	$\bigcirc$	·			and swollen	
0		'AN				legs	
	27)		Pallaso Wilson	Kajjansi	28/01/2022	Bruises on the	
						right hand,	
***		/				left hip and on the head	
	28)		Olombi Vicent	LDC	10/11/2021	Bruises on the	
<i>'  </i> {	20,		Olombi vicent		10/11/2021	right hand,	
$\mathcal{K}_{\varepsilon}$						left hip and on	
- All						the head	
	29)		Ssekago Difa	Nakasongola	16/12/2021	Complained of	
					·	chest pain	
	30)		Muwonge	Nakaseke	16/12/2021	Bruises on the	
A A		۸۸	Muhammed	77	004/02/0222	right hip	
/ /	31)		Kabugo Vicent	Nyimbwa	20/01/2022	Bruises on the	
1716					\$W	left leg and right eye	
[ <del> </del>					7-1		
$\overline{}$	h	A_	- Virico	- // -	Page 9	92 of 150	
کے ج	D-1	710	well to	/ / /	<i>A</i> \$	$\sim$ 1	

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		VATOU	W 1		we -	A Vine	
-		400	M		`		
	32)		Kalule Asuman	Luweero	13/01/2022	Bruises on the	1
	02,			24,75075	20,01,202	right arm and	
						the right	
						ankle	
	33)		Otyanga	Makindye	21/01/2022	Swollen	
	50)		Michael	Widilitay	21/01/2022	testicles with	
			Michael			wounds	
-	34)		Kavuma	Luweero	06/01/2022	Stroke marks	
	517		Hamidu	Baweero	00,01,2022	on the back	
_	35)	į	Ssempijja	Mpigi	06/01/2022	Stroke marks	1
•	00,		Meddie	inpig:	00/01/2022	on the back,	
			Modalo			arms and left	
	'					fingers	
	36)		Omutontaseke	Kiira —	07/01/2022	Complained of	1
_	00,		Arafah	7.000	,,	chest pains	
	37)		Ssegawa	Busunju	07/01/2022	Complained of	1
			Michael			chest pains	
	38)		Ssemawanda	Nateete/Rubaga	07/01/2022	Complained of	1
	,		Robert	, , ,	, ,	chest pains	
//	39)		Ayebazibwe	GCM -	13/12/2021	Marks on the	1
/	] ' ]	40)	Kasim	Makindye		right thigh	
<b>-</b> 41	40)		Rukundo	Nakaseke	23/12/2021	Complained of	1
			Maxwel			chest pain	
	41)	~/	Kivumbi	Kiira Road	02/12/2021	Marks on the	1
-		<b>q</b> ?	Joseph			left leg and	N
						right hand	18
	42)		Kayondo Tony	Nsangi	06/01/2021	Complained of	
	, 1					chest pain	12
<b>=</b> /	43)		Twesigye Dan	Buganda road	23/12/2021	Complained of	
				·		chest pain	[
	44)	li .	Ssentongo	Nabweru	07/06/2021	Complained of	
14			Edward		·	chest pain	
	45)		Ampuriire	Nakaseke	23/12/2021	Complained of	
			Ronald			chest pain	
	46)		Wasswa Ashraf	Bujuuko	10/01/2022	Bruises on the	
		li				left leg	_
_	47).		Kasujja Ronald	Buganda Road	12/02/2021	Stroke marks	0
					11.	on the	47
- (p)						forehead and	VP
		L	L			the back	$\downarrow$
<b>■</b> 1/0		0	سرا که اصماسی		· V Page	93 of 150 S	
		HO CE	THE THE	G T	1 ugc		
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	7/	<i>/</i> /		(frul	. YOUN"	NAME OF THE PARTY
PC 2			.V	<b>\3</b> .		
1	48)		Mayanja Isma	Luweero	16/07/2021	Bruises on the
$-\sqrt{4}$						back
<b>**</b>	49)		Mugisha Willy	Buganda Road	16/12/2021	Bruises on the
1						back
	50)		Ochan Sadick	Nakaseke	16/12/2021	Bruises on the
A) ~						back and a
						broken left
<i>Y.</i> ,						arm
-8	51)		Matayo Yiga	Matuga	06/01/2022	Bruises on the
o∕v.						hands
<b>1</b>	52)		Lubega	Kasangati	06/01/2022	Bruises at the
<i>/</i> ^			Raymond			back and the
1					10100 (000	left hand side
上井	-53)		Ayoo Patrick	Luzira	18/02/2021	Stroke marks
TV11						on the back
			Y	XX7 1 1	20/10/2021	and the head
ħ	54)		Luswata Isaac	Wakiso	20/12/2021	Wounds on
			Carator as	December 1 d	08/01/0000	the knees
	55)		Ssentongo Ronald	Buganda road	08/01/2022	Bruises on the
The state of the s			Ronaid			left hand side
	56)	į	Waana Vicent	LDC	28/12/2021	and fingers
_	30) 		waana vicent	LDC	26/12/2021	Injury on the head
	57)		Agabi Nobert	Nabweru	10/01/2022	Bruises on the
A.			J		, ,	right leg
MATTER STATE OF THE STATE OF TH	58)		Kazoora Meddie	Nakawa	17/03/2021	Bruises on the
(\$)				·		left arm
	59)		Semakula	Makindye	30/12/2021	Bruises on the
\	-		Jamir			back and left
V						hand side
	60)	$\cap$	Kisembo	Nakaseke	06/01/2022	Stroke marks
·		<i>(</i> ((())	Christopher			on the back
Ka)	61)		Asiimwe Arthur	Kiira	17/12/2021	Bruises on the
ALC		Y//				left arm, eye,
		•				chest and left
4						leg
/ X	62)	Kitgum	Opoka Charles	Kitgum	16/03/2021	Chest pain
{ }/	63)	10.	Karejea Robert	Kitgum	03/02/2021	Hearing loss
12						in the right
$\bigcup$			/N .			ear
	,	1 MA Z		- which	Page 9	94 of 150
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64)		Okonya Patrick	Kitgum		06/01/2022	Chest pain
65)	Rukungiri	Ninsiima	Rukungiri	СМ	21/07/2021	Wounds on
		Barbara	Court			Wounds on Wounds
66)		Natukunda	Rukungiri	CM	21/07/2021	
	1	Juliet	Court			the body
67)		Mutesa Daniel	Rukungiri	CM	20/01/2022	Deep wound
< <u> </u>	]		Court			on the leg
(89 h		Ainebyona Idan	Rukungiri	CM	13/01/2022	Beaten by
			Court			villagers and
<b>/</b>						sustained
						wound on the
						back (mob
م <u>ا</u>	<u> </u>					justice)
69)	Tororo	Etyang Fautine	Tororo	CM	05/11/2021	Accident
	  -		Court			wounds
70)		Ochi Robert	Tororo	CM	22/02/2022	Has
	-		Court	ŀ		amputated
						right hand
						below the
7711	_	Ohba Essasia	Т	C) N II	02/00/0000	elbow
71)		Obbo Francis	Tororo Court	CM	23/02/2022	Has several colloids on
			Court			colloids on chest, visible
						multiple
-tz						marks and
					:	stripes of
						canes on the
₹}						back
72)	-	Sande Richard	Tororo	CM	18/02/2022	Has several
			Court			bruises on the
					:	back, deep
					•	cuts on the
		$(\hat{A})$				upper lip and
-		<b>//</b> /			/	left palm,
_					/	swollen right
*/						legs around
J		· ·				ankle, giant
						colloids on the
				_	1/2	right elbow
	<u> </u>		<b>\</b>	Q	A	and chest
	0	1. 4	\ ,	The same	SIL I	)5 of 150
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		/	No.	W emily	HHHH	
		/		em	W.	<b>-</b>
	73)	Kakiika	Senyondo Hamidu	Mbarara Magistrate Court	31/01/2022	Wound on his left ear
	74)	Kasangati	Omedwa Richard	Buganda Road	16/06/2020	Swollen back and buttocks
	75)		Odong Charles	Buganda Road	16/06/2020	Swollen back and buttocks
7	76)		Ssebgabo Sam	City Hall	27/07/2020	Wounds on legs and arms
3	77)		Majjid Meddi	City Hall	19/06/2020	Marks on arms and swelling on face
Jan a	78)	Upper Prison	Walega Tonny alias Lubowa	City Hall	02/01/2020	Fresh wounds all over his face, on his head and at the back and on the arms
Z.A	79)		Serubula Hussein Ismael alias Imamu Muto	Nakawa	28/06/2021	Swollen back, fresh scars on his hands, broken teeth in upper jaw
Charles of the Control of the Contro	80)		Kagugube Muhammad alias Musiramu	Nakawa	08/07/2021	Fresh scars at the back, general body pains in the chest claiming he was beaten up
B	81)		Walusimbi Kamada alias Mudinka	Nakawa	08/07/2021	Fresh scars all over the body claiming he was beaten up. Complains of general body pains
De do	A A		Jampa 1 1/1	STORES OF	Page 9	96 of 150

Vattuut	J	$\mathcal{O}$		A) Julie
		ftue	1106	
82)	Kisambira Siriman alias Mukwasi	Nakawa	08/07/2021	Fresh scars all over the body claiming he was beaten
				up. Complains of general body pains
83)	Abdulaziz Ramathan Dunku	Nakawa	08/07/2021	Fresh scars all over the body claiming he was beaten up. Complains of
84)	Habib	Nakawa	08/07/2021	Complains of general body pains  Fresh scars
	Ramathan Marjan	Nakawa	08/07/2021	all over the body claiming he was beaten up.
				Complains of general body pains
85)	Onyango James	Nakawa	08/07/2021	Fresh scars on the arms and on the back
86)	Turinawe Ramathan	Nakawa	21/01/2020	Fresh scars on his back
87)	Elingete Samuel	GCM	21/02/2020	Fresh scars on his back
88)	Oundo Stanley	Nakawa	06/03/2020	Fresh scars on the head and on his body
89)	Mwandha Charles	GCM JUNE	11/03/2020	Fresh scars on his shoulders
		The Contract of the Contract o	Page	97 of 150
	in Deming	115	in the	15 x on

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			<u> </u>		
90)		Mukiibi Paul	Nabweru	17/04/2018	Fresh scars
					on his face
91)		Ssenyonga Bob	GCM	10/01/2022	Wound on the
		Robert		ļ	buttocks
92)		Lugendo Stuart	GCM	10/01/2022	Wounds on
		Savio			the buttocks
93)		Masembe John	GCM	10/01/2022	Wounds on
					the forehead
					and left knee
94)	Kamwenge	Mwiza Anacklet	Kamwengye	15/12/2021	He was
					admitted with
					a fresh big
					wound on the
					right arm
					(burnt by
					villagers)
				<b></b>	

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IV. Action taken to address Human rights violations by prisoner leaders "Katikiros" from 2020 to 2022:

Rt Hon. Speaker, the Uganda Prisons Service supplied the committee with table below showing action taken to address Human rights violations by prisoner leaders "Katikiros" during the period under review.

SN	Prisoner No. and	Prison	Offence	Action
77	Name	Unit		Taken
1.	MSU 024/2019 Zimoto Alias Mrefu	Masafu	Participated in beating of MSU	Charged with
			108/2019 Ochieng Stephen that	murder
			resulted in his death	
2.	MSU 180/2018 Talo David	Masafu	Participated in beating of MSU 108/2019 Ochieng Stephen that resulted in his	with
3.	MSU 014/2019	Masafu	death Participated in	Charged
•	Mulango Ramadhan		beating of MSU 108/2019 Ochieng Stephen that resulted in his	with
4	KTAPC 059/2015	Kitalya	death  Beat fellow	Withdrawn
	Mugume Vincent	(Farm)	prisoner while deployed as a Katikiro in main Shamba	from
5.	KTAPC 190/2017 Ahimbisibwe Joel	Kitalya (Farm)	Beat fellow prisoner while deployed as a Katikiro in main Shamba	Warned
6.	KTAPC 065/2018 Lukwago Simon	Kitalya (Farm)	Beat fellow prisoner while deployed as a	Withdrawn from leadership
			Katikiro in main Shamba	Page 99 of 150

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_		· \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \	KON	-	
		, D.		Shue &	W
/Xin	7.	KTAPC 080/2018	Kitalya	Beat fellow	Cautioned
		Akibar Ali	(Farm)	prisoner while	and
l. <b>/X</b> /			,	deployed as a	apologised
<i>V//</i>				Katikiro in main	to victim
· .				Shamba	to vicinii
ا ۲	8.	KTAPC 066/2016	Kitalya	Beat fellow	Serious
[		Bahati John	(Farm)	prisoner while	warning
\			٠	deployed as a	and
				Katikiro in main	apologised
<b>3</b>				Shamba	to victim
,	9.	ORT 203/2019	Orom	Caning fellow	Withdrawn
{		Watenga Robert	Tikao	prisoner No. ORT	from
A)		3		167/2019	leadership
/				Wanwaku Pascal	, <b>P</b>
7	10.	ORT 233/2019 Okeny	Orom	Caning fellow	Awarded 14
		Emmanuel	Tikao	prisoner No. ORT	days loss of
1				269/2019 Ebau	remission
\				George	
	11.	LGR 058/2015 Ndema	Lugore	Assaulted prisoner	7 days loss
40-61		Yonah	_	No. LGR 201/2020	of
$\vee$				Watala David and	remission
				he sustained	and
XX				minor injuries	withdrawn
				,	from
X_T				1	leadership
	12	LGR 264/2020 Okello	Lugore	Caned prisoner No.	10 days
		Benson 🚫		LGR 104/2019	loss of
3		€ D		Okurut Joseph	remission
B.		X(/)		1	and
780-		1			withdrawn
1	ĺ				from
					leadership
'	13	TR 962/2019 Oburu	Tororo	Assaulted prisoner	3 days in
atri		Peter		No. 163/2018	isolation
/ <b>/</b> /				Olowo Peter	cell.
7/	14.	TR 450/2017 Mugabi	Tororo	Assaulted prisoner	7 days in
lum		Robert		No. 340/2019	isolation
- Z				Mukwana Peter	cell.
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		1 Decemb	SIAL	The Marie	
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15	TR 677/2018 Ochieng Richard	Tororo	Assaulted prisoner No. 1060/2020 Obwana Andrew	3 days in isolation cell.
16	TR 555/2019 Efumbi Jackson	Tororo	Assaulted prisoner No. 309/2020 Masete Jimmy	5 days in isolation cell.
17	RUI 242/2020 Ssekunya Ssemakula Shafik	Ruimi	Hit Prisoner No. 252/2020 Byesero James in the face with the fist	7 days loss of remission and withdrawn from leadership
18	RUI 115/2017 Mugisha Bonny	Ruimi	Fought prisoner No. 009/2020 Masereka Shadrack and tore his uniform	14 days loss of remission and withdrawn from leadership
19 an	RUI 062/2017 Byamukama Moses	Ruimi	Assaulted prisoner No. 465/2019 Muhindo Yunus while working in main shamba	7 days loss of remission and withdrawn from leadership
20	RUI 370/2018 Milton Musasizi	Ruimi	Assaulted prisoner No. 534/2019 Akankwasa Yonah Mayeye while in the kitchen	10 days loss of remission and withdrawn from leadership
21	RUI 005/2019 Beinomugisha Ivan	Ruimi	Assaulted Prisoner No. 311/2020 Kibonge Ivan while working in main shamba	10 days loss of remission and withdrawn

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7		, O	Manor	Mus	
$/\!\!\lceil$				D	from
					leadership
	22.	RUI 079/2017 Mukuya	Ruimi	Assaulted prisoner	10 days
		God		No. 154/2020	loss of
				Kintu Alex while	remission
				working in the	and
	•			kitchen store	withdrawn
					from
					leadership
	23.	RUI 418/2018	Ruimi	Assaulted prisoner	10 days
		Mugume Robert		No. 165/2020	loss of
				Kaggwa John while	remission
				working in the	and
				main shamba	withdrawn
					from
					leadership
_			· · · · · · · · · · · · · · · · · · ·		

V. Action taken on human rights cases forwarded to the UPS from the Uganda Human Rights Commission

The Committee, transmitted a list of 13 cases received from the Uganda Human Rights Commission to the Uganda Prisons Service and required the UPS to submit an update on the status of alleged torture complaints to establish what action had been taken to address the cases.

UPS supplied a table of the said cases including status updates as shown below:

Status update of alleged torture complaints registered at the Uganda Human Rights Commission from January 2020 to January 2022.

SN	Complaint No. (Victim)	Parties	Status according to UHRC	Update on Status of Action by UPS
1.	CTR/02/202 1 (Okello Raphael)	Okello Raphael and Uganda	Investigati ons ongoing	a Prisons staff who claimed to have been tortured/assaulted during training.

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	Mutatt	WIT -	<del>-</del> -	ARue	
	7	Prisons Service		The Service received a notice of intention to sue and a response was made.	
			·	The incidence referred to as assault in his complaint was not assault but could be termed as accident because he fell down as he was running towards the prarade ground and fellow trainees run over him.  The case is currently before courts of law.	
2.	MRT/31/202 1 (Opolot Peter)	Opolot Peter and Moroto Government Prison	Investigati ons ongoing	The Officer in charge of Moroto Prison provided a response to the UHRC Moroto Office on 31st January 2020.	
				Key to note is that the allegations of torture were filed by a male prisoner against a female staff (Assistant Matron Nafuna Josephine)	
			· ·	The Prisons rules and regulations do not allow the deployment of female officers within a male prison without the presence of a male officer.	
Santing				All the time, the accused worked at the quarantine centre, she was under the supervision of a male officer, Corporal Warder Sam Okwi.	July .
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	VA	tttttttt		-60	
	NO	, -	No.	Three	
				While carrying out searches, male inmates are STRICTLY searched by male officers and not female officers.	
3.	GLU/05/202 1 (Abigaba Hannington)	Abigaba Hannington and Uganda Government Prison Lotuturu	Investigati ons ongoing	No. 16615 Warder Abigaba Hannington was posted to Lotuturu Prison on 17 <sup>th</sup> July 2020 after completion of training at Prisons Academy and Training School	1
				During his stay at Lotuturu Prison, he exhibited gross indiscipline and discreditable conduct including absenteeism from duty on several occasions, assault of fellow staff and insulting of supervisors, malingering and being a public nuisance in the community.	
			·	On 03/01/2021 he falsely communicated to the District Police Commander Lamwo about the mass escape at Lotuturu Prison.  He subsequently absconded from duty and	Alander .
3 militari			7	was declared a deserter with effect from 17/02/2021.  During all this while, no torture allegations were meted on the Warder	\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \
Al de	J. France	July !	P	Page 104 of 150	

	4.	GLU/38/202	Lamunu Morgret and	Investigati	Uganda Government	
•		l (Lamunu Margret)	Margret and Uganda Government Prison, Pece	ons ongoing	Prison, Pece, is a purely male prison and it does not admit female prisoners.  When Lamunu Margret was contacted using the telephone number	
7					provided by the UHRC, she confirmed that she has never been in Prison.	#4.5 'g'
ACON.					UPS has never admitted the said complainant into custody and no complaint has ever been received from UHRC in that respect.	, ja
	5.	GLU/13/202 0	Okidi Geoffrey and	Investigati ons	He escaped from lawful custody at Patongo prison.	
9		(Okidi Geoffrey)	Uganda Government Prison, Patongo	ongoing	He was recaptured on 20/01/2020 and sentenced to 1,095 days' imprisonment.	No.
tano	<b>a</b> :			is	He was thereafter transferred to Gulu Main Prison.	Carp
		• ,			No complaint has ever been received from UHRC in that respect.	40
4	6.	GLU/36/202 0	Amoding Harriet and SSP	Case concluded	There was a confrontation between SSP Muchunguzi Emmanuel and Assistant	
mintum.	<b>A</b> /	(Amoding Harriet)	Mucunguzi Emmanuel		Matron Amoding Harriet emanating from trafficking with prisoners. Harriet was belligerent to the Officer in charge prompting	
othor	2	J. J.	J. J. S.	Mi	Page 105 of 150	

			100,4	++1110		
Ve	4	• .	Ketter		Ruse	
			· .		confrontation from the OC by slapping her.	
					The victim was given a compensation of Shs. 1,000,000 and the case was concluded.	
	7.	GLU/21/202 1	Adar Rubby Vz. Uganda	Investigati ons	UPS provided a response to UHRC on 22/10/2021.	
	•	(Adar Rubby)	Government Prison, Alebtong	ongoing	The Prisoner was admitted into the prison on 6th May 2021 and granted bail on 10th May 2021. He stayed in Prison for 4 days.	
	<del>-te</del> s				During the period of his stay, no torture complaint was registered in respect of this prisoner. Even in the Prisons medical records, his name does not appear though he alleged that he	
					got treatment from the prison facility.	
	8.	JJA/16/20 (Fulafu Daniel)	Fulafu Daniel Vz. Morokatipe Prison	Investigati ons ongoing	The alleged victim was on 12th June 2020 admitted to Tororo Prison, Morokatipe.	
				1	After preliminary medical examination at Doctor's Plaza Medical Centre with reference of Orthopedic	子の大
mited					surgeons from Tororo General Hospital on 2 <sup>nd</sup> July 2020, he was found to be a minor of 17 years.	73
				X. /	On 10 <sup>th</sup> August 2020, UPS received a release order	
e po			3	all &	Page 100 of 150	_
4		$\bigcirc$	5			<u>∿</u>

	<u>V</u>	JJA/03/21	Kakaire	Investigati	which was effected immediately.  There is no registered torture complaint at the station.  The UPS provided a	
		(Kakaire Charles)	Charles vz. Kaliro Prison	ons	response to the UHRC.  The complainant was transferred to Kaliro Prison on 19th September 2019 from Iganga Prison.	
					He was appointed as inmate leader but later stripped of that responsibility on account of misconduct towards his fellow inmates. He was then appointed as a cook.	
					He was a chaotic inmate who on several occasions caused infighting among inmates even in the middle of the night. He then became violent to all officers.	5 actions
n film C	٠				He was then isolated from other inmates for 3 weeks as a deterrent measure.  He was released from custody on 24/09/2020. In all this, no torture of	
	1	de la constant de la	Alm J	grovo	whatever nature was ever meted on him Page 107 of 150	J. J

			Mandt	ttu		
Ø,	/		Kum		Thure	
W.					UHRC is yet to pronounce itself on the response from UPS.	
	10.	JJA/19/20 (Namuloodi Saadi)	Namuloodi Saadi Vz. Mayuge Prison	Investigati ons ongoing	Namuloodi was admitted on 17/07/2019 as a remand prisoner at Uganda Government Prison Ikulwe in Mayuge district on charges of theft of a phone.	
	<b>!</b>				He was sentenced on 06/11/2019 to one year imprisonment and released on 17/07/2020 after completion of his sentence. During his term, no complaints of whatever nature were received.	
					On 07/04/2021, three UHRC Jinja branch reported at the Prison to conduct a field investigation into torture allegations on Namuloodi Saadi.	, ,
A)		A			No response or feedback has ever been received from UHRC.	Many
in function of the	11.	MSK/015/20 20 (Katerega Godfrey)	Katerega Godfrey Vz. OC Bukulula Government Prison	Investigati ons ongoing	Godfrey was admitted to Uganda Government Prison, Bukulula on 26/02/2020 as a remand prisoner.	
			HISOII		On admission, he had a big fresh wound on the buttocks. He complained that he was beaten during arrest. His trousers had	Cuy
To de		\$ 6		post of the same	Page 108 of 150	<u>B</u> ~

12.				from custody.  However he had not fully healed at the time of
	ARU/05/202 1 (Fauza Ismail)	Fauza Ismail Vz. Principal Officers Okalia Joseph and Kasakibaki Godfrey and Uganda Government Prison, Arua	Investigati ons ongoing	No complaint has ever been received from UHRC. However, below are some facts about the inmate.  He was transferred from Murchison Bay Prison on 03/8/2017 to Arua Prison.  He received treatment from Murchison Bay Hospital and was later transferred to Arua Prison after the first set of treatment.  He was transferred from Arua to Adjumani prison on 09/8/2018
To the state of th				on 09/8/2018.  He was later transferred from Adjumani back to Murchison Bay Prison for further medication.  Laboratory tests conducted from Lacent Laboratories confirmed a Low Grade Fibrosarcoma (cancer of the left thigh)  The amputation of the left lower limb (above the knee)

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	_				was conducted from
١					Mulago Hospital on
					17/07/2020.
	13.	CTR/42/202	Alijamana	Investigati	The said person has never
		0	Dede and	ons	been admitted to Kitalya
		(Alijamana Dede)	Kitalya Prison	concluded	Prison and he is not in the Prisons data base
		, .			Also, no complaint has ever
					been received from UHRC
					in that respect
- 1		I	1	1	t l

## VI. Compensations by the Uganda Prisons Service

The Uganda Prisons Service informed the Committee that it had received eight (8) orders for compensation from the Uganda Human Rights Commission between 2005 and 2018 and that it was in the process of paying four (4) awards, whose bank accounts had been provided to the Uganda Prisons Service.

The Uganda Prisons Service further informed the Committee that when prisoners get injured while on employment during incarceration the Worker's Compensation Act applies. The injured prisoners are compensated with the guidance of the Ministry of Gender, Labour and Social Development.

The Committee commends the Uganda Prisons Service for their cooperation and diligence with which they responded to the Committee's inquires.

The Committee also commends the Uganda Prisons Service for verifiable action taken to address cases of human rights violations and punish offenders.

The Committee recommends that:

- i. the Uganda Human Rights Commission should be supported to conduct massive civic education and sensitisation across the country to lay a foundation for a culture of respect for human rights and create awareness of rights and obligations.
- ii. all Ugandans should be trained in human rights regardless of their status, rank, gender, age and belief systems to put an end

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to mob justice by the masses and torture by law enforcement and security operatives.

All "Katikiros" should be given basic human rights training before iii. they are assigned the position.

## 4.8.3 Ministry of Foreign Affairs:

Uganda's international human rights reporting obligations

The Committee received submissions from the Minister of Foreign Affairs.

The Minister informed the Committee that cabinet by a decision of 6th July 2011 designated the Ministry of Foreign Affairs as the coordinating entity for matters of human rights related to International Treaties and Conventions. He reported that the ministry is tasked to submit the required reports in good time to Cabinet for discussion and endorsement.

The Minister submitted that since January 2020 that:

- Uganda has to report to ten Treaty Bodies at the United Mations and two at the African Union as well as submit to the Universal Periodic Review Mechanism (UPRM) at least once every four years
- ii. Uganda is required to provide periodic report to the African Commission on Human and People's Rights every two years and the African Committee on the Rights of the Child every three years.

The Minister informed the Committee that for purposes of the above, the Government established the Inter-Ministerial Committee on Human Rights. The committee is Chaired by the Ministry of Foreign Affairs and co-chaired by the Ministry of Justice and Constitutional Affairs. The Inter-Ministerial Committee constitutes of representatives from various key stakeholders namely Ministries. Departments and Agencies and Civil Society Organisations.

Rt Hon. Speaker, the Minister reported that since January 2020, the ministry has coordinated submission of the following international human rights treaty reports:

- i. The Third and Fourth National Report to the African Commission on the Rights of the Child- 22nd March 2022;
- ii. Uganda's Third Universal Periodic Review (UPR3) Report to the United Nations Human Rights Council-8th October 2021;
- iii. Combined Eighth and Ninth Reports to the Committee on Elimination of All forms of Discrimination against Women – 29th June 2021; ()

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VOITHITT The Report on the United Nations Convention on the Rights of the Child iv. 12th May, 2021; v. Combined second, third and fourth periodic report of Uganda on the implementation of the International Covenant on Civil and Political Rights – 29th November, 2020 vi. The Report to the United Nations Committee Against Torture- 17th August, 2020; vii. The First Periodic Report on the Maputo Protocol to the African Commission on Human and People's Rights- December, 2020 The Committee was informed that the Minister for Foreign Affairs led a delegation, on 27 January 2022, which included the Attorney-General and the Chairperson of the Human Rights Committee, as well as Members of the Uganda Human Rights Commission to Geneva, Switzerland to the Human Rights Council for the third Universal Periodic Review. The Minister asserted that Uganda's presentation was well received and that the Ministry has since responded to the recommendations, made by member states. The minister reported that the ministry coordinates responses to various human rights issues, when raised by United Nations Special Procedures Mandate holders (Rapporteurs). These reports are on country situations, on issues such as; LGBTQI rights, rights to freedom from torture, rights to freedom of expression and assembly, journalists, use of force, NGO closures, human rights defenders, Government's implementation of human rights during the COVID-19 pandemic, alleged arbitrary arrests, arbitrary Judicial harassment, and violence during the 2021 General Elections, inter alia. Further, that the Ministry of Foreign Affairs coordinates the preparation of responses to Human rights issues raised by Regional Organisations (such as the African Union Commission and the European Union Commission), by international Organizations (such as Amnesty International, Human Rights Watch and UNAIDS) and responses to reports on the contry's human rights situation issued in reports by other state parties. The Committee commends the Ministry of Foreign Affairs for efficiently executing its coordination on matters concerning human rights in Uganda, and delivering on its mandate to ensure that Uganda meets her reporting obligations. The Committee recommends that the ministry coordinates the preparation of all outstanding reports and ensures that Uganda's reporting obligations are fulfilled, Page 112 of 150

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The Committee met the Minister of Internal Affairs who is the line minster for Uganda Police Force, Uganda Prisons Service, the NGO Bureau, National Identification and Registration Authority, the Government Analytical Laboratory and the Citizenship and Immigration departments. He was tasked to submit his ministry's assessment of the state of human rights and human rights violations in the country during the period under review.

The Committee raised the following issues with the Minister and asked for a response:

- i. allegations of torture by police officers and other police actions that infringe on human rights;
- ii. the need to upscale the forensics department of police;
- iii. status of the review of the citizenship of the Maragoli people;
- iv. the need for review of the laws and regulations governing the operations of NGOs;
  - upgrading custodial facilities for juveniles and offenders with children;
- vi. Ratification of the International Conventions for the protection of all persons from enforced disappearances.

# I. The Uganda Police Force

Rt Hon. Speaker, the minister submitted that UPF is mandated to protect life and property, preserve law and order; prevent and detect crime; and to cooperate with civil authority, other security agencies and the population. In carrying out these functions, the Uganda Police Force is obligated to observe human rights.

# 4.8.4.I.1 Allegations of torture by police officers

The Minister reported that the major highlight in the period under review was the November 2020 riots, which regrettably led to loss of life and property. He further reported that the cases arising from the riots had been investigated and a number of culpable individuals subjected to the due process of the law. Out of 1,088 suspects arrested during and in the aftermath of the riots, 949 had been arraigned. 333 were convicted, while 128 were discharged. The rest are still on trial or being processed.

The Committee was informed that in the period under review, a total of 35 cases of alleged torture by security personnel were reported to police. Out of these, 7 were prosecuted, 11 were referred to the Professional Standards Unit

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of the UPF for further management, and 4 closed and put away by Resident State Attorneys (RSAs). 13 cases are still under investigation.

The status of the proceeding against the suspects is below:

- 49 suspects were involved in acts of torture,
  - 19 persons were arrested and charged,
    - a. 4 accused persons were remanded,
    - b. 12 accused persons were granted bail,
    - c. 3 were acquitted after their cases were dismissed.
  - 30 cases are still under investigation.

The Committee was further informed that acts of torture committed by individual police officers are not institutionalised. Torture is prohibited by law and the values of policing, inculcated through training and the standard operating procedures and guidelines that are formulated and issued from time to time.

#### 4.8.4.I.2 Measures taken to deal with indiscipline in the Uganda Police Force

Rt Hon. Speaker, the Committee was informed that by the end of 2021, 1,131, disciplinary cases were reported and investigated. Five hundred ninety-three (593), cases were conclusively prosecuted and 538cases, are yet to be concluded in the different police disciplinary courts across the country.

The Committee noted the actions taken to address indiscipline in the UPF.

The Committee recommends that disciplinary processes and action against errant officers should be made accessible to the public and publicised.

The Committee further recommends that for all cases of human rights violations, errant officers should be tried in the courts of judicature and subjected to the criminal justice system.

#### 4.8.4.I.3 The need to upscale the Uganda Police Force Forensics Department

The Committee was informed that the Uganda Police Force has a Special Investigations Unit housed under CID, which coordinates investigation with other specialised units like the Forensics department, Canine unit and Police Health Services. The Special Investigations Unit investigates crimes including

torture allegations.

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The Uganda Police Force with support of the Government, is gradually enhancing investment in forensic investigations both at the Police Forensics department and the Government Analytical Laboratory.

#### II. Status of the review of the citizenship of the Maragoli people

Rt. Hon. Speaker, the plight of the Maragoli Community in Uganda first came to the attention of the Sectoral Committee on Legal and Parliamentary Affairs during the Constitution (Amendment) 2015, when they asked to be included in the Schedule of the Constitution of the Republic of Uganda. The Committee recommended that Government sets up a Constitutional Review Commission to handle the multitude of proposals received from the public through comprehensive regional consultations held by the Committee at the time.

The Minister informed the Committee on Human Rights that while the origins of the Maragoli are not documented in detail, they are said to have migrated from present day Saudi Arabia to South Sudan and via Egypt. They crossed the border into the West Nile and Bunyoro sub-regions in the 18th century. A second group is believed to have arrived in Uganda from Kenya around the 1900's, during the construction of the Uganda Railways. Later in the 1950's more Maragoli migrated to Uganda, on invitation of the King of Bunyoro. The king settled the community on the land they occupy today in Western Uganda.

The current challenges of the community began in 2015. The Government embarked on a mass national registration of Ugandan citizens and issuance of national identification cards under a newly constituted National Identification and Registration Authority (NIRA). NIRA was unable to register and issue national identity cards to this group of people because their ethnic group was not included in the Third Schedule of the 1995 Constitution and the 2005 amendment. The Constitution recognises only 65 tribes in Uganda.

The Maragoli, for the first time, were at risk of being rendered stateless because their registration was declined and identity cards were withheld. Most Maragoli during the registration exercise were advised to register as Banyoro, the dominant ethnic group in the area. Many did so but others refused, not wanting to lose their own identity as an ethnic group with an established history in the area.

Rt Hon. Speaker, Maragoli leaders took a number of steps to try to solve the problem with the NIRA, but to date, their challenges remain. The majority of the Maragoli have not been issued with national identity cards. They have petitioned the President, the Speaker of Parliament, the Attorney-General and

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Buttitle the Ministry of Internal Affairs. Their petitions have not been conclusively dealt with. The Committee was informed that the Minister instructed the NIRA to issue identity cards to the Maragoli as advised by the Attorney General pending constitutional amendment for their inclusion in the Third Schedule. The minister's directive was not implemented. The President directed the Ministry of Justice and Constitutional Affairs in July 2017 to include the Maragoli in the constitutional amendment. The directive is pending the legal process. The Committee was informed that NIRA advised Maragoli people to acquire citizenship through naturalization. The community, however, has declined this option for the following reasons: It would represent an admission that they are foreigners, a position they contest. They contend that generations of their ancestors had lived in Uganda for decades preceding independence. ii. naturalization does not offer the guarantee of permanent citizenship since such citizenship can be revoked by an Act of Parliament or administrative action. They perceive the refusal to issue identity cards as evidence of rising discrimination against them. They contend that naturalization would further entrench their secondary status in the country. The Committee notes that the fear of statelessness is of grave concern and a fundamental human rights issue. The Committee recommends that Government should expedite the creation of the Constitutional Review Commission to conclude this issue of the Maragoli Community in Uganda. The Committee further recommends that a private member or committee of parliament considers introducing a private member's bill to address this issue. İΠ. The Need for Review of The Laws and Regulations Governing the Operations of NGOs; The Committee was informed that the process of reviewing the National NGO Policy, 2010 and the NGO Act, 2016 is ongoing and the Minister of Internal Affairs has already constituted a technical committee shaired by the NGO Page 116 of 150



Bureau comprising a number of MDAs to offer support. These include Attorney-General's Chambers; Ministry of Finance Planning and Economic Development, Ministry of Foreign Affairs, First Parliamentary Council, Uganda Law Reform Commission, Financial Intelligence Authority and Internal Security Organisation.

The NGO Bureau informed the Committee that an inter-ministerial committee set up by Cabinet to develop guidelines to regulate non-income funding by NGOs in order to protect the country's sovereignty and to ensure accountability presented its report. The Cabinet directed that these guidelines be formulated into a policy for adoption. This is intended to streamline the regulation of the NGOs and ensure better effect for the support they provide.

The Minister of Internal Affairs reported that his ministry is in the process of putting in place an Inter-Agency Platform comprising key MDAs that meets every quarter to address issues arising from NGO operations in the country.

Rt Hon. Speaker, the Committee noted the complaints that the NGO Bureau had unilaterally suspended operations of some NGOs without according them a right to a fair hearing and in total disregard of the effects of COVID-19 on their operations which had variously made it difficult for them to operate and file returns in accordance to the law. The Committee also noted the explanations offered by the Attorney General, the Minister of Internal Affairs and the NGO Bureau.

#### The Committee recommends that

- i. the NGO Bureau should accord these NGOs a fair hearing and review their cases with a view of supporting them to improve their operations.
- ii. The regulations, policies and the law should achieve its intended purpose of securing the sovereignty of the country and national security without imposing onerous and non-justifiable obligations on NGOs.

The NGO Bureau should strive to establish a cooperative and collaborative relationship with NGOs

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#### Custodial facilities for juveniles and offenders with children IV.

## 4.8.4.IV.1 Separation of juveniles from adult offenders

RT Hon Speaker, the Minister informed the Committee that the Uganda Prisons Service does not admit juvenile offenders in its custody. Section 58 (7) of the Prisons Act prohibits Uganda Prisons Service (UPS) from admitting juvenile offenders into a prison designated for adult prisoners.

The Minister stated that when a suspected juvenile is committed to prison by court, the Officer in Charge is required to refer such juvenile to hospital for determination of the actual age. Upon confirmation, a report is tended to Court. The juvenile offender is committed to a Remand Home under the Ministry of Gender, Labour and Social development. Since 2021, 21 juveniles have been sent back to court and admitted to juvenile detention facilities.

# 4.8.4.IV.2 Upgrading of custodial facilities for juveniles and offenders with children

Rt Hon. Speaker, the Minister reported that government is making effort to improve custodial facilities for juveniles and offenders with children. He stated that there are designated homes for juvenile offenders and delinquents countrywide. He noted however, that they are too few and far between to handle the growing population of juvenile offenders. He also noted that most specialised remand homes are old and require renovation.

## 4.8.4.IV.3 Offenders with children

Rt Hon. Speaker, Section 59 (2) of the Prisons Act provides as follows "subject to such conditions as may be prescribed, a female prisoner may be admitted into prison custody with her infant."

Section 59 (4) of the Prisons Act requires the State to supply the said infants with clothing and other necessities of life until the infant attains an age of 18 months in which case the Officer in Charge shall on being satisfied that there is a relative or friend of the infant able and willing to support it, cause the infant to be handed over to the relative.

Section 59 (5) of the Prisons Act provides that where there is no relative or friend referred to in subsection (4) who is able and willing to support the infant, the Commissioner General may, subject to the relevant laws, entrust the care of the infant to the welfare or probation authority as the Commissioner General may approve for that purpose. The Committee was informed that currently, the UPS is looking after 260 babies staying with their

mothers in prisons.

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The Committee notes with concern that there is a growing number of juvenile offenders and insufficient remand facilities. It further notes the dilapidated condition of the existing remand facilities.

The Committee recommends that

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- Government invests in the construction and renovation of remand facilities for juvenile offenders.
- Government invests in the recruitment and training of remand facility managers. The training should empower such personnel to rehabilitate and safely integrate the juvenile offenders.
- The remand homes should be designed and built to incorporate technical and vocational training facilities.
- Juveniles in remand homes should access formal education facilities.

In the medium to long term, government should build separate facilities for the incarceration of offenders with children. Such facilities should incorporate early learning centres for the children.

• Government should develop a comprehensive correctional policy, review and amend the law (Prisons Act) in respect of juvenile offenders and offenders with children.

Directorate of Citizenship and Immigration Control: Management of Immigration Custody Centres

Rt Hon. Speaker, Section 82 of the **Uganda Citizenship and Immigration Control Act, Cap 66,** empowers the Citizenship and Immigration Control to make regulations for managing custody centres where irregular immigrants are detained.

The Committee was informed that the directorate has gazetted 61 custody centres. Only two have been built and are in use; one at the ministry headquarters and another at Namanve.

The Committee was further informed that main challenge faced by predeportation detention centres is the delayed removal of suspects. It was reported that whereas suspects are encouraged to avail tickets for their removal, many are unable to comply and Government has to provide the tickets?

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The minister also reported challenges with the release of funds to effect removals. For the last two financial years, Cabinet froze the release of funds for travel abroad. This is the budget line charged for removals. Consequently, illegal immigrants stay longer in the custody centres. He added that the funds disbursed to the directorate are insufficient for provision of meals and medical services to the detainees. He reported that detainees are provided with two meals daily.

The Committee noted that the financial burden of keeping illegal immigrants in detention pending deportation can be reduced if removals are effected in a timely manner.

#### The Committee recommends that:

- i. All travellers to Uganda must avail proof of a return ticket prior to being admitted into the country at the ports of entry.
- ii. the travel abroad budget of the Directorate of Citizenship and Immigration Control should be increased to cater for deportation of illegal immigrants.
- Government should develop robust policies, legislation and iii. capacity to eradicate human trafficking.
- iv. The Government should establish rehabilitation centres to

manage victims of human trafficking. Page 120 of 150



# 4.8.5 Office of the Director of Public Prosecutions (ODPP)

Rt Hon. Speaker, on 10 June 2020, the ODPP issued a press release on its stand against torture and other forms of human rights violations of suspects while in custody by law enforcement agencies.

## Overview of human rights violations - 2020-2022.

The ODPP submitted that notable increase in alleged violation of human rights started with the nationwide lockdown during the COVID-19 pandemic (March 2020). A number of cases were reported against law enforcement agencies for violent enforcement of the presidential directives to curb the spread of COVID-19.

It added that this was followed by the election period that started at the time of primary elections of political parties held between July - September 2020 to elect flag bearers.

ODPP reported that a number of police files were opened during this period, particularly from Mbarara and Mbale regions. Some of these files are still in court while others were concluded. Most of the offenders were charged with assault, grievous harm, malicious damage to property, threatening violence. A few cases of murder, theft and robbery were recorded.

Rt Hon. Speaker, the ODPP reported that in 2019 it established a Human Rights Division to;

champion the promotion of the ODPP human rights policies, principles and activities.

act as a focal point and liaison with Human rights stakeholders.

coordinate the handling of cases involving alleged human rights abuses. The Committee was informed that the division has conducted trainings and stakeholder engagements countrywide on the legislative framework governing human rights laws including the Prevention and Prohibition of Torture Act (and the Regulations made thereunder) and the Human Rights Enforcement Act, etc. The trainings were conducted in Masaka, Mbarara, Kabale, Arua, Mbale and Soroti.

ODPP added that the Division represents it at the Inter-ministerial Committee on Human rights. It participated in the preparation of government's Universal periodic review reports.

The ODPP perused the following files involving human rights, violations by

officers of UPF:

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- JINJA CRB 249/2016 Ug vs No. 61919 PC Katetevi Robert i.
- ii. PSU/JJA GEF 033/2019 Ug vs ASP Azoora& Anor
- PSU/ WNR/GEF/11/2017 Ug vs D/ASP Bayo Robert iii.
- PSU/JJA/GEF/85/2018 Ug vs O/C CID Idudi Police Station iv.
- PSU/KMP/GEF/246/2018 Ug vs Asp Kayonga& Ors v.
- PSU/WML/GEF/33/2020 Ug vs Police Officers from Mubende Police vi.

Rt Hon. Speaker, ODPP reported that the case files with sufficient evidence to sustain charges of torture and cruel, inhuman and degrading treatment were prosecuted in Court to a logical conclusion. ODPP reported being constrained by the lock down restrictions.

## Human Rights Cases handled by the DPP from July - Dec 2021

The Committee was informed that ODPP registered 33 cases of torture, 225 cases cruel, inhuman or degrading treatment. In the same period, the DPP sanctioned 28 cases of police torture files and 204 of cruel, inhuman degrading treatment. The ODPP further reported that 19 convictions of torture and 204 of cruel inhuman a degrading treatment were secured.

ODPP reported that COVID-19 lockdown constrained the handling and prosecution of cases.

#### III. Challenges in the application of the Human Rights Enforcement Act

Rt Hon. Speaker, ODPP opined that Section (10) of the Human Rights Enforcement Act is too wide and ambiguous as far as what amounts to participation in association with others in the violation of Rights and Freedoms. ODPP proposed that to amend the section which provides for, personal liability for infringement of rights and freedoms. The provision that a public officer shall be held liable for the violating or participating in the violation of any rights or freedoms individually or in association with others notwithstanding the state being vicariously liable for his or her actions is onerous.

ODPP complained that prosecutors in the course of their work receive files from police for sanctioning so that suspects can appear in court. At the time of sanctioning there is no mechanism for prosecutors to know that any of the suspect's rights and freedoms have been violated. The section provides for, Colating or participating in the violation any right or freedom individually or in association with others. ODPP questions whether prosecutors be held accountable for actions they had no control over when the section is strictly applied.

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ker, ODPP reported that some attorneys have already been

Rt Hon. Speaker, ODPP reported that some attorneys have already been sued for acts done in the execution of their mandate. They expressed fear that the attorneys may hesitate to peruse and sanction files thereby propelling the country into lawlessness.

The ODPP raised issues with section 11(2) (c) of the same Act which provides that where in any criminal proceedings;

- i. it appears to the judge or magistrate,
- ii. it is brought to the attention of a Magistrate or Judge,
- iii. the court makes a finding that any of the accused persons' nonderogable rights and freedoms have been infringed upon, the judge or magistrate presiding over the trial shall declare the trial a nullity and acquit the accused person.

The ODPP asserts that the discretion given to the judicial officer in subsection (i) and (ii), does not provide for an opportunity for the other party to be heard. In effect, a court can make a finding to declare a criminal trial a nullity without conducting a court hearing of the original criminal case.

Rt Hon. Speaker, the ODPP expressed concern as to what happens to complainants/victims of aggravated defilement, rape, robbery or murder, and what remedies are available to them as the first victims to violations of rights and freedoms, particularly when they are not party to or even aware of the alleged violations against their aggressors.

ODPP suggests that the trial of a victim of torture should not be declared a nullity but the court should dispense the remedies in section 9 of the Act, which include compensation, rehabilitation, restitution and public apology among others.

The Committee noted that the concerns of the ODPP are legitimate. However, the intention of the legislator in enacting sections 10 and 11 of the Human Rights Enforcement Act was to provide fool proof protection against breach of non-derogable rights.

The Committee recommends that the Government should-

i. continue training law enforcement agencies on the need to observe human rights as they execute their duties.

ii. Encourage, facilitate and develop prosecution led investigations for all cases

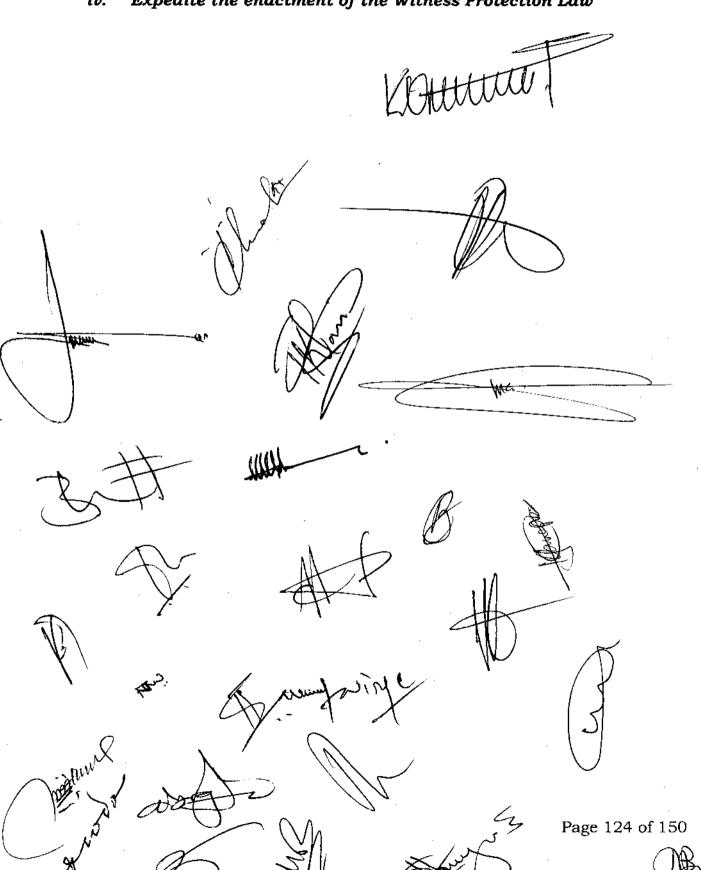
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iii. train state attorneys and judicial officers to exercise due diligence in interrogating how evidence is obtained while perusing the file and before admitting the evidence.

iv. Expedite the enactment of the Witness Protection Law





#### Submission by the Ministry of Defence and Veteran Affairs 4.8.6

#### I. Uganda People's Defence Forces in the Human Rights Arena

Rt Hon. Speaker, the 1995 Constitution of the Republic of Uganda, UPDF Act, 2005, the Human Rights (Enforcement) Act, 2019 and other subordinate legislation are instructive on observance and respect for Human Rights. Chapter Four of the Constitution and Article 221 enjoins security organizations, including the UPDF, to observe and respect Human Rights and Freedoms in the performance of their functions.

The UPDF Act commands the UPDF to be professional, disciplined, patriotic, nonpartisan, national in character and subordinate to civilian authority in execution of their Constitutional obligations. Respect for and protection of human rights is one of the pillars upon which the success of the liberation struggle was hinged.

#### Enforcement of COVID-19 SOPs and Guidelines 4.8.6.I.1

The Ministry of Defence and Veteran Affairs submitted to the Committee that the onset of the COVID-19 pandemic presented different challenges to the full enjoyment of human rights in all communities around the World. Uganda was no exception. The UPDF was tasked to reinforce the UPF in the enforcement of COVID-19 SOPs that prioritised saving life.

Rt Hon. Speaker, the ministry reported that the security agencies were under immense pressure to strictly enforce the SOPs to prevent the spread of the virus. The enforcement of curfew rules, wearing of masks, observance of social distance, compelling the community to wash their hands was unprecedented and posed a challenge to the security agencies. The ministry admitted that Isolated instances, the UPDF registered cases of excessive use of force by errant soldiers that resulted into human rights violations. The ministry reported that soldiers also suffered gross violations of their rights perpetrated by the wanainchi.

## Incidents of Human Rights Violations and action taken

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The ministry reported that the UPDF recorded nine cases of human rights violations. Below is a list of the cases and action taken in each.

Assault of the Mityana LC V Chairperson by Cpl Anguria. The soldier was tried and sentenced to six months imprisonment by the Division Court Martial sitting at Kakiri.

Elegu incident in Amur District of 21 April 2020 where six UPDF soldiers and 11 Police officers in a joint operation, assaulted women during curfew enforcement. The culprits were charged before the 4th

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Division Court Martial and Uganda Police Disciplinary Committee respectively with assault Causing body harm, convicted and sentenced to various terms of imprisonment.

- (iii) Assault of traders and cyclists at downtown Kampala, on 20 March 2020. Local Defence Forces assaulted vendors selling fruits and vegetables and cyclists for non-compliance with measures to close non-food markets.
- (iv) Pte Etunet Bosco who assaulted one civilian at Kisaasi Road construction project was sentenced to two years imprisonment.
- Pte Namuli Ronald who shot Robert Kagolo (a journalist) was charged  $(\mathbf{v})$ with manslaughter and sentenced to five years imprisonment.
- (vi) Pte Sali Mustapher who shot a civilian at Wandegeya Police Station was sentenced to 35 years imprisonment.
- (vii) L/pl Mugisha Augustine who killed two people, including a soldier during the riots was sentenced to life imprisonment.
- (viii) November 2020 the riots, which led to the loss of life and property. Investigations were conducted and a number of perpetrators have been subjected to due process of the law. The process of compensating innocent victims under the Attorney General's Chambers has been initiated. Some of the families have opted to obtain redress through Court.
  - Assault of journalists at the UN offices in Kololo. Six UPDF personnel were publicly tried at Military Police Headquarters Makindye convicted and sentenced.

#### 4.8.6.I.3 Allegations against CMI

Rt Hon. Speaker, the ministry reported that Chieftaincy of Military Intelligence (CMI) is a chieftaincy under the UPDF. The ministry emphasised that CMI does not operate independent of the UPDF or outside the law that governs the UPDF.

The ministry reported that CMI conducts joint operations with sister security agencies. Such operations include arrests of elements that threaten national, regional and international security, such as terrorists. It further reported that any allegations of torture formally made against CMI are investigated and appropriate action taken.

#### Allegations against the Fisheries Protection Unit (FPU)

The ministry informed the Committee that FPU was created to protect Uganda's waterbodies and to curb illegal fishing practices. It avers that the deployment of FPU on water bodies was strongly resisted by the fishermen

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and the fishing communities were using illegal fishing methods to enrich themselves, at the expense of national interests. The UPDF - FPU, in collaboration with the Ministry of Agriculture, Animal Industry and Fisheries (MAAIF) conducted joint operations to control illegal fishing methods. Illegal fishing gear, nets, boats and immature fish were confiscated. This compounded the already existing tension between the UPDF-FPU and the fishing communities.

The ministry submitted that a number of weird but false allegations against the FPU have been registered and given undue publicity. It confirmed that internal investigations exposed many claims as falsehoods.

On the allegations that on 2 June 2021, one Omar Patrick was attacked and killed by the UPDF in Opali Subcounty around L. Kyoga and eight others made to pay bribes to be released, the Minister reported that to the contrary, investigations revealed that Omara Patrick, while evading arrest by FPU jumped off a canoe (bau tatu) into the lake and drowned.

The ministry further reported that allegations of rape by UPDF against one, Ekite Naume, a 16-year-old on 1st Dec 2019, were also found false.

The Ministry reported the death of Pte. Okodoi Patrick who was strangled by fishermen.

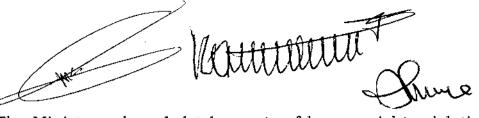
The ministry informed the Committee that the unit has undergone many structural reforms to make it more user-friendly and cognisant of human rights issues.

## Disarmament operations in Karamoja Subregion

Rt Hon. Speaker, the Ministry informed the Committee that the ongoing operation Code named "USALAMA KWA WOTE" was launched on 13 July 2021 and comprises UPDF, ASTU, ISO and UPF. The operation primarily aims at stopping criminality; arresting and prosecuting armed criminals and cattle rustlers, ensuring peace and development returns to Karamoja, which is the only guarantee to the full enjoyment of all the other human rights.

It reports that the disarmament operation in Karamoja is an extra-ordinary activity where the UPDF, in concert with other security agencies are engaging with armed gangs; "warriors". It noted that this is a "war-like" situation where the UPDF has lost a number of its soldiers. Many innocent civilians have lost lives and property at the hands of the armed gangs and the UPDF.

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The Ministry acknowledged reports of human rights violations by both the UPDF soldiers and the warriors. It briefed the Committee that five UPDF soldiers have been tried and convicted as listed below:

- (i) Sgt Shaban Ashiraf and 03 others charged with and convicted of murder and sentenced to 60 years imprisonment.
- (ii) Pte Dokito Paskale and another, charged with and convicted of murder and sentenced to 40 years imprisonment.
- (iii)Pte Adapu Isaac was charged and convicted of attempted murder and sentenced to 05 years imprisonment.
- (iv) Pte Olim Peter was charged and convicted of assault and sentenced to 02 years imprisonment
- (v) Col. Opio Sam was charged and convicted of causing grievous harm and sentenced to 02 years imprisonment.

The Committee was briefed that from 13 July 2021 to date, at least 151 guns and 1581 ammunition has been recovered. A total of 350 armed warriors were successfully prosecuted before courts martial, 14,687 animals have been recovered.

Rt Hon. Speaker, the following are the interventions made by UPDF towards promotion and protection of human rights.

> intensified ideological orientation and human rights awareness sampaigns amongst service personnel to enhance conscious discipline and the promotion, observance and respect for human rights.

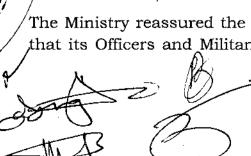
Put in place judicial and other institutions instrumental in promoting (ii)and ensuring discipline. These include Military Courts, the Chieftaincy of Legal Services, and Chieftaincy of the Political Commissariat, CIMIC, CMI and the Directorate of Human Rights.

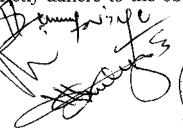
(iii) Under Section 29(d) of UPDE Act, the Deputy CDF as Inspector of Defence Forces is tasked to promote strict adherence to the rule of law, human rights and principles of natural justice.

(iv) Instituted a compensation scheme by MoDVA for violations of human rights. An active Compensation Committee considers all deserving claims for compensation, guided by comprehensive investigations and makes appropriate recommendations.

The Ministry reassured the Committee that UPDF is committed to ensuring that its Officers and Militants strictly adhere to the observance, protection

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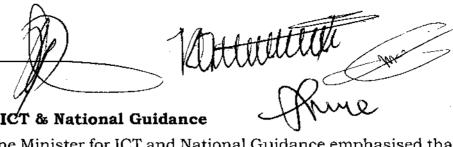




and respect of human rights in execution of their constitutional mandate. He appealed to members of the public including senior leaders to reciprocate the discipline exhibited by the UPDF.

The Committee commends the Ministry of Defence and Veteran Affairs and the UPDF for the institutional framework put in place to ensure the promotion and protection of human rights and the discipline of the forces.

The Committee recommends that Government should desist from trying civilians in military courts. 18 A. Page 129 of 150



4.8.7 Ministry of ICT & National Guidance

Rt Hon. Speaker, the Minister for ICT and National Guidance emphasised that the Government of Uganda remains committed to promoting human rights in the country. He noted that steps have been taken to improve the observance, promotion and protection of human rights.

The Minister noted that communication is an essential aspect in all spheres of human endeavour. It is linked to the freedom of expression under Article 29 of the Constitution. He pointed out that the Computer Misuse Act 2011, creates among others, two offences of Cyber harassment and offensive communication.

Cyber harassment is the use of a computer for any of the following purposes-

- i. making any request, suggestion or proposal which is obscene, lewd, lascivious or indecent,
- ii. threatening to inflict injury or physical harm to the person or property of any person, or,
- iii. knowingly permits any electronic communication device to be used for any of the purposes mentioned in this section.

Section 25 creates the offence of offensive communication. Verbatim, it states

"Any person who willfully and repeatedly uses electronic communication to disturb or attempts to disturb the peace, quiet or right of privacy of any person with no purpose of legitimate communication whether or not a conversation ensues commits a misdemeanor and is liable on conviction of a fine not exceeding twenty-four currency points or imprisonment not exceeding one year or both".

The minister opined that in Uganda, the mainstream print and electronic media makes deliberate effort to ensure that content is factual, objective, balanced and in good taste. He further noted that editors review content against professional standards and provisions of the press laws. He asserted that as a consequence, there are few cases of offensive communication in the mainstream media.

Rt Hon. Speaker, the Minister avers that the real challenge with offensive communication is social media. He laments that anyone with access to the internet and ICT-enabled devices like computers, tablets and smart phones can disseminate any content, and from anywhere. He argues that with the proliferation of citizen journalism, the social media space has no regard for facts, sensitivity to the law, decency and morality. He regrets that there are growing cases of people who disseminate highly offensive content.

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Some operate pseudo social media accounts, spend hours invading the privacy of others, posting sectarian, inflammatory, sexually explicit material, malicious and defamatory content.

The Committee was informed that the Ministry of ICT & National Guidance had registered a sharp increase in the frequency and intensity of offensive communication during the 2021 General Elections. The cases of smear campaigns on social media peaked during that time. The scientific nature of the mobilisation, due to restriction of physical rallies, was a contributing factor to the heightened activism in the media, with numerous offensive posts through social media.

The minister appealed to Parliament to be part of the efforts towards developing a more effective legal framework to address offensive communication, particularly in the digital media space. He emphasised that media in general but social media in particular, should be harnessed to build, other than break our society. He observed that responsible use of social media can be achieved alongside promoting and protecting human rights.

The Committee noted Government's commitment to promoting and protecting human rights in Uganda.

#### 4.9 JUDICIAL CONSIDERATION OF CASES OF TORTURE

The Committee reviewed some judicial decisions during the course of its inquiry and reports as follows:

Cases of torture give rise both in civil and criminal proceedings. In civil proceedings filed before the High Court, the claims are largely for damages. In some instances, constitutional petitions are filed before the Constitutional Court to interpret a particular article or nullify criminal trials of suspects on grounds of torture.

• In criminal proceedings, the question for determination has been whether evidence procured through torture is admissible.

• The implementation Section 11 of the Human Rights Enforcement Act 2019 which require that once violation of a non derogable right is brought to the court's attention, the criminal trial must be declared a nullity and the accused acquitted has been a matter of contestation.

• the Prevention and Prohibition of Torture Act 2012 prohibits admissibility of evidence obtained through torture of suspects or witnesses

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4.9.1 The Constitutional Court

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In Constitutional Petition No.7 of 2007 Dr Kizza Besigye & others vs AG, judgment delivered on 12th October 2010, the court unanimously granted the petitioners an order permanently prohibiting the state from using the process of any court, military or civilian to initiate and prosecute them in connection with an alleged plot to overthrow the government of Uganda between December 2001 and December 2004.

This injunctive relief resulted partly from the wanton torture of the petitioners from court premises on 1st March 2007 when they were beaten, together with their lawyer.

Constitutional Petition No.53 of 2010 Behangana Domaro & anor vs AG, judgment delivered on 12th October 2015, the court unanimously found that the Petitioners had inter alia proved that they had been tortured contrary to Article 24 during their arrest and detention but referred the matter of their compensation to the high

The court declined to stay their prosecution for alleged crimes despite finding that their rights had been grossly violated and the arresting officers had acted with impunity. The court departed from its position in Dr Kizza Besigye & Others vs AG.

In Constitutional Petition 55 & 56 of 2011 Omar Awadh Omar & 10 Others vs AG decided on 22nd October 2014, the court declined a stay of criminal proceedings of the 11th July 2010 bombing suspects, holding that the allegations of torture had not been proved. The court further held that discretion to stay proceedings must be exercised sparingly and carefully.

They declined to do so ostensibly on grounds that the petitioners had been accused of grave offences. Clearly, they adopted a standard of proof for torture that seemed to be beyond reasonable doubt. The justices showed a readiness to believe affidavit evidence from the Respondent's security officers as opposed to the Petitioners.

The Committee noted that the Constitutional Court departed from its wn jurisprudence established in the Besigye petition.

The Committee recommends that Parliament urges the judiciary to give effect to Section 11 of the Human Rights Enforcement Act 2019 which

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specifically provides that proof of torture is conclusive grounds to stay

and nullify criminal trials of suspects.

## 4.9.2 The High Court

The High Court routinely makes awards in favour of torture victims. These awards are alleged to be inadequate and do not sufficiently represent the gravity of torture.

A few recent decisions illustrate this point.

- I. Miscellaneous Cause No. 003 & 17 of 2017 Rights Trumpet & 2 others vs AG & 5 others, Mucunguzi Abel & 9 others vs AG & 2 others (15th **May 2020),** where 35m was awarded to torture victims.
- Miscellaneous Cause No. 42 of 2019 Felix Cuthbert Esoko & 3 others IÏ. vs AG & DPP (30th April 2020), where court ruled that torture had not been proved. Holding that courts should apply a very strict test in proof of torture and only the worst examples are likely to satisfy the test!

Civil Suit No. 226 of 2015 Yahaya Lukwago & others vs CG Prisons & 3 others (20th Dec 2019), where plaintiffs awarded 30m damages for torture while they were in prison detention. Torture meted out by prison wardens was intense and over a period of time resulting into lasting physical infirmities on plaintiffs.

Miscellaneous Cause No. 210 of 2017 Abdu Rashid Mbazira & 21 others vs AG decided on 12th October 2017, applicants awarded 80m each as damages for torture while in custody of police and the military. Court granted permission to African Centre for Treatment and Rehabilitation of Torture Victims (ACTV) to access prison once every month

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from October 2017 to check on health status of applicants and report to court monthly.

- V. Civil Suit No. 289 of 2014 Mwesigwa Hannington & 3 others vs AG (decided 21<sup>st</sup> March 2018), plaintiffs awarded 15m each for torture that was held to have been proved.
- VI. Civil Suit No. 248 of 2015 Hiririmana David vs AG (decided 18<sup>th</sup> Jan 2021), plaintiff awarded 140m for torture and illegal detention for 2 months as well as illegal remand by military court for 5 years.
- VII. Miscellaneous Cause No. 85 of 2020 Hon.Zaake Francis vs AG & 7 others (decided 9<sup>th</sup> August 2021), applicant awarded 75m for torture and illegal detention for 10 days.
- VIII. Civil Suit No. 273 of 2016 John Kaggwa vs Kototyo William & AG (decided on 9th Nov 2018) court granted award of 300m in favour of plaintiff for inhuman and degrading treatment, illegal detention for 3 days, arbitrary arrest and fact that Defendants defied court order for unconditional release as well as one to pay a fine for contempt.

The legal fraternity holds the view that the John Kaggwa decision represents the correct approach to showing disdain for torture. The awards need to be high enough to deter future conduct or at the minimum, cause reflection at higher echelons of government.

The Committee observes that the awards are arbitrary, follow no known formula and are therefore inconsistent.

The Committee recommends that the Judiciary establishes a consistent scale of damages payable to torture victims.

It further recommends that compensation awards should be high enough to be a deterrent to human rights violations and torture in particular.

4.9.3 Torture in criminal trials

In HCT-05-CR-CSC-0297-2006 Uganda vs PTE Turyamureeba Amon & another, the evidence procured through torture was excluded and Trial Judge used the occasion to strongly concerns torture of accused persons. He proceeded to acquit them.

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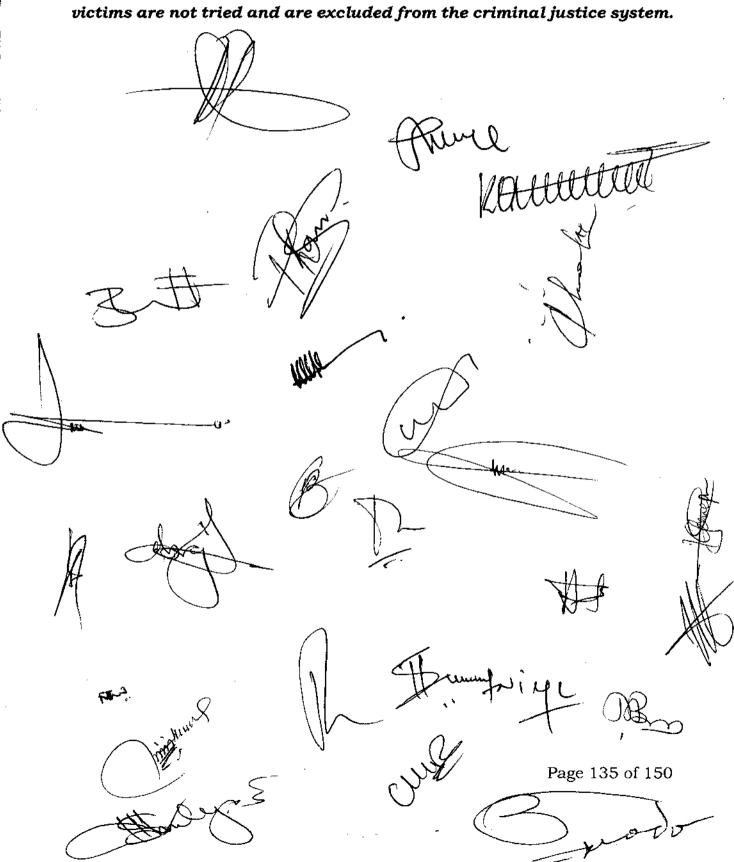
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Section 11 of the Human Rights Enforcement Act 2019 has now settled the law.

The Committee observes that the Judiciary is yet to give full effect to the section.

The Committee recommends that the Judiciary ensures that torture

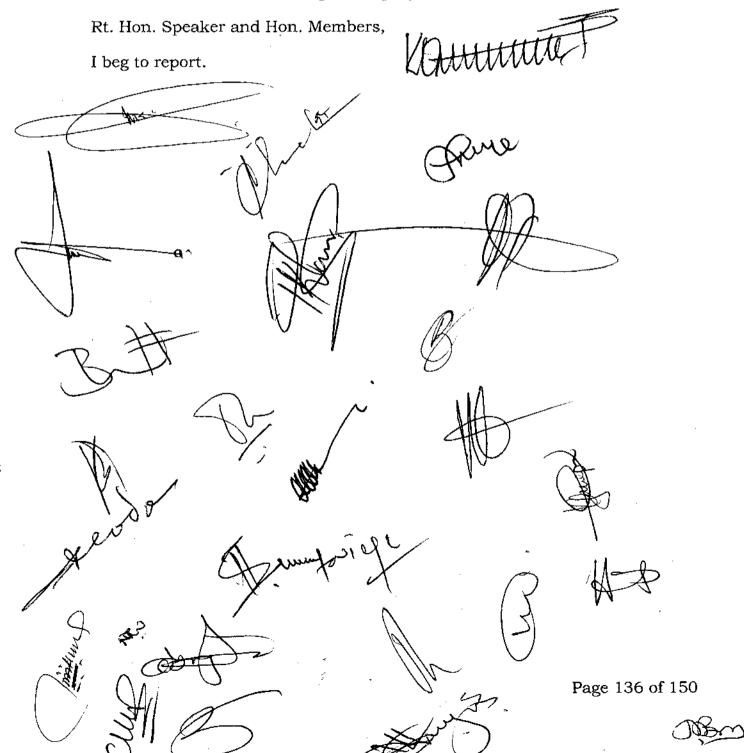


#### 5 CONCLUSION

Rt. Hon. Speaker,

The Committee wishes to thank all the Ministries, Departments and Agencies that appeared before it to present their submissions and memoranda on the state of human rights and human rights violations from January 2020 todate.

I wish to thank the Members of the Committee for their commitment to the work of the Committee during the inquiry.



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Annex one: Action taken against prisons staff accused of violating the rights of prisoners

SN	File No.	Rank	Name	Station	Offence	Action Taken
1.	P/O/9	PO.I	Ojambo	Masafu	Neglect of duty	-Fined
	4	:	Joseph	l	- failed to	-Charged
			at		supervise	with
		}			prisoners and	Murder
					this gave the	
		Con.			Katikiros an	
		\ <i>\</i> // <i>X</i>		1.	opportunity to	
		<b>\</b>			torture and	
		78			cause the	
			<del> </del>		death of MSU	
					(C) 108/19	
1					Ochieng	
*					Stephen	
2.	P/E/13	PO.II	Etyang	Masafu	Neglect of duty	-Fined
	9		Patrick		– failed to	-Charged
					supervise	with
					prisoners and	Murder
					this gave the	
					Katikiros an	
es					opportunity to	
					torture and	
					cause the	
					death of MSU	
		ļ			(C) 108/19	
					Ochieng	
				·	Stephen	
3.	47.88	Cpl/Wdr	Elotu	Kaberamai	Oppressive	Sentence
			Charles	do	conduct- hit	d to a
					prisoner no.	stern
	,				22/2019 with	warning
	j				a stick on his	Ü
					left arm and	
		!			injured him.	
4.	7144	Cpl/Wdr	Olila	Kitgum	Assault- Beat	Suspend
		• •	Stephen	.	Prisoner No.	ed
		1	Erebu		KTG/294/201	sentence

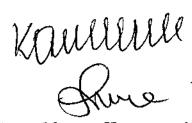
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The state of the s						9 Omony Geoffrey and caused injury to his left eye	of discharge for 12 months
	5.	9994	Cpl/Wdr	Magoon a Emman uel Wambal e	Masafu	Neglect of duty  – failed to supervise prisoners and this gave the Katikiros an opportunity to torture and cause the death of MSU (C) 108/19	ed from service and
	6.	11439	Cpl/Wdr	Baseke	Kyangwali	Ochieng Stephen Oppressive	Fined
	,	€M	- 1-3	Deo		conduct- used excessive force and assaulted escapee	and issued a last warning
Solo						No.51/2019 Nuwabeine Martin by causing injury to his leg using a blunt	
**************************************		11200	Warder	TP-do	Viiit	object	Finad
	7.	11302	warder	Edo Francis	Kijjumba	Unlawful exercise of authority - slapped and kicked prisoner number	Fined and issued a stern warning
9				W,	V	KJB/0025/20 18	
and share	8.	14326	Warder	Ariu Joseph	Artia (M)	Withdrawal from duty –	Fined
			Jane June			Page	138 of 150
			`			V	

K DHAHHHTET Withdrew from point of deployment Neglect of duty neglected Prisoner No. ARU/249/202 0 and left him handcuffed to a hospital bed while admitted at the hospital Discreditable conduct caused alarm in the hospital 16535 9. Wardres Tumuh Apac Assaulted Fined eki Female S Honest Prisoner No. R324/2019 Kakwere Teddy on 19/12/2021 Page 139 of 150





Annex three: Action taken to address Human rights violations by prisoner leaders "Katikiros" from 2020 to 2022:

SN	Prisoner No. and Name	Prison Unit	Offence	Action Taken
24.	MSU 024/2019 Zimoto	Masafu	Participated in	Charged
]	Alias Mrefu		beating of MSU	with
			108/2019 Ochieng	
			Stephen that	
			resulted in his	·
			death	
25.	MSU 180/2018 Talo	Masafu	Participated in	Charged
	David		beating of MSU	with
	- <del>- • • • • • • • • • • • • • • • • • •</del>	,	108/2019 Ochieng	l .
			Stephen that	
			resulted in his	
			death	
26.	MSU 014/2019	Masafu	Participated in	Charged
	Mulango Ramadhan		beating of MSU	with
i			108/2019 Ochieng	murder
	(NA)		Stephen that	·
			resulted in his	
<b>**</b>			death	
27.	KTAPC 059/2015	Kitalya	Beat fellow	Withdrawn
	Mugume Vincent	(Farm)	prisoner while	from
			deployed as a	leadership
			Katikiro in main	and
			Shamba	cautioned
28	KTAPC 190/2017	Kitalya	Beat fellow	Warned
	Ahimbisibwe Joel	(Farm)	prisoner while	
			deployed as a	
			Katikiro in main	
			Shamba	
29	KTAPC 065/2018	Kitalya	Beat fellow	Withdrawn
	Lukwago Simon	(Farm)	prisoner while	from
			deployed as a	leadership
			Katikiro in main	
			Shamba	
30	KTAPC 080/2018	Kitalya	Beat fellow	Cautioned
г	Akibar Ali	(Farm)	prisoner while	and
1			deployed as a	

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(	LV	000000	<b>T</b>		2	
					ma	
_	-			Katikiro in main	apologised	
				Shamba	to victim	
	31	KTAPC 066/2016	Kitalya	Beat fellow	Serious	
	1	Bahati John	(Farm)	prisoner while	warning	
	ŀ			deployed as a	and	
				Katikiro in main	apologised	
		000/00/0		Shamba	to victim	
	32)	*	Orom	Caning fellow	Withdrawn	
ı	Ì	Watenga Robert	Tikao	prisoner No. ORT	from	0
				167/2019	leadership	/ F.
${}^{\smallfrown}$	22	OPT 022/0010 Ol		Wanwaku Pascal	A	13/15
NUX	<b>331</b>	ORT 233/2019 Okeny Emmanuel	Orom Tikao	Caning fellow	Awarded 14	X
		Emmanuel	Tikao	prisoner No. ORT 269/2019 Ebau	days loss of cremission	$\mathcal{C}\mathcal{K}$
4				George Ebau	Temission	
<b>*&gt;}</b>  -	34	LGR 058/2015 Ndema	Lugore	Assaulted prisoner	7 days loss	$\mathcal{O}_{\mathcal{A}}$
$\mathcal{K}$	JT1	Yonah	Lugore	No. LGR 201/2020	of days loss	
ノー	i	A		Watala David and		~
		<del>-</del>		he sustained	and	
				minor injuries	withdrawn	
		7			from	
	}				leadership	<b>B</b>
-	85.	LGR 264/2020 Okello	Lugore	Caned prisoner No.	10 days	,
/		Benson		LGR 104/2019	loss of	6
				Okurut Joseph	remission	
•					and	7
1		·			withdrawn	
					from	\$2 I
			<u> </u>		leadership	1
$V \mid / $	36.	TR 962/2019 Oburu	Tororo	Assaulted prisoner	3 days in	7
/		Peter		No. 163/2018	isolation	
	-	MD 450/0017 No. 11	/T	Olowo Peter	cell.	1
•	37	TR 450/2017 Mugabi	Tororo	Assaulted prisoner	7 days in	$\lambda$
		Robert		No. 340/2019	isolation	(4)
<u> </u>	30	TR 677/2018 Ochieng	Tororo	Mukwana Peter	cell.	
	၁၀	Richard	101010	Assaulted prisoner No. 1060/2020	3 days in isolation	
		Monard		Obwana Andrew	cell.	TI.
<u> </u>				Obwalla Allidiew	CCII.	
ð	Λ		$\langle \langle \rangle \rangle$	A made while		
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The state of the s	IN YOU	Hother			
1			Time		
	39 TR 555/2019 Efumbi Jackson	Tororo	Assaulted prisoner No. 309/2020 Masete Jimmy	5 days in isolation cell.	
	40 RUI 242/2020 Ssekunya Ssemakula Shafik	Ruimi	Hit Prisoner No. 252/2020 Byesero James in the face with the fist	7 days loss of remission and withdrawn from leadership	
797 XX	41 RUI 115/2017 Mugisha Bonny	Ruimi	Fought prisoner No. 009/2020 Masereka Shadrack and tore his uniform	loss of remission and withdrawn from leadership	
	42 RUI 062/2017 Byamukama Moses	Ruimi	Assaulted prisoner No. 465/2019 Muhindo Yunus while working in main shamba	7 days loss of remission and withdrawn from leadership	
A A	43 RUI 370/2018 Milton Musasizi	Ruimi	Assaulted prisoner No. 534/2019 Akankwasa Yonah Mayeye while in the kitchen	loss of remission	A Parties
J. January	44 RUI 005/2019 Beinomugisha Ivan	Ruimi	Assaulted Prisoner No. 311/2020 Kibonge Ivan while working in main shamba	10 days loss of remission and withdrawn from leadership	
A control of	45 RUI 079/2017 Mukuya God	Ruimi	Assaulted prisoner No. 154/2020 Pa	10 days loss of ge 142 of 150	2m
The second second			S .	(Z),	

Mouthttto Kintu Alex while remission working inthe | and kitchen store withdrawn from leadership 418/2018 Ruimi Assaulted prisoner days 46. RUI 10 165/2020 Mugume Robert No. loss Kaggwa John while remission working inthe and main shamba withdrawn from leadership Page 143 of 150



Annex Five: Submission by Victims of Torture: Experience by the torture victims under the watch of Col. Frank Bagyenda (Kaka),

Rt Hon. Speaker, the Committee through its investigations, interacted with victims of torture Testimonies from his former detainees, revealed that Col. Kaka was at the forefront of abducting Ugandan citizens and foreign nationals, especially of Rwandese and Somali origin and indefinitely confining them to privately designated safe houses and at an Island known as Lwamayuba, located in the midst of Lake Victoria in Kalangala District.

Rt Hon. Speaker, sad to that the when the victims interacted with the committee, they consistently mentioned Col. Frank Bagyenda (Kaka), a Ugandan retired military officer in the Uganda People's Defense Forces. He is the former Director-General of the Internal Security Organization (ISO), Uganda Government's counter intelligence, as one of the perpetrators of human rights abuses and violations. He is also responsible for providing national security intelligence to Uganda's policy makers.

Whereas, some of these victims had a criminal record, most of these were innocent civilians with no criminal record whatsoever. A case in point are the children who were framed in regard to the Mannyama Secondary School Fire, self-made businessmen, mothers and state-witnesses turned into abductees.

Rt Hon. Speaker, the committee learned that these victims were never presented in court and had no official criminal files at police or CMI. Morover, they spent several months and years in isolation in safe houses and at Lwamayuba Island facility with no communication to families, lawyers, friends, wives, husbands and the media which would help unfold all that was happening to us. Similarly, it was revealed to the committee that where torture failed, they were offered to consent to crimes, they had no idea about, in exchange for freedom, money and "VIP protection" privileges which were never fulfilled to many of the victims, some were exposed to physical torture commonly known as "Rambo" and for some ladies, exposed to sexual assault including but not limited to rape, by the very people meant to watch over them. For the business men, some were escorted to the bank and at "gun point" made to withdrawal funds from their personal accounts and others made to offer their cars in exchange for freedom.

Rt Hon. Speaker, the stories are quite nasty; these fellows were guaranteed extra judicial killings if any of them dared to leak information about the whereabouts and the conditions of living while at the Island or if any attempted to escape back to mainland. All the above, and much more was done under the watch of Col. Kaka. Reports of extortion and sexual assault

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reached Col. Kaka and he took no action other than tightening "security" for his victims, so as to avoid leak of information to media and some government offices and sister security agencies.

The Committee was informed that Col. Frank Bagyenda (Kaka) had mastered the art of using propaganda, treachery, fear, strategic offers and political divide and rule, to win his victims over and make them forget about the inhumane treatment and lure them to joining him in work according to his terms. They commonly called it "siasa" whereas, some of them fell for it, averagely 98% of them rejected his methods of work and were continuously held incommunicado for years and months after being transferred from "safe houses" to the Island earlier stated above.

The committee learnt that when Col. Kaka entered office as Director General of ISO, He made internal reshuffles within ISO and allegedly replaced competent officers with new faces some of whom were Kaka's relatives and others chosen based on personal preference and not merit as per the designated systems. Some of the new faces were actually civilians - some armed -who gave orders to competent and well decorated officers. Some of the naughty members recruited by Kaka include Kaberenge, Sobbi, Ismail Wamala, Shafic, among others. Some, such as Kaberenge are responsible for several people's wrongful arrests and allegedly shooting of others.

Rt Hon. Speaker, the Committee was informed that on arrest, each or most of Col. Kaka's victims already had designated witnesses such as Shafic or Ismail Wamala who claimed to have information about a target person that was to be or had been arrested by ISO. Basing, on the testimony of that designated "witness", Kaka would convince his abductees that they are in big trouble and their after he would make an offer to the abductee to agree to a certain criminal act, which the abductee was not aware of, in order to get freedom. If the abductee accepted the offer, Col. Kaka would then make a video recording of the abductee, confessing to the criminal act they have been assigned to confess. That video would then be uploaded to a specific social media channel known as "Patriotic Pulse TV," on Facebook or main stream media like TV, where it would be watched by the public and considered to be true. Having done that, Col. Kaka would consider such a person his asset and give him/her certain privileges including but not limited to monetary allowances. However, in the event that the abductee rejected Kaka's offer, that person would be exposed to a certain form of torture, threatened more and possibly interrogated and re-interrogated by certain officers allegedly from CMI or police trying to extract a statement about a crime they were arrested for

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basing on Kaka's designated witnesses, or informers, but not taken to court, ever.

Further to note is that again on arrest, basing on a person's aggressiveness, Kaka would determine which safe house one goes to. The safe houses were classified into bases; base 1, base 2, base 3 etc. Some of the bases were meant for tough abductees who would be put there to cool down first. By cooling down, it meant getting exposed to torture so that the boldness is replaced with fear. This helped Kaka to tame victims who had been "arrested" with a lot of resistance

within them Kaka went on doing such arrests until his designated "safe houses" got so full with people from different backgrounds, nationalities, social status, gender and age (including those below 18 years). When the safe houses got overwhelmed, the "old-comers" had gotten used to the environment and information had started leaking when the victims begun compromising the soldiers meant to guard them. When information leaked, it reached relatives who started going to the gates of the safe houses demanding to speak to their relatives. This being an illegal practice, Kaka felt concerned that the safe houses would one day be overwhelmed by civilians demanding to speak to their abducted relatives. This forced Kaka to reshuffle the soldiers who guarded the safe houses (while punishing some that he believed were sympathizing with the victims). After reshuffling the guards, Kaka sent a message that the safe house details were going home. Little did they know it was not home as usual.

Late in the night, buses were lined at the "safe houses" and names of those "going home" were read out and told to enter the same buses. Throughout the journey, they were blind folded and some handcuffed so that no one could see the direction the buses were taking. After a long ride in the night, they were guided off the buses that night (still blind folded) and made to stand next to what sounded like a lake shore (they could hear the water waves). An announcement wasmade that the President/state had ordered Kaka to execute them (by firing squad) but then Kaka had negotiated their freedom that night. However, their freedom had terms and conditions which included being taken away from the general population to a special place where they could learn technical skills like boat making and farming (this group comprised of averagely 70-100 people that night alone) and many of us were still detained as our comrades left and others were among those that left. This offer was non-negotiable and since fear had already infiltrated down out/their hearts. Much as they knew they were all innocent, at that time all they could think about was that they were at least bring spared and free that night. Later

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that night (while still blindfolded), they were guided into a large boat they commonly termed to as "kinaala," they were given life jackets and the large boat started sailing off that night to an unknown destination. For hours sailing on water in the night, they could only smell fear in the cold, and that was the moment everyone had to say goodbye to their families (from within their hearts), or even hope of being ever found by their loved ones - that was it, they knew they were gone to serve a sentence whose duration is not known and for crimes they know nothing about. At that moment they knew they were only at the mercy of Col. Kaka who waste police, judge and executor. That night, many became total strangers to justice and freedom, they had become victims to injustice their very own Government swore to protect them from, their rights, dreams and ambitions had been washed down the drain hole and little did they know that Christmas, New year and all festive days would find them alone and at an island, facing a sentence for crimes they knew nothing about and a sentence never pronounced by any court of law. All they knew was that the President had ordered their execution that the president had ordered their execution that the president had ordered their execution that the president had ordered their execution that the president had ordered their execution that the president had ordered their execution that the president had ordered their execution that the president had ordered their execution that the president had ordered their execution that the president had ordered their execution that the president had ordered their execution that the president had ordered their execution that the president had ordered their execution that the president had ordered their execution that the president had ordered their execution that the president had ordered their execution that the president had ordered their execution that the president had ordered their execution that the president had ordered the president had the president had ordered the president had the p and only Col. Kaka had negotiated their freedom.

On arrival at the Island, Kaka had forced some inhabitants off the Island and for those that had been left to stay on it, had been warned to never interact with the "prisoners" or face Col. Kaka's wrath. At the Island, there was already a rumor of a local fisherman who had lost one eye on orders of Col. Kaka due to "bad fishing." So, the local inhabitants treated Col. Kaka like a God. Kaka made them forget that Uganda actually had a President. The local chairman at that time is alleged to have been appointed by Col. Kaka and not actually voted by the people as is meant to be the case. So, on arrival at the Island, the locals were already aware of the orders to never interact with the "prisoners." On arrival, their "profiles" had already been spread to the locals as murderers, rapists and terrorists who were meant to be executed by the President but he had got a change of mind and sent them there to serve sentence. Little did the locals know that these were innocent civilians most of whom with no criminal record whatsoever and some below 18 years and little did the locals know that these people were Kaka's own project and not the government. Due to ignorance and illiteracy, the locals could not even care to remember that the Island is not a prison. All they cared about was the fear they had for Colonel Frank Bagyenda Col. Kaka.

At the Island, the victims found a bushy forest which they had to clear so as to create sleeping grounds for themselves and for the ISO guards assigned to guard them. They created a camp and not necessarily a prison. Their initial beddings consisted of damp proofing polythene. They had a roll, and from the roll, each one would cut two pieces, one to lay on the bushy ground (acting as

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the mattress) and the second one for covering (acting as the blanket). Posho and beans had already been packed for them, they had been denied basic sanitary materials like toothbrushes and each one had to devise means of maintaining personal hygiene.

At the Island, they found other members (not victims but rather Col. Kaka's assets) like Sobbi. Sobbi was a criminal turned informer but working with and for Kaka. He decided to stay at the Island fearing for his life that other security agencies would hunt him down due to his past criminal record. Former Inspector General of Police, General Kale Kayihura and CMI once advocated for Sobbi's arrest but he evaded security and sought protection of Col. Kaka when he became Director General of ISO, shortly before Kayihura was taken out of office (a move Sobbi celebrated). He has avoided other security agencies to date and he decided to stay at the Island where he feels safer with Kaka. Sobbi has never served sentence for his past crimes, but in one way or another when with Kaka, he continues to get immunity as though he was given "Presidential pardon" for his past crimes including but not limited to selfconfessed murders and armed robberies, all whose victims have never gotten justice to date. However, reports are that Sobbi silently comes to mainland and does some assignments that Col. Kaka wants him to accomplish. It is still not understandable how his movements are not detected by intelligence and security.

After spending years and months at the Island and in Kaka's hands, the victims got used to living in isolation and eventually got used to the ISO guards who Col. Kaka kept reshuffling time and again just to avoid the incidence of leakage that happened at the "safe houses." Unfortunately for Col. Kaka, the guards became divided having realized that they were guarding innocent civilians. Some of the guards begun loosening the restrictions which encouraged the "prisoners" to access the locals and there by getting access to one single phone through which information again leaked this time to Parliament directly and to relatives again. The issue was laid before the Parliament which summoned Col. Kaka to answer for his actions. Col. Kaka deliberately never turned up since the Minister of Security; General Elly Tumwiine offered to answer on his behalf. To the shock of the victims, the minister was defending Col. Kaka's actions and also denying of any existence of people detained at any Island. He argued that people were only being detained in designated safe houses as is the normal routine. The Parliament demanded to visit the designated safe houses and they were blocked at all safe houses and told to get permission from Col. Kaka. This occurrence became a matter of interest to stakeholders and suddenly media picked it up.

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When media picked it up, in the month of September 2019, Col. Kaka suddenly released his first victims he had held at the Island for months and years. He released them without any charge, apology or warning. Just like they were suddenly "arrested," it's under the same way that they were suddenly released unconditionally. However, on the day they are getting released, a message was passed on to them with clear instructions; They were instructed to stay silent about what had happened to them and avoid media or face Col. Kaka's repercussions which included "immediate court" which was technically understood as immediate execution (assassination). In this regard, indeed some members who were part of the entire group have allegedly mysteriously gone missing and some found dead in their houses like one that was found having been strangled to death and another one was stoned to death by unknown people who have never been identified to date.

They were instructed to make sure they are not found in Col. Kaka's path for as long as he is still Director General of ISO, otherwise he would not hesitate to get them again. And in this regard, Col. Kaka kept his word as he reabducted some even after releasing them initially. There are some he had swore to never let go for as long as he is still ISO director. Indeed, he tracked them down and re-abducted them but kept them in a totally new and isolated area. It was later when he was suddenly relieved of his duties by the president that those people were let go when CMI and SFC (sister security agencies), forcibly entered some safe houses and got them out during an operation allegedly ordered by the President. While Kaka was doing all this, many relatives to the victims rushed to court to acquire the writ of "habeas corpus" orders and Kaka would tear them in front of the victims' presence. That is how untouchable Col. Kaka proved to be.

It is important to note that, each of these victims encountered different scenarios in the manner in which they were recruited or abducted by Kaka. Some of these victims include those abducted and those who were recruited by Col. Kaka and later fell out with him due to his methods of work and decided to apologize to the victims and joined them in being witnesses against Col. Kaka. Some of these people have had direct engagements with Col. Kaka At the making of this report, some victims still received threats from either Col. Kaka or through his emissaries in an effort to discourage them from making certain engagements through the public or joining the course of those taking criminal and civil proceedings against him.

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# Way forward for these victims of torture

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Since their release, the victims decided to start up an informal organization (pending formalization), in which representatives were elected (such as those shown in this report and others not identified), to spear head the mission of creating an organization through which they can coordinate in an organized manner and create avenues for seeking justice and leading to taking Col. Kaka to court and getting compensation as well. Members have even labored to write to security agencies to seek a one-on-one meeting to express their dissatisfaction. At the making of this report, no valuable feedback had been received.

Through the same organization the members look forward to establishing projects that can help members to collectively help each other revamp financially either on an individual level or group level. Most victims, since their release, are in dire financial situations and can only be helped by fellow members. Some are homeless and others cannot even afford a meal. Through togetherness, each member's needs can be identified and collective solutions offered as the ultimate goal of getting compensation for each member is achieved. Page 150 of 150

# SIGNATURES OF APPROVAL FOR THE REPORT OF THE COMMITTEE ON HUMAN RIGHTS ON THE INQUIRY INTO THE STATE OF HUMAN RIGHTS AND HUMAN RIGHTS VIOLATIONS IN THE COUNTRY SINCE JANUARY 2020 TO-DATE

SN.	NAME	CONSTITUTENCY	PARTY	SIGNATURE
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2.	Hon. Jennifer Mbabazi D/CP	DWR Kagadi	NRM /	Kanthe
3.	Hon. Obiga Rose	DWR Terego	NRM	
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5.	Hon. Kirabo Agnes	Youth Central	NRM	
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15.	Hon. Asiimwe Musiime Molly	Rwampara County	NRM	111
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21.	Hon. Ninkusiima John Paul	Ibanda South	NRM	RIV.
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