



UGANDA

COUNTRY REPORT

October 2004

Country Information & Policy Unit

IMMIGRATION & NATIONALITY DIRECTORATE

HOME OFFICE, UNITED KINGDOM

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1. Scope of the Document

1.1 This Country Report has been produced by Immigration and Nationality Directorate, Home Office, for use by officials involved in the asylum / human rights determination process. The Report provides general background information about the issues most commonly raised in asylum / human rights claims made in the United Kingdom. It includes information available up to 1 September 2004.

1.2 The Country Report is compiled wholly from material produced by a wide range of recognised external information sources and does not contain any Home Office opinion or policy. All information in the Report is attributed, throughout the text, to the original source material, which is made available to those working in the asylum / human rights determination process.

1.3 The Report aims to provide a brief summary of the source material identified, focusing on the main issues raised in asylum and human rights applications. It is not intended to be a detailed or comprehensive survey. For a more detailed account, the relevant source documents should be examined directly.

1.4 The structure and format of the Country Report reflects the way it is used by Home Office caseworkers and appeals presenting officers, who require quick electronic access to information on specific issues and use the contents page to go directly to the subject required. Key issues are usually covered in some depth within a dedicated section, but may also be referred to briefly in several other sections. Some repetition is therefore inherent in the structure of the Report.

1.5 The information included in this Country Report is limited to that which can be identified from source documents. While every effort is made to cover all relevant aspects of a particular topic, it is not always possible to obtain the information concerned. For this reason, it is important to note that information included in the Report should not be taken to imply anything beyond what is actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented; rather that information regarding implementation has not been found.

1.6 As noted above, the Country Report is a collation of material produced by a number of reliable information sources. In compiling the Report, no attempt has been made to resolve discrepancies between information provided in different source documents. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties etc. Country Reports do not aim to bring consistency of spelling, but to reflect faithfully the

spellings used in the original source documents. Similarly, figures given in different source documents sometimes vary and these are simply quoted as per the original text.

1.7 The Country Report is based substantially upon source documents issued during the previous two years. However, some older source documents may have been included because they contain relevant information not available in more recent documents. All sources contain information considered relevant at the time this Report was issued.

1.8 This Country Report and the accompanying source material are public documents. All Country Reports are published on the IND section of the Home Office website and the great majority of the source material for the Report is readily available in the public domain. Where the source documents identified in the Report are available in electronic form, the relevant web link has been included, together with the date that the link was accessed. Copies of less accessible source documents, such as those provided by government offices or subscription services, are available from the Home Office upon request.

1.9 Country Reports are published every six months on the top 20 asylum producing countries and on those countries for which there is deemed to be a specific operational need. Inevitably, information contained in Country Reports is sometimes overtaken by events that occur between publication dates. Home Office officials are informed of any significant changes in country conditions by means of Country Information Bulletins, which are also published on the IND website. They also have constant access to an information request service for specific enquiries.

1.10 In producing this Country Report, the Home Office has sought to provide an accurate, balanced summary of the available source material. Any comments regarding this Report or suggestions for additional source material are very welcome and should be submitted to the Home Office as below.

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2. Geography

2.1 The latest Europa World Yearbook of 2003 states that the Republic of Uganda has a total area of 235,887 square kilometres, with an area of 20 percent covered by inland water and swamps. The rest is a mixture of tropical rainforest, savannah and mountains on the western borders. It is a land-locked equatorial country in East Africa bordered by Sudan to the north, the Democratic Republic of Congo (formerly Zaire) to the west, Kenya to the east and Rwanda, Tanzania and Lake Victoria to the south. The climate is tropical, with temperatures moderated by the altitude of the country, varying between 15 and 30 degrees centigrade. [1] (p1112)

2.2 The same book adds that the latest census, conducted in January 1991, enumerated a population of 16,671,705, giving a density of 69 inhabitants per square kilometre. [1] (p1112)

For further information on geography, refer to the Europa World Yearbook [1]

3. Economy

3.1 The Europa World Yearbook of 2003 reports that in May 2000, the International Monetary Fund (IMF) observed that while Uganda remains one of the poorest countries in the world, the share of the population living in poverty declined to 44 percent in 1996/97 from 56 percent in 1992/93. The fund also noted that the percentage of children of primary school age who attended school increased from 56 percent in 1995/96 to 94 percent in 1998/99. [1] (p1112)

3.2 Europa adds that impressive progress has been made with economic reforms since 1986, albeit from a very low base. The Government has consistently promoted a free-market approach and many institutional barriers to profitable business have been removed. However, corruption has remained endemic and legal redress is a long and painful process. Public expenditure is under control and well allocated, although donors continue to monitor closely defence spending patterns. [16b]

3.3 IRIN reported in July 2003 that food aid is urgently needed for over 1.6 million people in northern and eastern Uganda in the worst humanitarian crisis the country has seen for years. This is from a UN World Food Programme (WFP) announcement. Those most in need were 820,000 displaced people in the north, 655,000 drought victims in Karamoja region, and 147,000 refugees from the Democratic Republic of Congo. [68cc]

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4. History

4.1 According to the Europa yearbook of 2003, the National Resistance Army (NRA) led by Yoweri Museveni took control of Kampala by force and dissolved the Military Council on 26 January 1986. On 29 January 1986, Museveni was sworn in as President. In February 1986, he announced the formation of a new cabinet, comprising of mainly

NRA members and National Resistance Movement (NRM - the political wing of the NRA). The cabinet also included representatives of other political groups including the Democratic Party (DP), the Uganda People's Congress (UPC), the Uganda Freedom Movement (UFM), the Federal Democratic Movement (FEDEMO) and three members of the previous administration. A National Resistance Council (NRC) was formed to act in place of a legislature pending the introduction of a new constitution. [1] (p1112-1116)

4.2 The Europa report notes that in January 1994 the Ugandan National Democratic Alliance (UNDA) and the Ugandan Federal Army (UFA) agreed to suspend their armed struggle under the provisions of a Government amnesty. [1] (p1116)

[For further information on history prior to 1986, refer to the Europa World Yearbook] [1]

Elections - 1989

4.3 The first national election since 1980 was held in February 1989. Europa notes that the NRC, hitherto composed solely of Presidential nominees was expanded from 98 to 278 members, to include 210 elected representatives. Twenty ministerial posts were reserved for nominated members of the NRC and fifty were allocated to elected members. In October 1989 (despite opposition from the DP) the NRC approved draft legislation to prolong the Government's term of office by five years from January 1990 (when its mandate was due to expire). In March 1990 the NRM extended the national ban on political activity (imposed in March 1986) for a further 5 years. [1]

Elections - 1996

4.4 According to the Europa yearbook of 2003, the country's first presidential election took place on 9 May 1996. Museveni won with 74.2 percent of the votes cast. International observers judged that the elections "generally reflected the preference of the electorate". Legislative elections took place in June 1996. As with the CA elections, they were conducted on a non-party basis, but NRM supporters won a large majority of the seats. Multiparty supporters won seats in the north. Voting took place in June 1996 for local councils. Further local elections were held in November 1997. [1]

Elections - 2001

4.5 Radio Uganda in Kampala reported in a broadcast on 12 March 2001 that 70.3 percent of eligible voters had turned out to vote on 12 March 2001. The election monitors from African countries said that the presidential elections were transparent, free and fair. The monitors also said they were impressed that the army and the police did not interfere in the polling exercise despite the fact that they were deployed. [49e] The chairman of the Electoral Commission, Haji Aziz Kasujja announced the final results on 14 March 2001, according to an IRIN report of the same date. [68c]

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5. State Structures

Constitution

5.1 The USSD report of 2003 states that in July 1985, following a military coup, the 1967 Constitution was suspended, and all legislative and executive powers were vested in a Military Council, whose Chairman was the Head of State. In January 1986 a further military coup established an executive Presidency, assisted by a Cabinet of Ministers and a legislative National Resistance Council (NRC). In September 1995 a Constituent Assembly enacted a Draft Constitution. The Constitution was promulgated on 8 October 1995. Under its terms, a national referendum was to take place in 2000. [2] (p16-17)

5.2 The USSD report also declared that the referendum produced an overwhelming vote in favour of retaining the existing "no-party" system. A direct presidential election took place in May 1996, followed in June of that year by legislative elections to Parliament. This body, comprising 214 elected members and 62 nominated members, replaced the NRC. At the general election of June 2001 the number of nominated members was increased to 78. [2] (p1 & 17)

5.3 A draft Constitution was prepared by a constitutional commission appointed in 1989 and presented to the Government in December 1992. The draft was published in March 1993, and in the following month, the NRC passed legislation authorising the establishment of a Constituent Assembly, (CA). The newly elected members of the CA debated and amended the draft constitution and it was finally enacted in September 1995 and promulgated on 8 October 1995. [18]

5.4 The Constitution confers fundamental human rights and freedoms on every person in Uganda. This includes equal protection under the law, equality between men and women in all aspects of life and guarantees the enjoyment of individual rights without discrimination on the basis of sex, race, colour, ethnic origin, social standing or political opinion, and without interference with the rights of others. [18]

5.5 In addition to the protection for those accused of crimes, individual freedoms include freedom of speech, expression, and the press and other media; freedom of thought, conscience and belief, including academic freedom; freedom to practice any religion and freedom of peaceful assembly, association and movement. [18]

5.6 The 'New Vision' newspaper reported in an article dated 23 February 2001 that the Government of Uganda had set up a Constitutional Review Commission (CRC) in that month. It noted that "the Commission has wide remit to consider including decentralisation; the relative powers of the executive, the judiciary and the legislative; the electoral system; the scope for federalism and the role of traditional leaders". [50h]

5.7 It was reported in the 'Monitor' newspaper of May 2001 that the CRC had launched a programme to collect views from members of the public on the amendment of the 1995 Constitution of the Republic of Uganda. A statement made by the secretary of the CRC, Dr Higirow Semajenge Friday said that the terms of reference of the commission will be, among other things, to examine the consistence and compatibility of the constitutional provisions relating to the sovereignty of the people, political systems,

democracy and good governance. He also said that the purpose would be to make recommendations as to how best to ensure that the country is governed in accordance with the will of the people at all times. [31ae]

5.8 The US State Department Report for Human Rights Practices (2003) reports that Parliament passed the Anti-Terrorism Act, on 20 March 2002. It states "this Act authorises certain law enforcement officials to intercept communications in order to detect and prevent terrorist activities". [2] (p1&11)

5.9 President Museveni signed the Political Organisation Bill (POB) in June 2002, reports a Xinhua News Agency article of 7 June 2002. The POB provides that no party or organisation shall "open branches below national level". The resulting Act is the Political Parties and Organisation Act, which stipulate that parties and political organisations are also prohibited from holding "more than one national conference in a year". They are prohibited from holding public meetings except for the national conference, executive committee, seminars and conferences at the national level. Party leaders could be imprisoned for a number of years or made to pay fines if they contravene the Act. [28e]

5.10 BBC News: Africa, reported in an article dated 3 July 2002, that Ugandan opposition groups had filed a petition against new restrictions on political parties. The chair of the Reform Agenda, Sam K Njuba, condemned the Act as being "a violation of human rights". [69f]

5.11 On 2 September 2004 BBC News reported that Uganda's Supreme Court had overturned the lower court ruling, which cast doubt on the entire political system. The government had appealed against the decision, which nullified a 2000 referendum, in which a return to multiparty politics was rejected. President Yoweri Museveni later made an angry television broadcast criticising the judges and his supporters protested in the capital, Kampala. [69w]

5.12 The Supreme Court ruled that the results of the 2000 referendum were valid but agreed that the act which set up the vote had been unconstitutional, states the BBC article. Mr Museveni replied that the original judgement meant that all government acts since 2000 were null and void. He said it was "totally unacceptable".[69w]

5.13 The BBC article of 2 September 2004 notes that under Uganda's Movement system, parties are allowed to exist, but they are not allowed to contest elections. Under pressure from donors, the government has now promised to hold multiparty elections in 2006. Mr Museveni is obliged to step down under the terms of the constitution, but his critics say he is preparing the ground to be allowed to run again. [69w]

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Citizenship and Nationality

5.14 The 1995 Constitution of Uganda on Citizenship states that every person born in or outside Uganda and having one parent or grandparent who is a citizen of Uganda at the time of that person's birth, shall be a citizen of Uganda. A child of not more than 5

years of age found in Uganda, whose parents are not known, shall be presumed to be a citizen of Uganda. On application, a child under the age of eighteen years, neither of whose parents is a citizen of Uganda, and who is adopted, shall be registered as a citizen of Uganda. Citizenship can also be registered when an application is made after marriage to a Ugandan citizen, or someone who has voluntarily migrated to and has been living in Uganda for at least ten years. [59]

5.15 A person may be deprived of Ugandan citizenship, if acquired by registration, if they have voluntarily acquired citizenship of another country, voluntary service in the armed forces or security forces of a country hostile to or at war with Uganda, or had acquired citizenship by fraud, deceit or bribery. [59]

Political System

5.16 CNN reported on their website in June 2000 that a referendum was held on 29 June 2000 on the future of politics in the country - whether to adopt 'Movement' or 'Multiparty'. [54a] The Movement System attracted 4.322 million votes accounting for 90.7 percent of the total, while the multi party drew only 442,823 votes registering 9.3 percent, states a Xinhua News Agency article of 2 July 2000. [64b]

5.17 An Agence France Presse article of 29 January 2003 noted that there were also 148,800 invalid votes cast, 3 percent of the ballot, which electoral officials attributed to a lack of civic education and illiteracy. [48]

5.18 CNN reported have on their website in March 2001 that a number of influential candidates had announced their intentions to stand in the approach to the presidential election that month. The main candidates for the presidency were Karuhanga Chapaa, Muhammad Kibirige Mayanja, Francis Bwengye and Aggrey Awori. President Museveni, in power from 1986, won 70 percent of the vote in the presidential elections of 1996. [54b] The Europa World Yearbook of 2003 states that Museveni found himself challenged by Kizza Besigye, his former physician and comrade in arms during the guerrilla war, which brought Museveni to power. Unlike most of the other candidates, who were mostly connected with discredited political parties, Besigye, a member of Museveni's NRM presented a real challenge. [1] (p1116)

5.19 The 'Monitor' newspaper reported pre-election violence in an article of 10 January 2001, noting an incident of 8 January where three people were injured when armed men shot at a convoy of vehicles carrying Dr Besigye's supporters. It added that UPDF commanders, who were operating in the district, were accused of engaging political campaigns and threatening supporters of some presidential candidates. [31g] On 19 January 2001, surprise presidential candidate and Bakayimbira Dramactors director, Charles James Ssenkubuge released a press statement, reported in the 'Monitor' 20 January 2001, stating that he was quitting the race for the presidency due to intimidation. He also claimed that he had received anonymous phone calls of a threatening nature. [31i]

5.20 According to the Europa yearbook of 2003, the presidential election was held on 12 March 2001. Europa notes that the poll had been scheduled for 7 March, but was delayed to allow the Electoral Commission time to check and amend the electoral

register after it was found to contain about 2.5 million more voters than there were citizens eligible to vote. [1] (p1116-1117)

5.21 Police set up a team to fight election-related violence reports the Associated Press in an article dated 15 January 2001. On 11 January 2001 - the day before campaigning began - President Museveni's campaign manager in Uganda's central region was shot and killed after attending a strategy meeting, notes the report. [67a] Reuters reported on 20 February 2001 that Ugandan security agents had forcibly arrested a senior aide of Dr Besigye, Major Rabwoni Okwir. Just before boarding a flight to Adjumani in northern Uganda with Besigye's campaign team, Major Okwir was "forcibly arrested" by the Military Police at Entebbe Airport. [65e] A statement by Okwir reported in 'New Vision' on 21 February 2001 said that he had withdrawn from presidential candidate Dr Besigye's Task Force. [50f]

5.22 He later claimed he had been intimidated with death threats to sign the press release withdrawing from the Task Force. Okwir was released from custody and taken to his home. [31j] According to the "Monitor" newspaper dated 28 February 2001 Okwir left Uganda to go into exile in the United Kingdom. [31k]

5.23 'New Vision' reported on 22 February 2001 that Uganda's external donors had expressed concerns about reports by local election monitors of increasing violence and intimidation of voters, particularly by Government agents. In a statement issued on 20 February 2001 and signed by the Danish Ambassador Flemming Bjork Pedersen, the Post-Referendum Support Group (PRSG) also called for the display of the voters' register in public places. The donors urged the Government to uphold the law and ensure impartiality. PRSG members include Austria, Belgium, Canada, European Commission, Denmark, France, Germany, Ireland, Italy, Japan, Netherlands, Norway, Sweden, United Kingdom, USA and UNDP. [50g]

5.24 A Human Rights Watch (HRW) stated in an IRIN report of 4 March 2001 that the electoral playing field in Uganda was "definitely not level" and serious human rights concerns in the lead-up to Uganda's presidential elections cast doubt on whether they could be free and fair. It said that the Government of President Museveni was "trying to win this election by bullying the opposition", which had been threatened by violence, arrests and intimidation since campaigning started in January 2001. [68b]

5.25 The NGO Election Monitoring Group-Uganda (NEMGROUP-U), as reported in 'The Monitor' 6 March 2001, blamed the violence, which occurred on 3 March 2001 in Rukungiri town on the Presidential Protection Unit (PPU). The violence was the result of clashes between the PPU and supporters of Besigye at the instigation of the PPU. The monitors called for the Government to demilitarise the electoral process and immediately withdraw PPU soldiers from places like Rukungiri where the President is not present. The NEMGROUP-U also asked the electoral commission to enforce the provisions of section 12(1)(e) of the Electoral Commission Act 1997 which requires it to ensure that the electoral process is conducted under conditions of freedom and fairness. [31j]

5.26 The results of the presidential elections on 12 March 2001 were as follows:

Candidate	Votes	percent
Lt. Gen Yoweri Kaguta MUSEVENI	5,123,360	69.3
Dr Kizza BESIGYE	2,250,795	27.8
Other Candidates	210,036	2.9
Total	7,584,191	100.00

[34][68c]

5.27 According to a BBC News article of 14 March 2001, following the elections two people were killed and six injured in two explosions in Kampala. One explosion was at Nakivubo Mews in central Kampala and the second took place on a taxi minibus 100km (60 miles) south west of Kampala. These explosions occurred as President Museveni's supporters were on the streets of Kampala celebrating his victory. [69d] Two men were later arrested in connection with the explosions according to an article by the Associated Press of 15 March 2001. [60]

5.28 BBC News reported on 20 March 2001 that defeated presidential candidate Dr Besigye had been summoned to CID police headquarters to explain alleged comments, made with "seditious intent". As a result, the Head of Military Intelligence, Lieutenant Colonel Noble Mayombo, imposed a travel ban on Dr Besigye. He said the move was necessary following the bomb blasts as they could be linked to politicians who were unhappy with the election results. A senior Government official said that the reason for the ban was that Besigye was going to South Africa to meet with Rwandan President Kagame who was due to arrive there on the same day. [69b]

5.29 It was reported in 'The Monitor' 21 August 2001 that Dr Besigye had challenged both President Museveni and the Electoral Commission over the alleged irregularities and rigging of the final results, despite finishing second. The hearing in the Supreme Court opened on 5 April 2001. The Supreme Court threw out Besigye's petition 2 weeks later. The court's five judges ruled by a majority of 3-2 that, although there had been irregularities in the poll, these had not substantially affected its outcome. [31s]

5.30 Legislative elections took place on 26 June 2001 to elect the new Ugandan parliament. It was reported in the Africa Research Bulletin July 2001 that there were reports of election related violence marring the voting. The Post Referendum Support Group (PRSG) together with local election monitors concurred that although the atmosphere during the elections was "calm and conducive for people to exercise their democratic choice", there were "widespread, worrying instances of election mal-administration, mal-practice and excessive violence". [56d]

5.31 It was reported in the Africa Research Bulletin August 2001 that President Museveni had made wide-ranging changes in his new Cabinet and relinquished the portfolio of the Minister of Defence to Amama Mbabazi, which he had held for the last

15 years. The 64 strong Cabinet and junior ministers has 17 new entrants, eight ex-officio members and 16 women [56c] Reuters reported in an article dated 25 July 2001 that one of the women Dr Speciosa Wandira Kazibwe had been appointed vice president. [65c] After the appointment of Dr Kazibwe, President Museveni was reported in the 'Monitor' article of 20 August 2001 saying that "some men did not like the appointment of a woman as vice president". But the President said that he did this so that she could be "a role model for girls". [31q] On 22 May 2003 IRIN reported in an article that Dr Kazibwe had resigned her political role in order to pursue a PhD at Harvard School of Medicine in the United States. Her resignation lead to a mixed reaction from Ugandan Women's Organisations. While many have welcomed the stand taken on such issues as domestic violence and independence from spouses, the article claimed that she has seen as being a product of "mere tokenism" by Jackie Asiime – Mwesige, co-ordinator of the Uganda Women's Network. [68aa]

5.32 On 4 April 2002, it was reported in the 'Monitor' that a democracy advocacy group (NGO) called RESPOND Uganda had been launched in Washington DC in the United States of America. Besigye's former campaign manager, Anne Mugusha, hosted the launch. The group promised to work with democracy advocates across Africa, and Colonel Besigye was highly praised at the launch. The Chairman Board of Directors is Joseph Angole, an economic consultant with the International Finance Corporation. [31a]

5.33 It was reported in the 'Monitor' on 17 August 2001 that Col Dr Besigye had beaten a 24-hour surveillance by military intelligence personnel and fled to the United States of America. The article claimed that since the March 2001 elections he had been under a travel ban and 24-hour surveillance by the Chieftaincy of Military Intelligence. [31u]. Dr Besigye said that the Government was trying to tarnish his name when it was reported that he had links with the ADF and that he had supplied 200 guns to the rebel organisation. He denied the allegations in a 'Monitor' article dated 21 June 2002. [31b]

5.34 In an American radio interview, reported on by BBC News in an article dated 28 August 2001, Dr Besigye was quoted as saying that he left Uganda mainly because he "felt that his security was quite compromised and in danger" but this was refuted by a presidential spokesman who claimed that this statement was not true. [69h] The 2003 USSD report states that Dr Besigye remains in his self-imposed exile [2] (p17). However, the 'Monitor' notes that members of his family remain prominent and high profile. His wife, Mbarara Municipality MP Winnie Byanayima remains in Uganda and is currently 3rd Chairperson and Secretary for Political Strategy and Mobilisation of the Reform Agenda, and is a prominent politician on many Ugandan issues including women's issues (also see section on Reform Agenda). [31aa]

5.35 Human Rights Watch note in their 2003 report that in May 2002, parliament adopted the highly contested Political Organisations Law, which retained current constitutional restrictions on political parties and added new ones. It outlawed most activities normally associated with political parties, such as opening and operating branch offices, and holding delegates' conferences and rallies. Existing political parties would "legally cease to exist" if they failed to register within six months of the law's entry into force. [35c]

5.36 It was reported in the 'New Vision' 7 February 2003, that President Museveni had announced on 26 January 2003 that Uganda was not yet ready for a pluralist society. However, the Movement's vice-chairman, Al Hajji Moses Kigongo, in early February 2003, stated that the return to full operation of political parties would be addressed at an appropriate time. [50i] On 18 February 2003, in the 'Monitor', President Museveni was reported as saying that he has recommended Uganda to open up to multi party politics. President Museveni, who had in the past been most critical of multi party politics, surprised Movement leaders when he passionately called for a return to political party competition. [31h]

5.37 On 21 March 2003, BBC News reported that a court in Uganda had ruled as unconstitutional a law, which prevents political parties from carrying out their activities. Under the Political Organisations Act (2002) the court agreed that it effectively makes Uganda a one party state in favour of the government-sponsored system of Government. According to the judgement the Movement is now treated as a political party that cannot enjoy preferential treatment. [69j]

5.38 The Amnesty International annual report of 2003 notes that "on 21 March the Constitutional Court declared Sections 18, 19 and 21 of the Political Parties and Organizations Act (2002) null and void as they contravened the Constitution. This allowed political organizations to participate more freely in public life, although political parties remained banned from such participation until they registered with the Registrar General". [22]

5.39 On 1 April 2003, BBC News reported that the ruling Movement had sought to lift the two-term limit, provided for in the Constitution, for a serving president. This was sharply criticised by the Local Government Minister. [69q] However, a couple of days later IRIN reported in an article dated 3 April 2001 that some 200 members of the NRM's top decision-making organ, the National Executive Committee had reached a decision to remove the presidential term limit. Ugandan opposition leaders vowed to block the decision. [68a]

5.40 In their 2003 report, Amnesty International state that "riot police used tear gas and rubber bullets to disperse a peaceful rally held at Constitutional Square in Kampala (on 23 March 2003) by members of the Democratic Party. No casualties were reported". In addition the report states that police blocked a political rally at Constitutional Square called by the Conservative Party on (1 May 2003)". [22]

5.41 In June 2004, opposition politicians won an important legal battle against the government over the legality of the enactment of the law governing the 2000 referendum. [68ee]

5.42 The courts ruled that the law which paved the way for the referendum was null and void. But in a televised address, Museveni vowed to disregard the verdict, saying it was "unacceptable", and accusing the courts of trying to "usurp the people's power". [68ee]

Next Elections

5.43 The Ugandan government confirmed in late June (reported in IRIN) that it would relax restrictions on political party activity and hold a referendum in February (2005) to decide whether the country should revert back to full multiparty politics with presidential and parliamentary elections being planned for between February and March 2006. [68ee] 'New Vision' reported that the referendum to approve the Constitution (Amendment Bill and its ratification by district councils would be done by February 2005, while the question of the referendum will be drafted in January 2005. [50ap]

5.44 Justice Minister Janat Mukwaya told IRIN "The road map shows how the country will move in the next two years. We have budgeted for the referendum, and a number of activities will follow, including amending laws to conform with the decision that would have been taken by the people through a referendum." [68ee]

5.45 Other government sources told IRIN that the referendum would also decide whether a ceiling on terms of Ugandan presidents should be maintained. Controversy has been generated by demands from President Yoweri Museveni's supporters that he be allowed to contest for a third term at the end of his current term in 2006. The constitution limits the president to two terms. [68ee]

Reform Agenda

5.46 The Reform Agenda is an opposition pressure group founded by Besigye after his bid for presidency failed. However, as noted in 'New Vision', security organisations claim that RA is more than a pressure group. [50a] In July 2002, the 'Monitor' reported that the Reform Agenda (RA) had elected Dr Besigye as National Chairman in absentia. Deputy Chairman of the RA, Sam Njuba said that the group has reconstructed itself into a pro-reform, pro-democracy pressure group and resolved not to register under the newly passed Political Parties and Organisations Act. [31aa]

5.47 On 5 January 2003, the 'Monitor' reported that the Reform Agenda had advised Besigye not to return to Uganda but to stay in exile. This followed a statement by President Museveni, the previous week that Besigye was free to return to Uganda. However, Njuba said that the Government would have to guarantee Besigye's freedom if it is serious about his return. [31e]

5.48 On 22 January 2003 'New Vision', a local daily newspaper quoted an official from RA as saying that about 50 of their activists had been arrested by security operatives. Security organisations accused all those arrested of being involved in armed rebellion. Bushenyi RDC Mr Barnabas Bamusede Bwambale said, in his personal opinion, there were genuine fears that the RA offers the political base and network from which the People's Redemption Army would draw inside support. The military establishment also made remarks that Besigye has links with the Lords Resistance Army (LRA). However, a RA Activist said that any talk linking them to the LRA is aimed at intimidating them into submission and a ploy by the Government to label them as a rebel group and consequently outlaw them. [50a]

5.49 On 28 January 2003, BBC Monitoring reported that President Museveni had agreed to talk to RA members. At an RA Press Conference on 27 January 2003, it was

revealed that the RA were ready for such a meeting. [66g] In February 2003, the 'New Vision' reported that the RA had resolved that their exiled leader, Dr Besigye, should lead their delegation and take part in the proposed talks with the President. Vice-chairperson, Njuba said that the RA gave certain conditions for the talks: there must be an agenda, Besigye has to lead the delegation, the meeting must also be with other opposition leaders and that RA prisoners were to be released first. [50i]

5.50 In February 2003, it was reported in the 'Monitor' that the former Kampala mayor, Nasser Sebaggala had said that Besigye should return from exile. Mr Sebaggala supported Besigye in the 2001 elections after he himself was not nominated. Sebaggala is currently pursuing a master's degree in politics and economics in the UK. He hopes to run for the position of mayor of Kampala in the 2005 elections. Following this he has stated that he hopes to contest the 2006 presidential elections. [31f]

Judiciary

5.51 The US State Department Report on Human Rights Practices 2003 reports that "the constitution provides for an independent judiciary". The report adds that "the President has extensive legal powers that influence the exercise of independence. The President nominates, for the approval of Parliament, members of the Judicial Service Commission, which makes recommendations on appointments to the High Court, the Court of Appeal and the Supreme Court". The reports also notes that the lower courts remained "understaffed and weak". [2] (p10-11)

5.52 The same report notes that:

The highest court in Uganda is the Supreme Court, followed by (in descending order) the Court of Appeal, which also functions as the Constitutional Court for cases of first instance involving constitutional issues. The High Court, the Chief Magistrate's court, and local council (LC) level 3 (subcounty) courts, LC 2 level (parish), and LC level 1 (village) courts. LC court decisions could be appealed to magistrate's courts; however, often there were no records made at the village level, and defendants were not aware of their right to appeal. A minimum of six justices may sit on the Supreme Court and the Court of Appeal or Constitutional Court. [2] (p10-11)

5.53 The USSD report of 2003 also notes that:

All non-military trials were public. The average time in pre-trial detention is 2 to 3 years. The case backlog in the High Court continued to diminish; the number of criminal cases pending decreased from 149 in 2001 to 87 in 2002. Most courts rarely observed the constitutionally prescribed limits on pre-trial detention. The civilian judicial system contains procedural safeguards, including the granting of bail and the right of appeal to higher courts; however, an inadequate system of judicial administration and a lack of resources, resulting in a serious backlog of cases, have circumscribed the right to a fair trial for many years. [2] (p10-11)]

5.54 Although the USSD report of 2003 notes that many defendants cannot afford legal representation, the Constitution requires that the Government provides counsel for defendants accused of capital offences, although there is rarely enough money to retain adequate representation. The Uganda Law Society (ULS) operates Legal Aid clinics in four regional offices. The Foundation for Human Rights Initiatives practice public-interest law from offices in Kampala. [2] (p10-11)

5.55 In a 'New Vision' article of 10 July 2002, the Chief Registrar of the High Court announced that Chief Magistrates Courts would start handling cases of defilement and rape and shall have high powers to grant bail. It was agreed that the age of consent remains 18, but the sentence reduced to life imprisonment. The number of Chief Magistrates is to be increased from 29 to 59 in order to handle the backlog of cases in courts. [50ak]

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Treason

5.56 The US State Department Report on Human Rights Practices 2003 reports that the constitution provides for bail in all but capital cases and cases of treason. It states that "if the case is presented to the court before the expiration of this period, the Constitution does not limit pre-trial detention". The report notes that the Government had continued to arrest people on treason charges. [2] (p9)

5.57 In the past, states the 2003 USSD report, numerous human rights abuses were committed in connection with treason cases, including political detention, detention without charge, detention in unregistered and unofficial places of remand, and mistreatment, including torture. [2] (p9-11)

5.58 Detainees included members of the Islamic Tabliq group, some of whom were released and then rearrested, notes the USSD 2003 report. [2] (p9-11) Fifteen Tabliq Muslims were acquitted of treason by the High Court on 12 July 2002. On their release they were taken to a religious leader for counselling and then, according to the 'Monitor' in an article dated 13 July 2002, were allowed home. [31m]

Legal Rights/Detention

5.59 The US State Department Report on Human Rights Practices 2003 reports:

Members of the security forces at times arrested and detained citizens arbitrarily. Under to the Constitution, a suspect must be charged within 48 hours of arrest and be brought to trial or released on bail within 120 days (360 days for a capital offence). The Constitution also provides that detainees should be informed immediately of all the reasons for their detention; however, in practice the authorities did not enforce these procedural protections. Prolonged pre-trial detention remained a problem. Poor judicial administration, lack of resources, a large case backlog, and lengthy trial delays limited due process rights, including the right to a fair trial; however, some detainees received amnesty

and were released. [2] (p9)

5.60 The USSD report of 2003 adds that:

Legal and human rights groups, including the UHRC, strongly criticised the excessive length of detention without trial, in many cases amounting to several years, for alleged offences under other laws, which both violated the constitutional rights of the detainees and substantially contributed to prison overcrowding. Pre-trial detainees comprised 70 percent of the prison population. The average time in pre-trial detention was between 2 and 3 years. An estimated 11,300 of the approximately 17,500 persons being held in the central prisons and in the local government-run prisons were pre-trial detainees. During 2002, the UHRC heard several cases brought by prisoners challenging the length of their detention. [2] (p9-10)

5.61 In 2002, a tough anti-terrorism law came into force. Humans Right Watch Report of 2003 states that the Anti-Terrorism Act has a broad definition of terrorism, describing it as the "use of violence or threat of violence with intent to promote or achieve political, religious, economic and cultural or social ends in an unlawful manner." The law carried a mandatory death sentence for those found to be terrorists. It could threaten also the legitimate work of journalists who publish material considered "likely to promote terrorism." [35c]

Death Penalty

5.62 The USSD country report of 2003 states that defilement carried a maximum sentence of death; however, during 2003 no rapists were sentenced to death. [2] (p21)

5.63 The report adds that the law establishes a court-martial appeals process; however, the sentence passed by a military court, which could include the death penalty, could be appealed only to the High Command. [2] (p11) In March 2003, the Ugandan army executed three soldiers in public after they were found guilty of murdering several civilians near the northern town of Kitgum. The Ugandan army has been known to execute its own soldiers. In 2002, two young soldiers were executed after being found guilty in a field court martial of murdering an Irish priest and his two Ugandan employees. [69p]

5.64 According to Amnesty International figures from the 2003 Country Report on Uganda, "at least 432 people were under sentence of death (in 2003). No executions of civilians took place. Government and military officials repeated their readiness to execute soldiers as a disciplinary measure to safeguard state security; at least three soldiers were executed" (in 2003). [22]

5.65 The report adds, "in July (2003), 398 death row inmates, including 16 women, filed a petition before the Constitutional Court challenging their death sentences on the grounds that they were unconstitutional, inhuman and degrading. The petition was based on Articles 24 and 44 of the Constitution prohibiting any form of torture or cruel, inhuman or degrading treatment and punishment. The Attorney General

opposed the petition". [22]

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Torture

5.66 Although the Ugandan Constitution officially prohibits torture it is noted in the US State Department Report on Human Rights Practices 2003 to be 'widespread', with security forces "torturing and beating suspects in unregistered detention facilities to force confessions". The Uganda Human Rights Commission (UHRC) Tribunal has confirmed several such allegations and ordered the Government to compensate the victims. In addition, there are reports of torture committed by security forces, particularly the VCCU, which took over the functions of the 2002 anti-violent crime operation code-named "Operation Wembley"; on occasion, the practice of torture resulted in death. In March of 2003, the Reform Agenda (RA), an opposition political pressure group called for a commission of inquiry into the alleged torture of political detainees. A commission appointed during the year found that security forces had not committed torture. [2] (p6-7)

5.67 HRW reported in the 2003 Human Rights Watch report 'State of Pain: Torture in Uganda' that since 2001 there has been an escalation of human rights violations by security and intelligence agencies. These forms of torture include beatings with hammers and sticks with protruding nails and electrocution. [10b] (p4)

5.68 The report describes the forms of torture in use in Uganda including *kandoya* (tying hands and feet behind the victim) and suspension from the ceiling of victims tied *kandoya*, "Liverpool" water torture (forcing the victim to lie face up, mouth open, under a flowing water spigot), severe and repeated beatings with metal or wooden poles, cables, hammers and sticks with nails protruding, pistol-whipping, electrocution, male and female genital and body mutilation, death threats (through showing fresh graves, corpses and snakes), strangulation, restraint, isolation, and verbal abuse and humiliation. [10b](p23) Some of these practices have reportedly resulted in the death of detainees in custody. HRW says that an informal survey at Kigo Prison near Kampala, where 'political' cases are held, indicated in June 2003 that 90 percent of detainees/prisoners had been tortured during their prior detention by state military and security agencies. [10b] (p4)

5.69 It should be noted however that not only have Ugandan Government officials dismissed the report but also the Uganda Human Rights Commission (UHRC) have accused the New York-based HRW in a 'New Vision' article of 5 April 2004 of "repackaging old information" and "marketing it to the world as fresh findings on torture by state security agencies". Jemera Rone, the American who researched the HRW report countered that "said the issue was not whether the cases were fresh or old. The whole thing is about torturing suspects which is still going on in Uganda." [50ao]

5.70 UPDF spokesman Maj. Shaban Bantariza said in the same article from the Ugandan online newspaper 'New Vision', that the alleged torture victims cited in the HRW report were "not political opponents but criminals and terrorists". Bantariza said Rashid Kawawa, one of the alleged torture victims in the HRW report, was arrested

and charged in court with taking part in ADF rebel bombings in Kampala in 2001. He said another suspect, Ibrahim Lwere, was found with a gun and incriminating documents. [50ao]

5.71 The aforementioned HRW report - State of Pain: Torture in Uganda - 2004, alleges that "Uganda set up a shadow sector of security operations to contend with armed rebel groups and crime but now, the security system serves to punish and deter political opposition by detaining and torturing supporters of the political opposition". [10b] (p19)

5.72 The HRW report states that victims are blindfolded and taken to unknown locations known, as "safe houses" which it claims have become an established feature of the Ugandan system of detention. HRW says the "safe houses" provide Ugandan security and military forces with the opportunity for unseen torture and interrogation of suspects. [10b] (p23)

5.73 The US State Department Report on Human Rights Practices 2003 reports that following widespread public outcry and an exchange of accusations, the Parliamentary Subcommittee on Defence and Internal Affairs presented a report exonerating security forces of torture charges; however, several members of the subcommittee disputed the validity of the report. On 16 July 2003, the UHRC acting chairperson Joel Omara testified before the Legal and Parliamentary Affairs Committee that several persons in Kigo Prison had been tortured by security organisations and that CMI personnel were being used to illegally arrest and torture persons to encourage them to pay their financial debts. [2] (p6-7)

5.74 In addition according to the same report, during 2003, there were credible reports that persons died as a result of torture by security forces. However during 2003 the UHRC Tribunal awarded compensation to several persons who had been abused by police. [2] (p7)

5.75 Amnesty International in its Country Report 2003 state that:

Throughout 2003 operatives from the police, various security agencies and the army, including the Violent Crime Crack Unit (VCCU), the Internal Security Organization, the Chieftaincy of Military Intelligence and the Joint Anti-Terrorism Task Force were persistently reported to have tortured people detained on suspicion of political or criminal offences. Suspects were held incommunicado at unrecognized detention centres commonly referred to as "safe houses". According to official reports, security forces frequently extracted information through torture and other cruel, inhuman or degrading treatment. [22]

Internal Security

5.76 According to the Europa World Yearbook 2003, "in August 2001, the Uganda People's Defence Forces was estimated to number 50,000 to 60,000 men including paramilitary forces (a border defence unit of about 600 men, a police air wing of about 800 men, about 400 marines and local defence unit totalling about 15,000 men).

Disruptive activity by rebel groups in northern and western Uganda, in conjunction with Uganda's military involvement in the Democratic Republic of the Congo from the middle of the 1998 resulted in higher levels of military expenditure during the 1990s". [1] (p4192)

5.77 The US State Department Report on Human Rights Practices 2003 reports that the Internal Security Organisation (ISO) remained under the direct authority of the President. It notes that although the ISO primarily was an intelligence-gathering body, its operatives occasionally detained civilians. The Chief of Military Intelligence (CMI), under UPDF control, detained civilians suspected of rebel and terrorist activity. The police were organised as a national force under the authority of the Ministry of Internal Affairs. All security forces were under government control and were responsive to the Government. [2] (p1)

5.78 The US State Department Report on Human Rights Practices 2003 reports that the Government has investigated some cases of abuse, and it has tried and punished some offenders. In May 1999 the Government launched a Judicial Commission of Inquiry into police corruption. The Commission probed a wide range of police abuses, including abuses committed by senior police officials. The inquiry resulted in the arrests of several police officers on charges of abuse, rape, extortion and robbery including a police officer accused of raping a 16-year-old girl. In May 2001, the independent Judicial Commission of Inquiry submitted its report to the Minister of Internal Affairs. During the course of the investigation, the Commission uncovered incidents of killings, brutality, theft and robbery by police in general, and by the CID in particular. During 2002, four police officers interdicted in the 2001 inquiry were reinstated. Three others retired while the other was dismissed following a investigations by a police disciplinary committee. [2] (p4)

Security Forces

5.79The The US State Department Report on Human Rights Practices 2003 reports that the Uganda People's Defence Force (UPDF) remains the key security force. The Constitution provides for civilian control of the UPDF, with the President designated as Commander in Chief; a civilian served as Minister of Defence. During 2002, the Government withdrew a significant portion of the UPDF from the Democratic Republic of the Congo (DRC); however, security forces remained active in Bunia and border areas. [2] (p1)

5.80The same report notes that the UPDF had also increased its activities in the north in "Operation Iron Fist" against the Lord's Resistance Army (LRA) rebels and conducted operations destroying LRA sanctuaries in southern Sudan with the permission of the Sudanese Government. UPDF soldiers and members of Local Defence Units (LDU's), assigned to the Reserved Forces, assisted the police in rural areas. LDU's operated under the authority of the Ministry of Internal Affairs but lacked a legal mandate. [2] (p1- 2)

5.81 It was reported in the Africa Research Bulletin dated May 2000, that renewed fighting had broken out between Uganda and Rwanda who were supposed allies in the fight against President Kabila's Government. The two allies did not agree on strategy –

Uganda accused Rwanda of wanting to install a 'puppet regime' in the DRC. By the middle of May 2000 the leaders of both countries met in an attempt to heal the rift. A communique issued at the end of the talks said that Uganda and Rwanda had pledged to forge ahead with their declaration, made on 8 May 2000, to demilitarise the town of Kisangani and remove troops from each other's borders. [56a]

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Prisons & Prison Conditions

5.82 Prison conditions are "harsh and life threatening" according the US State Department Report on Human Rights Practices 2003. It states that "the country's prisons hold approximately three times their planned capacity with an estimated 17,500 inmates in the various prisons and police cells". It is however noted in this report that in Kampala the prisons provided medical care, running water, and sanitation. [2] (p7-8)

5.83 According to the USSD 2003 report, the central prison system continued to work with NGOs and the donor community to improve prison buildings, water and sanitation systems, food, and uniforms; however, progress was minimal during 2002. It adds that "although the law provides for access to prisoners by their families, ignorance of this right and fear of prison authorities often limited family visits. The Uganda Human Rights Commission (UHRC) reported that it received allegations that officers in charge of police cells sometimes demanded bribes to allow visits". [2] (p7-8)

5.84 The USSD report of 2003 adds that the Government permitted full access to prisons by the ICRC and local NGOs, principally the Foundation for Human Rights Initiative (FHRI) and the Uganda Prisoners' Aid Foundation. It notes that "the UHRC visited numerous prisons and reported on its findings publicly. Prison authorities required advance notification of visits, a process that often was subject to administrative delays. [2] (p7-8)

5.85 The same report notes in addition that the Community Service Act signed in 2000 reduces prison congestion by allowing minor offenders to do community service instead of being imprisoned. Since the act was implemented in November 2001, 301 offenders have been sentenced to community service in the pilot districts of Mukono, Mpigi, Masaka, and Masindi. [2] (p7-8)

5.86 The 'Monitor' in an article dated 11 February 2003 reported that the treatment of suspects detained in alleged torture chambers had dominated debate in Parliament. Kashari MP John Kazoora informed the house that he had received reports of suspects being dumped in cages of snakes and crocodiles. [31x] On 20 February 2002, the 'New Vision' newspaper reported that inmates at Kigo Prison narrated the alleged torture they went through at the hands of the military before they were taken to court. One inmate said he was forced to accept that he communicated with Kizza Besigye as he faced snakes in a place not known to him. [50ae]

5.87 According to the US State Department Report on Human Rights Practices 2003:

In most prisons female prisoners were held in segregated wings with female

staff. According to human rights advocates, rape generally was not a problem, although female prisoners also suffered from severely substandard conditions. Due to a lack of space in juvenile facilities, juveniles were often kept in prisons with adults. The central prison system maintained one juvenile prison and four lower security remand homes. School facilities and health clinics in all five institutions were defunct; prisoners as young as 12 years old performed manual labour from dawn until dusk. Severe overcrowding was also a problem at juvenile detention facilities and in women's wings. The remand home in Kampala, designed for 45 inmates, held approximately 140 children. In penal institutions in Kampala, pre-trial detainees were kept separate from convicted prisoners; however, in the rest of the country, due to financial constraints, pre-trial detainees and convicted prisoners sometimes were held together. [2] (p7-8)

Military Service

5.88 It is noted in the US State Department Report on Human Rights Practices 2003 that there is no military conscription in Uganda. It states that:

The Uganda People's Defence Forces (UPDF) is under full civilian control. The recruitment criteria is a minimum age of 18, recommended by the local council structure, medically fit and educationally literate. However, in practice some recruiters have allowed 17 year olds to enlist. LDUs may recruit children under the age of 18 with parental consent. [2] (p21)

5.89 The Foreign and Commonwealth Office has informed the Home Office that there have been several reports from concerned parents of forced recruitment. This may be due to the massive levels of recruitment since the start of the conflict with the DRC and also high levels of unemployment making the army a relatively attractive option for out of work youngsters. [14b]

5.90 The War Resisters International Report "Refusing to Bear Arms," notes that there is no provision for conscientious objection. In 1991, under the National Resistance Army (NRA) Code of Conduct, applications from professional serving soldiers for discharge were made under an individual basis. The report concludes that leaving the armed forces for professional serving soldiers may prove difficult. [17]

LRA Rebels Join the Military

5.91 The BBC reported on 13 July 2004 that thousands of people had turned out to watch as around 300 former Ugandan Lord's Resistance Army (LRA) rebels marched through Gulu town before heading to a showground for the passing-out ceremony. They were then welcomed into the regular Ugandan army. [69x]

5.92 IRIN reported in an article dated 14 July 2004 that the rebels included nine women whom the LRA had abducted from villages in northern Uganda and forced to become fighters. They graduated from the course at a ceremony in Gulu officiated by army commander Lieutenant General Aronda Nyakayirima, according to the army's spokesman in the region, Lt. Paddy Ankunda. [68ff]

5.93 According to army spokesman Major Shaban Bantariza in the BBC 13 July 2004 article, the new recruits have received three months' military training and political education. The new recruits will be going back to fight the LRA, their former allies. "They can now turn away from being terrorists into a people's defence force," he told the BBC. "They have been helping us a great deal in tracking their [former] colleagues." [69x]

5.94 "This is the first exercise to train LRA [fighters who give themselves up] and integrate them into the army. They are all ready to do a good job and ready to fight alongside the UPDF (government army) and end the Kony [LRA leader Joseph Kony] problem once and for all," Ankunda told IRIN. [68ff]

5.95 Ankunda told IRIN that the rebels would make up the army's 105 battalion, which would be commanded by a UPDF major and would be expanded with time. "We shall continue to top it up as others continue to report," he added. [68ff]

5.96 He added, "They went through a conventional military training to become real soldiers. They also had a political education programme that was meant to re-orient them," army spokesman Major Shaban Bantariza told IRIN, adding that those integrated had to be between 18 and 30 years of age. [68ff]

5.97 However IRIN report in the same article that some humanitarian bodies have questioned the wisdom of making these fighters part of the army, saying they required longer periods of counselling because many were children when they were abducted and forced to commit atrocities. "These people cannot be in their normal senses to handle a service like the army. They required months of counselling before the idea of introducing them to any vocation could arise," said a church worker in northern Uganda who preferred not to be named. [68ff]

5.98 "They only know that to go out and fight is to kill people. Three months could not change this attitude and all of them needed psychiatric help after going through those rituals of killing by the LRA," another added to IRIN. [68ff]

5.99 Bantariza countered in the same article that the political education they received was meant to re-orient them so that they become part of a pro-people army and abandon past traits. "A number of them have known only fighting for the best of their lives, it would have been difficult to ask them to take up a different vocation," he said. "We even asked them to take options and they opted for the army." [68ff]

5.100 Many of the former rebels were not the leaders of the atrocities, noted Major Bantariza. "We should make a difference between the misleaders and the misled, the ones that have formed the new battalion are basically the misled" added in the BBC article. [69x]

5.101 Senior rebel commanders who surrendered recently and held meeting with top government officials, including President Yoweri Museveni, witnessed Tuesday's ceremony after returning to Gulu from the capital, Kampala. They had gone to

Kampala to apply for pardon under an existing amnesty law. [68ff]

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Medical Services

5.102 According to the January 2000 Country Health Briefing Paper on Uganda produced by the British Department for International Development, the 1993 Health Policy clearly set out consolidation and rehabilitation as the main strategies. This is being updated by the Government and has entered into negotiations with donors with a view to implementing a sector wide approach. The underlying theme is to increase access to a minimum essential package of health services. This allows for limited expansion of the health infrastructure. Services are currently being provided by a combination of public and private sources, with the public sector playing a key role. With decentralisation, the districts have taken on the responsibility for delivering district health services receiving block grants from the Ministry of Health. The role of the Ministry of Health is now focussed on providing technical support, supervision and monitoring, setting norms and standards, mobilising resource and donor co-ordination. The NGO sector also plays an important role. [19]

5.103 In September 2001, the Government, with the assistance of the African Development Bank, established a support to health sector strategic plan project. A statement issued by the permanent secretary, Ministry of Health, Richard Muhinda, said the project is aimed at strengthening mental health services in Uganda and added that it will also serve to address primary health care in northern Uganda. [49d] In October 2001, a new hospital opened in Gulu. The new hospital specialises in specialist services that will minimise travel for medical treatment outside Uganda. [49b] The hospital website states that the facility deals in such areas as cancer treatment, rheumatology, orthodontics, oncology, metabolic medicine, neurology, nephrology and cardiology. See the extensive website (source 26) for full details of facilities, specialisms and payment options (including assisted). [26]

5.104 Uganda has one of the highest sickle cell prevalence rates in Africa although the exact numbers are not known. [50r] The disorder affects the red blood cells, which contain a special protein called haemoglobin (Hb for short). The function of haemoglobin is to carry oxygen from the lungs to all parts of the body. [29]

5.105 Health officials estimate that over 25,000 children in Uganda are born every year with sickle cell. According to experts on the disease most of the deaths could be avoided by simple interventions if the communities are sensitised. Chairperson of a new body, The Sickle Cell Association of Uganda said the association would offer counselling and sensitisation to reduce the stigma among the sufferers. [50r]

5.106 According to Government figures Uganda has an estimated 5.3 million cases of malaria for a population of 21.1 million. According to Medecins sans Frontieres in a 2002 report, in Bundi Bugyo hospital in the east of the country next to the border with Democratic Republic of Congo, 60 percent of hospital stays in the paediatric department are linked to malaria. Reducing malaria morbidity and mortality is one of Medecins sans Frontieres's priority objectives. [55]

HIV/AIDS

5.107 According to a report by the Joint United Nations Programme on HIV/AIDS (UNAIDS), issued in July 2002, Uganda's HIV infection rate has declined from the 17th highest in the world to the 20th highest. [50ai] In December 2000, Ugandan radio reported that HIV and AIDS in urban areas had dropped by 30 percent. [66e] Also in December 2000, the Bill Gates Foundation donated US\$15.3m (over sh27b) to Uganda for the implementation of national population programmes focusing on adolescents and HIV/AIDS. [50y] A report in May 2001 stated that the Government of the United States of America was to introduce two new development programmes and a total of \$50m to help fight the HIV/AIDS pandemic in Uganda. [31p]

5.108 According to an HIV/AIDS surveillance report released by the Ministry of Health in November 2002, 94,755 Ugandan children under the age of 15 years had died as a result of the disease. Statistics at the end of 2001 showed that out of 1,050,555 Ugandans living with HIV/AIDS, 105,055 were children under the age of 15 years. [50ag]

5.109 In June 2002, officials from the Ministry of Health and the United Nations children's fund said they would be expanding the Prevention of Mother-to-Child HIV Transmission (PMTCT) project following successful pilot trials at six sites in four districts. Under the project, all mothers attending antenatal clinics would be counselled about the need to take HIV tests. Those who test HIV positive and their babies would receive free doses of the drugs, which reduce mother-to-child HIV transmission. They also receive counselling and support. [50aj] In August 2002, the Government announced that they plan to provide free anti-retroviral treatment for more than 2,000 AIDS patients countrywide. [28g]

5.110 In February 2003, trial of a preventive HIV/AIDS vaccine began on human volunteers in Entebbe, by the Uganda Virus Research Institute (UVRI). [68i] However, response was slow - as reported in April 2003. The head of UVRI said the initial phase required 50 volunteers between the ages of 18 and 50 and only ten people had participated so far. [68h]

5.111 Anti-Retroviral Drugs (ARV's) are available in Uganda, and the Government is to receive a further US\$36 million under the Global Fund for HIV/AIDS to help fight the AIDS pandemic. [50n] According to the Minister of Health a total of 10,000 people (one-third of the ARV users in sub-Saharan Africa), are in Uganda. [68f] AIDS Healthcare, one of the United States' specialised provider of HIV/AIDS medical care currently operate a completely free AIDS treatment clinic in Masaka. [43]

5.112 Dr Stockley of "The Surgery, Kampala" has informed The Home Office that HIV treatment is readily available from any hospital and many private clinics in Uganda. There is considerable expertise within Uganda for HIV, as experts from USA and Britain, in particular the CDC and the MRC, are doing a lot of research in Uganda. Some Ugandan specialists also have internationally recognised experience. [75]

5.113 Most ARV drugs are available such as Zalcitabine. "The latest most expensive

drugs are unnecessary in treatment and we see no reason to use them as first line treatment. All my patients have responded to the cheap drugs and we see almost no side effects at all. Most of my European patients who come out on the expensive drugs feel ill most of the time and are usually delighted to switch to the cheaper drugs with fewer or no side effects" states Dr Stockley. Indian generic drugs are used in preference to the more costly western versions and even European doctors in Uganda use these Indian generics by choice in preference to heavily promoted brand names. Management of HIV is considered to be adequate and in many centres at least as good as in the U.K. The drugs are very readily available at relatively cheap prices. A plane ticket to U.K costs the same as 2 years treatment. [75]

Mental Illness

5.114 In 2000 Uganda formulated a mental health policy based on advocacy, promotion, prevention, treatment, and rehabilitation. This revised the previous policy formulated in 1996. [73]

5.115 Uganda treats mental health as part of the primary healthcare system but treatment for severe mental disorders is not available at the primary level, however such treatment is available at the 10 regional referral centres and the National Mental Referral Hospital. Uganda spends around 0.7 percent of the total health budget on mental health and there exists an essential drugs list (for therapeutic drugs), first formulated in 1993 and subsequently reviewed in 1996 and 2001. [73]

People with Disabilities

5.116 The US State Department Report on Human Rights Practices 2003 reported that the Constitution provides that persons with disabilities have "a right to respect and human dignity" and requires that authorities take appropriate measures "to ensure that they realise their full mental and physical potential". However, despite this provision, there is no statutory requirement for Government services or facilities, such as accessibility to buildings for the disabled. Most buildings have one storey, but in larger towns with multi-storey buildings, there are often no elevators; even where they do exist, they are rarely reliable. [2] (p22)

5.117 The same report notes that there is a Minister of State for Disabled Persons and a Department for Disabled Persons within the Ministry of Gender, Labour, and Social Development; however, these institutions lack sufficient funding to undertake or support any initiatives. Widespread discrimination by society and employers limits job and educational opportunities for those with physical disabilities. In 1998 the Government appointed a Minister of State for Disabled Persons. A Department for Disabled Persons also exists under the Ministry of Gender, Labour, and Social Development; however, these bodies and positions have little funding to undertake or support any initiatives. Five seats are reserved in Parliament for the disabled. [2] (p22)

5.118 The USSD report of 2003 adds that the Children's Statute also requires children with disabilities to be treated and given necessary special facilities; however,

in practice inadequate funding hampered its enforcement. [2] (p22)

Educational System

5.119 The US State Department Report on Human Rights Practices 2003 reported that the Government continues the Universal Primary Education (UPE) program, which provides free education through the seventh grade; however, education is not compulsory. According to official statistics, there was a 95 percent enrolment rate; however, this figure was widely believed to be inflated as a result of both school dropouts and a tendency of some schools to inflate attendance figures for funding purposes. Since the implementation of UPE, primary school enrolment increased from 2.9 million in 1996 to 7.2 million in 2002. Education received the largest percentage of the budget. [2] (p20-21)

5.120 The same report notes that girls and boys theoretically have equal access to education in the lower grades; however, the proportion of girls in higher school grades remains low because families traditionally favour boys when making financially related educational decisions. Boys were also more likely to finish primary school and perform better on the PLE. The Government continued several programs to promote a national plan for the education of girls; only 54 percent of adult women were literate compared with 74 percent of adult men. [2] (p20-21)

5.121 USSD report of 2003 adds that political education and military science courses known as “Chaka Mchaka” were suspended prior to the June 2000 Referendum on political systems but resumed in August 2000. These courses are criticised as indoctrination in Movement political philosophy. There continued to be reports that techniques used in some of the courses included intimidation and physical and mental abuse. [2] (p20-21)

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6. Human Rights

6.A Human Rights Issues

Overview

6.1 The Ugandan political landscape is characterised by continued conflict over the “movement” system, by which Uganda is governed. As a result, political and civil rights were violated. The UPDF fought a major military offensive against the rebel Lord's Resistance Army (LRA) in northern Uganda and southern Sudan. In both wars, civilians were victims of widespread abuse. [35c]

6.2 The Lord's Resistance Army (LRA), which has been waging a war in northern Uganda and committing gross human rights violations since 1989, had been supported by the Sudan government in retaliation for Uganda's support of the Sudanese rebels, the Sudan People's Liberation Movement/Army (SPLM/A). Under United States (U.S.) pressure the Sudan government has cut off assistance to the

6.3 The US State Department Report on Human Rights Practices 2003 reported that the Government at times did not respect freedom of speech and of the press, and restricted freedom of assembly and association. [2] (p1 & 12)

6.4 The USSD 2003 report notes claims that security officials harassed and/or detained Muslims. On 12 July 2002, 15 Tabliq Muslims who were acquitted of treason by the High Court were rearrested by the Joint Anti-Terrorism Task Force on allegations that they had made contact with ADF rebels. The suspects were remanded for further questioning. The same report also states that while Muslims occupied positions of authority in local and central government, some Muslim leaders claimed that the number of positions did not reflect their percentage of the population. [2] (p11 & 15)

6.5 The US State Department Report on Human Rights Practices 2003 notes that numerous human rights groups operate in Uganda. Among them are The Foundation for Human Rights Initiative; a chapter of FIDA; the Prisoners' Aid Foundation, which monitors prison conditions; the National Organisation of Civic Education and Election Monitoring, which deals with problems related to civil society and political rights; Human Rights Focus, based in the northern town of Gulu; the National Association of Women's Organisations of Uganda (NAWOU), an umbrella group; the International Federation of Human Rights; and the Human Rights and Peace Centre, based at Makerere University. These groups operate without Government restriction and have investigated and published their findings on human rights cases. [2] (p11, 18, 20)

6.6 The same report adds that the Government allowed visits by international human rights NGOs including Amnesty International and the International Committee for the Red Cross (ICRC). The USSD report adds that "the Government also co-operated with the UNHCR. Government officials were generally co-operative and responsive to NGO views. They frequently attended conferences and seminars hosted by NGO'S on social problems. The Government also continued to co-operate with NGOs on legal and prison reforms". [2] (P1 & 18)

6.7 The US State Department Report on Human Rights Practices 2003 reports that the Constitution has established the Uganda Human Rights Commission (UHRC) as a permanent independent body with quasi-judicial powers. Under the Constitution, the UHRC may subpoena information and order the release of detainees and the payment of compensation for abuses. The UHRC Tribunal has awarded compensation to several persons who had been abused by police. [2] (p7- 8)

6.8 According to the UK Foreign and Commonwealth Office, rebel attacks continue to be a problem for the Government. The main rebel group involved is the LRA, based in southern Sudan and operating in northern Uganda. The Government claim to have now defeated the ADF who were based in the Rwenzori Mountains on the border with the DRC to the west. The ADF were most active in the late 1990s. [16b]

Amnesties

6.9 In December 1999 Parliament passed a bill granting a general amnesty to all rebels who had been fighting to overthrow the Museveni Government and who were prepared to renounce rebellion. An Amnesty Act was passed in January 2000 with a date of commencement of 21 January 2000. The Act provided for an "amnesty for Ugandans involved in acts of a war-like nature in various parts of the country and for other connected purposes". The Act was to remain in force for 6 months and on expiry it could be extended by statutory instrument. [38] The Amnesty has been extended continually since then. [2]

6.10 According to the UK Foreign and Commonwealth Office, this law is unconditional and open to all levels within the rebel movements. Despite formal notification the amnesty remains in force. [47b] The amnesty covers any Ugandan residing within or outside of the country, according to an IRIN article dated 22 January 2003. [68j]

6.11 In April 2001, more than 50 Allied Democratic Forces rebels were freed in the first application of the amnesty law. As reported by IRIN on 22 August 2001 over 5,000 current and former rebels have appealed to the Ugandan Amnesty Commission to be allowed to return peacefully to their homes but the outcome is yet unknown. [68q] On 30 August 2001, IRIN reported in an article that the Amnesty Commission chief Justice Onega had stated that rebels convicted of treason were eligible for pardon under the amnesty initiative. Increasing numbers of LRA combatants took up the offer of amnesty over the following months. [68p]

6.12 According to the Government-owned newspaper 'New Vision', between July 2000 and January 2002, 1671 rebels had surrendered under the amnesty law and were issued with certificates by the Amnesty Commission. According to the Amnesty Commission over 700 other rebels based in Sudan had sent "signals" that they were willing to surrender under the law. [50p] Also in a 'New Vision' article dated 16 July 2002, the First Deputy Prime Minister and the Minister of Internal Affairs said that during the last financial year the Amnesty Commission had granted amnesty to 5,000 people. They also expect to grant another 6,000 persons who have reported. [50ah]

6.13 In January 2003, the International Organisation of Migration (IOM) office in Kenya launched a programme to screen former LRA rebels who wish to apply for amnesty and return to Uganda. [68j] As reported by IRIN on 28 January 2003, a total of 358 Ugandans had registered with the IOM to take advantage of the amnesty. [68k]

6.14 The BBC note in an article dated 13 July 2004 that the amnesty still exists for those [rebels] who escape or are rescued during clashes with the army, and the level

of forgiveness amongst the civilian population is high. [69x] The BBC note that concerns have been raised in many quarters that prosecuting the LRA leadership would be unlikely to bring an end to the devastating war. [69y]

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Freedom of Speech and the Media

6.15 The US State Department Report on Human Rights Practices 2003 reports that “the Constitution provides for freedom of speech and of the press; however, the Government at times did not respect these rights in practice. On occasion people have been arrested for criticising the Government”. [2] (p12-13)

6.16 The report states that most public media generally were free and outspoken. The report states:

There were many privately owned publications and broadcasters. The ‘New Vision’, a government-owned daily newspaper with a circulation of 35,000, was of fairly high quality and sometimes included reports critical of the Government. The independent ‘Monitor’ newspaper, with a daily circulation of approximately 30,000, was consistently critical of the Government. The ‘East African’, a Kenya-based weekly publication, which provided extensive reporting on the country, continued to circulate without government hindrance. [2] (p12-13)

6.17 The report adds that:

A print media law and a broadcast media law require journalists to be licensed and to meet certain standards, such as holding a university degree in journalism or the equivalent. The law also provides for a Media Council that can suspend newspapers and deny access to state information; the Media Council was staffed but not operational during 2002. By the end of 2002, Government officials began to enforce the law. In November 2002, President Museveni ordered stations to stop interviewing "exiled political dissidents" who failed to renounce terrorist and subversive activity, specifically opposition leader Kizza Besigye. [2] (p12-13)

6.18 The USSD 2003 report notes that uncensored Internet access is widely available through three commercial service providers in the major cities, although its price was prohibitive for all but the most affluent non-institutional users. There are now over a dozen internet cafes in Kampala and other cities and several NGOs offer Internet access. [2] (p12-13)

6.19 According to the USSD 2003 report, at the end of 2002, there were at least 50 radio stations, mostly private, operating throughout the country. Monitor FM radio, belonging to the Monitor publications group, continued to operate throughout the raid and closure of the Monitor newspaper. In December 2002, the Secretary of the National Broadcasting Council, a governmental body, informed three radio stations that they must stop broadcasting from off-site locations. [2] (p12-13)

6.20 In January 2003, Reporters Sans Frontiers (RSF) issued a press release which protested at the Government's crackdown on live outside radio broadcasts of the views of ordinary Ugandans. The Ugandan Minister of Information Basoga Nsadhuh said that the law only allowed stations to broadcast from their studios, not from outside them. [52]

Journalists

6.21 The US State Department Report on Human Rights Practices 2003 reports that the Constitution provides for freedom of the press and the Government generally respects this right; however, "there were instances where the Government infringed on these rights. Police at times harassed and detained journalists for several hours by holding them at police stations for several hours of questioning. The media are generally free and outspoken, and there are many privately owned publications and broadcasters". [2] (p12-13)

6.22 The USSD report of 2003 reports that the police raided the independent 'Monitor' newspaper in October 2002. It says "the police, who did not obtain a search warrant, confiscated computers, mobile phones, diskettes, and print materials. Two editors and a journalist were charged with publication of false information that was considered a threat to national security". [2] (p12-13) The Monitor itself reported that one of its reporters had been arrested over a story he had written about a UPDF helicopter crashing while fighting LRA rebels in the Adilang Hills. [310] On 10 October 2002, the Monitor again reported itself that police had sealed off the Monitor premises following the publication of the story, preventing the publication of the newspaper. [310] The USSD report of 2003 notes that the Monitor was subsequently closed down, but reopened 1 week later. [2] (p12-13)

6.23 On 6 February 2002, as reported in 'New Vision', the Human Rights Network (HURINET) strongly condemned the beating of two New Vision journalists by military policemen. The two journalists had gone to witness an eviction exercise involving the Military Police. A HURINET Co-ordinator described the beating as "unfortunate" and "a violation of the citizens' human rights". [31w]

6.24 A print media law and a broadcast media law require journalists to be licensed and to meet certain standards, such as holding a university degree in journalism or an equivalent. The law also provides for a Media Council that can suspend newspapers and deny access to state information [2] (p12-13)

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Freedom of Religion

6.25 The US State Department Report on Human Rights Practices 2003 states that:

The Constitution provides for freedom of religion, and the Government generally respects this right in practice; however, the Government imposed some restrictions. Government policy continues to contribute to the generally

free practice of religion; however, local authorities ban some churches suspected of being cults and also some nighttime religious meetings for security reasons. Several members of religious groups suspected of being cults were arrested and detained for illegal assembly. [2] (p2)

6.26 The US State Department Report on Religious Freedom 2003 reports that “the generally amicable relationship among religions in society contributed to religious freedom. However, the backlash from the killing of more than 1,000 citizens in 2000 at the hands of a ‘religious’ group (Movement for the Restoration of the Ten Commandments of God) resulted in negative public attitudes toward minority Christian groups that are viewed as cults.” [7] (p1)

Religious Groups

6.27 The US State Department Report on Religious Freedom 2003 reports that Christianity is the majority religion. Muslims account for approximately 16 percent of the population. A variety of other religions, including traditional indigenous religions, Hinduism, the Baha’i Faith, and Judaism, are practised freely and, combined, make up approximately 18 percent of the population. Muslims are mainly Sunni, although there also are Shi’a followers of the Aga Khan among the Asian community. Several branches of Hinduism are also represented among the Asian community. There are few atheists. [7] (p1)

6.28 The same report adds that particularly in rural settings, some religions tend to be syncretistic in many areas. It states that “deeply held traditional indigenous beliefs commonly are blended into established religious rites or observed alongside such rites, particularly in areas, which are predominantly Christian”. [7] (p1)

6.29 The US State Department Report on Human Rights Practices 2003 reports that There were claims that local government officials dispersed meetings of religious groups and, on occasion denied groups the right to assemble for security reasons. Religious groups and foreign missionaries, like other NGOs, had to register with the Government. The Government continued to refuse registration to the ‘Worlds Last Message Warning Church’, due to continuing suspicions following the 2000 cult killings of more than 1,000 citizens in Kanungu. The Government appointed a Commission of Inquiry to investigate the killings; however, the Commission’s investigation was delayed due to lack of funds. [2] (p14-15)

6.30 The same report notes no claims that the Government refused registration to any other religious organisations. [2] (p14)

6.31 According to the US State Department Report on Religious Freedom 2003 local authorities banned at least one religious group previously because it forbade members from seeking medical treatment. On 7 March 2002, Nebbi Resident District Commissioner (RDC) banned all activities by a religious group called the “Jurwo Ni Mungu,” or “Believers in God,” following reports that 10 members of the group had died after refusing to seek necessary medical treatment. On 13 March 2002, those arrested were charged with unlawful assembly and remanded to prison pending trial. On 13 March 2002, Otuga Regenaro, the group’s leader, also was arrested for

unlawful assembly; he remained in prison pending trial at the end of 2002. [7] (p4)

6.32 The USSD report of 2003 notes that prisoners are given the opportunity to pray on days appropriate to their faith. Muslim prisoners usually are released from work duties during the month of Ramadan. [7] (p3)

Freedom of Assembly & Association

6.33 The US State Department Report on Human Rights Practices 2003 reports that:

The Constitution restricts freedom of assembly, particularly for political groups. Permits were not required for public meetings; however, groups were required to notify the police prior to such gatherings. Police denied permission to hold public rallies to several non-Movement groups during 2002; however, in practice many groups held rallies and large gatherings, only a few were declared illegal or disrupted by authorities. On 1 February 2002, opposition members Paul Ssemogerere of the Democratic Party (DP), Karuhanga Chapaa of the National Democrats Forum, Muhammed Kibirige Mayanja of the Justice Forum, and James Rwanyarare of the UPC, held a meeting in Kampala to discuss President Museveni's remarks on political parties. There was no interference by the authorities. [2] (p14-15)

6.34 The USSD report of 2003 also notes that the Constitution forbids any activities, which interfere with the Movement system. It says that:

The Government interpreted this provision to undermine political groups' interests. The Constitution bans political parties from holding national conventions, issuing platforms, endorsing candidates, or opening branch offices outside the capital, and on several occasions, police disrupted or intervened and dispersed opposition demonstrations and other events. On 6 June 2002, the President approved the Political Organisations Act (POA), which regulates political party activities. The POA permits political parties to establish their headquarters and operate in Kampala; however, the law does not allow parties to operate or campaign at the district level or below. On 2 July 2002, the opposition DP and lobbying group Reform Agenda filed a petition in the Constitutional Court to challenge the constitutionality of the POA. [2] (p14-15)

Employment Rights

6.35 The US State Department Report on Human Rights Practices 2003 reports that:

The Constitution provides for the right of every person to join workers' associations or trade unions; however, at times the Government did not respect this right in practice. The Government continued to refuse registration to the Uganda Allied Teachers' Union. Employers often did not observe the requirement to recognise a union. The right to form unions extended to civil servants; however, many "essential" government employees were not

permitted to form unions, including police, army, permanent secretaries in the ministries, heads of departments and state-owned enterprises, school principals, and other management-level officials. The Government failed to enforce the rights of some employees to join unions in newly privatised industries and factories. [2] (p23-25)

6.36 The same report states that the Constitution provides the right to strike although it notes that the Government seldom defended this right and government policy required labour and management to make "every effort" to reconcile labour disputes before resorting to strike action. This directive presented unions with a complicated set of restrictions. [2] (p24)

6.37 The USSD report of 2003 notes that the law prohibits forced or bonded labour, including by children; however, a lack of resources prevented the Government from enforcing this prohibition effectively in practice. It states, "there was strong evidence that prison officials hired out prisoners to work on private farms and construction sites, where often they were overworked. [2] (p25)

6.38 The US State Department Report on Human Rights Practices 2003 reports that:

The law prohibits employers from hiring workers below the age of 18; however, child labour was common, especially in the informal sector. The Ministry of Gender, Labour, and Social Development enforced the law on child labour; however, financial constraints limited its enforcement. Demographics contributed to the problem of child labour; half of the population was under 15 years of age. Many children left school and went into agricultural or domestic work in order to help meet expenses or perform the work of absent or infirm parents, a situation common throughout the country. The problem was acute particularly among the large orphan population. [2] (p25)

6.39 The same report adds that the Government has made efforts to decrease the incidence of child labour. On 13 August 2002, the Government signed an agreement with the International Labour Organisation (ILO) to continue the 1998 International Program for the Elimination of Child Labour (IPEC). Under the programme, approximately 2,600 children were identified and withdrawn from hazardous work and were provided with alternatives, such as returning to school or taking vocational training. [2] (p24-25)

6.40 The USSD report of 2003 also notes that during 2001, the Government ratified ILO Convention 182 on the Worst Forms of Child Labour and incorporated its provisions into the draft Employment Bill 2000 to comply with international standards. [2] (p23-25)

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People Trafficking

6.41 The US State Department Report on Human Rights Practices 2003 reports that:

The law prohibits trafficking in persons; however, there were reports that persons were trafficked to, from, or within the country. The Criminal Code prohibits slavery with penalties of up to 10 years' imprisonment and requires the CID to combat trafficking. The CID did not keep records on the magnitude of the trafficking problem and it was unknown if its efforts were effective. In urban areas, some children were involved in the commercial sex industry, particularly in border towns and in Kampala. [2] (p26)

6.42 The USSD report of 2003 reports that the LRA abduct civilians for training as guerrillas. It reports that "most victims were children and young adults whom the LRA forced into virtual slavery as guards, labourers, soldiers, and sex slaves. On 5 March 2002, the Government and Sudan signed an agreement in Khartoum for the Government of Sudan to stop supporting the LRA and permit the UPDF access in southern Sudan to pursue the LRA". The protocol was extended several times. [2] (p26)

Freedom of Movement

6.43 The US State Department Report on Human Rights Practices 2003 reports that:

The Constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation; however, the Government at times limited them in practice. Some local officials reportedly demanded payment of fees for permission to change a place of residence. A married woman must obtain her husband's written permission on her passport application if children are travelling on her passport. [2] (p15)

6.44 The US State Department Report on Human Rights Practices 2003 reports that a significant increase in attacks by the LRA and Karamojong warriors has caused many ethnic Acholis and Iteso to leave their homes for urban centres, internally displaced persons (IDP) camps, and villages guarded by the UPDF and LDUs. [2] (p16)

6.45 In the north, the USSD report of 2003 notes that security forces continue their policy of maintaining so-called protected villages with UPDF detachments nearby as a means of protecting civilians and denying support to the LRA. Despite substantial NGO and donor community assistance, conditions continue to worsen due to increased LRA activity. [2] (p16)

6.46 The same report notes that according to the U.N. Office of the Co-ordinator for Humanitarian Affairs, there are over 1.2 million IDPs as a result of this violence. The number of IDPs per affected district were: Gulu, 416,254; Kitgum, 233,883; Pader, 229,115; Lira, 48,963; Katakwi, 159,533; Soroti, 92,321; Kumi, 19,006; and Kaberamaido, 35,039. The Government failed to provide adequate security to the protected villages or IDP camps, which were the targets of large-scale rebel attacks. [2] (p16)

Refugees

6.47 The US State Department Report on Human Rights Practices 2003 reports that:

There were no laws that provide for the granting of asylum or refugee status in accordance with the provisions of the 1951 UN Convention Relating to the Status of Refugees and its 1967 Protocol; however, the Government granted such status in practice. The Government co-operated with the Office of the UN High Commissioner for Refugees (UNHCR) and with other humanitarian organisations in assisting refugees. The Government continued to provide first asylum as well as land for temporary resettlement to citizens from neighbouring countries and extended this practice to significant numbers of refugees during 2002. [2] (p16-17)

6.48 On 24 July 2003, IRIN reported that the Office of the UN High Commissioner for Refugees (UNHCR) and the governments of Rwanda and Uganda had signed a tripartite agreement on the voluntary repatriation of thousands of Rwandan refugees living in Uganda. It is estimated that 2.5 million people fled Rwanda during and after the 1994 genocide that claimed the lives of at least 800,000 Rwandans, mostly Tutsis and politically moderate Hutus. Up to 26,000 Rwandans are presently reported to be in refugee camps mostly in western Uganda. [68dd] It is the intention of the government of Uganda to repatriate 25,600 Rwandan refugees following this agreement IRIN adds. [68ee]

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6.B Human Rights Specific Groups

Ethnic Groups

6.49 The US State Department Report on Human Rights Practices 2003 reports that:

The Constitution prohibits discrimination based on factors of ethnicity; however, the Government did not enforce the law effectively in matters of locally or culturally accepted discrimination against certain ethnic groups. Race was not a factor in national politics. The continued instability in the north led to violations of the rights of some Acholi, an ethnic group, which comprises a significant part of the population. Most violations of Acholi rights resulted from LRA actions. [2] (p19)

6.50 The Quest Economics database reports that there are over 20 ethnic groups of which Baganda, Banyankole and Basoga are the largest. Approximately 99 percent of the population is of African origin, and 1 percent European or Asian. [8]

6.51 According to the Foreign and Commonwealth Office, there is a major ethnic division between Bantu groups who live mainly in the south, and Nilotic groups who live mainly in the north. The main Bantu groups which make up about two thirds of the population are the Ganda, (Baganda, the largest tribe with 16 percent of the population), Soga (8 percent), Nyoro, Nkole (Banyankole 8 percent), Toro, Chiga (Kiga), Gisu, Gwere and Nyole (Banyuri). The West Nile tribes have only 6 percent of the

population and are divided into the Lugbara, Alur and Madi tribes plus the smaller Kakwa. This smaller ethnic group ruled the country from 1971 - 1979. [16a]

6.52 The FCO also note that there are distinct tensions between ethnic groups in Uganda, particularly between the north and the south, and this is one element used to explain the relative wealth and development in the south as opposed to the poverty and lack of resources in the northern districts. However membership of a marginalised Ugandan ethnic group does not automatically imply exclusion or discrimination. [3]

6.53 The principle Nilotic groups are the Acholi, Langi, Karamojong, Teso, Madi and Kakwa. In the early years of independence there was an important community of about 70,000 Asians of Indian and Pakistani origin and about 10,000 Europeans. However, since the expulsion of "non citizens" (as they were described by the Amin Government) in 1972, both these groups have fallen to negligible sizes. The most widely spoken indigenous language is Luganda (the language of Baganda) although English and Swahili are widely used as common languages. [11]

Acholi

6.54 The Ugandan Government website states that the Acholi account for around 4.6 percent of Uganda's population. They live primarily in the districts of Gulu and Kitgum, in northern Uganda where communications are poor and villages isolated. [37]

6.55 The FCO states that there is no credible evidence to suggest that the Government persecutes the Acholi people or that UPDF personnel routinely target Acholi people as being rebels or rebel sympathisers. There are Acholi living in Kampala, a multi-ethnic city, and in all areas of Uganda. All citizens, including Acholi, are free to reside anywhere they wish and there is no formal obligation to register with the local authorities. All citizens, including Acholi, are entitled to vote. [14a] The Ugandan Government website notes that there are a number of Acholi MPs, some of whom are outspoken critics of the Government, such as Norbert Mao (MP for Gulu Municipality) and Ronald Reagan Okumu (sic) (MP for Aswa District). [37]

6.56 The FCO also states that there is no evidence to suggest that the Acholi are systematically denied access to education or medical services although attacks by the LRA on schools and hospitals, for example, can interrupt the delivery of such services. Neither is there evidence to suggest that the Acholi are singled out for questioning about terrorism. In Acholiland it is obvious that investigations into acts of terrorism by the security forces will naturally involve interviewing Acholi, but it should be noted that the Acholi are predominantly the victims of LRA terrorism. [47a]

6.57 A full examination of the conflict in northern Uganda and the position of the Acholi is contained in "The Bending of the Spears", which is attached as source 51. The continued instability in the north led to violations of the rights of some Acholi. Most 'violations' of Acholi rights resulted from LRA actions. [51]

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Karamojong

6.58 The dedicated Karamojong website notes that they descended from a group of people referred to as the Nilotes. They migrated from an area near the Nile Valley in Southern Sudan and Ethiopia. A portion of these groups settled on the high, dry plateau of Karamoja. Karamoja lies mostly in the northeastern region of Uganda and nearly straddles Uganda's border with Kenya. They built a culture revolving around the herding of cattle and the raiding of cattle from neighbours has been part of the Karamojong culture for centuries. [6]

6.59 The US State Department Report on Human Rights Practices 2003 reports that raids by armed Karamojong raiders in Katakwi, Kotido, and Kapchorwa districts in the northeast resulted in more than 50 deaths during 2002. The raids reportedly exacerbated ethnic tensions in the northeast. However in December 2001, the Government began a disarmament program for the Karamojong raiders, which caused confrontations between the Karamojong and the UPDF in its efforts to enforce the program. The report notes that the Government continued its disarmament program for the Karamojong to stop the raids and killings. [2]

6.60 According to BBC Monitoring, on 29 January 2003, President Museveni directed the UPDF to flush out all armed Karamojong based in the northeast that were found grazing their cattle in the neighbouring districts. [66h]

6.61 On 29 January 2003, it was reported by Agence France Presse that Peter Lokeris, Karamoja Development Minister had stated that more than 100 people had starved to death, in December 2002, in a famine in the Karamoja region. This followed a drought in 2002, which resulted in a failed harvest. The UN World Food Programme (WFP), who was distributing food in the region, said that it had been overwhelmed by the situation. [48] On 20 February 2003, IRIN reported that the UN WFP would start delivering food worth US\$1.8 million to the region where some 300 people have reportedly died from hunger-related diseases. [68m]

Women

6.62 Amnesty International's country report of 2003 states that few cases of sexual violence in the home, including rape in marriage and rape of minors, were prosecuted in 2003. [22] The USSD report of 2003 report that there are no laws that specifically protect women from battery or spousal rape, although there was a general law concerning assault. Law enforcement officials, reflecting general public opinion, continued to view wife-beating as a husband's prerogative and rarely intervened in cases of domestic violence. Women remained more likely to sue for divorce than to file assault charges against their husbands. [2] (p19)

6.63 The US State Department Report on Human Rights Practices 2003 reports that:

Traditional and widespread societal discrimination against women continues, especially in rural areas. Many customary laws discriminate against women in the areas of adoption, marriage, divorce, and inheritance. In most areas, women could not own or inherit property, nor retain custody of their children

under local customary law. Divorce law requires women to meet stricter evidentiary standards than were required for men in order to prove adultery. Polygyny was legal under both customary and Islamic law, and a wife had no legal status to prevent her husband from marrying another woman. In some ethnic groups, men also could "inherit" the widows of their deceased brothers. [2] (p19)

6.64 The same report notes that there are active women's rights groups, including FIDA, Action for Development, the National Association of Women Judges (NAWJ), Akina Mama Wa Afrika, the Forum for Women in Democracy, and NAWOU, which promoted greater awareness of the rights of women and children. Women as Partners for Peace also sponsored a forum to discuss democracy and conflict resolution. FIDA continued with its program on proposed reforms of outdated and discriminatory laws. [2] (p20)

6.65 The Womenwatch website run by the Committee for the Elimination of Discrimination Against Women (CEDAW) notes that Uganda became a signatory of the Committee for the Elimination of Discrimination Against Women in July 1980. In their first annual report on 31 May 1995 (14th Session) covering Uganda many issues were raised. Among these one of the issues raised concerned the fact that women did not enjoy the right to extend their citizenship to their children born outside the country unlike male citizens. The Committee also wanted to know why it was that 49 percent of households were headed by a single woman. [27]

6.66 Amnesty International in their 2003 report note that a Domestic Relations Bill was presented to parliament for debate in December 2003. It addressed issues such as the criminalization of marital rape, property in marriage, polygamous marriages, bride price, widow inheritance and minimum age for marriage and cohabitation. [22]

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Children

6.67 The US State Department Report on Human Rights Practices 2003 reports that:

The Government has demonstrated a commitment to improving children's welfare. Education received the largest percentage of the budget. During 2002, the Government did not enforce effectively the 1996 Children's Statute, which outlines broad protections for children. Government efforts to enforce the statute's provisions were hampered by the large proportion of the population that was below 18 years of age (50 percent of the country's population was under 15), staffing and fiscal constraints on the judiciary, and cultural norms. The law stipulates parents' responsibilities and provides extensive protection for children in a wide variety of areas, including financial support, foster care placement, adoption, determination of parentage, and treatment of children charged with offences. [2] (p20)

6.68 The same report notes that the law prohibits children from taking part in any activity that was likely to injure the child's health, education, mental, physical, or moral development; however, the Government often did not enforce these

prohibitions. The report adds, “the Children's Statute also requires children with disabilities to be treated and given necessary special facilities; however, inadequate funding often hampered the enforcement of this provision. In August 2002 the Ministry of Gender reported that knowledge on the rights of children of the 1996 Children's Statute was poor in most parts of the country, particularly in rural communities”. [2] (p20)

6.69 The same report adds that “the Government continued the Universal Primary Education (UPE) program, which provided free education up to the seventh grade; however, education was not compulsory. According to official statistics, there was a 95 percent enrolment rate; however, this figure widely was believed to be inflated as a result of both school dropouts and a tendency of some schools to inflate attendance figures for funding purposes. Since the implementation of UPE, primary school enrolment increased from 2.9 million in 1996 to 7.2 million during 2002”. [2] (p20)

6.70 According to the USSD report of 2003, “girls and boys theoretically had equal access to education in the lower grades; however, the proportion of girls in higher school grades remained low because families traditionally favoured boys when making financially related educational decisions. Boys were more likely to finish primary school and perform better on the PLE. The Government continued several programs to promote a national plan for the education of girls. Only 54 percent of adult women were literate compared with 74 percent of adult men”. [2] (p20)

6.71 The US State Department Report on Human Rights Practices 2003 reports that:

Child abuse remained a serious problem, particularly the rape of young girls or defilement. Defilement applied to all cases of sexual contact outside of marriage involving girls younger than 18 years of age, regardless of consent or the age of the perpetrator. The perpetrators of rape often were family members, neighbours, or teachers; however, only a small fraction of these cases was reported. In August 2002 the district of Mbarara's Department of Education established a hotline for the public to report defilement cases by teachers. Many cases frequently were reported in newspapers; a payment to the girl's parents often settled such cases. During 2002, there were 5,554 reported cases of defilement, of which 3,178 were investigated. Defilement carried a maximum sentence of death; however, no court sentenced rapists to death during 2002. [2] (p20)

6.72 The Human Rights watch (HRW) Uganda report of 2002 notes that:

Since the outbreak of hostilities in northern Uganda, the LRA have abducted Ugandan children, trained them in southern Sudan and forced them to fight in the front lines. Abductions continued in 2002, albeit on a lesser scale than in previous years. As protection, parents in affected areas sent their children to towns, where they stayed overnight in hospitals, schools or other places under poor conditions. Despite the return of the LRA to northern Uganda in May 2002, few child soldiers managed to escape their captors. The LRA did release some one hundred sick and elderly people including children with their mothers in June 2002. [35b]

6.73 And the Uganda 2002 report by the Coalition to Stop the Use of Child Soldiers also notes that:

In the current military campaign against the LRA (Operation Iron Fist), there have been reports of the UPDF recruitment of children in northern Uganda to fight the LRA in southern Sudan. Paradoxically, "protected villages", set up in response to the on-going abductions by the LRA, have often served as recruiting grounds for child soldiers and "wives" (often cases of early marriage, defilement and rape). In a joint statement to the Security Council on Operation Iron Fist, Uganda and Sudan agreed that they would "spare no efforts in order to safeguard and maintain the safety of innocent civilians and the repatriation of abducted children, through the co-ordination and assistance of the concerned international humanitarian organisations. But as the conflict has dragged on, Uganda admitted that its forces were unable to protect civilians in south Sudan and children have been killed rather than rescued during UPDF attacks on the LRA. [23]

6.74 On 30 February 2003, IRIN reported that the deteriorating humanitarian situation in northern Uganda was placing children under the age of five years at a high risk of mortality. The WFP who were distributing food in the region said that the humanitarian situation was getting worse according to the international NGO; Action Against Hunger in Pabbo. [68f] A follow-up article by IRIN from 5 March 2003 quoted WFP stating that over 31 per cent of children under the age of five years were suffering from acute malnutrition in Anaka camp in Gulu district. [68s]

6.75 The US State Department Report on Human Rights Practices 2003 reports that there are an estimated 2 million orphaned children (children missing either or both parents). This large number of orphans resulted from previous civil wars, the internal displacement of persons, and HIV/AIDS. [2] (p21)

6.76 The same report states that the LRA has abducted many children and used them as guards, labourers, soldiers, or even as sex slaves. Most LRA fighters were themselves abducted children who were coerced into becoming rebels. [2] (p21)

6.77 The USSD report of 2003 adds that the Government has banned the activities of migrant witchdoctors after numerous cases of alleged child sacrifice and abuse, which the police are apparently unwilling to investigate. It says, "There were increased allegations and some confirmed reports of ritual killings of children during 2002. On 17 June 2002, police in Luwero arrested four persons in connection with a ritual murder of a girl whose body was discovered in a shallow grave near a shrine in Nakikoota Village. Investigations in the case were pending at the end of 2002". [2] (p21)

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Child Care Arrangements

6.78 According to the Ministry of Gender, Labour and Social Development in Uganda there are no state owned orphanages in Uganda, and neither does the state sponsor

any such institutions. According to the Ministry, the Government has no long or medium term plans to establish child care facilities. The information was provided via the UK Foreign and Commonwealth Office (FCO). [47c]

Female Genital Mutilation (FGM)

6.79 The US State Department Report on Human Rights Practices 2003 reports that:

There was no law against the practice of FGM, but the Government and women's groups working with the UN Population Fund continued to carry out programs to combat the practice through education. These programs received strong government support and some support from local leaders. The programs emphasised close co-operation with traditional authority figures and peer counselling. During 2002, significant press attention to these ongoing efforts brought public attention to the problem. [2] (p20)

6.80 The same report notes that FGM was practised by the Sabiny tribe, located in the rural Kapchorwa District, and the Pokot tribe (also known as the Upe), which inhabited the northeastern border with Kenya. There are approximately 10,000 Sabiny and 20,000 Upe who live in the country. The USSD add that "among the Sabiny, initiation ceremonies involving FGM are carried out every 2 years". [2] (p20) According to the New Vision newspaper, in an article dated 18 February 2003, Kapchowra LC5 chairman Nelson Chelimo commended the NGOs in the region for backing the campaign against the practice. [50u]

6.81 In the Monitor, in an article dated 19 November 2003, Sabei Elders Association chairman, William Cheborion said that 75 per cent of the Sabiny are now opposed to the practice. He went on to say that the number of people supporting FGM is now very small. Cheborion said that their target for elimination of the practice is 2006. [31v]

Homosexuals

6.82 Under the Ugandan Penal Code homosexuality is illegal for men. Homosexual acts between women are not mentioned. The maximum penalty for homosexuals in Uganda is life imprisonment. [57] Section 140 of the Penal Code criminalises "carnal knowledge against the order of nature" with a maximum penalty of life imprisonment. Section 141 prohibits "attempts at carnal knowledge" with a maximum penalty of 7 years' imprisonment. Section 143 punishes acts of, procurement of, or attempts to procure acts of "gross indecency" between men in public or private with up to 5 years' imprisonment. [45]

6.83 In September 1999, President Museveni called for the arrest of homosexuals for carrying out "abominable acts". This comment followed the wedding of two gay men. [57]

6.84 In March 2002, while accepting an award for his Government's successful campaign against HIV/AIDS, President Museveni said "we don't have homosexuals

in Uganda so this is mainly heterosexual transmission". [21] In December 2002, the Bishop of Mukono Diocese cautioned Christians against homosexual organisations that want to join the church in the pretext of funding them. [50]

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Rebel Groups

The Lord's Resistance Army (LRA)

6.85 The Lord's Resistance Army, which has been fighting the Ugandan Government for nearly 18 years, has become known for its brutality. The Ugandan Refugee Law Project (RLP) produced a report called "Uganda: Behind the Violence" in February 2004 about the LRA after interviewing around 900 people from northern Uganda, including many former fighters, to try to discover just what it and its mysterious leader, Joseph Kony, stand for. [5] (p13)

6.86 The report states that the seeds of this 18-year conflict were sown in the defeat in 1986 of Presidents Milton Obote and Tito Okello by forces loyal to Uganda's current leader, Yoweri Museveni. The remnants of the defeated forces fled north, to their home areas - fearful that the new government would carry out attacks in retribution for government massacres in the Luwero triangle under the previous regimes. [5] (p13)

6.87 According to the RLP report, the defeated fighter reformed and eventually rallied to a spiritualist - Alice Lakwenya, in the hour of their despair. She was in turn defeated in 1987 and other rebels failed to capitalise leaving a power vacuum in northern Uganda that Joseph Kony filled with the Lord's Resistance Army, states the report. [5] (p13-14)

6.88 The RLP report states that:

The leader of the LRA Joseph Kony is himself shrouded in a veil of secrecy: on the one hand he is presented as a disorganised criminal who can be quickly and easily crushed, and on the other he is portrayed as an invincible messenger of God which no bullets can penetrate. A BBC reporter confirmed what RLP found in the field: "Little is known about the rebel leader— and it is clear that this is exactly how he likes it. He has created an aura of fear and mysticism around himself which is an image difficult to dispel". Given this confusion, numerous labels have been used to describe Kony and the LRA: 'lunatic', 'irrational', 'inexplicable', 'terrorist bandits' and 'thugs'. [5] (p14-15)

6.89 These caricatures have had important practical implications, making it hard to know what strategies would be most effective in ending the war, claims the RLP report. [5] (p14-15)

6.90 In addition, according to the RLP report there is an important spiritual dimension to the LRA. It states that "although the group is not a cult, Kony uses his spiritual and biblical revelations to manipulate people much like a cult leader, but does not appear

to brainwash them heavily: most LRA members end up believing in his spiritual power, but they are not mesmerised by his presence. Kony has a multi-layered spiritual vision, but Kony also uses this spiritualism to maintain control, starting with his overall vision of liberation and destruction and continuing with individual spirits that 'guide' specific military tactics". [5] (p14-15)

6.91 Andrew Harding, states in his article on BBC News from 3 March 2003 that, "the LRA has so successfully terrorised the population that it only needs to carry out the occasional massacre to keep hundreds of thousands of civilians on the run". [69v]

6.92 The US State Department Report on Human Rights Practices 2003 states that that abducted children are used as guards, labourers, soldiers, or as sex slaves. It is noted that the majority of LRA fighters were "abducted children coerced into becoming rebels". [2] (p13) The Refugee Law Project report states that Joseph Kony's recruitment methods "are as simple as they are bloody". The RLP believes that "between 20,000 and 25,000 children have been abducted and that these child soldiers are used as expendable troops. They are frequently not even given guns to fight with". [5](P19)

6.93 Furthermore it is reported by the RLP that these child soldiers are often forced to kill their own parents so they have no way back. In the LRA only around 200 core combatants are fully armed with weapons allegedly supplied by the Sudanese government and other sources. [5](p19)

6.94 Former LRA fighters interviewed by the RLP maintain that Kony's aim is to cleanse the Acholi people. [5] (p14-15)

6.95 Kony uses biblical references to explain why it is necessary to kill his own people, since they have - in his view - failed to support his cause. "If the Acholi don't support us, they must be finished," he told one abductee. The RLP also point to "practical reasons" for the war to continue, noting that Kony and his senior commanders live well, taking the pick of the girls they capture as wives. [5] (p14-15)

6.96 President Museveni wishes to use military means to end this conflict. But many church and traditional leaders believe that only talking can halt the LRA's murderous campaign. Kony and his senior commanders believe that if they surrendered the government would kill them, says the RLP. [5] (p15)

6.97 Andrew Harding of the BBC, believes that "the LRA has no obvious territorial or political goals". [69v] The RLP reports however that in addition to the spiritual dimension, there is considerable debate within the discourse on the war as to whether or not the LRA has a political agenda. Having a political agenda is seen by many of those commenting on the war as a precondition for conducting negotiations with Kony, and his apparent lack of a clear political program has generated considerable confusion. [5] (p14)

6.98 The RLP report notes that "this lack of clarity was reflected on the ground: some respondents in the conflict zone expressed the belief that he has no political agenda, while others said that Kony may have an agenda but that it was not yet articulated. Indeed, many interviewees were profoundly confused about the fact that Kony

claimed to be fighting for them, yet was killing and abducting them at the same time". As one northern politician says in the report, "Now the LRA say that their agenda is democracy, multi-partyism, land, etc. They even claim they are upset by rigged elections! Ha! They are just jumping on the bandwagon, any bandwagon that comes". [5] (p14-15)

6.99 The US State Department Report on Human Rights Practices 2003 states that LRA attacks increased during 2003. There were numerous LRA attacks on villages, IDP camps, and refugee camps in which persons were killed, injured, raped, or abducted. During the year, LRA attacks resulted in the deaths of approximately 750 persons, including children, numerous injuries, and the destruction of homes and property. While new incidents of mutilation were not reported, the LRA committed numerous atrocities. See the full report for details of individual incidents (to numerous to list here) and activities. [2] (P5)

6.100 IRIN reported on 15 Jul 2004 that seventy-year-old LRA "Brigadier" Kenneth Banya had been captured following a battle at Okidi, along the River Unyama in Gulu District. Banya was, army spokesman Maj Shaban Bantariza said, "the most senior adviser to Lord's Resistance Army (LRA) leader Joseph Kony. [68gg]

6.101 "He has been the heart and spirit of the rebellion. He is the main military and technical brain behind the rebel movement. He has been attached to Kony in Sudan," Bantariza told IRIN. The former Uganda National Liberation Army (UNLA) major and escort to President Yoweri Museveni is the first high-profile capture for the army since the rebellion started some 18 years ago. [68gg]

6.102 Bantariza emphasised the significance of the capture to IRIN, saying that following Banya's apprehension, a number of other rebel commanders had surrendered, including another veteran, "Major" Isiah Luwum, who, the army spokesman said, was one of those who had joined the rebel force in its early days. Two other commanders with the rank of "captain" had also followed Luwum with a total of 32 fighters and a quantity of arms and ammunition. [68gg]

6.103 According to the BBC News service, the World Court has begun an investigation into alleged war crimes committed by Ugandan rebels. International Criminal Court prosecution spokesman Christian Palme told the BBC "We are investigating any crimes committed in northern Uganda after July 2002. We have the full support for this from the authorities in Uganda". [69y]

Allied Democratic Forces (ADF)

6.104 According to the Monitor on 5 February 2001, former ADF rebel, Zarome Bwambale said to Zedekiya Karokora, District Commissioner of Kasese, that at least 30 rebels said they wanted clearance in order to surrender. They also wanted to be reassured that their lives were safe. [31y] According to a Reuter's news report on 2 April 2001, 53 rebels from the ADF were freed in the first application of the Amnesty Law, which was enacted more than one year ago. [65d] In the New Vision newspaper of February 2002, it was reported that as a result of intensified UPDF operations in the

Rwenzori region 20 ADF rebels and seven others, including two commanders, were captured. [50o]

6.105 As reported in May 2002 in the New Vision newspaper, since the Amnesty Law came into force over 500 ADF rebels had surrendered in Kasese. Their former Chief of Staff Chris Tushabe Benz surrendered two years ago and is now a UPDF Major. [50ab]

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West Nile Bank Front (WNBF)

6.106 According to the FAS Intelligence Resource website, the now largely defunct West Nile Front (WNBF) was mainly concerned with destabilising northern Uganda from bases in Sudan, but had linked up with Interahamwe and anti-RCD rebels around the Bunia area. The Front resumed attacks during 1998 in the northwestern region bordering Sudan and the Democratic Republic of Congo. [13] In September 1998, the Monitor newspaper in Kampala reported that the WNBF were active and had abducted about 220 people since August 1998 and killed several others in the Arua area. [31ab] It was reported in the Africa Research Bulletin dated July 2001 that the group commander Juma Oris had died in March 2001 and had already been buried. He had reportedly suffered a stroke in 1999. [56b]

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Uganda National Rescue Front (UNRF II)

6.107 According to the Monitor in an article dated 3 September 1998, the United National Rescue Front II (UNRF II) operates from Sudanese bases and were also supported by the Government of Sudan. It is reported in the same article that the UNRF II have split into two factions, the original led by Juma Oris and the breakaway group by Ali Bamuzes. [31ab]

6.108 The US State Department Report on Human Rights Practices 2003 states that on 19 April 2002, approximately 1,350 UNRF-II rebels based in Southern Sudan returned to the country with their families to negotiate resettlement terms under the Amnesty Program. [2] New Vision reported on 2 May 2002 that the Government of Uganda had sent a nine-member team led by the First Deputy Prime Minister and Minister of Internal Affairs to talk peace with the UNRFII rebels in Yumbe District. [50aa] The Xinhua News Agency reported on 25 May 2002 that after four days of talks the two sides had agreed to formalise a cease-fire agreement. [28f] The peace process started in 1998 and eventually on 15 June 2002, the Government of Uganda and the UNRF signed a formal cease-fire agreement, according to an IRIN article dated 26 June 2002. [68x]

6.109 In September 2002, Nasur Ezaga, the elderly former chairman of the UNRF returned to Uganda after having spent the last 13 years in exile in Sudan. He said that his return was testimony that the government of Uganda was interested and serious about the peace process. [28b]

6.110 BBC News reported on 26 December 2002, that two days earlier a peace deal had been signed between the Government and the UNRF rebels after over five years of negotiations between the two sides. In the peace deal about 700 of the rebels were to be integrated into the Ugandan army while the remainder will be given resettlement packages. The article notes that the UNRF rebels had not been a serious destabilising threat in recent years. [69a]

6.111 The US State Department Report on Human Rights Practices 2003 adds that the UNRF II has effectively been inactive for years and members are currently returning to the country under the amnesty programme. [2]

National Army/Union for the Liberation of Uganda (NALU/NULU)

6.112 The ADF website claims the National Army/Union for the Liberation of Uganda (NALU/NULU) as an ADF- affiliated group. They have claimed responsibility for terrorist attacks that resulted in fatalities. Its aims were unclear and most of its operations were aimed against the local peasant population. It faded from view in 1994 and was thought defunct, most of the members having been absorbed into the ADF [12]. However, they re-emerged in 1997 under the leadership of Jafari K Salimu and issued both a manifesto (source 30) dedicated to overthrowing the Government and an invitation to President Museveni to meet them. [30]

CAMP

6.113 BBC Monitoring noted in July 1999 that the Citizens Army for Multiparty Politics (CAMP) had originally been led by Brigadier Smith Opon Acak, (who had been Obote's army chief of staff). He was shot by the UPDF in July 1999 when they raided his camp near the town of Lira in northern Uganda. Of the 43 others present, 4 were captured and the others escaped. [66] The US State Department Report on Human Rights Practices 2003 say that they have been inactive for years and are returning to the country under the amnesty program. [2]

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6.C Human Rights - Other Issues

Treatment of failed asylum seekers

6.114 The Ugandan Department of Immigration have confirmed that only failed asylum seekers who had previously committed a crime in Uganda, and are on their wanted list, would be arrested on arrival in the country. Someone would not be imprisoned simply for being returned to Uganda as a failed asylum seeker. The information came via the UK Foreign and Commonwealth Office. [14c]

Treatment of Non-Governmental Organisations (NGOs)

6.115 The US State Department Report on Human Rights Practices 2003 reports

that:

NGOs were required to register with the NGO Board, which included representation from the Ministry of Internal Affairs as well as other ministries. The Government approved most NGO registrations; however, in September 2002 the Minister of State for Internal Affairs stated that the Government had deregistered 25 NGOs in the public interest, none of which were Human Rights groups. At least one of the groups, Caring for Orphans, Widows, and Elderly Association (COWE) challenged its deregistration; on 14 October 2002, COWE was reinstated. [2]

6.116 The same report added that:

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were responsive to their views. Active domestic groups included the FHRI; FIDA-U; Human Rights Focus; the National Association of Women's Organisations of Uganda (NAWOU); the International Federation of Human Rights; and the Human Rights and Peace Centre of Makerere University. The Prisoners' Aid Foundation monitored prison conditions. The National Organisation for Civic Education and Election Monitoring dealt with problems related to civil society and political rights. HURINET, a Human Rights Network, and an umbrella organisation for 9 Human Rights organisations also continued to be active. The local NGO Uganda Debt Network addressed corruption. [2]

6.117 The US State Department Report on Human Rights Practices 2003 states that the Government officials frequently attended conferences and seminars hosted by NGOs on social problems and continued to co-operate with NGOs on legal and prison reforms. The report notes the Uganda National NGO Forum, which was a consortium of local and international NGOs involved in advocacy. On 8 August 2002, the organisation launched the NGO Code of Conduct that provides for the self-discipline, regulation, and mechanism of restraint for NGOs. [2]

Internally Displaced Persons (IDPs)

6.118 The IDP Project website notes that internal displacement in Uganda has been caused by separate armed conflicts in northern and western areas as well as violent looting and cattle raids in the east of the country since the middle of the 1990s. It also notes that conflicts have affected about a quarter of the country's 45 districts. [9]

6.119 The World Refugee Survey (WFS) report of 2004 states that "some 1.4 million Ugandans, half of them children, remained internally displaced at the end of 2003, including about 600,000 who became newly uprooted by violence during the year. Some 28,000 Ugandans were refugees or asylum seekers, including about 20,000 in Congo-Kinshasa and 8,000 in Sudan". [36]

6.120 In addition the report notes "more than 230,000 refugees and asylum seekers

lived in Uganda at the end of 2003, including more than 198,000 from Sudan, about 20,000 from Rwanda, nearly 12,000 from Congo-Kinshasa, fewer than 1,000 from Somalia, and about 500 from various other African countries". [36]

6.121 The WFS report of 2004 states that "for 18 years, insurgents known as the Lord's Resistance Army (LRA) have waged a brutal guerrilla war in the Acholi area of northern Uganda. LRA rebels dramatically increased attacks on government soldiers, local villagers, and Sudanese refugee camps during 2003. Displacement skyrocketed, with almost 500,000 people displaced in Gulu District alone by year's end" (2003). [36]

Annexes

Annex A

Chronology of Major Events

Pre-Amin

1958 - Uganda given internal self-government.

1962 - Uganda becomes independent with Milton Obote as Prime Minister and with Buganda enjoying considerable autonomy.

1963 - Uganda becomes a republic with Mutesa as president.

1966 - Milton Obote ends Buganda's autonomy.

1967 - New constitution vests considerable power in the president and divides Buganda into four districts.

The Idi Amin years

1971 - Milton Obote toppled in coup led by Idi Amin.
1972 - Amin orders Asians who were not Ugandan citizens - around 60,000 people - to leave the country.
1972-73 - Uganda engages in border clashes with Tanzania.
1976 - Idi Amin declares himself president for life and claims parts of Kenya.
1978 - Uganda invades Tanzania with a view to annexing Kagera region.
1979 - Tanzania invades Uganda, unifying the various anti-Amin forces under the Uganda National Liberation Front and forcing Amin to flee the country; Yusufu Lule installed as president, but is quickly replaced by Godfrey Binaisa.
1980 - Binaisa overthrown by the army.
Milton Obote becomes president after elections.
1985 - Obote deposed in military coup and is replaced by Tito Okello.
1986 - National Resistance Army rebels take Kampala and install Yoweri Museveni as president.

Museveni - Beginnings of recovery

1993 - Museveni restores the traditional kings, including the king of Buganda, but without giving them political power.
1995 - New constitution legalises political parties but maintains the ban on political activity.
1996 - Museveni returned to office in Uganda's first direct presidential election.
1997 - Ugandan troops help depose Mobutu Sese Seko of Zaire, who is replaced by Laurent Kabila.
1998 - Ugandan troops intervene in the Democratic republic of Congo on the side of rebels seeking to overthrow Kabila.
2000 - Ugandans vote to reject multiparty politics in favour of continuing Museveni's "no-party" system.
2001 January - East African Community (EAC) inaugurated in Arusha, Tanzania, reviving an idea which collapsed in 1977, and which lays the groundwork for a common East African passport, flag, economic and ultimately monetary integration. Members are Tanzania, Uganda and Kenya.
2001 March - Uganda classifies Rwanda, its former ally in the civil war in DR Congo, as a hostile nation because of fighting the previous year between the two countries' armies in DR Congo.
Museveni wins another term in office, beating his rival Kizza Besigye by 69 percent to 28 percent.

Recent History

2002 March - Sudan, Uganda sign agreement aimed at containing Ugandan rebel group, Lord's Resistance Army (LRA), active along common border. LRA wants to run Uganda along lines of biblical Ten Commandments. Led by "prophet" Joseph Kony they have kidnapped thousands of children and displaced many civilians.
2002 October - Army evacuates more than 400,000 civilians caught up in fight against LRA, which continues its brutal attacks on villages.
2002 December - Peace deal signed with Uganda National Rescue Front (UNRF) rebels after more than five years of negotiations.
2003 March - Government's decision-making body recommends lifting 17-year ban on political party activity, subject to public referendum.
2003 May - Uganda pulls out last of its troops from eastern DR Congo. Tens of

thousands of DR Congo civilians seek asylum in Uganda.

2003 August - Former dictator Idi Amin dies in hospital in Jeddah, Saudi Arabia. Up to 400,000 people were killed during his dictatorship.

2004 February - LRA rebels slaughter at least 200 people at a camp for displaced persons in the north. President Museveni blames poor military co-ordination.

2004 May - President Museveni is promoted to general and then retires from the military.

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Annex B

Political Organisations

Political parties were ordered to suspend active operations, although not formally banned, in March 1986.

Main parties

National Resistance Movement (NRM)

Founded in 1981 as the political wing of the guerrilla National Resistance Army in opposition to the Obote (UPC) Government. The NRM assumed power in 1986 and is the dominant force with the present Government. Leader: Yoweri Kaguta Museveni. Chairman: Dr Samson Kisekka.

Democratic Party (DP)

Founded in 1954 and led by Paul Ssemogerere. Main opposition party to UPC Government in early 1980's. Under Museveni's NRM-dominated Government the DP has gravitated towards an UPC alliance. The UYD (Uganda Young Democrats) is the youth wing.

Uganda Patriotic Movement (UPM)

Secretary General: Jaberu Ssali

Uganda People's Congress (UPC)

Formed following independence in 1960, led by Milton Obote (in exile in Zambia). The UPC was the ruling party from 1962 until 1971 and from 1980 until 1985. UPC members are represented within the present Government. National Leader: Dr James Rwanyarare.

Other parties include:**Conservative Party (CP)**

Founded in 1979. Leader: Jehoash Mayanja-Nkangi

Bazzukulu ba Buganda (Grandchildren of Buganda)

Bagandan separatist movement.

Buganda Youth Movement

Formed in 1994 and seeks autonomy for Buganda. Leader: Stanley Kato.

Movement for New Democracy in Uganda

Formed in 1994 to campaign for a multi-party political system. Based in Zambia. Leader: Dan Okello-Ogwang.

National Freedom Party

Formed in 1995 by Herman Ssemuju, an eccentric not generally considered to be a serious political figure. The NFP has no agenda, no resources and a negligible following.

Nationalist Liberal Party (NLP)

Formed in 1984 by a breakaway faction of the Democratic Party. Leader: Tiberio Okeny.

Uganda Democratic Alliance (UDA)

Formed in 1987 as a grouping of anti-Government elements. Leader: Apollo Kironde.

Uganda Islamic Revolutionary Party (UIRP)

Formed in 1993 to promote Ugandan Muslim rights. Chair: Idris Muwonge

Uganda National Unity Movement

An anti-Government formation. Leader: Alhaji Suleiman Ssalongo.

Uganda People's Democratic Movement (UPDM)

Formed in 1986 by disparate anti-Museveni forces active mainly in the north and northeast of the country: signed a peace agreement with the Government in 1990.

Chair: Eric Otema Allimadi; Sec. Gen: Emmanuel Oteng

Forum for Multi-Party Democracy

General Secretary ;Jesse Mashate.

Uganda Independence Revolutionary Movement

Formed in 1989. Leader: Maj. Okello Kolo.

Uganda Progressive Union (UPU)

Leader: Alfred Banya.

Rebel Movements:**Lord's Resistance Army (LRA)**

Led by Joseph Kony, a rebel guerrilla group claiming to be fighting a "holy war" against the Government.

Allied Democratic Forces (ADF)

Led by Jamir Mukulu, the group operates in western Uganda.

West Nile Bank Front (WNBF)

Operated in far north-western Uganda. The WNBF's agenda is unclear. WNBF now largely defunct.

Uganda Freedom Front/Army

Launched in London in February 1999 by Herman Ssemuju, disgraced and exiled eccentric lawyer/politician and former leader of the National Freedom Party. Specific aims as yet unclear.

UNRFII

An offshoot of WNBF with similar hazy objectives. Not active since 2000.

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Annex C

Prominent People

ALI Brig. Moses

Currently 1st Deputy Prime Minister and Minister for Disaster Preparedness and Refugees. Charged with plotting terrorist action in April 1990. Acquitted of these charges but found guilty in January 1991 of illegally possessing ammunition. He was previously appointed Minister of the Interior after a cabinet reshuffle in which he swapped jobs with Rugomayo.

AMIN DADA Idi

Maj. Gen. (later field Marshall), led coup to overthrow Obote in January 1971. Died in 2003

AMIN Taban

Son of Idi. Currently commanding a unit of Ugandan rebels deployed in eastern DRC and recently named Chief of Staff of the ADF.

APIRA Josephine

London-based spokeswoman of the LRA.

BINAISA Godfrey

Successor to Lule as President of NEC from June 1979 - May 1980.

KAYIIRA Andrew

Minister of Energy and leader of UFM, charged with treason in October 1986 (charges withdrawn Feb 1987), murdered in March 1987 by unknown assailants.

LULE Dr Yusuf

President of NEC from April - June 1979.

MUSEVENI Yoweri

President of NRM Government from 1986 to present.

MUSOKE Kintu

Succeeded Adyebo as Prime Minister in November 1994.

MUTESA II

Kabaka (King) of Buganda, first president of Republic of Uganda.

OBOTE Milton

Leader of Uganda People's Congress (UPC) from 1960 and Prime Minister from 1962. Returned to office in December 1980 until July 1985.

OKELLO Basilio

Brigadier - succeeded Obote in military coup in July 1985.

OKELLO Lt.Gen.Tito

Headed Military Council established in July 1985.

ORIS Juma

Leader of West Nile Bank Front (WNBF) and former Minister of Foreign Affairs under Amin Government. Juma Oris died in March 2001. He had previously suffered a stroke in 1999.

SALEH Salim

Maj. Gen. - younger half-brother of President Museveni. He was appointed Army Commander in 1989 but was soon relieved of his position allegedly due to corruption apart from other reasons. He was then appointed to the job of Commander of the

Reserve forces and went into private business. Since then he has built up a considerable business empire, including banking, property, air transport and cargo handling and a security firm among others. In 1996 he was re-appointed by President Museveni and he played a significant role in Uganda's involvement in the Democratic Republic of Congo. Saleh became involved in the 1998 Uganda Commercial Bank privatisation scandal and was forced, by Museveni, to resign. In 2001, the Porter Commission (a judicial commission set up to consider the allegations made by the UN panel into the illegal exploitation of the DRC's natural resources) exonerated Saleh of any wrongdoing over allegations that he was involved in the DRC plunder.

SSEMOGERERE Paul

Chairman of DP - won 23.7 percent of votes in May 1996 elections.

SSEMUJU Herman

"President General" of the National Freedom Party (NFP). Generally considered not to be a serious political figure. Had to withdraw from 1996 Presidential election through lack of support. Often claims to have foiled assassination attempts. Now President of new rebel group, the UFF/A.

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Glossary

ADF	ALLIED DEMOCRATIC FORCES
CA	CONSTITUENT ASSEMBLY
CAMP	CAMPAIGN FOR MULTI-PARTY DEMOCRACY
DP	DEMOCRATIC PARTY
DRC	DEMOCRATIC REPUBLIC OF CONGO (FORMERLY ZAIRE)
FEDEMO	FEDERAL DEMOCRATIC MOVEMENT
FGM	FEMALE GENITAL MUTILATION
FIDA	UGANDA ASSOCIATION OF WOMEN LAWYERS
GDP	GROSS DOMESTIC PRODUCT
IC	INDUSTRIAL COURT
ICRC	INTERNATIONAL COMMITTEE OF THE RED CROSS
ISO	INTERNAL SECURITY ORGANISATION
LC 3	LOCAL COUNCIL - SUBCOUNTY
LC 2	LOCAL COUNCIL - PARISH
LC 1	LOCAL COUNCIL - VILLAGE
LDU	LOCAL DEFENCE UNIT
LRA	LORD'S RESISTANCE ARMY
NALU/NULU	NATIONAL ARMY (UNION) FOR THE LIBERATION OF UGANDA
NGO	NON-GOVERNMENTAL ORGANISATION
NRA	NATIONAL RESISTANCE ARMY
NRC	NATIONAL RESISTANCE COUNCIL
NRM	NATIONAL RESISTANCE MOVEMENT
NUSh	NEW UGANDAN SHILLING
SPLA	SUDANESE PEOPLE'S LIBERATION ARMY
UGFA	UGANDAN FEDERAL ARMY
UFF/A	UGANDA FREEDOM FRONT/ARMY (NEW GROUP IN 1999)
UN	UNITED NATIONS
UNDA	UGANDAN NATIONAL DEMOCRATIC ALLIANCE
UNHCR	UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES
UNLA	UGANDA NATIONAL LIBERATION ARMY
UNLF	UGANDA NATIONAL LIBERATION FRONT
UPC	UGANDA PEOPLE'S CONGRESS
UPDA	UGANDA PEOPLE'S DEFENCE ARMY
UPDF	UGANDA PEOPLE'S DEFENCE FORCE
UPDM	UGANDAN PEOPLE'S DEMOCRATIC MOVEMENT
UPFM	UGANDA PEOPLE'S FREEDOM MOVEMENT
UNRF II	UGANDA NATIONAL RESCUE FRONT
US	UNITED STATES
Ush	UGANDAN SHILLING
WNBF	WEST NILE BANK FRONT

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