

EXECUTIVE SUMMARY

Introduction

The Uganda Human Rights Commission's 9th Annual Report marks the tenth anniversary of its inception. The Report comprises eleven chapters covering the Commission's activities in 2006 (Chapters 1, 2 & 10) as well as the state of human rights in the fields of security, displacement, rule of law, peace talks, neglected diseases, pastoralists' and children's vulnerabilities, and also the Government of Uganda's compliance with the Commission's recommendations during the period under review (Chapters 3 – 9 & 11).

Chapter One: Human Rights Education

This chapter outlines the key activities undertaken by the Commission in ensuring human rights education in Uganda. It also discusses the importance of employing both formal and informal methods in the delivery of human rights education, and highlights the need to redouble efforts to promote human rights awareness throughout the country. It further observes the need to ensure the sustainability of these efforts by way of continued awareness-raising campaigns by all stakeholders, both inside and outside government.

General observations

- 1.1 The Uganda Police Force, Local Council leaders, policymakers in the education sector, school students, health workers, IDP camp leaders and civil society organizations were targeted for sensitization by the Commission. Media campaigns were also undertaken to ensure that the general public is sensitized about the foundations of human rights and the importance of respect for human rights.
- 1.2 Communities were empowered through the formation of community-based Voluntary Action Groups (VAGS) and school-based human rights and peace clubs. Districts affected by armed conflict were targeted in particular. A total of 26 VAGS had been formed in the districts of Soroti, Kasese, Bundibugyo, Mbale, Gulu, Kabarole; 17 human rights and peace clubs were established in the same districts.
- 1.3 A total of 2701 people were trained. Of these, 588 were Local Council leaders, 613 were Special Police Constables, 1127 were students, 60 were decision makers in the education sector, 68 health workers, 114 were members of civil society, 131 were IDP camp leaders.
- 1.4 A total number of 151 radio programmes were aired out during the year covering the whole country. Out of this 146 were on radio stations and 5 were on TVs. These covered major languages in Uganda namely English, Ateso, Runyakitara, Rusoga and Luganda. There were also 115 spot messages on Nile Broadcasting Services in South Eastern Uganda.
- 1.5 The number of individuals using the Library and Documentation Centre (LDC) rose by 12%, from 1123 in 2005 to 1261 in 2006. However, during the same period, the number of books received at the LDC fell by 11.5%, from 460 to 416, and the number of journals received fell by 18%, from 80 to 66.
- 1.6 Five issues of Your Rights magazine were issued during the year, covering human rights and HIV/AIDS, strengthening multiparty democracy, elections, amnesty,

justice and reconciliation, children's rights, the right to education and the right to health.

- 1.7 The Commission reviewed the Police Human Rights Training Manual and developed Human Rights Readers for primary schools. Primary 1-4 Human Rights Readers have been printed and are ready for distribution.
- 1.8 The implementation of the National Civic Education Programme (NCEP) has not been effective. Civil education is supposed to be continuous and national. Neither the Government nor donors have devoted sufficient attention and resources to it. Consequently Ugandans continue to yearn for sensitization in human rights, in the politics of multiparty systems, and in a range of other areas.
- 1.9 The United Nations Volunteer (UNV) Program in Uganda, which had contributed greatly to promotion of human rights in the country, has closed. No successor project is yet in sight, thus leaving a significant gap in country-wide human rights education.

Recommendations

- The Commission appeals to the GoU and to development partners to revamp the National Civic Education Program (NCEP), or initiate a similar program, to address the need for a sustained nationwide program of human rights and civic education.
- The Commission urges the GoU and development partners to support the proposed successor to the UNV Program for the promotion of human rights in Uganda.
- In line with the UN General Assembly Resolution on the Plan of Action for Human Rights Education, and the commitment of the Ministry of Education and Sports to implement the Plan, assistance, which so far has not been forthcoming from either the GoU or development partners, should be prioritized and expedited.

Chapter Two: Investigation and Resolution of Complaints discusses the extent to which the Commission handled and resolved human rights complaints in 2006. It discusses the nature of human rights violations and abuses, categories of complaints and respondents, factors impacting the number of complaints received, impediments to people's ability to lodge complaints at the Commission, and provides recommendations on these issues.

General observations

- 2.1 From 1997 to 2006 the Commission registered a total of 12,696 complaints.
- 2.2 In 2006 alone, the Commission registered **1,222** complaints and **824** lodgements. 14 more complaints were received in 2006 than in 2005 (1208), representing a 1.2% increase. The majority of complaints were lodged against private individuals (540), followed by the Uganda Police Force (352, including the VCCU/RRU (69), the UPDF (117), District Administration (48), private companies (28), the Uganda Prison Services (14), CMI (11), Government institutions (07), educational institutions (04), and the Judiciary (03). 179 males and 125 females lodged complaints during the period under review.
- 2.3 The nature of complaints registered at the Commission ranged from children's rights and maintenance, torture, cruel, inhuman and degrading treatment or punishment, the right to personal liberty, to property, to education, to remuneration, to a fair and speedy hearing, the right to freedom from deprivation of life, domestic violence, discrimination, and the rights to a healthy working environment, to freedom of expression, to health and to privacy.

- 2.4 The most-violated rights in 2006 were as follows: child maintenance/neglect, representing 25% of complaints registered, freedom from torture (21.6%), right to property (14 %), right to personal liberty (11.5%), and the right to education (6.7%).
- 2.5 An increment in complaints from 2005 was registered in child maintenance (a 77% increase), freedom from cruel, inhuman and degrading treatment or punishment (50%), freedom from discrimination (43%), the right to a fair hearing/speedy trial (10%), education(13.6%,) and deprivation of the right to life (2%).
- 2.6 A decrement in complaints was registered for the right to liberty (a 14% decrease), to freedom from torture (7.6%), to property (32.8%), to privacy (2%), to health (2%), to freedom from servitude (2%), and to free expression and assembly (75%).
- 2.7 New violations registered in 2006 that were not registered in 2005 include, economic rights (5 complaints), the right to a healthy and clean environment (4), and to freedom of worship (1), implying an increased awareness by the populace of their rights.
- 2.8 The number of complaints of torture registered in 2006 fell by 7.6% compared to 2005. 54% of complaints (44 of 82) that went before the Commission's Tribunal during the period under review concerned torture. 29 of the 44 complaints (66%) were proven successfully, and UGX 260,541,600 was awarded in damages, representing 71% of total awards (UGX 368,081,600) for all violations in 2006. **Therefore, though torture complaints at the Commission fell by 7.6% over 2005, torture still cost the GoU UGX 260,541,600, representing 71% of the total awards for all violations in 2006**
- 2.9 Major challenges in handling complaints have included difficulty in locating witnesses, victims and respondents; lack of cooperation from some Government institutions; lack of public awareness concerning the powers of the Commission; lack of co-operation from eyewitnesses; insecurity in conflict areas and logistical difficulties.

Recommendations

- Improved support, particularly in the areas of financial, material and human resources, to improve the Commission's ability to successfully conclude all cases.
- The Attorney General should ensure that individual officers, men and women who commit human rights violations are personally brought to justice.
- Parliament should enact effective legislation specifically prohibiting acts of torture, cruel inhuman and degrading treatment or punishment.
- The GoU should adequately facilitate State Attorneys, who represent the Government before the Commission Tribunal.

Chapter Three: Conditions in Military Detention Centres in Uganda covers the state of military detention centres visited during the reporting period. It explores the physical conditions in detention centres, the treatment of inmates and their complaints and the overall management of military detention centres, with a special focus on inmates' rights.

General observation

- 3.1 The Commission was not granted access to military detention centres without notice. Six centres were visited, with prior notice, in 2006: (i) Makidye Military barracks, (ii) Summit View Kololo, (iii) Kitante CMI HQs, (iv) Bombo Army HQs, (v) Mbale 3rd Division Military Barracks and (vi) Mbuya Military Barracks.

- 3.2 The Commission found two major categories of prisoners in military detention facilities: soldiers (UPDF) and civilians (normally brought in by VCCU/RRU and referred to as "VCCU suspects").
- 3.3 A pattern of discrimination in the treatment of UPDF and civilian suspects was observed in military detention centres; the two were catered for under different budgets, the UPDF's and the Uganda Police Force's, respectively. Though access to medical care was limited across the board, especially for prisoners living with HIV/AIDS, UPDF suspects still received better care than VCCU suspects. Some VCCU suspects in Makindye were found to be suffering from a sexually transmitted infection eating away at their genitals but were receiving no treatment.
- 3.4 The VCCU recovered 13,603 guns and ammunitions between 2003-2007, some of which were recovered from civilian suspects. However, a disturbing number of detainees in military detention centres have never been charged in any court. 28 detainees at Makindye had no charges against them as per the register at the time of the Commission's visit; some suspects have been detained without trial for over 3 years.
- 3.5 A significant number of VCCU suspects bore marks consistent with torture, but stated that they were not tortured in military detention centres. Instead the VCCU would torture them elsewhere and later dump them at the barracks.
- 3.6 Some inmates in military detention centres continued to suffer from prolonged and arbitrary detentions, while the majority of VCCU suspects have been denied justice, through denial of visitation rights and extended detention without charge or trial. There were also complaints of solitary confinement
- 3.7 In the VCCU unit at Makindye Military Barracks, and at Bombo General Headquarters, the Commission found minors detained with adults, in violation of Section 85(2) of the United Nations Standard Minimum Rules for the Treatment of Prisoners.
- 3.8 Extreme shortfalls in staffing and resources hamper the conduct of trials in military courts. Infrequent meetings of the Unit Court Martial, Division Court Martial and General Court Martial have led to suspects' being held for extended periods without trial.
- 3.9 Improved discipline on the part of military detention centre staff and, generally, a cordial relationship between staff and inmates, have led to fewer cases of torture, inhuman and degrading treatment or punishment during the period under review.

Recommendations

- Equitable medical care must be made accessible to both VCCU and UPDF prisoners and suspects.
- Torture should be eliminated, and officers involved in torture should be held personally liable and prosecuted.
- The Army leadership should devise and implement strategies that allow for the UCM, DCM and GCM to frequently convene and dispose of cases.
- The Army leadership should stop the VCCU from dumping its suspects in military detention centers after torturing them.
- Minors should be detained separately from adults. The Commission holds that there are no circumstances whatsoever that warrant the detention of minors in military facilities.

Chapter Four: Peace Efforts in Uganda provides an assessment of peace efforts in Uganda. It discusses the prospects for and challenges of the Juba Peace Talks, the resurgence of the ADF in Western Uganda, and the ongoing efforts of the GoU to disarm the Karamojong in the Northeast.

General observations

- 4.1 Progress in the Juba Peace Talks and in the disarmament program in Karamoja are rejuvenating people's hope that peace will eventually return to conflict areas in Uganda. However, the Commission notes that slowdowns in these processes increase the vulnerability of conflict-affected populations. Furthermore, the ADF/NALU threat in DRC will remain for as long as Kinshasa cannot effectively control the East. The Commission urges actors in all conflicts, including those involved in the Juba talks, to remain focused on the speedy return of peace and security.
- 4.2 Three of the five agenda items in the Juba talks have been concluded, which has encouraged IDP return and resettlement. Nearly a full year has passed since the last civilian abduction by the LRA.
- 4.3 Challenges to the Juba Peace Talks include the International Criminal Court (ICC) question, the regional nature of the LRA conflict, the delayed release of abducted children, and the protracted nature of the process. Although these issues look like challenges, they have now been adequately answered by setting up principles in the agreement on Agenda No. 3 on accountability and reconciliation. These principles do cover concerns like non-impunity, reconciliation, truth telling, reparations and compensation, as well as a need to protect the integrity of victims. The challenge that remains is to work on necessary mechanism for implementing these principles. The Uganda Human Rights Commission shall play a pro-active role in helping to formulate and implement these principles.
- 4.4 The LRA leadership remains concerned over their indictments by the ICC, which could delay progress in the Juba talks.

Recommendations on the Juba Peace Talks

The UN Security Council, the African Union and other relevant international, regional and national actors should support the Juba peace process.

Consider the creation of a Truth and Reconciliation Commission to rebuild trust and relationships between segments of Ugandan society that have been polarized and separated for several generations.

Pass a law to domesticate the Rome Statute and ensure that there are sufficient mechanisms and institutional framework to deliver justice to vulnerable and marginalized populations in Northern Uganda.

The parties to the talks should, as soon as possible, reach a comprehensive peace agreement that addresses the long-standing marginalization of northern Uganda. Any delays cast fear in the minds of the people of northern Uganda. The Comprehensive Agreement should, furthermore, cater for the special needs of women and children.

Maintain the momentum created by the resolution of the first three Agenda items.

ADF/NALU and Recommendations

General Observations

- 4.5.1 The ADF/NALU threat is still real; recent clashes with the UPDF in the Semuliki area have confirmed this.
- 4.5.2 The GoU should effectively implement Great Lakes regional initiatives such as The Pact for Peace, Stability and Development in the Great Lakes Region, and the Lusaka Peace Agreement to disarm armed groups operating in the region
- 4.5.3 Improve bilateral relations with the DRC, and remedy obstacles to peace and any possible causes of conflict between the two countries.

Karamoja Disarmament: Progress and Challenges

General Observations

- 4.6.1 Small arms and light weapons remain widely-held in Karamoja despite successes in disarmament programs. Fighting and killings continue among ethnic groups in Karamoja and between Karamojong and the UPDF.
- 4.6.2 However, the UPDF also cited indicators of improved security in Karamoja, including: the inability of warriors to openly market and move with weapons; some improvement in road security, and improvement in overall security in areas such as Abim and Karenga; a shift from full-scale raids to cattle theft, inability of warriors to launch attacks on army units, diminishing the number of warriors' "safe-havens" or "hideouts" (e.g. the Morungole mountains, Lolelia hills and Katikekile), a scarcity of guns and ammunition for sale, and commencement and progression of the livestock branding exercise, which has gone far in controlling inter-clan rustling
- 4.6.3 Nevertheless, during the 16-month period from January 2006 to April 2007, 244 people were confirmed dead, with many other deaths unconfirmed, 59 persons were confirmed injured, with many more unconfirmed, and more than 4000 cattle raided or stolen. During the same period 41 road ambushes targeting civilians were carried out, killing 19 persons and injuring 32.
- 4.6.4 An improvement in civil-military relations during the same period was reported, to the extent that some warriors have made telephone calls to UPDF commanders alerting them of impending crimes or the need for criminal arrest.
- 4.6.5 The UPDF reported the arrest of a number of notorious raiders and criminals since the start of the exercise. In 2006, 55 warriors were tried, convicted and sentenced in Third Division Court Martial on charges of illegal possession of firearms, while 6 were tried and convicted in civilian courts. They were sentenced to terms of imprisonment ranging from 4 to 10 years. At the time of writing, 40 persons had already appeared before Third Division Court Martial in 2007.
- 4.6.6 The collection of 3,936 guns and 9,402 rounds of ammunition during the time of cordon and Search phase of disarmament was partially attributed to the collaboration between UPDF and the Karimojongs.
- 4.7 The Commission however observes that the "cordon and search" method has at times turned into "cordon and fight," which has given rise to indiscriminate killings and general human rights abuses. Officially set guidelines on cordon and search, developed by the UPDF itself, are rarely followed, sometimes leading to the punishment of innocent persons.
- 4.8 Because of the limited presence of State institutions, the UPDF has been doing the work of the Uganda Police Force and the Uganda Prisons Service in Karamoja.

Civilians in Karamoja are arrested by the UPDF, detained in military detention places and sometimes tried in the Military Court Martial.

Recommendations

Commanders of cordon and search operations should ensure that soldiers strictly follow the operational guidelines issued by the UPDF so as to avoid violation of human rights.

The disarmament exercise in Karamoja requires a multifaceted approach such as the proposed Karamoja Integrated Disarmament and Development Programme (KIDDP).

It is urgent that State institutions such as the Police, Courts and Prisons are reinforced in Karamoja.

Chapter Five: Rule of Law, Freedom of Association and Assembly assesses the state of freedom of association and assembly in Uganda, and the nature and form of conflicts between these freedoms and the demands of justice and security. The chapter pays specific attention to the current situation of the People's Redemption Army (PRA) suspects and the disrespect for the Judiciary shown by the Executive in having them re-arrested in the courtroom after they had been granted bail in November 2005 and March 2007; further consideration is given to the grant of bail for political detainees, the Mabira Forest demonstrations and the racist anti-Asian riots that followed, and also to the disturbing emergence of vigilante groups such as the Kiboko Squad.

General Observations

- 5.1 Justice continues to elude criminal suspects, as very many remain incarcerated without bail, and with an unacceptable lack of progress in the prosecution of their cases.
- 5.2 The Executive has failed to initiate an investigation, as was promised, into the extreme disregard for the independence of the Judiciary shown in the re-arrest of the PRA suspects after their release on bail.
- 5.3 The Commission finds a lack of formal and procedurally accepted guidelines and specific laws on demonstrations that take into account both individual human rights and freedoms.
- 5.4 The Commission notes that there are administrative weaknesses in processing the release of those granted court bail by insisting that they must remain in detention when court has granted bail after office hours and after banks have closed for business.
- 5.5 The worrisome trend towards the use of private militias such as the "Kiboko Squad" tarnished the name of the country's security system and threatened the rule of law.
- 5.6 Some 60 strikes or demonstrations were recorded in the period January 2006-April 2007. Unfortunately, some were marred by violence and some turned racist and xenophobic, as shown by the Mabira Forest demonstrations and the successive demonstrations that saw the Kiboko Squad emerge.

Recommendations

The PRA suspects' trial must be expedited and carried out with respect for the rule of law on the part of the Executive.

The State must never allow other agencies, whose accountability can never be established, to do police work.

Political leaders should have and preach tolerance and peace and desist from hate campaigns and sectarian, ethnic and racist language in all circumstances, as such campaigns and language can breach the nation's peace.

The GoU is obligated to provide adequate information so that policies are not misunderstood, and the media have a professional responsibility to inform the public fully and correctly. The Mabira demonstrations were spurred largely by a lack of public information and fear that a giveaway of Mabira was imminent.

The GoU should promulgate guidelines on demonstrations. These guidelines, however, should not diminish the essence or the core content of the rights of association and assembly and their enjoyment.

Chapter Six: The IDP Return Programme: Prospects and Challenges examines the successes and challenges regarding the return and resettlement of IDPs, discusses trends in and factors influencing rates of return, and highlights areas in which rates of return are especially encouraging. It notes that the IDP return, resettlement and reintegration program has been influenced by improved security situation in the sub regions of Acholi, Lango and Teso, together with the progress in the Juba Peace Talks. The chapter discusses further the decongestion program and the situation in new settlements, government efforts towards ensuring the safe return of IDPs, impediments to return and the enjoyment of human rights as well as concerns in the return programme, such as the needs of vulnerable groups and the land question.

General Observations

- 6.1 A number of people who were formerly living in camps have now returned home. The number of people in camps continues to shrink in almost all camps in north and northeastern Uganda; considerable return to places of former residence has been registered in Kaberamaido, Apac, Lira, and in Teso sub region in general.
- 6.2 There has been improved security in Lango sub region and in parts of Teso outside Amuria and Katakwi districts giving rise to significant flows of homeward-bound IDPs.
- 6.3 Improvements in the justice system in northern Uganda have been noted, with the recruitment of ten judges in early 2007 to clear a backlog totaling over 553 criminal cases of a capital nature. Forty Police Posts at Subcounty level have been re-opened throughout Acholi, Lango and Teso Subregions with deployments of over 1700 ASTUs, Uganda Police Force personnel transferred from other regions to northern Uganda, and the recruitment of special police constables for training and deployment.
- 6.4 With regard to material support for returned IDPs, the procurement and distribution of resettlement kits to all districts with returning populations, worth a total of over Ush 4.5 billion was reported. Additionally, the GoU has prioritized the implementation of the Peace, Recovery and Development Plan for Northern Uganda.
- 6.5 However, in Acholi sub region return to places of habitual residence has not been as complete as in other places. Many IDPs in Acholi Sub-region refuse to return to their original homes before the Juba talks are successfully concluded, and are either staying back in camps or, at best, moving only to satellite camps, indicating that

they are not yet as confident regarding security as those in Teso and Lira sub regions.

- 6.5.1 Rates of return in communities bordering Karamoja are still lower; many have not returned, or have been slow to return, because of the fear of Karamojong warrior (*Karacuna*) induced violence and raids. According to UNOCHA, for instance, the Karamojong mounted nearly 50 raids on Katakwi between December 2006 and February 2007, and Amuria District was affected by 21 incidents of insecurity during the same period. Some areas threatened by *Karacuna* raids have received no deployments of police or judicial personnel, due to a serious lack of basic services such as road infrastructure and water. *Karacuna*-induced displacement is likely to remain a more significant problem than LRA-induced displacement; attention and resources must be devoted accordingly.
- 6.5.2 Many IDPs who have returned to their original homes have not yet received the resettlement package promised by the GoU, and some that have, have received substandard equipment and seeds. The Commission has also received reports of poor distribution arrangements, leaving some kits undistributed.
- 6.5.3 Landmines and unexploded ordnance (UXO) remain a major concern in the North; increased attention to the issue and sustained de-mining initiatives are badly needed.

Recommendations

- ◆ IDPs living in areas where they feel security is sufficiently ensured are moving faster than the Government and humanitarian agencies as they return home or move to satellite camps. Government should move faster to support returning IDPs by improving conditions and quality of life in the IDP camps and the areas of return by supplying food, health facilities (including, especially, mobile health workers) and decent shelter, clean water, feeder roads, and schools, which would act as a “pull factor” and a significant incentive to return home.
- ◆ Government should pay special attention to the Juba peace process, so that a comprehensive peace agreement is signed and implemented between the GoU and the LRA rebels so that all in Northern Uganda can, eventually, enjoy peace.
- ◆ Government should fulfill previous promises to fund human rights and police presence in the North and actively recruit personnel in these areas. The GoU should consider deploying experienced police officers to facilitate in fighting crime and impunity in areas of return and in IDP camps.
- ◆ The Commission calls upon the GoU and humanitarian agencies to continue supplying IDPs, including those who have returned, with food and other basic necessities until they have built up sufficient capacity to sustain themselves.

Chapter Seven: Child Vulnerability and Protection expounds on the issue of violation of children’s rights in Uganda. The chapter commends the GoU for its progress in the recognition and protection of the rights of children, but also recommends that the GoU formulates strong legislative and administrative measures to protect children from human rights violations, implements effective laws against child sacrifice and human trafficking, and ratifies the UN Protocol on Trafficking of Persons. The Government needs to develop and strengthen cooperation between agencies including immigration authorities, local police, border police, courts and social welfare services with improved exchange of information and clearly defined lines of responsibility, delegation and authority.

General Observations

- 7.1 Child sacrifice, child trafficking, child labour, child abduction, child soldiering, defilement, child prostitution and child abuse persist in Uganda. Police reports reveal that there were 185 victims of combined cases of child abduction, kidnap, disappearance/ trafficking, and sacrifice (classified by the police as murder) alone during the period between January and September 2006.
- 7.2 In 2006, 25.3% of the complaints received at the Commission concerned child maintenance, mainly lodged by wives against their husbands.
- 7.3 Institutional and legislative progress has been made in combating child labour. In the year 2006, Parliament passed four labour bills: the Labour Unions Act 2006, the Employment Act, 2006, the Labour Dispute and Settlement Act 2006, and the Occupation Safety and Working Environment Act 2006. Relevant national institutions include the National Council for Children, the Uganda Police Force's Family Protection Unit, the Industrial Court, and the MGLSD. However, financial constraints limit the effectiveness of these institutions.
- 7.4 Current institutional provisions, policies and laws protecting children from all the above violations remain insufficient, however; these laws still need to be enforced effectively and institutions facilitated sufficiently to perform their roles. Resources are too limited, for example, for the Uganda Police Force to investigate child-related cases.
- 7.5 Most children who are trafficked internally are from Buganda region (36%) followed by Acholi (18%) and Ankole (8%) according to the International Labor Organization (ILO).
- 7.6 Karamojong children are sold in cattle markets in Teso, and many end up homeless on the streets of Kampala.

Recommendations

Put in place a Commission of Inquiry to get to the bottom of the child sacrifice problem, following a recommendation the Commission originally made in its 1998 Annual Report.

Amend the Penal Code to criminalize the possession of any form of human tissue or body parts. Current law is not sufficient in this regard, and prevents the arrest and prosecution of those who may be engaged in child sacrifice.

The Commission appeals to Government to increase funding for the Uganda Police Force, putting special focus on the Family Protection Unit, and supporting the Family and Children Courts.

Put in place a law to operationalise the UN Optional Protocol on the Sale of Children, Child Prostitution and Pornography and its Programme of Action.

Ratify the UN Convention on Child Trafficking and put in place a law to operationalise it.

Tougher action against child trafficking, child sacrifice and prostitution is needed, and the protection of Karamojong children deserves more attention.

Measures should be implemented to prevent the exodus of children from Karamoja, or that will pull them back from the streets of Kampala and other centres.

Chapter Eight: Pastoralists' Vulnerability and Problems of Xenophobia in Uganda details the current state of affairs concerning the ongoing clashes between pastoralist

herders and the sedentary communities with whom they find themselves in proximity in Kasese, Teso, and recently Buliisa, where irresponsible demagogues are fanning the flames of ethnic resentment, inciting violence and threatening peace.

General Observations

- 8.0 Nomadic pastoralism has long been a way of life and a form of production for a number of communities in Uganda. Some, however, have since sedentarised; others have not. Those who have not sedentarised, because of a number of factors, are facing rejection across the country. Yet these pastoralists have not received any sympathy from either politicians or civil society organisations. The groups affected are Banyankole/Bahima, Banyarwanda and Basongora, as well as Bakiga-speaking Tanzanians and Ugandans.
- 8.1 There is a contradiction between the Constitutional provisions of free movement to settle and reside anywhere in the country (art 29 (2)) and the expulsions of nomadic-pastoralist Ugandans that have legally settled in other parts.
- 8.2 Pastoralists are accused of grazing on other people's land and destroying cultivators' crops (in Bullisa), of grazing in wetlands (e.g in Teso), of encroaching on National Parks (e.g Basongora) or of being illegal immigrants (e.g those expelled from Tanzania). Those in Teso and Buliisa argue that they have legally purchased land there and therefore have a right to remain in peace, while some of those expelled from Tanzania had been there since the 1960s and are naturalised Tanzanian citizens. In Kasese, the Basongora complain that their ancestral grazing lands were grabbed from them by the colonial government and turned into national parks. Clearly, these are cases that could have been sorted out in courts of law, but legal avenues have not been pursued sufficiently in these cases.
- 8.3 A lack of respect by politicians for Court orders and the rule of law. Courts, not politicians, should be allowed to resolve such issues and politicians must respect court orders. Those people who fan hatred and xenophobic tendencies and other violations of human rights should be investigated and prosecuted in accordance with the law.
- 8.4 A widespread failure among the Ugandan public to understand the nature of pastoralism. Characterizations of pastoralism as a "primitive" practice abound in media reports and in public opinion, missing completely its true nature as a sophisticated and effective adaptation to resource-poor environments. Ignorance of its significant contribution to the national economy, and of beneficial effects for both human health and the health of the environment, are also overlooked.
- 8.5 The prevailing thinking that nomadic pastoralists are a primitive group that needs to sedentarise and be modernised overnight is a reflection of this failure of understanding. The problem of anti-pastoralist sentiment in Uganda is both national and regional; thus both regional and national mechanisms to protect, respect and fulfil the rights of nomadic pastoralists are needed.

Recommendations:

Restraining politicians and the media from inciting violence against nomadic pastoralists

Respect court orders and the rule of law so that those who have land and those who do not are identified through the court process, and the decisions of the courts respected.

Because of the regional nature of the nomadic pastoralism problem, the East African Community should put in place a regional mechanism to resolve it.

In line with the Durban Declaration against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and in line with the International Covenant on Civil and Political Rights, advocacy of hatred, discrimination, hostility, and incitement to violence, whether racial, ethnic, tribal or religious, should be prohibited and punished.

Government should initiate a programme to compensate nomadic pastoralists who have lost their property through acts of commission or omission by State officials.

Investigate and punish those responsible for xenophobia.

Chapter Nine: Tackling Neglected Diseases in Uganda discusses the characteristics of neglected diseases in Uganda—Buruli ulcer, human African trypanosomiasis, leprosy, lymphatic filariasis, onchocerciasis, schistosomiasis, soil-transmitted helminths, trachoma and visceral leishmaniasis—and their linkage to human rights, while providing an understanding of the right to health. The chapter further discusses the general characteristics of neglected diseases, the lack of attention devoted to them, and their impact on affected populations. The chapter further highlights relevant national and international instruments concerning the right to health, and discusses avenues for addressing neglected diseases from a human rights perspective.

- 9.1 The Commission has formed a Right to Health Unit within the Directorate of Monitoring and Inspections with a mandate to, *inter alia*, monitor policies, programmes and projects related to the right to health, with special regard to neglected diseases; to train stakeholders on the scope of the right to health in general and neglected diseases in particular, and to hold all responsible actors to account for their commitments to realization of the right to health.
- 9.2 The Ministry of Health has set a goal of integrating into the health system neglected-disease measures that prove “rational, practicable and more cost-effective,” such as mass drug treatment, information, education and communication, and vector management. They aim to cut the prevalence of leprosy to <1/10,000 population, achieve >70% therapeutic coverage in onchocerciasis-afflicted districts, achieve >90% coverage with single-dose ivermectin and albendazole treatment for lymphatic filariasis, and achieve 80% access to high-quality diagnostic and treatment facilities for human African trypanosomiasis.

Challenges

- ◆ Weak health systems. In addition to the broader lack of capacity in the Ugandan health system, neglected diseases were not integrated within the health system under the first Health Sector Strategic Plan; though HSSP II addresses this shortcoming, the effects of having placed neglected diseases on the periphery of health care in Uganda for so long still persist.
- ◆ Lack of human resources for health. It is particularly difficult to get sufficient numbers of trained health workers in the under-served areas that need them most, which are precisely those areas where neglected diseases are most prevalent.
- ◆ Lack of funding. External donors continue to provide the bulk of funds for vector-borne and neglected disease control in Uganda, a situation that must be remedied.
- ◆ Lack of public education regarding routes of transmission and biological characteristics of neglected diseases, leading to their continued spread and the ongoing stigmatization of those afflicted with these diseases.

- ◆ Lack of epidemiologic data. Precise statistics concerning the prevalence and incidence of some of these neglected diseases are either nonexistent or extremely hard to come by, hampering intervention efforts and highlighting the need to develop effective health information systems in Uganda.
- ◆ Generalized poverty and poor sanitation among affected populations. It is now known that not only can “wealth make health,” but that “health makes wealth.” That is, healthy individuals and healthy communities are in a better position both to generate income and momentum for development. Nevertheless, economic and development interventions must be part of an integrated strategy to address these diseases.

Chapter Ten: Finance and Administration summarizes the financial aspects of the Commission’s operations during the period under review, evaluates both Government and donor contributions, and details the mobilization, acquisition and utilization of financial resources, as well as the effects of inadequate funding, within the Commission during 2006. It also describes the distribution of the 111 staff and 34 volunteers within the Commission’s Headquarters and Regional Offices.

- 10.0 The Commission has developed a new structure and a wage costing and forwarded it to the Ministry of Public Service for approval. On approval, the Ministry of Finance, Planning and Economic Development (MoFPED) will be requested to release funds commensurate with the Commission’s revised structure.
- 10.1 The Commission has taken steps to improve efficiency in service delivery and be more responsive to national needs. These steps include; the opening of the Central and West Nile Regional Offices, and the merger and re-naming of some Directorates within Headquarters. The period under review also saw the creation of the Office of the Tribunal Registrar to manage the functions of the Commission Tribunal, and the redefinition of roles for the Chairperson, Members, and Secretary of the Commission, as well as the Directors, and clarification of the makeup of the management committee and the relationship of Directors with Regional Human Rights Officers and Regional Offices.

Challenges

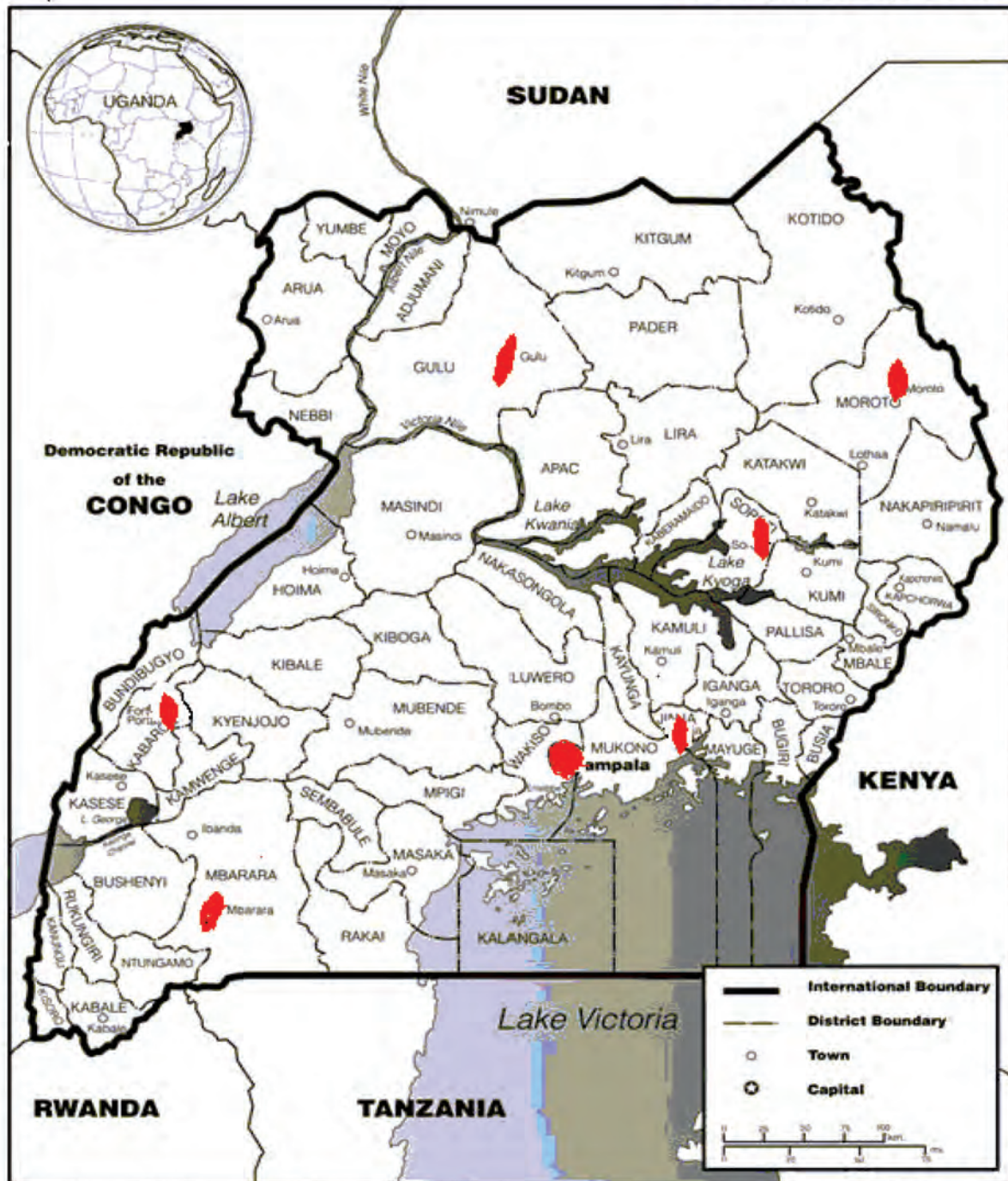
- ◆ The Commission has had to reallocate a total of UGX 670,723,508 from non-wage funds to supplement the wage release during the reporting period.
- ◆ These reallocations have led to acute shortages in other non wage activities and the inevitable accumulation of domestic arrears (UGX 505,210,987 carried over from FY 2005/06). Members of staff have also had to forego their annual increments, last implemented in FY 2003/04.
- ◆ Persistent under-funding continued to greatly constrain the ability of the Commission to carry out its Constitutional mandate.

Chapter Eleven: Government Compliance with Commission Recommendations details the extent of government compliance with and implementation of the Commission’s 8th Annual Report recommendations on human rights. The chapter reveals that out of 35 recommendations made, 13 (37.1%) were not complied with at all, 18 (51.4%) were complied with partially, and 4 (11.4%) were complied with fully, as summarized in the table below. Thus 62.8%, nearly two-thirds, of the Commission’s recommendation were complied with in some form.



**9th Annual Report to the Parliament of Uganda
of the
Uganda Human Rights Commission**

UGANDA



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The Honourable Speaker
Parliament of Uganda
P.O. Box 7178
Kampala

Dear Sir,

RE: UGANDA HUMAN RIGHTS COMMISSION 9TH ANNUAL REPORT TO PARLIAMENT

The year 2007 marks the tenth anniversary of the Uganda Human Rights Commission. The Commission is once again honoured to submit to Parliament its Ninth Annual Report, pursuant to Article 52 (2) of the Constitution of the Republic of Uganda. As the Commission marks ten years in existence, the consistent publication of its Annual Report is a mark of the Commission's dedication to its mandate to promote and protect human rights in the country.

This report comprises eleven chapters detailing the Commission's activities during the period under review, and incorporating a critical analysis of the state of human rights in Uganda. Special attention is paid to those human rights issues with the most significant impacts on Ugandan society, and also to the ongoing peace talks involving the Lord's Resistance Army in Juba, Sudan, which have implications for human rights across the region. The report also tracks progress on Government compliance with recommendations made in previous Annual Reports.

It is the vision of the Uganda Human Rights Commission that as Parliament, the Executive and other organs of the State implement the recommendations made here, then the foundation of good governance – the protection and promotion of human rights – will become a reality.

Yours faithfully,

Margaret Sekaggya (Mrs)
CHAIRPERSON
UGANDA HUMAN RIGHTS COMMISSION

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Commissioner



Mrs. Margaret Sekaggya
CHAIRPERSON



Prof. Rev. John Mary Waliggo
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Mr. Sibomwa M. Adrian
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THE REPUBLIC OF UGANDA



Mrs. Veronica Eragu Bichetero
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Head, Moroto Regional Office

ACKNOWLEDGEMENT

A full decade spent protecting and promoting human rights in Uganda has exposed the Commission and its staff to many challenges, and many lessons have been learnt. These challenges would not have been overcome without the cooperation and support of all stakeholders, including the three arms of government, development partners, CSOs and the general public. The Commission has been strengthened in its mission to tackle yet more human rights challenges, and for this it is very grateful.

As it marks its tenth year in existence, the Commission is grateful to the Executive for its continued financial and political support in the performance of its functions and in its compliance with its human rights obligations. The Commission is also grateful to Parliament for their recognition, continued consultation on pertinent human rights issues, and for their ongoing debate of the Uganda Human Rights Commission Annual Reports. The Commission wishes, furthermore, to convey its deep appreciation for the undivided support from a range of strategic partners in both government and civil society, which, coupled with continued positive, constructive criticism, has allowed the Commission to better make responsive and timely interventions.

The Commission wishes to pay special tribute to the Government of Uganda, the Basket fund and other bilateral donors, specifically DANIDA, SIDA, UNDP, the European Union, the Government of the Netherlands, Australia, Norway, Britain, Austria and Ireland, all of whom have been constant partners in ensuring that the Commission's activities are executed through financial, logistical and technical support.

The Commission would also like to acknowledge its Directorate of Monitoring and Inspections, in particular its Director, Mr. Nathan Byamukama, who ensured that the content of the report was grounded in research and presented in a manner and style that would allow readers quick and easy access. The Commission also wishes to acknowledge the team that put together this report—Mr. Willy Agirembabazi, Mr. Arthur Beingana, Ms. Rose Mary Kemigisha, Mr. Daniel Sean Keebler, Mr. Tumusiime Moses, Mr. Vincent Bukenya, Mr. Mugisha Samuel Mihanda, Ms. Ninsiima Emily, Ms. Justine Kiberu and Ms. Jacqueline Seguya.

Special thanks and gratitude also go to members of the Commission who offered their expert advice, as well as to the Directors and Regional Heads for their cooperation and participation in making available relevant information that made the Report's drafting much easier than it otherwise would have been.

In addition, the contributions made and information shared by various stakeholders during the consultative process filled a number of gaps in this report. In this regard, the following people who attended and offered information during the Consultative Workshop at Hotel Equatoria, Kampala, on 2nd and 3rd May 2007 need special mention. They are: Mrs. Robinah Rwakoojo (Justice), Maj. Felix Kulayigye (UPDF), Mr. David Magara (UPF), Dr. Byabashaija Johnson (Uganda Prisons Service), Her Worship Flavia Senoga Anglin (Registrar, High Court), Mr. Shem Mwesigwa (OPM), Mr. Cornelius Williams (UNICEF), Mr. Arinaitwe Herbert (National Community Service Programme), Maarit Kohonen (OHCHR), Mr. S. Kuteesa (UPF), and Mr. Nicholas Opio (FHRI).

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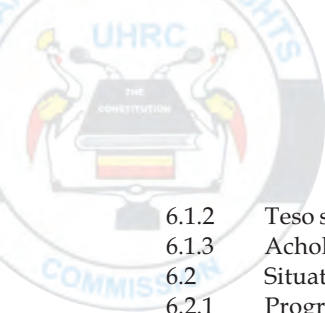
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LIST OF ABBREVIATIONS AND ACRONYMS

ACHPR	- African Charter on Human and People's Rights
AIDS	- Acquired Immune Deficiency Syndrome
ADF	- Allied Democratic Forces
ASP	- Assistant Superintendent of Police
ASTU	- Anti- Stock Theft Unit
ARV	- Anti-Retrovirals
CAO	- Chief Administrative Officer
CAP	- Chapter
CAT	- UN Convention Against Torture , Cruel, Inhuman and Degrading Treatment or Punishment
CBOs	- Community Based Organizations
CEDAW	- Convention on the Elimination of All Forms of Discrimination Against Women
C & I	- Directorate of Complaints and Investigations
CID	- Criminal Investigations Department
CIL	- Directorate of Complaints, Investigations and Legal Services
CJS	- Criminal Justice System
CMI	- Chieftaincy of Military Intelligence
CMCCs	- Civil Military Cooperation Centres
CRC	- Convention on the Rights of the Child
CSOs	- Civil Society Organizations
DCM	- Division Court Martial
DDMC	- District Disaster Management Committee
DDR	- Disarmament, Demobilization and Reintegration
DERT	- Directorate of Education, Research and Training
DPC	- District Police Commander
DP	- Democratic Party
DPP	- Director of Public Prosecutions
DRC	- Democratic Republic of Congo
EC	- Electoral Commission
FDC	- Forum for Democratic Change
FHRI	- Foundation for Human Rights Initiative
GCM	- General Court Martial
GDP	- Gross Domestic Product
GoSS	- Government of Southern Sudan
GoU	- Government of Uganda
HIV	- Human Immunodeficiency Virus
HRBAD	- Human Rights Based Approach to Development
ICC	- International Criminal Court
ICCPR	- International Covenant on Civil and Political Rights
ICERD	- International Covenant on the Elimination of All Forms of Racial Discrimination
ICESCR	- International Covenant on Economic, Social and Cultural Rights
IDPCs	- Internally Displaced People's Camps
IDP	- Internally Displaced Persons
ILO	- International Labor Organization
JLOS	- Justice, Law and Order Sector
JMC	- Joint Monitoring Committee
KCC	- Kampala City Council
KIDDP	- Karamoja Integrated Disarmament and Development Programme
LAPs	- Local Administration Prisons
LC	- Local Council
LDC	- Library and Documentation Centre

LDUs	-	Local Defense Units
L & T	-	Directorate of Legal and Tribunals
LRA	-	Lord's Resistance Army
M & I	-	Directorate of Monitoring and Inspections
MoFPED	-	Ministry of Finance, Planning and Economic Development
MP	-	Member of Parliament
MTEF	-	Medium Term Expenditure Framework
NALU	-	The National Army for the Liberation of Uganda
NEMA	-	National Environmental Management Authority
NCEP	-	National Civic Education Programme
NGOs	-	Non-Governmental Organizations
NODPSP	-	National Objectives and Directive Principles of State Policies
NRM	-	National Resistance Movement
OHCHR	-	Office of the High Commissioner for Human Rights
OPCAT	-	Optional Protocol to the Convention Against Torture
PEAP	-	Poverty Eradication Action Plan
PLWHA	-	People Living with HIV/AIDS
PRA	-	People's Redemption Army
PRDP	-	The Peace, Recovery and Development Plan
RBA	-	Rights Based Approach
RDC	-	Resident District Commissioner
RED	-	The Directorate of Research, Education and Documentation
RRU	-	Rapid Response Unit
SPCs	-	Special Police Constables
STIs	-	Sexually Transmitted Infections
TRIPS	-	Trade Related Intellectual Property Rights
UBC	-	Uganda Broadcasting Corporation
UDC	-	Unit Disciplinary Committee
UDHR	-	Universal Declaration of Human Rights
UHRC	-	Uganda Human Rights Commission
UN	-	United Nations
UNEB	-	Uganda National Examinations Board
UNGASS	-	United Nations General Assembly Special Session
UNDP	-	United Nations Development Programme
UNHCR	-	United Nations High Commissioner For Refugees
UNICEF	-	United Nations International Children's Education Fund
UNV	-	United Nations Volunteers
UNOCHA	-	United Nations Office for the Coordination of Humanitarian Affairs
UNOHCHR	-	United Nations Office of the High Commissioner for Human Rights
USE	-	Universal Secondary Education
UPDF	-	Uganda People's Defence Forces
UPFC	-	The Uganda Parliamentary Forum for Children
UPE	-	Universal Primary Education
UPS	-	Uganda Prisons Services
USAID	-	United States Agency for International Development
UTODA	-	Uganda Tax Operators and Drivers Association
VAGs	-	Voluntary Action Groups
VCCU	-	Violent Crime Crack Unit
WFP	-	World Food Programme
WHO	-	World Health Organization

EXECUTIVE SUMMARY

Introduction

The Uganda Human Rights Commission's 9th Annual Report marks the tenth anniversary of its inception. The Report comprises eleven chapters covering the Commission's activities in 2006 (Chapters 1, 2 & 10) as well as the state of human rights in the fields of security, displacement, rule of law, peace talks, neglected diseases, pastoralists' and children's vulnerabilities, and also the Government of Uganda's compliance with the Commission's recommendations during the period under review (Chapters 3 - 9 & 11).

Chapter One: Human Rights Education

This chapter outlines the key activities undertaken by the Commission in ensuring human rights education in Uganda. It also discusses the importance of employing both formal and informal methods in the delivery of human rights education, and highlights the need to redouble efforts to promote human rights awareness throughout the country. It further observes the need to ensure the sustainability of these efforts by way of continued awareness-raising campaigns by all stakeholders, both inside and outside government.

General observations

- 1.1 The Uganda Police Force, Local Council leaders, policymakers in the education sector, school students, health workers, IDP camp leaders and civil society organizations were targeted for sensitization by the Commission. Media campaigns were also undertaken to ensure that the general public is sensitized about the foundations of human rights and the importance of respect for human rights.
- 1.2 Communities were empowered through the formation of community-based Voluntary Action Groups (VAGS) and school-based human rights and peace clubs. Districts affected by armed conflict were targeted in particular. A total of 26 VAGS had been formed in the districts of Soroti, Kasese, Bundibugyo, Mbale, Gulu, Kabarole; 17 human rights and peace clubs were established in the same districts.
- 1.3 A total of 2701 people were trained. Of these, 588 were Local Council leaders, 613 were Special Police Constables, 1127 were students, 60 were decision makers in the education sector, 68 health workers, 114 were members of civil society, 131 were IDP camp leaders.
- 1.4 A total number of 151 radio programmes were aired out during the year covering the whole country. Out of this 146 were on radio stations and 5 were on TVs. These covered major languages in Uganda namely English, Ateso, Runyakitara, Rusoga and Luganda. There were also 115 spot messages on Nile Broadcasting Services in South Eastern Uganda.
- 1.5 The number of individuals using the Library and Documentation Centre (LDC) rose by 12%, from 1123 in 2005 to 1261 in 2006. However, during the same period, the number of books received at the LDC fell by 11.5%, from 460 to 416, and the number of journals received fell by 18%, from 80 to 66.
- 1.6 Five issues of Your Rights magazine were issued during the year, covering human rights and HIV/AIDS, strengthening multiparty democracy, elections, amnesty, justice and reconciliation, children's rights, the right to education and the right to health.
- 1.7 The Commission reviewed the Police Human Rights Training Manual and developed Human Rights Readers for primary schools. Primary 1-4 Human Rights Readers have been printed and are ready for distribution.
- 1.8 The implementation of the National Civic Education Programme (NCEP) has not been effective. Civil education is supposed to be continuous and national. Neither the Government nor donors have devoted sufficient attention and resources to it. Consequently Ugandans

continue to yearn for sensitization in human rights, in the politics of multiparty systems, and in a range of other areas.

- 1.9 The United Nations Volunteer (UNV) Program in Uganda, which had contributed greatly to promotion of human rights in the country, has closed. No successor project is yet in sight, thus leaving a significant gap in country-wide human rights education.

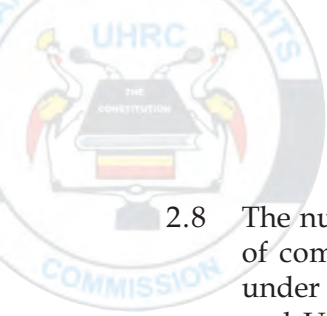
Recommendations

- The Commission appeals to the GoU and to development partners to revamp the National Civic Education Program (NCEP), or initiate a similar program, to address the need for a sustained nationwide program of human rights and civic education.
- The Commission urges the GoU and development partners to support the proposed successor to the UNV Program for the promotion of human rights in Uganda
- In line with the UN General Assembly Resolution on the Plan of Action for Human Rights Education, and the commitment of the Ministry of Education and Sports to implement the Plan, assistance, which so far has not been forthcoming from either the GoU or development partners, should be prioritized and expedited.

Chapter Two: Investigation and Resolution of Complaints discusses the extent to which the Commission handled and resolved human rights complaints in 2006. It discusses the nature of human rights violations and abuses, categories of complaints and respondents, factors impacting the number of complaints received, impediments to people's ability to lodge complaints at the Commission, and provides recommendations on these issues.

General observations

- 2.1 From 1997 to 2006 the Commission registered a total of 12,696 complaints.
- 2.2 In 2006 alone, the Commission registered **1,222** complaints and **824** lodgements. 14 more complaints were received in 2006 than in 2005 (1208), representing a 1.2% increase. The majority of complaints were lodged against private individuals (540), followed by the Uganda Police Force (352, including the VCCU/RRU (69), the UPDF (117), District Administration (48), private companies (28), the Uganda Prison Services (14), CMI (11), Government institutions (07), educational institutions (04), and the Judiciary (03). 179 males and 125 females lodged complaints during the period under review.
- 2.3 The nature of complaints registered at the Commission ranged from children's rights and maintenance, torture, cruel, inhuman and degrading treatment or punishment, the right to personal liberty, to property, to education, to remuneration, to a fair and speedy hearing, the right to freedom from deprivation of life, domestic violence, discrimination, and the rights to a healthy working environment, to freedom of expression, to health and to privacy.
- 2.4 The most-violated rights in 2006 were as follows: child maintenance/neglect, representing 25% of complaints registered, freedom from torture (21.6%), right to property (14 %), right to personal liberty (11.5%), and the right to education (6.7%).
- 2.5 An increment in complaints from 2005 was registered in child maintenance (a 77% increase), freedom from cruel, inhuman and degrading treatment or punishment (50%), freedom from discrimination (43%), the right to a fair hearing/speedy trial (10%), education(13.6%), and deprivation of the right to life (2%).
- 2.6 A decrement in complaints was registered for the right to liberty (a 14% decrease), to freedom from torture (7.6%), to property (32.8%), to privacy (2%), to health (2%), to freedom from servitude (2%), and to free expression and assembly (75%).
- 2.7 New violations registered in 2006 that were not registered in 2005 include, economic rights (5 complaints), the right to a healthy and clean environment (4), and to freedom of worship (1), implying an increased awareness by the populace of their rights.



- 2.8 The number of complaints of torture registered in 2006 fell by 7.6% compared to 2005. 54% of complaints (44 of 82) that went before the Commission's Tribunal during the period under review concerned torture. 29 of the 44 complaints (66%) were proven successfully, and UGX 260,541,600 was awarded in damages, representing 71% of total awards (UGX 368,081,600) for all violations in 2006. **Therefore, though torture complaints at the Commission fell by 7.6% over 2005, torture still cost the GoU UGX 260,541,600, representing 71% of the total awards for all violations in 2006**
- 2.9 Major challenges in handling complaints have included difficulty in locating witnesses, victims and respondents; lack of cooperation from some Government institutions; lack of public awareness concerning the powers of the Commission; lack of co-operation from eyewitnesses; insecurity in conflict areas and logistical difficulties.

Recommendations

- Improved support, particularly in the areas of financial, material and human resources, to improve the Commission's ability to successfully conclude all cases.
- The Attorney General should ensure that individual officers, men and women who commit human rights violations are personally brought to justice.
- Parliament should enact effective legislation specifically prohibiting acts of torture, cruel inhuman and degrading treatment or punishment.
- The GoU should adequately facilitate State Attorneys, who represent the Government before the Commission Tribunal.

Chapter Three: Conditions in Military Detention Centres in Uganda covers the state of military detention centres visited during the reporting period. It explores the physical conditions in detention centres, the treatment of inmates and their complaints and the overall management of military detention centres, with a special focus on inmates' rights.

General observation

- 3.1 The Commission was not granted access to military detention centres without notice. Six centres were visited, with prior notice, in 2006: (i) Makidye Military barracks, (ii) Summit View Kololo, (iii) Kitante CMI HQs, (iv) Bombo Army HQs, (v) Mbale 3rd Division Military Barracks and (vi) Mbuya Military Barracks.
- 3.2 The Commission found two major categories of prisoners in military detention facilities: soldiers (UPDF) and civilians (normally brought in by VCCU/RRU and referred to as "VCCU suspects").
- 3.3 A pattern of discrimination in the treatment of UPDF and civilian suspects was observed in military detention centres; the two were catered for under different budgets, the UPDF's and the Uganda Police Force's, respectively. Though access to medical care was limited across the board, especially for prisoners living with HIV/AIDS, UPDF suspects still received better care than VCCU suspects. Some VCCU suspects in Makindye were found to be suffering from a sexually transmitted infection eating away at their genitals but were receiving no treatment.
- 3.4 The VCCU recovered 13,603 guns and ammunitions between 2003-2007, some of which were recovered from civilian suspects. However, a disturbing number of detainees in military detention centres have never been charged in any court. 28 detainees at Makindye had no charges against them as per the register at the time of the Commission's visit; some suspects have been detained without trial for over 3 years.
- 3.5 A significant number of VCCU suspects bore marks consistent with torture, but stated that they were not tortured in military detention centres. Instead the VCCU would torture them elsewhere and later dump them at the barracks.
- 3.6 Some inmates in military detention centres continued to suffer from prolonged and arbitrary detentions, while the majority of VCCU suspects have been denied justice, through denial

of visitation rights and extended detention without charge or trial. There were also complaints of solitary confinement

- 3.7 In the VCCU unit at Makindye Military Barracks, and at Bombo General Headquarters, the Commission found minors detained with adults, in violation of Section 85(2) of the United Nations Standard Minimum Rules for the Treatment of Prisoners.
- 3.8 Extreme shortfalls in staffing and resources hamper the conduct of trials in military courts. Infrequent meetings of the Unit Court Martial, Division Court Martial and General Court Martial have led to suspects' being held for extended periods without trial.
- 3.9 Improved discipline on the part of military detention centre staff and, generally, a cordial relationship between staff and inmates, have led to fewer cases of torture, inhuman and degrading treatment or punishment during the period under review.

Recommendations

- Equitable medical care must be made accessible to both VCCU and UPDF prisoners and suspects.
- Torture should be eliminated, and officers involved in torture should be held personally liable and prosecuted.
- The Army leadership should devise and implement strategies that allow for the UCM, DCM and GCM to frequently convene and dispose of cases.
- The Army leadership should stop the VCCU from dumping its suspects in military detention centers after torturing them.
- Minors should be detained separately from adults. The Commission holds that there are no circumstances whatsoever that warrant the detention of minors in military facilities.

Chapter Four: Peace Efforts in Uganda provides an assessment of peace efforts in Uganda. It discusses the prospects for and challenges of the Juba Peace Talks, the resurgence of the ADF in Western Uganda, and the ongoing efforts of the GoU to disarm the Karamojong in the Northeast.

General observations

- 4.1 Progress in the Juba Peace Talks and in the disarmament program in Karamoja are rejuvenating people's hope that peace will eventually return to conflict areas in Uganda. However, the Commission notes that slowdowns in these processes increases the vulnerability of conflict-affected populations. Furthermore, the ADF/NALU threat in DRC will remain for as long as Kinshasa cannot effectively control the East. The Commission urges actors in all conflicts, including those involved in the Juba talks, to remain focused on the speedy return of peace and security.
- 4.2 Three of the five agenda items in the Juba talks have been concluded, which has encouraged IDP return and resettlement. Nearly a full year has passed since the last civilian abduction by the LRA.
- 4.3 Challenges to the Juba Peace Talks include the International Criminal Court (ICC) question, the regional nature of the LRA conflict, the delayed release of abducted children, and the protracted nature of the process. Although these issues look like challenges, they have now been adequately answered by setting up principles in the agreement on Agenda No. 3 on accountability and reconciliation. These principles do cover concerns like non-impunity, reconciliation, truth telling, reparations and compensation, as well as a need to protect the integrity of victims. The challenge that remain is to work on necessary mechanism for implementing these principles. The Uganda Human Rights Commission shall play a proactive role in helping to formulate and implement these principles.
- 4.4 The LRA leadership remains concerned over their indictments by the ICC, which could delay progress in the Juba talks.



Recommendations on the Juba Peace Talks

- The UN Security Council, the African Union and other relevant international, regional and national actors should support the Juba peace process.
- Consider the creation of a Truth and Reconciliation Commission to rebuild trust and relationships between segments of Ugandan society that have been polarized and separated for several generations.
- Pass a law to domesticate the Rome Statute and ensure that there are sufficient mechanisms and institutional framework to deliver justice to vulnerable and marginalized populations in Northern Uganda.
- The parties to the talks should, as soon as possible, reach a comprehensive peace agreement that addresses the long-standing marginalization of northern Uganda. Any delays cast fear in the minds of the people of northern Uganda. The Comprehensive Agreement should, furthermore, cater for the special needs of women and children.
- Maintain the momentum created by the resolution of the first three Agenda items.

ADF/NALU and Recommendations General Observations

- 4.5.1 The ADF/NALU threat is still real; recent clashes with the UPDF in the Semuliki area have confirmed this.
- 4.5.2 The GoU should effectively implement Great Lakes regional initiatives such as The Pact for Peace, Stability and Development in the Great Lakes Region, and the Lusaka Peace Agreement to disarm armed groups operating in the region
- 4.5.3 Improve bilateral relations with the DRC, and remedy obstacles to peace and any possible causes of conflict between the two countries.

Karamoja Disarmament: Progress and Challenges General Observations

- 4.6.1 Small arms and light weapons remain widely-held in Karamoja despite successes in disarmament programs. Fighting and killings continue among ethnic groups in Karamoja and between Karamojong and the UPDF.
- 4.6.2 However, the UPDF also cited indicators of improved security in Karamoja, including: the inability of warriors to openly market and move with weapons; some improvement in road security, and improvement in overall security in areas such as Abim and Karenga; a shift from full-scale raids to cattle theft, inability of warriors to launch attacks on army units, diminishing the number of warriors' "safe-havens" or "hideouts" (e.g. the Morungole mountains, Lolelia hills and Katikekile), a scarcity of guns and ammunition for sale, and commencement and progression of the livestock branding exercise, which has gone far in controlling inter-clan rustling
- 4.6.3 Nevertheless, during the 16-month period from January 2006 to April 2007, 244 people were confirmed dead, with many other deaths unconfirmed, 59 persons were confirmed injured, with many more unconfirmed, and more than 4000 cattle raided or stolen. During the same period 41 road ambushes targeting civilians were carried out, killing 19 persons and injuring 32.
- 4.6.4 An improvement in civil-military relations during the same period was reported, to the extent that some warriors have made telephone calls to UPDF commanders alerting them of impending crimes or the need for criminal arrest.
- 4.6.5 The UPDF reported the arrest of a number of notorious raiders and criminals since the start of the exercise. In 2006, 55 warriors were tried, convicted and sentenced in Third Division Court Martial on charges of illegal possession of firearms, while 6 were tried and convicted

in civilian courts. They were sentenced to terms of imprisonment ranging from 4 to 10 years. At the time of writing, 40 persons had already appeared before Third Division Court Martial in 2007.

- 4.6.6 The collection of 3,936 guns and 9,402 rounds of ammunition during the time of cordon and Search phase of disarmament was partially attributed to the collaboration between UPDF and the Karimojongs.
- 4.7 The Commission however observes that the “cordon and search” method has at times turned into “cordon and fight,” which has given rise to indiscriminate killings and general human rights abuses. Officially set guidelines on cordon and search, developed by the UPDF itself, are rarely followed, sometimes leading to the punishment of innocent persons.
- 4.8 Because of the limited presence of State institutions, the UPDF has been doing the work of the Uganda Police Force and the Uganda Prisons Service in Karamoja. Civilians in Karamoja are arrested by the UPDF, detained in military detention places and sometimes tried in the Military Court Martial.

Recommendations

- Commanders of cordon and search operations should ensure that soldiers strictly follow the operational guidelines issued by the UPDF so as to avoid violation of human rights.
- The disarmament exercise in Karamoja requires a multifaceted approach such as the proposed Karamoja Integrated Disarmament and Development Programme (KIDDP).
- It is urgent that State institutions such as the Police, Courts and Prisons are reinforced in Karamoja.

Chapter Five: Rule of Law, Freedom of Association and Assembly assesses the state of freedom of association and assembly in Uganda, and the nature and form of conflicts between these freedoms and the demands of justice and security. The chapter pays specific attention to the current situation of the People’s Redemption Army (PRA) suspects and the disrespect for the Judiciary shown by the Executive in having them re-arrested in the courtroom after they had been granted bail in November 2005 and March 2007; further consideration is given to the grant of bail for political detainees, the Mabira Forest demonstrations and the racist anti-Asian riots that followed, and also to the disturbing emergence of vigilante groups such as the Kiboko Squad.

General Observations

- 5.1 Justice continues to elude criminal suspects, as very many remain incarcerated without bail, and with an unacceptable lack of progress in the prosecution of their cases.
- 5.2 The Executive has failed to initiate an investigation, as was promised, into the extreme disregard for the independence of the Judiciary shown in the re-arrest of the PRA suspects after their release on bail.
- 5.3 The Commission finds a lack of formal and procedurally accepted guidelines and specific laws on demonstrations that take into account both individual human rights and freedoms.
- 5.4 The Commission notes that there are administrative weaknesses in processing the release of those granted court bail by insisting that they must remain in detention when court has granted bail after office hours and after banks have closed for business.
- 5.5 The worrisome trend towards the use of private militias such as the “Kiboko Squad” tarnished the name of the country’s security system and threatened the rule of law.
- 5.6 Some 60 strikes or demonstrations were recorded in the period January 2006-April 2007. Unfortunately, some were marred by violence and some turned racist and xenophobic, as shown by the Mabira Forest demonstrations and the successive demonstrations that saw the Kiboko Squad emerge.



Recommendations

- The PRA suspects' trial must be expedited and carried out with respect for the rule of law on the part of the Executive.
- The State must never allow other agencies, whose accountability can never be established, to do police work.
- Political leaders should have and preach tolerance and peace and desist from hate campaigns and sectarian, ethnic and racist language in all circumstances, as such campaigns and language can breach the nation's peace.
- The GoU is obligated to provide adequate information so that policies are not misunderstood, and the media have a professional responsibility to inform the public fully and correctly. The Mabira demonstrations were spurred largely by a lack of public information and fear that a giveaway of Mabira was imminent.
- The GoU should promulgate guidelines on demonstrations. These guidelines, however, should not diminish the essence or the core content of the rights of association and assembly and their enjoyment.

Chapter Six: The IDP Return Programme: Prospects and Challenges examines the successes and challenges regarding the return and resettlement of IDPs, discusses trends in and factors influencing rates of return, and highlights areas in which rates of return are especially encouraging. It notes that the IDP return, resettlement and reintegration program has been influenced by improved security situation in the sub regions of Acholi, Lango and Teso, together with the progress in the Juba Peace Talks. The chapter discusses further the decongestion program and the situation in new settlements, government efforts towards ensuring the safe return of IDPs, impediments to return and the enjoyment of human rights as well as concerns in the return programme, such as the needs of vulnerable groups and the land question.

General Observations

- 6.1 A number of people who were formerly living in camps have now returned home. The number of people in camps continues to shrink in almost all camps in north and northeastern Uganda; considerable return to places of former residence has been registered in Kaberamaido, Apac, Lira, and in Teso sub region in general.
- 6.2 There has been improved security in Lango sub region and in parts of Teso outside Amuria and Katakwi districts giving rise to significant flows of homeward-bound IDPs.
- 6.3 Improvements in the justice system in northern Uganda have been noted, with the recruitment of ten judges in early 2007 to clear a backlog totaling over 553 criminal cases of a capital nature. Forty Police Posts at Subcounty level have been re-opened throughout Acholi, Lango and Teso Subregions with deployments of over 1700 ASTUs, Uganda Police Force personnel transferred from other regions to northern Uganda, and the recruitment of special police constables for training and deployment.
- 6.4 With regard to material support for returned IDPs, the procurement and distribution of resettlement kits to all districts with returning populations, worth a total of over Ush 4.5 billion was reported. Additionally, the GoU has prioritized the implementation of the Peace, Recovery and Development Plan for Northern Uganda.
- 6.5 However, in Acholi sub region return to places of habitual residence has not been as complete as in other places. Many IDPs in Acholi Sub-region refuse to return to their original homes before the Juba talks are successfully concluded, and are either staying back in camps or, at best, moving only to satellite camps, indicating that they are not yet as confident regarding security as those in Teso and Lira sub regions.
- 6.5.1 Rates of return in communities bordering Karamoja are still lower; many have not returned, or have been slow to return, because of the fear of Karamojong warrior (*Karacuna*) induced violence and raids. According to UNOCHA, for instance, the Karamojong mounted nearly 50 raids on Katakwi between December 2006 and February 2007, and Amuria District was

affected by 21 incidents of insecurity during the same period. Some areas threatened by *Karacuna* raids have received no deployments of police or judicial personnel, due to a serious lack of basic services such as road infrastructure and water. *Karacuna*-induced displacement is likely to remain a more significant problem than LRA-induced displacement; attention and resources must be devoted accordingly.

- 6.5.2 Many IDPs who have returned to their original homes have not yet received the resettlement package promised by the GoU, and some that have, have received substandard equipment and seeds. The Commission has also received reports of poor distribution arrangements, leaving some kits undistributed.
- 6.5.3 Landmines and unexploded ordnance (UXO) remain a major concern in the North; increased attention to the issue and sustained de-mining initiatives are badly needed.

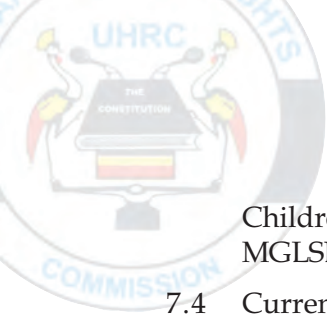
Recommendations

- ◆ IDPs living in areas where they feel security is sufficiently ensured are moving faster than the Government and humanitarian agencies as they return home or move to satellite camps. Government should move faster to support returning IDPs by improving conditions and quality of life in the IDP camps and the areas of return by supplying food, health facilities (including, especially, mobile health workers) and decent shelter, clean water, feeder roads, and schools, which would act as a “pull factor” and a significant incentive to return home.
- ◆ Government should pay special attention to the Juba peace process, so that a comprehensive peace agreement is signed and implemented between the GoU and the LRA rebels so that all in Northern Uganda can, eventually, enjoy peace.
- ◆ Government should fulfill previous promises to fund human rights and police presence in the North and actively recruit personnel in these areas. The GoU should consider deploying experienced police officers to facilitate in fighting crime and impunity in areas of return and in IDP camps.
- ◆ The Commission calls upon the GoU and humanitarian agencies to continue supplying IDPs, including those who have returned, with food and other basic necessities until they have built up sufficient capacity to sustain themselves.

Chapter Seven: Child Vulnerability and Protection expounds on the issue of violation of children’s rights in Uganda. The chapter commends the GoU for its progress in the recognition and protection of the rights of children, but also recommends that the GoU formulates strong legislative and administrative measures to protect children from human rights violations, implements effective laws against child sacrifice and human trafficking, and ratifies the UN Protocol on Trafficking of Persons. The Government needs to develop and strengthen cooperation between agencies including immigration authorities, local police, border police, courts and social welfare services with improved exchange of information and clearly defined lines of responsibility, delegation and authority.

General Observations

- 7.1 Child sacrifice, child trafficking, child labour, child abduction, child soldiering, defilement, child prostitution and child abuse persist in Uganda. Police reports reveal that there were 185 victims of combined cases of child abduction, kidnap, disappearance/ trafficking, and sacrifice (classified by the police as murder) alone during the period between January and September 2006.
- 7.2 In 2006, 25.3% of the complaints received at the Commission concerned child maintenance, mainly lodged by wives against their husbands.
- 7.3 Institutional and legislative progress has been made in combating child labour. In the year 2006, Parliament passed four labour bills: the Labour Unions Act 2006, the Employment Act, 2006, the Labour Dispute and Settlement Act 2006, and the Occupation Safety and Working Environment Act 2006. Relevant national institutions include the National Council for



Children, the Uganda Police Force's Family Protection Unit, the Industrial Court, and the MGLSD. However, financial constraints limit the effectiveness of these institutions.

- 7.4 Current institutional provisions, policies and laws protecting children from all the above violations remain insufficient, however; these laws still need to be enforced effectively and institutions facilitated sufficiently to perform their roles. Resources are too limited, for example, for the Uganda Police Force to investigate child-related cases.
- 7.5 Most children who are trafficked internally are from Buganda region (36%) followed by Acholi (18%) and Ankole (8%) according to the International Labor Organization (ILO).
- 7.6 Karamojong children are sold in cattle markets in Teso, and many end up homeless on the streets of Kampala.

Recommendations

- Put in place a Commission of Inquiry to get to the bottom of the child sacrifice problem, following a recommendation the Commission originally made in its 1998 Annual Report.
- Amend the Penal Code to criminalize the possession of any form of human tissue or body parts. Current law is not sufficient in this regard, and prevents the arrest and prosecution of those who may be engaged in child sacrifice.
- The Commission appeals to Government to increase funding for the Uganda Police Force, putting special focus on the Family Protection Unit, and supporting the Family and Children Courts.
- Put in place a law to operationalise the UN Optional Protocol on the Sale of Children, Child Prostitution and Pornography and its Programme of Action.
- Ratify the UN Convention on Child Trafficking and put in place a law to operationalise it.
- Tougher action against child trafficking, child sacrifice and prostitution is needed, and the protection of Karamojong children deserves more attention.
- Measures should be implemented to prevent the exodus of children from Karamoja, or that will pull them back from the streets of Kampala and other centres.

Chapter Eight: Pastoralists' Vulnerability and Problems of Xenophobia in Uganda details the current state of affairs concerning the ongoing clashes between pastoralist herders and the sedentary communities with whom they find themselves in proximity in Kasese, Teso, and recently Buliisa, where irresponsible demagogues are fanning the flames of ethnic resentment, inciting violence and threatening peace.

General Observations

- 8.0 Nomadic pastoralism has long been a way of life and a form of production for a number of communities in Uganda. Some, however, have since sedentarised; others have not. Those who have not sedentarised, because of a number of factors, are facing rejection across the country. Yet these pastoralists have not received any sympathy from either politicians or civil society organisations. The groups affected are Banyankole/Bahima, Banyarwanda and Basongora, as well as Bakiga-speaking Tanzanians and Ugandans.
- 8.1 There is a contradiction between the Constitutional provisions of free movement to settle and reside anywhere in the country (art 29 (2)) and the expulsions of nomadic-pastoralist Ugandans that have legally settled in other parts.
- 8.2 Pastoralists are accused of grazing on other people's land and destroying cultivators' crops (in Bullisa), of grazing in wetlands (e.g in Teso), of encroaching on National Parks (e.g Basongora) or of being illegal immigrants (e.g those expelled from Tanzania). Those in Teso and Buliisa argue that they have legally purchased land there and therefore have a right to remain in peace, while some of those expelled from Tanzania had been there since the 1960s and are naturalised Tanzanian citizens. In Kasese, the Basongora complain that their ancestral grazing lands were grabbed from them by the colonial government and

turned into national parks. Clearly, these are cases that could have been sorted out in courts of law, but legal avenues have not been pursued sufficiently in these cases.

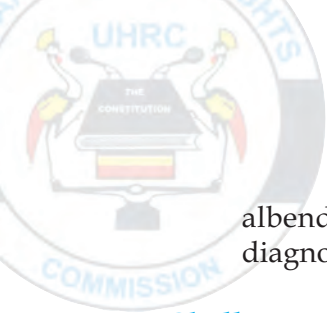
- 8.3 A lack of respect by politicians for Court orders and the rule of law. Courts, not politicians, should be allowed to resolve such issues and politicians must respect court orders. Those people who fan hatred and xenophobic tendencies and other violations of human rights should be investigated and prosecuted in accordance with the law.
- 8.4 A widespread failure among the Ugandan public to understand the nature of pastoralism. Characterizations of pastoralism as a “primitive” practice abound in media reports and in public opinion, missing completely its true nature as a sophisticated and effective adaptation to resource-poor environments. Ignorance of its significant contribution to the national economy, and of beneficial effects for both human health and the health of the environment, are also overlooked.
- 8.5 The prevailing thinking that nomadic pastoralists are a primitive group that needs to sedentarise and be modernised overnight is a reflection of this failure of understanding. The problem of anti-pastoralist sentiment in Uganda is both national and regional; thus both regional and national mechanisms to protect, respect and fulfil the rights of nomadic pastoralists are needed.

Recommendations:

- Restraining politicians and the media from inciting violence against nomadic pastoralists
- Respect court orders and the rule of law so that those who have land and those who do not are identified through the court process, and the decisions of the courts respected.
- Because of the regional nature of the nomadic pastoralism problem, the East African Community should put in place a regional mechanism to resolve it.
- In line with the Durban Declaration against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and in line with the International Covenant on Civil and Political Rights, advocacy of hatred, discrimination, hostility, and incitement to violence, whether racial, ethnic, tribal or religious, should be prohibited and punished.
- Government should initiate a programme to compensate nomadic pastoralists who have lost their property through acts of commission or omission by State officials.
- Investigate and punish those responsible for xenophobia.

Chapter Nine: Tackling Neglected Diseases in Uganda discusses the characteristics of neglected diseases in Uganda—Buruli ulcer, human African trypanosomiasis, leprosy, lymphatic filariasis, onchocerciasis, schistosomiasis, soil-transmitted helminths, trachoma and visceral leishmaniasis—and their linkage to human rights, while providing an understanding of the right to health. The chapter further discusses the general characteristics of neglected diseases, the lack of attention devoted to them, and their impact on affected populations. The chapter further highlights relevant national and international instruments concerning the right to health, and discusses avenues for addressing neglected diseases from a human rights perspective.

- 9.1 The Commission has formed a Right to Health Unit within the Directorate of Monitoring and Inspections with a mandate to, *inter alia*, monitor policies, programmes and projects related to the right to health, with special regard to neglected diseases; to train stakeholders on the scope of the right to health in general and neglected diseases in particular, and to hold all responsible actors to account for their commitments to realization of the right to health.
- 9.2 The Ministry of Health has set a goal of integrating into the health system neglected-disease measures that prove “rational, practicable and more cost-effective,” such as mass drug treatment, information, education and communication, and vector management. They aim to cut the prevalence of leprosy to <1/10,000 population, achieve >70% therapeutic coverage in onchocerciasis-afflicted districts, achieve >90% coverage with single-dose ivermectin and



albendazole treatment for lymphatic filariasis, and achieve 80% access to high-quality diagnostic and treatment facilities for human African trypanosomiasis.

Challenges

- ◆ Weak health systems. In addition to the broader lack of capacity in the Ugandan health system, neglected diseases were not integrated within the health system under the first Health Sector Strategic Plan; though HSSP II addresses this shortcoming, the effects of having placed neglected diseases on the periphery of health care in Uganda for so long still persist.
- ◆ Lack of human resources for health. It is particularly difficult to get sufficient numbers of trained health workers in the under-served areas that need them most, which are precisely those areas where neglected diseases are most prevalent.
- ◆ Lack of funding. External donors continue to provide the bulk of funds for vector-borne and neglected disease control in Uganda, a situation that must be remedied.
- ◆ Lack of public education regarding routes of transmission and biological characteristics of neglected diseases, leading to their continued spread and the ongoing stigmatization of those afflicted with these diseases.
- ◆ Lack of epidemiologic data. Precise statistics concerning the prevalence and incidence of some of these neglected diseases are either nonexistent or extremely hard to come by, hampering intervention efforts and highlighting the need to develop effective health information systems in Uganda.
- ◆ Generalized poverty and poor sanitation among affected populations. It is now known that not only can “wealth make health,” but that “health makes wealth.” That is, healthy individuals and healthy communities are in a better position both to generate income and momentum for development. Nevertheless, economic and development interventions must be part of an integrated strategy to address these diseases.

Chapter Ten: Finance and Administration summarizes the financial aspects of the Commission’s operations during the period under review, evaluates both Government and donor contributions, and details the mobilization, acquisition and utilization of financial resources, as well as the effects of inadequate funding, within the Commission during 2006. It also describes the distribution of the 111 staff and 34 volunteers within the Commission’s Headquarters and Regional Offices.

10.0 The Commission has developed a new structure and a wage costing and forwarded it to the Ministry of Public Service for approval. On approval, the Ministry of Finance, Planning and Economic Development (MoFPED) will be requested to release funds commensurate with the Commission’s revised structure.

10.1 The Commission has taken steps to improve efficiency in service delivery and be more responsive to national needs. These steps include; the opening of the Central and West Nile Regional Offices, and the merger and re-naming of some Directorates within Headquarters. The period under review also saw the creation of the Office of the Tribunal Registrar to manage the functions of the Commission Tribunal, and the redefinition of roles for the Chairperson, Members, and Secretary of the Commission, as well as the Directors, and clarification of the makeup of the management committee and the relationship of Directors with Regional Human Rights Officers and Regional Offices.

Challenges

- ◆ The Commission has had to reallocate a total of UGX 670,723,508 from non-wage funds to supplement the wage release during the reporting period.
- ◆ These reallocations have led to acute shortages in other non wage activities and the inevitable accumulation of domestic arrears (UGX 505,210,987 carried over from FY 2005/06). Members of staff have also had to forego their annual increments, last implemented in FY 2003/04.
- ◆ Persistent under-funding continued to greatly constrain the ability of the Commission to carry out its Constitutional mandate.

Chapter Eleven: Government Compliance with Commission Recommendations details the extent of government compliance with and implementation of the Commission's 8th Annual Report recommendations on human rights. The chapter reveals that out of 35 recommendations made, 13 (37.1%) were not complied with at all, 18 (51.4%) were complied with partially, and 4 (11.4%) were complied with fully, as summarized in the table below. Thus 62.8%, nearly two-thirds, of the Commission's recommendation were complied with in some form.

Status of Government's Compliance with some UHRC Recommendations

Recommendation	No Compliance	Partial Compliance	Full compliance
1. Honoring Tribunal Awards		✓	
2. Continuous Civic Education		✓	
3. Enactment of law on torture	X		
4. Unrestricted access by the Commission to Army Detention Facilities	X		
5. Establishment of District Human Rights Committees		✓	
6. Facilitation of the prisons		✓	
7. Decongestion of prisons		✓	
8. Elimination of torture in prisons		✓	
9. Improvement in conditions in Local Administration Prisons	X		
10. Closing Local Administration Prisons in extremely appalling conditions	X		
11. Recruitment of more Police Officers		✓	
12. Strengthening police presence in IDP protection		✓	
13. Accommodation Facilitation to the Police in 2006		✓	
14. Passing the Disability Law			✓✓
15. Passing the Domestic Relations Bill	X		
16. Passing the Equal Opportunities Act			✓✓
17. Amending the Penal Code Act			✓✓
18. Eliminating Corporal punishment			✓✓
19. Ratification of the OPCAT	X		
20. Enactment of a law on minimum wage	X		
21. Eliminating Safe Houses		✓	
22. Enactment of a law on minimum wage	X		
23. Recruitment of more Judicial Officers		✓	
24. The Problem of long remands		✓	
25. Elimination of Xenophobia		✓	
26. Freedom of Assembly and Association		✓	
27. Resolving the LRA conflict peacefully		✓	
28. Disarming the Karimojong		✓	
29. Increased funding to the Commission		✓	
30. Submitting a report on ESCR	X		
31. Decentralizing liability [to institutions/ Ministries] for human rights violations	X		
32. Establishing victims' compensation fund	X		
33. Enforcing strict liability [to individuals]	X		
34. Commission of Inquiry on child sacrifice	X		
35. Making ARVs more accessible		✓	

Chapter 1 HUMAN RIGHTS EDUCATION

1.0 Introduction

The Commission's previous reports have long emphasized the importance of human rights education. The Republic of Uganda and other human rights institutions have an obligation to ensure that people are aware of their rights and obligations as spelt out in the Constitution of Uganda (1995) as amended, the African Charter on Human and People's Rights, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights, and a range of other instruments, all of which emphasise human rights education.

During the period under review, the Commission, through the Directorate of Research, Education and Documentation (RED), its regional offices in Gulu, Soroti, Moroto, Jinja, Mbarara, and Fort Portal, and through the United Nations Volunteer programme (UNV), continued a number of programmes and activities aiming at raising the Ugandan people's awareness of their rights and obligations.

1.1 Human rights education activities

During the year under review, the Commission placed special emphasis on targeting the Uganda People's Defence Forces, The Uganda Police Force, Local Councils, health workers and, at a more general level, the public, through media outreach campaigns. The Commission was able to carry out over 20 workshops in 2006, with 1735 participants. It is hoped that these participants will have a multiplier effect on the observance of human rights, as the target groups were composed largely of duty-bearers.

1.1.1 Human rights education for health workers and engagement in the health sector

The Commission held a human rights sensitization workshop for health workers in Kamuli on the theme '**Protecting and promoting the right to health: The role of health workers.**' The workshop followed up on 2003 research conducted by the Commission in Kamuli, Apac, Kampala and Sebambule concerning the status of patients' and their attendants' rights in Uganda, published as *The Voices of Patients*.

The Kamuli workshop was convened to evaluate the general findings and recommendations of the research, and those directed to Kamuli district in particular. The Commission discussed the prevailing health situation in Kamuli district and identified opportunities and challenges in the enjoyment of human rights.

Workshop participants held that District Human Rights Committees could provide an effective avenue for the GoU to ensure the right to health. Participants also made clear that prior to the sensitisation, they were unfamiliar with health as a human right, and they therefore recommended that sensitisation workshops on the right to health be held on a regular basis. Furthermore, they appreciated the fact that realisation of the right to health was highly dependent on improving human resources for health, through measures including the provision of housing, tax subsidies, protective gear such as latex gloves, and especially sufficient amounts of drugs, which are often sorely lacking in health facilities. The Commission has prioritised the sensitisation of health workers in its plans for the next financial year.



1.1.2 Human rights education for the Uganda Police Force (Special Police Constables)

The Uganda Police Force has had a persistent challenge on human rights. On one hand they have a responsibility to protect human rights; on the other, as this report details, they have been accused of violating these rights. While the law takes its course to establish the merits of all allegations against police, and while those found guilty are punished, it is imperative that human rights education targets the police to enable them to perform their duties without violating human rights.

Police workshops were held in Amuria, Kaberamaido, Soroti, Busia, Gulu, Kiboga, Bundibugyo, Kasese and Kampala. In Kampala, the participants comprised non - commissioned police officers and local council executive members from Kiira road, Jinja road and Kawempe police divisions. In other districts the Commission targeted special Police Constables. The sensitisation covered the role of Commission in the protection and promotion of human rights in Uganda, the rights of suspects before and after their arrest, freedom from torture, cruel, inhuman and degrading treatment or punishment, the rights of vulnerable groups, disciplinary code of conduct for the law enforcement officers; and guidelines for the proper use of force and fire arms.

During these workshops, the following were specifically recommended:

- The Constitution should be translated into local languages for the benefit of the majority of the population.
- Establishment of human rights committees in the local government structures
- The law on defilement should be amended in order not to discriminate against the boy-child and this should be a priority.
- The Commission and other agencies should intensify human rights sensitization programmes for local leaders.

1.1.3 Human Rights Education for Local Council Leaders

Local Councils being the lowest Administrative Units that deal directly with people in different ways, including administration of justice, they were specifically targeted for human rights education. The Commission sensitised them on human rights, the provisions of the Constitution and other laws as well as their mandate. The major purpose was to empower Local Councils with the knowledge to enable them carry out their operations lawfully and to develop a culture of respect for human rights.

The workshops for Local Council leaders were held under the theme: **Protection and Promotion of Human Rights: A duty for Local Council Leaders**. All in all, a total of 688 local councils from Amuria, Bugiri, Bundibugyo, Kibale Kyenjonjo and Kasese districts were sensitised. Local Council leaders were sensitised on human rights and the role of the Commission; the rights of the vulnerable groups; the Constitution and Constitutionalism; the local council executive committees and their judicial powers; and the implementation of the Land Act and its impact on human rights observance. The Commission further encouraged them to form human rights desks and committees.

Table 1.1 Summary of human rights education workshops in 2006.

Date	Target institution	Theme	Venue	Attendance	District
19 th –20 th June 2006 and 22 nd –23 rd June	Local Council leaders in Kakiri and Namayumba Sub-counties	Protection and Promotion of Human rights: A duty for Local Council Leaders	Kakiri and Namayumba Sub county Head-quarters, Wakiso district	159	Wakiso
29 th August – 1 st September 2006	Health workers in Kamuli district	Protecting and promoting the right to health: The role of health workers	Sande Kyemba Guest House	68	Kamuli
13 th – 15 th March 2006; 18 th –20 th April 2006; and 7 th – 9 th May 2006	Special Police Constables, Kaberamaido, Amuria, and Soroti districts	Human Rights and the Police	Megghido Guest House, Kaberamaido Town Council Teachers' Resource Centre, Amuria Town Council and Commission Regional Office, Soroti	159	Kaberamaido, Amuria and Soroti
3 rd – 5 th October and 22 nd –24 th Nov. 2006	Local Councils, Bukwo and Amuria	Human Rights and Local Councils	Community Centre, Bukwo Town Council and Teachers' Resource Centre, Amuria Town Council respectively	128	Amuria
22 nd – 24 th March 2006	Special Police Constables	Respect and promotion of Human Rights by the police	Sangalo Club and Lodges, Busia	100	Busia
30 th – 1 st December 2006	Local Council Leaders	The Role of Local Council leaders in the promotion & protection of Human Rights	Gatwick Hotel, Bugiri	50	Bugiri
13 th –14 th March, 2006; 27 th –28 th , March 2006; 17 th –18 th May, 2006; 24 th – 25 th May 2006	Local Council Leaders	The mandate and functions of the Commission, guidelines of the Local Councils committees	Karugutu sub county Head Quarters, Bundibugyo and Buyaga County, Kibaale District; Katooke Sub-County Headquarters, Kyenjojo district; Munkunyu Parish head-quarters Kasese District	351	Bundibugyo and Kibale Kyenjojo and Kasese
24 th – 25 th August 2006; 12 th – 13 th Nov, 2006; 27 th – 28 th Nov, 2006	Special Police Constables	Training the SPC on the concept of human rights, the proper use of force and fire arm, torture as a human rights issue, rights of suspects on and after arrest and during detention	Angella House, Kiboga Bundibugyo district head quarters; Verena gardens, Kasese	228	Kiboga, Bundibugyo and Kasese
24 th March 2006; 25 th March 2006; and 17 th June 2006	Moroto Core PTC; St Mary's Seminary Nadiket; and Kangole Girls Secondary School	Human Rights and Discipline for academic excellence	Moroto Core PTC Main Hall; St Mary's Seminary Nadiket Main Hall; and Kangole Girls' SS	366	Moroto
21 st – 22 nd March 2006	Police officers	The role of the Commission, the rights of suspects, and vulnerable persons, and Code of conduct of law enforcement officers	— —	126	Kampala
24 th August 2006	Decision makers at the policy level, in the formal and non-formal education sector in Uganda.	Human Rights Education in Uganda: Fulfilling the Obligations of the State.	Hotel Africana	60	
Total				1735	

1.1.4 Human Rights Readers for Primary Schools

Human Rights Readers for primary schools are simplified booklets intended to empower and introduce human rights knowledge to children at an early stage in their development.



The Commission's Director Research, Education and Documentation, Ms. Dorah Kabuye Pretesting the human rights readers for Primary Schools at Light Primary School, Soroti

The Commission has developed Human Rights Readers for Primary schools. An outline for the Readers from Primary 1-7 was developed. However, by the end of 2006, Readers 1-4 had been drafted, illustrated, type-set and pre-tested in selected Primary schools in Soroti, Amuria, Masaka and Kampala. The comments and suggestions that were received from the teachers and the pupils during pre testing were very useful in the improvement of the draft readers. The four improved drafts are ready for printing and will be provided to schools for pupils.

1.1.5 Human Rights Education in the Education Sector

The Commission held a consultative workshop for decision makers at the policy level, in the formal and non-formal education sector in Uganda under the theme: *'Human Rights Education in Uganda: Fulfilling the Obligations of the State.'*

The workshop was aimed at sensitizing decision makers at policy level on human rights, human rights education and the accruing obligations of the State with a view to enhancing their capacity to contribute to their fulfillment. It was supported by the National Commission of UNESCO.

The objectives were: to discuss the importance of human rights and human rights education in formal and non-formal education sector; to enhance policy decision makers' understanding of state obligations in human rights; to enhance the appreciation of the policy decision-makers of their responsibilities as duty bearers; to empower them with knowledge to appreciate the value of human rights in implementation of government programmes; and to persuade them to consciously contribute to the fulfilment of the obligations of the state on human rights.

Decision-makers were targeted so that they could be empowered to know about human rights and to appreciate the value of human rights in implementation of government programmes. It was expected that once they were motivated to embrace and integrate human rights education in the sector, it would be easy for subsequent human rights education programmes and activities, particularly those aiming at incorporating human rights in the primary and secondary school curriculum to be welcome in the sector. Indeed at the end of the workshop they made a commitment to consciously contribute to the fulfillment of state obligations on human rights.

This was in view of the Government commitment to institutionalizing and mainstreaming human rights education at all levels of education as well as making it an integral part of adult education. The participants included directors, commissioners, assistant commissioners in the ministries of Education and Sports; Gender, Labour and Social Development; Information and National Guidance as well as the National Curriculum Development Centre.

1.1.6 World Programme for Human Rights Education

In 2006, the Commission was involved in the preliminary stages of planning for Uganda's implementation of the Plan of Action of the World Programme for Human Rights Education.

The World Programme on Human Rights Education was officially proclaimed by the United Nations General Assembly Resolution, on 10th December 2004 to advance the implementation of human rights education programmes in all sectors. This was a new initiative, building on the foundation laid during the UN Decade for Human Rights Education (1995-2004). It was a recognition by the international community that human rights education contributes greatly to prevention of abuse and violence. Consequently, on 14th July 2005, the UN General assembly adopted the Plan of Action for human rights education in the school system. The Plan proposes a concrete strategy and practical guidance for implementing human rights education in primary and secondary schools. The first phase (2005-2007) was expected to focus on integrating human rights education into the primary and secondary school systems. By the end of 2007, member states will be expected to have integrated human rights education into their primary and secondary schools curricula.

Uganda being a party to both resolutions is therefore obliged to implement the Plan of Action and report to the relevant forum. According to the resolution, the UN treaty bodies will be required when examining reports from State Parties to place emphasis on the obligation of state parties to implement human rights education in the school system and to reflect that emphasis in their concluding observations. The UN Resolution named the Ministry of Education as the lead agency in the implementation of this Plan and therefore the ministry has the responsibility to report on the national progress to the United Nations inter-agency coordinating committee that is responsible for the international coordination of activities under the plan.

Consequently on 9th January 2006, the United Nations High Commissioner for Human Rights Mrs. Louise Arbour and the Director-General of UNESCO Mr. Koichiro Matsuura wrote to the Ugandan Minister of Education and Sports requesting the Minister to support the programme and implement the Plan of Action. The Uganda Human Rights Commission being the national human rights institution with the constitutional mandate on human rights education received a copy of the letter.

The Commission wrote to the Minister of Education and Sports Hon. Geraldine Namirembe Bitamazire requesting her to nominate a Human Rights Desk officer to work closely with the Commission in implementing the Plan of Action on Human Rights Education. The Minister responded positively and appointed Mr. Emanuel Kusemererwa to coordinate the programme. Already a taskforce is in place and has held planning meetings. In conjunction with the National Commission of UNESCO, the Ministry of Education and Sports and the Uganda Human Rights Commission have sought support from the development partners to start the implementation. It was planned that as soon as funds were secured a National Human Rights Education Coalition would be established to spearhead implementation of the first phase of the Plan of Action. By the end of 2006, the programme was awaiting the positive response from the development partners.

1.1.7 National Constitution Dialogue 2006

As a way of promoting the spirit of constitutionalism, every year the Commission commemorates the promulgation of the Constitution of the Republic of Uganda on 8th October 1995. Every October, the Commission takes stock of constitutionalism in the country.

In 2006, the Commission held a two-day national dialogue from 4th - 5th October 2006 at Hotel Africana in Kampala, on the theme of *“Strengthening Multi Party Democracy in Uganda”*, and was intended to re-orient Ugandans’ perceptions and practice from the nature of Governance during the Movement Political system to the new Multiparty Political system as provided for in the Constitution. The dialogue attracted members of Parliament, judicial officers, academicians, human rights activists, students, NGO representatives, members of the security forces, journalists, civil society representatives and religious leaders.

From the discussion, the participants expressed their determination to carry forward the spirit of multipartism as provided for in the Constitution. They called for the formation of the Inter-party Committee as provided for under the Political Parties and Organisation Act, 2005. It was also agreed that strengthening multipartism was contingent on enhanced internal democracy of political parties, support of the civil society organisations, media freedom, political tolerance of all political parties for the national good and development and continuous civic education and democracy education.

1.1.8 Human Rights Awareness Strategy

The Commission has a task to create awareness of human rights to cover the whole country of about 28 million people of diverse cultures, languages and political inclinations among others. A strategy was necessary for the Commission to be able to reach all. The process of developing a human rights awareness strategy, started with the Commission evaluating its human rights and civic education initiatives and programmes carried out in the past years (2003-2005).

A consultant was hired and detailed to:

- Identify the beneficiaries of the Commission's human rights, civic education initiatives and programmes in the past three years.
- Examine other strategies used by various beneficiaries in such initiatives and programmes
- Assess the impact of the Commission's human rights and civic education initiatives and programmes carried out in the past three years.
- Provide a comprehensive evaluation report with findings that will be used to develop a future Commission strategy for conducting human rights and civic education programmes to various communities and institutions.

The Commission is currently studying the consultant's report, the findings and recommendations of which will be used to inform and guide the development of a new human rights awareness and civic education strategy.

1.1.9 Reviewing the Police Human Rights Training Manual

In 1999, the Uganda Human Rights Commission in partnership with the Uganda Police Force developed a Police Human Rights Training Manual. The manual was prepared as a reference for trainers and facilitators of the Uganda Police Force. The Police has been using this manual in its training programmes for the last eight years. The police training manual has been an enabling resource in the education and training process to equip police officers with human rights knowledge, skills and abilities to provide efficient, effective professional police services. The guiding principles in the manual were the local laws, the Constitution, and international as well as regional human rights instruments.

The manual has been reviewed to conform to the new developments in the domestic legislation and international instruments. The reviewed draft Manual was pre-tested on a group of 35 Police Instructors of Masindi Police Training School in Masindi in a five-day workshop. The Commission received very useful comments and suggestions which would be integrated in the training manual. The revised manual is expected to be ready in the next financial year.



Some of the police officers who attended a workshop on pre-testing the reviewed police Training Manual at Masindi Police Training School

Table: 1.2 Radio and Television stations that hosted the Commission in 2006

S/N	Name of the Radio and TV station	No. of Times	Region Mostly Covered	Language	Estimated No. of listeners
1.	Kyoga Veritas FM 91.5	Weekly	15 districts in the Mid and North Eastern of Uganda	Ateso, English	Approx. 5 million People
2.	Voice of Teso 88.4 FM	Weekly	15 districts in the Mid and North Eastern of Uganda	Ateso, English	Approx. 5 million People
3.	Continental FM 97.4	Eight times	15 districts in the Mid and North Eastern of Uganda	Ateso, English	Approx. 5 million People
4.	Radio West	6	South western region	Runyankore	General Public
5.	Vision Radio	3	South western region	Runyankore	General Public
6.	NBS	8	South Eastern Uganda	Lusoga, English	2,000,000
7.	NBS	115 spot messages aired	South Eastern Uganda	Lusoga	2,000,000
8.	Hoima FM	2	Bunyoro Region	2RR people	Approx. 2.7m
9.	Liberty FM	1	Bunyoro Region	2RR people	Approx. 2.7m
10.	Voice of Toro	3	Rwenzori Region	2RR people	Approx. 2.7m
11.	Radio Mega FM	Monthly	Acholi and Lango Sub Regions		Aprox. 3,000,000People
12.	CBS Radio	1	Central Region districts	Luganda	Public
13.	Radio One	3	Central Regions districts	English	Public
14.	Beat FM	1	Central Regions Districts	English/Luganda	Public
15.	Touch FM	1	Central Regions districts	English	Public
16.	KFM 93.3	1	Central Regions Districts	English	Public
17.	WBS Television	1	Central Regions Districts	English	Public
18.	UBC Television	2	Uganda	English	Public
19.	Top TV	2	Central Regions districts	English	Public

1.1.10 Radio and Television programmes

The Commission uses radio talk shows in the dissemination of human rights information and knowledge. The method has the advantage of being able to cover a wider audience compared to other methods which require physical attendance of an individual. In 2006, the Commission organized several talk shows across the country in the local languages as well as English. In regions where it was not possible to organize radio programmes, the Commission participated in programmes organized by other stakeholders. For example, in Gulu, the Commission regional office participated in various talk shows organized by NGOs. In the central region, media programmes were aired on Radio One, CBS, Super, Beat FM and in Busoga region and other eastern districts; they were on Nile Broadcasting Service Radio (Jinja-based); Kyoga Veritas and Voice of Teso FM radio stations covered all the ateso-speaking districts; Radio West and Vision Radio covered South Western Uganda; Hoima FM, Liberty FM covered Bunyoro region, Voice of Toro covered the Rwenzori region and Radio Mega covered the North.

The issues addressed in the talk shows included the role and functions of the Uganda Human Rights Commission, the rights of workers with special focus on casual workers, LCs and administration of justice, liberty, children's rights including child maintenance and the rights of women to property. Others were rights of suspects, role of Local Council Courts, Police, and family and children courts in the juvenile justice system; and the rights of orphans & widows.



1.1.11 Human Rights Publications

The Commission also disseminates human rights information through the publication of *Your Rights* magazine. This magazine focuses on and explains specific human rights issues. The Commission was able to increase the understanding and appreciation of human rights among members of the public through the magazine. Five issues were produced in 2006 covering human rights and HIV/AIDS, multiparty and strengthening multiparty democracy, elections, amnesty, justice and reconciliation, children rights, right to education and health rights. The table below provides a list of magazines, topics and major issues covered in each issue.

Table: 1.3 Your Rights Issues produced during the year 2006

Period	Title	Major Topics
January – February	Global Fund saga and its implications to the human rights of people living with HIV/ AIDS;	• ICASA Conference Challenges leaders to take action on AIDS • Examining vulnerability from a human rights perspective • Global fund saga: Implications to the Human Rights of PLHA
March – April	The Peoples' Power: The Human Rights Perspective of 2006 Multiparty Elections	• The political practical challenges with transition to multipartism • Elections reflected the will of the people despite irregularities
May – June	Coming of age with HIV: the dilemma facing children born with HIV who are now becoming adults	• UHRC studies child neglect problems: Child maintenance issues dominate human rights violation complaints received. • Understanding UPE as a state obligation
July – August	Forgiveness and reconciliation with former LRA rebels who sought government amnesty;	• Civil military cooperation centres take human rights close to the people • Does amnesty for atrocities take away moral authority • Defilement tops crimes list of all detainees in prisons • Health and Human rights: UN studies diseases of the poor living in Uganda.
September – December	Strengthening multiparty democracy in Uganda.	The role of different stakeholders in strengthening multiparty democracy.

1.1.12 Library and Documentation Centre (LDC)

The library and documentation centre has continued to be an information resource for the Commission as well as other members of the public. During the period under review, a total of 1,261 encompassing 653 students, 131 Lawyers, 104 Journalists and 373 other professionals used the Commission library.

1.1.13 Publications received

During 2006, the LDC received a total of 416 text books and 66 journals. Some of the books received include:

- H. Victor Conde ; **A Handbook of International Human rights terminology**, University of Nebraska Press, 2004
- Bryan A. Garner: **Black's Law Dictionary; 8th edition**, Thomson West , 2004
- James C. Hathaway: **The Rights of Refugees under International law**, University of Michigan, 2005
- Richard Ashby Wilson, **Human Rights in the war on terror**, University of Connecticut, 2005
- Oliver Ramsbotham, **Contemporary conflict, resolution: The prevention, management and transformation. 2nd edition** , Polity Press, 2006
- Subbian, A., **Human rights complaints systems: International and Regional**, Deep & Deep publications, 2003

- Zehra F. Arat , **Democracy and human rights in developing countries**. Universe, 2003
- Amnesty International, **Policing to protect human rights Amnesty International** , 2002
- Claude E. Welch, **Protecting human rights in Africa: Strategies and roles of NGOs**. Oxford University Press, 2005
- Philip Alston, **Labour rights as human rights** , Oxford University Press, 2006
- Jessica Almquist, **Human rights, culture and the rule of law**. Hart Publishing , 2005
- Sally Engle Merry, **Human rights and gender violence**. The University of Chicago, 2006
- Burns H. Weston: **Child labour and human rights**. Lynne Reinner Publishers, 2005

The LDC subscribed to the Uganda Printing and Publishing Corporation and therefore received all the 2006 proposed Acts, Bills, Statutory Instruments and Gazettes.

1.1.14 Commission Regional Libraries

In ensuring the efforts to bring human rights information closer to the people, the Commission continues to equip regional office libraries. For example in 2006, each of the Regional Libraries received a compendium of Electoral Laws as of 15th February 2006, a copy of the amended Constitution, seven copies of Amnesty International publications, and seven copies of Office of the UN High Commissioner for Human rights publications. In addition, human rights text books were bought for Regional office libraries as follows: Mbarara (11), Fort Portal (10), Soroti (10), Jinja (10), Gulu (11) and Moroto (12)

1.1.15 The Commission website (www.uhrc.org) - changing to (www.uhrc.ug)

The Commission website provided information about the Commission to those who could access it. The website contains basic information about the Commission, its activities and its different publications such as the annual and periodic reports, inspection reports, tribunal decisions, position papers, the cause lists and current events. An evaluation of the site was done and later a decision taken to redesign and develop it to give it a new look. The redesigning and development process is expected to be complete by the end of 2007. After redesigning, the website will be www.uhrc.ug

1.2. 0 United Nations Volunteers (UNV) Programme

The 8th Annual Report of the Commission reported on the United Nations Volunteers (UNV) as one of its partners in the promotion of human rights under the UNV Support to the Promotion of Human Rights in Uganda Project. The Project was developed to complement the efforts of the Commission, Uganda Amnesty Commission and the Ministry of Local Government to effectively carry out their mandates. A Terminal Evaluation of the project was carried out in December 2006, and a Successor Programme was recommended to consolidate the Project achievements in the six pilot districts of Bundibugyo, Gulu, Kabarole, Kasese, Mbale and Soroti whilst at the same time expanding the project scope to other parts of Uganda. The Commission also committed itself to continue working with the proposed Successor Programme. The project increased the Commission presence in local communities in the district they were operating and specifically achieved the following:



District Human Rights Desk Officers are discussing human rights during the Training at Colline

- (a) Establishing Human Rights Desks
- (b) Establishing and training Voluntary Action Groups (VAGs)
- (c) Extending human rights to schools and empowering human rights clubs
- (d) Contributing to human rights training for IDP camp leaders
- (e) Training civil society organisations in human rights

1.2.1 The Establishment of District Human Rights Desks

The project supported the Commission in the six pilot Districts of Bundibugyo, Gulu, Kabarole, Kasese, Mbale and Soroti by establishing Human Rights Desks. The Human Rights Desks at the District Local Government are responsible for advising Local Governments to integrate human rights in their programming processes, carrying out human rights education (targeting politicians, government officials and others), human rights monitoring and reporting and policy and law reform among other duties. Thirteen (13) Desk officers and the leaders of the said districts were trained through support from UNDP at Mukono district in December 2006. The training also included the Kampala City Council Human Rights Desk officials. These efforts resulted, among others, in the decision of the Ministry of Local Government to call for establishment of District Human Rights Desks in all districts in Uganda. A circular from the Permanent Secretary of the Ministry of Local Government to all Districts Chairpersons and Chief Administrative Officers on the 3rd of January 2007 requested them to establish human right desks and constitute human rights committees. In response, some Districts like Masindi and Hoima established the Desks with officers. The Commission is hopeful that its work will be made much easier through the district human rights desks. *Next page is the circular requesting districts to form Human Rights Desks/Committees.*

1.2.2 The establishment and training of Community Human Rights Voluntary Action Group (VAGs)

In 2006, the Project facilitated the establishment of twenty six (26) Grassroots Human Rights Voluntary Action Groups (known as VAGs). The VAGs are groups of community members in conflict and post conflict districts who come together to consciously promote and protect human rights. The groups do their activities on their own with minimum support from outsiders. The VAGs were formed in rural communities of Kabarole, Bundibugyo, Kasese, Mbale, Soroti and Gulu districts and 739 of their members were trained on community human rights activism and management. The training covered topics such as human rights in the Constitution of Uganda, administration of justice by local council courts and amnesty. The training also guided the VAGs in drawing up their constitutions, electing management committees and drafting human rights action plans. All the empowered groups are now voluntarily working towards furthering respect for human rights in their communities.

The Commission has already planned to continue monitoring and empowering the established groups.



District Human Rights Desk Officers discussing human rights during the Training at Colline Hotel, Mukono

TELEGRAMS: "LOCAL ADMIN" KAMPALA
FAX: 347329
MINISTER: 347329
PERMANENT SECRETARY: 347329
TELEPHONE: GENERAL LINE: 233513/341224
MINISTER: 341279
MINISTER OF STATE: 342368
PERMANENT SECRETARY: 250533
DIRECTOR LOCAL GOVT ADMIN & INSPECT: 254501
DIRECTOR DECENTRALISATION SECRETARIAT: 342804
CHIEF SECRETARY FINANCE & ADMIN: 258120
COMMISSIONER LOCAL COUNCILS DEV: 258100
COMMISSIONER LOCAL GOVT ADMIN: 343785
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THE REPUBLIC OF UGANDA

MINISTRY OF LOCAL GOVERNMENT

P. O. BOX 7037

KAMPALA

UGANDA

ADM/92/319/01

IN CASE OF ANY CORRESPONDENCE ON
THIS SUBJECT PLEASE QUOTE REF

3 January 2007

All District Chairpersons

All Chief Administrative Officers

ESTABLISHING A HUMAN RIGHTS DESK IN DISTRICT LOCAL GOVERNMENTS

The protection and promotion of fundamental and other human rights and freedoms is one of the cardinal national objectives and principles of state policy in our Constitution.

In this regard, the Uganda Human Rights Commission has initiated a noble idea for Districts to establish Human Rights Desks. The Desks will comprise of District Local Government officials responsible for promoting and protecting human rights and monitoring human rights observance at district level. The proposed desks will help to enhance and sustain Uganda's commitment to meet its human rights promotion, protection and obligations at national, regional and international levels. The Desks will also be responsible for operationalising the Rights Based Approach to Development (RBAD).

To avoid costs and creation of new structures which might not deliver the intended goals and objectives, we would like to advise that the human rights desk in districts should be headed by the Director Community Based Services. The District Human Rights Desk Committee should comprise representatives from the following departments:

- i) Education Department
- ii) Health Service department
- iii) Human Resource Management division
- iv) Local Administration Police and Prisons
- v) The District Planner
- vi) A member appointed by the District umbrella of NGOs, CBOs and CSOs.

When the above structures are set up, operational guidelines and training materials to guide the establishment and running of the committees and desks will be developed by the Uganda Human Rights Commission.

The purpose of this circular letter is to request you to establish the said Human Rights Desk and constitute a Human Rights Committee in your respective Districts.

I look forward to your cooperation and action on this matter.

A. A. Amuge

For: PERMANENT SECRETARY

cc: The Chairperson
Uganda Human Rights Commission
KAMPALA

cc: All Resident District Commissioners



Table 1.4 Voluntary Action Groups with which the Commission has worked

BUNDIBUGYO Group Name	Sub County	Date of Establishment
Karugutu sub county Voluntary Action Group	Karugutu	13/7/2006
Budandi subcounty Community Voluntary Action Group	Budandi	3/7/2006
Busaru subcounty Human Rights and Voluntary Action Group	Busaru	23/6/2006
Harugari Community Voluntary Action Group	Harugari	5/4/2006
Bundiikei Parish Community Voluntary Action Group	Bubukwanga	11/3/2006
GULU Group Name	Sub County	Date of Establishment
Nge Twero Ni Volunteer Action Group, Te-Tugu	Koro	
KABAROLE Group Name	Sub County	Date of Establishment
Kicuucu Human Rights Voluntary Group	Kisomoro	6/9/2006
Lyamabwa Parish Human Rights Volunteers Group	Kisosmoro	13/9/2006
Kisomoro Human Rights Volunteers Action Group	Kisomoro	20/9/2006
Rubona Human Rights Volunteers Group	Kisomoro	26/9/2006
Nyantabooma Human Rights Action Group	Kicwamba	14/7/2006
Bwanika Human Rights Volunteers Group	Kicwamba	11/7/2007
Kihondo United Human Rights Volunteers	Kichwamba	4/7/2006
Kazingo Human Rights Volunteers Group	Bukuuku	22/6/2006
Karago Human Rights Action Group	Bukuuku	23/5/ 2006
Kiguma Human Rights Volunteers Group	Bukuuku	16/5/2006
KASESE Group Name	Sub County	Date of Establishment
Bikone Parish Voluntary Action Group	Maliba	22/9/2006
Nyakiyumbu Parish Voluntary Action Group	Nyakiyumbu	5/9/2006
Nsenyi Voluntary Action Group	Kisinga	29/6/2006
MBALE Group Name	Sub County	Date of Establishment
Buwagogo Sub county Voluntary Action Group	Buwagogo	15/9/2006
Nabumali Volunteers Action Group	Busoba	8/9/2006
Bungokho-Mutoto Volunteer Action Group	Bungokho-Mutoto	1/7/2006
Lwangoli Sikhana Women Group	Busoba	10/7/2006
Burukuru Family Care Association	Bukiende	17/5/1006
SOROTI Group Name	Sub County	Date of Establishment
Asuret Sub county Human Rights Voluntary Group	Asuret Kamuda	19/9/2006
Lalle Voluntary Action Group	Orungo, Tubur,	6/9/2006
Orungo Voluntary Action Group	Morungatuny, Kuju, Katine	5/7/2006
Akuya Voluntary Action Group		22/06/2006
Obuku IDP VAG	Obuku	23/5/2006
Arapai Parish Voluntary Action Group	Arapai	22/5/2006

1.2.3 Human Rights Education in schools and empowerment of school human rights clubs

The Project continued its Human Rights Education Programme in schools and colleges. Human rights training and sensitization were carried out in different primary schools, secondary schools and teachers' colleges in Gulu, Soroti, Mbale, Bundibugyo, Kasese and Kabarole districts. A total of 761 pupils and students were sensitized. As part of strengthening its Human Rights Education Programme in schools, the Project set up and empowered 17 Human Rights and Peace Clubs in both primary and secondary schools. The role of the Clubs is to make pupils and students aware of human rights and motivate them to promote peace through meetings, drama, songs and debates. The Commission is taking over the direct empowering and supervisory role of the Clubs.



One of Human Rights and Peace Club of St. Joseph's College, Layibi, Gulu



Students of Nyondo Primary Teacher's College who have been trained by the Project, Mbale

Table1.5 Human Rights and Peace Clubs

KASESE Club Name	School	Sub County	Parish
Asamu Model School HRP Club	Asamu Model School	Kasese Town Council	Kamulikwizi
Kasese Sec. School HRP Club	Kasese Sec. School.	Kasese Town Council	Katadoba HRP
Kasese High School HRP Club	Kasese High School	Kasese Town Council	Kisanga Parish
BUNDIBUGYO Club Name	School	Sub County	Parish
Semliki Sec. Sch. Human Rights Club	Semliki Sen. Sec. School	Harugali	Izahura
Vanilla Peace and Conflict	Vanilla Boarding Senior	Bundibugyo	Bumate
Resolution Human Rights Club	Secondary School	Town Council	
Bundibugyo PTC Club	-	-	-
Moslem PS Club	-	-	-
MBALE Club Name	School	Sub County	Parish
Nabumali Primary School	Nabumali Boarding	Busoba	Upper Nabumali
Human Rights Club	Primary School		
Bubulo Primary School	Bubulo Mixed	Buwagogo	Bubulo
Human Rights Club	Primary School		
Nabuyonga Primary School	Nabuyonga Primary	Industrial Division	Cathedral ward
Human Rights Club	School		
Bumboobi Primary School	Bumboobi Primary	Bungokho	Bumboobi
Human Rights Club	School		
NamakwekwePrimary School	NamakwekwePrimary	Northern Division	Namakwekwe
Human Rights Club	School		Ward
SOROTI Club Name	School	Sub County	Parish
Light SS School Human Rights Club	Light Sen. Sec. School		
KABAROLE Club Name	School	Sub County	Parish
Kabarole PTC Club	-	-	-
GULU Club Name	School	Sub County	Parish
Lacor Seminary Peace and	Lacor Minor Seminary	Lagogi	Akoka
Human Rights Clubs			
Layibi Secondary School	Layibi Secondary School	Layibi	Techno
Peace and Human Rights Club			
Sacret Heart Peace and	Sacret Heart Girls	Lagogi	-
Human Rights Club	Secondary School		
Koch Goma Secondary School	Koch Goma		
Peace and Human Rights Club	Secondary Schools	Gulu Municipality	
Awere Secondary School	Awere Sen. Sec. School	Gulu Municipality	

1.2.4 Human rights training for IDP Camp leaders

Under the UNV programme, a total of 131 IDP Camp Leaders in Gulu and Soroti were trained in human rights and peace. The training focused on empowering them to actively stand up for the rights of IDPs and give attention to the protection of the rights of the most vulnerable among them, such as children, women and persons with disability. The Objective was to enhance their capacity, promote, defend, advocate and respect human rights in the camps.



Human rights meeting in Soroti IDP Camp

1.2.5 Human Rights Training for Civil Society Organisations

The Project also trained Ugandan Non-Governmental Organizations (NGOs) and Community Based Organisations (CBOs) on human rights and the Rights Based Approach to Development (RBA). A total of 114 members drawn from 40 different NGOs and CBOs were trained in Bundibugyo, Kasese, Mbale and Soroti districts during the period under review. The training built the capacities of the NGOs and CBOs to integrate human rights in their day-to-day activities.

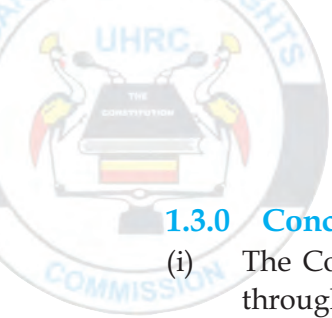


Human rights training for NGOs and CBOs in Bundibugyo

Table 1.6 NGOs and CBOs trained by UNVs

GULU Organization	Activities	Sub-County	County
Mii Kumi Meleke Youth Group	Human Rights Training through Music, Dance and Drama	Ongako	Nwoya
Ribbe Aye Teko Bakery/Poultry	- Human Rights Training - Sustainable Agriculture - Music and Drama - Bakery and Poultry keeping	Koro	Nwoya
Tute Ki Lawodi	- Human Rights Promotion - Sustainable Agriculture - Music and Drama	Bungatira	Awach
Lacan Kwite	- Human Rights Promotion - Sustainable Agriculture - Voluntary action	Awach	Awach
Lweny Rac	- Human Rights advocacy - OVC self-help activities	Patiko	Kilak
BUNDIBUGYO Organization	Activities	Sub-County	County
Ruroko Foundation for Peace & Justice	- Promotion of human rights - Peace, Justice and Reconciliation	Bundibugyo Town Council	Bwamba
Save the Children in Uganda	Promotion of child rights	Bundibugyo T.C.	Bwamba
World Food Programme	Provision of humanitarian services	Bundibugyo T.C.	Bwamba
Bundibugyo Association of Women Living with HIV/AIDS	Awareness raising among women infected and affected by HIV/AIDS	Bundibugyo Town Council	Bwamba
Action Aid International	Provision of humanitarian services	Bundibugyo T.C.	Bwamba
Children Concern Initiative Project (CCIP)	Promotion of the child rights	Bundibugyo Town Council	Bwamba
Abanya Rwenzori Mountaineering Association (AMA)	Promotion of human rights	Bundibugyo Town Council	Bwamba
Children with Hope	Promotion of child rights	Bundibugyo T. C.	Bwamba
Bandimagwara Drama Actors	Promotion of human rights through music and drama	Bundibugyo Town Council	Bwamba
NGO Forum	Umbrella Organisation for all CSOs in the district	Bundibugyo Town Council	Bwamba

SOROTI			
Organization	Activities	Sub-County	County
World Vision Arapai	• Humanitarian services	Soroti T/C	Soroti Mun.
Teso Women Peace Activists (TEWPA)	• Promotion of peace and reconciliation • Protection & promotion of women's rights	Soroti T/C Municipality	Soroti
Private Sector	• Promoting Rights Based Approach to Development	Soroti T/C	Soroti Municipality
Teso Planning Development Office (TEDDO)	• Promoting human rights	Soroti T/C	Soroti Municipality
KASESE			
Organization	Activities	Sub-County	County
Agency for Rural Development & Community Education (ARUDECE)	• Promoting Human Rights, Peace and Development Programmes	Nyakiyumbu	Bukonzo
The Organisation for Emancipation of the Rural Poor (TOERUP)	• Promoting human rights	Hima Town Council	Busongora
Rwenzori Research Consultancy, (REROC)	• Promoting Human Rights and Peace • Research & consultancy	Kasese Town Council	Busongora
Chain Linked Initiative	• Monitoring the criminal record of Reporters • Human Rights promotion	Rukoki	Busongora
Foundation for Urban & Rural Advancement (FURA)	• Human Rights promotion	Kasese Town Council	Busongora
Good Hope Foundation for Urban and Rural Advancement (FURA)	• Human Rights advocacy	Kisinga	Bukonzo
National Association of Communities/ Women Living with HIV/ AIDS	• Advocacy for women's rights	Kasese Town Council	Busongora
Kasese District Development Network (KADDE-NET)	• Promoting human rights and Development programmes	Rukoki	Busongora
Action for Community Dev't in Uganda (ACODEV-(U)	• Human rights advocacy & Paralegal • Research and consultancy	Kasese Town Council	Busongora
MBALE			
Organization	Activities	Sub-County	County
Greater Mbale Advocacy Coalition (GMAC)	• Human Rights and Psychosocial programmes	Northern Division	Mbale Municipality
Busoba Tubaana Mixed Farmers' Association	• Sustainable agriculture	Busoba	Bungokho (South)
Uganda Women Concern Ministries (UWCM)	• Human Rights advocacy	Bungokho	Bungokho (South)
Forum for Community Based Association (FOCOBA)	• Human rights promotion • Sustainable agriculture	Bungokho (South)	Bungokho (Mutoto)
Child Development Foundation(CDF)	• Advocacy for Children's rights	Northern Division	Mbale Municipality
Foundation for the Development of Needy Communities(FDNC)	• Human rights promotion • Training of paralegals	Northern Division	Mbale Municipality
Uganda Women's Efforts to Save Orphans (UWESO)	• Promotion of human rights for the vulnerable Groups	Northern Division	Mbale Municipality
FIDA	• Protecting women and children's rights	Northern Div.	Mbale Munic.
Uganda Gender Rights Foundation	• Promoting human rights • Community theatre	Industrial Division	Mbale Municipality
KABAROLE			
Organization	Activities	Sub-County	County
Kabarole Research & Resource Centre (KRRC)	• Human Rights research and advocacy	Fort Portal Town Council	Fort Portal Municipality
Tooro Development Agency (TDA)	• Promoting human rights and development programmes	Fort Portal Town Council	Fort Portal Municipality
Association of Human Rights Organisations (AHURIO)	• Umbrella for all the human rights organizations in the Rwenzori Region	Fort Portal Town Council	Fort Portal Municipality
Youth & Women Empowerment (Yawe)	• Promoting the rights of children	Fort Portal T.C	Fort Portal



1.3.0 Conclusions and Recommendations

- (i) The Commission as in the previous years continues to promote human rights awareness throughout the country. However, the Commission notes that awareness raising campaigns need to be sustained by all stakeholders, whether in government or outside government. It is a concerted campaign by all stakeholders, state and non state actors, organisations and individuals that can achieve protection of human rights as envisaged by the Constitution.
- (ii) The Commission recognises the significant challenge posed by inadequate resources. Moreover an initiative designed to pool resources for national civic education which would have contributed to human rights awareness ended in 2006. The Commission appeals to the government and the development partners to revamp the National Civic Education Programme (NCEP) or initiate a similar programme to address the need for a sustained human rights programme nationwide.
- (iii) The UNV programme also came to an end by the close of the 2006. However, there were some positive discussions that could lead to establishment and funding of a successor programme. The Commission urges the government of Uganda and development partners to support the proposed Successor Programme to the UNV project support to promotion of human rights in Uganda because its activities enhanced the capacity of the Commission to achieve its constitutional mandate particularly reaching the grass roots.
- (iv) The Commission urges the Ministry of Education to appreciate Uganda's international commitments and obligations towards human rights education and to prioritise the implementation of the Plan of Action for Human Rights Education.
- (v) The Commission continues to advocate for the incorporation of human rights in the school curricula, knowing that the culture of respect for human rights can be better nurtured from young age.
- (vi) The Commission further urges the Ministry of Education to assess and incorporate the national progress on implementation of the Plan of Action for Human Rights Education, into the State Report on the right to education.
- (vii) The Commission urges development partners to meet their obligation in supporting Uganda to implement the Plan of Action.

2.0 Introduction

This chapter discusses the Commission's management of human rights complaints in the year 2006. The fulfilment of this constitutional mandate is through the realisation of the Commission's strategic objectives to receive, investigate and resolve complaints in a timely and fair manner.

2.1 Complaints received and complaints handled in 2006

In 2006, the Commission continued to receive, register and investigate complaints, as well as resolving them through Mediation and the Commission's Tribunal. In the period under review, the Commission registered **1,222** complaints and **824** lodgements. Only 14 more complaints were received in 2006 than in 2005, representing a 1.2% increase.

The Commission receives all types of complaints and has a duty to ensure that these complaints are sieved to determine which complaints disclose a *prima facie* violation and those that require intervention by other institutions. *Complaints* are those which on their face, reveal a human rights violation and which fall within the jurisdiction of the Commission. *Lodgements* refer to those cases, which depending on the findings it is difficult to discern whether they constitute human rights violations or not. Even among complaints, after preliminary investigations, the Commission must decide whether to continue with the complaint; to refer the matter to other appropriate institutions or close the complaint. In most cases, lodgements are registered for purposes of referral to other institutions that can handle them more effectively.

2.2.1 Nature of Complaints registered in 2006

The nature of complaints of human rights violations registered at the Commission were with regard to torture, cruel, inhuman and degrading treatment or punishment, maintenance, right to personal liberty, Property, Education, Remuneration, a Fair and Speedy Hearing, deprivation of life, domestic violence, discrimination, healthy working environment, freedom of expression, health and privacy.

Status of complaints and lodgements registered with the Commission in 2006

As shown in Table 2.1 below, the Commission's Headquarters received the most complaints followed by Soroti, Jinja, Mbarara, Gulu, Moroto and Fort Portal.

Some of the factors that negatively influenced the ability of people to lodge complaints at Commission offices include:

- i. Insecurity, which affects liberty and freedom of people to move to Commission offices to lodge complaints.
- ii. Low level of awareness - in some areas people are not fully aware of human rights and may not know that their rights have been violated; at the same time there is inadequate awareness about the Commission and its services.
- iii. Geographical location - some areas have poor terrain that limits people's movement and accessibility. Some people are too poor to afford means to travel to the Commission.
- iv. Location of regional offices - each regional office serves an average of about 8 districts. It gets harder for people from outside the district in which the regional office is located to easily access it.

The table next page shows complaints and lodgements registered by the Commission at the various regional offices and the Headquarters.



Table 2.1 Status of complaints and lodgements registered with the Commission in 2006 at various offices

Region	Complaints registered in 2006	No. of Lodgements registered	No. of Investigations concluded
Headquarters	327	21	399
Gulu	114	33	65
Soroti	255	31	41
Moroto	105	72	32
Jinja	181	34	80
Mbarara	144	618	142
Fort Portal	96	15	102
Total	1,222	824	861

2.2.2 Complaints investigated in 2006

In 2006, the Commission conclusively investigated **861** complaints. Concluded investigations include files forwarded to the Legal and Tribunal Directorate for consideration for Tribunal hearings, files referred to other Institutions and files closed for various reasons.

Reasons for files closure included, but were not limited to:

- No human rights violation(s) were revealed by the complaint(s) after preliminary investigations.
- The same matter reported to the Commission was also pending before a Court of Law or had already been decided by a Court of Law.
- Loss of interest and lack of follow up in the matter by complainants.
- The complainant obtained a remedy after the Commission's intervention for example, through mediation or amicable settlement.
- Complainants decided to withdraw their complaints.

2.2.3 Investigations initiated by the Commission

The Commission under Article 52(a) of the Constitution can investigate on its own initiative any violation of human rights. In line with this mandate, the Commission initiated investigations in one case related to freedom of assembly and association.

Re: Investigation into the police dispersing an FDC gathering on the 18th November 2006

On Saturday 27th November, 2006, police dispersed a gathering that was convened at the Constitutional Square in Kampala in exercise of freedom of assembly as provided for by Article 29(1) (d) of the Constitution of Republic of Uganda 1995. The matter attracted public and media attention. The Commission took up the matter and formed a committee to carry out independent investigations. The investigation is ongoing and both sides as well as other independent witnesses have been interviewed. The findings are to be released shortly.

The Commission continues to face some challenges in its investigations of complaints, namely:

- *Challenges in locating witnesses, victims and respondents:* Generally in Uganda there is inadequate information concerning physical addresses in both urban and rural areas. However, the problem is common in urban areas. Complainants usually state in general terms, the village without specifying the actual home (physical) address. The burden therefore falls on the investigator to comb through any number of homes in a village. This greatly hampers the Commission's investigations thereby leading to a backlog of investigations.
- *Lack of cooperation from Government Institutions:* Government Institutions such as the Army and the Police take long, or sometimes do not respond at all to the Commission's inquiries.
- *Lack of awareness of the population of the Powers of the Commission:* As stipulated in article 53(1) and (2) of the Constitution of Republic of Uganda, the Commission has powers of a Court. However, the Commission in some instances had to act with coercion due to lack of cooperation against individuals who have acted in contempt of the Commission's orders.

- *Lack of co-operation from eyewitnesses:* In some instances, eyewitnesses are reluctant to disclose information owing to fear for their own security.
- *Insecurity in conflict areas:* Insecurity in conflict areas hampers investigators' work, as some areas are impassable without escorts.
- *Lack of logistics:* for instance cameras, audio and visual recording equipment and laptops, which would go far to enhance documentation of information.

2.2.5 Categorization of Complainants:

As illustrated in table 2.2 and Graph A below, more males than females registered complaints at the Commission. The total number of complainants does not sum up to the total number of complaints registered at the Commission because some complainants record more than one violation.

Table 2.2 Gender of Complainants in 2006

REGION	MALE	FEMALE	Institution/ Other Groups
Headquarters	179	125	1
Gulu	56	59	00
Soroti	150	14	88
Moroto	20	40	22
Jinja	101	76	00
Mbarara	82	40	00
Fort Portal	38	40	00
Total	626	394	111
Percentage	55	35	10

Graph A: Categorization of complainants

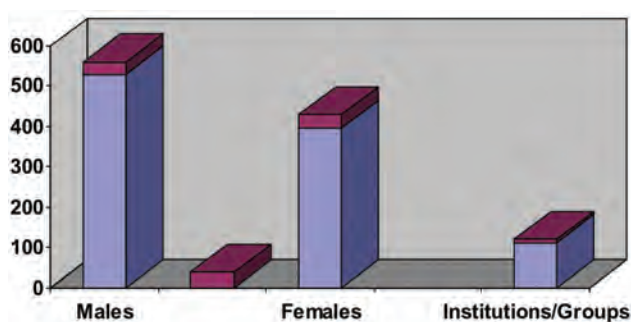
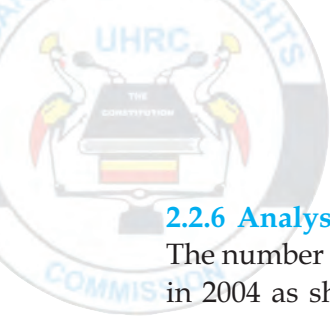


Table 2.3 Complaints registered by the Commission in 2006

Violations/Abuses	Hqtrs	Gulu	Moroto	Soroti	Jinja	Mbarara	Fort Portal	Total/per violation	%age
Child Maintenance/Neglect	73	47	41	58	35	23	27	304	25
Freedom from Torture	72	26	23	45	24	56	18	264	21.6
Right to Property	31	7	16	58	36	17	7	172	14
Right to Personal Liberty	36	12	8	20	18	40	7	141	11.5
Education	20	7	12	18	6	5	14	82	6.7
Freedom from Cruel Inhuman and Degrading Treatment or Punishment	32	-	-	-	20	-	4	56	4.5
Fair hearing & Speedy trial	27	1	1	14	22	-	-	65	5
Right to Life	6	13	3	10	10	2	5	49	4
Remuneration	10	-	1	14	6	-	10	41	3.35
Access to child	8	-	-	-	-	-	1	9	0.73
Workers rights	3	1	-	-	-	-	3	7	0.57
Privacy	1	-	-	-	1	-	-	2	0.16
Non discrimination	4	-	-	-	2	-	-	6	0.5
Health and clean environment	3	-	-	-	1	-	-	4	0.32
Freedom of Expression and Assembly	1	-	-	-	-	-	-	1	0.08
Freedom of worship	-	-	-	-	-	1	-	1	0.08
Others	-	-	-	18	-	-	-	18	1.5
Total	327	114	105	255	181	144	96	1,222	100



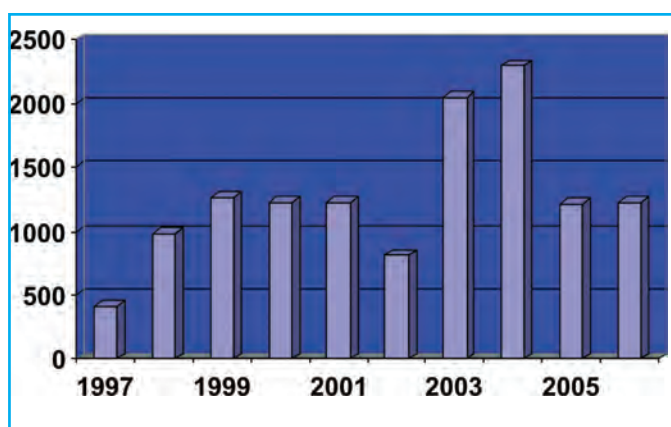
2.2.6 Analysis of the complaints received since the establishment of the Commission

The number of complaints registered has varied from year to year, with largest number registered in 2004 as shown in table 2.5 and Graph B below;

Table 2.4 Number of complaints registered since 1997

Year	Number
1997	414
1998	981
1999	1,265
2000	1,223
2001	669
2002	812
2003	2,050
2004	2,294
2005	1,208
2006	1,222
Total	12696

Graph B: Trend in complaints registered since 1997



2.2.6.1 Reasons for varying trends in complaints since 1997

Several factors might explain the trends described above:

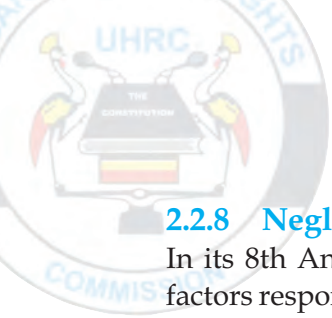
- In the years immediately following its establishment, the Commission registered few complaints. This may be due to the fact that its services were not yet well-known by the public and its national coverage and accessibility was limited to the central region.
- From 1997 – 2000, Uganda experienced a surge in terrorist threats and attacks including bombings in bars, open public places and transport facilities. Security forces stepped-up arrests, and created clandestine “safe houses” in which many suspects were detained for extended periods and tortured. This led to the consistent increase in complaints from 1998 – 2000, especially regarding violation of their freedom from torture and right to liberty.
- Security operations were stepped up in the period from 2000 – 2002, beginning with Operation Wembley--later reconstituted as the Violent Crime Crack Unit (VCCU), and now the Rapid Response Unit (RRU)--as well as Operation Iron Fist in the North likely contributing to the high number of complaints received during the years after 2001.
- In addition to the above factors, the regionalisation of the Commission services across the country took services nearer to the people. The years following 2000 most Commission regional offices were opened, i.e. Mbarara, Jinja, and Fort Portal and Moroto in addition to Gulu and Soroti.
- Increased poverty in some areas has increased vulnerability of children and women and at some point disintegration of families leading to neglect of children and failure of fathers to look after their children. Child maintenance cases continue to be on the rise, and constitute the bulk of complaints received at the Commission.

Table 2.5 Nature of complaints registered by the Commission since 1997

Violations/ Abuses	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	Total
Child rights- (Maintenance /Neglect and access to child	30	218	199	284	321	137	319	328	176	311	2,323
Right to Personal Liberty	111	226	345	273	129	110	277	416	158	136	2,181
Freedom from Torture	21	44	69	93	149	115	334	622	286	264	1,997
Right to Property	23	15	10	9	138	91	349	488	256	172	1,551
Remuneration	24	160	250	210	137	120	199	100	67	41	1,308
Fair hearing & Speedy trial	69	101	116	79	110	82	98	84	59	65	863
Freedom from Cruel Inhuman and Degrading Treatment or Punishment	35	114	158	102	179	72	120	14	44	66	904
Education	2	26	35	37	18	37	90	154	73	82	554
Deprivation of the Right to Life	7	53	41	41	32	45	66	62	48	49	444
Workers rights	10	7	34	10	-	-	20	4	8	7	100
Discrimination	-	-	4	3	5	-	60	12	7	10	101
Pension	43	-	-	-	-	-	4	2	-	-	49
Domestic Violence	-	-	-	3	6	0	20	-	11	-	40
Economic rights	19	-	-	5	-	-	3	-	-	5	32
Minority rights	7	1		10			23				41
Refuge rights	8	10	-	-	-	-	12	-	-	-	30
Right to Privacy	-	-	-	6	2	3	8	1	3	2	25
Freedom of Expression and Assembly	2	3	-	3	1	-	-	1	4	1	15
Right to medical care	-	-	-	10		-	-	2	-	-	12
Health and clean environment	-	-	3	4	-	-	2	-	-	4	13
Shelter	-	-	-	10	-	-	11	1	-	-	22
Paternity	-	-	-	10	-	-	8	-	2		20
Prisoners rights				6	-	-	-	-	-	-	6
Right to vote	-	3	1	1	-	-	9		-		14
Office Abuse	-	-	-	5	-	-	7		-	-	12
Right to Health	-	-	-	1	-	-	-	1	3	4	9
Freedom of worship	-	-	-	5	-	-	5		-	1	10
Women's rights	2	-	-	-		-	-	2	-	-	4
Freedom from Servitude	-	-	-	-	-	-	-	-	3	2	5
Defamation	-	-	-	2	-	-	6	-	-	-	8
Citizenship	1		-	-	-	-	-	-	-	-	1
Right to food	-	-	-	1	-	-	-	-	-	-	1
Total/per year	414	981	1,265	1,223	1227	812	2050	2,294	1,208	1,222	12,696

2.2.7 Major Human Rights Violations as observed From the complaints handled by the Commission

The nature of complaints received and their numbers shows that some rights are more violated / abused than other rights. The number of violations revealed is higher than the complainants registered, because in some complaints more than one violation is committed simultaneously. For instance, a violation of the right to Personal Liberty may also be committed with acts of torture.



2.2.8 Neglect/failure of parents to maintain children

In its 8th Annual Report, the Commission brought to the attention of government a number of factors responsible for violation of the children's rights. It specifically noted that the rate of violation of the right to maintenance was a major concern of the Commission. Factors that contributed to the high rate of child neglect or failure to maintain children were also explained.

The Commission further noted the laws in place providing for children to know and be cared for by their parents or guardians. These include the Children's Act 2000 that places a duty and responsibility on a parent or guardian to maintain a child, the Penal Code Act and the Divorce Act, providing for custody of children, maintenance and education of minor children from the marriage in case of divorce. The Commission therefore emphasised that the right to maintenance is a fundamental right guaranteed under the Constitution and entails the provision of food, clothing, shelter, medical care and education to the right holder.

Since the previous report, the situation has not changed. In 2006, child neglect and lack of maintenance, especially by fathers, remained the single largest complaint received at the Commission. A total of **304** complaints of child neglect and lack of maintenance were registered representing **25%** of the total complaints registered at the Commission. *More analysis is provided in chapter seven of this report.*

It has been suggested that the Commission should not handle the issue of child maintenance. A study was commissioned to find out why the issue was rampant. Suffice it to add that the Commission is enjoined to handle abuses by individual and violations by the state as well as considering that children are vulnerable and at times unable to access the traditional justice system which requires fees; the Commission remains open to assist people to access justice. The fact that people continue to come to the Commission implies that they see justice in the Commission. Nevertheless, it recommended that institutions such as Family and Children Court, Police Family Protection Unit and Welfare and Probation among others be strengthened and made more accessible to complement the Commission of this big task.

2.2.9 Torture, Cruel, Inhuman and Degrading Treatment or Punishment

Freedom from torture, cruel, inhuman and degrading treatment or punishment is enshrined under Article 24 of the Constitution of the Republic of Uganda, Article 2 and 4 of the Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, Article 5 of the African Charter on Human and People's Rights (ACHPR), Article 7 of the International Covenant on Civil and Political Rights (ICCPR) and Article 5 of the Universal Declaration of Human Rights (UDHR). Like in the previous year, torture is still reported in security institutions, despite its prohibition under national and international human rights law. Torture, cruel, inhuman and degrading treatment or punishment is prohibited and under no circumstances should anyone be tortured. International standards as well as Article 44 of the Constitution of Republic of Uganda, provide for freedom from torture as one of the non derogable rights. Yet, despite universal condemnation, complaints against torture continue to be registered by the Commission.

A total of 320 complaints of the right to freedom from torture, cruel and inhuman or degrading treatment were received at the Commission in 2006. 264 of these 320 complaints concerned freedom from torture alone, representing 21.6% of the total complaints received during 2006, as compared to 286 complaints received during the year 2005. This was a 22% reduction in cases of torture from 2005. The majority of complaints reported on torture, cruel, inhuman and degrading treatment were lodged against the Uganda Police Force (UPF), followed by the UPDF, and the Violent Crime Crack Unit (VCCU), now known as the Rapid Response Unit (RRU). The table below shows respondents on torture, cruel, inhuman and degrading treatment as received at the Commission's various Regional Offices and Headquarters.

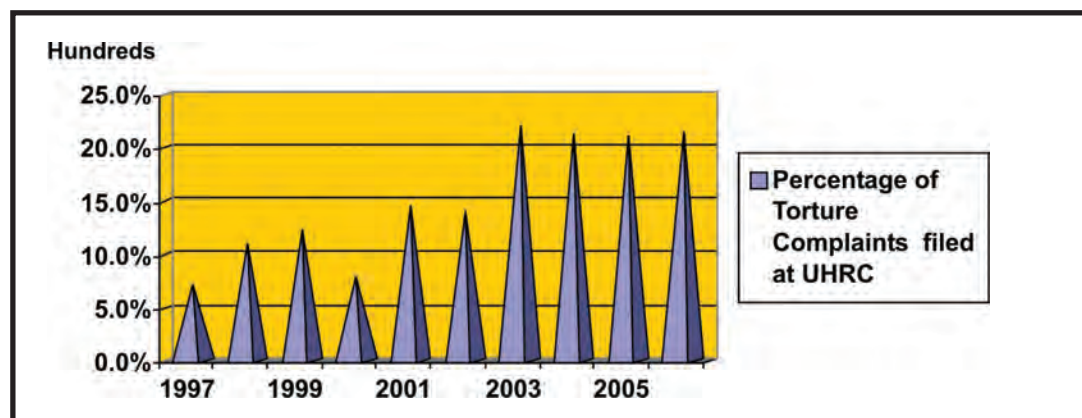
Table 2.6 Number of torture complaints by respondents at various Commission offices in 2006

	Moroto	Gulu	Soroti	Mbarara	Kampala (HQ)	Fort Portal	Jinja	Total
UPDF	21	18	10	4	12	3		68
UPF		7	24	32	41	15	16	135
UPS	1	1		1	4		3	10
VCCU/RRU			3	3	21		7	34
Individuals			3	2	11	3	11	30
Local govt.							2	2
LAP				6				6
Private Cos.	1					1	5	7
Arrow Boys			5					5
LCs				4				4
ISO				1	3			4
UWA				2				2
UFT				1				1
CMI					9			9
District Admin.					2			2
JAT					1			1
Total	23	26	45	56	104	22	44	320

The Commission's Eighth Annual Report recommended that the Government enact a law against torture. However, by the time of writing this report, there was no evidence of any effort to enact such law. (See chapter 11 of this report on Government compliance with the Commission's recommendations).

The graph below presents a comparison of complaints of violation of freedom from torture registered at the Commission since 1997.

Graph B: Observation on trends of torture



The Commission notes that complaints on torture decreased during the period under review as indicated above. Most complainants who appeared before the Commission alleging torture, with most subjected to physical abuse. However, there are others who claim to have been subjected to other forms of torture, such as psychological torture, that are invisible and hard to prove. The majority of complainants alleging psychological torture were unable to prove their claims. However, the Commission notes that psychological torture may be taking place but proving it remains a challenge. Recent media reports have also indicated that torture has changed face in Uganda. Some people are tortured systematically without tearing the skin or leaving any bodily mark but great damage is done inside the body (see media excerpt below). The Commission has received such allegations but its efforts to verify the allegations have been partly let down by complainants who after lodging complaints do not show up again to assist in investigations.

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2.3.0 Counselling

The Commission continued to provide counselling services to traumatised complainants. This was found to be necessary as a way of providing psychosocial support during the process of registering their complaints and through the process of investigations. The unit also plays a referral role to complainants who require further professional counselling, support and treatment. The Counselling Unit offered services to 100 complainants and these included 52 males and 48 females.

Table 2.8 Summary of complainants offered counselling by gender in 2006

Gender	Jan	Feb	Mar	Apr	May	Jun	July	Aug	Sept	Oct	Nov	Dec	Total
Male	6	3	2	2	4	6	-	4	4	10	8	3	52
Female	3	4	4	4	3	2	-	3	9	06	6	4	48
Total	9	7	6	6	7	8	-	7	13	16	14	07	100

The table above illustrates the type of issues dealt with by the Counselling Unit. Depending on the type of issue, the complainants are usually given various types of counselling such as general, personal and eclectic. During 2006, the Unit made referrals to other Institutions for further treatment and management such as Mulago Mental Health Clinic and to the National Union of Disabled Persons of Uganda (NUDIPU).

However, the Counselling Unit has encountered major challenges such as complainants who make demands that are beyond the Commission's mandate, for example:

- Seeking for material or logistical support in form of money and shelter or even medical treatment in the form of drugs.
- The other challenge is the inability of the counsellor to make follow ups on clients even at their homes to ascertain their progress due to logistical constraints.

2.4.0 Resolution of Complaints

In 2006, 240 files were allocated to and heard before the Commission Tribunal. The Commission Tribunal heard and concluded 82, complaints, which included the backlog of complaints of 2005. The 82 concluded complaints were disposed of as follows: 63 complaints were successfully heard and various remedies made to victims, 1 was time barred, 6 dismissed for lack of interest/want of prosecution, 9 dismissed for lack of evidence and 3 dismissed for lack of jurisdiction.

2.4.1 Part-Heard Complaints

The Commission was unable to conclude all complaints brought before the Tribunal, and part heard 186 complaints. This excludes 119 complaints not yet allocated to hearing Commissioners. The part-heard complaints included the backlog carried forward from 2005.

Like in the year 2005, some of the hearings were not carried out expeditiously as planned because of, *inter alia*, non-appearance by the Attorney General's office and this has been attributed to lack of funds to facilitate the State Attorneys handling matters before the Commission Tribunal; and lack of permanent addresses of the complainants. This had impacted negatively on the timeframe, within which complaints were expected to be resolved.

Table 2.9 Complaints partly heard by the Tribunal from January to December 2006

Tribunal Cases	Head Office	Gulu	Soroti	Mbarara	Fort Portal	Jinja	Moroto	Total
Sub-Total	65	49	27	14	14	11	6	186

An additional 54 complaints were allocated before the Tribunal but not heard, bringing the total number of cases brought before the Tribunal in 2006 to 240.



2.4.2 Commission Tribunal Awards

The Commission Tribunal awarded in 2006 compensation worth 368,081,600/= to 47 complainants. This was an increase from the 37 complainants that were awarded a total sum of 306,228,000/= in the previous year. The table 2.10 below shows awards that were made against different institutions in 2006. Details about awards since the establishment of the Commission are provided in chapter 11 of this report.

Table 2.10 Awards made against different institutions

Institution	Amount awarded	Percentage
Attorney General	260,541,600/=	70.8%
Local Government Administration	63,250,000/=	17.1%
Individuals	29,290,000	7.10%
Other institution - Uganda Wildlife Authority	15,000,000	4%
Total	368,081,600/=	100%

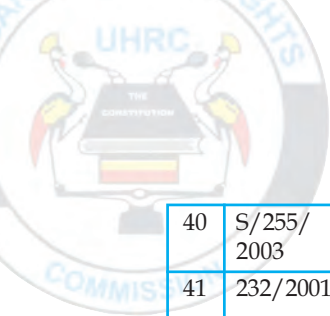
2.4.2.1 Awards to torture victims

In 2006 alone, a total number of **93** out of **243** complaints that were referred to legal and tribunal for hearing related to torture. Further more, of the **82** complaints heard and concluded before the tribunal in 2006, **44** complaints were violations against freedom from torture, representing **54%** of the total complaints heard before the tribunal. Of the **44** complaints of torture heard, **29** against torture were proved and attracted awards worth **260,541,600/=** representing **70.7%** of the total awards to all violations in 2006. Fifteen complaints of torture were not proved.

Table: 2: 11 Complaints of torture disposed of at the tribunal stage

No.	UHRC No	Parties	Violation	Decision date	Compensation awarded
1	64/2005	Christopher Kiwanuka -and-Muduma Sub-County	Torture	January 16 th ,2006	Violation of the right to freedom from Torture 2,000,000/=
2	S/254/2004	Ocen Robert Vs. Attorney General	Torture	February 1 st ,2006	Violation of the right to freedom from Torture 2,000,000/=
3	G/18/2003	Opio Thomson Vs. Attorney General	Torture	February 6 th ,2006	Violation of the right to freedom from Torture 15,000,000/=
4	303/2001	Nalongo Justine. K Vs. Attorney General	Torture Liberty	February 17 th ,2006	Dismissed for want of prosecution
5	MBA/181/2003	Generous Tibiterura Vs. Monday Patrick, Bagambe Deus, Bushenyi District Local Administration	Torture	March 3 rd , 2006	Violation of the right to freedom from Torture 300,000/=
6	S/143/2001	Acau Margaret Vs 1. Otim Ignatius 2. Attorney General	Torture	March 3 rd , 2006	Violation of the right to freedom from Torture 5,500,000/=
7	1095/1999	Ssepuya Bashir Vs. Attorney General	Torture	March 6 th ,2006	Violation of the right to freedom from Torture 5,000,000/= Exemplary damages 1,000,000/=
8	G/263/2003	Ojwang Mark Vs. Attorney General	Torture and Liberty	March 20 th 2006	Violation of right to Liberty 5,000,000/= Violation of right totorture 5,000,000/=
9	G/49/2003	Okema David Odokonyero Vs. Attorney General	Torture and Liberty	March 20 th 2006	Violation of right to Liberty 2,000,000/= Violation of right to freedom from torture 5,000,000/= Refund for taken money 16,000/=
10	FP/155/2002	Kapunju Zaverio Vs. Attorney General	Torture	March 31 st 2006	Complainant awarded 10,000,000/= for Torture and as exemplary damages 4,000,000/=
11	S/421/2003	Etiau Gusberito Vs. Attorney General	Liberty Torture Property	April 10 th ,2006	Violation of right to Liberty 2,000,000/=
12	MBA/201/2004	Twinomugisha Wilson Vs. Rutwama, Fideli Mwebaze	Torture	April 13 th ,2006	Matter dismissed. There was no Human Rights violation disclosed

13	FP/09/02	Sunday Benson Vs. Att. Gen.	Liberty Torture	April 18 th ,2006	Complainant to be paid 8,000,000/=
14	FP/048/2003	Ruhweza Seperiano Vs. Attorney General	Torture Liberty	April 18 th ,2006	Complainant to be paid 6,000,000/= for violation of his rights
15	FP/064/2003	Yozefu Serukeera Vs. Attorney General	Torture Liberty	April 19 th ,2006	Complainant to be paid 20,000,000/= for violation of his rights
16	FP/050/2003	Rwinkesha.W.K Vs. Col. Karuhanga and Attorney Gen.	Torture Liberty	April 19 th ,2006	Complainant to be paid 13,650,000/= for violation of his rights
17	J/34/2002	Jackson Muganza Vs.Kamuli District Local Administration	Torture	April 21 st ,2006	Violation of right toTorture 5,000,000/=
18	S/129/2003	Enebu Joseph Vs. Kabarole GISO Oluboi et al	Liberty Torture Property	April 26 th ,2006	Complaint dismissed.
19	FP/130/2003	Tumwine Patrick Vs. District Local Government.	Torture	May 16,2006	Matter dismissed for want of Prosecution.
20	007/2003	Charles Kazibwe Vs. Attorney General	Torture	May 23 rd ,2006	Violation of right from Torture 13,000,000/= Exemplary damages 4,000,000/=
21	254/2002	Sgt. Tumwine Julius, Pte. Nangumya. F Vs. Attorney General	Torture and	May 30 th ,2006	1st complainant to be paid 15,000,000/= violation of right to Liberty 8,000,000/= Liberty Violation of right from torture 2nd complainant to be paid 10,000,000/= violation of right to Liberty 3,000,000/=
22	MBA/019/2003	Rubihirwa Boniface Vs. Attorney General	Torture	June 6 th ,2006	Violation of right from Torture 5,000,000/= Special damages 295,600/=
23	MBA/5/2002	Baguma J.B Vs. Attorney General	Torture and Liberty	June 6 th ,2006	Violation of right from Torture 3,500,000/=
24	MBA/081/2002	Musinguzi Alex Vs. Mbarara Dist. Admin. and Att. Gen	Torture	June 13 th ,2006	Nominal damages 300,000/=
25	FP/058/2003	Tibahwa Stephen Vs. Attorney General	Torture Liberty	July 10 th ,2006	Violation of right from Torture 10,000,000/= Violation of right toLiberty 2,000,000/=
26	FP/81/2003	Kalyambwa Paul Vs. Kasese District Local Administration	Torture.	10/7/06	Violation of right to protection from torture 40,000,000/=
27	20/2003	Namiya Halima-and-Aramathan Walugembe	Torture	July 14 th ,2006	Complaint dismissed
28	G/112/2004	Awanyo Geoffrey-and-Attorney General	Torture and Liberty	July 14 th ,2006	Awarded 280,000/=
29	G/151/2004	Opio Yuventino Et al -and-Attorney General	Torture	Aug. 3 rd ,2006	General damages to the 1 st Complainant 200,000/= General damages to the 2 nd Complainant 250,000/= General damages to the 3 rd Complainant 250,000/=
30	352/2002	Mufumba Fred -and-Jinja Rd. Police Station	Torture	Aug. 7 th ,2006	Complaint dismissed
31	MBA/289/2002	Nalongo Kiteredde Vs. Attorney General et al	Life Liberty Torture	Aug. 15 th ,2006	Matter dismissed for want of Prosecution.
32	S/229/2003	Iyamitai John-and-Kirungi Steven	Torture	Aug. 31 st ,2006	Matter dismissed
33	S/377/2002	Olupot John Bosco Vs. Attorney Gneral	Liberty Torture	Aug. 31 st ,2006	Nominal damages 100,000/=
34	G/148/2004	Akidi Charles-and-Attorney General	Torture	Sept. 7 th 2006	Matter dismissed
35	G/185/2002	Okot James Lanek-and-Attorney General	Torture and Property	Sept. 7 th 2006	Matter dismissed
36	G/205/2001	Titia Erastus Vs. Attorney General	Torture and Liberty	Sept. 7 th 2006	Matter dismissed
37	MBA/218/2003	Barugahare Charles Vs. Arinaitwe John	Torture	Sept. 26 th 2006	General damages 400,000/=
38	MBA/383/2001	Twinomugisha. R Vs. Nyabuhikye Prison Farm.	Torture	Sept. 26 th 2006	Exemplary damages 4,500,000/=
39	MBA/225/2003	Kagurugunzu Lauren -and-Tugume-Biso Kikagate	Torture	Sept. 26 th 2006	Matter dismissed



40	S/255/2003	Malinga Moses S. Sgt. Kato et al	Torture	Oct. 12 th ,2006	Matter dismissed
41	232/2001	Hatega .B. George-and-. CID Headquarters	Torture and Liberty	Oct. 20 th ,2006	Violation of right from Torture of right to 20,000,000/=
42	S/8/2005	Olupot Godfreyand Att. Gen. Attorney General	Torture	Oct. 18 th ,2006	Matter dismissed
43	G/127/2004	Opio Nicholas and Att. Gen.	Torture	Oct. 23 rd ,2006	Matter dismissed
44	46/2005	David Kiwanuka -and- Nabweru Sub-County	Torture	Nov. 22 nd , 2006	Complainant to be paid 2,000,000/= by consent Judgement.

(d) Categorisation of Respondents in complaints decided by the Commission Tribunal

The main respondents in the cases decided by the Tribunal were security agencies and private individuals as the table below shows.

Table 2. 11 Respondents in the cases decided before the tribunal in 2006

Uganda Police Force	14
UPDF	15
Private Individuals	40
Local Government/ Administration	11
Uganda Prisons Service	2
Total	82

2.4.3 Mediation of complaints

The Commission encourages and ensures that parties to a dispute reach an amicably negotiated settlement and sign a Memorandum of Understanding (MOU). The Commission prefers to use alternative dispute resolution in the form of mediation in family matters in order to preserve the family as an Institution. Other complaints mediated involved property rights, remuneration and gender rights. The purpose of mediation was to ensure that parties reach a mutually agreed and amicable solution. The MOU (containing the terms of the settlement) is drawn and endorsed, in the presence of an officer of the Commission. Where the Commission does not have jurisdiction over issues raised, the Commission invariably refers the claim to an appropriate institution and follows it up to a logical conclusion. Where one of the parties does not respect the agreed terms of MOU, the matter is referred for hearing before the Commission's Tribunal.

In 2006, the Commission mediated and resolved 54 complaints. The majority of mediated complaints were cases on maintenance and the right to education, constituting 87% of the mediated complaints.

2.5 Recommendations

The Attorney General should ensure that individual officers, men and women who commit human rights violations are personally brought to justice, i.e. strict liability as opposed to vicarious liability should be emphasised. This will give an implied liability on the person (perpetrator) to take all precautions necessary to prevent human rights violations. This will act as a deterrent measure for officers that are likely to violate human rights and freedoms.

As has been previously recommended, the Commission continues to urge to the Parliament to enact an effective legislation specifically prohibiting acts of torture, cruel inhuman and degrading treatment or punishment. This law should provide a comprehensive definition of torture, and ensure absolute prohibition of torture, cruel inhuman and degrading treatment or punishment.

The government should adequately facilitate state attorneys, who represent the government before the Commission Tribunal. One of the reasons for delayed hearing was the failure of state attorneys to represent government and sometimes calling for adjournments. Further as has been the emphasis in the previous annual reports, there should be timely compensation of victims of human rights violations.

Chapter 3 **CONDITIONS IN MILITARY DETENTION CENTRES IN UGANDA**

3.0 Introduction

Military Detention Centres mostly hold military personnel who have run afoul of laws and regulations, though civilians are detained there as well. The Commission has in the past had two major problems with military detention centres: first, difficulty in gaining access to detention places without notice, and second, continued complaints of torture by individuals released from military detention centres. During the period under review, for instance, the Commission was unable to inspect any facilities without notice, though it did visit some military detention centres after giving notice, namely Makindye Military Barracks, Summit View, Kololo, Kitante Chieftaincy of Military Intelligence Headquarters, Bombo Army Headquarters, Mbale Third Division Military Barracks and Mbuya Military Barracks. The facilities visited represent only a small fraction of the many military detention centres that exist in Uganda, as most military barracks and detachments have some sort of detention facility, typically situated within the Quarter guard.

Assessment of the general conditions in military detention places was carried out so as to establish whether conditions meet the minimum required international standards as specified by the United Nations Standard Minimum Rules for the Treatment of Prisoners. This chapter therefore provides a critical analysis of general conditions in military detention centres visited, encompassing physical conditions, treatment of inmates and overall management of the institutions, with a special focus on the rights of inmates.

3.1 Progress in Military Detention Centres Since 2004

The Commission followed up a series of 2004 visits with inspections in September 2006.

Major findings during the 2004 inspections included:

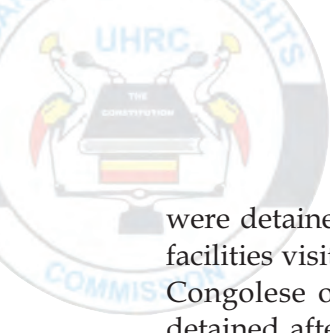
- Limited access to medical care, especially for prisoners living with HIV/AIDS
- Torture
- Denying VCCU suspects visitors
- Low rates of trial conclusions and long detentions
- Arbitrary detentions

Two years after its initial inspections, the Commission found no significant improvements in any of these areas. It was clear that despite the Commission's recommendations, some inmates in military detention centres continue to suffer from long and arbitrary detentions, while the majority of VCCU suspects have been denied justice. As reported in the Commission's 8th Annual Report, some VCCU suspects bore scars consistent with torture. The Commission also continued to be denied access to military detention centres without notice, hampering its ability to form an accurate picture of the state of these facilities.

3.2 Findings in 2006

3.2.1 Categories of inmates

The Commission found both soldiers (UPDF) and civilians in military detention centres. Both categories of prisoners were either arrested by the army, police or VCCU (Violent Crime Crack Unit). Those arrested by the VCCU are mostly civilian suspects arrested in the alleged commission of crimes with firearms, and are known as VCCU suspects. The majority of VCCU suspects were



were detained in Makindye military barracks on a range of charges; all other military detention facilities visited housed mainly UPDF detainees. Mbuya Military Hospital held some detainees of Congolese origin, formerly working with the military in DRC, who claimed that they were detained after reporting to the UPDF on crossing the border.

3.2.2 Reasons for detention by the UPDF

In September 2006, Makindye Military Barracks housed a total of 232 detainees, 92 of whom (40%) were VCCU suspects; the remainder were UPDF soldiers held on various charges. Mbuya Military Hospital held 92 detainees, 12 of whom were civilians, on charges including desertion, murder, adultery, robbery and leakage of classified information. Suspects arrested by the Chieftaincy of Military Intelligence (CMI) were held on charges ranging from desertion (for UPDF soldiers), alleged involvement in terrorism activities (by both UPDF soldiers and civilians) and impersonation (by civilians). CMI officers noted that the impersonation of CMI staff was a significant problem; civilians will impersonate CMI officials and engage in various criminal acts such as extorting money from members of the public. It is worth noting that in all the military detention facilities inspected in 2006, no female detainees were found.

Mbale Third Division Military Barracks was found to house 38 inmates, all of whom were serving military personnel and members of the UPDF Auxiliary Force (Local Defence Units (LDUs) and Arrow Boys Militia). Thirteen of these had stayed in the detention centre on remand for a period ranging from 3 – 5 years. All of the thirteen except one were members of the UPDF Auxiliary Forces and all were charged with murder or robbery, as shown in Table 3.1, below.

Table 3.1: Detainees in Mbale Military Barracks detained for long periods by the time of the visit

No.	Force No.	Rank	Names	Offence Allegedly Committed	Date of detention	Place of Arrest	Position of the Case
1	LDU 0486	Pte	Esikeit Justine	Murder	Nov. 2001	Malera, Kumi	Appeared once at the UDC ¹
2	LDU 0160	Pte	Erisu Richard	Robbery	July 2005	Orungo, Amuria	Appeared once at the UDC
3	RA159703	Pte	Ankunda Robert	Murder	October 21 2003	Ogwete, Lira	Appeared once at the UDC
4	LDU 0223	Pte	Okalang Sowed	Murder	July 2005	Malera Kumi	Appeared once at the UDC
5	LDU 0037	Pte	Kato Abdu	Murder	August 17, 2003	Chepskunya, Kapchorwa	Appeared once at the UDC
6	LDU 0211	Pte	Talwana Sam	Robbery	July 2005	Katakwi	Appeared once at the UDC
7	LDU 0561	Pte	Asinge Alfred	Murder	November	Bukwa	Appeared once at the UDC
8	LDU 0105	Pte	Ebyaru Lambert	Murder	July 2005	Malera, Kumi	Appeared once at the UDC
9	NYA ²	Pte	Okanya Simon	Murder	December 2, 2004	Ngariam	Appeared once at the UDC
10	LDU 0560	Pte	Angiro George	Murder	February 7, 2003	Kapchorwa	Appeared once at the UDC
11	LDU 0734	Pte	Obukulem Charles	Murder	February 8, 2002	Usuk Katakwi	Appeared once at the UDC
12	LDU O657	Pte	Oluka Charles	Murder	June 4, 2004	Amuria	Appeared once at the UDC
13	LDU 0299	Pte	Damu Michael	Murder	September 21, 2005	Obalanga, Amuria	Appeared once at the UDC

3.2.3 State of detention centres

Military barracks apparently have no gazetted places marked as detention facilities. A number of places are used as detention centres within the barracks or military detach as space permits. For example, Kololo Summit View does not have a permanent detention place, only a single-room uniport is used as a temporary detention facility for soldiers held on minor offences. The Commission found just 3 detainees at Kololo Summit View, all held on charges of absenteeism from duty. According to the detainees, they had spent 2 days in the cell, but detainees can spend a week there. Authorities stated that holding in the uniport cell is a disciplinary measure for soldiers who are “wrong-doers” rather than suspected criminals, who are usually transferred and detained at Mbuya lower and upper cells.

When the Commission arrived to inspect CMI Headquarters, officials there denied ever detaining suspects, whether UPDF soldiers or civilians, since there are reportedly no detention cells on the premises. Authorities at CMI informed the Commission that immediately upon arrival at CMI, a detention order form is filled and the suspect is transferred to Mbuya Military Barracks if a UPDF soldier or to police cells if a civilian. However, these suspects are kept in these detention centres as CMI suspects, and the Commission is concerned with the practice in which suspects are dumped at various police stations by security agencies such as CMI, and cannot be released without the express permission of the arresting/detaining authority. The Commission has reliably established that some of these suspects spend a month or more at police stations without being taken to Court, in gross violation of the Constitution of Uganda, regional and international human rights instruments, and the detainees' right to liberty.

At Mbale Third Division Military Barracks, the detention facility consisted of 5 rooms and was highly congested. It was evident that inmates slept body-to-body, a situation that is clearly not healthy, and obviously conducive to the spread of communicable diseases. Despite the congestion, however, the facility was found to be relatively clean and inmates were well-dressed.

3.2.4 The Suspicious Register (Lock up Book)

The register, or Lock-Up Book, as it is called, is a well-bound document with numbered pages on which the the identity of each prisoner, the reason for his/her commitment, the authority detaining him/her, and the day and hour of his/her admission should be entered. The register should be kept up to date by all prisons and other detention facilities, including military detention centers.

Scanned page from Makindye VCCU register

Slr	NAME	UNIT	DOB	AGE	RELIGION	DATE OF BIRTH	DATE OF DEATH	REMARKS
1	RAJENDRA	42	ARUN	1915	1915	1915	1915	
2	RAJENDRA	42	ARUN	1915	1915	1915	1915	
3	RAJENDRA	42	ARUN	1915	1915	1915	1915	
4	RAJENDRA	42	ARUN	1915	1915	1915	1915	
5	RAJENDRA	42	ARUN	1915	1915	1915	1915	
6	RAJENDRA	42	ARUN	1915	1915	1915	1915	
7	RAJENDRA	42	ARUN	1915	1915	1915	1915	
8	RAJENDRA	42	ARUN	1915	1915	1915	1915	
9	RAJENDRA	42	ARUN	1915	1915	1915	1915	
10	RAJENDRA	42	ARUN	1915	1915	1915	1915	
11	RAJENDRA	42	ARUN	1915	1915	1915	1915	
12	RAJENDRA	42	ARUN	1915	1915	1915	1915	
13	RAJENDRA	42	ARUN	1915	1915	1915	1915	
14	RAJENDRA	42	ARUN	1915	1915	1915	1915	
15	RAJENDRA	42	ARUN	1915	1915	1915	1915	
16	RAJENDRA	42	ARUN	1915	1915	1915	1915	
17	RAJENDRA	42	ARUN	1915	1915	1915	1915	
18	RAJENDRA	42	ARUN	1915	1915	1915	1915	
19	RAJENDRA	42	ARUN	1915	1915	1915	1915	
20	RAJENDRA	42	ARUN	1915	1915	1915	1915	
21	RAJENDRA	42	ARUN	1915	1915	1915	1915	
22	RAJENDRA	42	ARUN	1915	1915	1915	1915	
23	RAJENDRA	42	ARUN	1915	1915	1915	1915	
24	RAJENDRA	42	ARUN	1915	1915	1915	1915	
25	RAJENDRA	42	ARUN	1915	1915	1915	1915	
26	RAJENDRA	42	ARUN	1915	1915	1915	1915	
27	RAJENDRA	42	ARUN	1915	1915	1915	1915	
28	RAJENDRA	42	ARUN	1915	1915	1915	1915	
29	RAJENDRA	42	ARUN	1915	1915	1915	1915	
30	RAJENDRA	42	ARUN	1915	1915	1915	1915	
31	RAJENDRA	42	ARUN	1915	1915	1915	1915	
32	RAJENDRA	42	ARUN	1915	1915	1915	1915	
33	RAJENDRA	42	ARUN	1915	1915	1915	1915	
34	RAJENDRA	42	ARUN	1915	1915	1915	1915	
35	RAJENDRA	42	ARUN	1915	1915	1915	1915	
36	RAJENDRA	42	ARUN	1915	1915	1915	1915	
37	RAJENDRA	42	ARUN	1915	1915	1915	1915	
38	RAJENDRA	42	ARUN	1915	1915	1915	1915	
39	RAJENDRA	42	ARUN	1915	1915	1915	1915	
40	RAJENDRA	42	ARUN	1915	1915	1915	1915	
41	RAJENDRA	42	ARUN	1915	1915	1915	1915	
42	RAJENDRA	42	ARUN	1915	1915	1915	1915	
43	RAJENDRA	42	ARUN	1915	1915	1915	1915	
44	RAJENDRA	42	ARUN	1915	1915	1915	1915	
45	RAJENDRA	42	ARUN	1915	1915	1915	1915	
46	RAJENDRA	42	ARUN	1915	1915	1915	1915	
47	RAJENDRA	42	ARUN	1915	1915	1915	1915	



In Makindye Military Barracks, the team was shown a register containing the names of detainees, the reason for their detention, the arresting authority and date of arrest, the day they first appeared in court and the day they last appeared in the Court Martial. However, the register appears to have been drafted solely for the Commission's visit, since Makindye authorities had prior knowledge of the Commission's inspection. For instance, 2006 entries preceded entries made in 2003. This is highly irregular. The register also failed to detail the detainees' hour of admission, and the pages of the register were unnumbered, making it easy to be tampered with. Furthermore, though prison authorities stated to the Commission team that 232 inmates were in detention, the register recorded only 198 detainees. If these numbers are accurate, then 34 detainees there were not registered, a violation of the UN International Minimum Standards.

3.2.5 Arbitrary detention of VCCU Suspects

The Violent Crime Crack Unit (VCCU) has for some time been accused of arresting suspects and dumping them in police cells and military detention centres without charging them. Of the 198 registered detainees locked up in Makindye Military Barracks cells at the time of the Commission visit, 140 (71%) had been arrested by the VCCU. Table 3.2. establishes that as of 3rd September, 2006, a portion of VCCU inmates in Makindye continued to be held without charge.

Table 3.2: Suspects detained in Makindye Military Barracks with no Charges as per the Register

S/N	Army No.	Rank	Names	Unit	DOA	Arresting Authority	Offence	Date of arrest	1 st Appeal
1	RPS 19773	LT	Acleo Kalinga	-	07/05	VCCU	-	07/06/05	-
2	RA163166	PTE	Oling Livingstone	SMA	15/02/06	VCCU	-	10/01/06	-
3	RA182416	PTE	Wayenga Musa	17BN	04/04/06	VCCU	-	09/12/06	07/08/06
4	RA141175	PTE	Okiwi Peter	17BN	15/01/05	VCCU	-	08/12/04	-
5	RA3545	SGT	Wangira Edward	1 st DIV	15/01/05	VCCU	-	23/11/04	-
6	RA22940	SGT	Nsubuga Mohammad	35BN	15/05/05	VCCU	-	31/04/04	-
7	RA176434	PTE	Offiti Godfrey	SIG.REGT	15/01/05	VCCU	-	23/11/04	-
8	RA140652	PTE	Akankunda Nyasio	41BN	16/06/05	DISO/	-	26/03/05	-
9	RA19622	PTE	Bukenya Bernard	61BN	04/04/06	VCCU	-	25/02/06	04/07/06
10	CIV	PTE	Mwesigye Charles		04/12/05	VCCU	-	24/10/05	-
11	CIV		Kyakulaga Sunday		20/09/05	VCCU	-	04/08/05	
12	CIV		Bumali Masangwa		04/04/06	VCCU	-	19/10/05	
13	CIV		Maka Asuman		04/04/06	VCCU	-	12/11/05	
14	CIV		Sizumu Umar		04/04/06	POLICE	-	09/12/05	06/07/06
15	CIV		Masiga David		15/03/06	POLICE	-	27/12/05	
16	CIV		Kiwuwa Robert		05/09/05	POLICE	-	28/8/05	
17	CIV		Mayende Yunusu		15/02/06	VCCU	-	30/12/05	
18	CIV		Tenywa Christopher		15/06/06	VCCU	-	10/01/06	
19	CIV		Obua Denis		04/04/06	POL. JINJA	-	04/01/06	
20	CIV		Akugizibwe Frank		19/10/04	UPDF	-	13/06/04	
21	CIV		Wandera Fred		04/04/06	VCCU	-	18/10/05	
22	CIV		Twaha Mpyangu		04/04/06	VCCU		18/10/05	
23	CIV		Kato Moses		19/12/05	VCCU	-	02/10/05	
24	CIV		Turinawe John		22/07/05	VCCU	-	05/06/05	
25	CIV		Alitwa Suluman		18/06/05	POLICE	-	10/06/05	
26	RA55517	CPL	Musoke Yunusu		29/04/06	VCCU	-	14/04/05	/08/05
27	CIV		Mbazira Paul		27/06/06	VCCU	-	05/03/06	
28	CIV		Muwonge Remegyo		04/04/06	POLICE			

In all, a total of 28 suspects were held in Makindye with no charges against them lodged in the register. If the register is accurate, this arbitrary detention violates the fundamental rights and freedoms of the affected persons, especially the right to personal liberty and fair and speedy trial. In addition, the United Nations Standard Minimum Rules for the Treatment of Prisoners forbid any institution from receiving a person without a valid commitment order, the details of which should have been entered in the register prior to incarceration.

3.2.6 VCCU Explanation of arrests and detentions

The VCCU is a unit of the Uganda Police Force created in 2003 to replace Operation Wembley and to suppress the violent crime that by 2003 had become rampant in Uganda. The Commandant of the Violent Crime Crack Unit, Mr. David Magara, stated that the VCCU has since 2003 to January 2007 recovered 12,297 ammunitions and a variety of firearms from suspected criminals. He listed them as follows:

Table 3.3: VCCU Recoveries 2003 - Jan. 2007

S/N	Name of the fire arm	Total Number
1.	Fire arms	461
2.	RPG	07
3.	Grenades	10
4.	Mortar Shell	813
5.	Toys	15
6.	Ammunitions	12,297

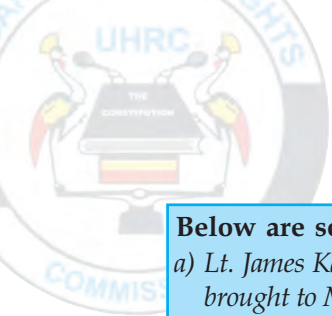
Source: VCCU

Based on these numbers, the VCCU are doing a commendable job, given the previous incidents of armed robberies that had terrorized residents in major urban centres, especially Kampala City. However, if there is evidence of illegal possession of fire arms pursuant to the Fire Arms Act, the UPDF Act and the Anti Terrorism Act, it is not proper for the suspect not to appear in court for trial for periods as long as those reflected in table 3.2. Without formal charges, these individuals are mere suspects; one can only think that the military has no evidence with which to prosecute them, and is therefore holding them illegally or military courts sit too rarely to be effective. Either way, the UPDF has to expeditiously address this matter and as a matter of urgency take the suspects to court or release them.

3.2.7 Long periods of detention

This proved to be both UPDF and civilian detainees' major complaint. Some inmates have been languishing in military detention centers for over 3 years without either being taken to Court or their cases disposed of. The majority of inmates in military detention complained to the Commission team that the General and Division Court Martial in which they are supposed to be tried rarely convenes, and when it does, it simply adjourns hearings. As of 3rd September 2006, most VCCU detainees kept in Makindye Military barracks had never appeared before the Court Martial. These courts simply lack sufficient manpower to dispose of matters promptly, since they handle cases from all across Uganda. One of the striking cases of long detentions was found in Makindye Military barracks where suspects categorised as "Ituri PRA suspects have been in detention since 2003 as shown in the table (next page).

At Mbuya General Hospital, several inmates complained of delays in the judicial process, and of being detained for extended periods without appearing in court or even having their statements recorded. At Mbuya General Hospital, the DCM rarely convenes: it convened briefly in January 2006 and did not meet again until 13th July 2006.



Below are some specific complaints on long detentions

- a) Lt. James Kanga was arrested at Bombo Military Headquarters in 2004 on accusations of being a rebel, and was brought to Mbuya GMH in July 2005, but no statement has ever been recorded from him. He last appeared before the DCM in January 2006. He is a HIV/AIDS patient on drugs and gravely needs a doctor to administer the medicine, as he says the regimen is too strong for him and the diet at the detention facility is improperly balanced, further jeopardizing his health.
- b) Katwesigye Moses (civilian) is a boda boda operator from Masindi who was arrested for robbery in February 2005. After arrest, he was taken to Mbuya GMH on 17th May 2005 but his first time to appear before the DCM was in July 2006. Since his arrest, he has never received visitors because his relatives do not know his whereabouts.
- c) Pte Bukenya Abbas was arrested on 2nd January 2006 for desertion but has never appeared before any court.
- d) Muhoza Jamarie and others (a group of 12 Congolese detainees) allege that they have been detained at Mbuya GMH for 4 - 6 months without their statements ever being taken. They say they left DRC for Uganda owing to the poor security situation there, and that due to the nature of their work in DRC (as soldiers and intelligence officers), they were required to report their presence to the UPDF, after which they were arrested and detained.

CMI officials met by the Commission team defended long detentions as being, in the majority of cases, in the interest of national security. They argue that interrogations concerning acts that pose a threat to the security of Uganda may take far longer than the 48-hour detention rule allows. The Commission, however, calls on army leadership to devise means of putting in place more personnel to ensure smooth functioning of the courts and a fair, speedy dispensation of justice.

Table 3.4: PRA suspects detained in Makindye Military Barracks since 2003

SN	Rank	Names	Date of Admission	Offence	Date of Arrest	1st Appearance in Court Martial	Last Appearance in Court Martial
1.	CPT.	Amon Byarugaba	24/03/2003	Treason	10/03/2003	16/4/2003	17/12/2005
2.	CPT.	Abbey Basemererwa	24/03/2003	Treason	10/03/2003	16/4/2003	17/12/2005
3.	LT.	Steven Asiimwe	24/03/2003	Treason	10/03/2003	16/4/2003	17/12/2005
4.	LT.	Matsiko Kyalisima	24/03/2003	Treason	10/03/2003	16/4/2003	17/12/2005
5.	WOII	Atunga Didas	24/03/2003	Treason	10/03/2003	16/4/2003	17/12/2005
6.	SGT	Mukimba Zefania	24/03/2003	Treason	10/03/2003	16/4/2003	17/12/2005
7.	SGT	Mabiwabyo Isaac	24/03/2003	Treason	10/03/2003	16/4/2003	17/12/2005
8.	SGT	Mwesigye Mate	24/03/2003	Treason	10/03/2003	16/4/2003	17/12/2005
9.	CIV.	Komakech Cosmas	24/03/2003	Treason	10/03/2003	16/4/2003	17/12/2005
10.	CIV.	Mamero William	24/03/2003	Treason	10/03/2003	16/4/2003	17/12/2005
11.	CIV.	Mande Deus	24/03/2003	Treason	10/03/2003	16/4/2003	17/12/2005
12.	CIV.	Mabe Akolo	24/03/2003	Treason	10/03/2003	16/4/2003	17/12/2005
13.	CIV.	Oboma David	24/03/2003	Treason	10/03/2003	16/4/2003	17/12/2005
14.	CIV.	Abere Yassin	24/03/2003	Treason	10/03/2003	16/4/2003	17/12/2005
15.	CIV.	Alorro Morro	24/03/2003	Treason	10/03/2003	16/4/2003	17/12/2005
16.	CIV.	Okello Dagama	24/03/2003	Treason	10/03/2003	16/4/2003	17/12/2005

Source: Makindye military barracks

3.2.8 Safe houses

As per the Commission's 8th Annual report, senior UPDF officials admitted that safe houses do exist, but claimed that they are not used for torture and are instead used to detain hardcore suspects so as to prevent them from interacting with minor offenders. CMI officials interviewed by the Commission team argued that any functioning state must necessarily run safe houses to deal with complex security threats. When asked whether it might not be better to gazette these safe houses, officials responded that to do so would pose a security threat, and would also defeat the purpose of setting them up in the first place.

The Commission reiterates its stance concerning safe houses. If they are absolutely necessary, these places of detention should be gazetted to ensure that detainees are not held incommunicado and that they are not being tortured, as multiple persons have alleged in complaints registered at the Commission following their release. Furthermore, the maintenance of illegal places of detention has long been condemned by the Commission as well as regional and UN Treaty Bodies as a violation of Uganda's international obligations, an unacceptable state of affairs. The arguments advanced by the CMI are contrary to the rule of law.

3.2.9 Discrimination Against VCCU Suspects

Discriminatory tendencies in the treatment of inmates were noted in Makindye Military Barracks. Whereas UPDF inmates had mattresses, blankets and mosquito nets, and slept in relatively uncongested conditions, the majority of VCCU inmates were sleeping on bare mats no different from the bare floor, in reeking, congested detention wards. Furthermore, UPDF inmates, but not VCCU inmates, have flushing toilets and better bathrooms within their detention wards. This could explain why a large number of VCCU detainees were found to be suffering from skin ailments. Discrimination in any form is prohibited under all international human rights instruments, including Article 6 of the UN Standard Minimum Rules for the Treatment of Prisoners³.

UPDF detainees in Makindye Military barracks had their own health facility and were tended to by personnel different from those tending VCCU detainees, which appeared to have been the practice for some time. It can therefore safely be said that UPDF detainees have better medical attention than their VCCU counterparts, a result of housing two categories of inmates in the same detention facility, but looked after by different authorities: in Makindye, VCCU inmates are catered for under the Uganda Police Force budget, while UPDF inmates are maintained on the UPDF budget. The solution to feelings of discrimination lies in VCCU inmates being detained at police stations when arrested. They are largely civilians and no convincing rationale has been offered to explain why they should be detained with army suspects.

3.2.10 Solitary Confinement

This is a special form of punishment or imprisonment in which a prisoner is denied contact with any other persons except members of prison staff. Solitary confinement is a cruel and unusual punishment because it carries a severe negative impact on a prisoner's mental state, which can lead to a range of mental illnesses including depression. It is effectively prohibited under Article 7 of the ICCPR, dealing with cruel and unusual punishment and torture.

Complaints received from some inmates in Makindye military barracks lead the Commission to conclude that some detainees were indeed kept in conditions meeting the description of solitary confinement. In roughly 6 rooms at Makindye Military Barracks Quarter Guard, detainees are locked up, each alone in one room with no essentials such as beddings, and with infrequent and insufficient distribution of food. Some detainees kept in these special rooms informed the team that they were exposed to mosquitoes and harassment by Makindye staff. The Commission team found three inmates at Makindye, Mr. Rwabwoba Julius, Kirunda Rogers and Charles Lwanga, who stated that they spent three months in "special rooms" in solitary confinement following attempts to escape from the facility. They were reportedly released from this confinement only on the eve of our visit.

3.2.11 Torture

Complaints of torture were received from detainees at Makindye Military Barracks and Mbuya General Hospital, with the majority of complaints coming from VCCU suspects at Makindye. On the basis of inmates' statements, the Commission team established that torture does not take place inside the barracks, and that suspects are tortured elsewhere by VCCU operatives and later dumped in Makindye cells. A significant number of suspects in VCCU detention wards had torture marks.



At Mbuya GH, although there were no physical signs of torture among the detainees, one detainee walked with a limp that he said was caused by beatings he had been subjected to at CMI Headquarters. Other detainees informed the team that they were subjected to torture while being interrogated at CMI and were thereafter dumped at the Quarter Guard at Mbuya Military Hospital with injuries. At Bombo General Headquarters, one soldier reported that a Corporal called Esuguri attached to the CIO's office was in the habit of torturing detainees. Inmates in Mbale Third Division Military Barracks also complained of occasional beatings by the RPs⁴ and stated that they are frequently subjected to hard labour.

Certain elements in the UPDF have made a practice of beating their wrongdoers and suspects for so long that they no longer see it as a problem. This must stop. The Commission has registered cases of disability caused by such torture. Alternative means of punishment must be devised; torture and corporal punishment are illegal. Those soldiers who torture or administer corporal punishment must be punished severely or expelled from the UPDF.

3.2.12 Improvements in accommodation

Conditions in those military detention facilities inspected were found to be better than those at most police and prison detention facilities. As stated above, however, conditions are far worse for VCCU detainees than for UPDF detainees. While most facilities for UPDF detainees were fairly clean and well ventilated with proper sanitary installations, that of VCCU detainees was characterized by too much congestion to the extent that some inmates shared beds. Though the VCCU wards at Makindye Military barracks were stinking and congested, there was evidence of some attempt by the administration to keep the place tidy.

3.2.13 Personal Hygiene

The Commission was satisfied with the hygienic conditions in all military detention centres where UPDF detainees were housed. This was not the case for VCCU suspects, especially in Makindye barracks. The VCCU suspects detained in Makindye Military Barracks live in unacceptably poor hygienic conditions. Some suspects in the VCCU detention wards are suffering from skin diseases; as these are infectious, there is a real threat to the health of other detainees. At Kololo Summit View, the floor is well polished with concrete and cement. At Mbuya GMH, the detention facility has running water, indoor toilets and bathrooms. However, the toilets do not flush, and the detainees must therefore fill a large metallic drum with water in which they dip their basins or buckets and pour water into the toilets. The drum is very old and has multiple holes in it, making it cumbersome to keep water in. At Bombo General Headquarters, the facility was found to be quite clean; the compound was very well-mowed; the pathways all well trimmed and the inmates all well-clothed and looking healthy.

3.2.14 Clothing and Beddings

Each prisoner is given at least one uniform. The detainees, however, noted that washing the uniform is dehumanizing, in that they have to stand naked in order to do so.

At Mbuya General Hospital, the detention facility has a maximum capacity of 60 inmates. There are 11 rooms, 9 of which serve as sleeping rooms; one is a meeting room and the other room accommodates the guards. One large sleeping room is meant to accommodate 30 detainees but instead accommodates 60. Only a handful of detainees have mattresses; these are brought in by their relatives, and all other detainees sleep on the bare floor. The other eight, smaller sleeping rooms accommodate about 5 detainees each. Congestion in the larger sleeping room makes the ventilation there insufficient.

Inmates' beddings were also found insufficient at Makindye Military Barracks. The situation is even worse when it comes to the VCCU suspects' wards, where a bare mat is the only bedding

an inmate can enjoy. The team discovered that even these mats are the property of detainees, and are not provided by the administration.

Inmates at Mbale Third Division Military Barracks also lack proper bedding; at Mbale only old, tattered blankets are used. The Commission team, however, commended the administration for a high standard of hygiene at the facility.

The Commission is extremely concerned about the detention of civilians in military facilities, and about the fact that they are subjected to worse conditions than their military counterparts. This practice is unconstitutional and contravenes human rights standards. The Commission advises the authorities to desist from the practice of detaining civilians in military detention centres and to transfer them quickly to police for further processing, appearance in court and prosecution. Only then will all the attendant problems that civilians currently face in military detention centres be attenuated.

3.2.15. Food not Sufficient and Balanced

Though the food provided in military detention facilities is in many cases of sufficient quantity, its quality is poor and meals fail to provide detainees with a balanced diet. Inmates feed on beans and posho almost all the year long; some detainees complained of vision problems as a result of poor feeding.

At Mbuya General Hospital, inmates get three meals a day; breakfast is porridge, and lunch and supper consist of posho and beans. There were, however, complaints about the diet and the quantity of the food served. The diet is not balanced and this has negatively affected the health of some detainees. According to the detainees interviewed at Kololo Summit View, food consists entirely of posho, beans and rice, but is of good quality and sufficient quantity. Detainees are served breakfast, lunch and supper prepared and served together with those other soldiers not in detention. At Mbale Third Division Military Barracks, the inmates informed the inspection team that they are served two meals a day and the food is fairly well-cooked.

3.2.16 Exercise and Sport not enough for all military detention places

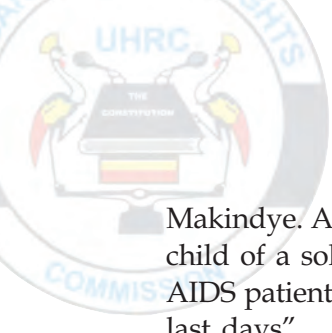
Detainees at Makindye Military Barracks are allowed two hours per day of sunshine and sport, which can be considered adequate. However, at Mbuya GH, the team was informed that the detainees are allowed to sunbathe only once a week. In line with Section 21 of the UN Standard Minimum Rules, the detainees should at least be allowed one hour per day, weather permitting, of suitable exercise in the open air.

3.2.17 Medical Services still poor

At Kololo Summit View, the Presidential Guard Brigade institution has an Entebbe-based referral center staffed by a physician and a counselor for those who need the services. At Mbuya, inmates informed the team that since they are within the precinct of Mbuya Military Hospital, the medical services are accessible, although the drug supply is inadequate and often interrupted. At Makindye Military Barracks, there are two medical facilities, one for the UPDF and the other for VCCU suspects, both of which are ill-equipped in terms of personnel and availability of drugs and equipment. The Inspection Team was informed that a clinical officer is in charge of the UPDF medical facility at



Detainee in Kumi Prison: some VCCU suspects at Makindye have similar ailments.



Makindye. At the time of the Commission's visit, only two patients had been admitted: one was the child of a soldier who was on drip and another was a robbery suspect suffering from AIDS. The AIDS patient was in very critical condition and according to the medical report⁵, he was "living his last days".

Even if prisoners living with HIV/AIDS are able to access ARVs, taking these drugs without adequate feeding cannot keep their health from deteriorating.

It was noted that VCCU suspects have limited access to medical care, even for simple sicknesses like skin diseases. Some VCCU suspects were suffering from a sexually transmitted infection that was eating away their genitalia and that obviously needed prompt treatment.

3.2.18 Staff – Inmates Relationship

Generally, in all the military detention facilities visited, a cordial relationship prevailed between the UPDF and the detainees. This has reduced the number of cases of discipline and punishment that would amount to torture. Apart from isolated cases of solitary confinement, simple punishments and disciplinary measures such as slashing the compound are meted out to undisciplined inmates.

3.2.19 Information and Religion

Detainees informed the Commission team that their access to information was restricted, as no radios or televisions were allowed within the detention wards. In one ward in Makindye, inmates were conducting adult literacy programs to help their colleagues learn how to read and write. However, inmates noted that it was difficult to convince the authorities to allow them to secure books and pens. This is a good initiative and deserves support from the authorities; the Commission believes similar practices should be encouraged in other places of detention. The inmates are allowed to practice their own religion. Freedom of worship is well-observed.

3.2.20 Problem with Visitations

At Mbuya General Hospital, as with other military detention centres visited, detainees are allowed visitors once a week. However, some inmates complained that they never receive visitors since their relatives do not even know that they are being detained. This matter raises serious concerns and should be addressed by authorities; relatives, friends and loved ones could be thinking these detainees are dead. Section 37 of the Standard Minimum Rules provides that prisoners should be allowed under necessary supervision to communicate with their family and reputable friends at regular intervals, both by correspondence and in person. At Makindye, most detainees complained of not being allowed to meet their visitors, including their lawyers.

3.2.21 Detention of Children with Adults

The team discovered that children are held as VCCU detainees at Makindye military barracks, and are kept with adult suspects, some of whom are hard-core criminals, in total violation of these children's rights. According to Section 85(2) of the Standard Minimum Rules for the Treatment of Prisoners, young, untried prisoners should be kept separate from adults and should in principle be detained in separate institutions. One child held in Makindye told the Commission team that he had been arrested and detained on allegations of stealing a bicycle. The two child suspects found at Makindye were Bwambale Raphael, aged 16 years, from Kasese district, and Arituha Steven, also 16 years, from Kabarole district.

At Bombo army headquarters, the Commission found a 16-year-old UPDF detainee named Sebbale Samuel, held on allegations of illegal possession of a firearm who stated that he had been coerced into joining the UPDF's reserve force in Gulu in 2001.

3.3 Recommendations

- The Army leadership should devise a method that allows for the Unit Court Martial, Division Court Martial and General Court Martial to convene more frequently and dispose of cases. Sustained detention of suspects without trial for years is a denial of justice. The rights of detainees should be respected and they should be allowed to prove their innocence.
- The Army leadership must stop the VCCU/RRU from dumping its suspects in military detention centres after torturing them. Furthermore, children in conflict with the law should be separated from adults. The Commission holds that there are no circumstances whatsoever that warrant the detention of children in military facilities.
- The leadership of the respective military barracks should allow detainees to make use of available health services without discrimination. In addition, general access to medical services for all detainees in military centres should be improved.
- The practice of solitary confinement should cease. It is a violation of the rights of detainees.
- The Officers in charge of the various military detention centres should ensure that the Register in which detainees' particulars are recorded is properly maintained and updated.
- The Government of Uganda should ratify the Optional Protocol to the Convention Against Torture (OPCAT) to give an opportunity for the Commission and other interested organizations to visit places of detention unhindered and without notice.
- Civilians should never be detained in military detention centres, as their cases can be tried in civilian courts.
- In line with United Nations Security Council Resolution 1612, and with the UPDF's own standards, children should never be subject to recruitment, detention, or employment in the UPDF. Any children found under these circumstances are there illegally.



Members of the Uganda Human Rights Commission with the Speaker of Parliament (in a grey suit) after handing over the 8th Annual Report.

(Endnotes)

¹ Unit Disciplinary Committee of the UPDF

² Not Yet Allocated used to refer to the military service men not officially served with army numbers

³ UN Minimum Standard Rules for the Treatment of Prisoners

⁴ Regimental Police in charge of discipline in the military

⁵ As revealed by the OC Prisons Makindye Military Barracks, but the Commission was unable to see the medical report.

As of July 2007, the first three agenda items had been concluded, though the second item had to be revised after a stalemate. The third agenda item was opened for discussion on April 23, 2007 and concluded in June. Each of the five items has significant implications for the state of human rights in Uganda, as discussed further below.

1. Cessation of Hostilities (First Agenda Item)

On August 26, 2006, a Cessation of Hostilities Agreement was signed between the GoU and the LRA, taking effect on August 29, 2006. Even though it did not mark a cease fire *per se*, the



Commissioner Veronica Eragu Bichetero (right) in dialogue with the LRA's Vincent Otti (left)

agreement was an important confidence-building measure, and began to give hope that peace might at last be in sight. The ceasefire agreement required LRA rebels to assemble at two points, Ri-Kwangba and Owiny-Kibul, in southern Sudan, and required the GoSS to provide safe passage for the LRA to a safe zone in Southern Sudan, to feed them and to provide international monitors following cessation of hostilities. Despite initial lapses, the truce was nevertheless revamped twice, on November 1, 2006 and April 14, 2007; by June 2007, the LRA were moving to one assembly point at Ri Kwangba as required, and IDPs were

engaging in widespread, spontaneous movements homeward. This period also saw a significant reduction in human rights violations by the belligerent parties in the north.

2. Comprehensive Solutions to the Causes of Conflict⁴ (Second Agenda Item)

On May 5, 2007, an agreement on Comprehensive Solutions to the Causes of Conflict was signed. Issues agreed upon, among others, included that: the GoU provide protection to the LRA leaders, combatants and personnel during the transition from conflict to peace once a final agreement is signed; that members of the LRA who are willing and qualify be integrated into the national armed forces and other security agencies in accordance with subsequent agreements between the parties; that fair and equitable compensation and repossession of land be met in case of expropriation of land for IDPs and military barracks. Furthermore, the GoU agreed, through the Equal Opportunities Commission, to review and assess the nature and extent of any regional or ethnic imbalances and disparities in participation in central government institutions and to take all necessary steps to remedy any anomalies. These agreements have human rights implications including right to property issues, protection of vulnerable persons, discrimination, and provision of equal opportunity.

Kony himself had signed an addendum to the Cessation of Hostilities agreement on April 14, 2007, extending it up to June 2007, which made possible the conclusion of the May 5, 2007 Agreement. This item too, although it took long to conclude, increased people's hope for peace in the north. Post-conflict reconstruction and development have now become priorities. In the face of these developments, donor and investor confidence in Northern Uganda is growing. The Commission believes this marks a new dawn for the enjoyment of human rights in northern Uganda, and that everything should be put in place to sustain this momentum and return peace to the North.

3. Reconciliation and Accountability⁵ (Third Agenda Item)

The third agenda item was opened for discussion on May 18, 2007. By June 10, 2007, the parties had already proposed an outline for discussing and drafting an agreement on agenda item three

(Accountability and Reconciliation). The negotiations are under way on the item. This item has four major components of human rights concerns namely:

- (i) Commitment to accountability or non-impunity and reconciliation by both parties, which means implementation within Uganda through formal (legal and institutional framework) and other mechanisms as established and recognized by law as well as respect for sanctity of agreement (non-violation and good faith). Existing institutions in Uganda include the Uganda Human Rights Commission and the Uganda Amnesty Commission, while alternative justice mechanisms may include Special Courts/Tribunals, Truth and Reconciliation Commission and Accountability/ Reconciliation Tribunals/Committees at different levels of the affected communities.
- (ii) There is also a consideration of Principles of general application, including: national and international benchmarks for administration of criminal and civil justice under this Agenda Item. The period to be covered for purposes of accountability and reconciliation is also expected to be covered and; provision for wide consultations at all stages of development and implementation of the agreement is expected to be discussed. This is crucial to enable consensus and ownership of the process.
- (iii) Victims' consideration is also crucial under this Item. They were considering adopting gender-sensitive mechanisms that ensure respect for the participation, dignity, security and needs of the victims and children. This is justifiable in the context of victims' views consideration and special attention necessary to these groups in the process.
- (iv) The other inevitable issue will be legislative reform in the context of the negotiators and peace to review legislation. This is intended according to the negotiators to establish an integrated national legal framework that gives effect to the principles of reconciliation adopted by both parties such as: constitutional implications; a statute providing for alternative justice mechanisms; amendments to the Amnesty Act; review of the UHRC Act, and; other laws to contribute to peace building



CHMT members overseeing the delivery of food by Caritas staff with Comm. V.E. Bichetero at Ri-KWangba, June 22, 2007.

4. Ceasefire Agreement and Demobilization, Disarmament, Reintegration and Resettlement (DDR) Programs (Fourth and Fifth Agenda Items)

These are yet to be tackled. Nonetheless, success of the peace negotiations on agenda items four and five is heavily dependent on how the negotiations progress during the third agenda item on accountability.

4.1.1.1 Conclusions on the Progress on the Agenda Items

The Commission observes and recommends that parties remain steadfast to their commitment on peace talks, the key stakeholders and parties stick to their roles and duties as well as ensuring that a number of concerns of either party are fully addressed in a principled manner.

4.1.2 Conditions likely to favor success of Juba peace talks

The Commission is convinced that several conditions are conducive to the success of Juba Peace. The conditions and opportunities that need to be enhanced and many more created to ensure total success and respect of a comprehensive agreement include:

- (i) **Broad-based, representative nature of the talks.** A range of stakeholders have been included in the Juba talks with belligerent parties, mediation team, observers, traditional institutions, local politicians, religious leaders, civil society organizations and NGOs, women, members of opposition parties, human rights institutions, media, monitoring team, victims and the international community all represented. Most of these stakeholders had initially been seen as mere observers, but have in effect given legitimacy, strength as well as enhanced assistance to the peace processes.

The Commission itself, for example, has been an observer, often providing mediation guidance to the parties in the area of human rights, and Commissioner Veronica Eragu Bichetero was later nominated by the Chief Mediator to join the mainstream mediation team.⁶ It is important however that none of the stakeholders is seen as sabotaging the talks as was the fears during the time when peace talks were stalled between January and April 2007.⁷

- (ii) **Continued support and good faith from the parties to the talks** have demonstrated commitment to ensuring successful peace negotiations that would yield positive results for people in Northern Uganda. The fact that the GoU has accepted and yielded to most demands of the LRA/M (see **table 4.1 below**) including the visit of President Yoweri Museveni to the peace talks venue in Juba on October 20, 2006 is a good sign and a confidence building measure of commitment on the part of government that peace is returning in the North. On the other hand the LRA/M acceptance and interaction with negotiators and Kony signing the ceasefire agreement even if the leaders of LRA are not on the venue themselves is a positive development.
- (iii) **Improved peace and security or humanitarian conditions** for the directly affected innocent civilians in northern Uganda and parts of southern Sudan Juba peace talks has helped IDPs to return, resettle and begin to re-establish their livelihoods and reintegrate into their former communities (see the **Chapter on IDP Return**). This has given some displaced Ugandans renewed hope that peace will finally come; no civilian abductions since the start of the talks; and a substantial reduction in the phenomenon of “night commuters” (children who would travel daily long distances from their village homes to seek shelter overnight in urban centres). The rate at which the people (IDPs) are returning home should demonstrate to all parties that people are voting for peace with their feet and are not willing to accept anything short of peace from Juba.

4.1.3 REMAINING CHALLENGES TO THE JUBA PEACE TALKS

- (i) ***The Regional nature of the of LRA Conflict***

The conflict in northern Uganda has differently affected Ugandan and regional citizens in the Sudan and DRC. Some people, such as the IDPs in Uganda and Sudan are directly affected while others are not. Sudanese refugees have not been able to return home in spite of the end of the conflict between the SPLA and the government of the Sudan because of the LRA presence in southern Sudan. Some Congolese, UN peace keepers as well as innocent Sudanese have allegedly been killed by the LRA,



Commissioner Veronica Eragu Bichetero chats with Vincent Otti and LRA delegate Matsanga after the June 24, 2007 meeting.

though wrong elements in these countries could also use the cover of LRA to carry out heinous crimes against humanity. Without a coordinated, region-wide effort, peace will never be secured.

(ii) *How to Resolve the ICC Question*

The question of the ICC remained, to some people, a hindrance to peace. Debate continued to center on the question of whether or not Uganda can withdraw the case from the International Criminal Court (ICC); whether or not the prosecutor and the judges can be convinced that the traditional mechanisms of reconciliation such as the Acholi's "*mato oput*" could be an alternative form of delivering justice for victims; whether "*mato oput courts*" conform to the principles of justice and do not condone impunity; whether or not *all* the victims could accept "*mato oput courts*" as an alternative form of justice without dissenting voices; whether any State or international body with or without the authority of ICC could arrest the indicted LRA members from a country that has not ratified the ICC (such as Sudan) and whether the ICC could be convinced to offer an assurance to the indicted LRA members to come and attend talks in Juba.

(iii) *Delayed Release of Children*

Both the international community and the GoU devoted much effort toward securing the release of children held in rebel captivity, with no success. One such effort saw Mr. Jan Egeland, the UN Under-Secretary for Humanitarian Affairs and Emergency Relief

LRA accept responsibility for war crimes

By Vision Reporter

LRA rebels have accepted responsibility for atrocities committed against the people of northern Uganda during more than 20 years of bloody insurgency.

In papers presented to the mediator and the Government delegation at the talks in Juba on Thursday, the rebels said they were waiting for the Government's response to determine their next move.

The Government plans to ask the International Criminal Court (ICC) to drop the charges against the rebel commanders for war crimes and crimes against humanity once a peace agreement is signed and an alternative justice system agreed.

The talks, which have been on and off since last year, have been debating how both sides should account for their role in the conflict and how to reconcile. Senior Sudanese and Ugandan clergy praying in Juba last week, called on Ugandans to forgive the rebels as a means to lasting peace.

The technical adviser of the rebels on ICC matters, David Matsanga, said yesterday Ugandans and the peace talks process would decide the punishment for the rebels, who are accused of brutal and savage acts such as cutting off the limbs of their victims, rape, murder and sexual slavery. "There is a general consensus in Uganda that the ICC is more of a restorative justice. We want the justice that will give us long-lasting peace so that our people don't hear of any rebellion and war again," he explained.



The wreckage of a car said to have been burnt down by LRA rebels in an ambush in the north

restorative justice. We want the justice that will give us long-lasting peace so that our people don't hear of any rebellion and war again," he explained.

Speaking on the US based Voice of America, Africa programme, Matsanga explained that the papers outline the rebels' views on how the ICC should proceed and suggests alternatives to the indictments.

He criticised the way the ICC has handled the case,

singled out the rebels for punishment.

"One side has been indicted. We are able to account on our side. But what about the UPDF (Ugandan People's Defence Force) that has failed to account for the role that it played in the northern Uganda conflict?" Matsanga asked.

"There is no way that one side can be taken and the other side is left," he noted.

He argued that while the ICC must start from some

"from the top, instead of starting from the bottom."

Matsanga argued that it was the responsibility of the Government to resolve the issue of the ICC.

"They are the people who refereed this matter (to the ICC), and at the same time, they are the people who have suggested an alternative mechanism of justice. So the ball is in the hands of the Government of President Museveni to take this matter and show us a

Coordinator, meet with Kony attempting to secure the release of women and children who are affiliated with the LRA, but the LRA leadership refused. The LRA military leadership claimed that these individuals are their "wives" and children and that they will all return together. Releasing these non-combatants would affirm the LRA's commitment to the peace process. It will be a milestone in protecting the rights of those in captivity, who continue to be kept as sex slaves and child soldiers. In a meeting between the Commission representative, Commissioner Veronica Eragu Bichetero, and Vincent Otti of the LRA, the issue of children was raised, again without progress. Unless a comprehensive solution is found for releasing, rehabilitating and

reintegrating these children, even if peace is attained, the potential for backsliding into conflict is high, as they will have little education and few prospects for supporting themselves besides taking up arms again.

(iv) *Protracted nature of the process*

Several factors have hindered speedy progress since the resumption of talks. The most

prolonged disagreements began on January 16, 2007, when the LRA formally refused to return to peace talks¹¹. Earlier, the greatest challenge of the talks was overcoming discord in expectations vis-à-vis fears. The GoU presented a peace deal, offering amnesty and reintegration packages in bargaining to achieve cessation of hostilities, disarmament and demobilization. Within the LRA, there were mixed expectations against fears. On the other side, LRA's greatest fear was the ICC indictments. With the LRA military leadership absent, their representatives (i.e. prominent members of the Acholi Diaspora or the wider LRA network) in Juba had a different focus. They preferred addressing the root causes of the conflict, eliminating injustices and signing a power-sharing agreement, which were a vastly different agenda from that of the LRA military leaders, who are more concerned with their own safety and security. In the process, they (the LRA delegates at the talks) raised unrealistic demands such as disbanding of the UPDF! The demands and GoU response to demands are detailed in the table 4.1 below. Nevertheless, there are about five concerns that contributed to the delay of the peace talks in Juba namely:



Source: UHRC LDC.

- a) **Security concerns** - for the delegates in Juba, of LRA fighters in assembly areas, in the Greater Equatorial Zone in Southern Sudan, and in Northern Uganda;
- b) **Issues pertaining to the venue** (Juba) – following remarks of Sudan President Omar el-Bashir at rally in Juba stadium on January 8, 2007, the question of whether the venue should stay as Juba or not, preoccupied the minds of negotiators for a considerable long time.
- c) **ICC arrest warrants**, which they demanded dropped because they viewed the warrants as a direct threat to their security and thus making peace negotiations loop-sided;
- d) **Undefined roles and responsibilities** of key stakeholders for a logical flow of responsibilities;
- e) **No confidence in the Secretariat** (poor public relations, lack of information management and poor information flow, lack of power to control funds and **Secretariat welfare** (water, food, medicine and accommodation)

Conclusion on Challenges

It is, therefore, imperative that the talks are not allowed to be bogged down by trivial issues. Every day that passes without a certain agreement in Juba increases the vulnerability of people in northern Uganda and even in southern Sudan and DRC. It is crucial that the negotiators and other stakeholders remain focused for a speedy return to peace, law, order and enjoyment of human rights in northern Uganda.

Although these issues look like challenges, they have now been adequately answered by setting up principles in the agreement on Agenda No. 3 on accountability and reconciliation. These principles do cover concerns like non-impunity, reconciliation, truth telling, reparations and compensation, as well as a need to protect the integrity of victims. The challenge that remain is to work on necessary mechanism for implementing these principles. The Uganda Human Rights Commission shall play a pro-active role in helping to formulate and implement these principles.



Table 4.1: Showing some of the various demands that the LRA have continued to put forward and GoU responses

LRA demands	GoU response to demands
Meeting their wives' plus a large delegation from Uganda, as part of a confidence-building move to spur on the talks	Sent LRA ' wives' plus a large delegation from Uganda
Meeting Kony's mother and other relatives of LRA fighters at the rebel base of Garamba in northeastern DR Congo as talks took a break	Facilitated Kony's mother and other relatives of LRA fighters
Hon. Gen. Caleb Akandwanaho (a.k.a. Salim Saleh) to be included in the JPT government delegation because of his (Saleh's) clemency	Led a team for the Mombasa meeting to salvage the talks.
Reparation and compensation on human lives, livestock and other properties that were destroyed/ lost during the 20 years old war in eastern and northern Uganda	Taken up for discussion
Autonomous new Ministry and body, established with the mandate to handle the general reconstruction, rehabilitation and development of eastern and northern Uganda	Taken up for discussion
Dissolution of the UPDF and the creation of a new national army with proportional representation drawing members of UPDF and LRA	Considered far-fetched.
Acholi, Lango and Teso land that had been or still illegally used by the government and military be returned to their rightful heir and owners	Land handling maintained are under appropriate authority
IDPs returnees unconditional return to own homes/ villages, and an independent force, preferably from the African Union must supervise the return of the IDPs	IDPs returnees return, resettlement and reintegration plan implemented
Truth and Reconciliation Commission be instituted to investigate human rights violations from 1986 -1996 (gap that has never been investigated) for the million people who died in Congo and the 1.2m who died in northern and eastern Uganda under NRM leadership	One of the strategies under discussion for the 3rd agenda item.
An apology from the GoU for not upholding the Constitution, for the twenty-year atrocities and genocides have been committed in northern and eastern Uganda	Under consideration as debate ensues on 3 rd agenda item from various parties.
Federal form of Government: a two way devolution of power through the adoption of a federal system of governance in Uganda before speeding up of the east African federation	Provided regional tier framework
UPDF withdrawn from Southern Sudan, as their presence no longer served any purpose there.	Under arrangement with GoSS
A guarantor to ensure the implementation of any agreement reached in Juba, so that a fad, as was with the Nairobi Peace Agreement of 1985, is avoided	Involved international partners vigorously to oversee all processes geared to an agreement and subsequent implementation
Removal of UPDF restrictions on access to land by IDPs, lest land is grabbed by GoU	Maintained it under appropriate authority
Change of venue and Machar removal while out of Juba: accused the host/GoSS, GoU and the mediator of being biased against the LRA	Consultations led to agreement by both parties that saw the resumption of the talks in Juba.
African Union (AU) monitors throughout the Juba peace talks.	8 monitors were designated.
Former High Court Judge Okumu Wengi as LRA legal representative.	Taken up for discussion.

Source: Summarized from Uganda's dailies – The Daily Monitor and The New Vision ranging from August 2006 to June 2007.

4.1.4 HOW CHALLENGES HAVE SO FAR BEEN HANDLED

The challenges above made the talks stall and heightened uncertainty since January 16, 2007 to early April 2007. As a result, the eight-month ceasefire between the UPDF and the LRA lapsed on March 1, 2007, fuelling fears that northern Uganda could be plunged back into violence, but the GoU unilaterally extended it and LRA never violated it in Uganda. However, numerous attempts of confidence building and renewed hope for peace and security in the north led to revival of the talks mid April 2007. Such efforts involved the GoU, local Acholi Leaders, NGOs (such as Pax Christi and Sant'Egidio) and other stakeholders like regional and international supporters.

4.1.5 Questions over the International Criminal Court

Fundamental arguments both for and against the ICC involvement in the northern conflict exist. International human rights law condemns impunity and leaves no room for it. This principle forms the basis for the establishment of the International Criminal Court. It is further backed by modern national, regional and international human rights standards and norms. In the face of this, however, considerable support for alternative mechanisms of justice exists in the North, where the war is largely based and its impact largely felt. The report *Transitional Justice for Northern Uganda, Eastern and Some parts of West Nile*, commissioned by the Justice, Law and Order Sector and UNDP, established that 46% of persons surveyed wanted blanket amnesty, while 43% supported confession, apologies from perpetrators and then conciliation, with just 9% in favor of prosecution.

Rights leaders meet Otti



Otti poses for a photo with one of the children

By Henry Mukasa in Juba

A COMMISSIONER of the Uganda Human Rights Commission met with the LRA deputy commander, Vincent Otti, in a bid to secure the release of the women and children still in captivity.

Veronica Bichetero, in charge of internally displaced people and refugees, met the rebel leader yesterday at Ki-Kwangba.

Bichetero discussed with him the protection needs and socio-economic concerns of the non-combatant women and children.

"The protection we do we handle these when time comes home? We need to think for life after the fire. How do they re-integrate into society? Some need to go back to school while others might need vocational education. These are some issues we discussed," Bichetero said yesterday.

She described the meeting as a success, held in a friendly atmosphere.

"He encouraged me to make a follow-up. So the door is open for further discussion and consultation," she added.

Otti reportedly reiterated the LRA's commitment to

food and other logistics at the LRA assembly point. He was accompanied by military observers from Kenya, Tanzania, the Democratic Republic of Congo, South Africa and Mozambique. UPDF and SPLA representatives, as well as LRA Adjudicators,



to verify the provision of to Ki-Kwangba.

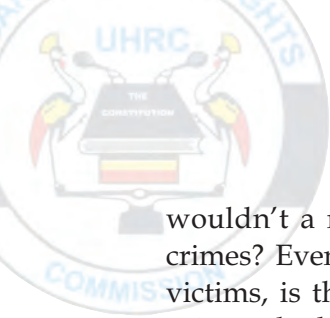
It has been clear for some time now that some ICC proponents wish to address the northern conflict from the perspective of "administering justice." While formalistic justice is a fundamental human right, the northern conflict is more complex than formalistic forms of justice, and extends beyond the search for justice alone to a search for reconciliation and addressing root causes. The problems in northern Uganda were there, for example, even before the

Comm. V.E. Bichetero greeting Vincent Otti, LRA second-in command in-command.

crimes indicted against the LRA top commanders, and even before the said commanders took up their current positions and responsibilities in the rebel ranks.

The ICC has indicted five leaders¹⁷ of the LRA, Joseph Kony, Vincent Otti, Okot Odhiambo, Dominic Ongwen and the late Raska Lukwiya, killed on 12th August 2006. Warrants of arrest were issued on them to be arrested and taken to The Hague for prosecution. The rest of the thousands of the LRA combatants are left to domestic jurisdiction. When voices of formal justices are being raised in this matter, it is this scenario that is in their mind.¹⁸

Questions remain, however, over how can the arrest, detention and prosecution of only five LRA even when they are the leaders, bring about justice and end impunity by itself? In terms of peace,



wouldn't a new crop of leaders within LRA emerge to continue with instability and more crimes? Even if the logic is to ensure that serious crimes are punished, from the perspective of victims, is the detention of only four LRA commanders at the Hague, while others go to local prison, the best indicator of punishment? All these issues require a re-examination of the whole concept of punishment and justice.

Progress in the Juba Peace Talks, January 2007 - June 2007

- Visit of the Vice President Riek Machar to the assembly point of Owiny Kibul in February 2007 with some monitoring team members, His Highness Rwot Achana, the paramount chief of the Acholi, and Commissioner Veronica Eragu Bichetero of the Uganda Human Rights Commission.
- **Appointing of UN Secretary General's Special Envoy** to northern Uganda and former President of Mozambique, Mr. Joaquim Chissano, and his meetings with representatives of the GoU and the LRA rebels.
- **Acholi Peace Conference** in Juba (March 2-4, 2007), convened by His Royal Highness the Lawii Rwodi Rwot Acana (the paramount chief of the Acholi) supported by DANIDA and the Royal Danish Embassy, during which consensus was reached on how stalled peace talks could proceed to a logical conclusion.
- **Significant security** resolutions and steps taken to ensure LRA/M adequate security e.g. facilitating them relocate to Ri-Kwangba as only assembly point, establishing a buffer force (UN force) there, supplies of adequate and quality food and required medicines, designating appropriate hotel, transport, logistics and environment to LRA delegates.
- **On other LRA concerns** over the withdrawal, stakeholders resolved: to keep **Juba as venue** for various reasons; that **ICC arrests warrants** translate into establishment of a Truth and Reconciliation Commission, a special court for Uganda, and codification and use of traditional mechanisms of conflict management such as Acholi's, and; that stakeholders and parties do their particular roles and responsibilities as they underlined them (for GoU, Khartoum Government, GoSS, the UN, international community, mediation team, delegates to the peace talks, observers, victims, media, NGOs and the monitoring team).
- **Landmark meeting** between LRA top command and the whole Juba Peace Talks delegation headed by Mr. Joachim Chissano on April 13-14, 2007. Mr. Joseph Kony himself met delegates in an unprecedented jovial mood and diplomatic attire. It culminated in the signing of an extension of the Cessation of Hostilities Agreement to June 30, 2007 (which had expired in March, 2007). The team agreed to have five countries come on board as observers (namely: Kenya, Tanzania, Mozambique, South Africa and the DRC, with specially designated representatives).
- Gen Salim Saleh informal and secret meetings that focused on some unresolved issues in the negotiations organized by Pax Christi (a Dutch NGO), and reached an agreement with the LRA in Mombasa, Kenya, (March 31 to April 6, 2007).
- South African President, Thabo Mbeki, visit to Juba (April 9, 2007), reaffirming South Africa's support to the talks; he met with GoSS President, Salva Kiir, and his Vice Dr. Riek Machar, and later with President Omar el-Bashir.

If the victims believe that traditional justice systems such as *mato oput* are a solution to their problems of insecurity (peace) and justice, the solution then is not in ignoring the victims but in enhancing their capacities to ensure that their traditional system delivers for them the satisfaction they desire without compromising the principles of justice.

Aware that the search for formal access to justice (in the circumstances through the ICC) would address symptoms rather than the primary causes of the northern conflict, the Commission supports targeting the deep rooted historical causes. It would be incorrect to assume that peace in northern Uganda would be ushered in through the ICC process alone. In the same regard, the Commission calls on the GoU, in its attempts to "withdraw" the LRA indictments from the ICC, to utilize and go by the legal framework and procedures stipulated in Article 17 of the Rome Statute. At the same time, GoU has to sharpen the domestic mechanism to combat impunity.

Lasting peace requires utmost non-impunity for accountability because impunity would only help fuel future abuses in Uganda. Thus, ensuring justice for the most serious crimes is critical to achieve durable peace sought by the people of northern Uganda. In addition, broader accountability for less serious offences through trials, a truth telling process and, where appropriate, traditional mechanisms is an important component of sustainable peace.

Parties to the Juba peace talks are working to identify alternatives to ICC trials as a way to facilitate the signing of a peace agreement. Such proposals intend to involve a combination of national judicial proceedings and traditional justice measures. This is because the ICC treaty allows for ICC cases to be tried in Uganda, provided that certain criteria are met, a determination that must ultimately be made by the ICC judges, as outlined in Article 17 of the Rome Statute such as:

- (a) The case is being investigated or prosecuted by a State which has jurisdiction over it, unless the State is unwilling or unable genuinely to carry out the investigation or prosecution;
- (b) The case has been investigated by a State which has jurisdiction over it and the State has decided not to prosecute the person concerned, unless the decision resulted from the unwillingness or inability of the State genuinely to prosecute;
- (c) The person concerned has already been tried for conduct which is the subject of the complaint, and a trial by the Court is not permitted under article 20, paragraph 3;
- (d) The case is not of sufficient gravity to justify further action by the Court.

Indeed, the statute allows for domestic prosecution of serious crimes where possible. At the same time, the statute and international human rights standards require that any national alternative, which would oust the ICC jurisdiction, meet substantial benchmarks, namely²⁰:

ICC Benchmarks for Domestic Prosecution

- Credible prosecution of those responsible for the most serious crimes, in accordance with international standards.
- Credible independent and impartial investigation and prosecution, with a country willing and able to conduct investigation and prosecution.
- Rigorous implementation of internationally recognized standards of fair trial.
- Penalties, upon conviction, that are appropriate and that reflect the gravity of the crime.

In the case of the ICC, the Commission position is that impunity must not go unpunished, but the punishment and justice must reflect both the international standards and the expectations of the people. If the Acholi's *mato oput*, for example, is seen by the people of northern Uganda to provide effective remedy, then the parties should embrace such traditional justice mechanisms to meet the principles of justice rather than dismissing it altogether. The ICC should not be seen or construed by those in peace talks as an obstacle to a negotiated settlement as long as alternative justice processes are in place.

4.1.6 Traditional Mechanisms as an alternative form of Justice

Some in Northern Uganda hold that traditional processes of reconciliation such as "*mato oput*", "*kayo cuk*" and "*culo kwor*," are better suited to bringing about true healing as are formal justice systems. These traditional reconciliation mechanisms, as an alternative form of justice, are a ceremony of clan and family-centered reconciliation that incorporates the acknowledgement of wrongdoing and the offering of compensation by the offender and then culminates in the sharing of symbolic drink.

However, some schools of thought challenge some traditional forms of justice because they are simply relevant to particular groups such as the Acholi, not to neighboring communities nursing the wounds of war such as the Langi and Iteso, and are therefore not comprehensive enough. Drawing on the examples of Sierra Leone, Rwanda, and South Africa, the Commission strongly supports alternative and complementary mechanisms such as the establishment of a Truth and



Reconciliation Commission, which can address the needs of all victims, provide reparations, and produce sustainable, region-wide peace.

7) Support the Traditional Justice System

Traditional Justice Systems such as the *mato oput* should be enhanced to satisfy the principle of formal justice system to ensure that peace in northern Uganda returns as soon as possible. The truth seeking measures could go hand in hand with the traditional practices such as *Acholi's mato oput* that is being recommended. The emphasis is the mediation of truth, acknowledgement of wrongdoing and forgiveness. Such traditional mechanisms are of much significance because they provide opportunities for the most affected to be directly involved in the process of responding to the harm caused. But the necessity for the concurrence of traditional systems with prosecution in national courts is mainly because these systems are not modern and do not guarantee the rights of the victims and may not provide adequate punishments for the perpetrators.

4.1.7 Conclusions: Northern Uganda

After more than 20 years of conflict in northern Uganda, the Juba peace talks provide the vision, hope, determination and desire for the end of hostilities between the GoU and the LRA. Though questions persist over precisely what shape this peace will take, the momentum built up since the resumption of talks must be maintained.

4.1.8 Recommendations

1) The Juba Peace Talks should be supported by all persons, and national, regional and international resources should be devoted to its success.

The war has denied justice, in the broadest sense, to millions of Ugandans by depriving them of such basic rights as a right to security, freedom of movement, cultural expression and livelihood opportunities for the last twenty-one years. The peace in Northern Uganda is essential for the stability, and economic development of Southern Sudan. Stability means allowing displaced Sudanese' return, as well as means to prevent the LRA from committing violent acts against southern Sudanese civilians. Complete resolution of the conflict would mean national, regional stability and all countries in the Great Lakes Region stand to benefit. The sure way to conclude the war once and for all is through peace talks, such that the causes are brought out, discussed, compromise reached and causes addressed. Whilst it is possible to end the war militarily, this option is too costly in terms of resources and life, and it has proved futile for the last 20 years. Besides, ending the war militarily will not address its causes, and as long as the causes remain, the war is likely to resume under a new command.

2) Consider the Truth and Reconciliation Commission

The issues of Truth and Reconciliation have been talked about for some time now. The President of the Republic of Uganda during his eulogies of the late former President Dr. Milton Obote advised that it is high time the nation looked into the issues of Truth and Reconciliation as a solution to Uganda's problems. It can therefore be said that the issue of Truth and Reconciliation is one such issue that both the government and the opposition agree on. GoU could, therefore, consider whether it is willing to facilitate national dialogue, truth-telling mechanisms, or even some form of power-sharing agreement. While a structural change is unlikely, a Truth and Reconciliation Commission has the value of rebuilding trust and relationships between segments of society that have been polarized and separated for several generations.

Truth and reconciliation is one of the methods and measures that should be considered to restore and rebuild the lives of all Ugandans who have in one way or another wronged in trust, truth and spirit of oneness, forgiveness and reconciliation. A truth commission be put

in place with the aim of not only establishing truth but also at exploring how and why the atrocities happened. This serves the social objectives of societies to come to terms with and comprehend grave offences once the conflict is over. Moreover, through the authoritative pursuit of the truth, it may also prevent further abuses through specific recommendations of systematic reforms, reparations and promoting awareness and public education.

3) Domesticate the Rome Statute

Uganda has drafted legislation to implement the Rome Statute, but it has yet to enact it into law. The enactment therefore needs to be carried out as fast as possible, taking into consideration the concerns of the Rome Statute, the Constitution, the Amnesty Act, the Penal Code and the conclusions and demands of the Juba peace talks. The GoU should work within the confines of Article 17 of the Rome Statute to secure the suspension of the arrest warrants and show willingness to fight impunity by using a satisfactory domestic justice system, including measures such as *mato oput*. The Rome statute itself under Article 17 allows for domestic prosecution of serious crimes where possible. At the same time, the statute and international human rights standards require that any national alternative, which would oust the ICC jurisdiction, meet substantial benchmarks, namely credible prosecution, willingness and ability to conduct credible investigation and international recognized fair trial as well as penalties on conviction.

4) Put in place a Commission to handle the children and Women of Northern Uganda

On women and children in Northern Uganda, a separate review commission should be set up to operate concurrently with other mechanisms in place or strengthen the existing institutions so that the rights of children, women and other vulnerable victims of Northern Uganda are catered for considering that there were children for example who were abducted and have thus been inducted into the LRA and have since known no other life. This group requires special attention for physical, medical and social needs before any form of accountability or judicial process (if any) is considered for them so that eventual reintegration is made easier.

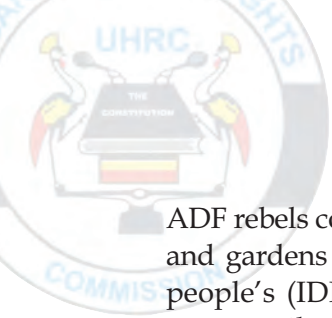
4.2 WESTERN UGANDA: THE ADF/NALU- INDUCED INSECURITY

In western Uganda, when threats of peace are mentioned, it is the Allied Democratic Forces (ADF) at times combined with the National Army for the Liberation of Uganda (NALU) that largely comes to mind for Ugandans. However, there was also talk of other groups including the People's Redemption Army (PRA), which is also said to be operating in Eastern Congo, though this is greatly disputed.²²

The period under review witnessed the resurgence of the long-dormant ADF rebel group, which had been quiet since the UPDF flushed them out of their bases in eastern DRC in 2000-2001. Following these UPDF actions, displaced persons were able to return home and rehabilitate their lives. Recently, however, they had started showing signs of regrouping in their former bases in the DR Congo and also made attempts to re-enter Uganda and destabilize the country again. There were reports of their infiltration into areas of Bundibugyo and moving into concealment in Kabarole, Kyenjojo and Mubende districts which threatened the security of the people.²³

4.2.1 Background to ADF/NALU

The ADF, a group operating in and around Western Uganda near the Rwenzori Mountains, emerged as a localized threat in 1996 and inflicted substantial suffering on the population in the area. The rebels originally comprised recruits from across Uganda as well as possible remnants of National Army of the Liberation of Uganda, Islamists from the Salaf Tabliq group, Hutu militiamen, fighters from ousted regimes in Congo, and the defunct Rwenzururu Movements.



ADF rebels committed atrocities against the local civilian population, driving them from their homes and gardens in the mountains into the lowland towns resulting into massive internally displaced people's (IDP) camps. In their ruthlessness, they struck abruptly, killed, looted, abducted, and temporarily claimed territory; leaving many homeless, displaced and abandoned. A number of soldiers were left dead and many others wounded before the UPDF defeated them (ADF rebels). More than 60,000 people in Kasese, Bundibugyo and Kabarole districts were displaced due to the insurgency and at least 10,000 of the displaced people were living in displacement camps, while neighboring districts bore the onus. The production in the district dropped because most of the people who lived in the most fertile lands in the districts were displaced. Serious food shortage hit the camps for IDPs because the rebel attacks made it impossible for farmers to reach their gardens. Humanitarian agencies subsequently flocked in to provide much needed assistance. The ADF deadliest attack of the period occurred on June 8, 1998 when the rebels massacred 80 students of the Kichwamba Technical College in Kabarole District by setting locked dormitories on fire and abducting, several of whom others were later killed.²⁵

In short, the ADF murdered, mutilated, raped, kidnapped, robbed and terrorized people in Western Uganda, just like the LRA in Northern Uganda. Consequently the ADF and NALU were classified as terrorist organizations in the laws of Uganda. Nevertheless, the ADF rebels were considerably weakened when the UPDF entered Congo and destroyed their bases by 2001. Life started normalizing in areas that had been affected and the displaced people that were living in displacement camps returned to their homes and people settled for their productive engagements.

4.2.2 New threats for Peace in Western Uganda

It started as a rumor that the ADF/NALU was back in Western Uganda but at that time as a "friendly" rebel force. It became real when there emerged evidence of clashes between them and the UPDF inside Uganda. Explanations by the UPDF indicated that some of ADF rebels were sent as the advance groups to set up bases in Bundibugyo, from where they had hoped to extend the war all over the country. Instead, they have repeatedly clashed several times from May to June 2007 leading to casualties on both sides.

ADF Reported Incidences

- On May 2, 2007, 6 ADF rebels killed and 9 rebels surrendered, at Tondoro valley on the slopes of Mt. Rwenzori. This with other clashes brought the number to 97 of killed rebels since March 27, 2007. Lt. Tabaro Kiconco, the UPDF 2nd Division spokesman, confirmed the incident.²⁶
- Earlier, 35 ADF rebels were killed and 5 others captured in Bundibugyo – a woman and 4 children aged between 12 and 15 and deputy Commander of the group's military wing – (third clash with suspected ADF fighters in one week where many lives were lost). The ADF deputy commander, the UPDF said had masterminded the February 1998 kidnapping of 30 school girls from Mitanda senior Secondary School in Bunyangabu County and several other massacres.²⁷
- Other 7 more ADF rebels were killed in Karugutu Sub County Bundibugyo district, The New Vision, Monday April 16, 2007 reported.
- Prior to March 27, 2007, the UPDF had had contact with the ADF rebels in an area called Deli in Kasule Sub County, Mubende District, whereby 7 rebels were killed including their commander called Katende.²⁸
- In addition, 31 more rebels were killed, another 5 captured, while one female rebel identified as Tibakanya surrendered in Bundibugyo District. She is allegedly of Congolese extraction (The Daily Monitor, April 8, 2007).
- 40 SMGs recovered; 5 RPG pipes recovered; different tins of ammunitions recovered; some mobile and satellite phones recovered.

The Commission perceives these as dangerous signs of unending war in the country which might yet again upset regional stability as well as internal stabilization. For example, the GoU officially protested to the Government of DRC over the incursions by elements of the ADF and its sister organization, the National Army for the Liberation of Uganda (NALU) and their continued presence and terrorist activities against Uganda operating from the territory of the DRC. Kinshasa was called upon to 'take immediate action to ensure that its territory ceases to be used by negative forces whose purpose was aimed at destabilizing Uganda and posing a threat to stability in the region', (the New vision March 30 2007). Reminiscent of the late 1990s, there were again new threats of Uganda sending troops to the DR Congo to uproot the rebels using eastern Congo as a sanctuary and base to raid Uganda.

4.2.3 Recommendations: Western Uganda

- 1) **The GoU should use the existing Great Lakes Initiatives** such as The Pact for Peace, Stability and Development in the Great Lakes Region (December 2006) and the previous agreements such as the Lusaka Peace Agreement to have negative forces in DRC disarmed instead of contemplating unilateral decisions to attack DRC.
- 2) **The GoU is tasked to continue discussing the subject of the negative forces** in eastern Congo with various stakeholders e.g. the UN, the DRC and the development partners. For example, the Lusaka Peace Agreement listed the ADF, NALU as negative forces that are supposed to be disarmed by a joint force of the African Union, the UN and regional states. Under the Agreement, the UN Observer Mission in Congo, MONUC, and the Congolese army have a duty to either induce the negative forces to surrender and disarm, or to forcibly disarm them. The Tripartite-Plus Commission, composed of Great Lakes Region Countries - where the MONUC and US are observers - also is party to the issue.
- 3) **Just like in the case of LRA/M, the option of peace talks should also be available** to the ADF/NALU so that a compressive assessment and clear understanding of the persistent ADF/NALU induced conflict is explored and sustainably resolved.

4.3 KARAMOJA: DISARMAMENT AND HUMAN RIGHTS IMPLICATIONS

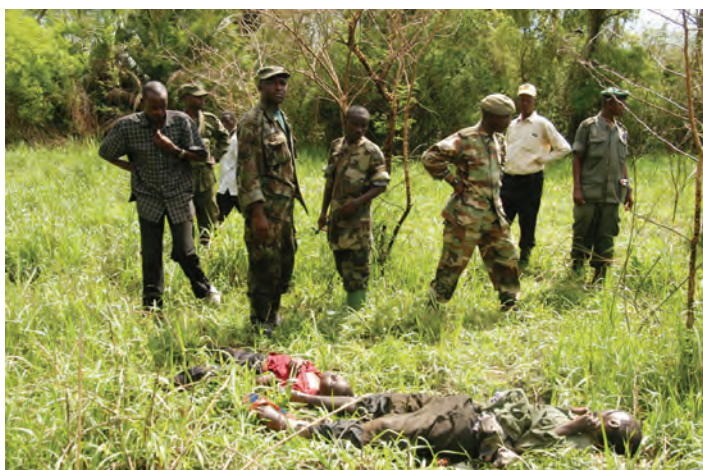
Karamoja region and the neighboring districts remained insecure, as a result of continued armed cattle rustling by the Karamojong. In its 8th Annual Report, the Commission revisited and renewed earlier recommendations for: more peaceful/voluntary approaches to the disarmament exercise as opposed to the hitherto less successful "forceful means"; enhancing the UPDF capacity (to fight provocative/non-provocative criminal elements in Karamoja) through purposive sensitization of both the UPDF/police and the *karachunas* on peace-building and management, and provision of security in and around Karamoja (such as with the Anti Stock Theft Unit – ASTU) and deployment of more forces in order to restore confidence of the Karimojong in the disarmament exercise as well as strengthening the institutions of Justice, Law and Order Sector (JLOS) in Karamoja particularly the Police, the judiciary and the Prisons.

4.3.1 UPDF Operations in Disarmament: How Far?

The UPDF, over time, has employed several operations in the disarmament exercise.²⁹ These include: **mobilization** (of various local, national and international stakeholders) on the benefits a guns-free Karamoja; **patrols** to prevent the use of unrecovered illegal guns in the commission of crimes; **attacks/raids** to dislodge criminal warriors from their (warriors') "unreachable" hideout in the Kraals; **helicopter gunship** for aerial reconnaissance on the warrior hideouts and to guide ground troops to assault the criminals, and; **cordon and search** to rid the area of criminals who mingle among innocent people. All these approaches have had their own successes from the military point of view (e.g the collection of guns) but also human rights negative implications from the Commissions perspective.

The cordon and search approach netted wide publicity because of its bigger potential to promote or violate human rights (or both). The UPDF believed that that form of operations had yielded the best results in the disarmament so far, as compared to other operations (mentioned above), though each operation employed depended on the situation on the ground.³⁰ Cordon and Search started in May 2006 when the Government officially started the forceful disarmament exercise. Under these operations, which have claimed lives on both the Army and Karimojong sides, UPDF soldiers surround “manyatas” (Karimojong houses) suspected of having guns at night and fire out warning bullets towards the morning. Depending on the response from the occupants of a manyatta, the security personnel proceed to disarm and collect the guns available. There are clear instances, however, where the Karimojong have exchanged fierce fire with the army³¹ thus turning what ought to have been “cordon and search” into “cordon and fight”. Karimojong warriors are extremely hostile to any suggestion of handing in their guns voluntarily, chiefly because:

- The Karimojong lack confidence in the ability of the government to guarantee their security and that of their property, especially livestock.
- Government’s failure to honour promises of rewards to those who hand in their guns voluntarily, during the *earlier* 2001–2002 disarmament exercise.
- The warriors demanded that government buys the guns from them since they had also bought them in the first place. This was a sentiment echoed by many opinion and political leaders in Karamoja, including MPs.³²



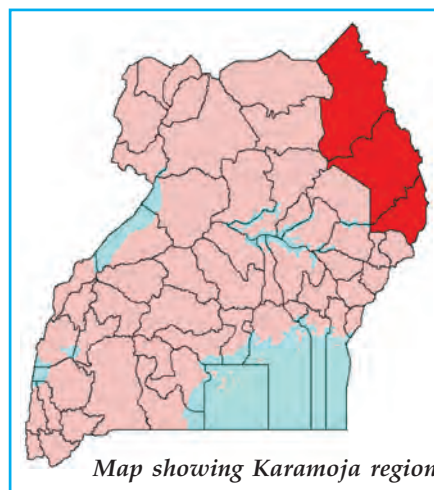
One of the ADF rebels killed

During the Commission’s monitoring visits in 2006, it was found out that the Disarmament Committees at the Sub Counties were no longer functional due to a number of factors, including lack of facilitation; fear of reprisals from the warriors; and little commitment to the exercise since even some of the committee members are suspected to own illegal guns³³. Members of the Sub County Disarmament Committees argued that forceful methods should not be used at all since it would make the warriors more unwilling to give in their guns.

Unlike earlier attempts, the recent disarmament exercise since May 2006 has, however, seen the warriors starting to wield guns openly in public, especially in Kotido and Kaabong districts. This demonstrated that warriors no longer believed that the government had the will or the ability to disarm them. Could it also be a calculated ploy since they realized that the government would be hesitant to act against them during the campaigning and electioneering period in early 2006?

The period from early 2006 to-date witnessed a sharp escalation in the raids, road ambushes, and other acts of violence and criminality. For instance, from January 2006-April 2007 alone, the Commission’s Regional Office at Moroto had recorded a sharp increase in the frequency and ferocity of the raids all over Karamoja, and to some extent in neighbouring districts of Teso, Acholi and Lango³⁴. Statistics showed 79 raids, with 244 confirmed and hundreds of unconfirmed deaths, 59 confirmed and hundreds of unspecified number of people injured and about 4,000 specified and thousands of unspecified heads of cattle and other livestock raided/stolen among others. The Moroto regional office recorded 41 incidents of road ambushes with 19 people reportedly killed and 32 injured. There are also those who reportedly use guns to commit common crimes and to settle personal, domestic, political and work related disagreements and grudges.

The army substantiated the decision to carry out limited forceful disarmament under cordon and search to end the cycle of escalating violence and impunity on the part of warriors. The 3rd Division Commander explained that the exercise was targeted at villages and homes suspected to be harbouring notorious hardcore raiders and criminals. He added that the army carried out cordon and search operations only after careful intelligence gathering, and so it was not a random exercise as portrayed by some critics, but an approach to address the deteriorating security situation.



Map showing Karamoja region

They further argued that it was necessary to keep the element of surprise at the beginning in order not to alert the hardcore criminals who were the targets of the operation. According to Maj. Felix Kurayigye, the UPDF spokesperson, the tactic of cordon and search paid off because the UPDF was able to apprehend a number of notorious raiders and common criminals, some of whom were subsequently tried and convicted by the Court Martial for illegal possession of firearms while others were on remand awaiting trial.

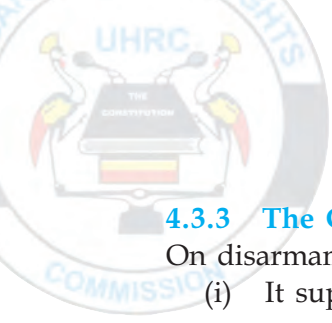
Successes Reported by the UPDF Include:

1) Increased **good civil military relations** as confidence building measures (to the extent that some warriors can make telephone calls to Commanders alerting them of impending crime or need for criminal arrest; 2) the **army apprehending** a number of notorious raiders and criminals since the start of the exercise; e.g. in 2006, 55 warriors tried, convicted and sentenced in 3rd DCM on charges of illegal possession of firearms, while 6 were tried and convicted in civilian courts. They were sentenced to terms of imprisonment ranging from 4 to 10 years. In 2007 so far, 40 persons have already appeared before 3rd DCM; 3) **collecting 3,936 guns and 9,402 rounds** of ammunition from the time of the resumption of the exercise; 4) **valuable indicators** – inability of warriors to openly market and move with weapons, safer roads and areas (e.g. Abim and Karenga), a shift from raids to cattle theft, improved civil-military relations, inability of warriors to launch attacks on army units, dominating warriors’ “safe-havens” or “hideouts” (e.g. Morungole mountains, Lolelia hills and Katikekile), scarcity of guns and ammunition for sale, apprehending over 10 arms traffickers (6 of whom were women), and commencement and progression of the livestock branding exercise that greatly controlled inter-clan rustling.

4.3.2 Human Rights Implications

The UPDF achievements aside, there are clear human rights challenges which cordon and search has not been able to address. In the process of cordon and search for example, many innocent people are arbitrary arrested who are released only when guns are brought in by relatives or wives. Secondly, where cordon and search has turned into ‘cordon and fight’, everybody including innocent children, women and the elderly have indiscriminately become targets and at times killed. Thirdly, in the process of cordon and search, property and lives have been lost especially animals, which are held dear in Karamoja.

Furthermore, in situations where there has been fighting between the *Karachunas* and the UPDF, the tendency has been for UPDF to impound animals, which are then used as bait to recover *Karachunas’* guns. Usually, the owners of the animals are told to first bring the gun(s) that they were fighting with before they ran away. This condition in the majority of cases has negatively affected the women and children who would not access milk, the main staple food in Karamoja, for the duration of the animals’ impoundment. The Commission has always communicated these concerns to the military authorities in the region through its Moroto Regional Office and the Civil Military Cooperation Centres (CMCCs).



4.3.3 The Commission Position on Disarmament

On disarmament, the Commission has made it clear that:

- (i) It supports the disarmament programme in Karamoja in view of the fact that there are many guns being held illegally, and they are being used to commit serious crimes and gross abuse of human rights both within and outside Karamoja.
- (ii) The exercise has, as far as possible, to be accomplished by peaceful means and without serious violations of human rights.

4.3.4 Allegations of Human Rights Violations in Karamoja

During the period under review, there were several allegations of human rights violations and abuses made against the army during this exercise. They included:

- Gross violations such as: extra-judicial killings, rape and defilement, and torture
- Destruction of homes and property
- Arrests and detention of innocent people in army barracks
- Looting and theft of people's property
- The army failing to provide security to the people who were disarmed and their property, especially livestock.

The Commission's Moroto Regional Office investigated these allegations and encountered challenges in their investigations, namely fear by victims and eyewitnesses to give information, inability to travel to some sites of incidents because of insecurity, and denial of access to persons detained by the UPDF. Nevertheless, the Commission established the following facts:

- (1) The UPDF insists that the disarmament exercise is still principally being pursued by **peaceful means**, but found it necessary to counter escalating raids, road ambushes and other violent and criminal acts by Karamojong holding guns illegally. Thus, they use forceful means (surprise cordon and search operations) targeting individuals, villages and kraals.
- (2) Initially, there were no **guidelines to the commanders** executing the programme. Thus cordon and search operations were not, at first, executed with minimal inconvenience to the population of target areas, and did not respect the lives, dignity, property, customs and religious beliefs of the inhabitants. Furthermore, local residents were not included as partners in the exercise, and it was not executed as a combined civil and military operation. However, **a circular was later issued** that provided guidelines in line with human rights and humanitarian principles. The Circular ended with a warning that failure to observe any of the guidelines would tantamount to an offence under Part IV of the UPDF Act, **"Operational Offences Relating to Security"**.
- (3) After cordoning and searching a village for arms, the UPDF soldiers frequently rounded up a number of individuals, detaining some for a few days and others for lengthy periods of time. They were usually released only after their relatives and/or friends handed in some guns. Even women and old men were sometimes rounded up and detained until guns and ammunitions were brought in exchange for their release. This practice violated the rights of the detained persons in at least two ways: first, they were held illegally, since military facilities are not gazetted places of detention; secondly, they were kept in detention for a period exceeding 48 hours without being released or taken to court, as required by law.

Colonel Gavas Mugenyi, then Third Division Commander, defended his actions by arguing that women, children and the elderly were rounded up only to separate them from criminals, and furthermore that they were well looked after and given sufficient food, water and soap.

- (4) **Loss of Lives:** from the pattern of reports received by the Moroto Regional Office, the Commission can confirm that some lives were lost during the operation, especially in "cordon

and fight” circumstances such as Losilang and Lopuyo in Kotido. In total, from May to December 2006, Moroto Regional Office received 81 cases of deaths arising out of the disarmament exercise during the period under review. **One** (1) case was from Moroto, **nine** (9) from Nakapiripirit, and **seventy one** (71) from Kotido.

The UPDF admitted some violations, but called them “isolated” cases, such as an incident on August 12, 2006, when a soldier shot dead two civilians and himself. The Karamojong themselves were guilty of a number of killings, however: on April 27, 2007, Jie warriors in Kotido abducted a child in Moroto after rustling his cattle, and the UPDF rescued the child from imminent sacrifice; on April 28, 2007, a traditional court sat and sentenced three to death by public hanging, and the UPDF was able to save two, though the third had been hanged.³⁸

- (5) **Alleged Rape and Defilement Cases:** Moroto Regional Office received reports of 4 alleged rape cases (three from Nakapiripirit and one from Kotido); and 2 alleged cases of defilement from **Moroto** district.
- (6) **Alleged Cases of Torture, Cruel, Inhuman, and Degrading Treatment:** there have been persistent reports of torture by the army from the start of the exercise in May 2006. Examination of alleged victims at the Commission’s Moroto Regional Office revealed physical evidence consistent with acts of torture, cruel or inhuman or degrading treatment during cordon and search operations.

In Moroto District, Moroto Regional Office staff saw 35 persons who had injuries or scars consistent with torture, cruel, inhuman and degrading treatment or punishment. In Nakapiripirit District, the Moroto Regional Office staff saw 64 persons with injuries or scars consistent with torture, cruel, inhuman and degrading treatment or punishment.

In Kaabong District, 17 persons interviewed by Moroto Regional Office staff had injuries or scars consistent with torture, cruel, inhuman and degrading treatment or punishment. These victims had been detained in the barracks for between 1 and 16 days before being released. Kotido District had some serious alleged cases of torture, cruel or inhuman or degrading treatment. The OHCHR mission Report on the Human Rights Situation in Kotido from 29th October to 15th November 2006 documented 5 alleged cases of torture or ill-treatment, following the operation and fighting in Lopuyo on 29th and 30th October 2006.

- (7) **Destruction of Homes and Property:** reports of burning of houses and destruction of property by the UPDF were received mostly from Kotido and Nakapiripirit districts. An investigation team from the Moroto Regional Office visited Losilang on 27th May 2006 to verify reports that a number of properties had been destroyed in the village during fighting between the UPDF and Karamojong on 19th May 2006, and established through physical counts that 204 huts and 192 granaries were incinerated.

The CMCC in Kotido has documented other reported incidents in the district during the period under review, the 2 major cases being:

- ▷ Destruction of 159 houses during the fighting in Lopuyo on 29th and 30th November 2006, during which a UPDF major was killed, and which displaced a number of people.
- ▷ Killing of roughly 200 heads of cattle during the bombing of kraals near Longor Hills on 11th November 2006, and unspecified number of cows killed in the other bombings.

- (8) **Alleged Looting and Theft of Property:** there were wide spread allegations of looting and theft of property by soldiers, including cash, household utensils, radios, Karimojong stools, shop merchandise and others. In **Moroto** 75 individuals from a range of locales reported

looting or theft of their property by UPDF soldiers during cordon and search operations. Notable cases reported to Moroto CMCC include:

- o Shs 430,000/= stolen by soldiers during a cordon and search operation in Locholi village on 15th May 2006.
- o Shs 110,000/= stolen by soldiers during a cordon and search operation in Nasiloit village on 18th May 2006
- o Shs 50,000/= stolen by soldiers on a cordon and search operation in Natapar-Akwangan village on 2nd June 2006.

In **Nakapiripirit**, 48 individuals from different areas informed Commission staff of looting or theft of their property by soldiers on cordon and search operations. In **Kotido 1** trader called Apakube reported a loss of 1,200,000/=, taken by soldiers during a cordon and search operation in Romrom village on 14th May 2006. Other notable cases of looting and theft of property from Kotido are contained in the Report of the OHCHR mission wherein it is stated that:

- o In the Lopuyo incident of 29th October 2006, soldiers allegedly extorted money from people. A soldier reportedly took shs. 450,000/= from an unnamed businessman and shs. 350,000/= from an unnamed villager
- o Karimojong warriors who invaded Senior Quarters on 30th October 2006, reportedly looted houses when the occupants fled
- o Witnesses the members of the mission talked to claimed that soldiers looted money, clothes and food during the operation in Kadokini village on 10th November 2006
- o The mission was informed that during the operation in Kanawat village on 14th November 2006, soldiers looted property from villagers. One man reportedly said that a soldier forcefully took his phone and woman claimed that shs 10, 000/= was forcefully taken from her by another soldier.

One individual in Kaabong informed Commission staff that he lost shs 132,000/= to soldiers during a cordon and search operation in Komuria Ward, Kaabong Town Council, on 19th August 2006.

Some of these allegations are admitted to by the UPDF. For example it was admitted by Maj Kasule to a GoU investigation team led by Mr Nathan Byamukama³⁹ that at one point soldiers looted over 120 traditional Karamojong stools, a mobile phone and a radio, but that he had found out in time and recovered them.

- (9) **Arrest and Detention of Civilians in Army Barracks:** as already pointed out, at the start of the exercise, a number of people, especially men, would be rounded up and taken to the barracks. The arrested people would be detained until their wives or relatives brought in guns in exchange for their release. The army leadership has admitted to the Commission team that they indeed did round up and detain people, including women and old men at times, in their barracks. The Commission holds that the disarmament exercise should be accomplished without violation of human rights. Detaining civilians in army



Kotido women left without food as a result of cattle impoundment

barracks, especially when they are not suspected owners of illegal guns, is a violation of the UN Minimum Standard Rules for the Treatment of Prisoners.

- (10) **Poor Protection for those who have disarmed:** there have been allegations that some people who have handed in their guns voluntarily or whose guns have been forcefully removed by soldiers became victims of raids by those who still hold illegal guns. It was said that this was happening because the army had not put in place a mechanism to protect the lives and property of those who have handed in their guns or to recover their animals when they are raided.

According to a Report dated 15th June 2006 compiled by KADP, the following people fell victims of raids after handing in their guns to the army:

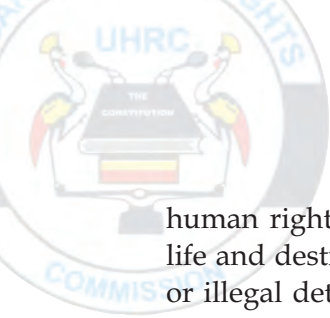
- o Apalotwala from Lokopo who voluntarily handed in 10 guns, including those of his sons, was killed by suspected Jie raiders who drove away 130 heads of cattle.
- o On the 2nd June 2006, 2 people from the home of Lowajamu Logiel of Lokopo, were allegedly killed by raiders who made off with 85 heads of cattle.
- o On 2nd June 2006, 34 heads of cattle were allegedly raided from the home of Marko Ayomei of Kalukmeri in Lokopo, Moroto district.
- o On the 3rd June 2006, 2 people were allegedly killed in the home of Longalom by raiders who took 75 heads of cattle.
- o On the 5th June 2006, 27 cows were allegedly raided from one Longalom of Lokopo.
- o On the 6th June 2006, raiders allegedly drove away 150 heads of cattle from Longariama village, Ngoleriet Sub County, Moroto district.
- o On the 8th June 2006, 8 heads of cattle were allegedly stolen from Kangole Trading Centre, Moroto district.
- o On 13th June 2006, 5 cows were again allegedly stolen from one Loiki in Kangole

4.4 Conclusions on Karamoja

As stated elsewhere and reported by many organisations, the presence of illegal guns in Karamoja has led to increase in the intensity, frequency and ferocity of raids within Karamoja and into neighbouring districts, with attendant loss of life, destruction of property and massive displacement of residents. It has also led to general insecurity and crimes involving firearms, such as road ambushes, murder, rape of women by warriors at gun point and looting and theft of property. The Government of Uganda has a constitutional responsibility to provide security and protect the lives and property of all citizens and other people in Uganda. The Government's current disarmament exercise is therefore necessary and the Commission supports it.

The UPDF, the Commission, the investigations committee set up by OPM in August 2006 to investigate allegations of human rights violations during cordon-and-search operations, and the OHCHR mission sent to investigate allegations of human rights by the army in Kotido in November 2006, all agree on the necessity of removing illegal guns in Karamoja. Findings also confirm that there is strong support among most Karamojong for removal of illegal guns from the region. What is not agreed on, however, is the best method of disarmament.

The current disarmament exercise appears to have been launched without much consultation and involvement of the local authorities and other stake holders. The practice of cordoning and searching villages and homes at night, and then rounding up some people and detaining them in army barracks is harsh and has led to violation of human rights. Findings show that the manner of carrying out the exercise has not conformed to accepted human rights standards. "Cordon and search" has in many situations turned into "cordon and fight," thus failing to conform to the guidelines promulgated by the UPDF, discussed on page 56, meant to prevent the abuse of



human rights. Disproportionate force has sometimes been used, leading to unnecessary loss of life and destruction of property. Cases of torture, deprivation of life and property, and arbitrary or illegal detention have also been reported.

4.5 RECOMMENDATIONS

In view of the above and on other many reports of the Commission and also in spite of many cases under investigations, the following recommendations have been made to rectify the situation in both short and long term situations:

- 1) Disarmament must continue but the Army should ensure that the removal of guns is done in a manner that does not infringe on the rights of the innocent Karamojong especially the vulnerable groups such as children, women and the elderly.
- 2) Innocent victims of disarmament should be properly identified and where appropriate compensated.
- 3) Justice, Law and Order Sector, especially the Police, Prisons and the Judiciary, should be strengthened in Karamoja to both: enable the civilian suspects be tried in civilian courts rather than army detention places and Army Courts, and; save the Army the problems of handing Police and Prisons work.
- 4) Those who have suffered torture and other human rights violations in Karamoja should be helped by the civil society and other leaders in the region to launch their complaints to the Uganda Human Rights Commission offices or through the civil Military Cooperation (CMCC) in all the districts in Karamoja for redress.
- 5) The leadership in Karamoja should ensure, support and promote compulsory Universal Primary and Secondary Education for the Karamojong to deny Karamojong children the opportunity to be recruited as young warriors.
- 6) The Government and development partners should quickly implement multifaceted programs that run synonymously with the disarmament such as Karamoja Integrated Disarmament and Development Plan (KIDDP) and Northern Uganda Rehabilitation Program (NUREP) to launch the disarmament and development together.
- 7) The Government should strengthen search for the presence of unexploded ordinances (UXO) and clear them to ensure safety for all in Karamoja.
- 8) A regional approach to the issue of small arms proliferation in Karamoja should be explored to curtail the increased replenishment of guns in Karamoja.
- 9) The UPDF must adhere to the Guidelines for Cordon and Search to minimize any loss of life and arbitrary punishment of the innocent and the vulnerable.
- 10) The Army must intensify its disarmament campaigns where illegal guns are actually found-in the kraals, not in the manyattas.

(Endnotes)

¹ Commissioner Veronica Eragu Bichetero, “*Progress of Juba Peace Talks*,” Paper Presented at the UHRC 9th Annual Report Consultative Meeting, Hotel Equatoria, Kampala, April 26, 2007.

² Ibid.

³ Ibid.

⁴ Ibid.

⁵ The Parties

⁷ Proposed Outline for Discussing and Drafting Agreement on Agenda Item Three – Accountability and Reconciliation, June 10, 2007.

⁶ Commissioner Verónica Eragu Bichetero, op. cit.

⁷ There were reports that some NGOs wanted to see the venue shifted from Juba and interested in prolonging the peace process for financial gains. Some of these allegations were later disputed in writing by Pax Christ and

Sant'Egidio

⁸ *Saturday June 23, 2007, The New Vision, p.2*

⁹ Uganda Human Rights Commission's archives.

¹⁰ *June 26, 2007, New Vision, p.2*

¹¹ Commissioner Veronica Eragu Bichetero, op. cit.

¹² Juspine Apira, Deputy Leader LRA/M Delegation, LRA/M Position on the JPT, Juba, Southern Sudan, October 21 2006

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Barney Afako, (2002), Reconciliation and Justice: 'Mato Oput' and the Amnesty Act, Available online at <http://www.c-r.org/our-work/accord/northern-uganda/reconciliation-justice.php> .

¹⁶ ibid

¹⁷ One of them reportedly died. Now they are four

¹⁸ Commissioner Verónica Eragu Bichetero, op. cit.

¹⁹ Rome Statute of the International Criminal Court, 2002, p.12.

²⁰ Commissioner Verónica Eragu Bichetero, op. cit.

²¹ Barney Afako, (2002), Reconciliation and Justice: 'Mato Oput' and the Amnesty Act, Available online at <http://www.c-r.org/our-work/accord/northern-uganda/reconciliation-justice.php> .

²² See Chapter 5, Freedom of Association and Security, for further details on the PRA suspects.

²³ Uganda Human Rights Commission Fort Portal Regional Office fact-finding report on *ADF in Western Region-The current situation*, June 2007.

²⁴ UHRC Fort Portal Regional Offices' archives.

²⁵ ibid.

²⁶ Anne Mugisa, Army Kills 6 ADF Rebels, *The New Vision* (Kampala), May 3, 2007.

²⁷ UHRC Fort Portal Regional Officer fact-finding report, op. cit.

²⁸ ibid.

²⁹ Maj. Felix Kulayigye, Defence/UPDF Spokesman, *Karamoja Disarmament Programme: Progress and Challenges*, A Paper Presented at the Uganda Human Rights Commission 9th Annual Report Consultative Meeting, Hotel Equatoria, Kampala, May 2, 2007.

³⁰ Ibid.

³¹ Interview by the Commission team with the DPC, Kotido, June 25th 2006

³² That a demand like this can be made, when owning a gun without a licence is a criminal offence for which people elsewhere in Uganda are routinely given long jail sentences by the courts, shows the extent to which law and order has broken down in Karamoja.

³³ Moroto Regional Office, UHRC.

³⁴ Ibid.

³⁵ Maj. Kulayigye, op. cit

³⁶ Colonel Gavas Mugenyi, the then 3rd Division Commander, "*Karamoja Disarmament Operational Guidelines for Peaceful Cordon, Search and Disarmament*, 23rd August 2006

³⁷ Maj. Kulayigye, op. cit.

³⁸ ibid

³⁹ See Report titled "*Cordon and Search Operations in Karamoja: Problems of Human Rights Violations*, OPM April –August, 2006

RESPECT FOR RULE OF LAW, RIGHT TO DEMONSTRATE AND FREEDOM OF ASSEMBLY

5.0 Introduction

The period under review saw sustained expressions of association and assembly but also multiple curtailments of these freedoms by security agencies, in some cases resulting in loss of life and miscarriage of justice. Public concern was raised over questions of disrespect for the rule of law, separation of powers, and independence of the Judiciary. Judges and lawyers also went on strike after security forces raided the High Court to re-arrest People's Redemption Army (PRA) suspects who had been granted bail, challenging the independence of the Judiciary. As Table 5.2 below, shows the specific nature of each protest might have differed, but the bulk of them called for increased attention and satisfaction of economic, social and cultural rights in the wake of 2006 elections. Topically, demonstrations ranged from political demonstrations, police failure to solve Lutakome Kayiira's murder to more civil society-based actions against incomplete roads, unpaid wages, and the nefarious consequences of the Mabira Forest demonstrations. One concern that remained constant over the whole of the reporting period, though, is the fate of the PRA suspects.

5.1 THE PRA SUSPECTS

5.1.1. Current state of incarceration

Between 2003 and 2005, 22 PRA suspects were allegedly arrested in DRC and in the West Nile region of Uganda for allegedly working to overthrow the GoU, and charged with treason and misprision of treason under the Penal Code Act, Cap 120. It is alleged that the leader of the PRA is Dr. Kiiza Besigye, an allegation still being contested in Court at the time this report was drafted. As of July 31, 2007, 13 out of the 22 suspects had secured amnesty and 10 had been released on bail, with 2 still in prison, as shown in Table 5.1, below.

Table 5.1: Status of the original 22 PRA suspects (as of 31st July 2007)

No.	Name	Current status
1.	Agupio Samson	Granted bail on 30 th July 2007
2.	Kabaka James	Granted bail on 30 th July 2007
3.	Yahaya Amir	Granted bail on 30 th July 2007
4.	Idd Ahmed	Granted bail on 30 th July 2007
5.	Okiring Patrick	Granted bail on 30 th July 2007
6.	Bruhan Driatre	Granted bail on 30 th July 2007
7.	Arike John	Granted bail on 30 th July 2007
8.	Musasizi Joseph	Granted bail on 13 th June 2007
9.	Tweyambe Robert	In Prison facing murder charges
10.	Atukunda Frank	In Prison facing murder charges
11.	Achikulo Amiye	Granted Amnesty
12.	Musa Zacharia Obba	Granted Amnesty
13.	Yassin Kesia Gele	Granted Amnesty
14.	Katabazi James	Granted Amnesty
15.	Owakukiroru George	Granted Amnesty
16.	Atwongyereire Peter	Granted Amnesty
17.	Jurua Mac Peace Jackson	Granted Amnesty
18.	Kacwano Abel	Granted Amnesty
19.	Mwebembezi George	Granted Amnesty
20.	Kissa Umar	Granted Amnesty
21.	Abubakar Maiga	Granted Amnesty
22.	Odugo Mazin Yusuf	Granted Amnesty

5.1.2 Background: Refusal to Respect Court Bail by the State and its Consequences

When the PRA suspects were first brought to the High Court on 16th November 2005 for bail application before Justice Lugayizi, fourteen of the accused were granted bail. As the hearing was underway, security personnel dressed in black (dubbed “Black Mambas” by the media) raided the Court premises and interrupted the court’s processing of bail papers for the suspects, spurring a wave of protests and condemnations. The State argued that re-arresting them was necessary because they were still facing charges in the General Court Martial (GCM).

Consequently, the following day, 17th November 2005, all the accused persons including Besigye were charged in the General Court Martial (GCM) with the offence of terrorism under the Anti Terrorism Act and with unlawful possession of firearms, an offence under the Fire Arms Act. All the offences arose from the same facts as the treason and misprision of treason charges that were brought against them in the High Court, meaning that they were being tried in two separate courts for charges based on the same set of alleged facts. The Uganda Law Society therefore petitioned the Constitutional Court, challenging the legality of the concurrent proceedings. On 31st January 2006 the Constitutional Court declared that the concurrent proceedings were illegal and that the GCM had no jurisdiction to try the suspects for the offences proffered against the accused persons in that Court¹. This ruling notwithstanding, the accused persons continued to be detained on the orders of the GCM.

On 12th January 2007, the Constitutional Court ruled that the continued detention of the 14 PRA suspects who had been granted bail by the High Court was a violation of their right to liberty, and ordered their immediate release. On 25th January 2007, the Commission issued a statement calling upon the Government to respect Court decisions, the rule of law and the Constitution by releasing the PRA suspects (see copy of Press Release below).

Several protests condemning the suspects’ continued detention and trial in the GCM ensued, especially from the Forum for Democratic Change (FDC)-led opposition. Opposition Members of Parliament walked out of Parliament, boycotting it for 3 weeks and³ at one point marching to the Commission to show their support for the position of the Commission on the continued detention of PRA suspects.

On 1st March 2007, the PRA suspects were granted bail on the treason charges. However, security forces once again surrounded and raided the High Court premises, rearresting the PRA suspects and transferring them under cover of darkness to jails in Bushenyi and Arua, this time on different charges of murder stemming from allegations of acts from between 2002 and 2003. On the following day, 2nd March, the PRA suspects were presented before Magistrate Courts in Bushenyi and Arua; the suspects refused to appear, questioning the Court’s legitimacy and objectivity. There were also reports that the suspects were tortured as they were being transferred from Kampala to Bushenyi and Arua. The Commission also grew concerned over the re-arrest, transfer and continued detention of PRA suspects in Arua and Nyamushekyera prisons, and the allegations that the suspects had been tortured and were living in poor conditions in the two prisons.



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POSITION OF THE UGANDA HUMAN RIGHTS COMMISSION ON THE CONTINUED DETENTION OF THE PEOPLE'S REDEMPTION ARMY (PRA) SUSPECTS

Background: In December 2003, Dr. Kizza Besigye and others were charged with treason and possession of firearms at the High Court in Criminal Case No. 955 of 2003. On 16th November 2005, 14 of the 22 PRA suspects applied for bail in the High Court and all were granted bail. They were, however, not released but taken back to Lutere Prison where they have been in custody to date. On 17th November 2005, all the accused persons including Dr. Kizza Besigye were taken before the General Court Martial and charged with treason and unlawful possession of firearms. Thereafter, the Law Society petitioned the Constitutional Court challenging the concurrent proceedings against the accused persons in the High Court and the General Court Martial for an offence which was based on the same facts. On the 31st January 2006 the Constitutional Court in a ruling declared that the concurrent proceedings were illegal and that the GCM had no jurisdiction to try the suspects for the offences proffered against the accused persons in that Court. However, the accused persons continued to be detained at Lutere Prison on the orders of the GCM.	On 12th January 2007 the Constitutional Court ruled that the continued detention of 14 of the 22 suspects who had been granted bail by the High Court was a violation of their right to personal liberty and contravened the principle of the independence of the judiciary guaranteed in Article 129 of the Constitution. The Court ordered for the immediate release of the accused persons on fulfillment of the terms of their bail granted by the High Court. UHRC position: Having noted the facts the Commission notes with concern that the PRA suspects continue to be in unlawful detention contrary to the clear pronouncements of the Constitutional Court that their continued detention is contrary to Article 23 of the Constitution, which provides for the unlawful detention of any person and if that happens, the individual has a right of the right to personal liberty. In the circumstances of this case and on the facts as reviewed above, the Commission wishes to state as follows: - The continued detention of the PRA suspects contrary to the Constitutional Court rulings demonstrates lack of respect for the authority of the Judiciary as one of the three arms of the government and seriously undermines the rule of law and the supremacy of the Constitution because the detention have been unconstitutionally declared. - The rule of law requires that we must all act and do things in accordance with law, that nobody's authority is above the law. The rulings by the Constitutional Court must therefore be respected by all persons and institutions concerned. - Officers of the state and institutions should respect and implement Court decisions without reservation in circumstances where a Court decision is as clear as in the case of the PRA suspects. Refusal to respect the decision of the High Court to release the PRA suspects, and other court decisions affecting them, is a serious failure to uphold the rule of law and Constitution, both of which are core values in a democratic society. - In view of the clear rulings and decisions of the Judiciary on the PRA suspects, the Commission calls upon: - The Commissioner General of Prisons to respect the Court decision on the PRA suspects and release them released unless there are other lawful grounds for the Commissioner General to continue detaining them. - The Attorney General to expedite to the public the publication for a department of government disclosing clear court decisions. - The Government to always ensure that it acts in accordance with Court decisions, the rule of law and the Provision of the Constitution.  JAM Alvin Omara Ag. Chairperson Uganda Human Rights Commission
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We the opposition members of Parliament ...express our gratitude for the courage you in the Commission have shown in undertaking the thankless and easily misunderstood task of pointing out and addressing cases of human right abuses, and standing up in defense of human rights and good governance in our land. We thank your commission in particular, for the paid supplement you ran on the position of the Uganda Human Rights Commission on the continued detention of the People's Redemption Army suspects, which courage and forthrightness must be emulated by all organs of the state and various local human rights organizations. – Prof .Morris W. Ogenga Latigo, Hon. Leader of the Opposition, Letter to the Commission of 15th February 2007.

On 16th and 17th March 2007, the Commission investigated the allegations of torture and visited the detainees. The investigation found that the suspects looked healthy, save for Mr. John Arike, who was limping with one leg bandaged from below the knee up to the thigh. They seemed to be receiving better attention from the prison and district medical personnel than any other inmate in both Arua and Bushenyi (Nyamushekyera). In both places, the suspects confirmed that they were not tortured on their way to, or in, prison, but that they were still pained by injuries sustained during the March 1st 2007 scuffle at the High Court when they attempted to avoid arrest upon release on bail.

After the 1st March 2007 Court siege and the subsequent re-arrest of the PRA suspects, lawyers and judges went on strike. Some journalists were beaten and some opposition parliamentarians were allegedly harassed by security forces; many Ugandans were worried of a “crisis” and even “chaos,” threatening the future of human rights in the country. Consequently, the GoU promised to investigate the matter and put in place corrective measures to avoid the repeat of similar mistakes. At the time of this report’s writing, that investigation had yet to be initiated.

The Commission hopes that it has seen the last of such wanton disregard for the independence of the Judiciary.



An FDC sympathiser Jethro Nuwagaba (centre) arrested in the scuffle that ensued after the PRA suspects were re-arrested at court on March 1

Photo of the circus outside the High Court-New Vision

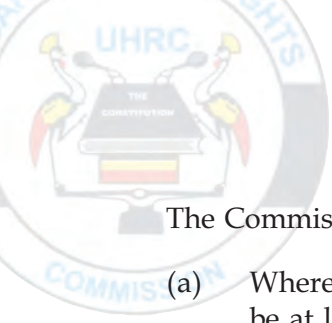
Summary of Events **(Trial of People's Redemption Army (PRA) Suspects)**

- 2003-2005: the 22 PRA suspects were arrested, indicted and later committed to the High Court
- 14th November 2005: Dr Kizza Besigye was arrested
- 16th November 2005: the PRA suspects were granted bail, however they were not released supposedly because of the co-existing GCM charges. The trial was disrupted and the suspects taken back to jail.
- 17th November 2005: all the accused were charged in the GCM
- 31st January 2006: the Constitutional Court made a ruling that the concurrent proceedings in the GCM and the High Court were illegal but the suspects still stayed in prison a year after the ruling.
- 12th January 2007: the Constitutional Court ruled that the continued detention of 14 of the suspects was a violation of their right to liberty.
- 25th January 2007: the Commission issued a statement calling upon the Government to respect Court decisions.
- 30th January 2007: the opposition MPs walked out of Parliament protesting the continued detention of the PRA suspects.
- 16th February 2007: the opposition MPs visited the Commission
- 1st March 2007: PRA suspects were granted bail, however the security forces dragged them back to jail because of the new murder charges
- 2nd March 2007: PRA suspects were presented before magistrate courts in Bushenyi & Arua.
- 16th -17th March 2007: the Commission investigated the allegations that the PRA suspects were being tortured but the allegations were not true.
- 26th March 2007: PRA suspects refuse to enter Court in Bushenyi, refusing to acknowledge its legitimacy
- 10th April 2007: the trial hit a snag due to the PRA suspects' falling ill

5.2 DENIAL OF COURT BAIL FOR POLITICAL DETAINEES

During the period under review, the Commission witnessed a consistent strategy on the part of the State and the Courts to arrest and then to deny bail to political figures accused of any crime, even when their cases merited bail. This was done by ensuring either that the suspects are arrested over the weekend or on Fridays such that the whole day the suspects are kept at the Criminal Investigations Department (CID) making statements and by the time they are taken to court, it would not be possible to pay the required fee (surety) which must be paid in the bank. The practice in court has been to keep the suspects in Luzira Prison for them to be able to appear in court the following Monday, as happened to honourables Hussein Kyanjo and Beatrice Anywar on April 16th 2007 and honourables Erias Lukwago and Odongo Otto on 20th April 2007. The Commission holds that this type of detention is unnecessary and is being abused to unfairly detain suspects.

The Commission sees three problems with the current state of affairs surrounding bail. First, there is a general obsession within the state and the general public that whoever is accused must necessarily be incarcerated. This school of thought holds that even if one needs to be granted bail, this must come after one has spent a day, two days, or even more, in detention. Second, even when a Magistrate is satisfied that an individual is entitled to bail, but that decision of bail has been reached only after banks have closed for the evening or the weekend, then the suspect must nevertheless stay in detention until the banks open the following day or the following week, depending on whether he or she has been arrested on a weekday or on a weekend respectively. Third, there is a strong tendency towards discrimination on the basis of socio-economic status in handling bail applications. Poor suspects detained for minor offenses find it more difficult than rich suspects detained for serious crimes such as capital offenses to be granted bail. This flouts fundamental principles of the rule of law, namely that all are treated equally under the law and that, that no one is above the law, and that everything, without any discrimination, must be done in accordance with the law.



The Commission's recommendations on denial of court bail for political detainees are as follows:

- (a) Where the bail condition is only payment of the bail fee in the bank, the magistrate should be at liberty to rule that the suspect is granted bail, but since the banks have closed he or she can pay first thing on the following working day when the banks are open. The applicable legal standard is Section 78 of the Magistrates Court Act, Cap16:

When any person is required by any court or officer to execute a bond, with or without sureties, that court or officer may (except in the case of a bond for good behavior) permit that person

- (a) to deposit any specific article or property; or*
(b) to deposit a sum of money to such amount as the court or officer may fix, in lieu of executing such a bond.

The law does not require the money to be deposited at a bank. This requirement represents a bureaucratic innovation more than it does any actual point of law. However, it is now clear that that procedure violates human rights, the spirit of the law, and freedom of the movement by unfairly detaining those whom the Court has set free. Therefore, the judiciary should review the necessity of requiring individuals who have been granted bail to pay at the bank. If the judiciary must maintain the procedure, then an alternative to depositing with the cashier must be put into place for those times when the banks are closed.

- (b) Furthermore, the courts should use the alternative of "deposit of property" instead of cash deposits, especially for those vulnerable suspects who cannot afford to pay cash at the time bail is granted.
- (c) In line with its obligations under international legal instruments, the State should provide lawyers for indigents, even in lower courts in which people are charged with non-capital offences, to enhance their chances of accessing bail.

The Commission emphasizes that the presumption of innocence is a fundamental right protected under the Constitution. Bail is a crucial avenue for the enjoyment of this right, even though it is granted at the discretion of Court, with the principal consideration being whether the accused is likely to return to Court when released on bail. Once that decision has been made, it is totally unnecessary to effectively reject that decision by imposing terms that cannot be met. Suspects who will jump bail are not likely to be deterred by the Court's stringent conditions.

Rejection of bail should not be an indirect way of punishing suspects unless the circumstances truly warrant detention, as in cases of a capital nature. Otherwise the Judiciary and the GoU risk a state of affairs in which innocent persons are charged, denied bail, and detained for unacceptably long periods.

5.3 CONFLICT BETWEEN THE JUDICIARY AND THE EXECUTIVE

The major concerns of these two organs of Government should not be antagonistic as long as the principles of the separation of powers and the rule of law are respected.

On the basis of newspaper commentaries, the principal concerns of the Judiciary were:

- Repeated violation of the sanctity of the Court premises;
- Disobedience of lawful Court orders by the Executive, with impunity on the part of the Executive;
- Constant threats and attacks on the safety and independence of the Judiciary and judicial officers;
- Unwarranted violence by security personnel;
- Failure by relevant State organs and agencies to accord to the Courts assistance as required to ensure effectiveness of the Court under Article 28 of the Constitution; and
- A failure to acknowledge that judicial power is derived from the people, to be exercised by the courts on behalf of the people in conformity with the law, values, norms and aspirations of the people of Uganda.

On the other hand, the Executive was concerned that;

- State security is its principal responsibility, and it cannot be compromised;
- Any subversive action has to be strongly guarded against;
- ‘Mistakes’ in granting bail as an automatic Constitutional right to suspects facing treason charges yet this may, among other things, put the suspect “out of the reach of the law.”
- In any case, bail is not an absolute right; its award is conditional, especially in cases involving those suspected of very serious crimes.

The Commission’s position on these issues is that crime must be punished, but that human rights law states that standards, procedures and rules must be followed in the administration of justice. The concept of the rule of law requires, *inter alia*, that the decisions of the Court are respected. Furthermore, though suspects can indeed be rearrested on other charges, provided that police have sufficient evidence, the timing, procedure and manner of handling the cases should always adhere to the rule of law. Otherwise, even legitimate charges will be taken as “trumped-up” cases since the timing and manner in which they are introduced is seen to be wanting. In the same vein, therefore, for justice to further prevail, let the trial be done in a timely manner without undue delay, and let the PRA suspects be tried in formally gazetted courts.

Given the issues raised above, then, the Commission recommends the following:

- **Executive:**

- a) Should adhere to the Court decisions for justice to prevail.
- b) Endeavor not to interfere with the course of justice, especially in regard to the new charges (against the PRA suspects).
- c) Fully respect the independence of the Judiciary, uphold the principle of the rule of law and ensure that it is applied consistently.
- d) Should also ensure that individuals within the Executive who abuse the rule of law and separation of powers are brought to book.

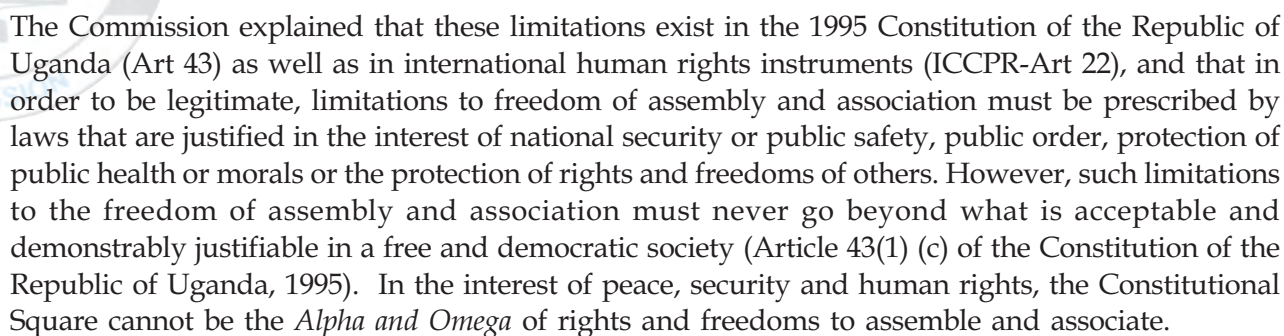
- **Judiciary**

- e) To ensure that cases are disposed of quickly, ensuring a speedy hearing and fair trial.
- f) Desist from remanding people on merely failure to pay cash to the bank on cases that are bailable.

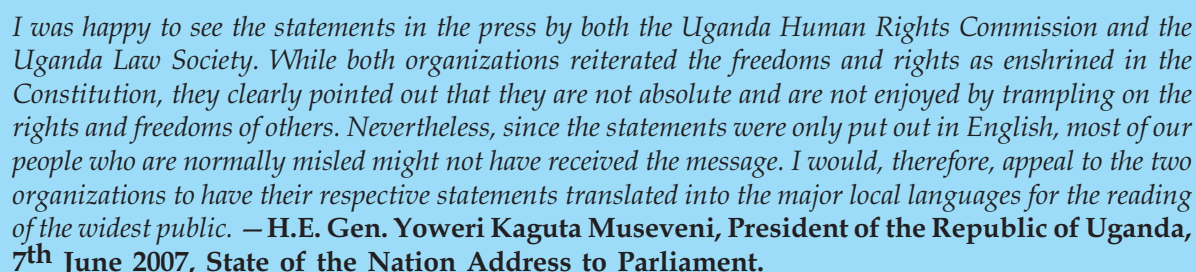
5.4 FREEDOM OF ASSOCIATION AND ASSEMBLY

5.4.1 The Constitutional Square Contest—Limitations on the Right to Assemble

Opposition groups have time and again insisted upon holding rallies at Constitutional Square, in the heart of Kampala City. Protests in Constitutional Square have long been controversial, and have resulted in many arrests and much curtailment of free assembly and expression. The Government has argued that Constitutional Square is a ground for the business community and that every time rallies are held, business is disrupted, and has therefore been advising that politicians wishing to hold rallies should go to either Kololo airstrip, Lugogo or Nakivubo play grounds. The Opposition refuses this, arguing that as politicians they want to be where the people are, i.e. at the centre of the city—Constitutional Square. This contest over venue has been running for a year and it has yet to be resolved, which led the Commission to issue a statement, reproduced below, recommending that the Uganda Police Force publish a set of guidelines for the public “outlining what is expected of them in (exercising) their freedom of assembly and demonstration,” but also reminding the public that the right to association and assembly is not a non-derogable right and that it has limitations which must be respected.



From January 2006 to April 2007, several demonstrations, strikes and riots were staged across the country. In the sixteen months, from January 2006 – April 2007, there were 60 incidences of demonstrations and strikes (representing an average of 4 demonstrations per month), 32 of which were or became violent and 28 of which were completely peaceful. Apart from involving looting and vandalizing of private property by demonstrators, it also led to the loss of lives. The Commission established that since January 2006, 11 people were killed in the demonstrations while property worth millions of shillings was either looted or destroyed. The recent Mabira demonstration, which started peacefully but turned violent, indicates that in some cases the right to free assembly has been abused by the public. In some cases, the security forces have been responsible for creating conditions that have led to criminal elements abusing the right to demonstrate, and in others have been unable to restrain the negative elements in the demonstration.



In March 2007, concern in Kampala began to grow over rumors that cabinet was to give 700 acres of land in the Mabira Forest to the Sugar Corporation of Uganda Limited (SCOUL), owned by the Ugandan Asian-run Mehta Group, in order to increase SCOUL's sugar production.



Sunday Monitor, 15th April 2007. A policeman pleads with an irate demonstrator looking for someone to stone.

Environmental activists staged demonstrations against the land transfer, with protests reaching their peak from 12th April 2007 to 24th April 2007. On 12th April, protesters were given permission to demonstrate in downtown Kampala on condition that they follow a specific, agreed-upon route as directed by the police. However, the protestors deviated from the agreed route, and went on a rampage that killed three persons, including one Asian: Asians in particular were targeted, in a racist and xenophobic backlash against the Mabira plan, as the Mehta Group is Asian-run. For nearly a week, the Asian community lived in fear of the racist death threats leveled during the demonstrations. This unfortunate event brought to the fore not only a profoundly disturbing anti-Asian prejudice in Kampala, but also the need for guidelines on demonstrations and for methods to control demonstrators effectively without causing undue damage.

Table 5.2: Summary of strikes and demonstrations since Jan 2006-April 2007

No	Nature of Demo & Category of HR	No of Demos	Comments
1	Civil and Political Rights	26	Election protests, PRA trial demonstrations, Protests against aborted rallies
2	Economic, Social & Cultural Rights Mabira forest transfer	34	Wages by workers, students vs Admin, traders against taxes and land wrangles;
	GRAND TOTAL	60	On average, about 4 demos were staged monthly

Source: the New Vision and the Daily Monitor newspapers.

5.4.4 Kiboko Squad

The Mabira Forest demonstration also saw the detention of Members of Parliament Hon. Beatrice Anywar (Kitgum Woman MP) and Hon. Hussein Kyanjo (Makindye West) in Luzira Prison. Protests over these detentions came on 17th April 2007, and marked the first time a large group of vigilantes armed with sticks (*kiboko*), dubbed by the media the “Kiboko Squad,” surfaced. Assaulting demonstrators under the pretext of maintaining law and order, the “Kiboko Squad” appeared to be highly organized and extremely effective, leading to the suspicion that it had been organized by the State or had some interests for just such purposes. Indeed, the May 15th, 2007 *New Vision* cited members as saying that they had been contacted the evening of 16th April and told to prepare for “a job the next morning that would take some hours,” that they had organized themselves inside the Kampala Central Police Station on the 17th, and that members of the Police and Government intelligence agencies were part of the Squad. It was further alleged that the District Police Commander, though he denied it, ordered the creation of the Kiboko Squad.

On 20th April, the Commission issued a statement condemning the beating of civilians by armed, organized vigilantes, with the apparent complicity of the police, who stood by and did not intervene. On 23rd April, the Commission launched an investigation to establish who precisely were the members of the Squad, where they came from, and who, if anyone, organized and then deployed them into the streets of Kampala on 17th April.



Demonstrators display an anti-Asian placard

The Commission interviewed Police and other security officials in Kampala, Local Council Leaders, businesspeople, UTODA officials, and kiosk operators but was unable to come to any solid conclusions owing to extreme stonewalling on the part of those who would have such information, and also to the shady origins of the group itself. We were told by an LCII official in Nakasero, for instance, “Even if we knew, do you expect me to tell you?” He added that the *kibokos*’ participation was appreciated: “they did a commendable job...They protected businessmen from looters of the day.” Most police officers interviewed feigned ignorance but also could not believe the group had been organized spontaneously by worried businesspeople. At the same time, they denied that the *kibokos* were part of the police or were organized by the police. “If anything, they could have been the *Usalaama* people who work hand-in-hand with Local Councils,” said Mr Malenge William and Detective Corporal Mutenyo Edward of Nakasero Market Police Post. Mr. Mugary Aggrey of Arua Park Police Post, added, “there is a possibility that the stick-wielding-men could have been organized and mobilized from the Reserve Force Training Grounds.”



Left: Kiboko Squad member rushing to attack demonstrators. Right: Kiboko Squad members assemble (New Vision)

LC II Chairman Mr Sam Kiwanuka reacted similarly. He said:

The problem with the Commission is that they want to look at one side... has the Commission tried to establish the cause of death of the Indian who were clobbered to death and who the murderers were? Has the Commission tried to investigate why the demonstrators decided to loot people's property and burn people's vehicles and yet they had vowed to make a peaceful demonstration? Has the Commission investigated why the demonstrators refused to use the route they were directed to use? Has the Commission endeavoured to find out why the demonstrators wanted to hit at the police who were meant to protect them? Does the Commission know that the demonstrators also violate other people's rights and what has the Commission done about such situations?

After raising all these questions, Mr Kiwanuka asked, "why then is the Commission following up a group of people who did a commendable job to protect people's lives and property at a crucial moment"?



The Commission reiterates, as it has in numerous previous reports, that its position has never been that insecurity and criminality should be left to flourish. The Commission's concern is that criminality is itself handled in accordance with the law. The Commission has no problem with the multiplicity of security organs as long as they are recognized by law and can be held accountable. The Kiboko squad is unlawful, however; nobody seems to know what it was and where it came from. This is especially troublesome in light of the proliferation of other militant groups in Uganda, including the FDC Youth Brigade, NRM Yellow Brigade, DP

Green Belt, Pentagon High Command, and the "private army" of His Worship the Mayor of Kampala. The Kiboko Squad is currently the most conspicuous of these groups, and if it is allowed to thrive, its high profile could encourage impunity and the proliferation of other criminal gangs. The Commission is cognizant of President Yoweri Museveni's directive to the Inspector General of Police, Major General Kayihura to discourage any future *kiboko* activities, but also of his praise for the *kibokos*, a contradictory stance that could encourage some to take the law into their own hands². The Commission hopes that such activities will not be seen again.

5.4.5 Trends on nature of the strikes

Two general trends seem to emerge from the Commission's review of the strikes, namely:

Election Related Demonstrations-The months preceeding, during and shortly after elections (November 2005-March 2006 and January-April 2007) witnessed various protests, strikes and demonstrations related to civil and political rights ranging from demands for multiparty democracy, competitive election campaigns, electoral malpractices, election petitions, and unresolved treason charges against the PRA suspects, which led to the judges' and lawyers' strikes. There were some tribal clashes on political grounds.

General Economic, Social and Cultural Rights-Related demonstrations- Other violent protests were noted with regard to economic, social and cultural rights. These included strikes by students over services; protests over labor/employment remuneration/wages by teachers and University Lecturers; demonstrations by taxi operators and the business community over taxation, protests



over land (such as wrangles among Moslem factions against the Mufti, Sheik Shaban Mubajje and the government give-away of land in the City and proposal to give part of Mabira forest to investors), demands by local communities for improved social services such as roads, schools, water, administration and other services.

5.5 Conclusions and Recommendations

Demonstrations and strikes are acceptable manifestations of human rights. They are part and parcel of the freedom of association and assembly. The State has an obligation to ensure promotion and protection of these rights. However in the enjoyment of these rights there are clear limitations which must be respected, as long as these limitations are legal and acceptable in a democratic society.

Recommendations:

- (i) The trial of the PRA suspects must be expedited and carried out with respect for the rule of law on the part of the Executive. This highly politicized issue must be prioritized and disposed of as soon as possible.
- (ii) The State, as the Commission has recommended before, must never allow other agencies whose accountability can never be ascertained to do police work. The Commission finds no fault with the existence of multiple security organs, so long as they are legal. Paramilitary organs, however, must be condemned, as they have the potential to breed conflict and breach of the peace.
- (iii) Political leaders preach tolerance and peace and desist from hate campaigns, sectarian, ethnic and racist language in all circumstances.
- (iv) The government is obliged to provide adequate information so that its policies are not misunderstood. The media have a professional responsibility to inform correctly. The experience of Mabira indicated that it was an issue of lack of information. It became clear to the Commission that people were demonstrating over a decision that had not been made. If this was clarified earlier on and' call for views, the consequences of Mabira demonstration which included loss of life would have been avoided. Any misinformation has a potential to cause a breach of peace and violation of human rights.
- (v) In the same vein, there is a need for the GoU to promulgate guidelines on demonstrations. The current conflict concerns whether the police should sanction demonstrators and meetings; if they must, then the conditions under which they may do so must likewise be spelled out clearly. Without such guidelines, this power can be abused.

Endnotes

¹ See *Uganda Law Society V AG Constitutional petition no.1 of 2006*.

² A piece in the *Monitor* of 20th April 2007, "Museveni Praises Kiboko," quotes Museveni at a meeting of Asian business people as directing Kayihura to "convince the people who took sticks to beat the rioters and say 'from now on I will deal with the rioters on your behalf, so you people you don't have to carry sticks.'" The same piece quotes him as saying "I salute the Ugandans who stood by justice and opposed the criminals [demonstrators]." Available online at <http://allafrica.com/stories/200704200284.html> Accessed July 4, 2007.

THE IDP RETURN PROGRAM: PROSPECTS AND CHALLENGES

6.0 Introduction

In 2004, the GoU instituted its National Policy for Internally Displaced Persons. The policy pays special attention to respecting, protecting and fulfilling the rights of IDPs. The IDP return so far has been in compliance with the UN Guidelines on Internal Displacement, which emphasize voluntary return in safety and dignity. The Juba talks, the Cessation of Hostilities Agreement of 2006 and the concurrent movement of LRA out of northern Uganda to assembly points in Southern Sudan have improved security and encouraged IDPs to move out of the camps. At the same time, UPDF increased deployments in several areas in Acholi and the national police augmented their presence in Lango and Teso sub-regions. In both Lango and Teso regions, apart from areas of Teso bordering Karamoja, security has remained stable and the return process is underway, with numerous spontaneous movements of IDPs to their villages of origin, while IDPs in Acholi sub-region have moved to transit/satellite camps located in their parishes of origin.

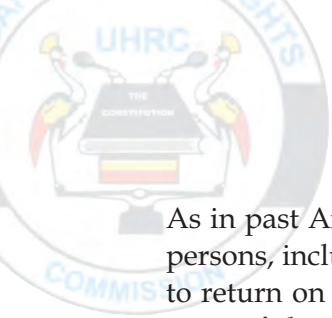
The ongoing work of central and local governments and development agencies to both streamline and scale up interventions in relief and development is commendable. These efforts must be sustained and supported so as to increase outreach. The Commission further commends the Government for prioritizing the implementation of the Peace, Recovery and Development Plan for Northern Uganda (PRDP) as a means of improving service delivery and spurring development in the region.

6.1 Progress in IDP Return in the North and North Eastern Uganda:

6.1.1 Lango Subregion

Vastly improved security in Lango Subregion has led to considerable progress in IDP return. As of December 2006, 80% return was reported in Alooi, Abako and Amugo sub counties of Moroto County, Lira District. Data from the Office of the Prime Minister indicate close to 100% return in Bata and Dokolo sub counties, while in Otuke County IDPs commute to gardens daily. In Dokolo and Lira districts, out of a population of 350,000 IDPs, 72% had returned and only 96,696 remained encamped as of December 31st 2006. From the aforementioned statistics, it is clear that in most IDP camps in Lango Sub-region, many IDPs have gone to their original homesteads; for instance, all the IDPs who used to live in Amugo, Abako, Alooi, Apac Alanyi, Apala and Bar IDPs Camps South-East of Lira district have returned to their villages and are now rebuilding their homes.

Furthermore, an Inter-Agency Assessment Report compiled by the Office of the UN High Commissioner for Human Rights in Uganda and the District Disaster Management Committee (DDMC) in March 2006 confirmed that return in Bata and Dokolo sub- counties had reached nearly 100%¹. In northeast Lira, rates of return for IDPs in Okwang, Orum, Adwari, Olilim, Aromo, Agweng and Ogur camps range from 60-80%. The District Disaster Management Committee (DDMC) in Lira estimated that since the beginning of the year 2006, 31,000 IDPs had returned to their areas of origin.



As in past Annual Reports, the Commission remains concerned with the plight of the vulnerable persons, including the elderly, persons with disabilities and child-headed families who are unable to return on their own without assistance. In most cases where there has been successful return, most of these vulnerable groups were first left behind in the camps, but were later assisted by their close relatives to return home.

Interviews with returning IDPs revealed their major concerns to be a lack of building materials and threats from Karimojong warriors. To address the latter, GoU recruited the Anti-Stock Theft Units (ASTUs) now placed at the border of Lira/Pader, Lira/Abim districts and Dokolo/Katakwi district to check the incursion of the Karimojong. Nevertheless, in these parts people still face insecurity, despite the presence of special police constables amidst them in every sub-country.

In Oyam district, many IDPs are also trying to resettle in their original homes: camps in Ngai, Otwal and Iceme Sub-counties are being abandoned as IDPs are trying to prepare their gardens for the planting seasons. However, some IDPs are still residing in the camps because all the grass for thatching their huts was burnt.

6.1.2 Teso Sub-region

According to the Inter-Agency Assessment Report, IDP return in most areas of Teso Subregion has been spontaneous and continuous during the period under review. As in Lango Subregion, security in Teso has greatly improved. Information from the Office of the Prime Minister (OPM) indicates that in Soroti District, 122,085 of 136,000 IDPs displaced by the LRA and the Karimojong, had gone home by December 2006. Major areas of resettlement in Soroti District have been Katine and Tubur.

The situation is less encouraging, however, in Katakwi and Amuria Districts, where a scarcity of water points, inaccessibility of some areas, and especially fear of the Karimojong has caused more IDPs to remain in camps. A total of 103,797 IDPs were still confined in camps in Amuria and Katakwi districts as of February 2007 because of the Karimojong threat (See Table 6.1, below). In Katakwi District, movements have been highly restricted in the sub counties bordering Karamoja such as Ongogoja, Ngariam, Omodoi, Magoro, and eastern Usuk. Nevertheless, progress has been made: overall, over 67% of the original 338,955 IDPs have made some movement either to their villages or to parish satellite camps, notably in Toroma, Usuk and Kapujan sub counties (See Figure 6.1 next page). In Kapelebyong, return is limited to about 20%, again due to insecurity caused by Karimojong warriors. In Agweng, a camp of 30,000, very few people have undertaken the journey home.

In Amuria District, UNOCHA data indicates that as of December 2006, just 30% of 166,122 IDPs had moved from camps to their homes. Most IDPs in Amuria have been moving from subcounty to parish satellite camps. Return subcounties for Amuria District are Wera, Asamuk, Abarilela and Kuju. There has been limited return in Orungo, Acowa, Kapelebyong, Obalanga and Morungatuny subcounties. In Kapelebyong County, only 20% of IDPs had returned by the end of 2006, again for fear of the Karimojong.

In Kaberamaido district, the Office of the Prime Minister reports large scale movements of IDPs from camps to their former homes: as of December 2006, 2,440 of 2,990 IDPs had returned home, leaving just 17%, or 550 IDPs, remaining in the camps voluntarily.

Figure 6.1: Trends in IDP movement, Amuria and Katakwi Districts

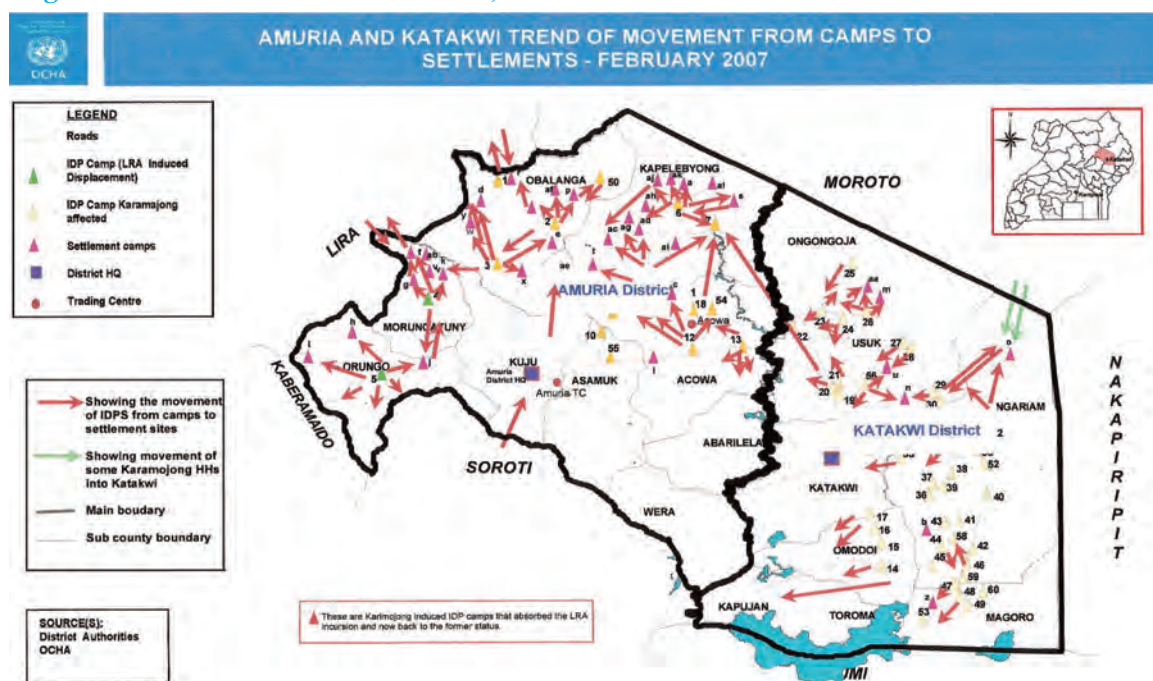


Table 6.1: Amuria and Katakwi Districts: IDP Population as of February 2007

No.	Camp name	Population
1	Angica A	515
2	Angedakiteng	1545
3	Obalanga	1644
4	Morungatuny Main	4576
5	Orungo Main	2230
6	Kapelebyong Main	5665
7	Amaseniko	1447
8	Oditel	8318
9	Otungul	1388
10	Ogolokwara	439
11	Amuge	1507
12	Acowa	4011
13	Ajeleik	1593
14	Amusia	1982
15	Abule	1750
16	Atirir	1805
17	Dadas	876
18	Acanga	713
19	Usuk B	119
20	Usuk A	81
21	Ameca	926
22	Milimil	1990
23	Aketa	3530
24	Omerimong	2365
25	Ongongoja	357
26	Obulengorok	4780
27	Okochi Adacar	6323
28	Adacar	599
29	Ameritele	984
30	Orungo Corner	3015
31	Palam	1593
32	Oliangoye	500
33	Obule Ajet	765
34	Amoru Ongora	1238
35	Odoot	1007
36	Okuso	315
37	Loupe	1748
38	Anyipa	542
39	Adipala	786
40	Acanga P/S	4878
41	Opeuru Aodot	216
42	Ocwiin	1926
43	Akisim	495
44	Oongora	2030
45	Oriau A	1977
46	Olir	272
47	Kanapa	1106
48	Apero	625
49	Kameca	675
50	Amootom	378
51	Alengo	1450
52	Ngariam S/C	804
53	Osudio	1225
54	Adepar	1561
55	Osukunya	1031
56	Koritok	335
57	Ngariam Corner	1664
58	Kipinyang	1050
59	Centre Camp	2700
60	Kajamaka	1439
61	Okwamomwar	393
Total		103797

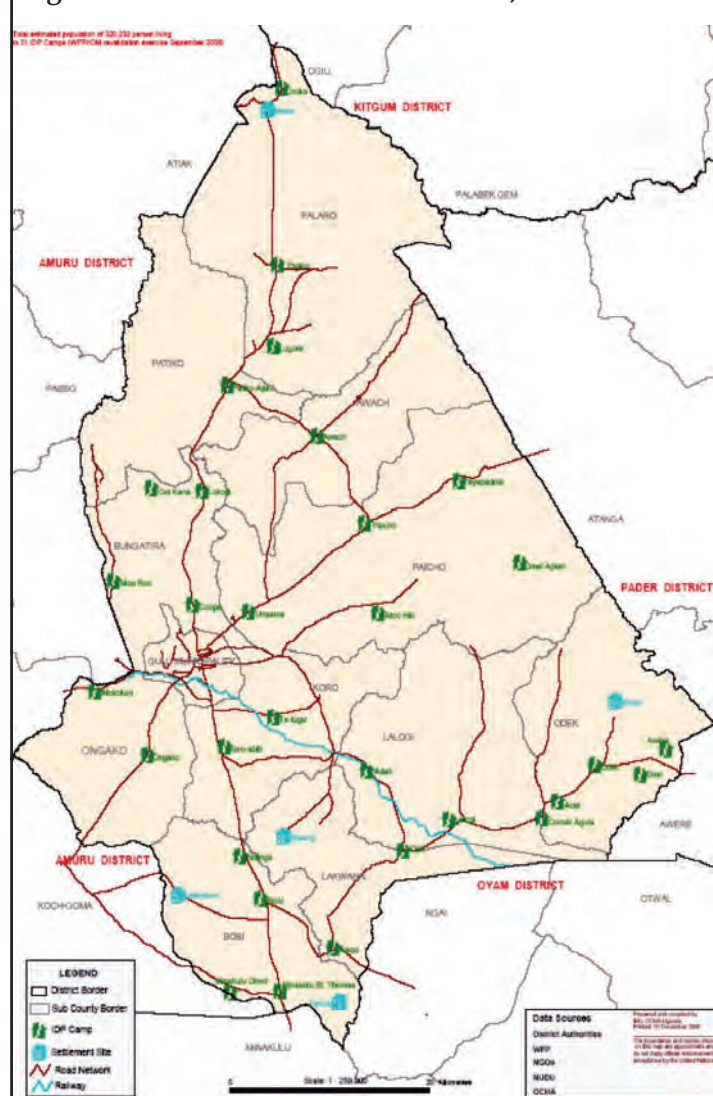
Source: UNOCHA

6.1.3 Acholi Sub-region

Although the IDP return, resettlement and reintegration programme has been smooth in the Lango Sub-region and in parts of Teso, in Acholi Sub-region, most IDPs are still relocating to satellite/transit camps at the parish level. Though some are hopeful, many IDPs remain unconvinced that return and resettlement in their original homes is possible before the Juba talks are successfully concluded. These IDPs have little trust in the talks and lack confidence in the UPDF's ability to repulse any LRA attacks without harming civilians, and so they are resolved to remain in camps until the GoU and LRA sign a comprehensive peace agreement.

Though many IDPs are relocating nearer to parishes, return in most parts of Acholi Subregion has been limited and negligible. As of 31st December 2006, Amuru district has experienced only 8% IDP return, and Gulu has seen just 13% of IDPs return home. Resettlement locations in Amuru include sub counties such as Pabbo, Alero, Lamogi and Amuru while in Gulu, return sub counties include Paicho, Bungatira, Bobi, Lalogi and Odek (See Figure 6.2, below). The conflict has left most people in Acholi traumatized, fearful, and unwilling to leave the camps. Given the fact that major camps like Pabbo, Atiak, Purongo, Cwero, Odek and Palenga show almost no signs of population shift, the Commission observes the need to offer psycho-social counseling both prior to and after return so that IDPs are helped to resume normal life.

Figure 6.2: Trends in IDP movement, Gulu District



Source: Office of the Prime Minister

Kitgum District

IDP movements in Kitgum District remain highly constrained: UNOCHA figures indicate that as of December 2006, just 21,562 of 320,435 IDPs in the district had made some movement. Of these 21,562, not all have returned home; many move to temporary shelters in satellite camps. Security remains a major concern among IDPs in Kitgum despite the presence of the UPDF, UPF Anti-Stock Theft Units, and Special Police Constables. Continued fear over an LRA resurgence, fear of the Lango warriors who sneak from Southern Sudan into the camps of Agoro, Madi-opei, Palunga and Lakung, and fear of the Karimojong in eastern Kitgum have all prevented further decongestion in the district.

Pader District

In Pader District, just 110,000 of 319,506 IDPs have returned. Most IDP movements in Pader District are to new settlements or satellite camps and fall into three categories. First are detach-induced movements in which IDPs follow the course of military deployments, indicating that they are not yet sure of their security. Second, are spontaneous movements due to camp

fatigue, land rent for gardens, and the hope brought on by peace talks. Finally, some IDPs who had been displaced to other districts such as Masindi, Lira and Kotido are now returning closer to their original homes in Pader District.

Major areas of return in Pader District are the sub counties of Omot, Patongo, Puranga, Awere, and Lira Palwo, with limited movements in Adilang, Atanga, Kilak, Laguti, Laponi, Pajule and Parabongo sub counties. Movements in Aruu country have been limited, however, IDPs in Aruu can now move as far as Aswa, Amilobo and Pager areas for hunting, a sign of increased confidence.

6.2 Situation at the New Settlements

Though IDPs have begun to move to new settlements and satellite camps, conditions in both settings remain mixed. Though the new settlements have enabled IDPs to access more farming land, they lack basic social services because the entire infrastructure was destroyed during the war. Landmines and unexploded ordnance (UXO) in areas of return also remain a fear, as no proper demining has been done. In Amuria and Katakwi Districts, just 25,052 IDPs had relocated to new settlements nearer their homes as at February 2007 as shown in the table below.

Table 6.2: Settlement sites and total population as per February 2007
(Amuria and Katakwi districts, with total population of 25,052)

No.	Camp name	Population			
1	Airabet	476	20	Okibui	140
2	Odukut	497	21	Ayola	1587
3	Matilong	450	22	Angaro	676
4	Alito Opuko	1084	23	Amare	496
5	Itewai	1363	24	Lyalakwe	462
6	Awelu	1310	25	Akelai	345
7	Olwa	1832	26	Amuturo	56
8	Otubet	989	27	Abakuli	386
9	Okude	2708	28	Apedu	420
10	Apeulai	397	29	Olobai	250
11	Apopong	400	30	Atukutuk	310
12	Akore	1788	31	Mega	376
13	Omunkuny	509	32	Apopong	372
14	Toibong	824	33	Odiding	120
15	Olilim	1205	34	Adukait	80
16	Aeket	882	35	Okunguru	60
17	Agulia	629	36	Airabet P/S	171
18	Okoboi	45	37	Alalar	75
19	Aroo	1282		Total	25052

Source: UNOCHA

6.2.1 Progress in Government efforts in improving security and social services

The GoU has taken steps to assist IDPs during the period under review, through provision of social services for returning IDPs as well as through civil works such as road construction. The Office of the Prime Minister reported progress in the construction of Awach-Paibona Road in Gulu, Kaladima-Guru Guru, Alero-Kinene and Pabbo-Olinga Road in Amuru.

The government has also ordered extra deployments of security forces and judges to maintain law and order and to administer justice. Ten judges were deployed in 2007 to clear a backlog totaling over 553 criminal cases of a capital nature. Forty Police Posts at Subcounty level have been re-opened throughout Acholi, Lango and Teso Subregions with deployments of over 1700 ASTUs and central Uganda Police Force personnel diverted from other regions to northern Uganda, and newly recruited special police constables. The table next page shows areas where police deployment has been possible in Pader and Kitgum Districts during the reporting period.

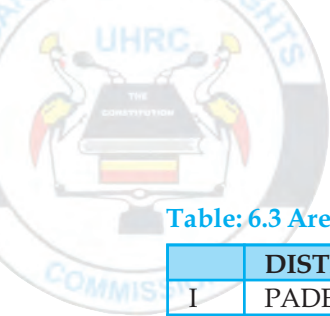


Table 6.3 Areas of Police Deployment in Pader and Kitgum Districts

	DISTRICT	COUNTY	SUB-COUNTY	LOCATION
I	PADER	AGAGO	ADILANG	LACEK OTOO
II	"	"	"	ODOM
III	"	"	LAPONO	LIRA KATO
IV	"	"	"	LAPONO
V	"	"	PAIMOL	PAIMOL
VI	KITGUM	CHUA	OROM	LOLUKO
VII	"	"	"	AGOROMIN
VIII	"	LAMWO	MADIOPEI	MADIOPEI
IX	"	"	MADIOPEI	LAGOROKI
X	"	"	AGORO	AGORO

Source: Uganda Police Force

According to the Uganda Police Force, three companies of additional Arrow Boys were recruited into ASTU, trained and deployed in the gaps that existed in Katakwi and Amuria districts. At the same time, the police was required to consolidate its achievements at the borders. Furthermore, the police has reportedly deployed ASTU Forces further inland on specific borders as indicated below:

Areas where ASTU has been deployed

- Got Ojwang – to facilitate and consolidate return of IDPs.
- Acampii – to take over from departing UPDF.
- Ogwete – to take over from departing UPDF.
- WI-Alir – to prepare a major camping at the former police land.

However, the UPF has explained to the Commission that some places have not had deployments simply because some of the planned locations could not be taken up due to lack of water and access roads. The Commission therefore appeals to government to extend water and access roads so as to facilitate police deployments and consequently IDP return in these areas.

These areas include:

Table 6.4: Areas due for Police deployment in Pader and Kitgum Districts

	DISTRICT	COUNTY	SUB-COUNTY	CURRENT	PLANNED LOCATIONS
1	PADER	AGAGO	LAPONO	LIRA KATO	OBURGULU
2	"	"	"	LAPONO	KAKET
3	"	"	PAIMOL	PAIMOL	LABOR DWONG
4	"	"	PAIMOL	PAIMOL	MORULEM
5	KITGUM	CHUA	OROM	LOLUKO	TIKAO
6	"	"	OROM	AGOROMIN	LAKWANYA
7	"	LAMWO	MADIOPEI	MADIOPEI	APIRITI
8	"	"	MADIOPEI	LAGOROKI	GOTOKOL
9	"	"	AGORO	AGORO	KALANGA

Source: Uganda Police Force

Additionally, the deployment of policemen was not accompanied by sufficient financial resources. Much as the Commission appreciates the efforts made by the Uganda Police Force in increasing police presence in the areas of return, it has received some complaints from IDPs that some police officers are conducting themselves in an unbecoming manner, by extorting money from victims of crime in exchange for assistance. The police are expected to keep law and order but in executing their duties, some police officers do demand money from crime victims to extend their services. This practice has almost turned into a norm, constraining access to justice in Uganda – especially

for vulnerable persons such as IDPs. The Commission therefore appeals to police authorities to put to an end this practice not only in conflict areas but in the entire country.

At the time this Report was drafted, material support for returned IDPs, resettlement kits worth over Ush 4.5 billion had been procured and distributed to all districts with returning populations. These kits included 350 metric tonnes of maize seed, 350 of millet, 300 tonnes of groundnuts, 300,000 hoes, 70,000 sickles and 70,000 pangas to enable returnees start a new life by engaging in agriculture. The Commission has been informed of the slow pace in the distribution of the resettlement kits and shortage of some of the items. Furthermore, the quality of the items distributed to IDPs has been questionable as some of the seeds distributed have reportedly failed to germinate and pangas and sickles are of abysmal quality and break easily; in fact, President Museveni ordered an investigation into the procurement process behind these kits.

Similarly, the Commission has established that in some districts such as Katakwi, even when iron sheets had been procured, very few were distributed in spite of the fact that IDPs had returned. Unless these handicaps are resolved, the government's positive efforts might not improve the human rights situation in these areas.

Table 6.5: Allocation of resettlement kits for IDPs in Acholi, Lango and Teso sub-regions as of 18th Jan. 2007.

S/no	District	Maize seeds (Kgs)	Bean seeds (Kgs)	Sorghum seeds (Kgs)	Millet Seeds (Kgs)	G/nuts Seeds (Kgs)	Hoes (pcs)	Pangas (pcs)	Axes (pcs)	Sickles (pcs)
1	Gulu	32,000	32,000	32,000	24,800	23,000	29,000	6,920	6,920	6,920
2	Amuru	46,000	46,000	46,000	37,800	36,000	42,000	10,800	10,800	10,800
3	Kitgum	40,800	40,800	40,800	31,800	30,000	36,000	9,300	9,300	9,300
4	Pader	48,000	48,000	48,000	38,800	27,000	43,000	8,300	8,300	8,300
5	Lira	33,500	33,500	33,500	23,800	22,000	28,000	6,630	6,630	6,630
6	Dokolo	15,000	15,000	15,000	9,000	8,700	14,000	3,000	3,000	3,000
7	Oyam	26,000	26,000	26,000	17,800	17,000	22,000	5,260	5,260	5,260
8	Kaberamaido	8,400	8,400	8,400	3,000	3,000	6,000	1,000	1,000	1,000
9	Soroti	14,500	14,500	14,500	4,800	4,800	8,000	1,600	1,600	1,600
10	Katakwi	31,000	31,000	31,000	22,800	21,000	27,000	6,300	6,300	6,300
11	Amuria	35,000	35,000	35,000	27,800	26,000	32,000	7,960	7,960	7,960
12	Adjuman	11,000	11,000	11,000	3,800	4,000	7,000	1,330	1,330	1,330
13	Masindi	8,800	8,800	8,800	6,800	6,300	6,000	1,600	1,600	1,600
	TOTALS	350,000	350,000	350,000	252,800	228,800	300,000	70,000	70,000	70,000

Source: UNOCHA

6.3 Challenges to Government progress in providing security and social services

While progress is reported and in some places clearly visible, it is important to realize that many challenges remain. One such challenge is the inability of the local government to contain the cholera epidemic in Kitgum district. For close to a year, people in Kitgum and specifically those in Kitgum town lived under the threat of cholera owing to uncontrolled poor sanitation in the district.

6.3.1 Security in Acholi, Lango and Teso Sub regions

Security has been returning to Acholi as well as Lango and Teso sub-regions. The progressive return of IDPs to their habitual residence has been one indicator of return to peace in the sub regions. In the towns of Gulu, Kitgum, Lira and Soroti there is evidence of an increase in construction and business activities. In the Commission's interaction with IDPs and political leaders in the northern and eastern region, there is a feeling that peace is returning to areas in which LRA-induced instability has subsided.



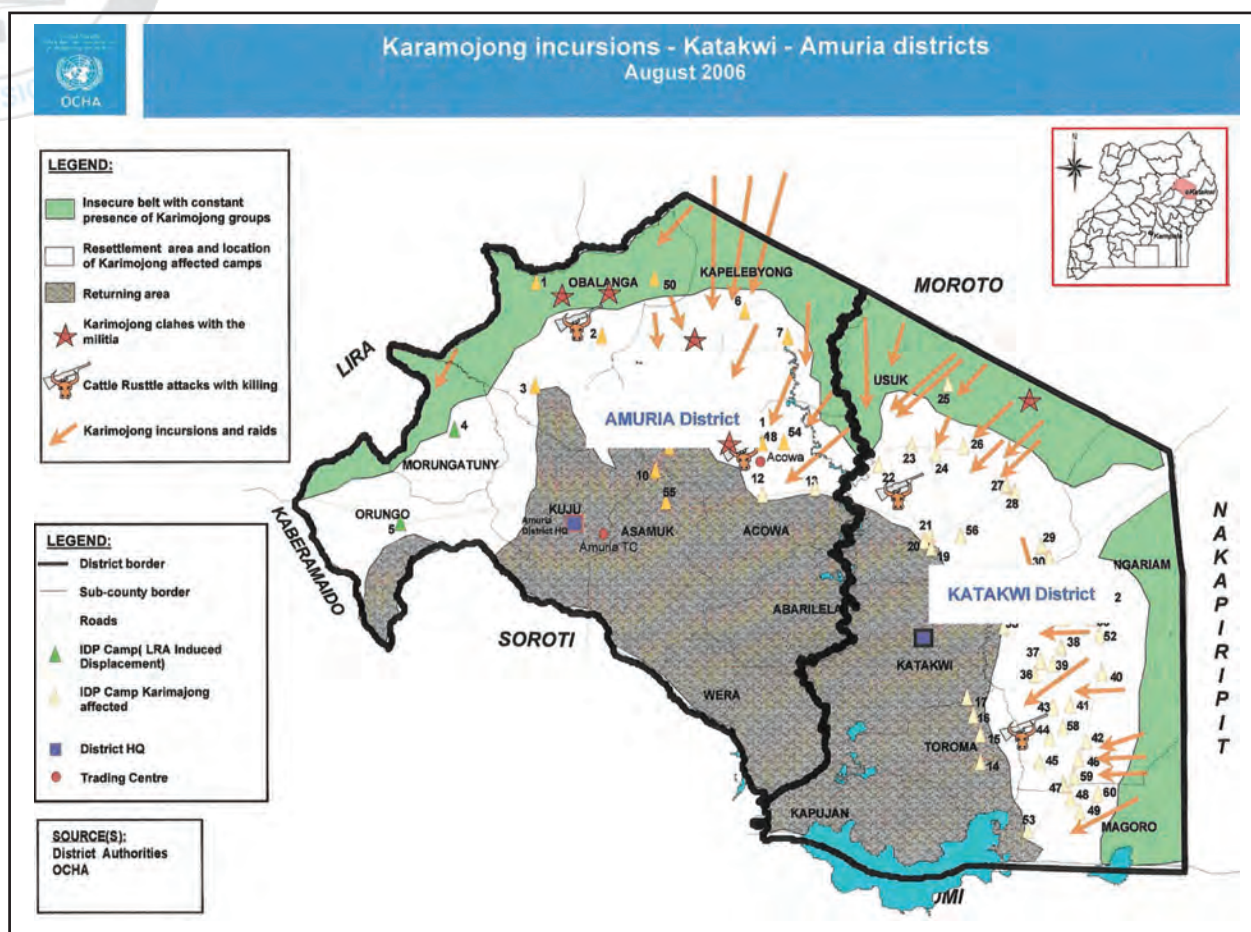
As already noted, there was also increased deployment of security forces to lower levels at sub counties. These were largely the Anti Stock Theft Units who have strengthened security in these areas. However, the biggest remaining security threat for people in northern and northeastern Uganda is displacement by the Karimojong. The outlook on this issue is so bleak that many respondents interviewed by the Commission doubted that there can be a lasting solution to the instability inflicted by the Karimojong on their neighbors through invasions, thefts of cattle and other property, and vandalization. The table below shows incidences of Karimojong attacks in the district of Katakwi as per the Inter-Agency Assessment Report.

Table 6.6: Katakwi District: Raids by Karimojong Warriors from December 2006 - February 2007 in sampled camps and new sites²

SubCounty	Parish	Camp	Settlement	Description of security incident	Date	Time	Place
Omodoi	Amusia	Amusia		Cattle raids of about 26 animals	11/2/2007	9:00p.m	Agule A
Omodoi	Omodoi		Akoboi	Karimojong raids [cattle and household property looted		8:00p.m.	Akoboi camp
Omodoi	Omodoi	Atirir		Karimojong incursion and killing of one person	10/2/2007	11:00p.m	Atirir camp
Omodoi	Amusia	Abule		Karimojong movement around the camp	11/2/2007	10:00p.m.	Abule camp
Katakwi	Dadas	Dadas A		A drunken soldier shot at 3 people	3/12/2006	8:00p.m.	Dadas camp
Katakwi	Aleles		Lalei	Karimojong uprooted cassava gardens	Jan-07	9:00p.m.	Lalei camp
Magoro	Omasia	Olir		Exchange between the warriors and soldiers/stealing of food	2/1/2007	10:00p.m.	Olir
Magoro	Magoro	Centre camp		One million NUSAF funds were stolen from the treasurer	1/12/2006		Centre camp
Magoro	Omasia	Kipinyang		Karimojong warriors chased women	12/2/2007	8:00a.m.	Apun
Magoro	Kamenu	Osudio		14 animals stolen from the kraal	Jan-07		Osudio
Magoro	Magoro	Kajamaka		Unknown number of animals were stolen	Oct-06		Kajamaka
Magoro	Omasia	Oongora		One man was killed by the Karimojong outside his hut	3/2/1007	Night	Atirir
Ongongoja	Ongongoja	Milmil		The warriors stole four goats	27/12/2006		
Ongongoja	Okuda	Omerimong		Raids by the Karimojong	10/2/2007	10:00p.m.	Komolo
Ongongoja	Ongongoja	Ongongoja		Karimojong raided 7animals and stole 2 bags of ground nuts	Jan-07	Night	within the camp
Ongongoja	Okochi	Okochi		Karimojong warriors uprooted cassava & killed someone	3/2/2007	8:00p.m.	Ogoria
Ongongoja		Aketa	Aketa	Karimojong attack, a teacher abducted, raided 7 goats & 2 calves	19/1/07 & 3/2/07	8:00p.m.	Akwooro
Ongongoja	Omukuny	Obule-ngorok		Karimojong stole 2 goats and uprooted cassava within the camp	10/2/2007	6:00a.m.	Amuturo, Obulengorok
Ngariam	Kaikamo-sing	Acanga		Karimojong uprooted cassava gardens	10/2/2007		Osobut village
Ngariam	Bisina	Okuso		Karimojong infiltrated the area	7/2/2007	8:00p.m.	Okuso
Ngariam	Odoot	Odoot		Karimojong killed Muzeei Kupliano	Jan-07	8:00p.m.	Atiira, Akosobwa
Ngariam	Bisina	Akisim		Karimojong rustles 3 animals, uprooted cassava and abducted one person	12/11/2006	12:00a.m.	Akisim
Ngariam	Odoot	Okwamo-mwar		Karimojong warriors uprooted cassava around the camp	4/2/2007	8:00p.m.	Akwamomwar

Ngariam	Ngariam	Ngariam Corner	Karimojong stole 2 cattle / beat up one person	12/12/06 & Jan 07	5-1:00p.m	Corner camp
Ngariam	Bisina	Olupe	Karimojong killed a soldier	Jan-07	Night	Akosobwa
Ngariam	Kaikamosing	Adipala	Karimojong raided cattle	Jan-07	Night	Adipala
Ngariam	Acanga	Obulejet	10 animals were raided from the kraal within the camp	14/11/2006	Night	Within the camp
Ngariam	Ngariam	Amoruongora	Karimojong attacked and injured one person	Nov-06		Akwarekia
Ngariam	Olilim	Palam	Karimojong raid	6/2/2007	Night	Palaam
Ngariam		Ngariam S/C	Karimojong threat	6/2/2007	Mid night	Ngariam S/C
Ngariam	Pakwi	Opeuru Aodot	Karimojong uprooted one garden of cassava	Feb-07	Night	Okibui
Omodoi	Amusia	Omaju	Raided 28 cows	11/2/2007	8:00 p.m.	Omaju
Omodoi	Amusia	Aboloi	Karimojong warriors pass daily	Night	Aboloi	
Omodoi	Amusia	Okile	Karimojong passed by the village with stolen cattle from Agule A village	11/2/2007	8:00 p.m.	Okile
Ngariam	Olilim	Morulinga	Woman shot dead at the kraal and a gun stolen	27/12/2007	7:00 p.m.	Morulinga
Ngariam	Olilim	Osomit	Cattle taken within the village	25/1/2007	Night	Osomit
Ngariam	Acanga	Adeles	Karimojong raided goats and beat up one old man	Nov - Dec 2006		Adeles
Ngariam	Olilim	Osemwa	Karimojong uprooted 1 acre of cassava and stole 1 bag of groundnuts	Jan-07	11:00p.m.	Osemwa
Ngariam	Olilim	Oramun	Raiding of 13 cattle in the nearby kraal	5/2/2007	1:00 a.m.	Oramuna
Ngariam	Olilim	Amuturo	Karimojong stole 7 chicken	24/12/2006		Amuturo
Ngariam	Olilim	Ayelenyang	Abducted a boy, took 50 animals and crossed with 13 from Oramuna	10/2/2007 night	12 mid	Ayelenyang
Ongongoja	Omukuny	Anyangabela	10 cattle raided by the Karimojong and 5 sheep	10/2/2007	1:00 a.m	Anyongabela
Ongongoja	Okuda	Omerimong	Raided livestock	Daily		
Ongongoja	Omukuny	Omukuny	Stole 3 goats and uprooted cassava	10/2/2007	Night	Omukuny
Ongongoja	Okuda	Aputon	Cattle raids by Karimojong warriors	10/11/2006	2:00 p.m.	Aputon
Ongongoja	Ongatunyo	Ongatunyo	Three cows were raided	Jan-07		
Magoro	Magoro	Kanapa	Karimojong stole goats within the village	10/2/2007		Kanapa
Magoro	Kamenu	Apeleun	The warriors captured a youth	10/2/2007	9:00 a.m.	Apeleun
Magoro	Opeta	Kidee	Karimojong movement	11/2/2007	9:00 p.m.	Kidee
Katakwi	Alukucok	Alukocok	Theft of 7 cattle	Jan-07	Night	Alukucok

Source: UNOCHA



Source: UNOCHA

In Amuria district, Karimojong warriors have also caused significant mayhem, and have adversely impacted the IDP return program, as shown in the table below.

Table 6.7: Amuria District: Security incidents from December 2006 - February 2007 in sampled camps and new sites³

Description of incident	Date & time	Place	Sub County
Armed Karimojong warriors attempted rooming in the area.	05/03/07 06:00p.m	Adodoi	
Cattle was rustled by armed Karimojong warriors	January 2007, Night	Alito	Obalanga
Karimojong warriors shot and killed an Arrow militia	January 2007, day time	Aeket	Obalanga
Arrow militia shot and killed his wife	January 2007, Night	Awelu	Morugantuny
Cattle was rustled	January 2007	Ajoli	Morugantuny
Suspected Karimojong warriors raided livestock and killed two people. Persued by security but were not apprehended.	10/03/07, 08:00p.m	Obur	Acowa
Two young boys who were herding animals were kidnapped by suspected Karimojong warriors and released next day.	12/12/06 03:00p.m	Ajeleik, Aagu swamp	Acowa
Harvested cassava crop in the fields	13/02/07 Night	Matailong	Acowa
Rustled cattle	08/02/07 Night	Amouret	Acowa

Suspected Karimojong warriors raped 70 year old woman and killed a resident called Opolot	15/01/07 11:30a.m	Angaro	Acowa
Suspected Karimojong warriors took animals, chicken and groundnuts	January, night	Atido Oditel Akajikai,	Acowa
Suspected Karimojong warriors raided six herds of cattle, burnt a house and raped a woman	January	Olekat, Aburet	Acowa
Suspected Karimojong warriors abducted a person and later released him	January 2007, 07:30p.m	Angolebwal Primary School	Acowa
A very big pit was found in the villages where Karimojong used to hide, roast their goats, shelter before retreating to Karamoja	January 2007, 12:00 midday	Acegerekuma	Kapelebyong
Supected Karimojong warriors abducted person and later released him.	February 2007, 06:00p.m	Omokori	Kapelebyong
Suspected Karimojong warriors abducted one person from the camp, tortured him. He successfully escaped from his captives.	December 2006, 09:00p.m	Kapelebyong camps	Kapelebyong
Suspected Karimojong warriors attacked and killed a soldier.	February 2007, 04:00p.m	Agonga	Kapelebyong
Uprooted cassava from gardensTook unspecified number of goats	26/02/07 Night December 2006	Amaseniko camp	Kapelebyong
Suspected Karimojong warriors shot and killed a militia/ soldier	December 2007	Amaseiniko camp	Kapelebyong
Warriors raided cattle and killed three people	January 2007, 06:00p.m	Airabet	Kapelebyong
Suspected Karimojong warriors captured and killed two people, took cattle and goats.	7 th December 2006 10:00a.m	Aberituk	Obalanga
Suspected Karimojong warriors attacked settlement	Feb 2007 04:00p.m	Agaya	Obalanga
Suspected Karimojong warriors attacked injured three people and killed two and took 18 herds of cattle.	January 2007	Karamata, Agonga	Obalanga
A soldier got drunk and shot injuring a young girl in Amare a new site	January 2007	Amare	Obalanga
Cattle rustled over 50 herds by suspected Karimojong warriors	21 st December 2006 11:00a.m	Matailong	Obalanga
Cattle rustled by suspected Karimojong warriors	15 th Janaury 2007 04:00p.m	Matailong B	Obalanga
A boy was shot and killed by suspected Karimojong warriors	5 th February 2007 12:00 midday	Aeket camp	Obalanga
Cattle and goats taken	17 th January 2007 day time	Alito camp	Obalanga
Three children herding animals were attacked by suspected Karimojong warriors, two children sustained bullet injuries and one was shot dead. 23 head of cattle taken	7 th Jan 2007, 04:00pm	Aeket camp	Obalanga
Arrow militia was shot dead by suspected Karimojong warriors	06 Feb 2007, 04:00p.m	Aeket camp	Obalanga
A letter purportedly written by LRA was dropped in Oditel camp	Feb' 2007	Oditel camp	Kapelebyong

The Commission appeals to government to provide security in the areas where attacks by the Karamojong warriors have been rampant, including those areas considered not safe for return by the communities.



Places/ areas considered risky and not safe by the communities in Amuria District

<i>Areas considered not safe</i>	<i>Reasons given</i>	<i>Parish</i>	<i>Sub County</i>
Eitela, Adodoi village	A hiding place for thugs/ criminals	Ocal	Aberilela
Adodoi	Entry and crossing point for Karimojong warriors	Ocal	Aberilela
Awala swamp, Ajoli village	Armed Karimojong warriors hide and trap cattle coming to water	Olwa	Morugantuny
Abola	Hiding place for armed Karimojong warriors with frequent attacks	Obalanga	Obalanga
Aboke	Mysterious place	Olwa	Morugantuny
Orieta		Ogolai	
Acomai, Awelu, Abakuli, Apuret, Alela, Olale, Abota	Vulnerable to LRA attacks. Villages neighbouring Lango/ Lira. Area is very bushy uninhabited. Warriors linger through the area	Olwa	Morugantuny
Alungar, Ocomai, Ojakai, Angerepo Akarikwei	Frequently attacked and located along the corridor used by suspected Karimojong warriors.	Kobuin	Acowa
Acowa, Acanga	Frequented by Karaimojng warriors	Amero	Acowa
Ajeleik, Agu, Obur Acowa, Angerepo	Movements by suspected Karimojong warriors and frequent attacks. Risky moving out after 04:00p.m	Acowa, Kobuinand Akum	Acowa
Obur, Adepar, Acanga, Angerepo, Ajeleik East, Adodoi, Apuuton, Aadapel	Area located near Oriuo swamp used as entry point/ corridor by suspected Karimojong warriors.	Acowa, Angolebwal, Akum	Acowa
Acinga, Angolebwal	Hiding area for suspected armed Karimojong warriors	Angolebwal	Acowa
Aburet	Located at the border area, armed warriors rustle cattle, abduct and even kill. The area has no security	Akoromit	Acowa
Odimai, Asukusuk, Ajelele	Vulnerable and without security	Airabet	Kapelebyong
Ocorantonio, tukum	Uninhabited area	Adukule/ Acegerekuma	
Omokori, Aturai, Okoboi, Akulony, Olobai, Odiding	Uninhabited areas, not adequately secured	Okobou	Kapelebyong
Onyangakonye, Olilia, Akoriyang, Abulin, Ajoju, Okoki, Apotminit, Angaro, Ocorukoit, Amosmos forest, Agonga, Corna, Akorunyang, Amodoyang, Okepia, Amemai, Akimenya, Akum, Cangweno, Takaramyam, Adipala, Anyangareng, Apopong	Corridor used by suspected Karimojong warriors	Akorinyang, Okunguru, Omororto, Omokuri, Amotoom, Airabet, Nyada, Amaseniko	Kapelebyong
Orianga	Border point with Lango and crossing point for for Karimojong warriors	Amunya	Obalanga
Amootom, Agonga, Alito, Iyalakwe, Arigo, Iteawai, Angicah, Angwotai, Okerai, Angicha swamp, Adengo swamp, Ogolai, Alorikoit, Aeket swamp, Maga, Olilimak, Amoni, Angaro, Karamata, Ayesau, Ingee, Ongopai, Aguyaguya, Ajebaa, Apeicuc, Odike, Oringa Rwot	Corridor and frequently attacked.	Amotoom, Agonga, Alito, Ogolai, Acorikoit, Akodokodoi, Agonga, Atiira, Agonga, Amotoom, Ocorber	Obalanga

The UPDF under the disarmament program has continued to provide security to communities bordering Karamoja District. For example, the Commission witnessed one occasion in which cattle raided by the Karimojong and recovered by the UPDF was handed over to their owners in Pader District. The Commission was told that Karimojong raids were a frequent occurrence, and that in most cases raided cattle were never recovered. Indeed, as confirmed by the tables above, the Karimojong-induced IDP problem is far from being addressed. UPDF and UPF deployment was not sufficient to contain the raids; though such deployments, supplemented by well-trained auxiliary forces, should be increased progressively in areas of displacement, resettlement and return. The lasting solution however, lies in the total disarmament of the Karimojong warriors.

Furthermore, though teams of de-miners have been deployed in some parts of Northern Uganda, landmines and unexploded ordnance (UXO) remain a problem. IDPs have reported finding land mines, bombs and ammunition on roadsides and in farmlands, forests, water sources and residential areas. UXO is largely a consequence of the sustained fighting between LRA and UPDF in the area, while landmines were planted by the LRA both to counter the UPDF and to terrorize the civilian population.

6.3.2 Assistance to IDPs still Unpredictable

IDPs who have returned still face serious challenges as a result of vulnerability in their “new old homes”. Over the course of as many as 20 years, IDPs have lost almost everything, ranging from personal effects to social services. The Prime Minister’s Office, through the Ministry of Relief, Disaster Preparedness and Refugees, has been trying to mobilize and coordinate village-level distribution of resettlement packages. While it was hoped that each household would receive their package before leaving the camps, many IDPs have not. The distribution process has been slow and even many IDPs who have returned to their original homes have not yet received the promised package. This delay has reportedly angered IDPs, who think that the GoU is not serious about their plight.

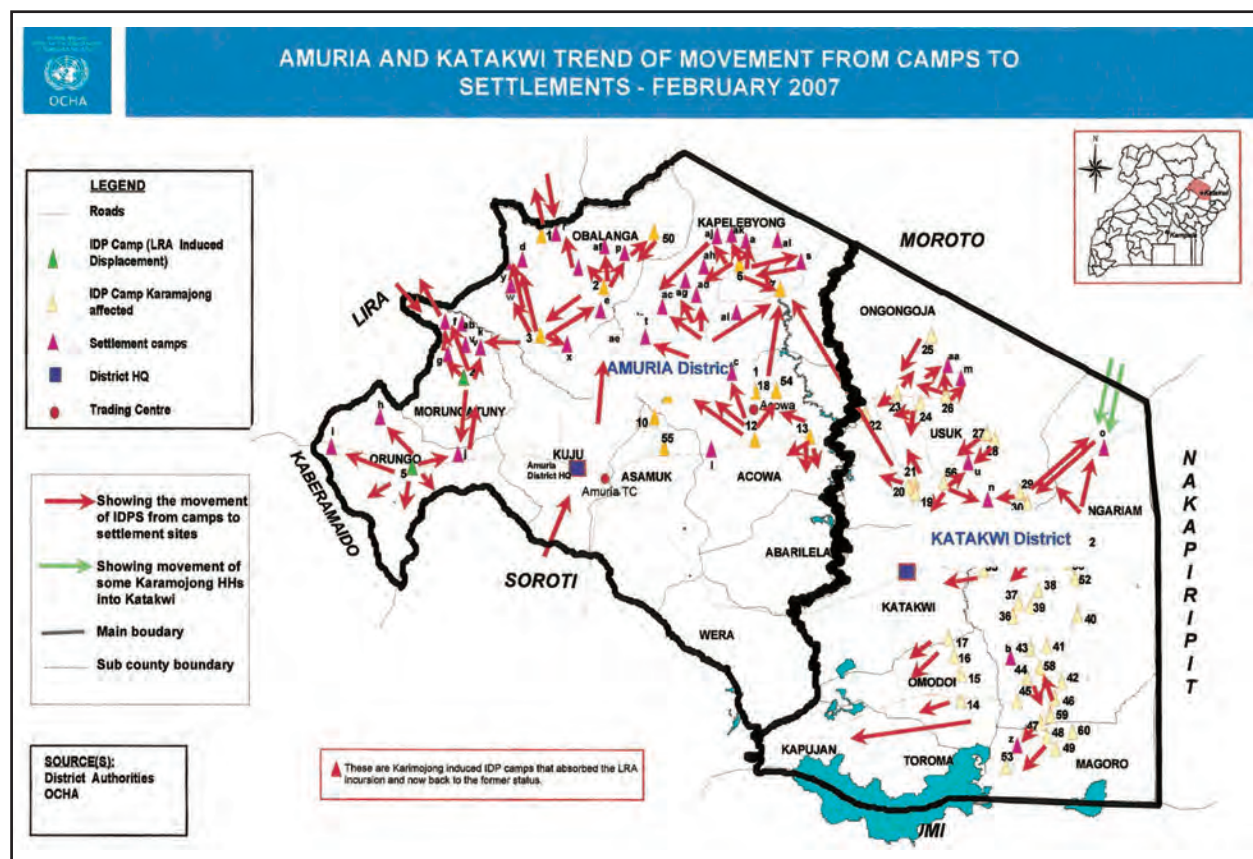
Through the Coordination of UNHCR, many international agencies and local NGOs have been assisting returning IDPs with the basics of life. Food items continued to be distributed by the World Food Programme in particular, although the ratio given to each household has dropped from 60% to 40%. Many agencies and NGO such as the Red Cross and Action Contre la Faim (Action Against Hunger) are trying to provide non-food items such as household utensils, clothings, mosquito nets and seeds for planting in the rainy season to the most vulnerable persons such as pregnant mothers, children and people living with HIV/AIDS (PLWHA). However, the assistance does not cover the entire population, causing resentment and bitterness in those who do not receive such items.

Some NGOs have helped to provide badly-needed health services, especially for vulnerable children and PLWHA. Children received special attention from NGOs handling health-related issues through locally trained Village Health Workers, who administer medication to sick children and advise the parents on steps to take in case the child becomes ill. Efforts were being made to register all PLWHA and to provide them with chemotherapy, extra foodstuffs and non-food items. NGOs also provided some funds for income generating activities to PLWHA, for example, in Acholi Bur IDP camp in Pader district. There was hope that they would extend their services to other IDPs.

6.4 The Decongestion Program

In April 2006, the Office of the Prime Minister conceptualized ‘decongestion’ as a programme for promoting the voluntary and practical resettlement/recolonization of ancestral lands. The decongestion and resettlement in satellite camps was expected not only to ease the appalling

living conditions in overcrowded IDP camps but also to make them move closer to their villages. Under decongestion program, government set up satellite camps, mostly at the sub county level, to enable easy contact between IDPs and their villages. In Kitgum alone, a total of 72 camps had been identified for this purpose and 38 camps were already functioning by the end of the reporting period. Much as the decongestion program is a good idea, its implementation has been defective in that returning IDPs have moved faster than government programs. As a consequence, there is a serious lack of basic social services, which might have far reaching consequences on the rights of IDPs. Government should ensure that the returning IDPs are assisted to live in dignity as required by the United Nations Guidelines on Internal Displacement and the National IDP Policy.



6.5 Impediments to return

1. Delayed Peace talks

Some IDPs have vowed not to go back until the conflict has ended. An elder in Lira P7 IDP camp who hails from Pader District is totally opposed to returning home until the successful conclusion of the peace talks between government and the rebels. He had this message for government *"I am requesting the Government to speed up the peace talks and Joseph Kony to tell the whole world that he will not come again to kill, abduct and chop off people's lips. We cannot leave the camp because we are from Acholiland. We first want to hear the results of the peace talks"*.

2. Insecurity created by the Karimojong warriors

Karamojong cattle rustlers have continued to attack, raid cattle, kill their neighbours in the districts of Kitgum, Pader, Lira, Katakwi, Amuria, Soroti and Dokolo. The IDPs in areas affected expressed a lot of concern to the Commission about the atrocities that Karimojong cattle rustlers continue to commit against their neighbours to the extent that people in those districts live in fear. The frequent incursion by the Karamojong in the affected areas is a great impediment to the return and resettlement programme.

3. *Lack of building materials*

There has been a very strong appeal throughout Northern Uganda by the local leaders that nobody should burn grass since government had pronounced the return and resettlement programme. IDPs were warned about setting fire but some hunters who did not understand and value the importance of grass, went a head to burn bushes leaving the IDPs without grass to thatch the huts. The IDPs appeal to government and NGOs to avail them with tents or turplins to cover their huts has not been successful. The general situation is that people whose homes were near the existing camps do not even have both polls and grass as most trees and grass was cut during the time IDPs were in encampment. Government should assist this category of people with building materials as most of their resources were exhausted by the IDPs.

On the other hand, Most IDPs were still waiting for the iron sheets promised by the government as a package for return and resettlement. To most IDPs, the iron sheets were not forthcoming, and this has been a significant impediment to the program.

4. *Proximity to Sudan.*

Most IDPs who hail from villages especially on the border with Sudan fear impending LRA attacks in case the peace talks fail. As noted above, those IDPs who originated near the border with Sudan, have not yet returned and this is negatively affecting the resettlement programmes. The signing of the peace agreement will go a long way to assure such IDPs that total peace has returned to their villages.

5. *Trauma.*

Trauma is also another factor delaying the return and resettlement program of IDPs. There are some IDPs who have been traumatized by what they went through during the war. These IDPs are of the view that until the peace talks agreement is fully signed and Kony is disarmed, they may never leave the camps.

6. *Politics.*

Some politicians have been issuing statements that make the internally displaced persons (IDPs) in the north fear to return home. These contradictory statements from politicians on whether people can return home without fear of further harm have frightened away IDPs from returning. Some IDPs are not sure about their safety upon return.

7. *Land Mines.*

Landmines still continue to pose a serious threat to the return program. Landmines and UXOs are feared in the areas of Lomwoka hill and Aruru in Kitgum as well as in Koyo, Lalogi and Omot in Pader. As IDPs continue to move during the processes of decongestion and resettlement to the villages, they are faced with problems of the mines and UXO left behind from the war and some casualties have already been registered. Government needs to deploy urgently a team of landmine experts to the villages of return to clear the land mines first. There could be many landmines, bombs and other weapons that are still scaring away the IDPs from leaving the camps.

8. *Lack of social infrastructures like health facilities, roads and schools poses great challenges to the return of IDPs.*

The lack of schools, health centres, roads, houses and other basic facilities in their home villages are some of the reasons cited by the IDPs to be negatively affecting the return program. Schools, health centres and water sources collapsed during the time they were in displacement. The IDPs strongly feel that before they go and resettle in their villages, the basic social services should first be put in place. In their view, government should show that it is serious about their return by repairing all the social infrastructure facilities which were quite essential for them to start a new life at the original homes.



Wheelbarrow or chair? A boy at Baghdad Night Commuter Children Center, Gulu District takes time to read books

6.6 Remaining Concerns and recommendations

Vulnerable Groups: In the Commission's previous annual report to parliament, the issue of prioritizing the needs of vulnerable IDPs was stressed. During the reporting period, there was little attention to the needs of women, youths, elderly, children, people with disabilities and people living with HIV/AIDS (PLWHA). In most districts where IDPs were returning to their places of habitual residence, the Commission established that the most vulnerable IDPs, such as the elderly, disabled, widows and orphans, continued to live in the camps when the majority of the able bodied were returning. For example in Aloi IDP Camp in Moroto County, a total of about 370 IDPs have not been able to go back to their villages. Aloi IDP camp in Lira District previously had a camp population of 56,000 in 2003. According to Mr. Salim Oryem, the camp leader, the population that is remaining is the neediest and unable to construct shelter in their villages. Furthermore, part of the resettlement package included iron sheets which were only given to people who had erected structures. This meant that the vulnerable IDPs were unable to benefit from these iron sheets as they never had capacity to put such structures first. Part of the resettlement package also included transport back home for IDPs especially the most vulnerable. This was infrequent and therefore some IDPs have not managed to go back to their homes.

The Land question: As predicted in the Commission's previous Annual Report, the land question in northern and north eastern Uganda has become very contentious with accusations and counter accusations of land grabbing. These accusations are a serious threat to the return program as people are being incited against other tribes which can result into blood shed. According to the 1995 Uganda Constitution and the Land Act, (1998 as amended/Cap 227), land belongs to the people of Uganda. The Constitution also prohibits compulsory acquisition of property. Land owned by Government in the conflict areas where there are land disputes should be clearly demarcated so that it does not become a source of disputes. Given the fact that the population in northern Uganda has suffered for many years under the war, thus increasing the levels of poverty, land becomes the main means of livelihood. Government should therefore facilitate sensitization programs on land matters.



Vulnerable people such as these children continue to live in the IDP camps

6.7 Further recommendations

- Government should rebuild and empower IDP communities by improving conditions and quality of life in the IDP camps and the areas of return while facilitating the return and re-integration of the displaced populations.
- Government should pay special attention to the peace process in Juba, Southern Sudan so that the peace deal is signed between the government of Uganda and the LRA rebels. A breakdown in the Juba talks would be tragic, as the implications will be grave for the people not only of northern Uganda, but also southern Sudan and all Ugandans in general.
- Government should fulfill previous promises to fund human rights programmes and police presence in the north and actively recruit personnel for these functions. In addition, government should consider deploying experienced police in the areas of return and IDP camps as opposed to the deployment of the auxiliary forces who may find it difficult to handle some of the emerging conflicts because of their complexity.
- Much as people are steadily returning to their villages, the problem of food shortages is still evident and this is likely to go on for some years. The Commission therefore calls upon government and humanitarian agencies like World Food Programme (WFP) to continue supplying IDPs including those who have returned, with food up to the time they have built their own capacities to survive on their own. The many traumatizing years in displacement have turned many people hopeless that there is a need for government to rekindle their hopes.



- The Government should provide start-up kits for mobile health care workers. The issue of provision of health services to both IDPs in camps and those returning is more important now than before. The bushy environment in the areas of return is a sanctuary for mosquitoes responsible for spreading malaria, which have claimed many lives already and often pose a bigger threat to returnees than insecurity does.
- Revitalization of the economy will help to boost people's incomes. Special efforts by government must therefore be directed towards re-activating and strengthening production, marketing, processing and services.
- The introduction of Universal Secondary Education (USE) whose major objective is to provide equitably quality post-primary education and training to all Ugandan students who have successfully completed primary leaving examination is a great opportunity at the right time to benefit children in northern Uganda. In order for USE to benefit all the children going to secondary schools, all secondary schools in the conflict affected northern Uganda should benefit from USE funds. In addition, new secondary schools under USE should be established by government in northern Uganda while those schools that were destroyed during the war should be rehabilitated by government.

6.8 Conclusion

Much as the return in some areas was spontaneous and orderly, there were problems of water, health facilities, roads and land disputes in the villages. The IDP return program is still facing numerous challenges. Some of these challenges accrue to implementation of the program while others originate from the very reasons responsible for their displacement. Despite continued suffering and major challenges, there is more hope in northern Uganda today than there has been for many years. The current peace negotiations, though fragile, offer a potential route out of the seemingly endless cycle of violence that has plagued this region. The disarmament exercise in Karamoja and the deployment of a force on the border with Karamoja has helped to minimize the raids thus encouraging the return program for the Karimojong induced IDPs. With peace, the prospects for IDP return and economic revival in the north and north east will certainly improve. The Ugandan government nonetheless needs to continue to provide for its displaced population and ensure that it has a plan and funds in place to support both their safe return and the future prosperity and integration of the North and North East.

(Endnotes)

¹ The inter-agency assessments led by the United Nations High Commissioner for Refugees (UNHCR) in late 2005 and by the DDMC in March-April 2006 confirmed that in the central part of the district, including southern Apala, Barr, Amugu and Abako sub-counties, the rate of partial or permanent return is over 55% of the displaced population.

² Katakwi Inter Agency Assessment 12th to 14th February 2007

³ The assessment was done in the months of December 2006- February 2007 by the Inter-Agency District Assessment Committee.

7.0 Introduction

During the period under review, children in Uganda continued to struggle with abduction, disappearances, prostitution, trafficking, sacrifice, defilement, forced labour and homelessness. This chapter expounds on the nature of the problem with children's rights in Uganda in these areas and assesses measures in place to protect children. Perpetrators of abuses against children were of all sorts: strangers, guardians, parents, employers, and school authorities. Tragic stories of child abductions, defilement, sacrifice and labor appeared in the media during the reporting period. The sale of Karamojong girls in cattle markets in Teso was one of the most striking forms of child trafficking and labour during the year. There were also reports of child disappearances, mostly in and around Kampala, with no sufficient explanation as to why, how, to where and at whose hands children disappeared.

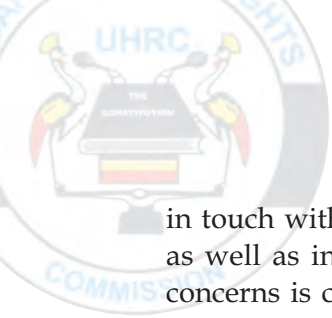
7.1 The Extent of Child Vulnerability

The chronic insecurity and poverty in Uganda continued to deny children the right to grow up in a peaceful and caring environment, and to enjoy basic necessities of life such as adequate food, health care, clothing and shelter. Many are victims of armed conflict who have been exposed to abuse and exploitation, as well as being engaged in occupations that are harmful to their health, education and mental, physical and moral development.

The state of children's rights in northern Uganda remains grim. Though the night commuter phenomenon has declined tremendously, many children there remain in IDP camps, an environment that is not conducive to healthy development of a child's potential. Children in northern Uganda lack proper shelter, food and water, and the constant fear of rebels has made the camps still less of an ideal world for children. The promotion and protection of children's rights in northern Uganda has been a tremendous challenge for government, NGOs and international agencies. The breakdown in social services and the inability of parents to provide for their children has made many to suffer helplessly and to die from otherwise preventable diseases. In many camps in the North, children are living dehumanizing lives, for instance walking naked and bare-footed, going hungry, studying in overcongested classrooms, sleeping in mere shades rather than in proper huts, and suffering from disease epidemics without proper medical care. Some sub-groups of children are particularly vulnerable, such as orphans, children with disabilities, child family heads and street children, who in most cases do not have a chance to access health care, education and other basic necessities of life. They are victims of circumstances beyond their control. Furthermore, the conditions and camp dynamics in northern Uganda are such that even the parents are no longer.



The future of such conflict-afflicted children is bleak



in touch with and in control of children. IDPs continue to face moral and cultural degeneration, as well as increased vulnerability among youth even once the war ends. No solution to these concerns is currently in sight.

In western and central Uganda, the state of children's rights during the reporting period has continued to improve, although cases of child neglect are on the rise there. Indeed, in 2006, 25.3% of the complaints received at the Commission concerned child maintenance, mainly lodged by wives against their husbands. In the bulk of mediation done by the Commission, poverty was identified as the major cause of inability to provide for children. The majority of children continue to live in situations characterized by lack of essential requirements for healthy growth, whether physical, mental or spiritual.

7.1.1 Figures on child vulnerability

From January to September 2006, the Uganda Police Force received a total of 183 complaints involving violations against children during the reporting period, involving a total of 185 children. Their report, tabulated below, indicates that child abduction was on the increase. Of the 185 victims, 42 had been recovered, 12 were still missing, 4 had been murdered and 127 victims had not had their status submitted at the time of the analysis.

Table 7.1: Summary of cases reported on Children Kidnap, Abduction, Disappearance/missing and Child stealing (Jan-Sept, 2006)

Offense	No. of Cases Reported	Victims of Crime				Cases Victims	Status			
		Rescued	Missing	Murdered	Status not Submitted		Court	Put Away	Under Inquiry	Conviction
Kidnap	12	02	01	03	07	13	04	02	06	
Child Abduction	106	15	04		88	107	09	39	55	03
Disappearance/ Missing Child	51	18	07	01	22	48	01	17	32	
Child stealing	14	07			10	17	04	03	08	
Sub Total	183	42	12	04	127	185	18	61	101	03

Source: Uganda Police Force, 2006

As per the table above, by September 2006 a total of 18 cases were before court while 3 convictions had been secured. Sixty one (61) cases had been put away, five of which had been dismissed from court, and 1 of which was discontinued by the Director of Public Prosecutions. One hundred and one cases were still under inquiries. From the table above, it is clear that there are many cases of child abduction (106), followed by disappearance of/missing children cases (50), then child stealing (14) and kidnap (12) trailing. Kidnap cases have a more significant tendency toward victims being murdered (4), compared to other cases such as disappearance (1). Disappearance of/ missing children cases have a higher rate of successful rescue than other types.

Police records indicated that most victims were 14 years of age and above. Some cases of defilement resulting from the disappearance of children of tender age are reflected. In roughly half of these cases, victims' status is not reflected, owing to the fact that when victims are recovered by their guardians or parents, no update is made at the station where the case was reported, and a number of cases are thus left incomplete. This situation however, reflects one important aspect of the institution, which sits at the station and waits for cases to be reported and investigated rather than actively pursuing them in the field. This is largely due to poor facilitation for police officers and there is a need for government to increase funding for the Uganda Police Force, with special attention to the Family Protection Unit.

Table 7.2: Trends in Child Abuse in Selected Districts in 2006

CRIME DISTRIBUTION BY DISTRICT/STATION (Jan-Sept.2006)

S/N	District	Child Abduction	Kidnap	Disappearance	Stealing	Murder (Kidnap/missing)	Total
1.	Mityana	13		24	1		38
2.	Katwe	3		19	5	1	28
3.	Jinja	23		2			25
4.	Kira Road	16	1				17
5.	Masaka	14		2			16
6.	Tororo	12	1		2		15
7.	Masindi	14					14
8.	Old K'la	2				1	3
9.	Kabarole	2				1	3
10.	CPS K'la	2		1			3
11.	Pader	-	1		2		3
12.	Rakai	2					2
13.	Wandegeya	1			1		2
14.	Luwero	1	1				2
15.	Nakaseke	-		1		1	2
16.	Sironko	-	1		1		2
17.	Bundibugyo	-		1			1
18.	Nakapiripirit	1					1
19.	Kumi	-			1		1
20.	Nakasongola	-			1		1
21.	Mayuge	-	1				1
22.	Adjumani	-	1				1
23.	Iganga	-	1				1
24.	Entebbe	-	1				1
	Total	106	9	50	14	4	183

Source:-UPF, September 2006

As shown in the table above, districts reporting most cases of child abuse are Mityana (38 cases), Katwe (28 cases), Jinja (25 cases) Kira Road (17 cases) and Masaka (15 cases). Principal districts for child abduction include Jinja (23), Kira Road (16), Masindi (14), Masaka (13) and Mityana (13). Leading districts in child disappearance are Mityana (24) and Katwe (19). Districts reporting cases of most child stealing were Katwe (5), Tororo (2) and Pader (2). Child kidnap/ disappearance resulting in murder dominated in the districts of Katwe* (1), Nakaseke (1), Old Kampala (1) and Kabalore (1). There is a need for an investigation to establish the relationship between these children related cases and the existence of witch doctors/witchcraft, as some children reportedly ended in shrines and in any case a need to revise and strengthen the 1964 Witchcraft Act.

7.2 Instruments on Protection of Children Rights

A number of instruments for the protection of children's rights exist, most of which Uganda has ratified. The historical development of the rights of the child can be traced from the Geneva Declaration of the Rights of the Child of 1924, through the Declaration of the Rights of the Child adopted by the General Assembly on 20th November 1959, and to the International Covenant on Civil and Political Rights (particularly Articles 23 and 24), in the International Covenant on Economic, Social and Cultural Rights (particularly Article 10), the UN Convention on the Rights of the Child, the African Charter on Human and Peoples' Rights, and the African Charter on the Rights and Welfare of the Child.

Specific conventions addressing particular rights of children are also in place, including conventions that prohibit child labour, the use of child soldiers, child trafficking and child prostitution, such as the Optional Protocols to the Convention on the Rights of the Child on the



Sale of Children, Child Prostitution and Child Pornography, ratified by Uganda in January 2002, and on the Involvement of Children in Armed Conflict, ratified in June 2002. There are also a number of statutes and relevant instruments of specialized agencies and international organizations concerned with the welfare and rights of children. Other international arrangements for the protection of the rights of the child can be found in the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules); and the Declaration on the Protection of Women and Children in Emergency and Armed Conflict.

At a legislative level, Uganda has made positive progress in the recognition and protection of the rights of children. Apart from ratifying major international and regional conventions on the rights of children, it has domesticated most of the rights of children in its national laws. The commendable legal and policy framework that seeks to protect children in Uganda can be found in the 1995 Constitution of the Republic of Uganda, The Children Act (Cap 59) and the Penal Code Act (Cap120). Specifically, the Penal Code Act criminalizes child trafficking offences, procuring women for prostitution, detention of children with sexual intent, sex with minors under 18 years of age and compelling unlawful labour. Sections 131, 134, 136 and 139 of the Penal Code Act prohibit procurement of women and girls for prostitution, detention in a brothel, aiding and abetting prostitution and engaging in prostitution.

The Constitution under Chapter Four places the responsibility of caring for children on their parents (Article 31 (4)). The Constitution further prohibits abduction of children under section 31(5) which states, "Children may not be separated from their families or the persons entitled to bring them up against the will of their families or of those persons, except in accordance with the law."

7.3 Child Sacrifice:

Child sacrifice is the ritualistic killing of children in order to please, propitiate or invoke supernatural powers to achieve a desired result. The year 2006 saw a resurgence of cases of child sacrifice, a primitive and criminal practice in our society. In its 1998 Annual Report, the Commission brought to the fore the problem of ritual killings and expressed deep concern about the problem, which had by then claimed a number of children's lives:

*"In the course of 1998 and 1999, the media reported a total of 31 cases involving ritual killings of children, indicating that the perpetrators of this crime in most instances targeted some of the most innocent and vulnerable members of the society. The Commission recommends that leaders both at local and national levels address this problem urgently through legal and other sanctions."*¹

Despite the appeal made then, the practice of child sacrifice resurfaced in 2006 to the extent that police confirmed 4 cases of children who were murdered between January and September 2006, while the fate of 127 children during the same period had not been established. The Commission believes that if its recommendations had been implemented, and sufficient resources had been allocated to allow a public inquiry to proceed, a solution to the problem of child sacrifice could have been found and the current crisis could have been avoided.

The Commission suspects that the general public is aware of more cases of child sacrifice than have been reported. To gain a broader picture of this problem, the Commission reiterates its 1998 appeal for a public hearing to address the roots of child sacrifice and to design appropriate remedies, which could include the amendment of the Witch Craft Act (1964) or the implementation of a new law altogether. Those who engage in child sacrifice under the current law are charged with murder, but the law could be extended such that those found with any form of human tissue would be punished. This would also address the problem of fraudulent traditional healers who promise wealth out of children's blood and body parts.

Indeed, during the period under review, there were a number of reports of the use of children in ritual sacrifice. For example, on August 16th 2006, a traditional doctor and a housewife were charged in Kampala District with kidnapping a two-year-old boy with intent to kill him for sacrifice. The suspects were remanded to Luzira Prison, and the case was ongoing at the time this report was drafted. The practice of ritual killing has spawned so much fear that on August 8th, 2006, pupils from schools around Kampala petitioned Parliament over increased cases of human sacrifice and asked the government to put in place tough laws to curb the crime.

7.3.1 The Story of Edrine Muguluma

One of the outstanding cases of child sacrifice during the period under review was recorded in Rubaga Division, Kampala. Edrine Muguluma, a five-year-old boy, was sacrificed by people claiming to be searching for wealth. A report in the *New Vision* summarized the situation:

EDRINE Muguluma was unlucky. His neck was slit in a terrifying case of child sacrifice. Muguluma was one of the brightest pupils in his class, at Step By Step Nursery School, Natete. He used to tell his classmates that he wanted to become an engineer, a driver or a doctor but greedy people did not allow him to realize his vision. Having been missing for over two weeks, Muguluma's body was found early on Wednesday August 2, 2006 buried in a polythene bag under a jackfruit tree in Masanafu, Rubaga Division, Kampala².

7.3.2 Awareness on Children's Rights

Though Government, through the Ministry of Gender, Labour and Social Development (MGLSD) and Ministry of Internal Affairs' Community Policing has embarked on sensitization campaigns to inform the public against the dangers of child sacrifice, this has not been enough. The government must step up awareness campaigns to empower communities to be vigilant in the protection of children's rights.

7.4 Child Trafficking

Uganda is reportedly a source country for men, women, and children trafficked for forced labour and sexual exploitation³. Child trafficking involves recruitment, abduction, transportation, harboring, transferring, sale or receipt of children within national or across international borders through force, coercion, fraud or deception. According to an ILO report released in June 2007, entitled "Rapid assessment report in trafficking of children into worst forms of child labour, including child soldiers in Uganda", the highest percentage of trafficked children in Uganda are from Buganda at 36 percent, followed by Acholi region at 18 percent, and Ankole at 9 percent.

According to the report, the main transit points for children trafficked from Uganda are Kenya, with 51 percent of children passing through, followed by Sudan at 39 per cent and Tanzania in the third position, while final destinations include the Middle East and other continents besides Africa. Children trafficked from Uganda end up engaged in the worst forms of labor, commercial sexual exploitation including sexual slavery, and a range of criminal activities.

7.4.1 Centres of Child trafficking

The root causes of trafficking in children in Uganda are multiple and complex. The prolonged conflicts in northern and northeastern Uganda and natural disasters have left many children orphaned or separated from their parents, making them vulnerable to trafficking and exploitation; some have also been abducted by armed groups such as the LRA and forced to participate in armed conflict. The period under review saw newspaper reports of trafficking in children, especially girls, from Bokora County, mostly from Matany and Lopei sub-counties, in Moroto District, to Katakwi District. The weekly cattle market in Ochorimongin, Katakwi District, was reported to be centre of the trade, where children were brought from Karamoja on cattle trucks and taken up by people who were interested in using their services.

Extreme poverty in Karamoja and the vulnerability of Karimojong children have led to regular transportation and selling of children in cattle markets in Teso. A report by Save the Children in Uganda⁴ revealed that markets for children were set up in Busia, Tororo, Mbale, Iganga, Jinja, Kampala and Mbarara where most trafficked children ended. Most of the trafficked children are unaware of the motives or consequences of these transactions, and are deceived into believing that they are entering into a marriage (their parents may be given cattle or money in exchange) or that they are being employed. In the case of Karamoja, it is said that children are being sold as cheaply as UG. Shs. 3000⁵. In July 2006, Government set up a committee to investigate the alleged sale of girls in cattle markets in Katakwi District. Police reportedly made arrests of suspected human traffickers of the Karimojong girls and rescued four girls.

7.4.2 Efforts in combating trafficking

The Penal Code specifies penalties for several trafficking-related offenses, such as forced labor, and there were a number of trafficking cases prosecuted under these laws. The government's prosecution of child defilement cases included an undetermined number of cases involving trafficked children. The government arrested several suspected traffickers during the period under review. On December 19th, 2006, police in Kampala arrested Rauff Razick Mohammed, a Pakistani national, who was found holding five Sri Lankan men against their will and was later charged with his two accomplices with unlawful confinement and demanding money with menace. He pleaded guilty to trafficking in humans and was issued with deportation orders. Also in July 2006, police in Kabale District arrested two Indian nationals and their Ugandan accomplices on suspicion of involvement in human trafficking at Katuna border post as they attempted to flee the country into Rwanda.



Street children form part of the Karimojong trafficked children

7.4.3 The Way Forward on Child trafficking

- Government should introduce a more effective law on human trafficking and child sacrifice with special focus on children and should make it a criminal offence to be found in possession of human tissue.
- The government should ratify the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, Supplementing the UN Convention Against Transnational Organized Crime.
- The GoU should develop and strengthen co-operation between various agencies including immigration, local police, border police, courts and social welfare services, with better exchange of information and defined lines of responsibility, delegation and authority.
- Launch an effective anti-child trafficking campaign in all institutions of learning, churches, communities and families to protect children.

7.5 Child Labour

"Child labor" is work for children under age 18 that in some way harms or exploits them, whether physically, mentally, morally, or by depriving them of education. A joint International Labor Organization (ILO) and MGLSD survey⁶ estimated that approximately 2.7 million children were employed as laborers. This means that 70 percent of economically active children are victims of child labour in Uganda. Also Uganda's Demographic Survey (2001) revealed that 2.7 million children work primarily in agriculture, domestic situations and hawking. The main causes of

child labour in Uganda have been mainly poverty, unemployment and HIV/AIDS. Poor parents send their children to work because they are unable or sometimes unwilling to perceive the long term value of education for the family's prospects, or simply because they are too poor to afford sending children to school rather than to work. In this way, poverty and child labour are mutually reinforcing and passed on from generation to generation.

7.5.1 Increased Child Labour in Northern Uganda

The problem of child labour in northern Uganda has increased over the years and has been worsened by the civil conflict there. IDPs live in biting, abject poverty and thus child labour is widespread, manifesting itself in the following forms:

- *Standing in a queue for hours to fetch water, in the camps, while adults are simply resting or drinking alcohol.* As a result, children are denied chances to go to school; sometimes they take as long as four hours before fetching water. Some children have at times been severely beaten or denied food for failing to perform tasks that meet the definition of child labour.
- *Children are also subjected to gathering firewood in the wilderness, risking their life to abduction, defilement and rape by unscrupulous persons simply because firewood is required at home or for sale by parents.* Failure to gather a bundle of sufficient size can earn a harsh punishment from parents, guardians or custodians.
- *Baby sitting/ work as a house girl or maid:* Although this practice is common across the country, it is worst in northern Uganda. These young children, especially girls, are expected to work as adults, being given a heap of clothes to wash, having to take care of a baby, and having to cook for more than ten people. In the long run, children become weary and exhausted, thus affecting their normal growth and development. Some parents hand over their young girls for domestic work as a way to earn a living for the whole family.
- *Stone quarrying:* This is one of the hardest types of work, demanding a tremendous amount of energy even from adults, but some children in northern Uganda continue to be subjected by their parents or guardians to such tasks. In Ngetta-Lira district, Patongo, Pader District, children were made to break stones down into gravel. Unfortunately the proceeds from stone quarrying are not always spent wisely, for instance on food and clothing, by their parents, but rather on such things as alcohol. During the course of the work, children are sometimes wounded but they are not given proper treatment.
- *Selling foodstuffs:* This was another common form of child labour recorded in northern Uganda during the period under review. Children are forced to move from street to street selling groundnuts, bananas and maize, which interferes with their education as it consumes much time and energy, preventing children from either going to school or concentrating while in class.
- *Work in bars and restaurants in order to earn a living was noted in most towns throughout northern Uganda.* Under this form of child labour, children are employed to wash plates, serve customers for long hours and are paid very little money. At times the girls are sexually harassed by the customers.
- *Working as porters:* This form of child labour is commonly found around towns in northern Uganda and involves subjecting children to heavy duty work for long hours at construction sites like any other adult porter. Children are made to carry water, to mix sand and cement, and sand with aggregate stones, which requires energy far beyond the physical strength of the child, regardless of the child's age and capacity.



Acute water shortages make children queue for long hours making them miss school

The problem of child labour was particularly acute among the large orphan population and in urban areas, where children were engaged in selling small items on the streets, working in shops, begging for money, and work in the commercial sex industry. The supply of child labour is accommodated by the demand of employers for a cheap and flexible workforce, including small-scale family enterprises that cannot afford adult paid labour.

Many families in Uganda continued to rely on the labour of their children for survival and sometimes it is their only source of income, though it violates the rights of children. Most of the child labour that takes place in families is hidden in subsistence agriculture, in the household, or in the urban informal sector.

7.5.2 Measures in place and their effectiveness

In the year 2006, Parliament passed four labour bills: the Labour Unions Act 2006, Employment Act 2006, Labour Dispute and Settlement Act 2006, and the Occupation Safety and Working Environment Act 2006. This was in itself a great landmark in attainment of workers' rights and freedoms as enshrined in the National Constitution in Articles 29 and 40 and in ILO core conventions 29, 87, 98, 100, 105, 111, 138, 182. The passing of these laws has brought at the forefront a struggle against child labour. In particular, Article 32 of the Employment Act also prohibits children under the age of 12 years to be employed and those under the age of 14 years to be only employed in light work under the supervision of an adult aged over 18 years. The Employment Act, 2006 further prohibits employment of children in work that is injurious to their health, dangerous or hazardous or otherwise unsuitable. The Act further forbids employment of children at night.



House work or child labour? Such children are used as house girls/baby sitters

Uganda has in place a number of institutions, at both the local and national level, that are responsible for preventing child labour and abuse. They include: the National Council for Children, the Uganda Police Force's Family Protection Unit, the Industrial Court, and the MGLSD. However, financial constraints can limit the ability of these institutions to realize their respective mandates.

In June 2005, the MGLSD launched the Orphans and Vulnerable Children Policy, which extends social services to children working in the worst forms of child labour and other target groups. The government also coordinates its efforts to stop child labor through the National Steering Committee on Child Labour, which includes representatives of the MGLSD, the Ministry of Education and Sports, the Ministry of Local Government, the Federation of Uganda Employers, the National Organization of Trade Unions, NGOs, journalists and academics.

During the period under review, the GoU organized a number of child labour awareness workshops, disseminated printed information, and sponsored radio and television discussions to educate the public on child labor issues. The GoU also cooperated with the ILO, foreign governments, and NGOs in several initiatives to combat child labour, including the education and reintegration of children into their communities. ILO/IPEC and the Family Protection Unit of the Uganda Police Force trained 150 Police Officers and 38 senior commanders on children's rights and worst forms of child labour. These officers have in turn trained an additional 300 police officers.

The above measures notwithstanding, the problem of child labour still exists. Among the most practical measures to control child labour is simply to make both universal primary and secondary education compulsory. Currently, education at these two levels is free but not compulsory. This will have a double effect of promoting the right to education as well as controlling child labour. Nevertheless, such efforts must operate alongside poverty-alleviation efforts to ensure that households are not bankrupted completely by children's shift from the labor force to school. In the long run, the economic returns for households who send their children to school will be greater than for those that do not, but in the short-term, measures need to be put into place to make sending children to school not only desirable, but also feasible, for poor households.

The government during the year demonstrated a commitment to improving children's welfare, as education received the largest percentage of the national budget. The government's Universal Primary Education (UPE) program continued to provide free education up to primary seven, though primary education was not compulsory. While the UPE program made education more accessible, parents still had to pay for school supplies and some other school dues. The UPE increased funding for education, provided additional skills and training for teachers, and reduced the student-to-textbook ratio. According to UNICEF, the country's primary school enrollment rate was 79 percent for both boys and girls, who theoretically had equal access to education in the lower grades; however, the proportion of girls in higher grades remained low because families traditionally favored boys when making educational decisions. The government continued several programs to promote a national plan for the education of girls. On 12th October 2006, the government launched Universal Secondary Education, giving children yet another opportunity to enjoy their right to education.

7.6 Child Abduction

According to the UN Children's Fund (UNICEF)⁷, the LRA and other rebel groups have abducted approximately 38,000 persons since 1986. However, LRA abductions decreased during the first half of the year after the LRA's leadership was driven from the north by the UPDF. During the year 2006, LRA reportedly abducted an estimated 222 children but unlike in previous years, abductions typically were generally temporary in nature, and abductees were used more frequently as porters for LRA supplies than as combatants⁸. There were no reported abductions in the latter part of the year, likely as a result of the signing of the Cessation of Hostilities Agreement between the GoU and the LRA in August 2006.

Furthermore in 2006, the UPDF rescued 114 children from LRA captivity. The UPDF's Child Protection Unit provided treatment to returned abductees upon arrival at military facilities. The unit also escorted former abductees to NGO facilities, which provided assistance and counseling to the children and their families. The government also worked closely with NGOs in the north to facilitate their assistance programs for amnesty seekers and rescued children.

In addition, improved security in the north contributed to significant reductions in the number of child "night commuters," who traveled from conflict areas or IDP camps each night to urban centers to avoid abduction by the LRA. Even with the improved security situation, a total of 1351 children continued sleeping outside regular accommodation due to family abuse and inadequate shelters in the year 2006⁹.

During the year, the government cooperated with NGOs to operate shelters for such children in tented dormitories and other semi-permanent structures; in other cases children slept under balconies or on the grounds of schools, churches, and hospitals. Conditions ranged from harsh to adequate. Reports indicate that many displaced girls became involved in prostitution.

7.7 Child soldiering

Child soldiering continues to be a serious problem in Uganda. A report by the Uganda Parliamentary Forum for Children (UPFC) on Children in Northern Uganda estimates that 5000¹⁰ children are serving as soldiers in the UPDF. This report has, however, been rejected by Uganda's Minister of State for Defence, Hon. Ruth Nankabirwa, as incorrect on the basis that the UPDF recruitment policy does not allow the recruitment of those under the age of 18. However, UNICEF also reported that no action was taken by the UPDF to release the 1,128 children identified in LDUs in the year 2005¹¹.



Children at Christ the King Night Commuter centre, Kitgum District

United Nations Security Council Resolution 1612, passed in 2005, establishes a monitoring and reporting mechanism on the use of child soldiers. Relevant aspects of the Resolution include paragraphs 14 through 17, below. The Resolution:

Exerpts from the UN Resolution 1612

14. Calls upon all parties concerned to ensure that the protection, rights and well-being of children affected by armed conflict are specifically integrated into all peace processes, peace agreements and post-conflict recovery and reconstruction planning and programmes;
15. Calls upon all parties concerned to abide by the international obligations applicable to them relating to the protection of children affected by armed conflict as well as the concrete commitments they have made to the Special Representative of the Secretary-General for Children and Armed Conflict, to UNICEF and other United Nations agencies and to cooperate fully with the United Nations peacekeeping Missions and United Nations country team, where appropriate, in the context of the cooperation framework between the United Nations and the concerned government, in the follow-up and implementation of these commitments;
16. Urges Member States, United Nations entities, regional and subregional organizations and other parties concerned, to take appropriate measures to control illicit subregional and cross-border activities harmful to children, including illicit exploitation of natural resources, illicit trade in small arms, abduction of children and their use and recruitment as soldiers as well as other violations and abuses committed against children in situations of armed conflict in violation of international applicable law;
17. Urges all parties concerned, including Member States, United Nations entities and financial institutions, to support the development and strengthening of the capacities of national institutions and local civil society networks for advocacy, protection and rehabilitation of children affected by armed conflict to ensure the sustainability of local child-protection initiatives.

7.7.1 Measures to implement UN Security Council Resolution 1612

The UPDF took a number of steps forward in the implementation of Resolution 1612 during the reporting period. The UPDF as an institution, through its human rights desk, has been monitoring human rights abuses, both soldier-to-soldier and soldier-to-civilian. The UPDF also established Child Protection Units in Gulu and Kitgum districts, and it has reportedly taken efforts towards ridding itself of any children alleged to be in the ranks of the auxiliary forces through continuous

screening at points where UPDF forces are operating. Besides, the UPDF Act expressly prohibits recruitment of children in UPDF (Article 52(2) c). The UPDF has also reportedly stopped re-integration of LRA returnees into its ranks since the beginning of 2006. In addition, the Chief of Training in the UPDF reports that it is designing stringent procedures of recruitment aimed at preventing any child from entering the Army. Furthermore, a country-wide Monitoring Task Force comprising representatives from UNICEF, Save the Children in Uganda, United Nations Office of the High Commissioner for Human Rights, and the Uganda Human Rights Commission was instituted to monitor the use of child soldiers in Uganda.

7.8 Child Prostitution

The Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography to the Convention on the Rights of the Child states that the prostitution of children or child prostitution is the practice whereby a child is used by others for sexual activities in return for remuneration or any other form of consideration (Article 2(b)). Girls, child heads of households and hawkers are most vulnerable to sexual exploitation; victims of child prostitution were usually girls moved from rural areas to urban centres by friends or people known to them with the promise of lucrative jobs but finally end up as child prostitutes. Estimates from the Ministry of Gender, Labour and Social Development indicate that 7000-12000 children are engaged in commercial sex activities¹². Taxi drivers, bar and brothel owners continued to be the leading agents of child prostitution, while bar, hotel, lodge and brothel owners continued to be the main beneficiaries of child prostitution.

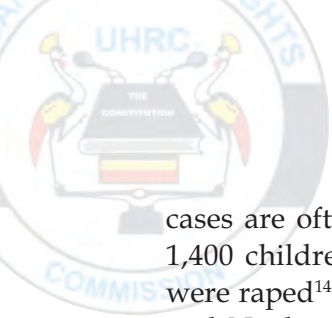
Apart from the girls who out of poverty or ignorance have been lured into child prostitution, there is an increasing number of children who also engage in prostitution in return not only for basic needs such as accommodation, food, clothing, or safety, but also for extra pocket money for desired consumer goods that are otherwise out of their reach. This subculture of “pocket money prostitution” mainly affects Secondary School girls under 18 who sell out their sexual services for cash or expensive gifts, or to save up for cars, motorcycles, even college tuition. Uganda continues to be one of the countries in which child prostitution is on the increase, despite the threat posed by HIV/AIDS.

7.8.1 Recommendations on Child Prostitution

- Parliament should enact a legislation to tackle the problem of child prostitution and operationalise the Optional Protocol on the sale of children, child prostitution and child pornography. The law should take into consideration a teenager who is deceived, vulnerable and therefore not in a normal state of mind when she enters into prostitution
- Government should take the necessary measures to put into effect the provisions of the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography;
- The various stakeholders should conduct public information campaigns on all matters relating to child prostitution;
- Need for rehabilitation programmes for children who are victims of prostitution and to support the NGOs which organize such programmes;

7.9 Defilement

Child abuse remained a serious problem during the year, particularly rape and other sexual abuse of girls, known as “defilement”¹³. Defilement covers all cases of sexual contact outside of marriage with girls below 18 years of age, regardless of consent of the victim or the age of the perpetrator. Defilement carries a maximum sentence of death; however, in practice defilement



cases are often settled by a payment to the girl's parents. A 2005 Save the Children survey of 1,400 children found that 46 percent of those surveyed were sexually abused and 20 percent were raped¹⁴. A 2006 African Network for the Prevention of and Protection Against Child Abuse and Neglect (ANPPCAN) Uganda Chapter Report revealed that 6639 children were sexually abused in the year 2006, which represents a full 96% of the 6916 child abuse and neglect cases reported in Uganda during 2006. 6182 of the 6916 cases involved charges of defilement and 532 cases were brought on charges of indecent assault. A further report concerning violence against children in Uganda, from Raising Voices and Save the Children in Uganda, surveyed girls in 5 districts¹⁵ and found that 1 in 5 reported being forced to have sex.

The problem of defilement is compounded by the fact that there are many laws which are inconsistent with the CRC and the 1995 Constitution of the Republic of Uganda and the Penal Code Act. These laws include; the Customary Marriage (Registration) Act, Cap 248, which sets 16 years as the age of marriage for girls as opposed to 18 for boys, the Marriage and Divorce of Mohammedans Act, Cap 250 which provides for marriage of girls at puberty. These laws were supposed to have been reconciled in the proposed Sexual Offences Bill, which has been shelved for years.

The Uganda Police Force recorded and investigated a number of cases involving crimes against children during the period under review. From January to December 2006, police registered 97 cases of defilement in Kasese, 46 in Kayunga, 42 in Gulu, and 34 in Soroti. In the year 2006, 772 cases of defilement were registered to police from 5 of the districts of Bundibugyo, Kasese, Hoima, Masindi and Fort Portal. The regional CID officer for the north stated that from January 2006 to the end of August, 989 girls had been defiled in IDP camps in Lira, Kitgum, Gulu, Apac, and Pader Districts since January 2006.

The courts of law also tried some cases of crimes against children. One such case was tried on March 24th, 2006 when a court in Mukono referred Paddy Katongole, a primary school teacher, for trial in the High Court on charges of defiling a seven year old pupil in September 2005. The case was still ongoing at the time this report was drafted.

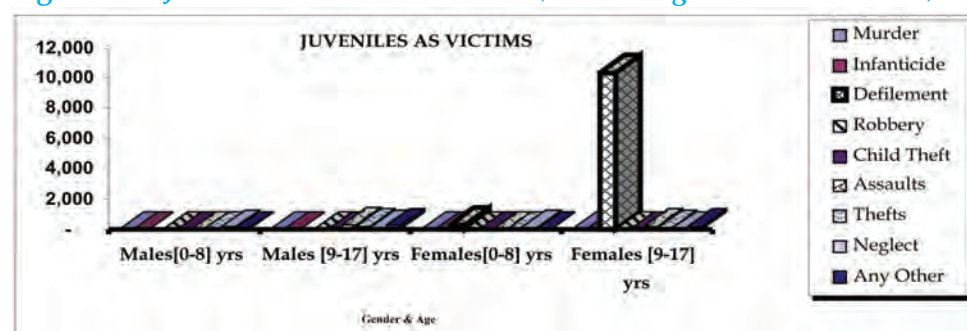
As pointed out in several of the Commission's previous Annual Reports, suspects held on charges of defilement constitute the bulk of inmates in Uganda's prisons, leading to severe overcrowding. Defilement is only triable by the High Court, which faces staffing shortfalls and which does not sit regularly. A proposal is afloat to amend the law to empower magistrates to handle defilement cases, but this has not been passed by Parliament. However, Parliament in May 2007 amended the Penal Code Act to classify defilement into "aggravated defilement" and "simple defilement". The amendment requires that a person suspected of committing the offence of "aggravated defilement" must take an HIV test; if the defiler has HIV, court will convict and sentence the accused person to death. This was a significant step by Parliament to protect children by providing for heavy punishment. In addition to this measure, the Commission calls upon Parliament to pass the law on Sexual Offences but also empower magistrates to handle defilement cases.

Much as children have been victims of crime, they have also been implicated in crime as juvenile offenders. According to the Annual Police Crime Report for the year 2006, the offences most commonly committed by children were defilement, theft and assault. 93% of minors accused during the reporting period were aged 9-17 years; this means that children are both victims (mainly females) and perpetrators (males) of defilement. On a positive note, the number of juvenile offenders fell 4.1%, from 2852 in 2005 to 2736 in the year under review. Nevertheless, this is largely insignificant; a different punishment for consenting juveniles accused of defilement should be put in place in the new law on sexual offences, or the Penal Code Act should be amended.

Figure 7.1: Juveniles Accused in Crime (Source: Uganda Police Force)



Figure 7.2: Juvenile Victims of Crime (Source: Uganda Police Force)



7.10 Child abuse and Contemporary forms of Slavery in Bundibugyo

During the reporting period, the Commission received complaints that would be regarded as contemporary forms of slavery from Bundibugyo District. There were several incidents of forced early marriages noted in this district. Surprisingly, most of these cases go unreported due to a number of factors, mainly high poverty levels, lack of awareness and lack of access and trust in the criminal justice system. Regarding poverty, some parents collude with defilers as a way of reducing their “burden” of taking the girl child to school and also as a source of income. Two cases of forced early marriage and abduction were received by the Commission from Rwebisengo Sub County in Bundibugyo District. In one case, a girl was abducted for forceful marriage by her former primary school teacher. The forced marriage was averted when the Commission learnt of the incident and rescued the girl from the home of her intended defiler.

There are cases where young girls are introduced in marriage by their parents but without their consent. This has a negative effect on these children in that it affects their education and welfare. One relevant case, received in the Commission’s Fort Portal Regional Office, was:

Mr. Moses Brown aged 44 years of Rwebisengo Trading Center, Rwebisengo Sub County states that on 21st December 2006, at about 21 00 hours, while in his home he had a loud bang on his door, which ended up falling in. Huge men whom he even recognized entered his house and grabbed his daughter, Kasande Daphne 14 years in Primary six and whisked her away naked. The chief suspect is Herbert Kaburitega who is now said to be in Sota area of the Democratic Republic of Congo. The family and the girl were tormented by this act. By the time of writing the report, the girl was still in the Congo. Another example is of a certain girl also from the same area who was also whisked away. It was said that despite the girl’s unequivocal stand against marriage, her parents continued to pester her. On 9th February 2006 she was abducted from her father’s bedroom where she had taken sanctuary because of the continued threats and the suspicious movements she had noticed outside the house. She was taken to Budiba village to the home of her step-grand mother in an attempt to be forcefully married off. The Uganda Human Rights Commission Fort Portal Regional Office sought assistance from the police and promptly rescued her from the defiler’s home before he could achieve his worse criminal intentions. The office transferred the girl to Fort Portal, sought out her aunt and handed her over. She has since gone back to school and is now in senior three.

Such cases are many throughout the country and they go unreported. The Local Councils and families need more sensitization. The Commission is convinced that continued education, compulsory primary and secondary education will solve these problems and parents would be punished in case they acquiesce.

7.11 General Recommendations

- Government should review and harmonize national laws relating to children so that they are consistent with international human rights standards and women's rights.
- The Government should put in place mechanisms for monitoring and documenting progress towards full compliance with the CRC and CEDAW at District and National levels.
- The Government should institute a mechanism for effective budget allocation for children and women generally, but more particularly to the Family Protection Unit of the Uganda Police Force so as to ensure that children's rights are well protected.
- Government should continue to pursue a peaceful resolution of the conflict in northern Uganda and ensure voluntary return of IDPs to their homes. Government should also extend social services in Acholi, Lango, Teso and Karamoja Sub regions so as to end violations of children's rights in these regions.
- Government should put into place a law criminalizing the possession of any sort of human tissue, in order to effectively target those who engage in child sacrifice.



Such a child has a right to appear in public without shame

7.12 Conclusion

Children, like other members of society are entitled to justice. The Commission calls for vigilance of Government, CSOs and the general public in working together for the promotion and protection of children's rights. There are still administrative and legal gaps in the protection of children's rights that should be filled by government, parliament, CSOs and the general public.

(Endnotes)

¹ Uganda Human Rights Annual Report, 1998 pg. 52

² The New Vision, 3rd August 2006

³ According to the U.S. State Department Trafficking in Persons Report, June, 2006,

⁴ Save the Children: Uganda Humanitarian Situation Report, 21 July -15th August 2006

⁵ Ibid

⁶ MGLSD/ILO Report, 2004a p. 49

⁷ UNICEF: Report on the situation of Children and Women in Uganda, October 2005 pg. 135

⁸ US Department of State: Country Reports on Human Rights Practices- 2005

⁹ A June 2006, UNICEF study indicated that children continued to commute due to reasons other than LRA activity, such as endemic poverty and domestic violence

¹⁰ The Monitor, Friday April 20th, 2007 pg.3

¹¹ Paper presented at UHRC's Annual Report Consultative meeting from 2nd-3rd May 2007 at Hotel Equatorial by Mr Cornelius Williams .

¹² MoGLSD/ILO 2004b Child Labour and Commercial Sex Exploitation of Children In Uganda Pg. 30

¹³ Defilement is having sexual intercourse with a girl child under the age of 18 years with or without her consent

¹⁴ US Department of State: Country Reports on Human Rights Practices- 2005

¹⁵ Naker D (2005) Violence Against Children: The Voices of Uganda Children and Adults, Raising Voices and Save the Children in Uganda

Chapter 8 PASTORALISTS' VULNERABILITY AND PROBLEMS OF XENOPHOBIA IN UGANDA

8.0 Introduction

The vulnerability of pastoralists has been increasing across Africa, but in Uganda the situation is especially dire for nomadic pastoralists. During the period under review, the Commission paid special attention to the rights of pastoralists, and investigated several complaints from them, ranging from abuse, neglect, torture, discrimination, deprivation of property and harassment. The African Commission on Human and People's Rights has identified pastoralists as a group needing particular protection. The Pokot and Karamojong of Kenya and Uganda, the Maasai of Kenya and Tanzania, the Samburu, Turkana, Rendille, Orma and Borana of Kenya and Ethiopia, the Touareg and Fulan of Mali, Burkina Faso, Niger and the Mbororo of Cameroon and other West African countries together with the Barabaig of Tanzania and the Balaalo/Bahima/Banyarwanda and Basongola of Uganda, to mention but a few, would all belong to the category of vulnerable people needing State protection.

8.1 Nature of the pastoralist problem in Uganda

Pastoralists in Uganda are known by all sorts of names—*Balaalo*, *Bahima*, *Banyarwanda* and *herdsmen*. They move from one place to another looking for expansive grass and water, and have done so since time immemorial. In the process, they have interacted with a range of different communities. In recent years, however, due to a progressive shortage of available land, pastoralists' way of life has increasingly come into conflict with property rights, and pastoralists have increasingly become victims of human rights violations.

Most pastoralists move into places that they see as *terra nullis* (belonging to nobody), either because they are national parks, forest reserves, land belonging to absentee landlords or even wetlands. Though laws are in place protecting all these places, the pastoralists see these lands as free for grazing. While technically "ignorance of the law is no defense," the State nevertheless has an obligation to educate and sensitize its population about laws, rights and freedoms. Typical pastoralists, by their very nature, value cattle more than land and grass more than soil. As long as their cows have no grass to eat and no water to drink, they will move on to new areas with sufficient grass and water. Though some no longer hold to this mentality, very many, including nomadic pastoralists who have not settled down to enroll their children in school, maintain such views and do not wish to sedentarize.

The Commission observes the need on the part of the State to empower pastoralists who wish to sedentarize and "modernize" to do so, and to assist them to catch up with the changing times. Contrary to this, though, the State has in some cases deliberately displaced pastoralists in the name of development. This was the case with the *Basongora*, who were displaced by Bakonjo/Batoro hegemony with the collaboration of the colonial state³, and left to wander in the wilderness as far as the Democratic Republic of Congo (DRC). As a result, the *Basongora* are now unwelcome in both DRC and Uganda, and have been left landless.

8.2 Understanding the nature of pastoralists

However, pastoralists make a significant contribution to the national economy. Hides and skins were Uganda's fourth-largest source of export revenue in 2001. 90% of livestock products are produced by pastoralists and small-holders, including nomadic pastoralists. Pastoralists also hold 90% of the country's livestock. Furthermore, between 55-65% of the locally collected revenues in



A young person belonging to the family of one Mr. Kairu, who was forcefully evicted from his land in Maddu, Gomba, Mpigi District in 2006. The conflict caused the death of Mr. Kairu and several animals. The person responsible for the eviction is alleged to be a UPDF officer.

Nakasongola, Sembabule and Kotido Districts come from pastoralist activities. The Poverty Eradication Action Plan (PEAP 2004/2005) itself acknowledges that households with livestock are less vulnerable and are better able to deal with the ravages of HIV/AIDS than those without. Yet, less than 5% of the budget is consistently allocated to support pastoralist activities. The nature of the free market economy, encouraged by GoU policy, has itself increased the pastoralists' vulnerability. This unregulated economic logic in the name of market forces and development has attracted pastoralists to nomadism by looking more at the cows that could be bought with cash from their sold land than at the longer-term consequences of having many cattle without land. Many wealthy individuals take advantage of pastoralists' vulnerability, buy off their land and throw them out in the wilderness.

The practice of nomadic pastoralism is by its nature transnational. Pastoralists not only cross districts and regions, but also national borders. Because of this, they can be extremely tenacious in fighting for their rights, but also can be very tolerant and accommodative people. While some in Africa still maintain an ethnocentric, xenophobic mindset, the pastoralists have broken this bondage by living in the midst of, or being amenable to integrating into,

most, if not all, cultures in Uganda and beyond. They are pan-African and trans-cultural in their own right but they are increasingly becoming endangered as a result of some politicians inciting some members of their constituencies against them. Internally, they are protected by Constitutional provisions, but politically they remain endangered. They need protection.

8.3 Conflict in Buliisa

In early May 2007, conflict broke out in Kigorobya Sub County, Hoima District, and Butiaba Landing site, Masindi District, between pastoralists and cultivators. This conflict was portrayed as a matter of "tribal" clashes between pastoralists of Bahima origin and indigenous Bagungu. However, while animosity between migrant Alur and indigenous Bagungu in both Hoima and in Buliisa, which was previously under Masindi district, has existed for some time (clashes in 2004 resulted in a number of injuries and several fatalities), the most recent clashes have been fueled largely by political demagoguery. Steven Mukitale Birahwa, the area MP for Buliisa, reportedly defied a Court order restraining him from evicting pastoralists and proceeded to attempt to displace them forcefully. It was also reported that on 22nd June 2007, the High Court "warned the Lands State Minister, Dr Kasirivu Atwooki against evicting the pastoralists until the matter is resolved." The Court also ordered Hon. Birahwa, Gen Tinyefuza, the Coordinator for Intelligence Services, Major General Kale Kayihura, the Inspector General of Police, Hussein Kato Mitanda, the RDC and Mr. Nkuba, LC3 chairman, to stop interfering in the matter. Nevertheless, Birahwa was reportedly ignoring the order and telling residents to clear the disputed land to grow cotton. This disrespect for the rule of law risks breeding further conflict.



One of those injured during the Buliisa conflict

The Buliisa conflict caused extensive destruction of property and injured 8 persons. When an investigation team from the Commission visited the scene of the conflict, interviews established that relations between the indigenous Bagungu and the Balaalo pastoralists are tense, and could degenerate into serious tribal conflicts if not addressed in time. Xenophobic tendencies are becoming a widespread problem in Uganda, and many people are increasingly becoming intolerant of people from different tribes or districts. If not checked, this sort of thinking can only be counterproductive. The alternative place for the Buliisa pastoralists was proposed to be Kyankwanzi in Kiboga district but the Buganda Kingdom was against moving pastoralists to Kiboga. Furthermore, the pastoralists had acquired a Court order to stop the eviction because they too claimed to have bought the land. Meanwhile, during the conflict in Buliisa, local radios were reportedly broadcasting messages of hate and violence against the nomadic pastoralists instead of calling for tolerance and rule of law.

8.4 Anti-pastoralist xenophobia in Teso

The Commission has been following the issue of Balaalo pastoralists in Teso sub region closely. In its 7th Annual Report, the Commission recommended that “government should establish an investigation team to establish those responsible for forceful eviction and crimes committed against affected groups and punish those responsible in accordance with the law, which guarantees fairness in the application of justice.” This investigation has yet to be carried out.

Instead, during the recent campaign season, the President was quoted blaming law enforcement organs for a perceived “failure” to evict the pastoralists in Teso. He was quoted to have said that he “would cause the arrest and prosecution of the district Police Commanders (DPC) and the Veterinary officers (DVO) who failed to enforce the law on illegal movement of cattle by the herdsmen who are commonly known as *balaalo*”. Nevertheless, the Commission’s evidence indicated that the police had followed the law in the case of *Balaalo* in Teso, and certainly guarded against the sort of behavior depicted in a *New Vision* photo of Saturday, 8th April, 2006, showing a politician alongside men in military uniform unabashedly presiding over the torture of a Munyankole herdsman in front of cameras.



State officials torturing a Munyankole herdsman



8.5 Basongora vulnerability in Kasese

The Basongora are an ethnic nomadic group currently living in Queen Elizabeth National Park, Kasese district. Their history dates back to the 14th-15th Century. They are part of the break-way Bachwezi and Bunyoro Kitara Kingdom. Historically, they are believed to have been inhabitants of the present Queen Elizabeth National Park. But due to their nomadic nature, they have been moving around in the areas of present day Kasese (Queen Elizabeth National Park), Kamwenge, Bushenyi, Kibaale, Kyenjojo, Kabarole and recently Virunga National Park in DRC. Their movements have always been dictated by ecological factors. They are believed to have been part of the present day Kingdom of Tooro.

In 1952, the Colonial Government gazetted the Queen Elizabeth National Park and displaced the Basongora. They remain displaced today; previous governments have tried to solve the problem of Basongora resettlement without success. For instance in 1982, the Obote II Government tried to settle them on 8000 square miles of present-day Mubuku Prison land and present day Karusandara Sub County of Kasese. Due to their nomadic nature, whenever they would return, they would find their previous land occupied by other people e.g. Bakonzo and Banyabindi, taking advantage of the Basongora's nomadic life. Around 1960s, the Rwenzururu Movement also displaced the Basongora. While their population remained small and land was available, finding land on which to settle temporarily was not such a problem.

8.5.1 Basongora settlements in Virunga National Park of DRC

In 1999, attracted by the huge expanse of available land and minimal government presence in Eastern DRC, the Basongora moved with over 5000 heads of cattle to Virunga National Park. They were able to settle here and graze their cattle for close to 7 years; as expected, though, some were affected by the presence of ADF in DRC and conscripted into rebel ranks. In March 2006, the government of the DRC decided to act, and realized that there were people, moreover aliens, staying illegally in the protected area. They were chased away.

8.5.2 Basongora re-occupation of part of Queen Elizabeth National Park

When the Basongora crossed back to Uganda, they re-occupied part of Queen Elizabeth National Park. Uganda Wildlife Authority (UWA) took issue with this, arguing that the mixing of wild animals and domestic animals could not be allowed. Indeed, leopards and lions devoured some of their livestock. In retaliation, and in self defence, the Basongora began to poison these predators, angering the Uganda Wildlife Authority, which intensified their expulsion measures out of the National Park.

Though the GoU set up an inter-ministerial committee chaired by Hon. Eng. Hillary Onok to study the Basongora problem and map out a strategy of handling it with a view of resettling them permanently, the committee has been slow in addressing the issue. The Committee recommended that the Basongora be resettled in the land that has been identified which includes portions of Rwimi Prison land, Ibuga Prison and Mubuku Prison land, as well as part of the UPDF farm and 4.5 square km carved from the park at the tip of Karusandara Subcounty, along the Kampala-Kasese railway line. This recommendation should be implemented to resolve the current predicament of some Basongora who are landless.

8.5.3 Basongora Evictions and Resistance

In the meantime, foot and mouth disease broke out among the Basongora cattle in early June 2007. This disease poses a major threat to wild animals as well, putting park authorities under pressure and leading UWA to act ahead of the committee and under the directive of their line Minister, chasing away the Basongora without providing them with alternative places to settle. The Basongora resisted and fought back.

On the 7th day of June 2007, park authorities started the forceful eviction of Basongora from the two settlements of Karusandara and Rwenjuba. Three people were injured, namely: Kezia Kato, who sustained head injuries, Kato Christopher, who sustained leg injuries and Kiiza Geoffrey,

who sustained arm injuries. Some of the rangers involved in this forceful eviction were arrested but later released on police bond.

8.5.4 Security, law and order concerns

As a measure to prevent further violence and breakdown of law and order, the Commission was assured that five (5) police posts will be established in the settlements at Rwimi, Ibuga, Mubuku, Karusandara and Nyakatonzi. The Basongora live in clusters and these clusters will not be disintegrated. Each police post will be manned by a company (20) police personnel headed by an officer. One hundred (100) Anti-riot police personnel and UWA staff will help to ensure safe shifting by guiding the movements such that the moving pastoralists do not clash with the cultivators, and livestock does stray and destroy cultivators' crops en route to the new settlements. The police are to monitor this arrangement and provide necessary protection.

8.5.5 Conclusion

The GoU should implement the recommendations of the Committee chaired by the Hon. Eng. Hilary Onok.

8.6 Pastoralists and agriculturalists displaced from Tanzania

In June 2006, over 1000 Ugandan herdsmen and 20,000 cattle were expelled from Kyaka, Karagwe, and Mulamba in Tanzania, and stranded at Mutukula Border, near Kakuuto County in Rakai District. Their living conditions in Uganda were reported to be bad, with women being raped, no food, shelter and security during eviction and in displacement. A Commission team visited them and found a stranded group, deprived of their property and living in dire conditions.

The Commission team arrived at Mutukula three weeks after the expulsion. The majority of the expelled people were Rwandese of Ugandan origin and a few Banyankore-Bahima with cattle and Bakiga speaking agriculturalists. Before their migration to Tanzania, the expelled Ugandan herdsmen, claimed to have formerly occupied the Ugandan districts of Masindi, Mubende, Isingiro, Rakai, Kiboga, Mpigi, Luweero, Mbarara, Nakasongora, Ibanda and Ntungamo-although the majority had come from Rakai.

This explains why probably on reaching Rakai, the majority were absorbed among the existing Ugandan communities. Those who never had relatives in Rakai either chose to remain at Mutukula, where records indicated that 120 persons were residing in Mutukula Apostolic Church or moved to their former places of origin. It was said that the majority of expelled Ugandans occupied vacant grasslands in Tanzania, with grazing as the major activity. Their relationship with local people was good, as they could exchange milk for other commodities.

When the Commission visited Kikagate in Isingiro district, it discovered a group of forgotten IDPs at the Kikagate Subcounty Headquarters (see photo), numbering 678 families with a total population of 2011, who have been living in the camp for a period of 1-4 years. This group of people comprises agriculturalists whose grandparents had migrated to Tanzania since the 1960s. They lack the basic necessities of life, and yet the GoU has done nothing to assist them. This



Vulnerable persons displaced from Tanzania encamped at Kikagate Sub-county Headquarters

category of people are neither refugees nor IDPs in the true sense of the word. They perceive themselves to be Tanzanians while Tanzania sees them as Ugandans. Uganda seems to have accepted them as IDPs but has not provided for them in line with the IDP policy. They survive by providing manual labour which is not sustainable in the long run. The Commission recommends that Government pays heed to the plight of these displaced persons, and provides desperately-needed humanitarian assistance.

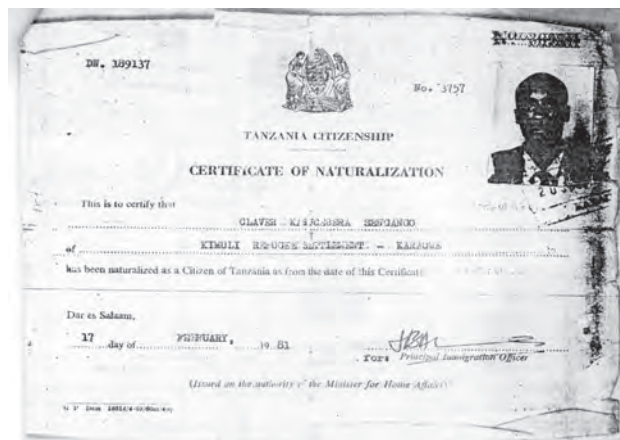
8.6.1 Loss of Property

Whether a person is a legal or illegal, a foreigner or a national, his/her immigration status does not warrant the arbitrary deprivation of his/her property. Records at Mutukula Border internal security office indicated that the expelled people came with some cattle, although many had been stolen before they reached Uganda. For those who were registered at Mutukula border, out of 45,923 cattle owned, they claimed to have lost 30,697 cattle while still in Tanzania, representing a total loss of 67%. When the Commission visited Endiinsi Subcounty, Busheka Parish, Kamwena village, where cattle were said to be confined, we were told that some had risked to return to Tanzania due to the absence of water and pasture on the Ugandan side of the border.

8.6.2 Were the expelled herdsmen illegal immigrants?

The Commission was not able to establish whether all the expelled people were illegal immigrants in Tanzania: the law does not allow the Commission to investigate matters concerning two States (i.e. Uganda and Tanzania). Based on documents that the Commission team was able to see, however, some of the expelled Ugandans had either already acquired work permits that had not yet expired or had become Tanzanian citizens through naturalization. Some had voters' cards and had voted on several occasions.

According to Kabagambe Erasmus, the Border internal security officer, Mutukula, some had settled there as far back as 1955, as had Mzeei Bivumbi, an expelled person who, like others, had his card taken forcefully from him by Tanzanian Authorities. Clearly, then, not all of those expelled were in fact illegal immigrants in Tanzania; at the same time, some managed to escape with their citizenship cards. Records at Mutukula Border Internal Security Office indicated that out of 109 herdsmen in possession of work permits, 20 (21%) possessed valid work permits.



Sample of a valid Citizenship Certificate by an "Illegal Immigrant"

Tables 1 and 2 show some names of legal citizens and of those who possessed valid work permits.

Table 1. Registered legal citizens of Tanzania who passed via Mutukula Border.

Name	Nature of Citizenship	Date of Acquisition
1. Catherine Mutumwinka	Naturalization	17/02/1981
2. Faustin Mugisha	Naturalization	06/07/1981
3. Claver Sengango	Naturalization	17/02/1981
4. Alphunsi Kabangema	Naturalization	24/06/1981
5. Frediriko Ntaganira	Naturalization	19/02/1981
6. Domitila Ndazivunye	Naturalization	13/06/1981

Source: Mutukula Border Internal Security Office (16/06/2006)

Table 2. Names of those whose work permits had not yet expired at the time of expulsion

	Name	Age	Serial No.	Date of Issue	Expiry date	Address
1.	Kadugara Geoffrey	38	012442	20/06/06	22/01/07	Misenyi
2.	Kasambya	42	012286	27/03/06	26/03/07	Misenge
3.	Katana Enock	36	012927	17/02/06	16/02/07	Bugango
4.	Kanogozi Eliam	38	011630	27/03/06	26/03/07	Kagera
5.	Tumwiine William	26	013524	27/03/06	27/03/07	Misenyi
6.	Mkadana Madahna	40	612227	25/10/06	24/10/07	Misenyi
7.	John Lugajembe	52	008748	07/03/06	06/03/07	Kagera
8.	Stephen Seryanga	54	012332	03/01/06	02/01/07	Misenyi
9.	Birendeka Stephen	30	012942	27/02/06	26/02/07	Misenyi
10.	Kayumba Fred	30	012360	29/11/05	28/11/06	Kagera
11.	Kayunga Frank	38	011661	08/07/05	07/07/06	Muleba
12.	Kamuhangire John	30	011963	17/08/05	16/08/06	Kagera
13.	Yohana Kasumba	74	013519	22/03/06	21/03/07	Kagera
14.	Ndeeba Fred	28	011866	28/08/05	27/08/06	Kagera
15.	Musa Katuramo	25	005785	06/10/05	05/10/06	Kagera
16.	Elias Nyaburya	50	013028	13/04/06	12/04/07	Kagera
17.	Alfred Kamya	40	011723	22/07/05	21/07/06	Kagera
18.	James Byanege	39	011743	29/07/05	28/07/06	Kagera
19.	Mbanza John	29	011746	03/08/05	02/08/06	Kagera
20.	Sebashumba John	31	011580	05/07/05	04/07/06	Kagera

Source: Mutukula, Border Internal Security Office

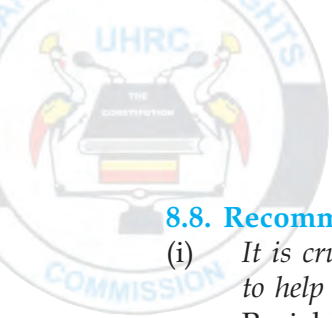
The number of Ugandans expelled could not be established conclusively, since there was no clear registration procedure. This was because different people took different directions while entering Uganda. However, by the time we reached Mutukula Border, more than 500 people had voluntarily registered with Mr. Kabagambe. More than 107 of the registered people were sleeping in Mutukula New Apostolic Church, while others were either rented or were accommodated by friends and relatives in Muluzinga, Muntamukye, Kyakatuma, Mukashanju, Kamuli, Kabonera (Sango Bay) in Rakai District. There are also those who moved directly to Mbarara. At Sango Bay near Kabonelo Police Post, Daudi Munyaneza for example accommodated a former friends' family of seven. Those who had no friends and were not accommodated at Mutukula new apostolic church were camping within forested areas of Kamwema in Endiinzi Sub County near the President's farm.

8.6.3 Human rights concerns

In the process of expulsion most Ugandans lost property, and lives were lost as well: one woman, Flora Mbabazi, told the Commission how she witnessed Tanzanian police kill her husband, Kalamuzi William, on 4th April 2006. Women were reportedly raped. Arrests were arbitrary, with some still languishing in jails in Tanzania, and the Commission received reports of extortion by authorities. In the camps, the Commission saw no adequate shelter, no medication, no food and no humanitarian assistance in sight.

8.7 General conclusions

The practice of nomadism that has now seen so many people up in arms in Uganda is not a new phenomenon. Both before and after independence, pastoralists' movements and their integration with other new communities is well documented. The pastoralist economy has contributed to Uganda's economic growth and development. Some of the pastoralists have sedentarised while others have not. There is need for deliberate action to transform their mode of production without dehumanizing them. It is high time that pastoralists' concerns are addressed and their rights protected. They should be helped to realize that at this particular time every land in Uganda has its owners but also allowed to access land where it is legally available for sale to buy and settle.



8.8. Recommendations

- (i) *It is crucial that legal and administrative measures are put in place to protect the pastoralists and to help improve the pastoralists' source of livelihoods.* The Durban Declaration against Racism, Racial Discrimination, Xenophobia and Related Intolerance (2001) (par 83) requires politicians and political parties to, *inter alia*, "promote solidarity, tolerance and respect." It is therefore only proper that the GoU does the same to protect those who are most vulnerable.
- (ii) *Restrain Politicians:* There are human rights reports showing that all these resentments of xenophobia emerge from some politicians rather than from the locals. It is the locals rather than the politicians that give them protection; what a contradiction! When this is done, the politicians threaten the locals accusing them of having been "corrupted" by the Balaalo as if corruption is alien to politicians. It is clear that where there has been a conflict among the communities politicians have played a very negative role. Instead of helping to resolve the conflict, politicians have either fueled it or exacerbated it. This must be stopped. Politicians have a duty to protect all Ugandans without discrimination and any expulsion or discontent should be resolved in accordance with the law.
- (iii) *Respect Court Orders and the Rule of Law:* Courts, not politicians, should be allowed to resolve such issues and politicians must respect court orders. Those politicians who fan hatred and xenophobic tendencies and other violations of human rights should be investigated and prosecuted in accordance with the law.
- (iv) *Transform:* Given that it makes a significant contribution to the economy, the Government and particularly the Ministry of Agriculture, Animal Husbandry and Fisheries should help to progressively transform pastoralism rather than undermining it.
- (v) *East African Community involvement:* The East African States should put in place mechanisms of dealing with the problem of pastoralism that cuts across the region. These evictees might be contested nationally but they are East Africans and a regional mechanism could be helpful
- (vi) *Assist:* The Ministry of Disaster Preparedness must be on the look out to timely assist such vulnerable people whenever risks of their evictions emerge and when they are in displacement in line with the IDP policy.
- (vii) *Prohibit xenophobia:* In line with the Durban Declaration Against Racism, Racial Discrimination, Xenophobia and Related Intolerance (Sept. 2001) and in line with the International Covenant on Civil and Political Rights, advocacy for hatred, incitement of discrimination, hostility whether racial, ethnic, tribal or religious should be prohibited. The media has also contributed to this incitement of hatred and xenophobia, which must be prohibited.
- (viii) *Compensate victims:* Government should consider and draw a program of compensating pastoralists who have lost their property and cattle on account of the omission or commission of State officials or politicians
- (ix) *Investigate those responsible for xenophobia:* As in the 7th Annual Report, government should establish an investigation team to establish those responsible for forceful eviction, engaged in program of ethnic hatred, violence, hostility and discrimination in Buliisa, Teso, Kasese, Kibaale and other places and crimes committed against affected groups and those found guilty have them punished in accordance with the law, which guarantees fairness in the application of justice.

9.0 Introduction: understanding the meaning of neglected diseases

The World Health Organization (WHO) calls neglected diseases “diseases that affect almost exclusively poor and powerless people living in rural parts of low income countries”. In Uganda, neglected diseases impact on poor and minority groups in rural areas as well as in urban slums, and include Buruli ulcer (*Mycobacterium ulcerans*), sleeping sickness (human African trypanosomiasis), lymphatic filariasis (elephantiasis), river blindness (onchocerciasis), Bilharzia (schistosomiasis), trachoma, leprosy, visceral leishmaniasis (kala-azar), and soil-transmitted helminth infections (ascariasis, trichuriasis, and hookworms).

It is not the case that the rich and the more privileged cannot suffer from these diseases. They may suffer from them; however, unlike the poor, the rich are rarely exposed to these diseases, because they live in conditions that do not favor their existence. Furthermore, when infected with such diseases, the more privileged can easily access and easily afford treatment. The poor and the less privileged lack both the means and the capability to access relevant information concerning and appropriate treatment for these diseases, thus imposing a heavy social burden on the poorest communities and impairing their already very low economic productivity. The State in most cases shows a lack of both desire, willingness and often ability to provide necessary drugs at costs acceptable to the poorest communities.

Finally, because measures of population health were in the past designed only to capture the burden of mortality (that is, the number of deaths) rather than the burden of morbidity (that is, the social and personal costs of disability) imposed by a particular condition, the neglected diseases, which with the exception of sleeping sickness and visceral leishmaniasis tend to carry a high burden of morbidity and a low burden of mortality, were thought to be of little importance in global health. Improved measures such as the disability-adjusted life year (DALY), which measures the years of healthy life lost as a result of disability, and refinements to the DALY itself, have helped to raise the profile of neglected diseases. As progress in population health measurement continues, and we are better able to measure the burden imposed by neglected diseases, we can expect that this burden will be much larger than previously thought. It is time that neglected diseases took a central place in priority-setting for global health agendas.

9.1 General Characteristics of Neglected Diseases

1. Neglected diseases affect mainly poor, marginalized populations. In the case of Uganda, marginalized populations include; Internally Displaced Persons (IDPs) and both rural and urban poor communities.
2. Neglected diseases thrive in places that are characterized by poor sanitary conditions, overcrowding, inadequate shelter, lack of access to safe and clean water and limited access to health services, high levels of poverty, inadequate nutrition and poor personal hygiene.
3. Neglected disease inflict severe and permanent disabilities and deformities on those affected, particularly the poor. They also impose an enormous economic burden on affected communities due to lost productivity and other related issues leading to entrenched poverty, ill health, stigmatization and discrimination.
4. These diseases often neither attract national nor international funding to eradicate them. At a national level, few resources are allocated to health in general, and neglected diseases in particular. In Uganda, budget ceilings within the national economic policy aggravate the



situation by prohibiting external financial mobilization. Furthermore, at an international level, WTO agreements and the agreements on Trade Related Aspects of Property Rights (TRIPS) in particular, have a direct impact on the right to health, particularly, neglected diseases. Although these agreements should be interpreted to promote access to medicines for all, a major challenge is the lack of research into medicines to treat neglected diseases. The commercial nature of intellectual property protection means that patents provide incentives for research that are first and foremost directed towards “profitable” diseases, thus leading researchers away from “unprofitable” diseases, to diseases that affect people in markets where the return on investment in research and development is likely to be greater. If there is little research, so will there be less development of prevention and treatment neglected diseases or “unprofitable” diseases, consequently denying poor and disempowered people access to medical care.

5. There is neither much research nor development in the area of neglected diseases nor are there sufficient funds for them. According to the Report of the Special Rapporteur on the Right to Health on his Mission to Uganda, there is only 10% of the global funding for research and development towards the diseases that affect 90% of the world population. Of the 1,393 new drugs approved between 1975 and 1999, only 1% (16 drugs) was for tropical diseases, including the neglected diseases, and tuberculosis. In Uganda, only one drug (eflornithine) for sleeping sickness is less than 40 years old and another one for first line treatment (malarsoprol) that has been used since 1949 is a toxic drug. In Arua district, it was found that 15% of patients were not responding to eflornithine.
6. Currently, however, a number of international health and medical authorities are calling for increased attention to these diseases. Spurred on by the tremendous worldwide success of the Carter Center’s guinea worm eradication program and the availability of cheap, effective medications for many of these diseases, it is fast becoming clear that the worldwide prevalence of these diseases is a state of affairs that can be remedied. However, barriers remain; this situation persists despite the fact that many of these diseases – schistosomiasis, soil-transmitted helminths, lymphatic filariasis, onchocerciasis, and trachoma – can be treated for literally just a few shillings, and mass drug administration for these diseases can be integrated into a single delivery package. Indeed, several of these diseases are targeted for eradication. In Uganda, these are onchocerciasis, lymphatic filariasis and leprosy. Others, such as visceral leishmaniasis and human African trypanosomiasis, lack effective control measures, and the way forward is to build control capacity and new, more effective pharmaceutical treatments.

9.2 Neglected Diseases in Uganda

The UN Special Rapporteur on the Right to Health, Prof. Paul Hunt, recognizes buruli ulcer (*Mycobacterium ulcerans*), water and vector-borne diseases such as sleeping sickness (human African trypanosomiasis), Guinea worm (dracunculiasis), lymphatic filariasis (elephantiasis), river blindness (*onchocerciasis*) Bilharzia (schistosomiasis), trachoma, leprosy, and soil-transmitted helminth infections (ascariasis, trichuriasis, and hookworm) as neglected diseases of importance in Uganda. Each of these is described in further detail below.

Table 9.1. Neglected Diseases in Uganda: Characteristics and Distribution

Disease	Clinical presentation/ social impact	Route of transmission	Geographic distribution & Incidence	Barriers to control/ elimination/ eradication
BURULI ULCER	Skin and soft tissue destruction, large ulcers on the skin, stigmatization	Unknown, precisely; causative agent is <i>Mycobacterium ulcerans</i> , a bacterium in the same genus as that which causes tuberculosis	7 cases; 227 809 Ugandans are at risk	

HUMAN AFRICAN TRYPANOSOMIASIS (SLEEPING SICKNESS)	Fever, fatigue, dis-orientation, distorted speech, coma, death if untreated. <i>Trypanosoma brucei gambiense</i> : chronic form; symptoms develop over years <i>Trypanosoma brucei rhodesiense</i> :acute form, symptoms develop over months	Bloodborne parasite (<i>Trypanosoma</i>) transmitted by the tsetse fly, <i>Glossina</i> spp. Livestock are an important animal reservoir for transmission.	558 cases; 8 484 957 are at risk <i>T. b. gambiense</i> : NW Uganda (West Nile region) <i>T. b. rhodesiense</i> : Southeastern Uganda (especially Luwero Triangle), but expanding; currently separated from <i>T. b. gambiense</i> by less than 200 KM.	Lack of effective control measures; toxic drugs. Some worry that the two types could converge genetically in NW Uganda, giving rise to extreme drug resistance.
VISCERAL LEISHMANIASIS (KALA-AZAR)	Swelling of the liver and spleen, fever, anemia, chronic emaciation and disability	Caused by the parasite <i>Leishmania donovani</i> ; transmitted by the sand fly, <i>Phlebotomus martini</i> ; livestock act as reservoirs	Number of cases is unknown; 172 456 are at risk Pokot County, Nakapiripirit District	Complex epidemiology; toxic drugs
LEPROSY	Disfigurement of the skin, destruction of nerves leading to loss of sensation and muscle atrophy	Infection with <i>Mycobacterium leprae</i> , in the same genus as the bacteria that cause tuberculosis and buruli ulcer. Spread via respiratory droplets by patients with severe disease, more rarely by skin-to-skin contact	753 cases; 2,659,556 are at risk	TARGETED FOR ERADICATION/ ELIMINATION BY DCP
LYMPHATIC FILARIASIS (ELEPHANTIASIS)	Kidney and liver damage, fever, nausea, inflammation of the lymph nodes, massive swelling of legs, breasts, male genitalia, chronic disability and stigma	Bite of mosquitoes, transmitting larval forms of three parasitic worms, <i>Wuchereria</i> , <i>Brugia malayi</i> and <i>Brugia timori</i> , from human to human.	Number of cases unknown; 10 203 944 are at risk <i>bancrofti</i> , ERADICATION/	Mass drug administration TARGETED FOR ELIMINATION BY DCP
SCHISTOSOMIASIS (BILHARZIA)	<i>Schistosoma mansoni</i> : intestinal bilharzia. Nonspecific symptoms. <i>Schistosoma haematobium</i> : urinary bilharzia. Anemia, blood loss, fatigue, pain, bladder cancer, kidney damage.	Infection with the blood-borne fluke <i>Schistosoma</i> . Aquatic snails act as reservoirs. Defecation or urination in water reintroduces parasites to water; on contact with water larvae then move through the skin and begin life cycle in human host.	<i>S. mansoni</i> : 38 districts (of 56 in Uganda) <i>S. haematobium</i> : 2 districts ⁹	Mass drug administration TARGETED FOR ERADICATION/ ELIMINATION BY DCP
SOIL-TRANSMITTED HELMINTHS (HOOKWORM, ROUNDWORM, WHIPWORM)	Intestinal blood loss, anemia, poor academic performance in youth, stunting of growth, potential exacerbation of HIV/TB if co-infected, diarrhoea, abdominal pain	Infection with <i>Ascaris lumbricoides</i> , <i>Trichuris trichiura</i> and hookworms. Caused by coming into contact with soil harboring larvae, through not wearing shoes, playing in the dirt, etc.	Endemic in all districts	Mass drug administration TARGETED FOR ERADICATION/ ELIMINATION BY DCP
ONCHOCERCIASIS (RIVER FOR BLINDNESS)	Scarring causes the eyelashes turn inward and scratch the cornea, leading to blindness, while compounds released by worms dying within the human host cause	Caused by infestation with the parasitic worm <i>Onchocerca volvulus</i> , transmitted in larval form by the bite of the blackfly, <i>Simulium</i> spp.	Number of cases unknown; 1.8 million at risk 21 districts	Mass drug administration; Dvpt. of a drug to kill adult worms ERADICATION/ ELIMINATION BY DCP



	rashes, lesions, and itching, inflammation of the lymph nodes, elephantiasis of male genitalia and chronic disability			
TRACHOMA	Again, scarring caused by the infection leads the eyelashes to turn inward and scratch the cornea, eventually leading to blindness	Caused by infection with the bacterium <i>Chlamydia trachomatis</i> ; spread by contact with hands, clothing, or flies that have come into contact with eyes or nose of those infected.	No data—no baseline survey has been conducted	Mass drug administration TARGETED FOR ERADICATION/ELIMINATION BY DCP

The diseases listed above are an indicator of national poverty. No matter how quickly Uganda's economic development rushes forward, it will be hollow unless these diseases are controlled, eliminated or eradicated. In its 2005 Health Sector Strategic Plan (HSSP II), the second it has produced, the Ugandan Ministry of Health (MoH) emphasized the government of Uganda's commitment "poverty eradication as the overriding goal of socioeconomic development". Their goal is to cut the percentage of Ugandans living in poverty from the 2005 level of 38% to under 10% by 2017, and the improvement of population health is a central means of doing so. The national Poverty Eradication Action Plan includes health as a key aspect of its Human Development Pillar.

HSSP II builds on the sector-wide approach to strengthening health systems laid out in the HSSP I, and implemented from 2000 to 2005. Over this period, user fees were eliminated, primary health care was expanded, and childhood immunizations such as DPT3 attained much wider coverage. Unfortunately, efforts aimed at the control and treatment of neglected diseases were either not integrated into HSSP I's sector-wide approach, and these initiatives were consequently limited to vertical programs peripheral to the health system as a whole.

The Ministry of Health seems to be aware of these shortcomings, and it has set a goal of integrating into the health system neglected-disease measures that prove "rational, practicable and more cost-effective," such as mass drug treatment, information, education and communication, and vector management. They aim to cut the prevalence of leprosy to <1/10,000 population, achieve >70% therapeutic coverage in onchocerciasis-afflicted districts, achieve >90% coverage with single-dose ivermectin and albendazole treatment for lymphatic filariasis, and achieve 80% access to high-quality diagnostic and treatment facilities for human African trypanosomiasis.

Strategies for addressing the burden of neglected diseases in Uganda must therefore build synergy both within and between the Commission and the MoH. Fortunately, neglected diseases lend themselves well to such an approach. They exhibit a pernicious range of interactions with the "big three" afflictions—malaria, tuberculosis, and HIV/AIDS—and also impose a heavy burden of anemia on children, women and the poor. Pediatric helminthic infections have been shown to retard children's learning and cognitive development, and contribute to maternal shock, risk of cardiac failure, and adverse perinatal outcomes.

Neglected tropical diseases are thus not only an issue of concern for the right to health, but also of the rights of women, the rights of the child, and the rights of the PWDs. Far from being a narrow "single-disease approach," attention to the burden of NTDs is in fact a comprehensive, "pro-poor" policy that will advance the well-being of society's most vulnerable members and

have profound repercussions in maternal and child health, educational outcomes, and infant and maternal mortality.

And it is this that explains why the Right to Health Unit is lodged at the Commission rather than in the Ministry of Health. The social determinants of health, and particularly of neglected diseases, lie outside the biomedical paradigm: they lie in poverty, exclusion, and marginalization. They are issues not only of medicine or of public health but of human rights.

Some will justifiably ask why resources should be diverted from programs targeting HIV/AIDS, malaria and TB; every shilling spent on river blindness, some might say, is a shilling stolen from HIV/AIDS programs.

Why it is easy and necessary to combat neglected diseases

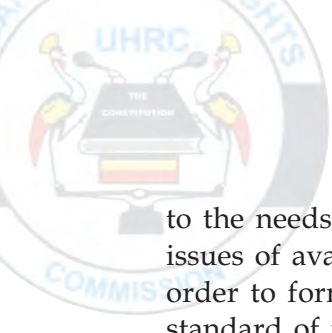
1. The efforts needed to combat neglected diseases can strengthen health systems.
2. Integration of neglected-disease efforts with HIV/AIDS, malaria and TB programs can actually improve the effectiveness of these programs.
3. Treatment and control of neglected diseases is among the most cost-effective disease interventions. As Paul Farmer has written in the context of tuberculosis, “the more effective the treatment, the greater the injustice meted out to those who do not have access to care.” The situation is all the more egregious in the case of neglected diseases.
4. Rights-based approaches have become central to programming for diseases such as HIV/AIDS, where risky behaviors, stigmatization and ostracization, and draconian control measures such as incarceration have all been addressed from a perspective of human rights. The Right to Health Unit can be conceived of as a pilot project for extending rights-based approaches to neglected diseases, where issues of human rights are no less important, and where we observe a close interaction between the enjoyment of other rights such as the rights to water, food and development, and the incidence of neglected diseases. The lessons learned here in Uganda could be applied elsewhere in the world.

In all of this, a central concern of the Right to Health Unit will be the monitoring and evaluation of health systems performance and service delivery. As the field of health metrics progresses, the Right to Health Unit will stay abreast of developments and attempt at every step to incorporate the most recent work in assessing the quality and impact of not just single-disease approaches, but comprehensive efforts to improve health systems—for integrated pro-poor efforts such as the interventions needed to combat neglected diseases can, if implemented correctly, accomplish just this goal. It is difficult, to be sure, but it is to the highest standard of accountability—accountability under national and international human rights legislation and treaties—that the Unit will hold those responsible for such initiatives.

9.3 Linkage between human rights and neglected diseases

9.3.1 Understanding the right to health

The right to health is perhaps one of the most misunderstood human rights. The right to health is not the right to be healthy. It is the right to have states parties to international regional and national treaties put in place measures to ensure that the 4-As are in place, namely: *availability*, *accessibility*, *acceptability* and *adaptability* of health facilities and services. *Availability* means both sufficient quantity and quality. *Accessibility* means that facilities and services are accessible to everyone without discrimination, and also encompasses economic and physical accessibility – that facilities and services are within safe reach and affordable to all. *Acceptability* relates to both the form and the substance of medical care: methods have to be relevant, culturally appropriate and of good quality. *Adaptability* concerns sufficient flexibility within facilities, services and institutions so that they can adapt to the needs of changing societies and communities and respond



to the needs of beneficiaries within their diverse social and cultural settings. Each of the four issues of availability, accessibility, acceptability and adaptability must be taken into account in order to formulate programmes and policies that can effectively attain the highest attainable standard of mental and physical health.

9.3.2 Instruments relevant to the right to health

Human rights are legal entitlements and moral endowments accruing to a person by virtue of simply being a human being. They are international standards reinforced by law, and are found in international, regional and also national instruments. Uganda has ratified several international and regional human rights instruments that cover the right to health in one form or another. The Constitution of Uganda, 1995 also addresses issues related to health, as discussed below. Some of the International human rights Instruments ratified by Uganda include: the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Rights of the Child, the African Charter on Human and People's Rights, the Convention on the Elimination of All forms of Racial Discrimination, and the Convention on the Elimination of All Forms of Discrimination Against Women. Except for the UDHR, these instruments impose binding obligations on States parties. The detailed provisions are as follows:

- **The Universal Declaration of Human Rights (UDHR)**

Article 25 of UDHR states that "Everyone has a right to a standard of living adequate for the health and well-being of himself and his family, including food, clothing, housing and medical care and the right to security in the event of ...sickness, disability...". The UDHR is not a legally binding instrument. However, human rights scholars have referred to it so much that it is now considered part of customary international law.

- **International Covenant on Economic, Social and Cultural Rights (ICESCR)**

Article 12 of the ICESCR, which Uganda ratified in 1987, states that:

1. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.
2. The steps to be taken by the States Parties to the present covenant to achieve the full realization of this right shall include those necessary for:
 - (a) The provision for the reduction of the stillbirth-rate and of infant mortality and for the healthy development of the child;
 - (b) The improvement of all aspects of environmental and industrial hygiene;
 - (c) The prevention, treatment and control of epidemic, occupational and other diseases;
 - (d) The creation of conditions which would assure to all medical service and medical attention in the event of sickness"

- **Convention on the Rights of the Child (CRC)**

Article 24 (1) of the Convention on the Rights of the Child (CRC) states that "States parties recognize the right of the child to the enjoyment of the highest attainable standard of health."

- **African Charter on Human and People's Rights**

Article 16 of the African Charter on Human and People's Rights states that "Every individual shall have the right to enjoy the best attainable state of physical and mental health."

- **The Convention on the Elimination of All forms of Racial Discrimination (CERD)**

Article 5 (e)(iv) of The Convention on the Elimination of All Forms of Racial Discrimination states that " States parties undertake to prohibit racial discrimination in the enjoyment of the right to public health, medical care, social security and social services".

- **Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)**

Article 11 (1)(f) of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) provides that “State parties shall take all appropriate measures to eliminate discrimination against women in the enjoyment of the right to protection of health and to safety in working conditions including the safeguarding of the function of reproduction.

- **The Constitution of Uganda, 1995 and the right to health**

National Objectives and Directive Principles of State Policy (NODPSP):

The majority of Constitutional provisions on health in Uganda are found in the preamble of the Constitution, the National Objectives and Directive Principles of State Policy. These provisions are largely symbolic; they are a formal statement of the GoU’s intention to promote and protect the health of its citizens but does not obligate the Government to actually do so. A statement of national policy alone, even if contained in substantive sections of the Constitution, e.g. Chapter Four, is not sufficient to ensure entitlement to health care; development of such a statement through specific programmes, services and Statutes such as the Mental Health Act (which is badly in need of amendment; its provisions on involuntary commitment and its poor diagnostic criteria are unacceptable intrusions on personal liberty) is still necessary. Nevertheless, Constitutional provisions regarding health serve to inform the people of Uganda that the protection and promotion of their health is official Government policy, and is reflected in the official law of the land.

Below are the relevant provisions:

Under XIV The State shall endeavor to fulfill the fundamental rights of all Ugandans to social justice and economic development and shall in particular ensure that-

(b) All Ugandans enjoy rights and opportunities and access to education, health services, clean and safe water, work, decent shelter, adequate clothing, food security and pension and retirement benefits.

XX. The State shall take all practical measures to ensure the provision of basic medical services to the population.

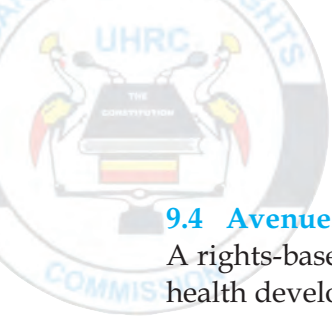
XXII. (c) The State shall encourage and promote proper nutrition through mass education and proper nutrition through mass education and other appropriate means in order to build a healthy state.

Article 34 (3) No child shall be deprived by any person of medical treatment, education or any other social or economic benefit by reason of religious or other beliefs.

- **Declarations on the right to health**

Non-binding but also important are declarations concerning the right to health; Uganda has also committed itself to meeting various health – related goals and targets through its participation in international and regional conferences. These include:

- (i) United Nations General Assembly Special Session (UNGASS) on AIDS (2001): Declaration of Commitment on HIV/AIDS “Global Crisis-Global Action”
- (ii) World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, Durban (2001): Durban Declaration and Program of Action
- (iii) Second World Assembly on the Aging (2002): Political Declaration and Madrid International Program of Action on Aging
- (iv) Millennium Development Goals - Goal 6, “Combat HIV/AIDS, malaria and other diseases.”
- (v) International Guidelines on HIV/AIDS and Human Rights



9.4 Avenues for addressing neglected diseases: a human rights perspective

A rights-based approach to health refers to the process of using human rights as a framework for health development, assessing and addressing the human rights implications of any health policy, programme or legislation and making human rights an integral dimension of the design, implementation, monitoring and evaluation of health related policies and programmes in all spheres including the political, the economic and the social.

In this framework, special consideration is given to safeguarding human dignity for all people, from all walks of life. Special attention is also given to population groups identified as being the most vulnerable. The underlying principle is that health systems should be available and accessible to all without discrimination, particularly the vulnerable, not only in treaties and declarations but in actual fact. Meaningful and effective participation by beneficiaries in the development of health policies and programmes--in step with "community-based approaches"--is another aspect of the rights-based approach to health. Beneficiaries also must be empowered to demand accountability for the delivery of health goods and services from duty bearers.

9.5 Obligations under the right to health

Like all human rights, States parties are obliged to respect, protect and fulfill the right to health.

- **The obligation to respect**

The obligation to respect requires that States, *inter alia*, refrain from actions that deny people their right to health. In other words nobody (including the states and its organs) should directly or indirectly engage in a project, a programme and a policy whose indirect or direct objective and result is to negatively affect the good health of the people.

- **The obligation to protect**

This means that States should, for example ensure that privatization of the health sector does not constitute a threat to the availability, accessibility and quality of health care goods, services and facilities. That is, other persons or institutions that are not directly employees of the State must also be regulated from abusing the right to health of the people: private hospitals, clinics, pharmaceutical shops and companies, morally, ethically, and legally should be restrained from endangering the good health of their clients. People have to be protected from the unscrupulous conduct of some bad elements in service provision related to health. Furthermore, in situations in which the health sector is largely privatized, it will follow that motivations of profit will concentrate on the treatment of, and research into, diseases of the rich, neglecting the poverty-related diseases.

- **The obligation to fulfill**

This requires the state to adopt appropriate legislative, administrative and other positive measures that enable individuals and communities to enjoy their right to health. This also includes the obligation to promote medical research. This duty includes the duty to directly provide and assist in situations for example, where conditions are beyond the control of the affected neglected communities, the government takes deliberate efforts to enable the neglected populations with diseases to realize their right to health.

9.6 Summary of the Uganda Mission Report of the Special Rapporteur

The UN Special Rapporteur on the Right of Everyone to the Enjoyment of the Highest Attainable Standard of Physical and Mental Health (popularly known as the Right to Health) visited Uganda from 17th to 25th March 2005 at the invitation of the Ugandan government. Following his visit, he produced a report concerning the concept, context and content of neglected diseases in Uganda as well as globally, and the rights-based approach to neglected diseases. Its recommendations are as follows:

- a) Owing to a lack of access to health information concerning neglected diseases, those afflicted with these diseases tend to seek care from traditional medicines rather than presenting to health workers, which aggravates their condition. The report recommends that public information campaigns be conducted through all available channels, in local languages.
- b) The Report advocates for community participation in health policies and programs, with Village Health Teams being provided adequate resources, training and support to be able to effectively coordinate, collaborate and cooperate with other local political structures and health centers I-IV to effectively deliver services to neglected populations.
- c) In order to resolve the manpower shortage of health professionals in rural areas, the report calls for incentives to attract health professionals to and retain them in isolated, disadvantaged communities, and to require that they work for a certain set period in these communities.
- d) Due to the stigma and discrimination attached to neglected diseases, the report recommends public awareness against discrimination to people afflicted by neglected diseases; to put in place anti-discrimination laws and policies with a gender perspective integrated, and to integrate human rights training for health professionals into the curricula of Ugandan medical schools. The report also advocates for vital community-based initiatives such as the Obalanga Center Initiative.
- e) The report recommends an integrated health system that is responsive to local priorities where, for example, any intervention in particular diseases should be designed to address other locally prevalent diseases. Programmes in HIV/AIDS, malaria and tuberculosis could be used to enhance interventions for other diseases that are health priorities in particular localities, and vice versa.
- f) It recommends the alignment of various mass drug administration delivery mechanisms and further efforts to co-administer drugs such as albendazole, ivermectin, praziquantel and azithromycin.
- g) It calls for closer and more effective coordination among various global initiatives addressing the right to health and also neglected diseases.
- h) The report recommends improving access to existing drugs for neglected diseases to communities or people who need them, as well as furthering research into more effective interventions.
- i) It calls for a revision of the Uganda Patents Act of 1993 to accommodate the “flexibilities” provided for under the WTO TRIPS and in line with the Doha Declaration that allows least developed countries not to provide patent protection for pharmaceuticals up to 2016.
- j) The Report commends the establishment of the Uganda National Health Research Organization to enhance health research but urges the government to ensure that it gives high priority to research in neglected diseases.
- k) Because studies have described Uganda as “a basket case in chronic underfinancing of the health sector,” the Special Rapporteur’s Report recommends that development partners increase sustainable and predictable contributions to the health sector.
- l) The Report also recommends increased international community attention of the health problems experienced by individual and communities in Northern and North Eastern Uganda and to invest more in health in these areas.
- m) The report is critical of budget (MTEF) ceilings that lead the GoU to decline health resources from overseas *prima facie* on the argument that it would cause macroeconomic instability. The



report argues that this position is in breach of Uganda's international obligations "to use the maximum resources available for the implementation of the right to health."

- n) The report encourages pharmaceutical representatives to regularly visit disadvantaged communities, both urban and rural, and including IDP camps, to learn first-hand about the health realities of those living in extreme poverty.
- o) The Report also recommends that Uganda's Periodic Report on Economic, Social and Cultural Rights, and to the African Commission on Human and People's Rights, should pay careful attention to neglected diseases.

Finally, for purposes of monitoring and accountability, the Report recommends that the Uganda Human Rights Commission establishes a Right to Health Unit that is responsible for monitoring those policies, programmes and projects related to neglected diseases as well as holding all actors accountable in relation to the right to health and neglected diseases.

9.7 Gaps and the way forward

The Report of the Special Rapporteur on the Right to Health highlighted the gaps in Uganda's efforts against neglected diseases, and provided recommendations on the way forward. The task now is to implement the recommendations of the Report.

The Special Rapporteur made it clear that his report was not meant to spell out a detailed programme for addressing the right to health in Uganda; the Commission's Right to Health Unit is now extending his work by devoting itself to precisely this task. In a meeting of 30th October 2006, it was agreed by Members and Management of the Uganda Human Rights Commission that the Right to Health Unit be established. In line with the UN Special Rapporteur's recommendations, the functions of the Unit are:

Functions of the Right to Health Unit

1. To initiate and /or support programmes aimed at capacity-building within the Ministry of Health, at both national and district levels, on the human rights-based approach in relation to policies and programmes that affect the right to health generally, with a particular emphasis on neglected diseases.
2. To put in place strategies and implement such strategies that will promote health as a human right and support sensitization and advocacy on health related rights in line with Uganda's international, regional and national human rights obligations.
3. To monitor policies, programmes and projects related to the right to health and particularly to neglected diseases.
4. Training and awareness creation on the scope of the right to health in general and neglected diseases in particular, of the major stakeholders (such as Ministry of Health, medical personnel, patients and health related NGOs).
5. Monitoring government compliance with regard to the implementation of the right to health as contained in international and regional human rights instruments Uganda has ratified as well as constitutional provisions on the right to health.
6. Monitoring and holding to account national and international actors in the public and private sectors, such as Ministry of Health, pharmaceutical companies, private clinics etc, with particular attention to acts and omissions of all actors whether at the local, district, national, or international levels bearing upon neglected diseases in Uganda.
7. Tracking and documenting incidences relating to violation of the right to health, including neglected diseases in Uganda and also initiatives taken by government to address the violations.
8. Preparing an Annual Report to Parliament highlighting progress in the realization of the right to health with realistic and practical recommendations.

9.8 Current and future activities

Since its establishment, the Right to Health Unit has so far carried out the following activities:

1. Research has been carried out by four interns—Ms. Erin Hetherington, Mr. Daniel Keebler, and Ms. Jocelyn Kelly, all of Harvard University, and Mr. Jamil Mujuzi of the University of Free State—on the epidemiology of neglected diseases in Uganda, and on case law, policies and jurisprudence relating to the right to health, at the following levels:
 - The African Commission on Human and Peoples’ Rights and the African Union. Here, the researchers collected treaties, resolutions and communications relating to the right to health in the African human rights regional systems.
 - Jurisprudence of various United Nations human rights bodies relating to the right to health, such as general comments of the Committee on Economic, Social and Cultural Rights.
 - Detailed literature review concerning the history, current prevalence and incidence of neglected diseases both in Uganda and globally.

The above research aims at compiling a compendium on the right to health containing the totality of the Unit’s research work.

2. The Director of Monitoring and Inspections, where the Right to Health Unit is located, has presented papers at various conferences and workshops (both national and international) on the right to health.
3. Together with the World Health Organization and the Ministry of Health, the Directorate of Monitoring and Inspections is conducting research in Pader and Kitgum to assess the realisation of the right to health and rights-based approaches in emergencies.

9.9 Conclusion

We conclude with the words of Paul Hunt:

While it is commonplace for the impact of health policies to be monitored, it is less common (a) for a health policy to be assessed against a right-to-health standard and (b) for those responsible for the policy to be held to account for the discharge of their duties arising from the right to health.

The Right to Health Unit will seek to remedy this situation, and to ground the global campaign against neglected diseases on Ugandan soil. Any comprehensive strategy to alleviate poverty must include such efforts, whether in Uganda or across the globe. We hope that the efforts of the Right to Health Unit can point the way forward for other such initiatives, and we are eager to share our progress in the next Report.

10.0 Introduction

The 8th Annual Report highlighted a number of issues requiring attention from the Commission's stakeholders. Foremost among these was the issue of inadequate funding. The Commission is not facilitated sufficiently to carry out its Constitutional mandate. Within the limits of its available resources, the Commission has attempted to do what it can, but the population served by the Commission expects more than what is currently delivered, and yet the Commission finds itself constrained in meeting these expectations due to insufficient resources. The Commission's national mandate to receive complaints, inspect places of detention, provide civic education and to perform a range of other functions is limited by inadequate funding. For example, the Commission has been criticized for not having carried out sufficient and effective civic education and human rights sensitization in the last year of elections, but resources were simply insufficient to allow it to do so.

10.1 Finances During 2006

The financing situation remained largely the same during 2006. The Commission received financial support from the GOU totaling UGX 3,828,896,003, broken down as follows:

Vote	Allocation (UGX.)
GOU – Wage	1,394,996,004
GOU – Non Wage	1,199,899,999
GOU – Development	115,000,000
GOU – Domestic Arrears	119,000,000
Total	3,828,896,003

10.2 The Wage Bill/Release

The expansion of regional services at the Commission has required an increase in establishment and operation costs, which unfortunately has not been matched with wage releases. The Ministry of Finance, Planning and Economic Development (MoFPED) has determined wage releases based on the structure of the Commission in 2001; expansions in establishment after 2001 were not cleared with the Ministry of Public Service and are therefore not catered for by the wage releases. During the period under review, the Commission has had to reallocate a total of UGX 670,723,508 from non-wage releases to supplement the wage releases, leading to acute shortfalls in other non-wage activities of the Commission and the accumulation of domestic arrears. The inadequacy of the wage release has also meant that staff members have had to forego their annual increments, which were last implemented during FY 2003/04. The Commission has developed a new structure together with the attendant wage costing and forwarded it to the Ministry of Public Service for approval. Once approved, the Ministry of Finance, Planning and Economic Development (MoFPED) will be requested to release funds commensurate with the structure.

10.3 Domestic Arrears

The Commission carried over from FY 2005/06 a domestic arrears stock of UGX 505,210,987 accumulated from past years. The GoU, in its budget for FY 2006/07, provided UGX 238,000,000, out of which UGX 119,000,000 had been released and disbursed by December 2006. The balance is expected before the end of the financial year. Reforms have been instituted in finance management and administration within the Commission, which are expected to result in better utilization of resources, thereby curbing increases in domestic arrears.

10.4 Insufficient Capital/Development Releases

The Commission received UGX 115,000,000 during the year, an increase from the UGX 40,000,000 released in each of the previous three financial years. The increment however is still insufficient to meet all the development needs which include replacement of old vehicles, equipment and furniture (especially for new regional offices).

10.5 Donor Support to the Commission

There have been interventions by a number of donors grouped under an arrangement called *The Basket Fund*. Donors under this umbrella are Denmark, Ireland, Sweden, Norway and the Netherlands, who together contributed a total of UGX 1,119,228,498 during 2006. The bulk of donor support to the Commission is for activities such as civic education, public awareness, mediation, investigations, inspection of places of detention, monitoring human rights and tribunal processes, but these activities still require sufficient GOU counterpart funding in order to have maximal impact.

Past bilateral donors have included the Government of Austria, who funded the Commission's *Your Rights* magazine, and the United Nations Development Programme (UNDP), which has funded capacity development within the Commission. Financial year 2006/2007 has seen a significant decrease in the amount of donor funds channeled into the *Basket Fund* as indeed to the Commission generally. The table below shows contributions by donors to the Commission for the last 3 financial years:

DONOR	PROJECT	FY 2004/05Shs.	FY 2005/06Shs.	FY 2006/07 Shs.
Basket Fund	HUGGO	1,295,410,000	2,268,263,749	1,700,431,840
UNDP	Capacity Building	87,500,000	43,607,649	-
UNDP	RBAD	43,398,809	-	-
UNDP	CPAP	-	-	12,835,000
TOTAL		1,426,308,809	2,311,871,398	1,713,266,840

The lack of adequate funding undermines the spirit of the Paris Principles, which advocate financial independence for National Human Rights Institutions to ensure that they are able to execute their functions and mandates effectively.

10.6 Steps Taken to Improve Efficiency

The Commission has been reorganized to improve efficiency in service delivery and to be more responsive to national needs in the pursuance of its mandate. The reorganization was the outcome of a successful internal structural review and staff rationalization exercise instituted earlier by the Commission. Core Directorates have been rationalized for synergies and a new Directorate of Regional Services created. Furthermore, the Central Regional Office, a new regional office mandated to handle human rights work for the districts of Buganda, has been opened.

10.7 Re-Structuring

The re-structuring of the Commission resulted into the merger of the former Directorates of Complaints & Investigations (C&I) and Legal & Tribunals (L&T) into a new Directorate, known as Complaints, Investigations & Legal Services (CIL). The Regional Liaison Office was also upgraded to a fully fledged Directorate for Regional Services (RS). The former Directorate of Education, Research & Training (DETR) was restructured and renamed the Directorate of Research, Education & Documentation (RED). Similarly, the former Directorate of Monitoring and Treaties (DMT) was also reorganized, given the inspection mandate, and renamed the Directorate of Monitoring & Inspections (M&I). Other measures taken include, the creation of the office of the Tribunal Registrar, with the responsibility of managing the functions of the Commission Tribunal.



The Commission also approved the creation of two new regional offices: the Central Regional Office to serve Greater Buganda, and the Arua Regional Office to cater for the West Nile Region. The Central Regional Office opened to the general public on 26th March 2007, making a total of 7 regional offices in addition to those in Fort Portal, Mbarara, Soroti, Gulu, Moroto and Jinja. The Arua Regional Office is expected to be operational by the end of 2007.

Personnel manning the Central Regional Office were able to be deployed as a result of the freeing-up of staff after the merger of Directorates, while others were posted to strengthen existing regional offices. The Commission is therefore now represented by regional offices in Fort Portal, Mbarara, Gulu, Soroti, Moroto, Jinja and Kampala. Commission Headquarters will be a centre for drafting policy guidelines, for supervision and for quality control, while the majority of implementing, monitoring and evaluation activities of the Commission will be carried out by the Regional Offices.

10.7.1 Redefinition of Roles

Another offspring of the rationalization process was the re-definition of roles for the Chairperson, Members of the Commission, the Secretary to the Commission and Directors. The role of the Management Committee was clarified, as was the relationship of Directors vis-à-vis the Regional Human Rights Officers and regional offices in general. Commission members will now provide expertise in different thematic areas of human rights, as follows:

- **Chairperson Margaret Sekaggya**
Right to Development
National Human Rights Institutions
International & Regional Relations
Economic, Social & Cultural Rights
- **Commissioner J.M. Aliro Omara**
Human Rights Approach to Development
International & Regional Relations
Economic, Social & Cultural Rights
Constitution Making, Democracy, Rule of Law and Good Governance
- **Commissioner Adrian Sibbo**
National Human Rights Institutions
Tribunals
- **Commissioner C. Karusoke**
Council of Europe
Administration of Justice
Rights of the Elderly
Humanitarian Law
The Rights of Refugees and Migrants
Torture, Children's Rights
- **Commissioner Rev. Fr. Dr. John Mary Waliggo**
Human Rights & Social Justice, Morals, Ethics and Culture
Children's Rights
Civic Education
Constitution Making, Democracy, Rule of Law and Good Governance
Conflict Resolution and Peace Building
- **Commissioner Mariam Wangadya**
Human Rights Tribunals
Human Rights Remedies
Women's Rights
Torture
- **Commissioner Veronica Eragu Bichetero**
HIV/AIDS and Human Rights
Rights of Persons with Disabilities
Children's Rights
IDPs, Refugees and Minorities
Women's Rights
Conflict Resolution and Peacebuilding

The measures are meant for the implementation of the new Commission service delivery strategy and the increased prominence of regional offices, leaving headquarters to policy evaluation and development and setting service delivery standards.

10.7.2 The New Commission Structure

The restructuring and staff rationalization process has given rise to a new staff structure for the Commission, with a total of 151 members now on staff. The new structure is pending approval from the Ministry of Public Service. The table below shows the distribution of staff within the Commission in the proposed structure:

DIRECTORATE/UNIT	COMMISSIONERS	HRTs OFFICERS	SUPPORT STAFF	TOTAL
The Commission	7	9	8	24
Office of the Secretary		1	11	12
Research, Education & Documentation		8	2	10
Complaints, Investigations & Legal Services		6	2	8
Monitoring & Inspections		5	2	7
Regional Services		2	2	4
Finance & Administration			22	22
Regional Offices (8)		32	32	64
TOTAL	7	63	81	151

Staff Distribution in the Commission

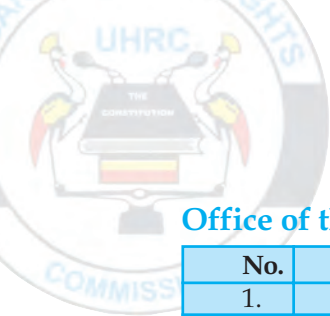
a) Established Staff

Office of the Chairperson

No.	Name of Staff	Designation
1.	Margaret Sekaggya	Chairperson
2.	Nduru Patricia	SHRO/ Office of the Chairperson
3.	Karugonjo Segawa Roselyn	Registrar
4.	Margaret Luwaawo N.	Senior Personal Secretary
5.	Magumba Constantine	Tribunal Clerk
6.	Shaban Kitente	Senior Driver

The Commission

1.	Adrian M. Sibo	Commissioner
2.	John Mary Waliggo (Dr.)	Commissioner
3.	Constantine.K. Karusoke	Commissioner
4.	J.M Aliro-Omara	Commissioner
5.	Mariam Fauzat Wangadya	Commissioner
6.	Veronica Eragu Bichetero	Commissioner
7.	Katenta Teddy	Personal Secretary
8.	Nabasirye Bernadette	Personal Secretary
9.	Elizabeth Bosa	Personal Secretary
10.	Felistas Odyek	Personal Secretary
11.	Mary Nyanzi Immaculate	Personal Secretary
12.	Celine Omondig Alonyo	Personal Secretary
13.	Silvester Senyanja	Driver
14.	Najib Kiza Maganda	Driver
15.	Kabuye Patrick	Driver
16.	Paul Byaruhanga	Driver
17.	Obel Tomson	Driver
18.	Kafuleka Badru G	Driver



Office of the Secretary

No.	Name of Staff	Designation
1.	Gordon T. Mwesigye	Secretary to the Commission
2.	Sempijja Thadeus	Internal Auditor
3.	Omitta Sulaiman	Systems Manager
4.	George Ufoyuru	Senior Human Rights Officer
5.	Kemigisha Rosemary	Senior Human Rights Officer/ Editor
6.	Stella Kirenga	Personal Secretary
7.	Ssemakula Edward	Driver
8.	Nakirya Prossy A	Assistant Procurement Officer

a) Directorate of Finance and Administration

No.	Name of Staff	Designation
1	Atu Nyakoojo	Ag Director Finance & Admin
2	Patrick Opio Otim	Human Resource Manager
3	Elweru David William	Accountant – GOU
4	Robert Kirenga	Director Regional Services
5	Florence M. Munyirwa	Public Affairs Manager
6.	Justus K. Muhanguzi	Assistant Public Affairs Manager
7.	Francis Kabwisho Borgia	Building Superintendent
8.	Hope Twongyeirwe	Records Assistant
9.	Turigye Christopher	Accountant - Projects
10	Lucy Margaret Ejang	Asst Accountant - GOU
11	Robert Odeke Omongin	Asst. Accountant – Projects
12	Ndebwoha Joseph	Store Keeper
13	Harriet Rwakabbira	Receptionist /Tel. Operator
14	Samuel K. Kanya	Machine Operator
15	Mugenyi Robert	Office Attendant
16	Nantume Margaret	Kitchen Attendant
17	Timothy Munialo	Driver
18	Odida Felix	Gate Keeper

b) Directorate of Research, Education and Documentation

No.	Name of Staff	Designation
1.	Bolla Dorah Kabuye	Director
2.	Ndyabagye Elizabeth	Human Rights Officer
3.	Margaret Rubaire	SHRO/ Librarian
4.	Carol Nalule	Human Rights Officer
5.	Byonabye Kamadi	Human Rights Officer
6.	Bernnet Sekibuule	Driver

c) Directorate of Monitoring and Inspections

No.	Name of Staff	Designation
1.	Nathan Byamukama	Director
2.	Arthur Beingana	Senior Human Rights Officer
3.	Agirembabazi Willy	Human Rights Officer
4.	Ntaganda Augustine	Driver

d) Directorate of Investigations & Legal Services

	Name of Staff	Designation
1.	Christine Birabwa-Nsubuga	Director
2.	Achan Patricia Okiria	Senior Human Rights Officer
3.	Nalugo Ruth S	Human Rights Officer
4.	Katwebaze Caleb S.	Human Rights Officer
5.	Ddamulira Henry	Driver

e) **Gulu Regional Office**

No.	Name of Staff	Designation
1.	Ogwal Francis	Regional Human Rights Officer
2.	Joel Ogwang	Assistant Accountant
3.	Dick Ojut	Office Attendant
4.	Akello Anna Grace	Stenographer Secretary
5.	Patrick A.H. Egir	Driver

f) **Soroti Regional Office**

No.	Name of Staff	Designation
1.	Asiimwe Wilfred Muganga	Regional Human Rights Officer
2.	Alou Celestine	Human Rights Officer
3.	Tino Agnes Rebecca	Human Rights Officer
4.	Namulondo Lydia	Assistant Accountant
5.	Ariku Peter	Process Server
6.	Akajo Harriet	Stenographer Secretary
7.	Akol Francis	Driver

g) **Mbarara Regional Office**

No.	Name of Staff	Designation
1.	Neema S. Bagalaaliwo	Regional Human Rights Officer
2.	Nakhumitsa Sarah	Human Rights Officer
3.	Nganwa Ronnie	Human Rights Officer
4.	Obich Dennis Awio	Assistant Accountant
5.	Joan Komugisha	Office Attendant
6.	Kambeera Mouda	Stenographer Secretary
7.	Katiiti Deus	Driver

h) **Fort Portal Regional Office**

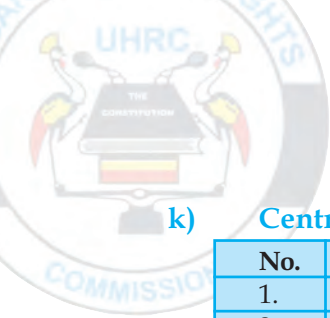
No.	Name of Staff	Designation
1.	Bernard Turyashemererwa	Regional Human Rights Officer
2.	Twembi Theopista	Human Rights Officer
3.	Byangire Harriet	Assistant Accountant
4.	Madina Hussein	Office Attendant
5.	Mwesigwa Kaahwa Justine	Stenographer Secretary
6.	Mugabe Issa	Driver

i) **Jinja Regional Office**

No.	Name of Staff	Designation
1.	Kwemoi N. Charles	Ag. Regional Human Rights Officer/HRO
2.	Nassiwa Esther Jjuko	Human Rights Officer
3.	Kibukutu Tom K	Human Rights Officer
4.	Mugisha Lawrence	Assistant Accountant
5.	Patrick Lwaze	Office Attendant
6.	Ndagire Juliet	Stenographer Secretary
7.	Kabunga Emmanuel	Driver

j) **Moroto Regional Office**

No.	Name of Staff	Designation
1.	Androa Anthony	Regional Human Rights Officer
2.	Otim Paul	Human Rights Officer
3.	Okwong Dorothy	Human Rights Officer
4.	Omatum Samuel	Assistant Accountant
5.	Irene Tino Rita	Office Attendant
6.	Nangiro S. Betty	Stenographer Secretary
7.	Loyok H. Philip	Driver



k) Central Regional Office

No.	Name of Staff	Designation
1.	Nakiganda Ida	Regional Human Rights Officer
2.	Mbarushimana Steven	Human Rights Officer
3.	Betty Enangu	Human Rights Officer
4.	Christine Oroma Gakumba	Assistant Accountant
5.	Oliver Namukwaya	Office Attendant
6.	Balisanyuka Paul	Driver
7.	Geoffrey Katangula	Process Server

SUMMARY	
Office of the Chairperson	6
The Commission	18
Office of the Secretary	8
Finance & Administration	17
Complaints, Investigation & Legal Services	5
Regional Services	1
Monitoring & Inspections	4
Education, Research & Documentation	6
Regions	46
Total	111

b) Volunteers: Directorate of Finance & Administration

1. LoiyRose Nantale HRM
2. Jackie Kasoma Office of the Chairperson

Directorate of Research, Education & Documentation

3. Nyende Farouk

Directorate of Monitoring & Inspections

4. Mr. Vincent Bukenya
5. Mr. Mugisha Samuel Mihanda
6. Ms. Ninsiima Emily
7. Mr. Tumusiime Moses

Directorate of Legal & Tribunals

8. Sophia Dhatemwa

Gulu Regional Office

9. Abaro Opoka Phionah Gulu R.O
10. Ndagije Varerious Gulu R.O
11. Adongo Judith Gulu R.O
12. Josephine Aparo CMCC Pader
13. Atim Harriet CMCC Gulu
14. Acholla Polly Pauline CMCC Lira
15. Ogwal Andrew CMCC Kitgum

Soroti Regional Office

16. Logose Juliet Regional Office
17. Obutai David Regional Office
18. Ewayu Moses (CMCC Kumi)
19. Adwono Betty (CMCC Kaberamaido)
20. Ezekiel Emitu (CMCC Kaberamaido)
21. Oluka Augustine (CMCC Katakwi)
22. Ogaram Emanuel (CMCC Soroti)
23. Okollo Moris (CMCC Katakwi)
24. Namaja Matilda (CMCC Kumi)

Mbarara Regional Office

Fort Portal Regional Office

25. Nyarugoye Priscilla.
26. Birungi Restetutah.

Jinja Regional Office

27. Bamwitte Emmanuel

Moroto Regional Office

- | | |
|------------------------|--------------------|
| 28. Ogwang Godffrey | Moroto R.O |
| 29. Akwaso Sarah | CMCC Moroto |
| 30. Lopeyok Emmanuel | CMCC Kaabong |
| 31. Ochen David Aleper | CMCC Kotido |
| 32. Oloka Francis | CMCC Nakapiripirit |

Central Regional Office

33. Nantumbwe Harriet
34. Nassuna Rebecca

10.8.3 The Corporate Plan

The Commission's five-year Corporate Plan, developed in 2004, was reviewed at its halfway point in 2006-2007 to assess progress and continued relevance. Objectives were reviewed and re-prioritized, and a new logical framework to guide the activities of the Commission through to 2009 was developed. Corporate priorities were realigned as follows:

- To eliminate the backlog of tribunal cases
- To develop and implement a process to initiate targeted investigations into systemic human rights violations
- To undertake a survey of human rights conditions in jails and detention facilities
- To streamline the NCEP into the Commission work plan
- To implement a system to allow timely monitoring of government compliance to regional and international treaties
- To review legislation tabled in Parliament
- To facilitate the Commission's ability to respond to emergency human rights issues, particularly in conflict areas, in order to contribute to peace building
- To further develop and mainstream the Commission's Rights-Based Approach in PEAP and Commission policies
- To develop the research capacity of the Commission
- To report to the Government and the general population on the status of human rights in Uganda through the publication of the Commission's Annual Report.

10.8.4 Financial Management Capacity

The Commission has continued to improve its financial management capacity by filling key management positions and training of staff in the Finance and Accounts Unit. With support from the *Basket Fund Donors*, KPMG was retained to diagnose key issues and to design and implement a capacity-building programme to improve the Commission's financial management. Consequently, an updated financial policies and procedures manual has been developed and an electronic accounting system installed. Internal controls have been reviewed and strengthened as well as filling key positions previously vacant. Those filled include, among others, that of Internal Auditor and Procurement Officer.

Chapter 11 GOVERNMENT COMPLIANCE WITH COMMISSION RECOMMENDATIONS

11.0 Introduction

The Commission has over the years made assessment of the human rights situation in the country with recommendations to government and other actors. In this chapter, the Commission tracks progress on compliance to its recommendations by government.

11.1 Continuous Civic Education

The Commission has long advocated for continuous civic education as a means of empowering Ugandans in understanding their human rights. This advocacy became still stronger after a realisation that the kind of civic education provided to Ugandan citizens, particularly to voters prior to the last election period, was neither sufficient nor effective. In an attempt to bridge this information gap, the Commission, with the support of its development partners, initiated the National Civic Education Programme (NCEP). Although the NCEP was a good programme, it never had the opportunity to thrive. This situation must be remedied. Without a continuous program of civic education, the majority of Ugandans will remain ignorant of their rights and freedoms as human beings and as citizens of the Republic of Uganda, and will thus remain susceptible to abuse. The Commission appeals to both the GoU and to development partners to provide necessary funds, and to support this essential undertaking.

11.2 Commission Tribunal Awards

In its 8th Annual Report, the Commission expressed dissatisfaction with the slow pace at which the GoU, through the Office of the Attorney General, had honored the Commission Tribunal's awards. By the end of 2004, the Government had paid out just 11.9% (Ug Shs 93,280,425/=) of total awards made since the Commission's inception. At the time this report was drafted, however, data from the Directorate of Civil Litigation, Ministry of Justice & Constitutional Affairs show that the GoU has paid Ug. Shs 416,970,554/= out of a total of Ug. Shs 1,376,798,715/= awarded by the Commission Tribunal (although the Attorney General's report, reproduced in the table 11.1 shows Ushs 396,385,129 paid out, this number does not include five recipients listed in figures provided by his office in 2004, namely Jessica Nandeda, Mary Kiambekio, Ida Namone, Lydia Kianyezi, and Victor Nabuti, whose awards totaled to Ushs 20,585,425 (see the 7th Annual Report). The figure given above incorporates these recipients' awards, bringing the total amount so far paid out by the Attorney General to Ushs 416,970,554). With this, the Attorney General has honored 33.6% of the Tribunal awards made since 2003. The Commission is pleased by this development and hopes that the GoU will continue this trend, and ensure that those who have not yet received due compensation will receive it sooner rather than later.

Explaining his failure to honor Tribunal awards in a timely manner, the Attorney General answers that his office must pay out a range of awards, including those for torts and breaches, on top of awards to victims of human rights violations, in the face of severe budget constraints imposed by the Ministry of Finance, Planning and Economic Development. It should be noted, however, that the timely honouring of awards actually saves the Government a significant amount in terms of interest accruing on the cost of awards to complainants, and builds public trust in the GoU's commitment to the demands of justice.

Despite the Attorney General's budget constraints, the Commission holds that continued delays in compensating victims of human rights violations are further violations of their rights, and that

Table 11.1 Ministry of Justice and Constitutional Affairs, Uganda Human Rights Commission awards as at 30.12.2006

S/N	BENEFICIARY	CASE NO.	AMOUNT AWARDED	AMOUNT PAID U.SHS	BALANCE SHS
1	MUGANZI AGEMBE	UHRC 517/1999	1,007,000		1,007,000
2	ACEN ROSE	UHRC 58/2000	22,5000,000	22,500,000	-
3	HIMASHU DALIA R.	UHRC 117/2002	6,000,000	6,000,000	-
4	KAMENGO JAMES	UHRC 413/1998	23,000,000	23,000,000	-
5	NALONGO BULWADA	UHRC 394/1999	26,0000,000	26,000,000	-
6	AMONG JUK	UHRC/G/167/1998	20,000,000	-	20,000,000
7	OPHENA EMBATI	UHRC 504/2001	22,000,000	22,000,000	-
8	SSAJABI CHRISTOPHE	UHRC 112/1999	34,828,500	25,000,000	9,828,500
9	SEBBANJA SAMUEL S	UHRC 987/2000	5,500,000	5,500,000	-
10	WESONGA K.EDWAR	UHRC 197/1998	33,115,000	33,115,000	-
11	AGWENO CHOUDRY	UHRC 505/2001	1,700,000	1,700,000	-
12	ALELE ROBINSON	UHRC 13/2002	26,889,898	-	26,889,898
13	ALUNYU WALTER	UHRC 13/2002	10,000,000	10,000,000	-
14	ATTO MARGARET	UHRC G 088/2002	11,202,480	10,000,000	1,202,480
15	BAGOLE FRED	UHRC 519/2001	75,786,413	-	75,786,413
16	BIRUNGI GODFREY	UHRC 392/1998	30,000,000	-	30,000,000
17	DULLU BERNARD & ANO.	UHRC 527/1998	14,949,647	13,400,000	1,549,647
18	EMUKULE ISMAIL	UHRC 837/2000	1,800,000	1,800,000	-
19	GIDUDU STEVEN	UHRC 210/1999	59,000,000	39,678,889	19,321,111
20	KABASAAL STEPHEN	UHRC/357/2000	33,187,960	-	33,187,960
21	KIMANYI CHRIS	UHRC 405/2002	8,000,000	8,000,000	-
22	KAYIRA ABBY	UHRC 283/2002	5,000,000	5,000,000	-
23	KEISIRE ERIYA	UHRC 269/2001	17,640,000	6,000,000	11,640,000
24	KIGULI PATRICK	UHRC 394/2001	3,000,000	3,000,000	-
25	KOMAKECH JOSEPH	UHRC 382/1998	10,000,000	-	10,000,000
26	KUTOSI GEORGE	UHRC/ 251/2003	9,400,000.00	9,400,000.00	-
27	MUCUNGUZI ANNET	UHRC 174/2004	1,200,000.00	1,200,000.00	-
28	MULIKA MATIA	UHRC 98/2000	100,000.00	100,000.00	-
29	MUSISI SAM	UHRC/S/242/2002	9,000,000.00	-	9,000,000
30	MWEBAZI STEPHEN	UHRC 1150/1999	3,396,251.00	3,180,000.00	216,251
31	MWEBESA MYRES	UHRC 224/2002	3,500,000.00	3,500,000.00	-
32	OKELLO DONATOLA	UHRC/G/ 41/2003	28,265,105.00	10,000,000.00	18,265,105
33	ONEKA ATUNYA JERV	UHRC/G 172/2001	10,311,547.00	-	10,311,547
34	RUSOKE DINK CHRIS	UHRC 036/2003	5,500,000.00	5,500,000.00	-
35	SGT. CHEROP JACKSON	UHRC	39,834,631.00	37,645,640.00	2,188,991
36	SGT. KEISIRE ERIYA	UHRCFP/057/2002	17,640,000.00	6,000,000.00	11,640,000
37	SSENYONDO EMMAN	UHRC281/2000	3,336,580.00	3,165,600.00	170,980
38	TRUSTEES OF CHURCH	UHRC/G/204/2000	8,961,984.00	-	8,961,984
39	TUMUHAIRWE JOAN	UHRC409/01	2,000,000.00	2,000,000.00	-
40	ISABIRYE OMULAGO	UHRC/J/01/2003	40,000,000.00	20,000,000.00	20,000,000.00
41	KALIISA JOSEPH	UHRC191/2003	7,000,000.00	-	7,000,000.00
42	KIMULI WILSON	UHRC732/2000	5,426,994.00	-	5,426,994
43	LWERE IBRAHIM	UHRC/208/2003	7,000,000.00	-	7,000,000.00
44	NANYONGA JANAT	UHRC180/2002	9,000,000.00	4,500,000.00	4,500,000
45	OJERA DENIS	UHRC/G/199/2001	7,930,339.00	-	7,930,339
46	ORYEMA JOHN BOSKO	UHRC032/1999	18,000,000.00	10,000,000.00	8,000,000
47	PEACE NSHEMEREIRE	UHRC249/2000	31,644,702.00	-	31,644,702
48	TUMUHIMBISE LILLIAN	UHRC/358/2001	1,500,000.00	1,500,000.00	-
49	WALUSIMBI SEBAGA	UHRC/128/97	13,030,703.00	12,000,000.00	1,030,703
50	OKEMA DAVID ODOK	UHRC/G/49/2003	7,169,714.00	-	7,169,714
51	OKOT WILSON	UHRC/G/153/2003	5,156,583.00	5,000,000.00	156,583
52	KASUKA GODFREY	UHRC/169/2002	3,000,000.00	-	3,000,000
	TOTAL		800,412,031	396,385,129	404,026,902



such delays defeat the purpose of such awards. The Commission once again urges the GoU to expedite payments of these Awards, and to give priority in compensation to victims of human rights violations when funds for awards of any sort become available. The Commission further reminds the GoU that some victims have been so badly tortured that they have completely lost their capacity to survive on their own, and that Commission awards would not merely provide them satisfaction, but would form the very basis of their livelihoods, however minimal. The Commission therefore appeals to the Ministry of Finance, Planning and Economic Development to release funds to the Attorney General that are sufficient to enable the timely compensation of victims of human rights violations.

11.3 Unrestricted access by the Commission to Army Detention Facilities

In its previous reports, the Commission has emphasized the need to access military detention centres without prior notice. However, the UPDF has always insisted on prior notice, citing security concerns, and during the year under review, the Commission was not able to obtain unrestricted and unannounced access. Nevertheless, in September 2006, the Commission was able to visit military detention centres with three weeks' notice (See Chapter Three). The Commission intends to continue dialogue with the UPDF, with the eventual aim of doing away with the need to give prior notice. The Commission further appeals to government to ratify the OPCAT, which will give the Commission and other organisations unrestricted entry into all places of detention.

11.4 Establishment of District Human Rights Committees

In its 8th Annual Report, the Commission urged those districts that had not yet set up District Human Rights Committees to do so in a bid to advance the promotion and protection of human rights at district level. The Ministry of Local Government has made tremendous progress in this regard. A circular of 3rd January 2007 from the Permanent Secretary, Ministry of Local Government, distributed to District LCV Chairpersons and CAOs, requested that all districts establish District Human Rights Committees. The District Human Rights Committees are headed by the Director, Community Based Services and comprise members drawn from the departments of Education, Health Service, the Human Resource Management Division, Local Administration Police and Prisons, the District Planner, and one member appointed by the District umbrella of NGOs, CBOs and CSOs. At the time this report was drafted, 13 districts had put into place Human Rights Committees, and other districts are working out modalities to have them established.

11.5 Facilitation of the Uganda Prisons Service

The Commission's previous reports have made several recommendations for improving conditions in Uganda's prisons. These recommendations have revolved around; 1) providing adequate facilitation to the UPS, 2) improving living conditions for both inmates and warders, 3) increasing staffing, 4) eliminating torture in prisons and 5) closing some prisons. The Commission notes that most of these recommendations have been complied with to some extent, and urges both the GoU and the Uganda Prisons Service to implement the remaining recommendations. Some of the progress registered includes:

- In 2006, the UPS acquired 5 vehicles to transport prisoners to courts; however, more vehicles are still needed by the UPS.
- Increasing the number of Prisons staff. The Commission is happy to report that there has been tremendous progress as the trend is descending from 1 staff member for every 10 prisoners, as in the period 1999-2000 to a 1:5 ratio in 2005 and 1: 4 at the time this report was drafted.
- Insofar as access to food is concerned, the situation has greatly improved in that no single prisoner slept hungry¹ and there were no food riots in 2006. Reasonable and acceptable quantities of food are provided despite the limited budget. There is, however, a

problem with a balanced diet, which has long remained the monotonous posho and beans. Prison authorities have however introduced soya into the diet, leading to improved nutritional levels.

- Access to medical services for prisoners in Uganda has improved. The Prisons Service has a better doctor to prisoner ratio (1:3000) and nurse to prisoner ratio (1:100) than the national average of 1 doctor for every 18,000 persons. Some prisoners living with HIV/AIDS are given access to ARVs; however, it is unclear whether they will be able to sustain the treatment when they leave prison. With support from USAID, the UPS has acquired modern medical equipment such as an x-ray unit and an ultrasound unit. Prison authorities reported that the improved health services helped to reduce mortality in prisons in 2006 by 66%.
- All new prisons currently under construction have made provisions for improvements in water and sanitation.

11.5.1 The UPS has made tremendous progress in decongestion: in 2006, new wards were constructed in Apac, Namalu, and Rukungiri, and a new prison is nearing completion in Nakasongola while Jinja main prison has undergone renovation. A new condemned section for women has also been opened up in Kirinya Prison in Jinja District.

The Judiciary has also taken a number of measures to decongest prisons, engaging in mini-sessions in an attempt to dispose of cases in order to reduce the number of prisoners on remand. Furthermore, the number of cases taken on per session has increased from 40 cases to 70 or more at times. The law on defilement, which has been responsible for a large number of cases on remand, has also been revised in part, with a proposal advanced that would allow magistrates to handle defilement cases. NGOs, Lawyers and Legal aid clinics are also helping in the decongestion of prisons through offering services such as; Paralegal services, Probono services of lawyers and Legal Aid Clinic services.

11.5.2 Elimination of torture in prisons. The Commission has over time been recommending for the elimination of torture in prisons especially in local government prisons, including prisoner - prisoner torture. During the reporting period, the Commission noted a significant decline in torture by prison officers and prefects/ *katikiros* in most central Government prisons. The UPS has taken commendable steps towards eliminating torture in most prisons by taking action against its perpetrators as shown in the table below. Additionally, in compliance with Commission recommendations on torture, the Uganda Prisons Service has done the following:

- Unification of the prison system, with local administration prisons, which have been notorious for torture, now under the UPS.
- Immediate establishment of Human Rights Desks and Committees, at levels ranging from Headquarters, through regions, down to penal units.
- Periodic issuance of administrative instructions discouraging torture by the Commissioner General of Prisons.
- Prisons staff have been directed to follow provisions in the Prisons Act, Standard Minimum Rules for the Treatment of Offenders, and standing orders.
- The UPS's Inspectorate Department is well-trained to pinpoint any human rights abuses, and acts as a watch dog and disciplinarian.
- The introduction of human rights manuals for guidance at regional and penal-unit levels has gone far to improve human rights awareness.



Table 11.2 Summary showing staff alleged to have violated prisoners' human rights and action taken by prisons officials

F/No&Rank	Name	Station	Offence committed	Punishment	Remarks
No 7287Wdr	Okello Michael	Muinaina	Assault(caned) prisoner No.16/04 Baguma A. on 16 th .06.05	Fined 20000	Confirmed
6191 Cpl/Wdr	Aremi Peter	Adjumani	Made a prisoner to leak his ulcerous wound on 7/7/06	Demoted from the rank of Sgt/Wdr to Cpl/Wdr	Confirmed
7612/Wdr	Bamwitirebye Godfrey	Kakiika	Assaulted prisoner No.191/05 Luyimba Tumusiime.	Fined 7,000 plus a warning and quarterly report on him.	Confirmed
6038Sgt.	Ocwil Dickens	Ruimi	Assaulted (beat) a prisoner No.298/03,Okello W.	Fined 15.000 plus a severe reprimand	-
ASP	Bwambale D.	Bushenyi	Frightened (scared) female prisoners as a result one prisoner Gloria Kemigisha lost two teeth.	No punishment	Lacked evidence
3005	Atyanga Budesta	Luzira Women	Was alleged to have assaulted and caused serious mouth bleeding to a prisoner called Rosalia Kamagaju	No punishment	
ASP	Ms.Grace Mapesa	Luzira Women	Also alleged to have assaulted and caused serious bleeding to Kamagaju		This was mere allegation

Source: UPS, 2007

Despite the progress enumerated above, there are still areas where no or little progress has been registered in implementing the Commission's recommendations. These include:

- **There is still a serious problem with prisoners' clothing.** Uniforms that are provided are insufficient; at times, some inmates remain unclothed. This is a gross attack on prisoners' human dignity. As the Commissioner General of Prisons, Dr. Byabashaija, has said, "Much as prisons are not a priority, how can in the 21st century, prisoners continue to move naked in a country with good income like Uganda?"
- **Water and Sanitation.** In the 53 original Central Government Prisons, only 28 prisons have tap water, 15 have boreholes and 10 have natural springs.
- **Sanitation in most prisons throughout the country is still poor.** For example, some prisons still use borehole wells and a bucket system. Under this "bucket system" inmates help themselves using buckets and are later required to carry their waste to toilets outside the prison wards. This practice is not only dehumanizing for prisoners, as they must keep their waste in the same room; it is also a serious health hazard.
- **The Commission's inspections revealed that conditions in Local Administration Prisons remain poor.** Not much has been done to improve conditions in local government prisons, despite their merger with central government prisons under Section 114 (1)³ of the Prisons Act. This was aggravated by the fact that LAPs were under Local Governments with no logistical or financial assistance from the Central Government for operations. Even with the merger, UPS has not received any financial support from the Ministry of Finance, Planning and Economic Development (MoFPED) to cater for the growing prison population; this was further aggravated by local governments' immediate withdrawal of support following the merger.
- In the Financial Year (FY) 2006/2007, MoFPED did not disburse sufficient funding to the UPS for operation and administration of LAPs. The 2,154 staff running the 174 LAPs at the current wage rate require 4,980,939,372/=, but only 1,767,292,840/= was approved, leaving a deficit of 3,313,646,532/= and this had a significant negative effect on the prisons' operations.
- A rapid assessment carried out by UPS in December 2006 revealed that overcrowding remained a problem in LAPs. By the end of the year 2006, the capacity of LAPs stood at 3,640 when LAPs in fact held a total of 7,096 prisoners, 3,456 prisoners beyond their capacity. The excess capacity can be attributed to a number of factors including long remands and failure to fully take advantage of community service. By the end of the year 2006, a total of 3,208 prisoners in LAPs were on remand.

11.5.3 Closing Local Administration Prisons in extremely poor conditions.

In its 8th Annual Report, the Commission recommended the closure of five LAPs in extremely poor conditions, namely; Kiboga, Hoima, Bubukwanga, Masafu and Amuria. These facilities posed a serious threat to inmates, rather than keeping them under safe custody as provided by law⁶. Apart from provision of food and medical services, no steps were taken to address the looming crisis in these LAPs. They were neither closed, nor noticeably improved. According to the Commander in Charge of LAPs, Mr. Ahimbisibwe, and the Commissioner General of Prisons, Dr. Byabashaija, a lack of alternative places of detention prevented the closure of these prisons. Nevertheless, the Commission reiterates its call for the closure of these prisons if they cannot be drastically rehabilitated.

11.5.4 Challenges of merging local and central government prisons

The Commission has noted a number of challenges facing LAPs, especially in the wake of the transfer and merger with UPS. Insufficient measures have been taken to actualize the transfer. For example, following the transfer, the MoFPED transferred only a part of the wage component to UPS, without the non-wage component, covering the costs of food, medical, transport, clothes, beddings, travel, allowances, etc. This has consequently affected delivery of services and improvement in conditions of inmates. Government and particularly, Ministry of Finance, Planning and Economic Development has to allocate sufficient resources to UPS to enable it take up the additional responsibility. The Commission expected the merger to help in improving conditions in LAPs. However, if not followed by the deployment of sufficient resources from the GoU, the merger is likely to worsen the situation.

The Commission appreciates the progress made by government in unifying and attempting to address the appalling situation in the LAPs during this short period, amidst financial constraints. However, to give the UPS new mandate without corresponding funding and management undermines the institution of prisons service and the rights of the prisoners. For example, the merging of the Central Government Prisons with the Local government prisons made the population of inmates under UPS to shoot up to 26,557, implying that the Ministry of Finance will have to review the medium term expenditure framework ceiling to enable UPS to run LAPs.

There are other challenges such as training and retraining of staff that were serving in LAPs and harmonizing their ranks with those of UPS, taking into consideration the level of education and training. This is due to the fact that there were some irregularities in staff recruitment, appointment and promotions in LAPs. For example, some LAPs were appointed by the District Service Commission (DSC) while others by ACP / LAP and others by CAO, some of whom were not formalized by the respective District Service Commissions. Under LAPs, there was also a problem of Pay Roll Management as not all salaries were based on rank in LAPs as is the case with central government. Also staff basic pay was outside the salary scale limits, variation not only in scales but also within scales and regrettably, pay roll cleaning didn't cover the LAPs.

11.5.5 Challenges

The biggest challenge facing the UPS is insufficient financial resources, which has made it difficult for the UPS to realize its mandate. Over congestion is also still a problem resulting from inadequacies of the Criminal Justice System (CJS). For example in Central Government Prisons, the approved accommodation for inmates is for 9428 inmates but by the end of the year 2006, Central Government Prisons were accommodating 18461 inmates, two times beyond their capacity.

11.5.6 Further recommendations

- Government should provide UPS with adequate funding to run its activities.
- Inadequacies in the criminal justice system should be addressed to speed up case handling so as to reduce the case backlog and congestion in prisons.
- Parliament should revise the law on idleness and disorderliness since a large number of people are arrested under it, thus increasing the number of prisoners without expansion of the cells.



11.6 Recommendations to the Uganda Police Force

11.6.1 Recruitment of more Police Officers

The Commission's 8th Annual Report recommended the recruitment of more police constables and cadets to remedy persistent understaffing in the UPF. This lack of human resources has resulted in a consistent failure by the UPF to meet its mandate, including failure to observe the 48-hour rule regarding pretrial detention, failure to maintain law and order, failure to investigate cases in a timely fashion, thus delaying justice, and the use of torture as a means of evidence collection. The UPF has made significant progress in the recruitment of Police Constables and Cadets: the ratio of regular police personnel to the population fell from 1:1800 in 2004 to 1:1600 in 2005, with 3180 PPCs recruited, 180 more than their goal of 3000 to allow for dropout on medical grounds and other eventualities. Staffing gaps remain, however, and these need to be filled: 1:1600 is still below the required international ratio of roughly 1:500. Sustained annual recruitment of police personnel is still necessary to manage the increasing crime rates and security needs.

11.6.2 Strengthening police presence in IDP protection

The Commission, in the 8th Annual Report, recommended strengthening police capacity in conflict areas to complement UPDF efforts in maintaining peace, law and order. This recommendation followed an observation made in the 2004 Annual Report, namely that all aspects of civil and political, as well as economic, social and cultural rights, should be protected in the camps, and that the lack of law and order posed a major barrier to such protection efforts. Similarly, the Commission's 8th Annual Report cited access to justice for the resolution of conflicts in IDP camps as a solely neglected right, as the UPDF and Local Militia were dominating policy and other arrangements within the camps. Some progress has been registered, though much still remains to be done. The Commission has established that about 40 police posts have so far been established and over 1700 Anti-Stock Theft Units (ASTUs) deployed along the border with Karamoja. UPF reports state that the strategy is to establish a Police Post in each and every sub-county after the disbanding of the IDP camps. Police authorities have confirmed that Gulu, Lango and Teso are already covered and plans are underway to cover Pader and Kitgum.

11.6.3 Accommodation Facilitation to the Police in 2006

The 2006/2007 financial year began with some spillover projects as well as plans for new construction projects. Spillover projects included the completion of police stations at Rakai, Kapchorwa, Masindi and Hoima, while planned new projects included the construction of police stations at Bushenyi, Kiboga, Kira Town Council, Kajjansi, and Kisoro, the construction of Kabalye Police Training School, office accommodation at Nakapiripirit and juvenile cells at Kaberamaido, Katakwi, Pader and Kitgum.

All of the spillover projects were completed with the exception of the station at Rakai, which is ongoing. The construction of all juvenile cells has been completed; the construction of the accommodation block, classroom and dormitories at Kabalye Police Training School in Masindi District was expected to commence soon, but the remainder of the projects planned for completion within the financial year are still at the procurement stage. The Commission notes that these are positive developments, but reiterates that more such efforts are badly needed.

11.6.4 Challenges still facing the UPF

The Commission has noted that despite the progress made during the period under review, the UPF is still faced with serious challenges, which if not tackled have a direct impact on the administration of justice. Such challenges include:

- (a) Increased demand for policing and the UPF's desire to scale up policing at the sub-county level in the face of budget constraints.

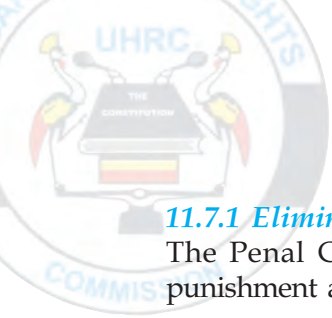
- (b) The GoU has established more Districts, but budgetary provision for these new Districts did not take into account the UPF's infrastructure needs, including communications and transport. Not all of the new districts received sufficient support, and some of them, e.g. Isingiro, Oyam, Abim and Namutumba, still operate in makeshift structures.
- (c) Inadequate release of appropriated funds
- (d) Occasional delay of monthly release of funds due to the fact that the GoU operates on a cash budget, preventing the timely execution of projects.
- (e) The lengthy procurement process also delays project implementation, especially as regards the timely and effective utilization of the Netherlands funds and funds from the Office of the Prime Minister.
- (f) The rate at which police infrastructure is built does not match the inflow of personnel subsequent to recruitment and training of new staff.
- (g) Finances for construction are insufficient. Ushs1.4bn is required for construction of a Police Station, while annual MTEF appropriation for construction in the Capital Development Budget is Ushs1.2bn and the JLOS budget support is approximately equal, giving a total allocation of roughly Ushs 2.4bn.
- (h) Finances for maintenance and utilities are likewise insufficient; just Ushs 560m is allocated annually, which cannot meet the costs of rehabilitation for all stations, sewage maintenance, provision of pit latrines, and general maintenance of power, water and other structures. Similarly, of the Ushs6bn required for power and the shs3bn for the water bill, only Ushs 3bn and Ushs 1.5bn is released for each, respectively, in a year.
- (i) Human resources within the Criminal Investigations Directorate are insufficient to handle its caseload. Crime rates are on the increase, and the CID is staffed by just 2,624 detectives, with 223,394 cases reported to police by the end of the year. Therefore the number of cases handled by a detective on average was 85 per year, while international standards require 12 cases per detective per year. To be able to reach international standards, 18,616 detectives are required; currently the CID is staffed by just 2,264 detectives. This indicates a shortage of nearly 15,992 detectives, leaving the CID operating at 14.1% of optimum. In 2005, the CID operated at 16% of optimum, in 2004 at 22.4%, in 2003 at 29%, in 2002 at 37%, and in 2001 at 39%. The Commission notes that there was an increase in crime during the year 2006, and yet both the UPF and the CID suffer from a serious lack of human resources. This impedes access to justice; the Commission therefore recommends that the GoU strengthens the UPF, and the Criminal Investigations Directorate, to match the increasing workload.

Table 11.3 Financial Year 2006/07 Budget & Funding Gap

Budget Details	Realistic Budget Shs'000'	Approved Budget Shs'000'	Funding Gap Shs'000'
Wage	61,329,900	50,110,000	11,219,900
Non-wage	50,559,533	36,979,999	13,579,534
Capital Development	25,200,000	3,280,000	21,920,000
TOTAL	137,089,433	90,369,999	46,719,434

11.7 Legal Reform

In order to effectively address human rights violations, the Commission has in its previous reports called for reforms in the legislative framework. Although some laws such as the Disability Act and the Equal Opportunities Act have been passed by Parliament, other legislation, such as the Domestic Relations Bill and a law on torture, have yet to be enacted. The Commission has long advocated for the elimination of impunity among the perpetrators of torture, particularly among the security agencies. No specific offence of torture currently exists under Ugandan law. Though the Penal Code Act provides for other offences that criminalize such treatment, it is important that torture itself become a prosecutable offence that carries appropriately severe penalties.



11.7.1 Eliminating Corporal punishment

The Penal Code Amendment Bill passed by Parliament in March, 2007 abolished corporal punishment and accordingly repealed all references to corporal punishment in the Penal Code Act.

11.7.2 Ratification of the OPCAT

The Commission in its 8th Report appealed to the Government to ratify Optional Protocol on the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment (OPCAT). Uganda has not yet ratified the OPCAT. However, in a November 2006 meeting between the Commission, APT and the D/AG, the GoU indicated good will toward ratification.

11.7.3 Enactment of a law on minimum wage

In its 8th Annual Report, the Commission recommended that the GoU pass a minimum wage law in order to establish a minimum acceptable standard of living for all workers. The minimum wage was last revised in 1984, at Ug. Shs. 6000, under statutory instrument No.38, and no operational minimum wage has been established since.

11.7.4 Eliminating Safe Houses

The Commission has since January 2002 been recommending the complete elimination of safe houses. The army continues to maintain that though safe houses do exist, torture does not take place in them, while victims of torture allege that torture is rampant within them. Though the Commission recorded fewer complaints of torture in safe houses during this reporting period than before, it appeals to the authorities to either do away with safe houses or to have them gazetted and accessible for inspection.

11.8 Recommendations for the Justice, Law and Order Sector

11.8.1 Construction of more Courts

The Commission's previous Annual Reports called for the construction of more courts, citing a lack of facilities as one of the major impediments to access to justice. From early 2006 to April 2007, a number of courts were renovated or expanded with support from DANIDA, JLOS or the Northern Uganda Reconstruction Program; court buildings at Kisoro, Moyo, Yumbe, Pader, Kamuli, Kapchorwa and Kaberamaido are under construction. Gulu and Kitgum courts are being renovated, courtesy of the Northern Uganda Reconstruction Programme. The completion of these courts will help to increase space for judicial officers and to take services closer to the people. However, more courts are still required in other parts of the country.

11.8.2 Recruitment of more Judicial Officers

Having consistently observed that the number of Judges and Magistrates available to manage the growing backlog of cases is simply inadequate, the Commission recommended that their recruitment be made a priority. The Commission has, however, established that no new Judges have been appointed since 2003 despite the go-ahead given by Parliament to appoint 5 High Court Judges every year until their total number reaches 50. From January 2006 to December 2006, only 1 Chief Magistrate was appointed. In February 2007, 4 Magistrates Grade 1 were appointed; in April, 2 Chief Magistrates, 1 Senior Principal Magistrate Grade 1 and 1 Principal Magistrate Grade 1 on contract were appointed. Despite the staffing increment, gaps in the Judiciary remain: there are still just 26 Judges, 30 Chief Magistrates and 100 Grade 1 Magistrates serving a population of nearly 28 million people. The failure to fill the staffing gaps in the Judiciary is largely due to financial constraints; Government should therefore extend more financial resources to the Judiciary to remedy these shortcomings and carry out its mandate effectively.

11.8.3 The Problem of long remands

The Commission's previous reports have highlighted the problem of non-adherence to Constitutional standards regarding the length of stay on remands, and the lack of specified time for prisoners staying on remand after committal. There has been a marked tendency to keep

prisoners awaiting trial for unacceptably long periods following their committal. Over 4000 prisoners are awaiting trial in the High Court because of Uganda's poor justice system, characterized by few judges, prosecutors and investigators, who are often ill-equipped. This has resulted in a phenomenon in which some prisoners charged with capital offences actually prefer to plead guilty, not because they are, but because they then can be handed a definite term to serve rather than languishing in pretrial detention for an indefinite period.

During the period under review, special arrangements were made to improve access to justice in conflict areas: a total of 10 judges were deployed to handle over 553 criminal cases of a capital nature.

11.9 Elimination of Xenophobia

In its 8th Annual Report, the Commission expressed its concern over xenophobic tendencies in some regions in Uganda. An appeal was therefore made to politicians to try and use their offices for reconciliation rather than for fuelling conflicts. During the period under review, the Commission noted the resurgence of xenophobic anti-pastoralist tendencies; if not curtailed, these are likely to lead to catastrophe and undermine national unity. As discussed in Chapter 5, the Mabira Forest demonstrations also brought to the fore anti-Asian prejudice in Kampala.

11.10 Freedom of Assembly and Association

The Commission's 7th Annual Report recommended the review and enactment of laws protecting freedom of assembly. The passing of the Political Parties and Other Organizations Act, 2005 was a significant step in the right direction. The Commission, however, appeals to Government to remove all administrative barriers to the enjoyment of the freedoms of association and assembly. The Commission further urges the Uganda Police Force to exercise its discretionary powers judiciously and to respect Art. 221 of the Constitution, which makes it a duty of all law enforcement agencies to observe and respect human rights and freedoms in the performance of their functions.

11.11 Resolving the LRA conflict peacefully

For close to a year, there has been renewed hope for peace in northern Uganda. While the peace talks have not progressed as fast as some may have hoped, they have led to some positive results, such as the halting of abductions and allowance for greater freedom of movement for many IDPs, including return to their former homes.

11.12 Disarming the Karimojong

In the 8th Annual Report, the Commission reported on the Government's ongoing disarmament process. In 2005, a total of 3,936 illegal guns, 9,402 ammunitions and number of stolen animals were recovered. The human rights situation in Karamoja continues to encounter challenges posed by the UPDF's cordon and search operations. Despite this, it is clear that the situation in Karamoja is far better than it was two years ago. The Commission therefore appeals to the GoU, and in particular the UPDF, to continue the disarmament process while at the same time avoiding human rights abuses.

11.13 Reducing the cost of ARVs

By 2002, a major concern with ARVs was their high cost, making them inaccessible to intended beneficiaries. With the Global Fund's assistance to Uganda, the period 2003 through to 2004 saw some increase in accessibility to ARVs; by 2003, 3,000 out of the targeted 62,000 persons living with HIV/ AIDS were accessing treatment. In 2004, nearly 55,000 were estimated to be on ARVs, accessed through, *inter alia*, out-of-pocket financing, employers' schemes and the GoU's free ARVs programme. Following the corruption within Uganda's Global Fund sector, the Commission recommended in its 8th Annual Report that the next disbursement of ARVs be prioritized for those that need them most. However, there has been no progress in this direction, as the bulk of funds go toward administrative costs, while very little is devoted to the provision of ARVs. ARVs nevertheless remain unavailable, inaccessible and unaffordable for the majority of Ugandans both now and, it seems likely, in the future.



11.14 Funding to the Commission

The Commission's 8th Annual Report called on the GoU to increase funding for the Commission. In the year 2006/07 the Commission's budget was Ushs 4,514,175,000, GoU released Ushs 2,890,000,000, leaving a gap of Ushs1,624,175,000. Adverse impacts of this underfunding included a failure to pay gratuity for staff, increased domestic arrears, encroachment on non wage funds just to pay wages, high cost of vehicle maintenance as new ones could not be afforded and the inability to expand Commission presence in the country and high turn over of staff. In the 2007/8 Fiscal Year, the Commission is asking for UGX 6,568,156,826/= and hopes its request will be granted. Short of this, the Commission may not execute its mandate as planned.

11.15 Parliament's Compliance with Recommendations on the Equal Opportunities Commission Act, 2007

The Commission also reviewed and made recommendations concerning a number of bills in 2006, including the Equal Opportunities Act, 2007 and the Penal Code Amendment Bill. As the latter has not been assented to by President Museveni, GoU compliance with the Commission's recommendations cannot be measured. The table below thus summarizes GoU compliance with recommendations on the Equal Opportunities Bill.

Table 11.4 UHRC's Recommendations on the Equal Opportunities Act 2007

Problem	Recommendation	Compliance	Comment
Definition of discrimination	That the Act should capture in detail all the ingredients/ aspects of discrimination.	Partially	Left out support for political organization that could be a basis of discrimination. - Omitted the phrases intentional or unintentional - Omitted the second aspect of discrimination which relates to " Any other distinction or exclusion, preference or criterion" - Left out the definitions of direct and indirect discrimination.
Definition of Equal Opportunity.	That the definition in the Proposed Act uses the term "equal opportunity" instead of "opportunity"	Partially	- In the definition omitted the word "full" but maintained equal treatment - Ignored membership of a political organization, and "other status" as a basis for availing equal treatment. - Adopted phrase equal opportunities
Composition and Appointment members of the commission	-That the Process of appointment of members reflects expectations and the objectives of the Act. - Positions of chairpersons and commissioners be advertised.	Not adopted	Maintained the earlier position of appointment by the President. (section 5 (2) of the Act). - Marginal note of section of 5 of the Act reads Composition of the commission and leaves out the word Appointment. This is not a true reflection of the subject matter of the section.
Competences of the Commissioners	To apply knowledge of human rights as a yardstick instead of equal opportunities.	Adopted	Adopted with modifications and reads... commitment to matters relating to promotion of equal opportunities or human rights (sec.5 (3) of the Act. This means that human rights can be dispensed with.
Tenure of office of members of the commission	To ensure independence of the commission, members should have one fixed term of 10 years non renewable to avoid compromising their independence for fear of not having the contract renewed.	Not adopted	Maintained a renewable term of 5 years (section 6(1) of the Act.
Procedure of removing a commissioner	Need for an independent procedure to verify whether a commissioner qualifies to be removed (noted that the absence of procedure of a fair hearing could compromise their independence)	Partially adopted	Adopted with modifications in section 6 (4)(b) - does not state whether the defense is made before an independent body. The Act however gives the commissioner the opportunity to defend him/herself. - Procedure to be followed for appeal process has not been stipulated.

Meetings and procedure of the commission	Vice Chair person to chair the meetings in absence of chairman	Adopted	Adopted without any modifications (section 13(4)).
Application of High Court Rules	That the High Court Rules programme should only apply were Rules and Procedures of the commission do not provide for a particular matter.	Adopted	Adopted with modifications (section 30) making all court rules applicable and not limited to High Court rules only.
Non binding nature of appeals recommendations of the commission	-In order to be enforceable, commission decisions should be binding - Should have the power to defend or seek enforcement of its recommendations in court or relevant tribunal.	Not Adopted	Not addressed in the Act
Powers of the commission. Non enforceability of recommendations	Stipulate the time frame within which recommendations are acted upon.	Adopted	Adopted under section 15(4)(c) Powers of the Commission. The time frame is six months from the date of communication of the recommendation.
Use of the word "Equality"	The provision should be specific and replace "equality with the phrase "Equal Opportunities"	Adopted	This was adopted under section 15(4) (c) of the Act
Special functions of the commission relating to equal opportunities.	That the power of the commission should extend to the examination of policies, programmes, plans and practices.	Adopted	Was adopted and provided for under section 14(1) of the Act.

11.16 Uganda's reporting obligations

The Commission's previous Annual Reports have long urged the GoU to abide by the reporting obligations stipulated in the international human rights instruments ratified by Uganda. Some progress has been made in this respect; however, there has been an excessive delay in submission of the GoU's report concerning its obligations under the International Covenant on Economic, Social and Cultural Rights. This report is long overdue and needs to be submitted soon.

Uganda's reporting record to the UN Treaty bodies as required by respective human rights instruments has been improving in the last three years. Since 2004, Uganda has submitted reports on the ICCPR, CEDAW, CRC, CAT and MWC. However, Uganda has never submitted the periodic report on the International Covenant on Economic, Social and Cultural Rights (ICESCR), which is unacceptably overdue. There has not even been any significant progress toward submission of the initial Report. By the time this Annual Report was drafted, Uganda had submitted a periodic report on the African Charter on Human and People's Rights and had been considered by the African Commission on Human and People's Rights with the following observations:

1. *Positive observations made by the African Commission on Uganda compliance with African Commission on Human and Peoples Rights.*

- Promotion and protection of fundamental rights and freedoms.
- Provision for the rights of women and recognition for the need to accord women full and equal privileges with men (article 51 of the 1995 constitution).
- Powers given to the Commission (*under article 53(1) and (2) of the 1995 constitution*) to:
 - ◆ Release a detained or restricted person
 - ◆ Pay or order the payment of compensations
 - ◆ Any legal remedies or redress.



- Ratification of major international human instruments including regional instruments:- These include:
 - ◆ The African Charter on Human and People's Rights.
 - ◆ International Covenant on Economic, Social and Cultural Rights
 - ◆ International Covenant on Civil and Political Rights (ICCPR)
 - ◆ Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW)
 - ◆ International Convention on Elimination of all Forms of Discrimination Against Migrant Workers.
 - ◆ The Convention on the Rights of the Child (CRC)
 - ◆ The Optional Protocol to the Convention on the Rights of the Child on Involvement of Children in Armed Conflict.
 - ◆ The Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography
 - ◆ The African Convention on the Rights and Welfare of the Child
 - ◆ The Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa
 - ◆ The Protocol to the African Charter on Human and People's Rights on the Establishment of an African Court on Human and People's Rights
 - Establishment of a Ministry of Gender, Labour and Social Development to further the promotion of women's, labour and social development rights.
 - Creation of a national steering committee on child labour composed of line ministries.
 - Recognition of NGOs and other partners to guide and oversee the implementation of child labour programme activities.
 - Efforts made to combat the HIV/AIDS Pandemic.
 - Prevention and control of HIV/AIDS and other sexually transmitted infections (STIs)
 - Engagements in peace negotiations with the LRA and other rebel groups in Uganda
2. *Areas pointed out by the African Commission as restricting the enjoyment of Human Rights:*
- ◆ Internal armed conflict with different rebel groups in the country.
 - ◆ Adult illiteracy stands at 33.3% according to 2004 World Bank statistics.
 - ◆ Abduction of children
 - ◆ Human rights violations
 - ◆ High cost of legal services
3. *Areas of Concern by the Commission*
- Reporting guidelines were not followed.
 - African Union Protocol not yet ratified.
 - African Union Convention on the Elimination of Mercenaries in Africa not yet ratified.
 - HIV pandemic is still ravaging the Ugandan population due to limited resources
 - Conflicts in Northern Uganda.
 - Substandard conditions in overcrowded camps, with a range of human rights violations.
 - Administration of justice by military courts
 - Exploitation, discrimination and marginalization of the indigenous population.
 - NGO registration (Amendment)
 - Death penalty
 - No legal measures referred to in the report.
4. *Recommendations by the African Commission*
- Effect the provisions of the African Charter
 - Ratify the Protocol on the African Court of Justice, and comply with Article 7 of the African Charter.
 - Reduce the marginalization of the northern part of the country, including Karamoja
 - Amending the recently-enacted NGO Registration Act.

11.17 Summary of Recommendations on which no Progress has been Made

Nevertheless, challenges remain and a number of recommendations have yet to be acted upon by duty bearers. The table below summarizes these recommendations, and the Commission again urges those responsible to act upon them.

Table 11.5: Some of the Commission's recommendations on which no progress has been made.

1. Enactment of a law on torture

The Commission has in the previous reports recommended to the Parliament to enact an effective legislation prohibiting acts of torture, cruel, inhuman and degrading treatment or punishment. This law has yet to be enacted.

2. Decentralizing liability for human rights violations

The Commission recommended in its 8th Annual Report for the amendment of the Government Proceeding Act, CAP 77 to provide for decentralized liability in cases involving human rights violations. However by the time of writing this report, this had not been done.

3. Unrestricted access by the Commission to Army Detention Facilities

In its previous reports, the Commission has been emphasizing the need to access military detention centres without prior notice. The Commission was not able to obtain unrestricted and unannounced access to military detention centres.

4. Conditions in Local Administration Prisons

Conditions in Local Administration Prisons remain poor. The Commission observed, during its inspections that conditions in **Local Administration Prisons** (LAPs) were extremely appalling. Nothing has been done to improve conditions in **Local Administration Prisons** despite its merger with central government prisons. The Commission's 8th Annual Report called for the closure of LAPs found to be in the worst conditions; nevertheless, these LAPs remain in operation and nothing has been done to advance their closure or to improve the conditions in which inmates live.

6. Ratification of the OPCAT

The Commission in its 8th Report appealed to the Government to ratify Optional Protocol on the Convention Against Torture and Other inhuman Degrading Treatment (OPCAT). The OPCAT has not yet been ratified.

7. Enactment of a law on minimum wage

In the 8th Annual Report, the Commission recommended to Government to pass a law on minimum wage with the view to guarantee a minimum acceptable living standard for all workers. This has not been done.

(Endnotes)

¹ As revealed by the Commissioner General of Prisons during UHRC's Annual Consultative Meeting on 3rd May 2007.

² Comment made during UHRC's Annual report Consultative meeting

³ Section 114 (1) stipulates 'The functions and administration of Local Administration Prisons shall be taken over by the Uganda Prisons Service.

⁴ Uganda Prisons Service, A report on rapid assessment of local Administration Prisons, December 2006.

⁵ Uganda has 174 LAPs, and 48 Prisons formally under Central Government.

⁶ See art. 216 of the Constitution of Uganda, 1995.



APPENDIX B:

MEDIA EXTRACTS AS PROTESTS UNFOLDED: (JANUARY 2006 TO APRIL 2007)

Date	Paper	Who made a Strike/ Demo & Where?	Why the strike/demonstration?	Action taken by authority & Impact	Nature/or outcome
JANUARY 03/01/2006	NV P3	FDC Supporters in Kampala	Jubilations over Besigye release on bail and the crowd later went rowdy.	Police used water cannons to quell the elated/irate crowd.	Violent
18/01/06	NV P5	Movement Secretariat "staff" / immobilizers from all over the country	Demanding payment of their entitlements and ceremonial send off.	- Dr. Crispus Kiyonga, then NPC, through Cranmer Kalinda, tried to settle it and the President later intervened	peaceful
21/01/06	NV P3	Besigye Vs Museveni and fans camps in Soroti Municipality	Over death of one NRM fan [Wambobi, 35] in Soroti allegedly as saulted by FDC crowds	- Police calmed the situation as they continued carrying out investigations and some arrests were made	violence
Date	Paper	Who made a Strike/ Demo & Where?	Why the strike/demonstration?	Action taken by authority & Impact	Nature/or outcome
FEBRUARY 01/02/06	NV P3	Lorry drivers; blocked Uganda-Kenya, Busia border for two days	Protests over the death of a Kenyan truck driver, Joshua Ng'ang'a, when it collided with a PGB vehicle in Mukono.	The then Environment State Minister, J. J. Odongo, met with Kenyan government officials and they reached a compromise.	peaceful
02/02/06	NV P1	FDC, NRM supporters in and around Kibuye, Kampala.	Noisy FDC fans Vs NRM fans over their candidates' effigies.	Police intervened; threw teargas to the crowds and heavily deployed there. Police made arrests.	violent
10/02/06	NV P3	FDC fans at Nakasero market in Kampala	Clashes were over the police's effort to remove Besigye's unlawful effigy	Police held dialogue in vain. They then brought in reinforcement. They took effigy but no arrests.	violent
11/02/06	NV P1	Supporters of Katuntu [FDC], Kivejinja [NRM] MP hopefuls clashed; Memoranda- Bugweri	Suspected Kivejinja agents roughed up Katuntu's agents onto a pickup. Stoning by FDC fans, chaos ensued	Police and other security agencies quelled the saga. Arrests were made [and many were injured in the scuffles]	violent
12/02/06	NV P1	MP hopefuls [Jessica Eriyo and late Clara Vuni] and their supporters clashed in the most fatal election saga in Adjumani district.	- Eriyo had photographed suspicious video tapes. Vuni camp demanded tapes - leading to a car crash which killed Vuni - Supporters became violent & burnings	- Police and army labored and arrested the situation, though it went on for days. - Jessica was kept at police for days to shield her from the violent Vuni relatives and supporters. Arrests were made	violent
13/02/06	NV P1	Supporters and relatives of late Clara Vuni against fans of Eriyo in Adjumani district	Angry relatives and supporters of late Vuni snatched her body from Arua hospital, took it to Eriyo's village, and went on rampage.	- Police took the case up, made arrests of those who had burnt over 16 houses including Eriyo's. Army reinforced the police to save the situation	violent

Date Nature/or outcome	Paper	Who made a Strike/ Demo &	Why the strike/ demonstration? Where?	Action taken by authority & Impact	
FEBRUARY (Continued) 13/02/06	NV P10	Supporters of MP hopefuls: Simon Mayende and Gabriel Opio in Busia town	- After a rally, the two hopefuls remained and continued to discuss. Disagreement ensued as one Chris Okoch hit Edwin Wafula	- Lumino police station intervened and rescued Okoch - A rowdy crowd besieged the police station, but police fired in air and dispersed them all	violent
17/02/06	NV P1	Irate FDC supporters Vs security personnel/police in Lubaga Division, at Bulange Mengo, Kampala	One security personnel in Lubaga RDC office, Magara, rammed into an FDC gathering and allegedly shot dead three people.	- Police and other security agencies intervened - Suspects were arrested and made ready for trial	Violent
20/02/06	NV P9	Guild cabinet and Makerere students, at the University's Freedom Square	Students made a peaceful demonstration initiating peaceful means to conflict resolution rather than strikes.	- Makerere administration okayed it	
21/02/06	NV P1	FDC fans/crowd burnt a truck at Kate Falaawo, Kawempe-Kampala	Over truck driver's "accidental" into FDC motorcyclist colleague and got seriously injured. Angry mob stoned the truck and set it ablaze.	- Government flagged it off through the Information Min., Dr. James Nsaba Buturo - Civilian and military police intervened and dispersed the-illegal assembly with teargas - Police Made no arrests	violent
22/02/06	NV P2	FDC supporters led by Salaam Musumba in an FDC "Black Mamba" car in Jinja Municipality	Fracas ensued as anti-riot and military police Vs the crowd, Supporters hurled stones against Police teargas force that left many injured	Though "excessively" armed, the security agents quelled the situation without arrests	Violent
28/02/06	NV P11	FDC bodaboda cyclists and fans jubilating Besigye's victory rumor in Lira Municipality	There had been a rumor that Besigye had won the elections, as MP Jimmy Akena had done in Lira. Fans went on rampage everywhere	Police and UPDF deployed heavily to quell the demonstrations. It was calmed peacefully.	
Date Nature/or outcome	Paper	Who made a Strike/ Demo &	Why the strike/demonstration? Where?	Action taken by authority & Impact	
01/03/06	NV P5	Jubilant supporters of DP parliamentary candidate, Betty Nambooze, Mukono.	Nambooze supporters were portraying her winner [22,232], whereas EC had declared Rev. Peter B. Mukasa winner [22,680] marginally.	- Anti-riot police confronted the crowds and calmed them - Crowds didn't heed; so, police shelled teargas - EC rejected Betty claims.	violent

09/03/06	NV Pp1-2	Police Vs FDC supporters in Jinja town on Tuesday; leaving one dead, another injured.	Supporters were protesting impounding of a ramshackle vehicle, tagged "FDC Mamba" Salaam Musumba used it.	To attempt to impound the vehicle, fracas ensued, and police fired to deflate vehicle and disperse rowdy crowds. No arrests made.	violence
11/03/06	NV Pp1-2	Violence marred LC3 elections in some parts of Uganda. Charles Serunjogi's fans went wild, at Kololo suburb.	Serunjogi allegedly intercepted vehicles ferrying suspected illegal voters for his rival Godfrey Nyakana. He got stabbed. Fracas ensued.	- Victims were rushed to Nsambya hospital - EC took up cases with the help of Police Election Squad - Upcountry reported cases were handled likewise.	peaceful
13/03/06	NV Pp1-2	Rowdy supporters of LC3 Chairperson, Charles Serunjogi, in Kamwokya. Kampala Central MP-elect, Erias sustained serious injury.	- Lukwago had led over 200 Serunjogi supporters protesting Friday results in which Serunjogi had lost to Godfrey Nyakana	- Police intercepted those marching, near Uganda Museum, - CID quizzed Lukwago over the demonstration - Some arrests were made.	Peaceful
Date	Paper	Who made a Strike/ Demo & Where?	Why the strike/demonstration?	Action taken by authority & Impact	Nature/or outcome
MARCH 29/03/06	NV P7	Students of St. John's Secondary School, Wakitaka in Jinja, had resumed classes after a PEACEFUL Monday demo.	The peaceful demo was to demand immediate resignation of Headmaster over 'poor administration', declining academics and harassing students/staff.	- School Board of Directors intervened and appointed the Deputy to Acting Headmaster, pending investigations and action or recommendations.	Violent
30/03/06	NV P4	Students of Mbarara High School, vandalise. Head teacher residence	Riot was sparked off by suspension of an SIV student, who had earlier led group misbehavior at a soccer match that ended prematurely, with rival Booma High School	- School Board of Governors convened and announced closure amidst heavy anti-riot police - Board agreed to set terms for those students to reconsider	Violent
Date	Paper	Who made a Strike/ Demo & Where?	Why the strike/demonstration?	Action taken by authority & Impact	Nature/or outcome
APRIL 02/04/06	NV P5	Students of Mutere secondary school in Bugiri district. Property worth millions destroyed	Aggrieved with the School administration especially the head teacher who narrowly survived being lynched	- Police intervened - School closed - Two teachers and one parent arrested	Violent
03/04/06	NV P4	Students of Kigezi college Butobere in Kabale district	Unhappy with the poor School administration	- Head teacher dismissed three teachers involved - one moved teacher from staff quarters for drunkenness	Violent
06/04/06	NV P5	Wakiso presiding Officers and polling assistants stormed District EC Offices	About 60 officials demanding their pay and threatened to camp at EC head quarters Kampala	- Handled by the district EC and assured them their pay soonest	peaceful

19/04/06	NV P4	Mob in Nondwe trading centre, Bugweri, Iganga district Vs police	- Over a suspect who had stolen vehicle spare parts; Later grabbed and killed the suspect	- Police intervened but no arrests indicated	Violence/ Mob justice
23/04/06	NV P1	Besigye supporters at Kampala St. Balikuddembe (Owino) market	Over Police efforts to block "unauthorized rally" organized by the market traders	- Police heavily deployed and stopped the rally - No arrests shown	Violence (near violence)
Date	Paper	Who made a Strike/ Demo & Where?	Why the strike/demonstration?	Action taken by authority & Impact	Nature/or outcome
MAY 01/05/06	NV P3	KCC ex-workers reject pay, at City Hall, Kampala, where they had camped.	Declined to sign cheques for terminal benefits, due to less amount than what court had instructed KCC to pay them	- KCC officials had promised to seriously look into the matter.	peaceful
02/05/06	NV P8	A mob pounced on, killed and set ablaze one Paul Alinyenka, at Naisembe, Buyego, Jinja.	Over continued sugar thefts and burglary. Victim allegedly had stolen sugar worth USh 150, 000 from the Sugar store.	- Deputy CID officer, Frank Muzoora, condemned the mob justice act. - Body of suspect/ victim was taken to	Violence/ Mob justice
04/07/06	NV P3	Kyambogo University lecturers went on a sit-down strike for days, at the University campus, Kampala	Over administrative disputes: demanding for a new Vice Chancellor, University Secretary and Bursar.	- Staff and management held a crisis meeting, attended by Ministers: Education and Sports, Higher Education and Constitutional Affairs	Peaceful
08/07/06	NV P3	Over 250 NRM Secretariat workers [mobilizers country wide], converged at Wabigalo Community Centre, Kila	Demanding to meet the President over payment of more than UGX 5bn in allowances for over 5 years, and extra gratia for the last 20 years.	Government, through Internal Affairs State Min and 3 rd Deputy Premier, pleaded for calm from restless NRM mobilizers.	peaceful
11/07/06	NV P4	Nansana residents, along Hoima road, between Lubigi and Nansana trading centre, Wakiso District	Rowdy men and women blocked the road protesting delayed completion of repairs on it by Zimmwe Constructors	- Police intervened; tried to calm down residents in vain. Later it deployed heavily. - Police met with area leaders and contractors for a solution	violence
17/07/06	NV P6	Ken Lukyamuzi, ex-MP, Lubaga South, and fans moved along Kampala streets.	A peaceful demonstration protesting government decision to use DDT spray to fight parasites, arguing it is deadly to ecosystems	- Police had sanctioned the peaceful demonstration - No comment reported of the government officials	violence
20/07/06	NV P4	Students of Sir Samuel Baker SS in Gulu district staged a nasty strike.	Accused school authorities forcing them to work in school gardens as laborers	- UPDF and anti-riot police deployed to restore order. School closed indefinitely DEO intervened for a solution.	violence
25/07/06	NV P3	National Freedom Party president, Herman Ssemujju and fans, in Kampala	With over 15 reasons, but mainly the incessant power shortages that have devastated people's livelihoods	- Police roughed him up, took him briefly to the Central Police Station for interrogation over illegal demonstration [as he had not sought police permission]	Near violence