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2009 HUMAN RIGHTS REPORT: UGANDA

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

2009 Country Reports on Human Rights Practices

March 11, 2010

By MUSA

What we have been reporting all along has been corroborated by the U.S Human rights watchdog.

Uganda, with a population of 32 million, is a constitutional republic led by President Yoweri Museveni of the dominant National Resistance Movement (NRM) party. The 2006 presidential and parliamentary elections *were marred by serious irregularities*. An influx of arms continued to fuel violence in the Karamoja region, resulting in deaths and injuries. The Lord's Resistance Army (LRA), which relocated to the Democratic Republic of the Congo (DRC) in 2005, continued to hold children forcibly abducted from Uganda. The governments of Uganda, Southern Sudan, and the DRC continued military actions against the LRA in the DRC, Southern Sudan, and the Central African Republic (CAR). While civilian authorities generally maintained effective control of the security forces, elements of the security forces occasionally acted independently of government authority.

Serious human rights problems in the country included arbitrary and politically motivated killings; vigilante killings; politically motivated abductions; mob and ethnic violence; torture and abuse of suspects and detainees; harsh prison conditions; official impunity; arbitrary and politically motivated arrest and detention; incommunicado and lengthy pretrial detention; restrictions on the right to a fair trial and on freedoms of speech, press, assembly, association, and religion; restrictions on opposition parties; electoral irregularities; official corruption; violence and discrimination against women and children, including female genital mutilation (FGM), sexual abuse of children, and the ritual killing of children; trafficking in persons; violence and discrimination against persons with disabilities and homosexuals; restrictions on labor rights; and forced labor, including child labor. *At last the civilized world has come out it's been our experience for 24 years!*

The LRA was responsible for killing, raping, and kidnapping hundreds of persons in the DRC, CAR, and Sudan. *As alleged by the Ugandans government although an independent commission is required to verify.*

Violent riots erupted in Kampala on September 10 and 11 after the government imposed travel restrictions on the king of the Buganda Kingdom. Security forces used tear gas and live ammunition to disperse demonstrators, resulting in 26 deaths and

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numerous injuries. More than 1,000 persons were detained, of whom more than 400 were in prison awaiting trial at year's end. Following the riots the government closed and

suspended the licenses of four radio stations, closed a radio talk show, and suspended or dismissed journalists to control coverage of the event. *But why in a democratic society?*

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

The government or its agents allegedly committed politically motivated killings and were responsible for arbitrarily killing opposition members, demonstrators, detainees, and other citizens; some deaths occurred as a result of torture.

For example, on January 17, security agents in Bukedea District reportedly tortured to death David Okwi, a member of the opposition Forum for Democratic Change (FDC), for allegedly possessing a gun. On February 4, the FDC petitioned the Uganda Human Rights Commission (UHRC) to investigate Okwi's death. The UHRC was conducting an investigation into the death at year's end.

Security force use of excessive force resulted in deaths. For example, on February 22, in Kyenjojo District, police reportedly killed Mucunguzi Katongole and injured John Mande and Musa Turigye during an attempt to settle a dispute between residents and owners of a biodiesel company in Rushambya village, Mpara subcounty. A police investigation recommended murder charges against special police constable (SPC) Fred Muhangi, a charge of causing grievous harm against SPCs Silver Mpabaisi and another officer, and a charge of death by negligence against assistant police inspector Angela Moses. (SPCs are local residents appointed and employed on contract to reinforce members of the police force.) The suspects had not been arrested by year's end; a court hearing was pending.

On February 28, at Kamengo prison in Mpigi District, prison officer Paul Ekuma allegedly beat inmate Emmanuel Tindimwebwa with a metal bar. Tindimwebwa subsequently died from his injuries. On March 1, police in Mpigi arrested Ekuma, and an investigation was ongoing at year's end.

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On March 6, Uganda Peoples Defense Force (UPDF) soldiers Erisma Maseruka, Wilson Tumwebaze, and Gerald Muhumuza allegedly shot and killed Joseph Denaya and Cosmas Data during an operation to arrest smugglers in Koboko District, West Nile Region. The soldiers, who were arrested, also injured David Bata. A district security

intelligence bureau directed the Uganda Revenue Authority to compensate the victims' families and forwarded the case to the UPDF Fourth Division for further investigation.

On August 27, Mukono District SPCs Samuel Ejoku, Joash Hirya, Francis Okiti, James Wagyenda, and Samuel Mukwaya arrested and allegedly assaulted Ali Katende. On August 28, a court in Mukono charged Katende with interfering with police work and remanded him to prison. Katende, who then allegedly organized a mob in prison to lynch the SPCs, was found dead in his cell on August 30. Police arrested Ejoku, Hirya,

and Okiti in connection with the killing; Wagyenda and Mukwaya remained at large. An investigation was ongoing at year's end.

Police use of excessive force, including live ammunition, to disperse demonstrators, resulted in deaths and injuries. *By the way such behavior is normal police routine in today's Uganda under Gen. Kale Kaihura.*

For example, on February 16, in Nakaseke District, SPC Paul Baita allegedly shot and killed William Byamugisha and Daniel Tumwine, students at Kaloke Christian High School, who were demonstrating against the quality of meals provided at the school. Four other students were injured and required medical treatment. On March 11, a court in Nakaseke charged Baita with attempted murder and remanded him to prison. Police investigations were ongoing at year's end. *Pending police investigation in Uganda means "case closed"*

On September 10 and 11, violent riots erupted in Kampala after security forces prevented the king of Buganda from travelling to Kayunga District, which is traditionally part of the Buganda Kingdom. The government claimed the travel restrictions were security measures imposed to prevent violence between Buganda and an ethnic minority that rejected the kingdom's authority. Rioters burned vehicles, blocked roads, and looted stores. Police, military, and paramilitary units used tear gas and live bullets to disperse protesters, resulting in 26 deaths and numerous injuries. Security forces arrested 1,031 persons, 965 of whom were charged with participating in an illegal assembly, rioting, destroying property, and inciting violence. Of the 965, 31 were also charged with terrorism for burning the Nateete Police Station, and 66 were released

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without charge. By year's end 32 persons had been convicted of rioting. *Many more arrested then are still missing*

There were developments in some 2008, 2007, and 2006 security force killings.

For example, during the year the state attorney exonerated and released SPC Simon Kirabira, arrested for the January 2008 killing of Jovina Busulwa and Patrick Maale Sentumbwe. SPC Peter Serukwaya, also charged in the killings, remained a fugitive at year's end. Eyewitnesses stated that Busulwa and Sentumbwe were killed when the SPCs shot indiscriminately into a suspect's home.

On September 17, the High Court in Arua District sentenced police constable Rashide Nyakuni to 10 years' imprisonment for the December 2008 killing of Stephen Enzabugo. The court acquitted and released police commander Michael Benedict Ojingo, also charged in the case.

On March 16, a court in Arua District sentenced SPC Yasin Alayi to three years' imprisonment for manslaughter in the 2007 killing of Gerald Uroma.

On May 1, the Lira District High Court sentenced to death former Amuka militia members Alfred Odema and Simon Ojoga for the 2006 killings of 10 persons in the Ogwete camp for internally displaced persons (IDPs).

There were no developments in the following 2007 cases involving security force killings: the trial of Peter Ahimbisibwe, who was charged with the April killing of presidential office official Nelson Ssendegeya; the May death of Faizal Kirunda from injuries inflicted by authorities at the Malukhu Prison in eastern Uganda; the October killing of suspect Ronald Bukyayanga by three Nabbingo SPCs; the October killing of Rogers Mugenyi by a Kampala traffic police officer; and the October rape and killing of a woman by UPDF soldier Ochen Obonyo.

Members of Local Defense Units (LDUs), informal groups of local citizens who volunteered to provide security, were responsible for killings during the year. For example, on January 17, in Kabarole District, LDU member Moses Kabagambe allegedly killed civilian Lauren Arinaitwe during a night patrol in Rwimi subcounty. Police, who claimed that Arinaitwe was shot while resisting arrest, arrested Kabagambe and remanded him to prison. The trial was ongoing at year's end.

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During the year LDU members were punished for 2008 killings. For example, on January 22, the court martial sitting in Kitgum District sentenced LDU member Kenneth Albino to death by hanging for the July 2008 killing of civilians David Olah, Ismail Okello, and Obina Torit. The killing occurred in a nightclub following a quarrel over a woman in Omiya-Nyima IDP camp.

Murusi Katusabe, an LDU member arrested for the April 2007 killing of two civilians, remained at large.

On June 24, the Kampala High Court sentenced LDU member Ramadhan Magara to 14 years' imprisonment for manslaughter for the 2006 killing of two supporters of opposition leader Kizza Besigye in Kampala. However, on September 3, the court rescinded the sentence and dismissed the case for lack of evidence. There were no developments in the civil suit filed by FDC supporter Haruna Byamukama, who was injured during the 2006 incident.

Ritual killings of children resulted in deaths and injuries (see section 6).

Mob attacks against criminal suspects resulted in deaths. Witnesses rarely cooperated with police, making investigation of such incidents difficult.

For example, on March 22, a mob in Jinja District killed and later burned two suspected thieves in the village of Kangulumira.

On March 23, a mob in Rukungiri District beat to death John Manziyabo and his son, Polly Mukamata, for killing Julius Twijukye in a suspected ritual sacrifice.

Tensions between landlords and tenants resulted in mob violence. For example, on August 16, in Kayunga District, a mob beat to death and then burned Sam Kubo after he tried to sell his land despite protests from tenants. Police in Kayunga arrested 11 persons for suspected involvement in the incident. An investigation was ongoing at year's end.

During the year authorities released Musa Mungomaon, arrested for involvement in the October 2008 burning of four suspected thieves. Mungomaon reportedly denied involvement and identified other suspects, who were reportedly on the run at year's end.

There were no developments in other 2008 or 2007 cases of mob violence. In the Karamoja Region, there were fewer interclan cattle raids between Karamojong tribes

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than in previous years; however, violence in the region continued. According to the UPDF and media reports, 52 civilians and 10 UPDF soldiers died during the year due to cattle raids, the UPDF's response to those raids, and the government's disarmament campaign. The UN Office for the Coordination of Humanitarian Affairs (OCHA) reported fewer incursions of illegally armed Karamojong into neighboring districts, a reduction

OCHA attributed to increased police presence and the government's disarmament program.

There were no reports of LRA attacks within the country during the year; however, the LRA killed numerous persons in the DRC, CAR, and Sudan. OCHA reported that between June and July, for example, the LRA killed 105, abducted 352, and displaced approximately 12,500 civilians in the DRC. *Again as alleged by Museveni but we need an independent commission to investigate these accusations.*

b. Disappearance

Politically motivated abductions occurred.

For example, on August 17, members of the opposition FDC Youth League told police that FDC member Ismail Wagaba was abducted on his way to attend a press conference at the FDC's headquarters in Kampala. Wagaba's whereabouts remained unknown until he reappeared in December. FDC officials reported that they still did not know the whereabouts of FDC party member Robert Mugenyi, who disappeared in 2006. Human rights groups held the government responsible for the disappearances.

In its April 8 "Open Secret" report, Human Rights Watch (HRW) noted that at least six individuals believed to have been detained in mid-2008 were last seen in Kololo detention facility and have not been seen since (see section 1.d.).

An investigation into the disappearance and presumed death of Lutaya Saidi, a street vendor allegedly arrested by the Joint Anti-terrorism Task Force (JATT) in 2007, was ongoing.

There were no reports of LRA abductions in northern Uganda during the year; however, an estimated 5,000 of the 40,000 children and young adults abducted by the LRA in previous years remained unaccounted for, according to the international nongovernmental organization (NGO) Save the Children. The LRA continued to abduct

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children and adults in the DRC, CAR, and Sudan. ***This alleged LRA abduction thing should be vigorously investigated, results might surprise you***

c. **Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The constitution and law prohibit such practices; however, there were credible reports that security forces tortured and beat suspects, some of whom died as a result (see

section 1.a.). Torture generally occurred in unregistered detention facilities and was intended to force confessions. From January to June, the African Center for Treatment and Rehabilitation of Torture Victims registered 116 allegations of torture against the police, 38 against the UPDF, three against the Chieftaincy of Military Intelligence (CMI), and 11 against the Violent Crime Crack Unit or Rapid Response Unit (RRU).

In its 2008 annual report, the UHRC reported registering 1,060 human rights complaints against 873 individuals, including 237 UPDF members, 148 police officers, and 300 private citizens. Of the 1,060 complaints, 30 percent involved allegations of torture or cruel, inhuman, or degrading treatment and punishment.

There were numerous reports of torture and abuse in the unregistered detention facilities operated by the JATT and CMI. In its April 8 report, HRW noted that detainees held in JATT headquarters in Kololo and at CMI headquarters in Kitante described being "hit repeatedly with the butt of a gun, slapped in the head and ears, or beaten with fists, whips, canes, chairs, and shoes." JATT and CMI personnel "put detainees into painful stress positions and forced red chili pepper into eyes, nose, and ears," causing excruciating pain. Some detainees described being shocked with electricity, and many reported seeing detainees struggling to walk or having to be carried by fellow detainees to vehicles. One detainee lost his leg due to infection in a wound caused by a severe beating.

The UHRC, the Foundation for Human Rights Initiative (FHRI), and other human rights organizations reported incidents of torture by security forces, including **caning, severe beating**, stabbing, kicking, tying of limbs in contorted positions, forced marching, and rape. *You might witness some of the canning and stabbing on our website recent reporting. Actual photos are posted*

Torture victims included political activists and detainees. For example, Francis Atugonza, the mayor of Hoima and the FDC's trade and industry secretary, filed charges during the year against the CMI for alleged illegal detention and torture in a

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CMI "safe house" after he was arrested in April. Presiding high court justice Yorokamu Bamwine barred the public from court proceedings, which were ongoing at year's end. Atogunza was arrested again in December, held for two weeks on charges of abuse of office, and released; the second case against Atogunza was also pending at year's end.

During the September 10-12 riots in Kampala, security forces beat suspects, including women, and went door to door in some neighborhoods, pulling residents out of their homes to be beaten and arrested, according to HRW (see sections 1.a. and 1.d.). The

UHRC received complaints from individuals who sustained injuries during the riots. For example, a petition filed by Ssemukala Ismail alleged that security force members shot him while he was closing his shop in Nateete, impairing his left arm. Investigations into the incident were ongoing.

Police use of excessive force during arrests, evictions, and land disputes resulted in injuries.

For example, in March UPDF Major Otim Demoi Latek allegedly tied up and seriously beat residents David Obonyo and Walter Okeny over a land dispute in Gulu town. The army confirmed the incident and stated that an investigation was ongoing. *Case closed!*

On July 11, Soroti District SPCs James Anyou and Olupot Kokas allegedly shot and injured Jonathan Okello, a resident of Kadungulu village, during a night patrol. Police arrested the SPCs the following day, and an investigation was pending at year's end.

On July 20, Nateete corporal Swaleh Swaib and SPC Henry Mukasa allegedly injured four persons during a forceful land eviction of tenants from Busega, a Kampala suburb. Swaib and Mukasa were arrested the same day, and an investigation was ongoing at year's end. On July 31, a court in Kampala charged Swaib and Mukasa with neglect of duty and released them on bail. Hearing of the case was pending at year's end

Police use of excessive force to disperse opposition politicians, religious members, and demonstrators resulted in deaths and injuries (see sections 1.a. and 2.b.).

There were no developments in the October 2008 shooting in Muzulu village, Namutamba District, by SPC Eric Kiirya of Masaba Bakari for defying traffic police directives to stop.

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In its April report, HRW documented the 2007 death by torture in JATT custody of Yasin Tayebwa and Abdu Semugenyi.

On May 20, the UHRC reported to parliament that the government owed torture and illegal detention victims two billion shillings (\$1,030,000) from previous years. The UHRC did not hold any tribunals during the first half of the year because the president did not appoint a new chair or members until May. Tribunal hearings began in August.

Mobs attacked persons suspected of stealing, ritual sacrifice, witchcraft, and other crimes, resulting in deaths and injuries. Motivated in part by lack of confidence in law

enforcement and the judicial system, mobs beat, lynched, burned, and otherwise mistreated their victims (see section 1.a.). *In Uganda all sectors of government are out of control and dysfunctional*

Prison and Detention Center Conditions (*we at UTR have already reported on this problem*)

Prison conditions remained harsh and frequently life threatening. In addition there were reports that security forces and guards tortured inmates, particularly in military facilities and unregistered detention facilities. Abusive forced labor in prisons countrywide remained a problem.

Prison conditions came closest to meeting international standards in Kampala, where medical care, running water, and sanitation were provided; however, these prisons also were among the most overcrowded. Serious problems in prisons outside of Kampala included long remand periods, overcrowding, inadequate staff, and lack of food, water, medical care, and bedding. The FHRI reported a slight improvement in nutritional provision in prisons in Kampala, Jinja, Bukedea, and Kamuli.

There were 30,957 prisoners in the prison system in mid-December, approximately three times the capacity. Severe overcrowding was also a problem at juvenile detention facilities and in female wings of prisons. The Kampala remand home, designed for 45 persons, held 122 children. The reception center, designed for 30 prisoners, held 85 juveniles. *Most of these kids are the victims of the bogus "idle and disorderly law"*

Information was unavailable on conditions in unregistered facilities, which the government denied existed. Torture, overcrowding, malnutrition, poor sanitation, disease, overwork, and lack of medical care resulted in 141 prisoner deaths nationwide, according to the Prisons Service.

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During the year prison authorities confirmed that the June 2008 deaths of prisoners Geoffrey Akandwanaho, Fred Mugisha, and Ephraim Nankunda resulted from strangulation by fellow inmates in Kiruhura prison; the three inmates suspected of involvement in the strangulation were transferred to Mbarara main prison on murder charges pending court hearings. The initial 2008 Prison Services investigation had cited suffocation from severe overcrowding as the cause of death. *Imagine*

There were no developments in the case of Isaac Apungia, an inmate at Amuria Prison, who collapsed and died in April 2008 after he was subjected to harsh conditions on a prison farm.

Female prisoners in central prisons were held in separate facilities; however, services and facilities for female prisoners in local prisons, including separate cells, were lacking in some parts of the country. The Prisons Service had no budget for pregnant women or mothers with infants, although the number of infants in women's prisons continued to increase during the year, according to the FHRI. Due to lack of space in juvenile facilities, minors were held in prisons with adults. Pretrial detainees in Kampala prisons were separated from convicted prisoners, but pretrial detainees and convicted prisoners in the rest of the country were sometimes held together. **Some of these women were not pregnant by the time they were first sent to prison** How and why they got pregnant is a mystery.

During the year the government permitted access to prisons by the International Committee of the Red Cross (ICRC), foreign diplomats, and local NGOs, principally the FHRI and the Uganda Prisoners' Aid Foundation. However, authorities required advance notification of intended visits. Authorities told human rights organizations seeking access to unregistered facilities that the government did not maintain safe houses or unregistered detention sites. d. Arbitrary Arrest or Detention

The constitution and law prohibit such practices; however, members of the security forces arrested and detained citizens arbitrarily during the year.

Role of the Police and Security Apparatus

The Uganda Police Force (UPF), under the Ministry of Internal Affairs, has primary responsibility for law enforcement. The UPDF is the key armed force charged with external security but had partial responsibility for maintaining order in the north, where it was deployed to protect civilian IDPs from rebel attacks and to prevent violence resulting from interclan cattle raids in the Karamoja Region. The Internal Security Organization (ISO) and External Security Organization (ESO), key security agencies

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and intelligence-gathering entities under the direct control of the president and the minister of security, occasionally detained civilians. The CMI is legally under UPDF authority, although it often acted as a semiautonomous unit by detaining civilians suspected of rebel and terrorist activity, as did the ISO and ESO. The Joint Anti-terrorism Taskforce (JATT), a paramilitary group under the CMI, has no codified mandate but illegally detained numerous civilians suspected of rebel and terrorist activity. The JATT is a joint command whose members are drawn from the UPDF, police, ISO, and ESO. LDUs reinforced government efforts to protect civilians and sometimes participated in offensive military operations and carried out police functions.

The UPF continued to be constrained by limited resources, including low pay and lack of vehicles, equipment, and training. Corruption and impunity were problems. By year's end, 24 police officers had been charged with corruption, although none had been discharged or dismissed for accepting bribes. The UPF Human Rights Desk investigated complaints of police abuses, including mismanagement of case papers, torture and harassment, unlawful arrest and detention, abuse of office, irregular or discreditable conduct, and corrupt practices. The UPF reported receiving 5,000 allegations of human rights violations and unprofessional conduct from January 2008 to September 2009 and stated it took action in response to 3,000 of these cases.

The UPDF continued efforts to transfer responsibility for law enforcement in the north and in the Karamoja region to the UPF. During the year the UPF deployed an estimated 30 new SPCs at each subcounty headquarters and 12 SPCs per division in municipalities. Many of the new SPCs were former members of LDUs, the overall membership of which continued to decrease. Of the 6,700 police officers in the north, 4,500 were SPCs, who received less training than police officers and were employed on contract.

In conjunction with the UHRC and international organizations such as the ICRC and the UN Office of the High Commissioner for Human Rights, the UPDF and police continued to train officers on internationally recognized human rights standards. During the year 289 police officers attended human rights and constitutional workshops. The police, UPDF, and Prisons Service also used human rights manuals in their training programs.

Arrest Procedures and Treatment While in Detention

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The law requires that judges or prosecutors issue search warrants before arrests are made; however, in practice, suspects often were taken into custody without warrants. The law requires suspects to be charged within 48 hours of arrest, but suspects frequently were held longer. Suspects arrested under the Antiterrorism Law must be brought to trial or released on bail within 120 days (360 days for a capital offense); however, if the case is presented to the court before the expiration of this period, there is no limit on pretrial detention. Detainees must be informed immediately of the reasons for their detention, although authorities did not always do so. The law provides for bail at the discretion of the judge, and bail was generally granted with stringent conditions. Detainees are required by law to have access to a lawyer; however, many went without legal representation. Indigent defendants accused of capital offenses are provided attorneys at state expense.

The law provides for family visitation, but incommunicado detention remained a problem during the year. According to the FHRI, during the year the CMI held four civilians incommunicado and JATT, one. None of the detainees had been released by year's end. There were also credible reports of police moving recently arrested prisoners from one detention facility to another to confuse family members attempting to ascertain their whereabouts. In its April 8 report, HRW noted that "JATT personnel frequently blindfolded, handcuffed, and sometimes beat suspects being taken to the Kololo detention facility. Detainees had no access to lawyers or family members and only learned of their whereabouts from other detainees or by spotting Kampala landmarks visible from the Kololo facility." *Kololo safe houses are the most notorious in the country*

Mass arrests during police sweeps for criminals remained a problem, as did arrests based on sedition, treason, incitement of violence, and terrorism charges. Persons suspected of sedition, treason, incitement of violence, or terrorism were subjected to numerous abuses, such as detention without charge, detention in unregistered and unofficial locations, and mistreatment, including torture. The Prisons Service held 29 pretrial treason suspects during the year.

The UHRC received 149 complaints during the year from persons who claimed they were arbitrarily arrested. The government paid compensation to some victims of arbitrary arrest during the year, but government compensation was often slow in coming. There were no developments in the April 2008 petition filed by former UHRC chairperson Margret Sekaggya to establish a national fund to pay victims. Past compensation payments have been made from general government funds administered by the Ministry of Justice and Constitutional Affairs.

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Human rights groups expressed concerns about the treatment of individuals arrested by the UPDF in Karamoja in conjunction with the UPDF's response to cattle raids and the government's disarmament campaign (see section 1.a.).

Human rights groups reported that the government detained civilians in military facilities and unregistered detention facilities known as safe houses, where they often were held incommunicado. The government denied it maintained such facilities.

In October the inspector general of police reshuffled senior leadership of the police RRU following allegations that its members illegally detained the wife of a government employee at an unknown location for more than a week and threatened her with torture. The RRU's director, Commandant Emmanuel Muhairwe, and two deputies, Peter Kakonge and Emmanuel Bwembale, were placed on extended study leave.

In its April 8 report, HRW documented 106 cases of illegal detention by JATT, ranging from one week to more than a year. Many of the detentions, which occurred in 2007 and 2008, were made in the months leading up to the country's hosting of the 2007 Commonwealth Heads of Government meeting. In more than 25 instances, detainees were tortured or subjected to mistreatment (see section 1.a.). According to court records and interviews by HRW, the majority of detainees were never charged with any criminal offense.

Six of the 106 detainees were held for more than a year without charge; the CMI confirmed that the suspects were in detention. On July 27, the High Court ordered the UPDF to produce in court five of the detainees--Muhammad Adam Sekulima, Fatima Nantongo, Ismail Kambale, Abdulrahman Kijjambu, and Abdul Hamid Lagemwa--all of whom were accused of belonging to the ADF rebel group. The UPDF ignored the High Court's ruling and instead dropped the five detainees at the Uganda Amnesty Commission to apply for amnesty. On July 31, the commission granted the five suspects amnesty. According to the CMI, on February 28, authorities arrested the sixth suspect, Hamuza Mwebe, for alleged involvement in a killing; he had been released in November 2008 for lack of evidence.

On June 15, the High Court ordered the UPDF to produce Patrick Otim, a reporter for Mega FM radio station in Gulu, after receiving a complaint from civil society organizations that he was being held incommunicado by the UPDF. Between September 2008 and May 2009, authorities arrested Otim and 13 other suspects--Alfred Layang Okot, former Gulu municipal council speaker; former LRA rebels Emmy Oryem and Philip Onekono Okello; and private citizens Francis Akena, Patrick Lumumba

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Komakech, Patrick Kidega, Jimmy Ochieng, Patrick Okello, John Otim, Alfred Olanya Lububoel, Meya Deovilente, Michael Obol, and Patrick Komakech--for allegedly forming a rebel group entitled the Uganda Patriotic Front and plotting to overthrow the government. On June 16, Otim and several others were charged with treason and remanded to prison. On December 18, a court in Kampala committed the 14 suspects for trial in the High Court.

Some of the 106 persons illegally detained by JATT in 2007 and 2008 reported to HRW that they had been physically coerced by JATT agents to apply for amnesty. Others said that long-term incommunicado detention and a lack of legal assistance compelled them to seek amnesty despite their insistence that they had no involvement in any rebel activity. Detainees who sought amnesty were stigmatized as rebels or terrorists, feared complaining of mistreatment by JATT, and could be targeted in the future.

Police arbitrarily arrested hundreds of demonstrators, particularly during the September 10-12 riots in Kampala (see section 1.a.)

Case backlogs in the judicial system contributed to pretrial detentions of between two and three years but sometimes as long as seven years. The Prisons Service reported that more than half of its approximately 30,000 inmates were pretrial detainees. The UHRC heard several cases brought by prisoners challenging the length of their detention.

Amnesty

The government has offered a blanket amnesty since 2000 to former combatants for treason charges to encourage defection from the LRA and other rebel groups. Almost 23,500 individuals have benefited from the law, more than half of whom were former LRA combatants.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, and the government generally respected this provision in practice; however, the president has extensive legal powers of judicial appointment. The president appoints Supreme Court, High Court, and Court of Appeal judges with the approval of parliament. The president also nominates, for the approval of parliament, members of the Judicial Service Commission, who make recommendations on appointments to the judiciary. The judiciary ruled against the government on several high profile cases during the year. Lower courts

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remained understaffed, weak, and inefficient. Judicial corruption was a problem (see section 4).

The highest court is the Supreme Court, followed by the Court of Appeal (which also functions as the Constitutional Court), the High Court, magistrates' courts, local council (LC) subcounty courts, parish courts, and village courts. The LC courts have the authority to settle civil disputes, including land ownership and debt cases, and criminal cases involving children. These courts, often the only ones available to villagers, reportedly exceeded their authority by hearing criminal cases of adults. Decisions made by LC courts can be appealed to magistrates' courts, but there often were no records at the village level, and some defendants were not aware of their right to appeal.

The military court system often did not assure the right to a fair trial. Although the accused has the right to legal counsel, some military defense attorneys were untrained.

The law establishes a court martial appeals process; however, sentences, including the death penalty, can only be appealed to the senior UPDF leadership. Under circumstances deemed exigent, a field court martial can be convened at the scene of a crime. The law does not permit appeal of a conviction under a field court martial. The military general court martial can try civilians charged with crimes listed under the UPDF Act.

Trial Procedures

An inadequate system of judicial administration and a lack of resources resulted in a serious backlog of cases and limited the right to a fair trial. All nonmilitary trials are public, but juries are not used. Defendants have the right to be present and to consult with an attorney in a timely manner, but cases may proceed without defendants in civil cases. The law requires that the government provide an attorney for indigent defendants accused of capital offenses, but there were rarely funds to retain adequate counsel. By law defendants may confront or question witnesses against them and present witnesses and evidence on their behalf, but this right was not respected in practice. In March 2008 the Constitutional Court ruled that suspected criminals have a right to obtain documentary evidence the state intends to use against them before the start of their trial. The ruling struck down the practice of "trial by ambush." However, the ruling stated that the right of disclosure is not absolute in highly sensitive cases. There is a presumption of innocence, and defendants have the right of appeal.

In August the Ministry of Justice and Constitutional Affairs reported that more than 76 percent of the cases filed in various courts across the country had not been disposed of



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due to staffing problems. The statement noted such staffing shortages impaired the dispensation of justice to most citizens.

Political Prisoners and Detainees

There were reports of political prisoners and detainees during the year, but reliable statistics were unavailable.

Charges of treason against FDC opposition leader Kizza Besigye and nine other FDC members remained pending in the High Court due to the FDC members' petition to the Constitutional Court regarding the constitutionality of facing concurrent military court martial and civilian charges. On September 1, the Constitutional Court rejected the High Court's procedural objection to the petition, paving the way for a complete Constitutional Court hearing, which had not occurred by year's end.

Bright Gabula Africa, whose death sentence for treason was upheld by the Supreme Court in 1995, remained imprisoned pending the outcome of his appeal to the Presidential Advisory Committee on the Prerogative of Mercy, a largely autonomous constitutional body.

Civil Judicial Procedures and Remedies

There is an independent and impartial judiciary in civil matters. In the case of a human rights violation, there is access to the UHRC, which has the powers of a court under the constitution. These powers include the authority to order the release of detainees, payment of compensation to victims, and other legal remedies. There were problems enforcing domestic court orders.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The constitution and law prohibit such actions, and the government generally respected these prohibitions. Police did not always obtain search warrants, as required by law, to enter private homes and offices.

The Antiterrorism Act authorizes certain law enforcement officials to intercept communications to detect and prevent terrorist activities. The government continued to monitor telephone conversations.

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The government allegedly increased efforts to require students and government officials to attend NRM political education and military science courses known as "chaka mchaka." The government claimed the courses were not compulsory; however, human rights activists reported that civil servants and students were pressured to attend. There were reports that graduates seeking government employment were also required to submit a certificate of attending the political education training in order to be considered for work.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and law provide for freedom of speech and of the press; however, the government at times restricted these rights. The law criminalizes offenses by the media, and the police Media Crimes Unit closely monitored all radio, television, and print media. Numerous journalists were charged with sedition; however, the government

could not prosecute such cases until the Constitutional Court ruled on a 2005 petition, submitted by the *Independent* editor Andrew Mwenda, challenging the constitutionality of the sedition law. The government at times harassed and intimidated journalists, who continued to practice self-censorship.

Government officials detained and interrogated political leaders who made public statements critical of the government and used libel laws and cited national security as grounds to impede freedom of speech (see section 3). The President's Office reportedly monitored political talk show debates closely, and the government occasionally attempted to block participation of opposition members on radio talk shows.

On September 12, police in Kampala arrested parliamentarian and opposition Democratic Party (DP) member Issa Kikungwe for allegedly inciting violence during the September riots in Kampala; Kikungwe had delivered a speech on development at a youth church event. On September 13, police released Kikungwe on bond. An investigation was ongoing at year's end. *Now where is the freedom of speech here?*

On December 10, police charged DP publicity secretary Betty Nambooze with sedition, alleging that Nambooze made statements with the intent to generate hatred, contempt, and dissatisfaction with President Museveni and his government during an August 19

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appearance on CBS radio's *Kiriza Oba Gaana (Accept or Deny It)* program. Nambooze denied the charges and was released on bail, pending a hearing scheduled for January 2010.

On December 28, police in Kampala interrogated Hussein Kyanjo, a parliamentarian and member of the opposition Justice Forum party, for inciting violence during a December 17 Buganda Kingdom conference; Kyanjo had presented a paper warning that Buganda would resort to violence if the government failed to respect democracy and rule of law. Kyanjo was released on bail, and an investigation was ongoing at year's end.

There were many privately owned publications and broadcast stations, and the independent media were generally active and expressed a wide variety of views, although they faced obstacles. Media laws require that journalists be licensed and possess a university degree in journalism or the equivalent. The law also grants the Media Council the power to suspend newspapers. The *Daily Monitor*, the *Independent Magazine*, and the *Weekly Observer* continued to publish articles critical of the government despite pending sedition cases against members of their staff. The government owned several daily and weekly newspapers.

The government assaulted journalists during the year. For example, on July 2, the police RRU allegedly assaulted journalists Tony Kizito of the *Red Pepper* and Katende Malibu of Wavah Broadcasting Station (WBS) TV for taking pictures of a cyclist who was being tortured in front of RRU headquarters in Kireka, a suburb of Kampala. There were no reports of developments in the incident at year's end.

The government also arrested and harassed journalists, some of whom were charged with sedition and forced to turn over their passports. *It's a police state like N. Korea*

On January 2, the police Criminal Investigation Department (CID) arrested and interrogated the *Daily Monitor* newspaper's managing editor Dan Kalinaki and senior reporters Grace Matsiko and Angelo Izama following a December 28 *Monitor* article titled "Reclusive Kony: UPDF's Tactics under Spotlight," which authorities charged was prejudicial to national security. Kalinaki was released without charge after nine hours. Matsiko and Izama were released on police bond, and on January 29, police withdrew both the bond and charges against them.

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On August 12, police in Kampala briefly detained without charge *Daily Monitor* photo journalist Stephen Otago, who allegedly took a photograph of Faith Mwendha, former inspector general of government (IGG), without her permission. Police confiscated Otago's camera.

On August 18, Kampala police arrested and interrogated *Daily Monitor* newspaper editors Daniel Kalinaki and Henry Ochieng for allegedly publishing an altered version of a letter from President Museveni to a cabinet minister. The letter, which the *Monitor* published on August 2, included a controversial proposal to prevent members of a specific ethnic group from running for elective office in some areas of western Uganda. Kalinaki and Ochieng, who were charged with forgery and authorizing a false document, were released on police bond; the case was pending at year's end.

On August 27, police arrested and interrogated the *Independent Magazine* managing director Andrew Mwenda, senior editor Charles Bichachi, and assistant news editor Joseph Were for publishing a cartoon depicting President Museveni reviewing a checklist for rigging the 2011 presidential election. On September 23, the three journalists were charged with sedition and released on bail. On October 15, the court suspended the case against Mwenda, Bichachi, and Were pending resolution by the Constitutional Court of Mwenda's 2005 petition against the country's sedition law.

On December 21, police arrested Angelo Izama, a senior reporter with the *Daily Monitor*, for allegedly defaming President Museveni in the December 20 article "Fears of war as polls draw close." Izama was released from police custody after five hours of questioning. The case was pending at year's end. Four radio stations were closed or suspended during the year, and radio journalists were assaulted, arrested, dismissed, suspended, and threatened, particularly in response to their coverage of the September 10-12 riots in Kampala. The government also restricted independent television and radio stations that hosted opposition political candidates critical of the government. The government continued to ban new radio stations in Kampala, reportedly because of limited available frequencies; however, the ban was widely disregarded without penalty.

On May 27, police in Arua arrested journalist Victor Gadribo and UPC members Caleb Kamure, Jeffer Alekua, and Fagil Lemeriga for defaming the president while appearing May 23 on a weekly political talk show hosted by Arua One FM Radio in West Nile; the suspects had questioned the nationality of President Museveni.

On September 10, the Uganda Broadcasting Council (UBC) closed and suspended the licenses of four radio stations in Kampala: Radio Sapientia, Ssuubi FM, two frequencies

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owned by the Buganda Kingdom Central Broadcasting Services, and Akaboozi Ku Bbiri-Radio Two.

On September 11, unidentified assailants accosted Radio One journalist Robert Kalundi Sserumaga outside WBS studios where he had just recorded the *Kibaazo on Friday* program. They forced him into an unmarked vehicle, beat him, and jail him in a safe house with 20 other inmates. On September 12, Sserumaga was delivered to an official police station, where he was arrested. On September 15, authorities charged Sserumaga with six counts of sedition and subsequently forced him to surrender his passports before being released on bail; a hearing of the case was ongoing at year's end. After his release, the UBC suspended Sserumaga from hosting and moderating radio talk shows. On December 4, Sserumaga and Radio Sapientia's Geoffrey Ssebagala petitioned the High Court to dismiss their suspensions as unlawful. Hearing of the petition was pending at year's end.

On September 12, the UBC shut down one talk show on Radio Simba and the WBS television program, *Kibaazo on Friday*, for allegedly inciting violence and demeaning the president. Talk show host Peter Kibazo was suspended for three months. On December 8, the UBC allowed Kibazo to resume another suspended WBS television talk show, *Issues at Hand*. Authorities also suspended or dismissed other journalists in connection with the riots, including Uganda Broadcasting Corporation TV manager Mark

Walungama, who aired footage of the riots and police response; Siasa Ssenkubuge of Radio Simba; Charles Odongotho of Vision Voice; and Radio Sapientia journalists Matovu Laoyisus, Irene Kiseka, and Ben Mutebei Ameyengo. In October Ssenkubuge was reinstated to Radio Simba. The government allowed Radio Sapientia to reopen on September 15 with strict instructions to not broadcast political programs.

Local government officials restricted press freedom during the year. For example, in July the district council in Bugiri District, eastern Uganda, blocked journalists from attending council sessions following the publication of stories exposing government corruption. In September Mbale Deputy Resident District Commissioner Henry Nalyanya banned all radio talk shows, except health programs, in his district.

There were developments in several 2008 cases of press freedom. In March WBS journalists Francis Tumwekwasize and Timothy Sibasi, who alleged that police harassed and assaulted them in August 2008, petitioned the High Court for

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compensation; police accused the journalists of negative reporting about police. The September 2008 petition filed by the journalists with the UHRC remained pending.

On June 4, the Constitutional Court directed the Nakawa chief magistrate to continue with criminal proceedings against former *Daily Monitor* editors Joachim Buwembo, Bernard Tabaire, Emmanuel Gyezaho, and Robert Mukasa, who in January 2008 were charged with sedition for articles alleging that former IGG Faith Mwendha had filed bogus salary claims. At year's end hearing of the petition was pending, and the suspects were free on bail.

On September 23, a court in Kabarole acquitted Life Radio station presenters Steven Rwagwere, William Gonza, Gerald Kankya, Joram Bintamanya, and Prosper Busingye for lack of evidence; the radio journalists were charged in January 2008 with inciting violence and defamation. In October the journalists filed a petition to sue government for unlawful arrest. Hearing of the petition was pending at year's end.

There were no developments in the April 2008 sedition case against the *Independent Magazine* editor Mwenda, contributing editor Charles Bichachi, and reporter John Njoroge, who published an article alleging UPDF atrocities in 2003, including first-person accounts of torture in government safe houses. *Why are there so many police arrests in Uganda today?*

Internet Freedom

Individuals and groups could generally engage in the peaceful expression of views via the Internet, including by e-mail; however, at times the government restricted access. The 2006 ban on access to radiokatwe.com, an antigovernment gossip Web site, remained in place. Access to the Internet continued to increase during the year, although due to lack of infrastructure, only approximately 7.8 percent of the population used the Internet at least monthly.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom; however, research clearance was required in certain academic areas, such as history and political science, and was difficult to obtain.

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Unlike in the previous year, the Media Council did not block the screening of films for perceived promotion of homosexuality. b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law restricts freedom of assembly, and security forces used excessive force, including live ammunition, to disperse demonstrators during the year. Police permits are required for all public meetings, demonstrations, and processions. In May 2008 the Constitutional Court nullified section 32(2) of the Police Act, thus eliminating the requirement to obtain the written permission of the inspector general of police before holding an assembly of 25 or more persons. However, the Ministry of Justice and Constitutional Affairs appealed the court's decision, which in effect stayed any action on the court's ruling. By year's end no decision on the appeal had been made, and police and local government authorities used the Police Act to disrupt opposition party activities (see section 3).

For example, on August 23, police in Mubende blocked a rally by the Uganda Federal Alliance, a civil society organization led by FDC Member of Parliament (MP) Betty Kanya. On September 2, police in Kampala blocked a procession planned by FDC youth following the release on bail of their national youth leader, Abedi Nasser Obole. On December 1, police disrupted a procession of DP supporters in Entebbe. On December 6, police in Hoima blocked FDC president Kizza Besigye from holding a rally.

The use of excessive force to disperse demonstrators resulted in numerous deaths and injuries, particularly during the September 10-12 riots (see section 1.a.).

On July 26, in Luwero District, security forces shot and injured Bugema Adventist Secondary School students Wilber Kwamboko Omara and Miriam Adyelo, who were participating in a student demonstration against poor food and corporal punishment. The same day police arrested security force members involved in the shooting, including police commander Eddie Kulany, community liaison officer Ibrahim Odroa, CID chief Sulieman Kibuye, and SPCs Robert Oguti and Alex Ojambo. An investigation was ongoing at year's end.

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In February the parliamentary Select Committee completed an investigation into the alleged 2008 police beatings of parliamentarians during illegal political rallies. However, the committee had not released the investigation report by year's end.

Opposition DP members Domic Matovu Savio, Emmanuel Mugandusi, Samuel Mulindwa, Margret Wazemba, and Ben Kiwanuka, charged in 2008 with rioting, assault, and carrying arms during an illegal rally at their party headquarters, remained on police bond at year's end.

During the year police dismissed the August 2008 case against 25 Mandela Secondary School students, charged with staging an unlawful demonstration and engaging in malicious damage to property. The dismissal followed an agreement by parents of the students to compensate the school for the damaged property.

Police suspended the investigation into use of excessive force during the February 2008 Kisekka market riot due to lack of evidence. Police were unable to provide an update on the number of rioters who remained in prison by year's end.

There were no developments in the June 2008 assault and arrest of MP Nabilah Sempala for allegedly holding an illegal rally in Kampala. The parliamentary Committee on Defense and Internal Affairs was investigating Sempala's case at year's end.

On August 12, 22 activists were charged with participating in a 2007 demonstration which resulted in one death. Among those charged were MPs Hussein Kyanjo, Erias Lukwago, and Beatrice Atim Anywar; DP youth wing vice president Fred Mukasa; and Issa Ssekito, chairman of the Kampala Traders Association. The cases were pending at year's end.

Freedom of Association

The constitution provides for freedom of association, and the government generally respected these rights. In April civil society organizations petitioned the Constitutional Court to challenge the 2006 NGO Registration Act, which requires most NGOs, including religious organizations, to renew their registration permits annually. The government established a committee to review the act in January 2008, when enforcement of the law was temporarily suspended. No action had been taken on the petition or by the committee by year's end. c. Freedom of Religion

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The constitution and law provide for freedom of religion, and the government generally respected this right in practice with some restrictions. The law requires religious groups and foreign missionaries to register with the government under the same law as NGOs, and failure to register is a criminal offense; however, enforcement was temporarily suspended (see section 2.b.). There were some reports of violence by the government or its agents against religious groups, leaders, or individual members, and there were reports that the government restricted worship by certain religious groups.

For example, on July 20, the RRU allegedly attacked and tortured several worshippers at Christ Sanctuary International Church. Police arrested police deputy assistant inspector William Kanzira and officers John Bosco Odole, Jim Okello, Salidat Nakate, and Deo Abaine. On August 13, a court in Kampala charged the suspects with causing grievous harm and threatening violence. The accused were released on bail, and the case was pending at year's end.

On August 12, police in Tororo arrested Gospel Church members Stephen Otabong, Joseph Othieno, Dismas Ofambo, John Etonet, Richard Oketcho, David Ejakait, and John Obella following complaints from residents about the group, which prohibits its members from enrolling in public schools or seeking medical care at clinics and hospitals. The case hearing was pending at year's end.

During the year police dismissed for lack of evidence the April 2008 arrest case of 11 members of the Nyangakaibo cult, who were charged with holding an illegal assembly. Local officials imposed minor restrictions that indirectly impeded the activities of some religious groups. Groups considered cults experienced extra scrutiny and restrictions.

Societal Abuses and Discrimination

There were no reports of societal abuses or discrimination based on religious belief or practice, and prominent social leaders took positive steps to promote religious freedom.

Police reported that several 2008 cases were dismissed for lack of evidence, including the January arrests of Mbarara House of Grace pastors Patrick Mucunguzi, Michael Katongole, and Joshua Keinarugaba for allegedly extorting money from sick members of the church's congregation and of pastor Mike Ocaka for allegedly stealing an estimated 12.5 million shillings (\$6,400).

The Jewish community was very small, and there were no reports of anti-Semitic acts.

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For a more detailed discussion, see the *2009 International Religious Freedom Report* at www.state.gov/g/drl/rls/irf.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution and law provide for freedom of movement, foreign travel, emigration, and repatriation; however, the government at times limited these rights in practice.

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Travel restrictions were imposed on opposition party members, journalists, and others with pending charges of sedition and treason. Domestic travel restrictions imposed on senior Buganda Kingdom officials triggered violent riots in September (see section 1.a.).

A married woman must obtain her husband's written permission on her passport application if children are to be listed on her passport.

The country has no law on forced exile; however, the government did not use forced exile during the year. Internally Displaced Persons (IDPs)

Improved security in the north combined with the government's implementation of the Peace, Recovery, and Development Plan and the work of international and local NGOs to rebuild physical and social infrastructure encouraged the return of 85 percent of the estimated 1.1 million IDPs in the LRA-affected north by year's end. According to the

UNHCR, 184,000 IDPs remained in camps in northern Uganda's Acholi region. All IDPs in the Lango and Teso regions had returned to their homes by year's end. Conditions in IDP camps improved as a result of the lowered IDP population; however, remaining IDPs still lacked potable water, health care, schools and trained teachers, housing, and land.

Protection of Refugees The country is a party to the 1951 Convention relating to the Status of Refugees and its 1967 protocol, as well as the 1969 African Union Convention Governing the Specific Aspects of the Refugee Problem in Africa. Its laws provide for the granting of asylum or refugee status, and the government has established a system

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for providing protection to refugees. The government also provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. The government provides temporary protection to individuals who may not qualify as refugees under the 1951 Convention and 1967 protocol; however, no individuals received such protection during the year.

Some Kenyan refugees complained that the government's self-sufficiency policy, which requires refugees to become self-sufficient by providing them with land to cultivate, was ineffective because most refugees were merchants and businessmen rather than farmers.

There is no path to naturalization for refugees in the country. The government's stance on local integration is that the constitution does not allow time in country as a refugee to count toward the residency requirement for naturalization. Between January and May, the government assisted the UNHCR in the voluntary repatriation of 29,909 refugees to Southern Sudan and 5,571 refugees to Rwanda.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government. The constitution and law provide citizens with the right to change their government peacefully; however, the ruling party's domination of the government and some restrictive constitutional and statutory provisions limited citizens' effective exercise of this right.

Elections and Political Participation

The 2006 presidential and parliamentary elections, the first multiparty general elections since President Museveni came to power in 1986, were marred by serious irregularities. Police recorded 450 cases of violence during the electoral period. More than 100 election challenges were filed in the High Court and the Constitutional Court following the 2006 elections, including charges of bribery, intimidation, incidents of violence, multiple voting, and ballot stuffing. Six election appeals were pending before the Constitutional Court and three at the Supreme Court at year's end. Three by-elections were held during the year to fill the seats declared vacant by the High Court in 2007; election monitors reported numerous irregularities.

On May 21, the Ugandan Electoral Commission conducted local council elections in 1,474 electoral areas in 79 districts to fill vacant seats resulting from the lack of nominations in the 2006 general elections, resignations, deaths, and the creation of

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some new seats in town councils and subcounties. Voter turnout was relatively low, but the exercise was peaceful. The ruling NRM party operated without restriction, regularly holding rallies and conducting political activities. Approximately 36 other parties were registered and allowed to function, although members of some parties were subject to political violence, and authorities sometimes restricted opposition parties' ability to meet or demonstrate. Political involvement was primarily concentrated within the elite. Membership in the NRM conferred greater access to government positions and resources.

Police arbitrarily arrested opposition members during the year.

For example, on May 31, police in Kampala arrested and later released without charge 30 members of the Uganda Federal Alliance (UFA), a pressure group advocating for a federal government. The suspects were arrested in Owino Market while selling UFA membership cards.

On June 3, police in Kampala arrested without charge FDC deputy spokesperson Sarah Eperu for allegedly spreading harmful propaganda during celebrations to mark Martyr's Day at Namugongo, near Kampala. FDC officials claimed Eperu was only distributing leaflets with the message, "FDC wishes you a blessed Martyrs' Day celebration." On June 4, Eperu was released.

On July 11 and 12, police in Kampala arrested 19 DP members from the Kyengera and Ndeeba suburbs of Kampala. The suspects were collecting signatures in an effort to block a government proposal to take over the management of Kampala and expand the city's boundaries. On July 13, the suspects were charged with criminal trespass, illegal assembly, and interfering in police work. The suspects were released on bail, and the case was pending at year's end.

On September 3, police in Lira arrested UPC member Godwin Acai for statements he made during an August talk show on Unity FM radio. Authorities alleged Acai falsely claimed that the UPDF was involved in the 2004 killings of more than 400 civilians at Barlonyo IDP camp. Acai, who was detained in police custody for four days, appeared in court on September 7 and was remanded to prison without charge. Acai appeared in court again on November 3 and December 3, but the government failed to produce evidence against him. The case was adjourned until January 2010.

On September 28, police in Kampala charged opposition parliamentarian and DP member Erias Lukwago and Buganda Kingdom's deputy information minister Medard

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Lubega Segona with sedition for alleged statements during the September 10-12 riots in Kampala. Both were released on bail, and the case was adjourned pending resolution of the 2005 challenge to the country's sedition law (see section 2.a.).

The hearing of the March 2008 and August 2007 sedition cases against Makindye West MP Hussein Kyanjo was still pending a Supreme Court ruling on the constitutionality of the sedition law. Kyanjo stated in a 2007 talk show that President Museveni and other government officials used their positions to displace persons in the Kisozi region and promote hostility between ethnic groups.

The July 2008 hearing of the sedition case against Buganda Kingdom deputy information minister Medard Seggona Lubega and Buganda Central Civic Education Committee chairperson Betty Nambooze was still pending a separate ruling on the constitutionality of the sedition law. No charges were filed against the minister for information and cabinet affairs, Charles Peter Mayiga, who was released on bond in 2008 pending investigation. The three had publicly criticized the government's proposed amendments to the 1998 Land Act.

On August 18, police in Kampala arrested 11 members of the FDC youth wing for participating in an illegal assembly; the 11 included Hajji Twaibu Kakande, Festos Kurumira, Ali Buni, Mukiibi Sserunjogi, Muhammad Mutaasa Ali, Samuel Ariho Mugumya, Catherine Ddembe, Martin MUSAZI Kanuma, Joseph Mulyankya, Isaac Mawanda, and Andrew Wakibogo. On August 19, a court in Kampala charged the suspects with holding an unlawful assembly and inciting violence. On August 20, the court released the suspects on bail. The case was pending at year's end.

On August 31, police questioned FDC youth leader Abedi Nasser Obole for allegedly organizing and participating in unlawful assemblies. On September 1, a Kampala court charged Obole with participating in an August 18 unlawful assembly and released him on bail; however, police rearrested Obole for threatening the Electoral Commission's chairman and four commissioners. During a September 2 court hearing, Obole denied the charges and was released on bail. On October 28, Obole appeared in Makindye Magistrate's Court on the charge of threatening the Electoral Commission's chairman and four commissioners. The court adjourned the case on November 15 and again on December 15 for lack of witnesses and police documentation. Hearings were rescheduled for February 2010. On November 30, due to lack of witnesses, the Buganda Road Magistrate's Court postponed until January 2010 a hearing against Obole for participating in unlawful assembly.

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There were 102 women in the 333-member parliament. Of these, 80 held seats designated for women. There were 14 female ministers in the president's 66-member cabinet. The deputy speaker and the deputy chief justice of the Supreme Court were women.

The law requires elections through electoral colleges for the seats reserved for special-interest groups in parliament: 80 seats were reserved for women; five for organized labor; five for persons with disabilities; five for youth; and 10 for the army, selected by the UPDF High Command and President Museveni.

Section 4 Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, and the government investigated offenders, but officials engaged in corrupt practices with impunity, and corruption was a serious problem. The government selectively enforced financial disclosure laws. Government agencies responsible for combating corruption include the IGG, the Department of Public Prosecution (DPP), the Anticorruption Division of the High Court, the parliamentary Accounting Committee, the police CID, the Office of the Auditor General, and the Directorate for Ethics and Integrity. Political will to combat corruption at the highest levels of government remained weak, and corruption cases remained pending for years. The World Bank's most recent Worldwide Governance Indicators reflected that corruption was a severe problem. On August 19, President Museveni signed into law the 2008 Anticorruption Bill. The new law increases powers of the IGG and DPP to investigate public and private corruption, provides for the disposal of property related to corruption investigations, and allows for confiscation of property derived directly or indirectly from corruption. The law also increases protections for witnesses and informants. In September a study conducted by the Public Procurement and Disposal of Assets Authority, which reports to the Ministry of Finance, estimated that corruption in the public procurement process resulted in an annual loss of 474 billion shillings (\$250 million).

A number of government ministries and agencies were implicated in corruption. Hearings conducted by the parliamentary Accounting Committee linked at least 12 ministries and several senior government officials to misuse of funds intended for the country's hosting of the 2007 Commonwealth Heads of Government Meeting (CHOGM). A 2008 investigation by the Auditor General of CHOGM procurements failed to account for approximately 53.3 trillion shillings (\$27 million) in unexplained expenses.

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Judicial corruption was a problem, and in August the Judicial Service dismissed Aggrey Bwire, a grade I magistrate of Nabweru subcounty, and Jimmy Agolei, a grade II magistrate of Kiboga District, for corruption and abuse of office. On November 15, a court in Mbarara convicted grade II magistrate Moses Ndifuna of abuse of office for soliciting and receiving a 190,000 shilling (\$100) bribe. Ndifuna, who was sentenced to two years' imprisonment and ordered to refund the money, was released on bail in December pending hearing of his appeal.

The National Agricultural Advisory Services, the National Social Security Fund, the National Forestry Authority, the Uganda National Roads Authority, and the police were all investigated for corruption during the year. The ministries of health, education, and water and environment were also involved in numerous corruption scandals.

Members of the Anti-Corruption Coalition Uganda were harassed by security services in December following publication of a booklet detailing survey results on local perceptions of government corruption.

The Anticorruption Division of the High Court (ACD), which has three judges and five magistrates on staff and can only hear corruption cases referred by the IGG and DPP, convicted seven individuals of corruption during the year. Four of these were convicted of stealing money from the Global Fund to fight AIDS, Tuberculosis, and Malaria. At year's end all four were free on bail pending hearing of their appeals.

On March 13, the ACD sentenced Fred Kavuma, former employee of Uganda Television, to five years' imprisonment for using false documents to unlawfully obtain 41 million shillings (\$21,200) from the Global Fund. Kavuma was ordered to refund the money and was released on bail on September 10, pending hearing of his appeal.

On April 8, the ACD sentenced Teddy Seezi Cheeye, the Internal Security Organization's director of economic monitoring, to 10 years' imprisonment for embezzling 107 million shillings (\$56,600) of Global Fund money. Cheeye was ordered to refund the money to the Global Fund and was released on bail on July 24 pending the hearing of his appeal.

On July 14, the ACD convicted Annaliza Mondon and Elizabeth Ngororano of embezzling Global Fund money; each was sentenced to five years' imprisonment and ordered to repay 26 million shillings (\$14,000) to the Global Fund. On August 14, Mondon and Ngororano were released on bail pending appeal.

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On August 31, a magistrate's court in Kampala charged and remanded to prison Winnie Musoke Kabogonza, the police department's undersecretary and accounting officer, for failing to remove duplicate names and bank accounts from the police payroll, resulting in a loss of 1.7 billion shillings (\$880,000). Also charged and arrested were Dennis Nyagweso, Dennis Twinamasiko, Alfred Okello, Ashe Kawooya, Primo Nyokatre, and Harriet Kyomugisha. On September 9, the Anticorruption Court granted bail to Kabogonza, Nyagweso, Twinamasiko, and Nyokatre; the case was pending at year's end.

An IGG report on investigations into the corruption case against solicitor general Lucien Tibaruha and acting litigation director Joseph Matsiko, who were indicted in 2007 for mismanagement resulting in financial loss to the government, was still pending at year's end. Both Tibaruha and Matsiko remained suspended from their offices.

There were no developments in the 2008 parliamentary investigation into former IGG Faith Mwendha's interventions in public tendering processes and allegations that her salary was higher than allowable under government policy; the IGG had not appeared before the committee at year's end.

No action was taken on the investigation into the 2007 case involving Martin Odwedo, the former permanent secretary in the prime minister's office, and three others for failure to account for 1.3 billion shillings (\$673,000).

The parliamentary Committee on Public Accounts completed its examination of the auditor general's report of the 2006-07 budget, but the committee's report had not been published at year's end.

An estimated 17,000 public officials were subject to financial disclosure laws. On November 2, the government suspended the Ministry of Health's principal accountant, Nestor Gasasira, after an IGG investigation revealed that Gasasira's expenditures were incommensurate with his earnings. The IGG recommended firing Gasasira for failing to publicly account for his wealth.

The law provides for public access to government information, and the government provided such access to citizens and noncitizens, including foreign media. Section 5 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were receptive to their views. Active, independent

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domestic groups included the FHRI, Human Rights Focus, Human Rights Network, Human Rights and Peace Center of Makerere University, the International Federation of Human Rights, the Justice and Peace Commission, the Uganda Journalist Safety Committee, the Uganda Prisoner's Aid Foundation, and the Uganda Association of Women Lawyers. Government officials continued to attend conferences and seminars hosted by NGOs on social problems and cooperated with NGOs on legal and prison reforms.

In January 2008, in response to NGO criticism and after consultation with civil society, the government established a committee to review the 2006 NGO Registration Act, which requires most NGOs, including religious organizations, to renew their registration permits annually (see section 2.b.). Enforcement of the law remained suspended during the review process.

The government cooperated with international governmental organizations and permitted visits by UN representatives and organizations such as the ICRC. The UHRC is a permanent independent body with quasijudicial powers, although the president appoints the UHRC's seven-member board. Under the law, the UHRC may subpoena information, order the release of detainees, and order the payment of compensation for abuses. On May 7, President Museveni reappointed two and named five new commissioners to the UHRC to fill vacancies. The appointments allowed the UHRC to resume its work, which had been stalled since November 2008, when the term of the previous team expired. The UHRC continued to pursue suspected human rights abusers, including in the military and security forces, and had branches countrywide; however, its resources were inadequate to investigate all complaints received.

On October 12, the UHRC released its 11th annual report to parliament, in which it called on the government to ban torture and renounce the use of "safe houses," the unregistered detention facilities operated by JATT and the CMI. The report also highlighted lengthy trial delays, overcrowding, and poor health services as the main challenges facing the prison system. The report maintained that detention of suspects beyond the constitutional limit of 48 hours was "rife."

In its April 8 "Open Secret" report, HRW called on the government to end all torture and mistreatment of detainees; stop arrest and interrogation by unauthorized security forces, including JATT; and release all detainees from the JATT headquarters in Kololo and close it as a place of detention. For detainees in Kololo for whom there is a legal basis for detention, HRW urged the government to immediately transfer them to police custody, where they could be charged with a legally recognizable offense, if

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appropriate. HRW further urged the government to promptly inform the relatives of each detainee of their whereabouts, condition, and the charges against them. Those charged should be tried before courts that met international fair trial standards. HRW also called on the government to end impunity for human rights violations of the right to life and fair trial; the right to be charged before a judge within 48 hours of arrest; and freedom from torture and ill-treatment, arbitrary arrest, and prolonged arbitrary detention. Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, disability, language, or social status; however, the government did not enforce the law in matters of locally or culturally prevalent discrimination against women, children, persons with disabilities, or certain ethnic groups.

Women

The law criminalizes rape; however, rape remained a serious problem throughout the country, and the government did not consistently enforce the law. Although the government arrested, prosecuted, and convicted persons for rape during the year, the problem was underreported, and most cases were not investigated. Police lacked the criminal forensic capacity to collect evidence related to sexual assault, which hampered prosecution and conviction. There were 1,536 rape cases registered with the police in 2008, of which 241 went to court, resulting in only 52 convictions.

Domestic violence against women, including spousal abuse, remained widespread, and reports of such incidents continued to increase. Approximately 48 percent of married women between the ages of 15 and 49 have experienced physical violence from their intimate partners, 36 percent have experienced sexual violence, and 49 percent have experienced emotional violence. Many law-enforcement officials viewed wife-beating as a husband's prerogative, as did the majority of the population, and rarely intervened in cases of domestic violence.

On November 12, parliament passed the 2009 Domestic Violence Bill, which criminalizes domestic violence, expands protection for victims, and provides penalties for abusers ranging from fines to two years' imprisonment. During the year the government arrested and prosecuted 15 persons responsible for domestic violence. For example, police in Gulu District arrested Richard Tito Okello, who killed his wife Scovia Acayo on April 13 following a family argument; the case was pending at year's end. On August 18, police rearrested former Mukono District police chief James Aurien for the April 2008 killing of his wife Christine Opolot; the hearing was pending at year's end.

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In September the police launched an informational campaign focused on marriage and child rights to further curb domestic violence.

The law requires that bride prices be nonrefundable gifts to the parents of the bride. Constitutional amendments in 2007 did not abolish the practice, despite recommendations from civil society groups. On September 8, the Constitutional Court started hearing a petition against the practice filed in 2007 by the Mifumi Project, a women's rights group that claims bride prices impede the right of a woman to choose her husband and also exacerbate domestic violence. A court ruling was pending at year's end.

Prostitution is illegal but common. In August the Uganda AIDS Commission reported that 11 percent of new HIV/AIDS infections were due to commercial sex. In July the government stopped the recruitment of women as domestic workers abroad following reports that many were being forced into prostitution.

Although it is prohibited with penalties of up to 14 years' imprisonment, sexual harassment was a widespread problem, and the government did not enforce the law effectively. In April police inspector general Kale Kayihura created a committee to investigate allegations of abuse of female police officers by senior male colleagues. Findings of the committee had not been released by year's end.

No report was issued during the year by the committee established in May 2008 to investigate allegations that male lecturers in Makerere University coerced female students into sexual acts as a condition for receiving good grades.

There were no reports of findings by a team from the Ministry of Health that investigated 2007 allegations of sexual harassment filed by 30 nurses against a senior staff member in Nakaseke Hospital.

There are no laws restricting couples and individuals from deciding freely and responsibly the number, spacing, and timing of their children; however, information and assistance on family planning topics relevant to these issues were difficult to obtain, particularly in rural areas, where there were few health clinics. A 2006 survey found that 41 percent of married women had unmet family planning needs. There was no indication of discrimination in diagnosis or treatment of sexually transmitted infections, including HIV/AIDS.

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The law requires that women be accorded full and equal dignity of the person with men. However, discrimination against women continued to be widespread, especially in rural areas where it was part of traditional culture. Many customary laws discriminate against women in adoption, marriage, divorce, and inheritance. Under local customary law in many areas, women cannot own or inherit property or retain custody of their children. Traditional divorce law in many areas requires women to meet stricter evidentiary standards than men to prove adultery. Polygyny is legal under both customary and Islamic law, and, in some ethnic groups, men can "inherit" the widows of their deceased brothers. Women also experienced economic discrimination. For example, women did most of the agricultural work but owned only 7 percent of the agricultural land. Women also experienced economic discrimination in access to employment, credit, pay, and in owning or managing businesses.

Eliminating gender inequality remained a high priority for the government, which, in conjunction with NGOs and women's rights groups, sponsored workshops and training throughout the country to increase awareness of women's rights.

Children

Citizenship is afforded to children born in or outside of the country if at least one parent or one grandparent held Ugandan citizenship at the time of the child's birth. Children under the age of 18 who are abandoned in the country with no known parents are considered to be Ugandan citizens, as are children under the age of 18 adopted by citizen parents.

The 2006 Uganda Demographic and Health Survey reported that only 21 percent of rural and 24 percent of urban children had their births registered; however, lack of registration generally did not result in denial of public services.

In August 2008 parliament passed a law that provides for tuition-free and compulsory education for the first seven years of primary school or through high school for especially underprivileged students. Students, except for the underprivileged, still had to pay for school supplies and some school operating costs, and many parents could not afford the school fees. Boys were more likely to finish primary school. The highest level of education achieved by most children was the fourth year of primary school.

Child abuse remained a serious problem, particularly rape and other sexual abuse of girls.

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A September report released by the African Network for Prevention Against Child Abuse and Neglect showed that 8,286 child-related abuses were reported to police and other sources between January and April. Of the total, 2,592 cases involved defilement, 1,292 involved disappearance, and 1,613 involved child stealing or kidnapping. The report cited other offenses committed against children, including torture (773 cases), desertion (594 cases), child trafficking (100 cases), child neglect (680 cases), infanticide (317 cases), and assault (325 cases).

Reported incidents of corporal punishment in schools continued to decrease since the 2006 ban on the practice. Sexual contact outside of marriage with girls less than 18 years of age, regardless of consent or the age of the perpetrator, is considered "defilement" under the law and carries a maximum sentence of death; however, such cases often were settled by a payment to the girl's parents. According to police statistics, in 2008 there were 8,635 reported defilement cases, of which 4,124 went to court, with only 333 resulting in convictions.

Perpetrators of sexual abuse often were family members, neighbors, or teachers.

On May 3, a court in Nebbi District, West Nile Region, remanded Colber Ruping to prison for defiling a six-year-old girl. The court charged Ruping with aggravated defilement, and the trial was pending at year's end.

On June 2, the Kampala High Court sentenced former primary school teacher John Bosco Ssempijja to 12 years in prison for defiling two female students of St. Mary Kevin Kajjasi school in February 2008.

On June 27, police in Bukedea District, Eastern Region, arrested teacher Joseph Ibaat after he was found defiling a 16-year-old girl of Life Line Secondary School. Hearing of the case was pending at year's end.

On July 13, police arrested teacher Gyaviira Nsika for sexually abusing 32 female pupils; Nsika was subsequently convicted and sentenced to two years' imprisonment.

In an effort to clear the backlog of cases, in 2007 the government amended the 2006 Magistrate's Courts Bill, giving chief magistrates the authority to hear rape cases of girls between the ages of 14 and 17; the High Court continued to try cases involving rape of girls younger than 14 years. In February the UPF announced that it would provide free rape and defilement medical examinations throughout the country to ensure that investigations were effectively carried out and perpetrators prosecuted; some examinations were conducted during the year.

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FGM was practiced by the Sabinu ethnic group in rural Kapchorwa District and the Pokot ethnic group along the northeastern border with Kenya despite local laws that prohibit the practice. In 2006 the subcounties of Kapchorwa and Bukwo districts passed bylaws to make FGM illegal; however, the practice still occurred. The government, women's groups, and international organizations continued to combat the practice through education. These programs, which received some support from local leaders, emphasized close cooperation with traditional authority figures and peer counseling.

Marriage of young girls by parental arrangement was common, particularly in rural areas, although the legal age for marriage is 18. Local NGO Concern for Children and Women Empowerment reported that acute poverty forced some parents to give away their children, including girls as young as 14 years, into early marriage and sexual arrangements. A March UN report stated that 32 percent of marriages involved underage girls. In December a court in Soroti District charged Mutwalib Adam, Yusuf Adam, Asha Adam, Mawuzu Shamim, Amoi Fatuma, Maimuna Katushabe, and Mariam Ramathana with compounding a felony for their role in aiding the marriage of a 14-year-old girl. The seven remained in detention at year's end, and an investigation was ongoing.

Reports of the ritual sacrifice of children increased during the year. For example, on March 7, police in Pallisa District arrested Issa Wayibi, Sebastian Musana, Bbumba Aramazan, and Daudi Byendela for the ritual killing of a girl the previous day in Butesa subcounty. An investigation was ongoing at year's end.

On April 16, police in Gulu District arrested John Okech and six of his family members for allegedly participating in the ritual killing of a one-year-old girl in Awach subcounty. An investigation in the case was pending at year's end.

The December 2008 case of businessman Godfrey Kato Kajubi, charged with the ritual killing of 12-year-old Joseph Kasirye, remained pending in court. On November 13, a court in Masaka adjourned the case to February 2010. Kajubi remained on remand along with Moses Musisi, Umar Kateragga, and Mariam Nabukeera, who confessed to killing the child on Kajubi's orders.

There were no reported developments in the 2007 ritual killing of a two-year-old child in Iganga District by family members Laston Muyaga, Jane Magezi, Elizabeth Kantono, and Aidah Kasubo.

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On January 7, the Kampala High Court in convicted and sentenced Ssenoga Setuhwa to 16 years in prison for stealing and selling a two-year-old child for sacrifice in 2006. Setuhwa was reportedly paid 100,000 shillings (\$52).

On April 29, UN special representative for children and armed conflict Radhika Coomaraswamy announced that Uganda had been removed from the list of countries that actively recruit children into the armed forces; in previous reports, the government was accused of turning a blind eye to the recruitment of children. Coomaraswamy said the country's "de-listing" was a result of its successful implementation of an action plan to demobilize and reintegrate child soldiers.

There were no reports that during the year the LRA abducted and conscripted children within the country. However, an estimated 5,000 of 40,000 children abducted by the LRA in previous years for use as laborers, soldiers, guards, and sex slaves were reportedly still missing. There continued to be numerous reports of LRA abductions of children in the DRC, CAR, and Sudan during the year.

In January police in Kampala rounded up approximately 200 street children, the majority from the Karamoja Region, and took them to Kampirigisa rehabilitation home in Mpigi District. In October city authorities in Kampala rounded up 300 street children and delivered them to a rehabilitation home. Street children were often the victims of poverty, famine, and instability in Karamoja Region.

Trafficking in Persons

Trafficking in persons was a problem, and there were reports that men, women, and children were trafficked to, from, and within the country. On October 1, President Museveni signed into law the 2007 Anti trafficking in Persons Bill to protect victims and prosecute traffickers. The act provides for a maximum of 15 years' imprisonment for trafficking in persons; imprisonment for life for aggravated trafficking; the death penalty for trafficking children; and 10 years' imprisonment for engaging the labor services of a victim of trafficking in persons.

Trafficking in persons primarily occurred internally for labor, commercial sexual exploitation, and criminal activities, but trafficking of Chinese and other Asian laborers to the country also occurred. There were reports that children were trafficked for labor from the country to Pakistan, Egypt, Turkey, the United Arab Emirates, Saudi Arabia, and Iraq.

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Immigration and police officials reported that traffickers continued to use legal means to take children out of the country for illicit purposes. Some NGOs reportedly located children and convinced their families that the children would receive an education or better life if they were trafficked. An expatriate then entered the country on a tourist visa and obtained a guardianship order through the courts, usually with the permission of the family. The magistrates, at the insistence of the guardian, required the passport office to issue the child a passport. In a 2008 case involving two young boys taken to South Africa, immigration officials learned that one boy had died after his kidneys were harvested for a transplant. Immigration officials formed a task force to examine the trend and make recommendations to the ministries of internal affairs and justice.

Victims of internal trafficking were subjected to hazardous working conditions, and commercial sex victims were subjected to physical abuse and the risk of contracting sexually transmitted diseases. Victims of commercial sex trafficking in urban centers often came from small rural villages. According to NGOs, women and girls often willingly placed themselves with intermediaries fraudulently offering employment in other areas of the country, only to find themselves exploited for labor or sex. NGOs also found evidence of a well-connected network of traffickers who facilitated the movements of victims to prospective buyers, negotiated their salaries in advance, and received a percentage of their monthly wages. A 2007 study conducted by the International Labor Organization's (ILO) International Program on the Elimination of Child Labor found that women and girls could be purchased for approximately 5,000 to 30,000 shillings (\$2.60 to \$15.60) and used as domestic workers. In the case of child trafficking for labor and commercial sexual exploitation, intermediaries such as pimps, employment bureaus, churches, transporters, NGOs, fishermen, and peers lured children and facilitated their travel with accommodations and travel documents.

The Ministry of Gender, Labor, and Social Development (MGLSD) is the lead agency on child trafficking issues, the national police force is responsible for investigating trafficking related crimes, and the Justice Ministry and the Directorate of Public Prosecutions prosecute cases.

The government arrested suspected traffickers during the year and assisted with international trafficking investigations or extradited citizens accused of trafficking in other countries.

For example, on January 7, police in Kampala arrested Sylvia Kampiire, a Rwandan national, for allegedly stealing three year old Daina Nyakiti from Rwanda and

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transporting her to the country for trafficking. Police reported that they transferred Kampiire and the baby to Rwandan authorities.

On August 12, police in Lyatonde Town arrested Safe Hands for Africa Church pastor John Mubanda for holding four girls without the permission of their parents. The police rescued the girls and returned them to their families. A court charged Mubanda, who reportedly received three million shillings (\$1,500) from the parents of the girls for promising to provide them with an education, with obtaining money by false pretense. Mubanda, who pled guilty, was fined and ordered to refund the money.

Several victims of trafficking were deported during the year.

For example, in May police in Kampala rescued Sri Lankan nationals Nadarasa Jagatheeswaran, Mohammed Murras Abdul, Verupillal Ratman Jeevtharan, Writheran Suntharalingam, Rajathumi Makesvarn, and Sebastian Christopher from suspected human traffickers in Makindye Ssabagabo subcounty. The victims, who were deported to Sri Lanka, claimed they had been promised jobs by Sri Lankan nationals Alputha-Kumar and Nithianan, both of whom were believed to fugitives.

During the year the International Organization on Migration (IOM) repatriated 13 Ugandan women who had been recruited by a local Ugandan firm to work as domestic servants in Iraq. Some of the women reported abuse, including sexual harassment, at the Iraqi homes where they worked. In July authorities questioned the management of Uganda Veterans Development Ltd, the local external employment agency that recruited them. While no specific sanctions were placed on the company, the government did suspend the recruitment of Ugandan women to work as domestic servants abroad.

The four Ugandan girls who were stranded in Iraq in 2008 after their employers confiscated their passports were returned to the country and reunited with their families, according to the police Anti-Human Sacrifice and Trafficking in Persons Task Force Unit. An investigation was still ongoing at year's end.

The government's prosecution of child defilement cases included an undetermined number of cases involving trafficked children.

The government and NGOs worked together to identify and provide assistance to persons at risk for trafficking. However, the government deported victims of foreign origin, unless the minister of internal affairs granted an extended stay to aid in

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prosecution of the case. The UPDF has child protection units in all districts and, along with government agencies, continued to work with NGOs to reintegrate thousands of former LRA abductees into society.

In January police established an Anti-Human Sacrifice and Trafficking in Persons Task Force Unit with investigative teams at the national, regional, and district levels to curb trafficking in persons and increased ritual killings.

The national police maintained a Child and Family Protection Unit to train local police on women's and children's rights, including identification of trafficking victims and prevention of trafficking. The police also allowed the local NGO Uganda Development Youth Link to place its social workers in police stations to assist children and other trafficking victims, primarily in Kampala District.

The State Department's annual *Trafficking in Persons Report* can be found at www.state.gov/q/tip.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities in employment, education, access to health care, and the provision of other state services; however, the government did not enforce the law effectively. Persons with disabilities also faced societal discrimination and limited job and educational opportunities. There was no statutory requirement that buildings be accessible to persons with disabilities; however, the law requires that children with disabilities be given necessary special facilities.

The UHRC continued to receive complaints of discrimination in employment and access to transport, cell phone, and other public services from persons with disabilities. Most schools in the country did not accommodate persons with disabilities. In July Francis Kinubi, chairman of the National Union of Disabled Persons in Uganda, reported that the Public Service Commission had failed to formalize the employment of persons with disabilities who had worked in government service for as long as 10 years.

No action was taken to assist the 40 prison inmates with impaired hearing who had been denied a trial, health services, and education because they could not communicate. The government supported the right of persons with disabilities to vote and participate in civic affairs; five seats in parliament were reserved for representatives of persons with disabilities. Government agencies responsible for protecting the rights of persons with disabilities included the Ministry of State for Disabled Persons and the

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MGLSA but both lacked sufficient funding to undertake or support any significant initiatives. In August the president appointed members to the Equal Opportunities Commission, which is responsible for enforcing laws that protect persons with disabilities and ensure that they have equal access to public office. National/Racial/Ethnic Minorities

There were isolated reports of violence between ethnic minorities in some parts of the country. For example, in August a group of ethnic Madi forcefully evicted several families of the Alur ethnic group from Kasomenga village in Rhino Camp subcounty. During the eviction property was destroyed and several grass-thatched huts were torched. The police in Arua District arrested and remanded to prison six suspects who were alleged to have incited the violence, and the case was ongoing at year's end.

During the September 10-12 riots in Kampala, demonstrators harassed Asian business owners and looted and destroyed some of their shops; the actions reflected public perception that the government favored Asian investors and businessmen with tax breaks, land, and other incentives unavailable to local businessmen.

Indigenous People

The Batwa were the original inhabitants of land used by the government in 1992 to establish Mgahinga National Park, Bwindi Impenetrable National Park, and Echuya Central Forest Reserve. Numbering approximately 6,700 persons, the displaced Batwa lived in the districts of Bundibugyo, Kisoro, Kabale, Kanungu, Masaka, and Mbarara in the southwest and had limited access to education, health care, or economic opportunities. They were also prevented from pursuing hunting, gathering, and other traditional ways of life and often suffered food shortages. In March the United Organization for Batwa Development petitioned parliament to recognize Batwa rights to their former ancestral land to preserve their cultural values.

Societal Abuses and Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

Lesbian, gay, bisexual, and transgender (LGBT) persons faced discrimination and legal restrictions. It is illegal to engage in homosexual acts, based on a 1950 legal provision from the colonial era criminalizing "carnal acts against the order of nature" and prescribing a penalty of life imprisonment. No persons have been charged under the law. The September introduction in parliament of a bill providing the death penalty for "aggravated homosexuality" and for homosexual "serial offenders" resulted in increased

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harassment and intimidation of LGBT persons during the year; the proposed legislation also provides for a fine and three years' imprisonment for persons who fail to report acts of homosexual conduct to authorities within 24 hours.

Public resentment of homosexual conduct sparked significant public debate during the year, and the government took a strong position against such conduct despite a December 2008 ruling by the High Court that constitutional rights apply to all persons, regardless of sexual orientation. The local NGO Sexual Minorities Uganda (SMUG) protested alleged police harassment of several members for their vocal stand against sexual discrimination.

For example, on April 5, police in Mbale District arrested SMUG activists Fred Wasukira and Brian Mpadde. On April 17, a court in Mbale charged Wasukira and Mpadde with homosexual conduct and remanded the suspects to Maluke prison. On May 20, the court released Wasukira on police bail; Mpadde was released on June 16. The case was ongoing at year's end.

On June 19, police in Kitgum interrogated former police coach Charles Ayeikoh over allegations that he was involved in homosexual acts. An investigation was ongoing at year's end. In July the administration of Mbalala Senior Secondary School in Mukono District dismissed student John Paul Mulumba after he acknowledged that he was a SMUG member.

During the year the UHRC stopped investigating the July 2008 case in which SMUG activist Usaam Mukwaya alleged that police tortured and humiliated him during an illegal detention; Mukwaya reportedly decided not to pursue the case. During the year police dismissed for lack of evidence a September 2008 case against SMUG members George Oundo and Brenda Kiiza, who were charged with indecent practices.

LGBT persons were also subject to societal harassment and discrimination.

For example, on March 17, the Uganda Joint Christian Council and the Family Life Network launched a campaign to curb homosexual conduct in higher institutions. SMUG accused the organizers of using religion to attack the LGBT community in the country. On June 24, the Uganda Coaches Association instituted a code of conduct that requires members to denounce support for or involvement in homosexual activity.

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In June in Entebbe, activists organized a three-day workshop to discuss the rights of LGBT persons and ways to address increasing public resentment against homosexual activity in the country.

Other Societal Violence or Discrimination

Discrimination against persons with HIV/AIDS was common and prevented such persons from obtaining treatment and support. International and local NGOs, in cooperation with the government, sponsored public awareness campaigns to eliminate the stigma of HIV/AIDS. Counselors encouraged patients to be tested with their partners and family so that they all received information about living with HIV/AIDS. Persons living with HIV/AIDS formed support groups to promote awareness in their communities.

Section 7 Worker Rights

a. The Right of Association

The law allows workers, except for "essential" government employees, including police, army, and management level officials, to form and join independent unions, but all unions must be registered either under the National Organization of Trade Unions or the Confederation of Trade Unions. The law allows unions to conduct their activities without interference. Union officials estimated that more than 1.2 million workers were unionized, representing approximately 10 percent of workers.

The law criminalizes any effort by an employer to obstruct the right of association; however, the government generally did not enforce this provision. Labor activists claimed several companies did not allow employees to join unions, including Dot Services and Cementers and Multiplex (both road construction companies); Mansons, a clearing, forwarding and transport company; West Nile Rural Electrification Company; BIDCO Uganda Ltd, an edible oil company; Mukwano Manufacturing Industries; Kawere Coffee Ltd; and Kibimba Rice Scheme.

The law provides for the right to strike, and workers exercised this right; however, government policy required labor and management to make "every effort to reconcile labor disputes before resorting to strike action." The government did not always protect the right to strike, and police arrested persons engaged in organizing strikes during the year.

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For example, in May police in Mukono arrested and later released 31 sugar cane cutters of Lugazi Sugar Corporation during a strike to protest low pay and poor working conditions. In February a court in Mukono acquitted 75 workers of Lugazi Sugar Corporation on charges of destruction of company property during a strike in November 2008. The plantation union reported that the four workers from the Kakonde Tea Estate arrested in 2007 for organizing a strike were released during the year following negotiations with the management.

b. The Right to Organize and Bargain Collectively

The law provides for collective bargaining; however, the government did not protect this right in practice. Some employers ignored the legal requirement to enter into collective bargaining agreements with registered unions, but a few employers recognized the agreements. No public service unions, including medical staff and teachers, were allowed to negotiate their salaries and employment terms. The government fixed the terms and conditions for all civil service workers. There were no reports of antiunion discrimination during the year. Despite the dismissals of 100 workers from Kasese Cobalt and another 100 workers from Hwan sung, Ltd, for participating in union activity, the government took no action and did not investigate reports that employers suppressed union activity.

There are no export processing zones. c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred, particularly in prisons. While the law does not expressly prohibit prison labor, it states that such labor becomes forced if the worker is "hired out to or placed at the disposal of a private individual, company, or association." NGOs and the UHRC reported that forced labor was a problem in local prisons nationwide. Prison officials hired out prisoners to work on private farms and construction sites where the prisoners were often overworked. Prison officials routinely supplemented their wages with cash crops grown by prisoners on prison grounds. Male prisoners performed arduous physical labor while female prisoners produced marketable handicrafts such as woven basketry. Juvenile prisoners performed manual labor, often for 12 hours a day. Compensation, when paid, generally was very low.

d. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits employers from hiring workers below the age of 18; however, statutory orders issued by the MGLSD permit the employment of children between the ages of 14

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and 18, and 13-year-olds are allowed to engage in "light work" provided it does not interfere with education. Children under the age of 12 are prohibited from being employed in any business or workplace, and all children are prohibited from being employed during school hours. Nevertheless, child labor was common, especially in the informal sector.

Many children left school and engaged in agricultural or domestic work to help meet expenses or perform the work of absent or sick parents, a situation common throughout the country. The problem was particularly acute among the large orphan population. In June the Bureau of Statistics estimated that more than 1.76 million children, including 798,451 girls, between the ages of five and 17 (17 percent) were involved in child labor.

In urban areas children sold small items on the street, worked in shops, begged for money, and were involved in the commercial sex industry. Children were also employed in stone quarries, cattle herding, brick making, and commercial farming of tea, coffee, sugarcane, vanilla, tobacco, and rice.. The MGLSD reported new incidents of the worst forms of child labor, including children involved in illicit activities such as cross-border smuggling. Government officials noted that child exploitation in the informal sector was of particular concern and was difficult to investigate. Children were known to be working as subsistence farmers, domestic servants, and prostitutes.

The ILO and the Federation of Uganda Employers sponsored a January 2008 survey on child labor in the fisheries and tobacco industries that found that most of the 291 children sampled worked long hours and that 71 percent were involved in hazardous work. Of the children involved with fisheries, 31 percent worked at night, and all were exposed to waterborne diseases, fatigue, a high risk of contracting HIV/AIDS, and injuries. Children on tobacco farms worked long days, dropped out of school during peak periods of tobacco production, and were exposed to dangerous chemicals, smoke, and dust.

Institutions responsible for enforcing child labor laws and policies include the National Council of Children, the police force's Child and Family Protection Unit, the Industrial Court, and the MGLSD; however, financial constraints limited efforts. The MGLSD continued to offer social services to children working in the worst forms of child labor and other target groups, and it conducted training for staff, local leaders, and district labor inspectors. Sixty MGLSD district labor officers reported on child labor issues at the local level. The government coordinated its efforts to stop child labor through the National Steering Committee on Child Labor, which included representatives of the MGLSD, the Ministry of Education and Sports, the Ministry of Local Government, the



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Federation of Uganda Employers, the National Organization of Trade Unions, NGOs, journalists, and academics. However, due to lack of funds and logistical support, district labor officials have not conducted child labor inspections since 2004.

The government organized a number of child labor awareness workshops, disseminated printed information, and sponsored radio and television discussions to educate the public on child labor issues. The government also cooperated with the ILO, foreign governments, and NGOs on several initiatives to combat child labor, including the education and reintegration of children into their communities. Several human rights NGOs continued programs to remove children from hazardous work situations.

e. Acceptable Conditions of Work

The minimum legal wage was 6,000 shillings (\$3.16) per month, a rate set in 1984 that did not provide a decent standard of living for a worker and family and was not effectively enforced. The government and the private sector negotiated a new rate in 2003; however, the 2003 rate had not been implemented by year's end.

The law includes provisions for district labor inspectors to "secure the enforcement of legal provisions relating to conditions of work and the protection of workers while engaged in their work"; however, no inspections were carried out during the year, due in part to financial constraints.

In industries that employed workers on an hourly basis, the normal workweek was 40 hours. The legal maximum workweek is 48 hours; however, exceptions can be made with agreement of the employer and employee. The law provides for an employee who works in excess of 48 hours per week to be remunerated at the minimum rate of 1.5 times the normal hourly rate for the overtime hours and two times the hourly rate on public holidays. The law also states that working hours may not exceed 10 hours per day or 56 hours per week, including overtime hours; however, an employee may work in excess of 10 hours a day if the average number of hours over a period of three weeks does not exceed 10 hours per day or 56 hours per week. Employees are granted a 30-minute break for every eight-hour work shift. For every four months of continuous employment, an employee is entitled to seven days of paid annual leave per calendar year. Many industries paid workers annual increments or bonuses as payoffs to avoid overtime.

The law establishes occupational health and safety standards, and the MGLSD's Department of Occupational Health was responsible for enforcement of occupational

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May. 11, 2010

safety regulations. In practice inspections were very rare, primarily due to the lack of vehicles and funding for inspection trips, and standards were not effectively enforced. The law also provides workers the right to remove themselves from situations that endanger their health or safety without jeopardy to their employment. However, there were reports that workers were dismissed for their refusal to perform dangerous work.

In September Mulugeshe Kittan, a manager with AK Plastics, allegedly assaulted Rashid Kibirango, a machine operator, after he refused to enter a hot plastic-molding machine. Kibirango reported the case to police, and a court hearing was pending. Kibirango resigned after management declined to transfer him to another section.

The MGLSA recorded four deaths due to poor safety practices at several construction projects during the year.

Source: <http://www.state.gov/g/drl/rls/hrrpt/2009/af/135982.htm>