

UGANDA

@The failure to safeguard human rights

The Uganda Government under the National Resistance Movement (NRM) begins first and foremost with an unwavering commitment to the respect of human rights and to the sanctity of human life.

(President Yoweri Museveni addressing the 42nd General Assembly of the United Nations in October 1987)

It must be remembered that the NRM Government has only been in power for six years and it would be quite wrong to expect the government to get on top of the problems it inherited overnight.

(Government press statement in response to an Amnesty International report published in December 1991)

Uganda was a devastated country when the National Resistance Army took power in January 1986. It had been torn apart by civil war and 20 years of political violence. Human rights had been persistently and grossly violated. The economy had been ruined.

The National Resistance Movement (NRM) government, led by Yoweri Museveni, took charge of this devastation, promising to build a new Uganda with respect for human rights central to its program. Since then, breaking with the past has been a dominant slogan in Ugandan politics.

Several early government actions indicated that the NRM intended to translate its stated commitment to human rights into practice. In areas firmly under NRA control, jails were opened and the arbitrary harassment, killing and torture of civilians largely stopped. The government set up new institutions and posts a Human Rights Commission to investigate the past and an Inspector General of Government (IGG) to investigate corruption and human rights violations in the present. It ensured that Uganda was among the first states to accede to the United Nations (UN) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (3 November 1986) and moved quickly to ratify the African Charter on Human and Peoples' Rights (10 May 1986).

Almost immediately after taking power, the NRM government faced armed opposition in the north and east, and since the second half of 1986, a new pattern of serious human rights violations has emerged in Uganda. Massacres of unarmed civilians and prisoners by soldiers of the government's National Resistance Army (NRA) have taken place every year. The victims have included children and whole families. Some have been burned to death in their homes; others have suffocated to death after being crammed into pits or other confined places of detention. Yet others have been beaten or shot to death by soldiers who apparently believe they are above the law. Thousands of people have been unlawfully detained without charge in military barracks where many have been tortured or ill-treated. The authorities have also misused serious charges such as treason to hold suspected opponents or critics of the government.

Government officials frequently blame these violations on the legacy of the past or invoke Uganda's history to suggest that, relatively speaking, the human rights situation is better than before. From these and other similar responses, it appears that the government is prepared to use the past as a smokescreen to hide both its own complacency and, in some instances, the deliberate and cynical violation of human rights by high-ranking military and government officials. However, neither the past nor comparisons with the past can ever excuse or justify the continuation of gross human rights violations in the present.

Many of the most serious violations of human rights have taken place in the north and east of the country in the context of counter-insurgency operations and appear to be connected to the government's counter-insurgency strategy. But violations, particularly detention without charge or trial and torture, have also taken place in Kampala and other areas of Uganda less affected by conflict.

The government has been under pressure to mount prompt, independent and impartial investigations into the many extrajudicial executions committed by soldiers since 1986. Where particularly blatant incidents have taken place or publicity has been brought to

bear, the government has claimed, often long after the incident, that investigations would be set up or were already under way. However, in the vast majority of cases, investigations have been neither independent nor impartial, their progress has been unacceptably slow, and none has issued a report that has been made public.

The government frequently points to its willingness to execute soldiers as an indication of its commitment to human rights: over 40 soldiers have been executed since 1987. The death penalty is mandatory in Uganda for serious crimes against the person such as murder or rape under both the Penal Code, which governs all citizens, and the Military Code, which regulates the behaviour of soldiers. Trials under the Military Code are unfair as they do not allow a right of appeal.

The government claims that the death penalty is an effective deterrent against human rights crimes despite the fact that Uganda's entire history suggests that it is not. Moreover, its belief that the death penalty is a deterrent and that soldiers must be ruled by violence appears to be a barrier to political decision-making about fundamental and effective reforms to protect human rights. Its stated belief in the most serious of punishments must also be thrown into question by its inconsistent use of punishment in general, particularly in relation to human rights crimes. While soldiers found guilty of committing abuses off-duty have frequently been summarily tried and executed, few soldiers implicated in human rights violations during military operations have been brought before the courts. Action has also been public and prompt when soldiers, even senior officers, are suspected of corruption or theft. The failure to act in a similar way in relation to human rights crimes suggests that the use of terror is a deliberate counter-insurgency tactic and that in these situations such violations may be condoned by the government at a high level.

In addition, false or draconian charges have been laid against real and suspected critics and opponents of the government, including prisoners of conscience. There has been widespread use of the charge of treason to justify remanding prisoners in custody, in effect using it as a holding charge in the absence of substantial incriminating evidence. In many cases political prisoners have been detained without charge for months, sometimes years, and have then been charged with treason, preventing their release on bail for a further 16 months. Charges of sedition or defamation have been used against journalists who criticize the government or army and, in a case in April 1992, against a defence lawyer in a high-profile treason trial.

Insurgents fighting the NRA in both northern and eastern Uganda, some of whom were members of pre-1986 government armies responsible for gross human rights violations, have also committed serious human rights abuses. Civilians, including villagers who refuse to supply rebels with food, suspected government informers and members of locally recruited militia and their relatives have been abducted, raped, murdered or mutilated by insurgents in the northern districts of Kitgum and Gulu. In eastern Uganda, in the districts of Kumi, Soroti and Pallisa, civilians, particularly elected councillors, have been victims of deliberate and arbitrary killings by armed opposition groups. These abuses deserve and receive widespread condemnation both in Uganda and outside. They do not, however, justify human rights violations by the NRM government and the army.

Some government action in relation to human rights issues has brought results. In 1987, for example, a cruel form of tying, known as three-piece or kandooya², was banned throughout the NRA, and the ban appears to have been widely respected. This demonstrates that when the political will is there, the authorities can take effective action. Nevertheless, other forms of torture and, occasionally, kandooya are still reported to be taking place.

Other positive steps have included the release in 1989 and 1990 of over 4,800 uncharged detainees arrested in rural areas in the north and east. Many had been held without trial for up to three years. In 1992 there are significantly fewer people in uncharged detention but, again, many arrests since 1990 demonstrate that the army is quick to resort to unlawful detention if soldiers think there is a need to put people in custody, and detainees still have access to no better safeguards against arbitrary detention than in the past.

In the early years of the NRM government, the legacy of past eras meant that violent incidents were almost inevitable. Individuals had many scores to settle and it would have been unrealistic to expect the government to break immediately the cycle of violence entrenched in Ugandan society. But after six years of rule by the NRM it is, at the very least, questionable whether human rights violations are the result of a legacy of disorder. The tragedy of Uganda's past would only be compounded if it has become a convenient excuse for human rights violations perpetrated in the present.

It is therefore necessary for both Ugandans and the international community to look closely at the NRM government's record on human rights. This report does just that, and shows that there is still an enormous gap between the promises and the reality. The government must take determined and urgent action to ensure that Uganda's horrific past does not continue to dominate the country's future.

INTRODUCTION

Although the past is no excuse for the continuation of deliberate violations of human rights, Uganda's history cannot be dismissed as irrelevant. The past left the country in a state of economic collapse, with a fragmented civil society and politics dominated by the army. It also distorted perceptions of what it is realistic or fair to expect from any Ugandan government particularly in the field of human rights. Moreover, the fact of Uganda's tragic history has opened up the possibility of today's rulers exploiting the past to serve their own ends.

Politics in Uganda have been militarized since the so-called Buganda crisis in 1966. The Constitution was suspended and Prime Minister Milton Obote ordered army units led by army commander Colonel Idi Amin to attack the palace of the Kabaka, the king of Buganda³. The years that followed saw a continuous undermining of the rule of law and weakening of the institutions of civil society. There was also a cumulative militarization of power that became blatant following Idi Amin's overthrow of Milton Obote in 1971.

Ugandan politics also became increasingly factionalized according to ethnicity and religion. The Uganda People's Congress (UPC) draws support primarily from Protestants, most numerous among the Acholi, Langi and Iteso peoples of northern and eastern Uganda. The largest political party, the Democratic Party (DP), which has never formed a government, draws support from Catholics, most numerous in Buganda, the west and parts of the north. Idi Amin drew support from Muslims, the urban poor, the peoples of his home area of West Nile and southern Sudanese.

In the 1970s and early 1980s politics were characterized by rule by force and reliance on the gun. After the overthrow of Idi Amin in early 1979 by invading Tanzanian troops, there were three short-lived governments headed in turn by Yusuf Lule, Godfrey Binaisa and a Military Commission. In December 1980 seriously flawed elections returned Milton Obote and the UPC to power. In July 1985 army commander Tito Okello overthrew Milton Obote. In January 1986 the NRA occupied Kampala and took power by inflicting military defeat on Tito Okello's supporters.

Successive administrations relied on different military factions, which either already existed within the army or were recruited into it, and on security agencies drawn from rival interest groups. The

militarization of politics thus involved the fragmentation of the Ugandan military and security forces. The phenomenon of warlords emerged, with different security agencies or army units holding allegiance to different officers and politicians. The in-fighting within each administration and the army was complex and bitter and there were massive and gross violations of human rights. As each faction assumed power, it set about liquidating its predecessors, their families and their supporters, as well as the supporters of the new insurgencies which rapidly began. Political violence provided a context for violence linked to corruption and other forms of crime.

An ethnic logic ran through many of the military factions, which was reflected in the worst human rights excesses. Idi Amin's forces, for example, massacred tens of thousands of Acholi and Langi. Starting in 1979, the Uganda National Liberation Army (UNLA) the national army after Idi Amin's overthrow which comprised many Acholi, Langi and Iteso troops massacred civilians in West Nile. By 1982 the UNLA was engaged in counter-insurgency operations against the Buganda-based Uganda Freedom Movement (UFM), the West Nile-based Uganda National Rescue Front (UNRF), and the National Resistance Movement (NRM). Between 1982 and 1985 tens of thousands of Baganda civilians were extrajudicially executed in the so-called Luvero triangle, an area immediately north of Kampala. However, any critic of the government, irrespective of ethnic origin, or anyone who came from independent areas of society and was thus seen as a potential threat, was also at risk of imprisonment or death.

Before the NRM government came to power, therefore, Uganda experienced a shifting pattern of abuse, with political violence being targeted at various ethnic groups at different times. At a national level, the legacy of this abuse was cumulative. Civil society was fragmented. It is commonly asserted that a cycle of violence became established in Ugandan society.

Years of political insecurity had disrupted commercial activity, inhibited investment and forced thousands of smallholders off the land, leaving the economy in serious difficulty. Idi Amin, for example, expelled the commercially active Asian community in 1972. The effects of these factors have been compounded by the agricultural basis of the economy. In 1991 agriculture accounted for 72 per cent of Uganda's gross domestic product. Within the agricultural sector, coffee is by far the most important export crop, rendering Uganda extremely vulnerable to variations in world coffee prices. Moreover, in the past 10 years the spread of Acquired Immune Deficiency Syndrome (AIDS) has further hampered efforts to improve the economy. It has killed tens of thousands of economically active young and middle-aged people, and the NRM government has had to divert substantial human and material resources towards the health sector. All this meant that the NRM came to power at a time of extreme economic crisis.

It is appropriate that the legacy of this history should be taken into account when assessing the performance of the current government in relation to human rights. However, this legacy should not be allowed to mislead. For example, the government has sometimes used the difficult economic situation to justify its failure to implement or consolidate measures which would protect human rights. This is too facile an explanation, as in reality the issue is in part a question of the allocation of resources. The NRA, despite a recently announced reduction in its budget, continues to receive a high proportion of government spending. At the same time, the police's Criminal Investigation Department and the judiciary remain poorly funded. Failure to address human rights problems is, in fact, more usually due to a lack of political will than an overall lack of funds.

The nature of the past should not, therefore, distort perceptions of the present. Often the scale of past violence leads to a distorted perception of what might be normal, acceptable and possible in human rights terms. The NRM government began with a high degree of credibility simply by not being the government of Idi Amin, Milton Obote or Tito Okello. Six years on, the government must be judged in terms of the real steps it has taken to end the pattern of gross human rights violations not on what it says or how it compares with previous administrations.

The pattern of extrajudicial executions, torture, unlawful detentions and misuse of serious charges to justify detentions described in this report demonstrate that in many instances soldiers and others violating human rights are operating according to accepted practices within

the army and with the support and understanding of the political authorities. A disordered and violent past does not excuse such violations.

1

The legacy of the past

The National Resistance Army (NRA), the force behind the NRM, emerged in the early 1980s as the largest and best organized rebel group fighting the government of Milton Obote. Its troops were mainly drawn from southwest Uganda and it was based in this area and the Luwero triangle. Living among the rural peasantry and dependent upon them for food and security, it generally maintained respect for their human rights.

In January 1986 the NRM took power after the NRA occupied Kampala following the collapse of Tito Okello's military government. The government appointed by the new President, Yoweri Museveni, was then and remains today broad-based both politically and ethnically. The result of this is that political parties such as the Democratic Party (DP) have members both in government and opposition. Key positions in government are held by long-term members of the NRM who are close political associates of the President. The NRM remains close to the NRA; many influential members of the NRM are former or serving members of the army.

As soon as it came to power the NRM government, which describes itself as an interim administration, announced a four-year timetable for drawing up a new constitution and holding elections. In late 1989, however, the government extended its own term of office for a further five years and the new constitution is still being prepared. In March 1992 President Museveni announced that general elections would be held in 1994. The NRM has sought to maintain a monopoly on organized political activity: political parties such as the DP are allowed to exist but cannot organize any activities such as public meetings.

In 1986 the NRM established a new system of local government, with Resistance Committees and Councils (RCs) elected at village and parish level, rising to sub-county, county and district levels. Above this is the National Resistance Council (NRC), Uganda's interim legislature. In February 1989 elections were held to the RCs and the NRC. Further RC elections were held in February 1992.

On taking power the NRM faced the problem of what to do with the defeated armed forces of former governments. It set about acquiring a monopoly on the use of force and trying to destroy the power of warlords. Other groups that had fought Milton Obote and Tito Okello's UNLA, such as the Uganda Freedom Movement (UFM) and the UNRF, were incorporated into the NRA. Soldiers who had served in the UNLA were sent to camps for screening and political education and many were incorporated into the NRA. Even men and women who went into the bush after the NRM came to power and who subsequently reported (gave themselves up) were given the option of joining the NRA. It has been alleged that such reporters and former UNLA soldiers were in some cases forced to join the NRA in the early years of the NRM government.

One consequence of the incorporation policy has been that the NRA grew from a small, tightly disciplined guerrilla force into one of the largest armies in sub-Saharan Africa, probably comprising more than 100,000 soldiers. However, many of the incorporated troops had not experienced strict disciplinary training nor been part of armies or insurgent groups which had put a premium on respecting human rights. Several incidents of human rights violation committed in the first months of the NRM government were attributed to NRA soldiers formerly with other armed forces. One of the worst incidents took place at Naam-Okora in Kitgum District in September 1986 when troops formerly with the Federal Democratic Movement (FEDEMU) were reportedly responsible for large-scale killings of civilians. In this case the authorities moved rapidly to disarm the unit involved and the soldiers were detained and transferred to southern Uganda. According to some reports, many of the soldiers were themselves tortured and some died on the journey south.

The authorities have often drawn attention to the disciplinary problems created by incorporating soldiers from a variety of armed forces into the NRA. On occasion they have explained and excused human rights violations by attributing them to such soldiers. In the period immediately after January 1986 it was possible to have some sympathy with the military authorities over the difficult task of building discipline within the new NRA. In 1992, however, after the government has been in power for six years, such sympathy would be misplaced. Responsibility for military discipline rests with the military authorities in all circumstances. Moreover, the pattern of human rights violations in Uganda in the past few years demonstrates that the problem of ill-disciplined soldiers is an inadequate explanation for the continuing incidents. Clearly, the training and operational practices of the NRA do not place sufficient emphasis on human rights or humanitarian law.

New human rights institutions

On coming to power the NRM government took two important steps concerning human rights which were widely regarded as demonstrating its willingness to learn from the past. In May 1986 it established a Commission of Inquiry, chaired by a High Court judge, to investigate human rights violations from Uganda's independence in 1962 until the NRM came to power. The commission was also charged with inquiring into possible ways of preventing the recurrence of such abuses. The commission has pursued its mission vigorously. It has heard testimony from former victims and victims' relatives and called alleged violators to testify before it in nearly all of Uganda's districts. It now has the major task of preparing its report.

However, the commission has been hampered throughout its existence by a shortage of funds. In May 1992 it was reported to be close to collapse after its budget had been reduced by 80 per cent. Few of those exposed in the commission's hearings as human rights violators have been prosecuted. This is not the fault of the commission, which does not have the power to bring prosecutions. At one level at least, the problem lies with the police who have apparently failed to follow up the commission's work with adequate criminal investigations. This has caused frustration both to the commissioners and the general public. Another serious problem is the long delay in the production of the commission's report. The government has said that it will not create new permanent bodies dealing with human rights protection until it receives recommendations from the commission. The report's delay is therefore being used by the government as a reason for delaying action on human rights.

The government also set up a parallel permanent institution, the Inspector General of Government (IGG), whose office was jointly charged with investigating corruption and violations of human rights alleged to have occurred after January 1986. In the early years the IGG was badly hampered by lack of funds. Now it is better resourced and is well established under the leadership of an Inspector General and Deputy Inspector General.

The wide mandate of the office has caused problems by creating a demand beyond its capacities. At a public level, the IGG has mostly been identified with systematically investigating issues of corruption. However, effective interventions in human rights cases have also been made, frequently through direct approaches by the IGG to the relevant authorities. The office, which answers to the President, rarely produces public reports.

The IGG has found it particularly difficult to fulfil the human rights element in its mandate when investigating violations by the army. In May 1992, however, the main findings of an investigation into the arrest and ill-treatment of 18 northern community and political leaders in early 1991 were disclosed at a press conference in Kampala. The findings were critical of the Minister of State for Defence. Despite this, the office has been generally weak in investigating alleged human rights crimes by soldiers in rural areas.

The first known investigation into extrajudicial executions in northern Uganda that involved the IGG's office began in August 1991, more than five years after the office was established. The difficulties faced by the office in penetrating the army are symptomatic of the general problems confronting non-military bodies when they try to deal with the NRA.

Confronting rebel forces

Within a few months of coming to power the NRM government faced armed opposition from members of former governments and their armies. These armies not only threatened the government's authority in certain areas of the country. They were also responsible for a wide range of brutal human rights abuses against civilians.

Rebel groups have executed prisoners. They have hacked to death men and women in their homes. They have mutilated captives, cutting off their lips, hands, ears or noses. They have raped and assaulted women.

Such abuses are to be condemned in all circumstances. Armed opposition groups, whatever their grievances against the authorities, must abide by humanitarian principles. Yet whatever atrocities are committed by such groups, they never justify the forces of the state reacting in kind.

The insurgencies faced by the new government were based mainly in the north and in the east. In early 1986, former UNLA troops who had fled to Sudan infiltrated back into northern Uganda. Their attack in August 1986 on the town of Gulu heralded the outbreak of conflict in Gulu and Kitgum districts. These districts, the home of the Acholi people, had been relatively peaceful in the first few months after the NRA moved into the area. However, in the wake of a pattern of abuse by NRA soldiers, many northerners joined the insurgents. By the end of 1986, at least two insurgent groups were operating in the area inhabited by the Acholi the Uganda People's Democratic Army (UPDA) and the messianic Holy Spirit Movement led by Alice Lakwena.

A spiral of violence ensued. NRA soldiers extrajudicially executed civilians in many separate incidents. Thousands of suspected rebels were taken into unlawful detention without charge or trial, initially into military barracks but then into civil prisons where they became known as lodgers. As lodgers they were held in civil prisons on the orders of the NRA. Often the holding prison had no knowledge or record of why the lodgers were detained and the arresting authority had no record of why or by whom the arrests had been carried out. There were also reports of beatings, kandooya and other types of torture.

Meanwhile insurgents were responsible for a wide range of human rights abuses, including abducting and murdering civilians (see Chapter 8).

Alice Lakwena's forces were routed on the outskirts of Jinja in late November 1987. A peace agreement was reached with a substantial part of the UPDA in April 1988. There were, however, other smaller messianic groups in northern Uganda, the most significant led by Joseph Kony, which began to gain influence. In early 1988 UPDA fighters who rejected the peace agreement and various remnants of the Holy Spirit Movement combined under the leadership of Joseph Kony. In July 1990 an exiled leader of the UPDA signed another peace agreement with the government and more rebels surrendered. By early 1991 those remaining in the bush under the leadership of Joseph Kony called themselves the United Democratic Christian Army (UDCA).

During 1991 there was a major military operation against northern rebels. A series of operations, described locally as cordon-and-search operations, were organized to screen the civilian population for the presence of UDCA rebels⁴. The government organized young and middle-aged men into informal vigilante groups, popularly known as Arrow Brigades, to work with the NRA. According to the government, by 1992 rebel activity was restricted to a few small mobile groups, most notably active in Atanga Sub-County in the west of Kitgum and Anaka and Purongo Sub-Counties southwest of Gulu town near the Kabalega National Park.

In the east armed opposition began in early 1987. Many Iteso people of the eastern districts of Kumi and Soroti had been supporters of the UPC government of Milton Obote and had been soldiers in the UNLA or members of other security agencies. In 1986

one of the first actions by NRA soldiers in eastern Uganda was to disarm militia that had been formed among the Iteso to protect them from cattle raids by their northern neighbours, the Karamojong. NRA soldiers also stole cattle. The opposition Uganda People's Army (UPA) took advantage of the resentment caused by the harsh behaviour of the NRA and was able to mobilize support. As Iteso began to go into the bush to join the rebels, former UNLA soldiers were harassed by the authorities, resulting in even more men joining the UPA.

As in the north, the NRA has progressively limited the activities of insurgents in the east to fewer and fewer sub-counties. In the course of often brutal counter-insurgency operations in the area, there have been many human rights violations. UPA rebels have also committed wide-ranging human rights abuses, particularly against civilian members of local Resistance Committees (see Chapter 8).

The wars in the north and the east have occasionally spilled over into the districts of Lira and Apac. This is the home area of the Langi, who by and large supported Milton Obote (who comes from the area) and the UPC. Despite human rights violations by NRA soldiers against Langi former members of the UNLA in 1986 and 1987, there appears to have been less support for insurgent groups in this area. This is partly because of sharp divisions within the UNLA and the UPC between Langi and Acholi: these were most obvious following the July 1985 military coup against Milton Obote by senior Acholi army officers.

Small armed opposition groups also operate in eastern Uganda near the Kenya border and in the southwest on the border with Zaire. On the eastern border, a shadowy force calling itself the Nine October Movement (NOM) appears to have existed since 1987. On the Zaire border west of Kasese, the National Army for the Liberation of Uganda (NALU) has been active since 1987. NALU guerrillas have been responsible for the deliberate killings of civilians.

There have also been violent incidents on the Uganda border with Rwanda. This began when soldiers belonging to the Rwandese Patriotic Front (RPF), who oppose the government of President Juvénal Habyarimana, began operations inside Rwanda in October 1990. The RPF includes many former NRA soldiers from southwest Uganda, most belonging to the Rwandese refugee community and the Tutsi ethnic group. The RPF's leader at the time the first assaults were launched in Rwanda in 1990 was until the previous year the deputy commander of the NRA in Uganda.

Counter-insurgency strategies

To combat armed opposition in the north and east, the NRM government has followed counter-insurgency strategies which combine negotiations with regular military action. It has also introduced a presidential amnesty against prosecution for political offences for those who surrender. The amnesty does not apply to those captured in combat or to those who have committed what are described by government officials as personal offences such as murder, rape and kidnap with intent to murder. Rebels who report to the authorities have been integrated into the NRA or sent to rehabilitation camps for political and vocational training, but many have then been allowed to return to civilian life.

The government has sought to involve local community leaders in decisions affecting their areas although when the army has identified what it believes to be a military need, it has ignored or failed to consult with local leaders. The authorities have also sought to stimulate economic investment and growth. This approach has been combined with ruthless military operations, resulting in a large number of rebel deaths. Some operations have involved what appear to be deliberate assaults on civilians.

Events in Kumi and Soroti districts in 1989 and 1990 demonstrate this integrated approach to counter-insurgency. In 1989 a series of counter-insurgency operations by the NRA involved the destruction of homesteads and the reported extrajudicial executions of over 100 people. After the operations, security committees involving military and local civilian officials were established to better coordinate cooperation between the NRA and the local community.

However, in 1990 the NRA decided, without consulting community leaders, to create a free-fire zone in parts of Kumi and Soroti districts by moving over 120,000 people from their homes at short notice and settling them near major towns and NRA army posts. There were reports that people who refused or were unable to move were beaten and in some cases shot. Property was looted by soldiers.

Once an area had been cleared, anyone found within it was assumed to be hostile to the army. In April and May 1990 extrajudicial executions were reported in Kumi District. In August and September 1990 more civilians were extrajudicially executed in Soroti district.

The operation enabled the military authorities to screen the civilians in the camps for rebels, and isolate rebel groups remaining in the countryside. It was militarily effective and by October 1990 the majority of civilians had been allowed to return to their homes. In mid-October 1990 the President inaugurated a commission to identify areas of potential economic investment in the two districts. This was officially described as a commission to identify ways of ending insecurity.

In the north, by 1989 the combination of a presidential amnesty, negotiations and military action had begun to reduce insurgency linked to the UPDA. However, the various small groups led by individuals claiming spirit possession, most notably the UDCA led by Joseph Kony, provided the NRA with a different form of opposition. These groups do not have identifiable political programs and are themselves extremely violent towards civilians and government soldiers. Where it has been deemed appropriate, the NRA response has been to deploy violence itself, including violence against civilians in villages reputed to support the UDCA.

In both the north and east, by mid-1992 the government had significantly reduced armed opposition. This opposition had provided a context if not an excuse for wide-ranging human rights violations by government soldiers. In many respects, the test of a government's commitment to human rights is in its willingness to take action to protect human rights when facing a difficult political situation or armed opposition. In this respect, the NRM government's record is not good. Therefore, although incidents of human rights violation are likely to decrease with the defeat of most of the armed opposition, the fact that little has been done to introduce measures that will ensure that such horrors are not repeated if the circumstances recur remains a major concern.

Human rights violations are also taking place in Uganda in areas less affected by insurgencies. This underlines the importance of fundamental reforms that will build institutions to safeguard human rights.

2

The National Resistance Movement comes to power

John Omagor, his two wives and 15 other relatives were all massacred by NRA soldiers in early August 1990. John Omagor and one other man were shot dead: the rest were burned to death in a hut.

Such killings by soldiers of unarmed civilians and prisoners have happened every year since the NRM government took power in 1986. Most have taken place in areas where the authorities have been facing insurgencies.

Amnesty International has repeatedly submitted reports of extrajudicial executions to the government, asking it to investigate the incidents. This chapter highlights both the persistent occurrence of such killings, and the failure of the government to take appropriate action. The cases cited are only a selection of those reported to Amnesty International many other killings have taken place in each of the following years.

1986: the start of insurgency

In June 1986 former UNLA soldiers began insurgent activity in the northern districts of Gulu and Kitgum. A spiral of violence ensued. One of the first incidents was on 20 August 1986, when NRA soldiers extrajudicially executed civilians in Gulu town following an attack on the town by insurgents. The army commander apologized for the soldiers' behaviour, but in a pattern that has since become familiar, apparently took no further action. Many other incidents followed: in November, 14 mourners were killed at a funeral in Kalang; in December, 27 men from the village of Pagoro-Pagak were shot dead at the Lamogi Sub-County headquarters.

1987: the escalation of insurgency

During 1987 the violence in Kitgum and Gulu districts continued and a new insurgency began among the Iteso peoples in the eastern districts of Kumi and Soroti. Many of those who joined the rebel UPA in eastern Uganda were formerly soldiers in the UNLA or members of the Special Police Unit, a paramilitary force which had been responsible for serious human rights violations during Milton Obote's second period in power.

Soon after the insurgency began in the east, human rights violations by the NRA were reported in Kumi and Soroti districts. Former UNLA soldiers and their relatives were particularly targeted. The violence spilled over into Lira and Apac districts, from where there were also reports of extrajudicial executions.

For example, George Omara, a former UNLA soldier, was reportedly extrajudicially executed at Agwata in Lira District. His brother was detained and tortured. In February, 18 people from Otuboi in Soroti District were reported to have been extrajudicially executed at Atira swamp. In March NRA soldiers reportedly extrajudicially executed Yokoyardi Onyonyi Okot and his brother at Seven Corner-Pujwani in Gulu District.

Official response: Amnesty International submitted details of these incidents to the government in June 1987. Nearly two years later, in April 1989, the government responded to the submission. It dismissed the incidents, saying they were either killings by rebels or involved civilians killed in crossfire. No details of the scope or methods of any investigations were provided.

1988

The pattern of extrajudicial executions continued. Hundreds of killings were reported in Gulu District, particularly between October and December. There were also many killings reported in other parts of Uganda.

August 1988, Minakulu in Apac District:

A group of civilians were killed at Minakulu, Apac District, by NRA soldiers after insurgents had attacked a local army detachment. Among the dead were Dominic Ongom, an employee of the Ministry of Lands and Surveys in Entebbe, and several women and children. The incident was described in a submission to the government by Amnesty International in February 1989.

Official response: None known.

December 1988, Koch Goma in Gulu District:

At least 88 people were reportedly killed by NRA soldiers in various incidents in Koch Goma Sub-County. On 21 December, 12 villagers were extrajudicially executed at Koch Amar. The next day 45 prisoners of the NRA were taken to Lukutu village, forced into a grass house and burned to death. There were other killings in Orum and Ima villages the same week.

Official response: In late December 1988 the army commander announced that an investigation would be mounted. In early 1989 responsibility for the inquiry was passed to the Minister of State for the North and East. Over three years later, in May 1992, the Attorney General announced in a press statement that the investigation was 80 per cent complete (see Chapter 9). No other action is known to have been taken.

December 1988, Pabo in Gulu District:

Fifteen civilians were reportedly extrajudicially executed by NRA soldiers in Pabo, north of Gulu town. The killings followed a grenade attack by insurgents on the home of a government supporter, which left one person dead and 20 injured.

Official response: The incident falls within the investigative remit of the Gulu Commission of Inquiry (see Chapter 9). No soldiers are known to have been brought to justice.

December 1988, Nyero in Kumi District:

Over 20 civilians were reportedly extrajudicially executed at Nyero Sub-County headquarters. Jonathan Inyalyo reportedly died after he was tortured: he was burned, had his foot cut off and was then suspended from a tree. The incident was described in a submission to the government in February 1989 by Amnesty International.

Official response: No known response.

1989

Hundreds of civilians were extrajudicially executed in various incidents in the north and east. Early in the year, the most serious incidents were reported from the north. In July, however, extensive military operations took place in Kumi and Soroti districts and civilians were again targeted.

May 1989, Koro and Bobi Sub-Counties in Gulu District:

Between 3 and 5 May, NRA soldiers and members of paramilitary Local Defence (LDUs) Units reportedly killed more than 90 civilians in Koro and Bobi Sub-Counties south of Gulu town. The military action followed a brief occupation of Gulu town by insurgents in April.

Official response: After reports of the killings became public, the intelligence officer of the NRA's 4th Division announced that officers conducting the operation had been arrested. No details of charges brought against the arrested soldiers or subsequent disciplinary action have emerged.

May 1989, Bugondo Sub-County in Soroti District:

Sixteen civilians were reportedly extrajudicially executed at a military post at Bugondo Sub-County headquarters in May after being arrested at the home of Icumar, a local trader, in Apapal village. Soldiers reportedly accused the 16 of rejoicing in the deaths of soldiers in a recent ambush staged by UPA insurgents on an NRA vehicle.

Official response: After complaints from local community leaders, a military investigation team was reportedly sent to Bugondo. No report has since been made public and no action is known to have been taken.

July 1989, Okungulo railway station in Kumi District:

Sixty-nine prisoners, the majority of them young men, died on 11 and 12 July after being locked into a single sealed railway wagon at Okungulo railway station, Mukura Sub-County. They were among 279 people who had been detained for screening to identify rebels and rebel supporters. The 69 were left in the carriage for

up to 24 hours. Most died of suffocation, but some were beaten to death. Six men who were too weak to move once the wagon was opened were shot dead.

Official response: The NRA arrested 14 officers and promised that an investigation would be set up, although calls by the Roman Catholic archbishop in Kampala for an independent commission of inquiry were ignored. Six weeks after the incident, President Museveni visited Mukura and promised that the government would pay compensation to the victims' families. Nothing apparently happened until May 1992, nearly three years after the event, when the Attorney General announced that investigations, apparently carried out by the Directorate of Military Intelligence (DMI), had been completed and that a number of officers were in the process of being apprehended. In June 1992 government officials visiting London announced that three officers, including the brigade commander, had been arrested and were facing charges. No compensation has been paid to the families and no independent inquiry into the incident has been held.

July and August 1989, Soroti District:

In mid-July and early August more than 100 people were extrajudicially executed in a series of incidents in Soroti District. On 12 and 13 July, for example, 18 people were killed by NRA soldiers near Tubur at the home of a man named Emesu. The majority were hacked to death in an apparent attempt to make the killings look like the work of rebels. Eight men from Odudui were reportedly shot dead in August by NRA soldiers after being taken to a nearby swamp. Among them were John Moses Elepu, Nelson Otim and Joseph Onyolo. Before they were killed, the NRA made them prepare an army bivouac. Graffiti apparently written by soldiers of the 307 Brigade appeared in Odudui saying we came to kill all.

Official response: A spokesman for the NRA 310 Brigade based in Soroti reportedly said that the 100 or so people who died were killed in crossfire. These incidents were over-shadowed by the killings in Mukura and the authorities are not known to have taken any action.

October 1989, Serere in Soroti District:

Nineteen people were reportedly extrajudicially executed by soldiers in Serere in early October. The victims were building a school when they were detained by an NRA patrol. The killings followed an ambush on NRA troops by insurgents in a nearby area.

Official response: The authorities are not known to have taken any action.

December 1989, Ojie in Kumi District:

NRA soldiers reportedly killed 15 men at Ojie Primary School in Kanyum Sub-County on 31 December. The victims were among 40 men and boys detained for screening. The killings followed an attack by UPA rebels on an NRA detachment nearby in which LDU troops and two women civilians died.

Official response: A member of Kumi District Resistance Committee is reported to have expressed regret about the killings to villagers. No action is known to have been taken.

1990

Despite public statements by the authorities that human rights violations were not tolerated, the pattern of extrajudicial executions by troops engaged in counter-insurgency operations continued. Incidents were reported from Gulu, Pallisa, Kumi and Soroti districts. In February a massive operation in the east involved the forcible relocation of 120,000 people to camps close to towns and NRA posts. Anyone found by soldiers in the cleared area was regarded as hostile to the army.

February, April and May 1990, Kumi District:

In mid-February eight civilians, at least six of whom were elderly, lame or mentally handicapped, were reportedly extrajudicially executed by NRA troops. They were killed apparently because they were unwilling or unable to leave their homes when soldiers ordered them to move into camps during an extensive operation to relocate villagers. Other incidents early in the year included the killing of two civilians displaced by the NRA Okwangi and Okema while they were searching for food outside Kidongole camp. On 14 April nine men who were collecting firewood two kilometres from Nyero camp were allegedly shot dead by NRA troops. On 19 May NRA troops fired on several hundred civilians at Morunita, about three kilometres from Nyero camp, killing at least one young girl; 15 others were reported to be dead or missing.

Official response: After the 19 May killings, the District Administrator (DA) of Kumi and the 307 Brigade Commander were reported in New Vision newspaper to have publicly rejected the eye-witness accounts of the incident. The DA said that villagers collecting food were advised by the army not to go beyond the Nyero-Kanyum road, but some had gone beyond the agreed line and had been shot by unknown gunmen, who had also abducted six people.

March 1990, Got Ngur in Gulu District:

NRA soldiers reportedly burned to death 16 civilians on 30 March in the Got Ngur area of Purongo Sub-County. The troops allegedly pushed the victims into their homes before setting the houses on fire. The incident took place during a military operation following a rebel ambush on a combined force of NRA and paramilitary LDU troops. Amnesty International described the incident in a December 1990 report documenting killings by the NRA during the previous 12 months⁶.

Official response: Press reports indicated that the Gulu Commission of Inquiry established in early 1989 would visit the area and investigate the case. However, it is not clear whether the visit took place. In February 1991 the Attorney General informed Amnesty International that investigations had been initiated but that logistical constraints were causing delays in their conclusion. However, no report of any investigation has subsequently been made public and no soldiers are known to have been brought to justice.

April 1990, Odusai and Pasia in Pallisa District:

On 28 April NRA troops searching for rebels reportedly killed nine men they had arrested in the village of Odusai. Among the dead were Mikairi Omodoi, Augustine Ochuma and Simon Oraja. On the same day two women, Rose Ochwa and A. Asiya, and their husband, Okiria, were reported to have been shot dead by the NRA in Pasia village. All three were unarmed and are believed to have tried to flee when they saw the NRA patrol approaching. Amnesty International cited these killings by the NRA in its December 1990 report.⁷

Official response: In response to Amnesty International's report, the Attorney General informed the organization in February 1991 that investigations had been initiated but that logistical constraints were causing delays in their conclusion. No report of any investigation has subsequently been made public and no soldiers are known to have been brought to justice.

August 1990, Bugondo and Kateta in Soroti District:

On 10 August members of the NRA's 306 Brigade detained John Omagor of Ogerai in Bugondo Sub-County, with 17 of his relatives and neighbours, who they believed might be helping insurgents. Sixteen of the 18 were allegedly ordered into a hut which was then set on fire, killing all of them. John Omagor and Mikaya Elwelu were reportedly taken by soldiers to nearby Olabai village and shot dead. On the same day, nine unarmed civilians were reported to have been bayoneted to death by NRA soldiers in Kateta Sub-County, some 30 kilometres southwest of Soroti town. On 14 August troops from the 306 Brigade were reported to have killed three civilians during military operations in Atitir and Amoru parishes.

September 1990, Soroti Town:

On 6 September NRA soldiers raided the Madera ward of Soroti town and abducted several residents. They took them to the nearby Temele swamp and battered 17 to death. Three others died later. A pregnant woman survivor was reportedly raped.

Official response: The August and September incidents in Soroti District provoked much protest in Uganda after being widely reported in the press. At the end of September 1990 Ateker Ejalu, a Minister of State in the office of the President, announced that 30 soldiers, including officers, had been arrested in connection with the killing of over 60 civilians in Soroti District. However, no subsequent action appears to have been taken.

October 1990, Amuro in Gulu District:

In late October a woman named Apele was reportedly shot dead by NRA soldiers because she was resisting their attempts to abduct her daughter. Three other people – an elderly man and two of his grandsons – were reportedly shot dead by soldiers in a separate incident nearby.

Official response: The authorities are not known to have taken any action.

1991

Extrajudicial executions continued to take place in the insurgency areas, with reported killings in Soroti, Kumi, Gulu and Kitgum districts. In March an extensive military operation was launched in the north.

January 1991, Akalabai and Ajuket in Kumi District:

On 18 January LDU paramilitary forces arrested two young men in Akalabai village in Atutur Sub-County, Kumi District. They were reportedly beaten and then extrajudicially executed at the Atutur NRA detachment. The incident followed an ambush by UPA rebels on the Mbale-Soroti road. On 30 January two men from Ajuket in Kanyum Sub-County, Kumi District were reportedly hacked to death by LDU troops after being arrested.

Official response: There is not known to have been any official response.

January and February 1991, Oregia and Opar in Soroti District:

On 1 January NRA soldiers reportedly arrested and extrajudicially executed Bernard Atepu of Oregia in Asuret Sub-County. On 3 February Alfred Ewapu, also from Oregia, was reportedly arrested and shot in a nearby swamp by NRA soldiers. On 6 February, 30 civilians detained by soldiers at Opar school were extrajudicially executed. Among the dead were Jacob Ekunga and David Otuba, both schoolboys, and Bernard Olupe. The next day NRA soldiers returned to the scene and forced people to carry the bodies to a nearby swamp. Reportedly, 13 of those made to do this were themselves then hacked to death.

Official response: No known response.

March 1991, Atiak in Gulu District:

On 16 March five civilians, among them three women and a child, were shot dead by troops as they tried to leave a rally at Atiak in Gulu District which had been called by the Political Commissar of the local NRA unit. The incident was detailed in a December 1991 Amnesty International report⁸.

Official response: A few days after the incident, the District Administrator announced that three soldiers had been arrested and that security officials were making investigations. There was no further indication of official concern, however, until May

1992, when the Attorney General announced that, 14 months after the event, an investigation had been completed, one officer had been arrested and more arrests were pending.

April 1991, Komyoke village in Kitgum District:

In early April NRA troops based at Atanga Sub-County headquarters in Kitgum District are alleged to have extrajudicially executed at least 35 civilians at Komyoke village. People were reportedly rounded up from the small villages of Ajuko, Komyoke, Lagoti, Lapyem, Lamel and Okinga and assembled at the house of a man known as Omona, apparently to be screened. In April 1991 Amnesty International publicized the incident and wrote about it to the Ugandan Government. The killings were also described in an Amnesty International report issued in December 1991.

Official response: In May 1991 the Minister of State for the North and East wrote to the officer commanding the NRA's 5th Division in Lira asking him to initiate an immediate investigation into the incident. In August 1991 the Minister of State for North and East told Amnesty International representatives that investigations had suggested that some of the names of those reportedly killed were false. In May 1992 the Attorney General announced that investigations were continuing.

April 1991, Bucoro in Gulu District:

Soldiers rounding up people to be screened were responsible for a series of human rights violations, including extrajudicial executions, rape and torture, in Paicho Sub-County in mid-April. At Bucoro, between 16 and 18 April, NRA soldiers are reported to have confined 34 prisoners in a pit prison, some two metres deep which was overlaid by soil-covered logs. A man who was put in the pit described the experience:

(After two days in the pit) on the Thursday in the morning when the day was about to break, others were feeling mental and started shouting in the pit. Others were shouting: you are killing me innocent. I haven't done anything wrong". One of those who was crying was pushed out and burned.¹⁷

One man forced into the pit, Justin Okumu, is reported to have escaped from the torture by claiming that there was a gun hidden at his father's house in Onyama. He and his father, Raymondo Okwere, are alleged to have then been beaten to death. Four men suffocated to death in the pit, apparently after the soldiers removed the poles as they left, allowing the earth to fall down on the men confined below. On 18 April Alfonse Lacere Majere of Labongoguru was extrajudicially executed by firing squad. The incidents were described in an Amnesty International report issued in December 1991.¹⁰

Official response: Despite the deaths at Bucoro being described in the Ugandan press, government officials initially denied that the pit had existed. In May 1992, however, the Attorney General announced that investigations had revealed that four men had indeed died in the pit and that two army officers had been arrested and would face trial by court martial (see below). The statement made no mention of the other deaths.

May 1991, Kitgum town:

On 23 May soldiers of the 106 Battalion of the NRA reportedly extrajudicially executed Moses Otil in Kitgum town. Moses Otil, a teenage schoolboy, is reported to have been picked up late at night after curfew by an NRA patrol when he left his father's house with his brother to go to an outside toilet. The soldiers beat the two boys. Moses Otil was then shot three times. In December 1991 the incident was described in an Amnesty International report.¹¹

Official response: A senior officer in the nearby NRA barracks, who had believed Moses Otil's brother's account of the incident, is reported to have confirmed that Moses Otil had been shot. He apparently indicated that the culprit would be arrested and reported the incident to the District Administrator. A soldier was reportedly arrested but appears to have been set free two weeks later. For a period, there was no further action either to investigate the incident or to bring those responsible to justice. In May 1992 the Attorney General stated that the commander of the unit was under arrest and that investigations were nearly complete.

August 1991, Anaka in Gulu District:

Tarazizo Okwoya was reportedly taken from his home by NRA soldiers. The next day, the NRA told village elders that Tarazizo Okwoya had been taken away in a plane. However, the day after that, other villagers found his body, which had been mutilated. In the months that followed, between August and October, NRA soldiers were responsible for the extrajudicial execution or rape of other people in Anaka. Among those reported to have been killed were three women, Terijina Atek from Agung, Karen Lakwe and Kilama Achwal.

Official response: No known response.

1992

Reports of extrajudicial executions were still being received by Amnesty International as this document was being prepared.

January 1992, Anaka and Purongo in Gulu District:

Soldiers engaged in counter-insurgency operations are reported to have moved through villages collecting people for screening. Three men were allegedly arrested and then extrajudicially executed: Tenisio Opige from Bidate, Okunu from Koyo and Labeja Adirimiki from Pabai.

Official response: No official action is known to have been taken.

April 1992, Olelai in Soroti District:

On 8 April NRA soldiers reportedly extrajudicially executed John Otim and three other men, and disposed of the bodies in a pit latrine. John Otim was the uncle of two boys who were arrested in 1989: one of the nephews reportedly died while in custody; the other remains in detention. Shortly before John Otim's death, the arrest of the two boys was reported in the Ugandan press.

Official response: Two soldiers were arrested on 11 April 1992 in connection with the incident.

A consistent pattern of killings

As this list of killings illustrates all too starkly, there has been a consistent pattern of extrajudicial executions by soldiers since the NRM came to power. The victims have included prisoners and unarmed civilians who were not involved in fighting. It is also clear that the army's High Command has failed to take concerted and effective action to bring this pattern to an end.

After some incidents the authorities have announced official investigations (details of which are given in Chapter 9) or arrests. However, when investigations are not followed by the announcement of any conclusions or recommendations, and when hardly any soldiers implicated in abuses against civilians during counter-insurgency operations are brought to trial, it is hard to avoid the conclusion that the authorities lack real determination to end this pattern of human rights violations.

Indeed, when particular villages or sub-counties have been hit again and again, such as Anaka Sub-County in Gulu, it is difficult to avoid the conclusion that human rights violations have been used deliberately as part of the NRA's strategy for suppressing rebellion. A similar conclusion can be drawn from the sealing of Kitgum and Gulu districts in March 1991 to prevent news of what was happening there reaching the outside world.

Amnesty International believes that the Ugandan Government should

take three specific steps to confront and end the pattern of extrajudicial executions which has occurred in Uganda's northern and eastern districts over the past six years:

the government should expose the truth, by ensuring that all alleged extrajudicial executions are promptly investigated by an independent and impartial body which produces a written report within a reasonable period, whose findings are made public and to which the government gives a public response;

the government should ensure that those who commit extrajudicial executions or other serious human rights violations are brought to justice as a matter of urgency;

the government should take effective preventive action, particularly by implementing the recommendations of official inquiries, and should not rely on the death penalty and executions as the means, let alone the only means, to deter human rights violations.

The record of the Ugandan Government and the NRA in relation to these three areas is examined in Chapter 9.

3

Extrajudicial executions

It is against the law in Uganda for suspects to be held for more than 24 hours without being brought before a court and charged. Yet this law has been routinely ignored by the army during counter-insurgency operations in rural areas in the north and east, and is frequently ignored by the NRA in other parts of the country. Since 1989 there has been a considerable and welcome reduction in the number of people detained for long periods following counter-insurgency operations. This is partly owing to procedures instituted by the NRA to screen for suspected rebels.

Nevertheless, people are still being detained without charge or trial outside the framework of the law and held particularly in military barracks in northern and eastern Uganda. Moreover, both soldiers and civilians have been detained unlawfully in military barracks in Kampala and other parts of Uganda which are not affected by insurgencies.

This practice highlights the continuing problem of soldiers believing they are a law unto themselves. It also facilitates torture and ill-treatment of prisoners by NRA soldiers: most of the cases of torture investigated by Amnesty International since 1986 have taken place during unlawful detention in military barracks throughout Uganda (see Chapter 5).

Soldiers as police

In 1986 the NRM government inherited a police force which under the previous government had been understaffed, notoriously corrupt and directly responsible for gross human rights violations. The government set about reforming the police, beginning by dismissing all but 6,000 of its members. This meant that, at least for an interim period, the NRA was required to take on a policing role. Many problems and instances of abuse of power followed, at least in part because NRA soldiers did not know how to behave as police officers and were not trained in law-enforcement or criminal procedures. The police force has since been gradually rebuilt and officially the NRA has given up police duties in areas not affected by insurgency. Nevertheless, suspected criminals in such areas are still arrested by soldiers from time to time.

The key question is not which kind of force is engaged in civil policing, but whether people have legal protection against arbitrary arrest, detention and ill-treatment, and what action is taken when human rights violations are reported. Police officers in Uganda are subject to

a series of regulations which govern the arrest and treatment of suspects. Human rights violations by the police still take place, but the authorities tend to move promptly to intervene when alleged incidents come to light.

The situation with the NRA is more complex and not just in the war zones. At root this is because the NRA is the most politically powerful institution in Uganda. Many of its members, at both senior and junior levels, regard themselves as above the law and under a less than full obligation to respect and enforce what they see as the country's civilian laws and procedures relating to arrests and detentions. The political authorities have not challenged this attitude. Indeed, they have allowed it to continue because the government has not sought to legalize detention by the NRA, while nevertheless defending it in public.

Confronting human rights violations by soldiers is, therefore, a more difficult and politically sensitive issue. In the war zones the army is seeking to identify suspected rebels and remove them from action. Its aim is military. To some extent NRA personnel appear to see the law as an obstacle impeding their efforts to overcome armed opposition for the very reason that the law contains safeguards protecting the rights of detainees. Furthermore, the army does not appear to have developed or to have seen the necessity of developing proper mechanisms for ensuring that evidence is collected in ways which will enable it to stand up in court.

Under Ugandan law soldiers have no special powers of arrest. A soldier has exactly the same powers as any other citizen to arrest someone for a crime committed in his or her presence. This was most recently restated by the Solicitor General in general guidelines on making arrests which were issued in May 1991.

The army, however, still routinely ignores these and other procedures designed to safeguard human rights. While soldiers continue to detain suspects the usual legal guarantees against arbitrary arrest and ill-treatment have little effect. The only possible legal remedy in such circumstances is a court action to seek habeas corpus (see below), but even when courts have ordered the release of detainees this has often been ignored by the army. Moreover, habeas corpus represents an extremely inaccessible remedy for most suspects arrested by the NRA, who have neither the means nor the connections to file an application in the High Court.

The rights of soldiers arrested under military regulations, many of whom have been subjected to long-term detention without trial, are protected even more poorly. The guidelines issued by the Solicitor General do not address the issue of appropriate procedures to be followed in such cases.

Unlawful detentions in the north and east

Most arrests leading to detention without charge or trial have occurred in the context of the NRA's counter-insurgency operations. In February 1988 the government told Amnesty International that over 4,000 prisoners arrested by the NRA were then held in the country's civil prisons. Such detainees were known as lodgers. Arrested by the NRA, they were lodged without charge or trial in civil prisons.

At first, conditions for lodgers were harsh, with overcrowding, malnutrition and grossly inadequate medical care. Hundreds of lodgers died. The government then instituted screening procedures whereby security officials, local community leaders and former rebels identified rebels and rebel supporters. This led to thousands of lodgers, many of whom had been held for up to three years, being released unconditionally in 1989 and 1990.

However, in June 1992 a prison official acknowledged that 200 lodgers continued to be held without charge or trial in civil prisons across the country. Among them was Anthony Ongidu, one of two teenage boys detained in eastern Uganda in 1989. He remained detained without charge in Mbale Barracks until May 1992. After his situation was reported in the Ugandan press he was transferred to the government prison in Soroti. He is reportedly being detained to put pressure on his cousin whom the authorities believe to be a rebel. The other teenage boy detained in 1989, Aleper, is reported to have died whilst detained at Bugema Barracks. In June 1992 Amnesty International knew of 84 lodgers being held in Luzira prison near Kampala: some had been in prison without charge or trial for six years.

Prisoners are still being held for long periods without charge or trial in military barracks. For example, several hundred people arrested during counter-insurgency operations in Gulu in 1991 were held for months outside the law without charge or trial. Sixty-three such people were finally charged with treason in Gulu in October 1991: they remain in prison.

Amnesty International has been unable to discover whether other people arrested in the north in the months since March 1991 remain in detention without charge or trial. The government has indicated that as of December 1991, there were no people detained in the north since March 1991". However, many people were arrested after March 1991. For example, in mid-May 1991 the Minister of State for the North and East announced that over 3,000 rebels had been netted" in Atanga Sub-County in Kitgum District alone. It is not clear whether these people have been released or whether some of them remain in detention.

On 18 January 1992 Anthony Oracha, the Secretary of the West Acholi Cooperative Union in Gulu, and three of his sons were arrested by NRA soldiers. Anthony Oracha was apparently suspected of rebel activities on the basis of a letter allegedly found by soldiers pursuing a rebel group. Two of his sons were released, but in May 1992, four months after their arrest, Anthony Oracha and one of his sons were reported to remain in incommunicado detention in Gulu Barracks with no official explanation as to why they had been detained.

Unlawful detentions in Kampala and elsewhere

In April 1989, in response to cases raised by Amnesty International with the government in June 1987, the Ugandan authorities defended the detention of lodgers. They argued that, in areas affected by insurgency, it was impossible to carry out meaningful prosecutions of rebels owing to the technical rules of evidence and criminal procedure. However, even if this is so, the problems of collecting evidence in areas of insurgency do not apply to people arrested and subsequently detained in areas of the country less affected by conflict.

The lodgers issue has overshadowed the serious problem of unlawful detention without charge or trial of both soldiers and civilians in military barracks in Kampala and other parts of Uganda. The practice has been widespread since 1986 and continues in the present. Major Daniel Opito, for example, was arrested in Kampala in January 1990: in March 1992 he was still detained without charge or trial in Lubiri Barracks in Kampala. Eleven other NRA officers arrested in January 1990 remained in military detention until they were charged with treason in March 1991.

Both civilians and soldiers are imprisoned at barracks in and around Kampala. Generally, those suspected of a political offence are held on the orders of the Military Intelligence service. They are sometimes transferred to the headquarters of the DMI at Basima House, which is near to Lubiri Barracks, where numerous detainees have been tortured. Most detainees in military custody are held incommunicado during the first months; even after the initial period their relatives usually continue to have problems gaining access to them. In many cases it seems the detainees are held for as long as it takes for the army to build a case against them. As the DMI's mandate is intelligence-gathering rather than criminal investigation, it is perhaps not surprising that many suspects are detained in the absence of sufficient evidence against them. There is no procedure for obtaining quick release, so detainees remain in arbitrary detention until publicity or other pressure take effect.

In February 1990 Latigo Lapoti Lagulu, an information officer with the Ministry of Information, was arrested in Kampala. He was held incommunicado for two months in Basima House, before being transferred to Katabi Barracks in Entebbe. He was released uncharged in November 1990. Also in early 1990 Julius Acai Okello, a pharmacist, was arrested in Kampala. He was held for one month in Basima House before being transferred to Katabi Barracks where, as of March 1992, he was reportedly still held. It has been reported that the soldiers detaining him wished to secure a substantial bribe in return for his release.

A Ugandan newspaper reported in July 1990 that there were over 600

detainees, including many civilians, in Makindye Barracks in Kampala. The Minister of State for Defence dismissed the article. He said that there were no more than 200 prisoners in Makindye and that not one was a civilian. During visits to Basima House and Makindye, Mbuya and Lubiri military barracks in August 1990, the IGG and the then Attorney General found 515 uncharged prisoners. Among them were 44 civilian prisoners. Following the visit, a number of uncharged prisoners were released and steps were taken to bring criminal charges against the civilians who remained in custody.

On 1 September 1991 Opio Anzua, a student at Kampala Polytechnic College, was arrested in Jinja, apparently by Military Intelligence officials. In late September 1991 it was reported that his whereabouts were unknown but that he was believed to be still in detention. Amnesty International has been unable to discover his current situation.

Also in September 1991, Lieutenant Akutta-Too was arrested reportedly after he wrote a story for New Vision newspaper. The article alleged that the Army Chief of Staff had ordered all officers and other ranks at the NRA's General Headquarters in Kampala to surrender their small arms and that henceforth senior officers would be restricted to only one armed escort. Seven months later, in April 1992, it emerged that Lieutenant Akutta-Too was still detained in Makindye Barracks and that no charges had been brought against him.

In February and March 1992, 12 Sudanese refugees were arrested by NRA soldiers in Kampala and refugee camps at Adjumani in Moyo District, northern Uganda. No official reason was given for their detention, but it was apparently connected to divisions within the Sudan People's Liberation Army (SPLA)¹², a Sudanese armed opposition group. Seven still remained in custody in July 1992, all detained unlawfully at Lubiri Barracks.

On 5 March 1992 seven prisoners who had spent long periods unlawfully detained without charge or trial were charged with treason. Twaha Wanade, a driver from Mbale District, had apparently been held since April 1989 and Timothy Owor, an electrician from Jinja, since January 1990. Their cases, like others, appear as examples of the misuse of treason charges, a practice which is discussed in Chapter 6. Despite their long detention, a police prosecutor said that inquiries were still continuing only for the charges against at least two of the seven to be dropped in June 1992 after the intervention of the office of the IGG.

Habeas Corpus

Virtually all cases of detention by the NRA have broken provisions of Ugandan law. However, the mechanisms enabling detainees or their representatives to challenge unlawful detention particularly the issuing of habeas corpus writs have rarely been used. And when attempts to use habeas corpus as a legal remedy have been made the results have been mixed.

When issued by a court, a writ of habeas corpus can require that a detainee is brought before the court to establish the legal basis of imprisonment and result in an order for the release of a detainee whose imprisonment is ruled unlawful. In practice, however, when such writs have been issued the NRA has often failed to comply with them. The government has failed to require NRA personnel to comply with court rulings, with the result that habeas corpus has proved, and come to be seen as, an ineffective remedy against unlawful detention.

In September 1987 Freddie Musisi Kalende was detained without charge following his arrest in Kampala. In October 1990 a writ of habeas corpus was granted by the High Court, but this was ignored by those detaining him. In January 1991 the High Court ruled that he should be released, yet he remained in detention. The government has said, in a response to a report by the USA's State Department documenting human rights violations in Uganda during 1991, that Freddie Musisi

Kalende was produced in court in January 1992. Amnesty International does not know if he was charged or released. Writs of habeas corpus and release orders by the High Court on behalf of Martin Okello, arrested in January 1990 and reported to be still held in Lubiri Barracks, and Major Daniel Opito (see above) have also been consistently ignored by the NRA.

The NRA also ignored three separate habeas corpus orders relating to Patrick Sebadda, a detainee held at Makindye Barracks since October 1990, prior to his release in March 1991.

According to lawyers, many detainees see no point in bringing habeas corpus applications because of the NRA's unwillingness to obey court orders. Consequently, a detention system, unregulated by the law and beyond the reach of the courts, has been established in practice and, although there are fewer lodgers today, unlawful detentions continue and remain without effective legal remedy.

The use of unfair trials to perpetuate illegal detention

In 1991 the NRM government appeared to adopt a new approach to imprisoning its opponents in the face of continuing criticism about unlawful detentions of lodgers. This involved a procedure which outwardly conforms with due process of law, in that it led to prisoners apparently being tried and sentenced. In reality, however, prisoners have been sentenced after unfair military trials apparently amounting to little more than administrative hearings (see Chapter 7).

In May 1991, 669 prisoners arrested in Gulu, Kitgum, Lira and Apac districts during counter-insurgency operations were transferred from Lira Military Barracks to Luzira prison near Kampala. They were subsequently transferred to prison farms in western Uganda. A further 341 prisoners arrested in May and June 1991 in Nebbi District in northwest Uganda were transferred from Makindye Barracks in Kampala to Kirinya prison in Jinja in July 1991. The authorities announced that both sets of prisoners had been found guilty in military hearings of desertion from the NRA and LDUs. The prisoners reportedly include men of fighting age who had been in the army under previous governments, and some had previously been detained as lodgers.

Most were unfairly tried. The first group of 669 prisoners were sentenced by military tribunals: apparently, the charges against the prisoners were read out and sentences were then imposed without a proper trial taking place. These cases apparently caused some disquiet within the government, with the result that a committee was set up to review them. This is to be welcomed, although it constitutes an inadequate response: international standards require that all prisoners should receive a fair trial or similar judicial process and should have an opportunity upon conviction to appeal to a higher court.

The government responded publicly to Amnesty International's December 1991 report, saying that as of November 1991 the records at Luzira prison showed that there were no such prisoners there. However, as Amnesty International had indicated in its December 1991 report, well before November 1991 the prisoners had been transferred to Kirinya prison in Jinja and to prison farms in southwest Uganda. It appears from their response that the authorities may not be prepared to undertake a thorough investigation into these cases.

In April 1992 over 100 of the prisoners who have been held at Kirinya prison since July 1991 staged a two-week work strike to protest against their convictions. They said that they were NRA soldiers who had been arrested while on authorized leave. They reportedly ended the strike when the District Security Officer undertook to refer their complaints to the NRA High Command, but in July it remained unclear whether any steps had been taken to investigate their cases or those of the 900 prisoners sentenced in similar circumstances.

4

Unlawful detentions

Torture by soldiers was endemic before the NRM government took power in January 1986. Since then, reports of torture and ill-treatment have continued, although on a much reduced scale. The perpetrators of such violations include both ordinary NRA soldiers and personnel from the Directorate of Military Intelligence.

Reports of torture have been most frequent from areas of armed conflict, with detainees being tortured or ill-treated both in temporary places of detention during screening operations and in military barracks. However, detainees in Kampala and other areas not directly affected by armed conflict are also reported to have been tortured by the NRA and military intelligence personnel.

Kampala and areas outside the war zones

Since 1986 there have been persistent reports of torture at military barracks and other places where prisoners are held by soldiers in Kampala and other areas of the country. Many have concerned prisoners held in Makindye and Lubiri Barracks and in Basima House, the headquarters of the DMI, all of which are in Kampala. Prisoners have been tortured while being interrogated about both political and criminal offences; in all cases victims were held incommunicado outside any legal framework.

Amnesty International does not know what happens to most prisoners under interrogation, but has received detailed information about a number of cases. These included several alleged cases of torture or ill-treatment at Lubiri Barracks in 1990. At the time, torture of those being interrogated there appeared to be routine. Haji Abdu Mbogo, an armed robbery suspect, and Ahmad Abanga, another criminal suspect, were reportedly tortured in Lubiri Barracks in June 1990 using the balance method. This entails tying the victim's hands and feet, then suspending him or her from a wall or from iron bars in a window while he or she is beaten.

In September 1990 Mande Ntananga, a civilian, was severely tortured in Lubiri barracks after being arrested by NRA soldiers. A subsequent medical examination reportedly revealed injuries consistent with beatings and electric shocks, and resultant brain damage. The case was widely reported in the local press and was investigated by the IGG's office. Several soldiers were arrested, but it is not clear whether any further action was taken against them. The authorities said Mande Ntananga's family would receive compensation, but they not received this by July 1992.

In late April 1991 Fred Wamala, a mechanic, was arrested by soldiers on suspicion of being a car thief. He was held uncharged in Lubiri Barracks for two months, but was reportedly taken regularly to the DMI headquarters at Basima House where he was beaten during interrogation.

Further reports of torture and ill-treatment in Lubiri Barracks were made in March 1992, when two soldiers were stripped naked and beaten severely by soldiers when they were caught attempting to escape from detention without trial. Other prisoners alleged that both criminal suspects and soldiers detained for breaking military regulations were routinely beaten during their initial interrogation while held at Lubiri.

Many youths were reportedly beaten severely by military and riot police in March 1991 after some 435 people were arrested in Kampala following the killing of four police officers during a riot at a mosque. The youths, all members of the militant Tabliq Islamic sect, were initially charged with murder and remanded in custody until December 1991, when the murder charges against 425 of them were dropped. These were then released on bail to face the lesser charge of malicious damage to property.

On 13 August 1991 Godfrey Sebilanda, a criminal suspect arrested by soldiers in Kampala, was reportedly beaten and wounded on the head with a bayonet while in custody. Part of his left ear was severed. Following his appearance in court, the magistrate ordered the police Criminal Investigation Department (CID) to investigate his alleged ill-treatment, but it is not known if this resulted in any further action.

Areas of insurgency: the north and east

Torture has been most frequently and persistently reported in the areas of the north and east affected by insurgency. Various cases investigated by Amnesty International in 1986, 1987 and 1988 were described in its report, *Uganda: The human rights record, 1986-1989*, published in March 1989.

Ill-treatment and torture during screening exercises have continued to be reported. Serious incidents which reportedly led to deaths, such as those at Mukura in 1989, Lagoti in 1991 and Anaka Sub-County in 1992, have already been noted in Chapter 3. The military operation in Gulu District involved rounding up thousands of people for screening, including many in Gulu town, in late March 1991. In a compound owned by the Ministry of Agriculture in Gulu, those found without proper papers, as well as NRA deserters and those suspected of being rebels, were made to run a gauntlet of soldiers who clubbed them with rifle butts.

In another notable case, 18 prominent northern leaders who were charged with treason on 7 May 1991, including Daniel Omara Atubo, the Minister of State for Foreign Affairs, were beaten by soldiers before being flown from Lira to Kampala. One of them, Zachary Olum, a member of parliament, had his arm broken. In fact, this was a relatively mild incident compared with some of the alleged cases of torture and ill-treatment which have been reported to Amnesty International: nevertheless, the injuries to the northern leaders caused by their beatings shocked many Ugandans both because the assaults had been so blatant and involved such senior people. The IGG, which investigated the incident, released a press statement indicating some of its findings in May 1992. This is discussed in Chapter 9.

Kandooya

In the early days of the NRM government, a cruel form of tying, known as three-piece or kandooya, was the most widely reported method of torture. Kandooya involves tying the victim's arms together above the elbows and behind the back. It can be used as a method of restraint, but can also be used deliberately to inflict pain and to coerce prisoners during interrogation.

After protests from various quarters, including Amnesty International, President Museveni banned the use of kandooya by the NRA in 1987. Since then, some cases have been reported, but it appears clear that its use is no longer as widespread or systematic as before.

Caning

Caning a form of cruel, inhuman or degrading punishment continues to be used by soldiers as a form of punishment or to extract information from detainees during interrogation. Although in many cases soldiers have carried out canings unlawfully, corporal punishment is provided for by law and can be handed down by magistrates' courts, the High Court and courts martial.

In November 1991, for example, an elderly man and his grandson were beaten and caned at Kokutu village in Kumi District by NRA soldiers. The soldiers were seeking information about the movement of rebels. The elderly man, Ongerep Ongitio, died as a result of the beating. His grandson, Justine Opolot, survived but sustained multiple injuries. The commander of the NRA unit involved reportedly indicated that he would investigate the incident, but the outcome is not known.

In February 1992 Jimmy Okello, a police corporal, was reportedly beaten on the head, arm and back by an army officer using a whip at Pakwach bridge on the border between Nebbi and Gulu districts. The officer then ordered a soldier to inflict 30 strokes with a cane on Jimmy Okello, after which the latter was briefly detained in a military cell. This occurred after Jimmy Okello overtook a stationary military convoy while driving on the road near Purongo in Gulu District.

In mid-1991 the authorities intervened after 10 men were repeatedly caned by soldiers at Rubongi Barracks in Tororo. When they were handed over to the police the 10 had serious injuries on their buttocks.

This case resulted in those soldiers responsible being arrested and the NRA agreeing to pay compensation to the victims. Moreover, in February 1992 an officer and five soldiers were sentenced by the General Court Martial to various periods of imprisonment for their role in the assaults.

Rape

Each year since 1986 Amnesty International has received reports of rape by NRA soldiers during counter-insurgency operations in northern and eastern Uganda, as illustrated by the following cases.

In November 1990 two women from Pawel were arrested with their husbands in separate incidents and taken by soldiers to an army post in Patiko, Gulu District. The men were beaten and then sent away. The women were detained and then raped.

In 1991, during screening operations in Gulu and Kitgum districts, NRA soldiers were accused of many rapes. The victims allegedly included an elderly woman, Juliana Ayako, her daughter Margaret Abwoyo, and a third woman, Erumalina Amono. They were reportedly raped on 17 April at Ayung in Gulu District. Also in April, 11 other women were allegedly raped by soldiers while they were held for three days for identity checks and questioning at Bwobo in Gulu District.

Insurgents have on many occasions also abducted and raped women and adolescent girls (see Chapter 8).

Official response

When cases of torture and ill-treatment have attracted a high level of publicity, such as the June 1991 caning incident at Rubongi, the authorities have usually announced official investigations and in some instances these have led to the arrest of soldiers. But such cases have been the exception. In the vast majority of incidents, no action is known to have been taken by the authorities to investigate or bring to justice the perpetrators of torture, including rape, and ill-treatment, nor to compensate the victims.

The dangers of allowing soldiers to commit such gross violations of human rights with impunity are vividly illustrated by a case where the authorities did finally take action. Bernard Wanzala, a Resistance Committee official from Buwalasi Sub-County in Mbale District, was allegedly tortured to death by soldiers on 30 July 1991, the day after New Vision newspaper published a report in which he had accused soldiers of ill-treating people in the area over the preceding months. His death was publicized in the Ugandan press, and two officers and a sergeant were subsequently arrested and tried by the General Court Martial. This resulted in October 1991 in the two officers being sentenced to death and the sergeant to 10 years' imprisonment. One disturbing element in this case, in addition to the imposition of death sentences, is that the authorities failed to take action before Bernard Wanzala's death and may thus have contributed to a sense among soldiers in the area that they could act with impunity.

In a more recent case, and one which is an encouraging example of appropriate action by the authorities, the military and police authorities cooperated to arrest soldiers allegedly responsible for torture. This occurred after Charles Kasadha, a criminal suspect who was arrested by soldiers at Wairaka near Jinja town, was taken to Gaddafi Barracks in Jinja and reportedly beaten to death in June 1992. An officer and four other soldiers involved in his interrogation were subsequently arrested by the NRA and handed over to the police. They were then charged with murder and remanded in custody in Kirinya prison.

These cases and the government's overall response to alleged torture point to two major issues. The first is a failure on the part of the authorities to take early or effective action, or perhaps any, in

the majority of cases. The second is that when action is taken, it appears to result in exemplary punishment being imposed but little or nothing in the way of reforms designed to prevent the recurrence of such abuses. In short, the government appears content to address the symptom but not the cause. Human rights violators must be brought to justice, in accordance with international human rights standards, but it is not sufficient in Amnesty International's view for the government to fail to take other much needed measures to end human rights violations in Uganda.

One of the major factors contributing to the continuation of torture is the holding of prisoners in unregulated incommunicado detention, without any access to the courts or outside world. This unlawful practice leaves prisoners especially vulnerable to torture and ill-treatment. In 1989 President Museveni dismissed Amnesty International's concern that detainees were being held incommunicado in barracks, arguing that the NRA was the only dependable law-enforcement agency. Such a response suggested that the government had failed or was unwilling to recognize the scale of the problem of torture of detainees while held in such conditions.

5

Torture and ill-treatment

The NRM government wants to make it very clear that the arrests and imprisonment of certain people from northern Uganda is on the grounds of treason and is not a technique to muzzle these people in their basic right to freedom of expression.

(Government press statement in response to an Amnesty International report published in December 1991)

On 29 May 1992 the Uganda High Court acquitted three men who had been detained for over a year on charges of treason. The judge observed that the prosecution evidence was contradictory and given by persons of dubious character and that the men had been charged with treason at a time when there was no evidence against them. The judge concluded that the whole trial was politically motivated.

Zachary Okum, Organizing Secretary of the DP and a member of the NRC Uganda's interim parliament and Ojok Mulozi, the DP's Publicity Secretary, walked free after the acquittal. The third defendant, Tiberio Atwoma Okeny, the Chairman of the National Liberal Party, was returned to Luzira prison as he was still facing a second treason charge. On 10 June, however, he and his co-accused, Irene Apju Juku, another DP member of parliament (the NRC Women's Representative for Kitgum District), were released when the state dropped the charges against them. All four had been adopted by Amnesty International as prisoners of conscience.

This case, which began with the arrest of 18 northern political and community leaders in March and April 1991, highlights the way the Ugandan authorities have increasingly misused the law since 1986 to serve their own political ends. In particular, the charge of treason, which precludes the granting of bail for no less than 480 days, has been used to hold suspected opponents despite the absence of sufficient evidence on which to base a prosecution, let alone a conviction. In the case of the 18 northern leaders, the arrests and prosecutions were apparently an attempt to destroy the strength and influence of the DP in northern Uganda, and to end the political influence of other northerners who, while allied to the NRM, had criticized the army's conduct in the north and east.

In July 1992 Amnesty International knew of over 200 other people in Uganda facing treason charges. Of these, 185 were in prison on remand: some had been held for almost four years. It would be wrong to suggest that in all 200 cases the charges were unwarranted the Ugandan authorities have been facing armed opposition and some people have undoubtedly used or advocated violence. However, in at least 145 of the 200 cases the charges that have been brought remain extremely

vague: they do not specify the precise dates, location or nature of the treasonable acts that are alleged to have been committed. In over 140 cases those facing charges had previously been unlawfully held in detention without charge, generally in military barracks, for periods ranging from six weeks to over two years. In many of the cases, moreover, prisoners are reported to have been tortured or ill-treated before they were charged.

Treason is not the only charge which has been brought against non-violent opponents or critics of the government. Criminal charges, in particular sedition and defamation, have been brought against journalists who have criticized the government while pursuing their profession, and in some cases journalists have been imprisoned.

Treason cases

Arrests for treason started soon after the NRM government took power. Some of those charged in 1986 were tried in 1988. There are, however, many other cases where there has been little progress towards trial. The following are just some of the cases which have come to Amnesty International's attention.

October 1987:

Seven people arrested in October 1987 are still facing treason charges. The defendants include Joseph Aliposa Bukonya, a sergeant in the NRA, and businessmen Johnstone Sebwato and Abraham Milo Kasozi. The charges were originally brought against eight people on 25 November 1988 over a year after their arrests. One of the accused has since died. The charges are vague, thereby preventing the proper preparation of a defence and suggesting that there is a lack of convincing evidence against the accused. The defendants were eventually released on bail in 1991: in November 1991 the prosecution told the court that inquiries into the alleged treason were still not complete.

September/October 1988:

In September and October 1988, 43 soldiers and civilians suspected of plotting to restore the Baganda monarchy were arrested by the NRA. Some were reportedly tortured severely in military barracks following their arrest. They were held without charge until January 1990, 15 months after their arrest, when vague treason charges were laid against them. In all, 34 out of the 43 were released in August 1991 after the charges against them were dropped for lack of evidence, but by then they had spent 19 months in Luzira Upper Prison. The cases of nine others, including Achilles Kanya, an NRA officer, Apollo Kivebuleya, a farmer, and Joseph Lusse, a businessman, were committed to the High Court for trial. However, after this there was no further progress towards starting the trial and in May 1992 the nine were released on bail.

October 1989:

In October 1989 seven men, among them Sheikh Anas Ndifuna Kinyiri, a prominent Muslim and founder member of the UPC, were charged with waging war against the state. Over the next nine months a further 12 people were charged with the same offence. In June 1991, 10 of the 19 were released due to insufficient evidence but the remaining nine were committed to the High Court for trial. As far as Amnesty International is aware, there has been no further progress towards starting the trial and the nine remain in custody in Kirinya prison.

January 1990:

In January 1990 several NRA officers were arrested. Over the following 15 months some of them appeared before the General Court Martial on charges including abuse of office and corruption.

Eleven others, including Lieutenant Colonel Peter Ekwaro, Major Ali Chama, and Lieutenant Polly Ouma, remained in detention without charge until March 1991, when they were brought before the General Court Martial and charged with treason. By July 1992 there had been no further progress towards bringing them to trial. A number of other officers arrested in early 1990, such as Major Daniel Opito and Lieutenant Martin Okello, remain in detention without charge.

August 1991:

Twenty-seven men were charged with treason on 1 August 1991 in Tororo in eastern Uganda. They included nine farmers, three policemen, four NRA soldiers, three primary school teachers, and a shopkeeper. Two weeks later three other men were charged in the same case. They were accused of being involved with either the UPA or the NOM or both. The charges were again vaguely defined. In July 1992 charges were dropped against 15 of the accused due to lack of evidence.

October 1991:

Sixty-three prisoners, the majority reportedly detained during military operations which began in March 1991 in Gulu and Kitgum districts, were charged with treason on 18 October 1991. Many had spent between five and seven months unlawfully detained in military barracks. The charges were again presented in vague terms: the prosecution alleges that between 1987 and March 1991 the accused had contrived a plot and expressed the plot by force of arms at diverse places in Gulu and Kitgum Districts. Twenty-four are described as rebels, the remainder as rebel coordinators. Among them are Kassim Okany and Peter Oola, Chairman and Secretary for Defence of Alero Sub-County Resistance Committee III in Gulu District. In May 1991 senior army officers in the north announced that the two men were to be executed by firing squad for supporting rebels, but when this was reported in the press it aroused protests as civilians remain under civil court jurisdiction even if detained by the army. They are not liable for prosecution under the military regulations governing the NRA. The Army Commander, Major-General Mugisha-Muntu, intervened to prevent the executions in June 1991 and the two men remained in detention until charged.

The charges against the sixty-three men remain vague and it remains unclear if and when the case will go to trial. As recently as May 1992, the case files were said to lack evidence to substantiate the charges.

November 1991:

In November 1991 six men were charged with treason in Mbale in eastern Uganda. Among them were Julius Etomet from Adipala in Gulu District, Yakobo Odong from Olupe in Kumi District and Michael Abango from Katirekuri in Kumi District. The prosecution alleged that the six had planned to overthrow the government in various places in Gulu and Kumi districts on various dates between 1987 and 1990. Before being charged, the men had been unlawfully detained in military custody for nearly a year. There has been no further progress towards the case being brought to court.

In addition to the cases listed above, Amnesty International is investigating the cases of a further 66 prisoners who have been charged with treason in four separate groups. In September 1990, 18 soldiers and civilians were charged with treason in Kampala. Between then and March 1992, when the trial of six of them opened in the High Court, 10 were released and two others died in custody. In May 1991, 27 soldiers and civilians were charged in Jinja for alleged offences committed between February and April 1991. In August 1991, 13 men were charged in Mbale after they had been arrested for suspected involvement with the rebel NOM. In January 1992 Radio Uganda reported that over 20 people allegedly involved with an opposition group called the Uganda Salvation Front had been arrested in Masaka and charged with treason.

Two high-profile treason trials

Two high-profile treason cases which came to trial in 1991 demonstrate the extent of Amnesty International's concern about the use of treason charges. The cases share many of the features which give rise to concern in the other, less publicized cases described above. In both trials of Moses Ali, Minister of Youth, Culture and Sport at the time of his arrest in 1990, and of Zachary Olum and other northern leaders arrested in 1991 the accused were acquitted with the judge making stinging criticisms of the prosecution case.

Moses Ali:

Brigadier Moses Ali, former leader of the UNRF, an armed opposition group that had fought in West Nile against the government of Milton Obote, was arrested on 7 April 1990. He was charged with treason, terrorism and the illegal possession of firearms. In December 1990, after repeated delays in the trial, he was acquitted of terrorism. A month later he was convicted of illegally possessing firearms. In June 1991, however, this conviction was overturned on appeal.

Moses Ali remained in prison, however, as he and two co-accused Haji Moses Rajab and Yasin Aminsi were still facing a treason charge. Once the statutory 480-day period during which bail is precluded was over in August 1991, the men lodged a bail application. This was rejected on the grounds that releasing the three might jeopardize investigations, which, the police said, were still continuing.

In October 1991 Haji Moses Rajab died in prison. In December 1991 Moses Ali was granted bail but the next month it was revoked for two weeks. Finally, on 5 June 1992, 26 months after they had been arrested, Moses Ali and Yasin Aminsi were acquitted. The judge observed: I find the prosecution evidence in support of the three overt acts unreliable and worthless. He commented that the evidence of one prosecution witness was like a fairy tale.

Zachary Olum and others:

The case against Zachary Olum and others began with the detention in March and April 1991 of 18 political and community leaders from northern Uganda. A major military operation was under way in northern Uganda at the time and communications by road, telephone and radio to the four northern districts of Lira, Apac, Kitgum and Gulu had been severed by the NRA. The majority of those arrested were locally influential members of the DP but others, most notably Daniel Omara Atubo, Minister of State for Foreign Affairs, and Tiberio Atwoma Okeny, Chairman of the National Liberal Party, were also arrested. Most were arrested in northern Uganda and unlawfully detained in NRA barracks in Gulu and Lira, but three members of parliament, Daniel Omara Atubo, Zachary Olum and Irene Apiu Julu, were arrested in Kampala on 15 April 1991 and flown to Lira Barracks.

On 7 May 1991 the 18 were flown to Kampala and charged with treason. When they appeared in court, they were bruised and dishevelled, having been assaulted by soldiers only hours earlier. The treason charge was vaguely framed and did not appear to justify the continuing detention of the 18: in particular, it did not specify the dates, location or nature of the treasonable acts that they were alleged to have committed. Nevertheless, they were remanded in custody.

On 12 August 1991 the High Court ruled that the charge was defective but refused to dismiss it on the basis that the discharge of the accused persons will only expose them to another arrest. This ruling resulted in the 18 remaining in detention although there was no detailed charge against them. The judge urged the Director of Public Prosecutions (DPP) to supply the details needed to set out the charge, but did not set a time limit for the DPP to comply.

After investigating the case, Amnesty International concluded that the 18 were not detained for treasonable activity, but because the authorities suspected them of other activities, such as criticizing embezzlement of public funds by government supporters, engaging in power struggles in the district administrations of Gulu and Kitgum, and criticizing NRA actions and government policy in the north.

In mid-January 1992, charges against 14 of the 18 were dropped, but more precise details were supplied in relation to charges against Zachary Okum, Irene Apilu Julu, Andrew Adimola, (the DP's Vice-Chairman) and Tiberio Atwoma Okeny. Their cases were then referred to the High Court. In mid-January 1992 two senior leaders of the DP Robert Kitariko, the Secretary General, and Ojok Mulozi, its Publicity Secretary were arrested and charged with treason in the same case.

The trial finally opened in the High Court in mid-March 1992. In April the judge ruled that Andrew Adimola and Robert Kitariko had no case to answer. The final outcome, the acquittal of the four remaining defendants, and the judges's stinging criticism of the state's case, were described in the introduction to this chapter.

In August 1991 the IGG launched an inquiry into the arrest and ill-treatment of the 18. Although the report has yet to be made public, the IGG released its major findings in a press statement in May 1992. The report found that the arrests were carried out when there was insufficient evidence and had taken place on the orders of Major General David Tinyefuza, the Minister of State for Defence. The transfer to Lira of the three prisoners arrested

in Kampala was said to be unnecessary and an abuse of power. The report found also that the 18 had been ill-treated and tortured at the airstrip in Lira Barracks. The IGG made several recommendations, including that disciplinary action be taken against a number of officials, but the precise nature of these has not been disclosed.

The Minister of State for Defence publicly rejected the findings of the IGG's investigation and denied that the arrests had taken place on his orders. He said that the arrests had been ordered by unspecified authorities and that the Minister of Defence himself, meaning President Museveni, who also occupies that position, should have been approached by the investigation team in order to find out precisely what had taken place. No further action was known to have been taken by July 1992 either against the Minister of State for Defence or those responsible for torturing and ill-treating the 18.

In these high-profile cases, as in many of the less well known cases described above, treason charges were laid at the behest of the NRA after the individuals concerned were arrested and often unlawfully detained by soldiers. The lack of evidence on which to base such serious charges appears not to have concerned the NRA, nor that the charges when brought have been of a vague insubstantial nature. The conclusion to be drawn from this is that the NRA has seen the use of treason charges as a means both of countering criticism of unlawful detentions for which it has been responsible and holding real and suspected opponents for a further prolonged period without bringing them to trial.

In addition, at least in the cases against Moses Ali and Zachary Okum and others, the military authorities appear to have used the period in which a suspect is detained or held on a treason charge to fabricate evidence in an attempt to secure a conviction on a capital charge.

Under Ugandan law, treason charges can be brought without first obtaining the authorization of the DPP. However, the DPP and other government law officers are involved in prosecuting such cases but until recently they showed little inclination to intervene in cases which appeared unlikely to result in convictions. In June 1992, however, the authorities decided to drop their case against 18 elderly defendants who had been facing treason charges since 1986, and to drop similar charges against two businessmen who had been arrested in 1990. In July, 15 prisoners held since August 1991 were released due to lack of evidence. Information reaching Amnesty International suggested that certain other long-standing treason cases were also being reviewed.

The misuse of other charges

Critics and opponents of the government have also been charged with other serious offences, not only treason. Those who have experienced such harassment include politicians, lawyers and journalists.

In January 1992 Daniel Omaro Atubo, one of the 18 northern leaders originally charged with treason in May 1991, was immediately

charged with two counts of sedition when the treason charge against him was dropped. He was then released on bail. The sedition charges related to statements he was alleged to have made in July 1990 and March 1991 criticizing the NRA for failing to help the people of Lira and accusing the government of having a hidden agenda against the Langi people of Lira District. He was acquitted in May 1992 when the Acting Chief Magistrate in Lira ruled that his prosecution contravened Article 17 of the Constitution, which protects freedom of expression.

Corruption charges have also apparently been brought against critics of the government for political reasons. For example, on 11 March 1992 Okwonga Latigo, a former chairman of Gulu District Resistance Committee V, and Julius Owor, a district official, were charged with embezzlement and abuse of office in Gulu. The charges were withdrawn on 25 May for lack of evidence. Okwonga Latigo was another of the 18 northern leaders charged with treason in May 1991. The treason charges against him had been withdrawn in January 1992 after he had spent nearly 10 months in custody.

In April 1992 police searched the offices of Henry Kayondo, a prominent defence lawyer in the northerners' treason trial, and charged him with illegal possession of two government documents. These were letters written by the District Administrator in Gulu to officials in the NRM Secretariat. The letters accused DP leaders of both encouraging and being involved with insurgents in the north. Among other signs of their opposition, the DP leaders were said to be influencing the Amnesty International. In the letters the District Administrator sought assistance to destroy politically Andrew Adimola, Zachary Olum, Okwonga Latigo and other northern members of the DP. The documents, regarded as key evidence by the defence, were about to be submitted to the High Court when the charges were brought against Henry Kayondo in what appears to have been a blatant attempt to intimidate the defence. Henry Kayondo was still facing these charges in July 1992.

Criminal charges have been brought against journalists who have criticized the government while pursuing their profession. In some cases journalists have been imprisoned. This does not mean that there is no freedom of the press in Uganda: in fact, the press is diverse and outspoken. However, despite the government's stated commitment to press freedom, the authorities, particularly the army, have an uneasy relationship with the media.

In 1986 and 1987 several journalists were arrested and charged with sedition or publishing false news. They included Francis Odida, editor of the Sunday Review, who was arrested in December 1987 and charged with sedition after he published a mock interview with Alice Lakwena, the leader of the opposition Holy Spirit Movement. In January 1988 an alternative charge of treason was introduced. Francis Odida, who had also faced sedition charges in 1986, spent seven months in custody on remand until he was released on grounds of ill-health.

In February 1990 three journalists were arrested and charged with defaming a foreign dignitary after they addressed what the Ugandan Government considered impertinent questions to Zambia's President Kenneth Kaunda on an official visit to Uganda at a news conference in Entebbe. One of the three, Hussein Abdil Hassan, was refused bail for five weeks. In September 1990 the High Court ruled that he had no case to answer, but the government then appealed to the Supreme Court. After a lengthy legal battle the charges were finally dropped in March 1991.

During 1991 further journalists were charged with sedition and defamation. On 12 May Charles Lubwama, editor of This Week, was arrested for allegedly publishing seditious material. He was held uncharged for two weeks at the Central Police Station in Kampala before being provisionally released.

John Baptist Kyeyune, editor of The Citizen, a weekly newspaper aligned with the DP, was arrested on 30 October 1991. He was charged with sedition and publishing false news in connection with an article that criticized as unfair a new scheme to give NRA soldiers money in lieu of food rations. He was released on bail. In both February and April 1992 the State Attorney failed to appear in court to answer defence objections to the charges.

In November 1991 Saul Katabalwa, editor of *The Guide*, and Captain Roland Kakooza, the managing director and publisher of the *Economy* and *Mulengera* newspapers, were arrested and charged with sedition, publishing false news and defamation. The charges were linked to an article which the authorities alleged was intended to promote animosity between Muslims and Catholics. The article was alleged to have defamed Abubakar Mayanja, the Third Deputy Prime Minister, Minister of Justice and Attorney General, as a believer in Islam. Both men were released on bail.

On 23 December 1991 Teddy Sseezi-Cheeye, editor of the monthly *Uganda Confidential*, was arrested and later charged with defaming a foreign dignitary, defaming a government minister and publishing a newspaper that had not been registered as required by law. The charges appear to have been brought because *Uganda Confidential* consistently exposes embarrassing behind-the-scenes information about corruption in government. Teddy Sseezi-Cheeye was released on bail. On 6 May 1992 an additional charge of sedition was brought after the April 1992 issue of *Uganda Confidential* published a critique of a long letter by President Museveni to the magazine. On 23 June 1992 Teddy Sseezi-Cheeye was convicted of publishing a newspaper that had not been registered and was fined 4,000 Ugandan shillings (\$US 3.50).

Even staff on the government's own newspaper, *New Vision*, have been threatened with prosecution for sedition. On 26 March 1992 William Pike, *New Vision*'s editor, and Didas Bakunzi, a senior journalist, were summoned by the police, acting on instructions from the acting Deputy DPP, to make statements concerning two stories alleged to be seditious. The first of these concerned instructions issued by the Attorney General in December 1991 that magistrates should attend Luzira prison to expedite the bail hearings of 435 youths. The instructions were widely interpreted as interference by the executive in the workings of the judiciary. One magistrate who openly criticized the Attorney General's directive was suspended. The second report had suggested that the Rwandese Patriotic Front had bases in Uganda. In this case, sedition charges were threatened but not actually laid against the two journalists.

6

Misusing
the law

We still believe that the death penalty is a strong deterrent to crime in a socially deprived society like ours.

(Abubakar Mayanja, Third Deputy Prime Minister, Minister of Justice and Attorney General, in *New Vision*, 10 March 1992)

Someone will have to die for this.

(Major-General Salim Saleh, Army Commander, in *New Vision*, July 1989, after the death of 69 civilians at Mukura)

The belief that the death penalty is an effective deterrent underpins the Ugandan Government's approach to human rights. Government and military officials point to their preparedness to execute soldiers as an indication of their commitment to human rights and the rule of law. Uganda's past, in which civilians were so often the victims of atrocities by soldiers or members of other security agencies, gives this argument a special power. But the argument can only have any force if it can be shown that the death penalty has a uniquely deterrent effect and there is absolutely no evidence to support such a claim.

Indeed, the continuing frequent occurrence in Uganda of crimes for which the penalty is death strongly suggests that it has no deterrent effect whatsoever. Moreover, the authorities' reliance on the penalty appears to be a barrier to their recognizing the need for fundamental procedural reforms to prevent human rights violations. The authorities appear to believe that executing soldiers is enough.

In reality, the likely effect of ruling soldiers by violence is to create a brutalized army with little respect for human life. Bringing soldiers to justice for human rights violations is important. But in Uganda judicial execution often appears to be the only action taken. This policy means that those executed, many of whom have been convicted of terrible crimes, become victims themselves, sacrificed on the altar of official complacency.

Moreover, of the 40 executions of soldiers that Amnesty International can confirm since 1987, only three were of soldiers who had committed human rights violations during military operations. All the others were executed for serious crimes committed while apparently off-duty or after they had deserted the army. The government argues that the death penalty is an effective deterrent, but it appears in general that it has not chosen to take any action against the majority of soldiers committing serious crimes while engaged in authorized military action.

Government officials sometimes defend the death penalty on the grounds that the Ugandan public expects retribution. In a response in September 1991 to an Amnesty International report entitled, *Africa: Towards Abolition of the Death Penalty*, the government argued that if the death penalty is abolished, the people would lose confidence in government and they would take the law into their own hands.

The death penalty is widely accepted in Ugandan society, and the government clearly considers it important that the civilian population should see that the authorities will punish severely soldiers who commit crimes against civilians. But this should not entail executing them. For the government to seek to justify the death penalty on the grounds that the population favours it is simply to avoid taking the responsibility of introducing effective measures to protect human rights. There is no evidence to suggest that abolishing the use of the death penalty would lead to a political collapse in the country, or that by using more humane punishments the government would lose credibility. On other issues where popular attitudes differ from government policy, for example over health issues, the government is prepared to campaign to change public attitudes. The government accepts public opinion on the death penalty because it agrees with it.

Some government officials have argued that those convicted of serious crimes should be executed as otherwise they might escape or bribe their way to liberty. But this again points to an evasion of responsibility: the government should take steps to improve security and conditions in prisons, not execute prisoners instead.

Soldiers and the death penalty

In Uganda there are two parallel systems of justice. All Ugandan citizens are subject to the Uganda Penal Code. Soldiers are also subject to a separate disciplinary code.

In 1986 the government took steps to incorporate into Ugandan law two codes of conduct governing the behaviour of NRA soldiers. These prescribed the death penalty for a wide range of offences. The NRA Code of Conduct¹³, applicable in non-operational situations, prescribed a mandatory death sentence for treason, murder, rape and disobedience of a lawful order leading to loss of life. The Operational Code of Conduct defined a further series of offences carrying a maximum penalty of death, including desertion and disobeying lawful orders. The codes of conduct were streamlined and subsumed within a new Army Act in November 1991. The death penalty was retained for 18 offences. When the Army Bill was being debated in the NRC in November 1991, many council members expressed serious concern that the legal provisions governing the army were too harsh. The Minister of State for Defence dismissed such comments as failing to recognize the dangers of seeking cheap popularity with soldiers.

Military disciplinary measures are taken through a system of unit courts martial and a General Court Martial. Soldiers on operations may be tried by a field court martial. Soldiers have the right to

legal representation by the lawyer of their choice. The NRA's Legal Department has set up a legal aid service for soldiers who cannot afford lawyers. In practice, it seems that lawyers rarely appear before courts martial other than the General Court Martial and that the legal aid service is underfunded. Nevertheless, the legal aid provision represents a welcome step towards ensuring justice for soldiers. However, in field courts martial there is no prospect of soldiers being legally represented.

There is also serious cause for concern over the adequacy of provisions for appeal. Each of the courts martial is of equivalent status. Every time a tribunal hears a case, a summary of the hearing and sentence are sent to the High Command. The Director of NRA Legal Services told Amnesty International representatives in August 1991 that anyone who is convicted has the right to lodge a written appeal to the High Command against his or her conviction at the same time that the summary of the hearing is sent to the High Command. However, according to international standards, anyone convicted of a crime should have a right of appeal to a higher court, not just to government or army officials, even if the officials consider they are acting as a tribunal.¹⁴ The High Command is a branch of the executive and therefore is not in a position to act as a fully independent review tribunal. The NRA Code of Conduct makes no reference to the basic right to appeal to a higher court or tribunal. In the case of field courts martial, there is no appeal and in many cases soldiers have been executed within hours of courts martial hearings.

Amnesty International has confirmed the execution by firing squad of at least 40 soldiers since 1987, although the total figure for executions may be much higher. For example, New Vision newspaper reported the execution of two NRA officers in Lira in mid-December 1990 for cowardice and mishandling an operation in Kitgum District resulting in the deaths of several soldiers. The NRA did not release the names of the officers, who held the ranks of captain and lieutenant. Other unconfirmed reports have suggested that in reality between 40 and 80 soldiers were executed following a mutiny during the same operation in December 1990.

In most cases soldiers have been executed in public. On 4 June 1991 NRA soldiers Rubanga Kende and Philip Onekalith were publicly executed in Nebbi after a court martial found them guilty of murder and aggravated robbery. They had initially been captured by civilians with three other men who were then lynched by the civilians. The two soldiers, both NRA deserters, had apparently been part of an armed gang that had ambushed vehicles and committed several murders.

On 26 July 1991 Sergeant Robert Baraza and Private Nicholas Obal were executed by firing squad in Abarilela after being convicted of murdering a villager in Soroti District. The execution was public and attended by senior army officers and the NRC representative for the area.

In many cases, executions have taken place soon after the offence was committed following rapidly convened courts martial. On 2 June 1991, for example, three soldiers were shot by firing squad at Manjasi High School in Tororo on the same day that they had allegedly committed rape and aggravated robbery, allowing them no chance to lodge any appeal. The offences had taken place during a screening operation in the villages of Asinge and Amagoro near Tororo town. These executions were rare examples of action being taken against soldiers who allegedly committed human rights violations while on a military operation. On 22 January 1992 Private Steven Egunyu was executed in Orungo north of Soroti town after being convicted of murdering a pregnant woman the previous evening.

In cases of soldiers tried by the General Court Martial, some more time has elapsed between conviction and execution, presumably to allow the sentences to be considered by the High Command. In December 1990, for example, Lieutenant Colonel Oliver Odweyo was found guilty of treason and sentenced to death, as was Lieutenant Amil Migadde, who was convicted of aggravated robbery by the General Court Martial. Neither man was known to have been executed by June 1992, however, when there were over 100 other soldiers under sentence of death in

Luzira prison.

Executions and the ordinary penal code

When the NRM took power in 1986, the death penalty was mandatory under the Ugandan Penal Code for murder, kidnap with intent to murder, armed robbery and a range of treason-related offences such as waging war against the state and incitement to mutiny. On two occasions since 1986 the NRC has amended the law to introduce new capital offences. Armed smuggling was made a capital offence in 1987 and in 1990 the death penalty was introduced for rape, defilement of girls under the age of 18 and unlawful sexual intercourse with a prisoner. The 1990 amendments followed changes by NRC members to a bill introduced by the government seeking terms of life imprisonment for various sexual offences. The government was seeking to introduce tougher sentences to prevent the spread of AIDS.

Capital offences under the Penal Code are heard by the High Court where defendants have access to legal counsel of their choice and the right of automatic appeal to the Supreme Court. If conviction and sentence are upheld, the case is then considered by the Advisory Committee on the Prerogative of Mercy. This committee recommends to the President whether the sentence should be carried out. The President is not bound by their advice but it seems that so far he has always abided by it. No execution can take place without the President signing the death warrant.

The first hangings since the 1970s following High Court trials took place on 15 March 1989 when Kassim Obura, Lukoda Mugaga and Thomas Ndaligana were executed in Luzira prison. Kassim Obura, who was a member of the Public Safety Unit, a government security unit responsible for gross human rights violations under the government of Idi Amin, was convicted of murdering a prisoner in November 1973. He had been in prison for almost 10 years.

There were no further executions under the Ugandan Penal Code until 29 June 1991, when nine prisoners variously convicted of aggravated robbery or murder were hanged in Luzira. At least five had originally been convicted in the High Court in 1984. For example, three UNLA soldiers, William Otasono, Milton Ongom and Nicholas Okello, who were stationed at Mbuya General Headquarters near Kampala, were convicted in July 1984 of robbing and murdering a man. Their appeal to the Supreme Court was rejected in March 1989.

There are currently over 50 other prisoners on death row in Luzira prison following the rejection of their appeals by the Supreme Court. They include Aloysius Ndibowa, Joseph Mukasa Mubiru and Davis Ssozi Ntambi, who were convicted of treason by the High Court in March 1988. They had been arrested in late 1986 with others, among them Evaristo Nyanzi, then Minister of Commerce, and Andrew Kayiira, then Minister of Energy. Charges were dropped against Andrew Kayiira in late 1987, but he was shot dead by armed men a few weeks after his release. Evaristo Nyanzi and three others were acquitted. One of the three, Major Fred Mpiro, was immediately redetained by the NRA and held uncharged until his release two and a half years later in September 1990.

Prisoners convicted of human rights violations are among those awaiting execution. Chris Rwakasisi, who under Milton Obote was Minister of State in charge of security and head of the National Security Agency (NASA), and Elias Wanyama, an intelligence officer in the NASA, were respectively convicted in June 1988 of kidnap with intent to murder, and murder. In 1981 Chris Rwakasisi allegedly arrested six men in Mbarara on suspicion of collaboration with the NRA, who were said subsequently to have been extrajudicially executed by Elias Wanyama at an UNLA barracks. The Supreme Court rejected appeals by the two men in March 1991.

According to the Commissioner of Prisons, in August 1991 there were at that time between 800 and 1,000 prisoners on remand facing capital charges.

7

The death penalty: a

barrier to improving human rights

In the middle of the night on 9 July 1991, insurgents belonging to the United Democratic Christian Army (UDCA) abducted 43 girls in a raid on the Sacred Heart Girls' School near Gulu town. After a short time in captivity Jane Okula tried to escape. She was recaptured and then murdered by being stabbed through the neck. Another girl named Agnes Aber was also killed. The others were divided among the men in the rebel group and repeatedly raped.

Such flagrant disregard of human rights and humanitarian principles by various rebel groups in Uganda has been persistently reported since the NRM government took power in 1986. Many reports concern the groups fighting in northern Uganda, most recently the UDCA in Gulu and Kitgum districts, and those in the east, such as the Uganda People's Army (UPA), which is active in Kumi, Soroti and Pallisa districts. The northern rebels in particular, who do not have an identifiable political program, have used violence against civilians as a central part of their operation.

Since the very beginning of insurgency in the north in 1986 and in the east in 1987, there have been deliberate and arbitrary killings by rebels, resulting in the deaths of hundreds of people. Some of the victims have been elected members of Resistance Committees, but the vast majority have been ordinary villagers with no institutional connection to the government. Yet others have been tortured or left mutilated after having their lips, noses, ears or hands cut off apparently to terrorize civilians into cooperation or to punish those who are believed to have colluded with the government. Some civilians have been abducted and forced to stay with rebels. Particularly in the north, this has on occasion been a method of forcibly recruiting new fighters. In other cases those taken are effectively held as hostages to discourage villagers from informing the authorities about the presence of insurgents or their movement through a district. Sometimes captives have been forced to become porters carrying equipment, supplies or material looted from an attacked village. Many abducted women and girls, like those taken from the Sacred Heart Girls' School in Gulu, have been raped.

Human rights abuses by northern rebels

Rebel atrocities against civilians in Gulu and Kitgum districts have been a litany of horror since 1986. They have deliberately and arbitrarily killed hundreds of people. The incidents described below are only a sample of the many killings that have taken place.

One of the earliest cases reported to Amnesty International was the shooting in late 1986 of a woman named Ariemo who ran a shop at a hospital near Gulu town. She was reportedly killed because she had served NRA soldiers.

In 1988 rebels of the messianic Holy Spirit Movement led by Joseph Kony carried out a series of arbitrary and deliberate killings in the course of raids on villages and religious missions. On 23 February insurgents raided Koch Goma in Gulu District killing more than 40 civilians, most of whom were chopped to death with large knives. The victims included bedridden patients in the dispensary. On 9 April Holy Spirit Movement rebels hacked 11 people to death at the Pajule Catholic Mission in southern Kitgum District. On 27 April the market at Padibe in northern Kitgum District was attacked and seven people were arbitrarily killed.

Such killings have remained a tactic of insurgent forces in northern Uganda. In late January 1990 rebels murdered 27 people at Odokonyero in Patongo Sub-County in Kitgum District. Among those killed were eight women, including Mariana Akello, her elderly mother Jemma Acen, and Albertina Ayek, who was pregnant. Two young girls were abducted. The villagers were killed after they had reported the presence of a wounded rebel in the village to a nearby NRA post. The soldiers came to the village and shot the man dead, leaving his body for the villagers to bury. The rebels returned for their colleague, found out what had happened and then murdered the villagers in retaliation. On 1 April 1990, 43 civilians, including local Resistance Committee members, women and children, were hacked to death at Alwi village in Acholibur Sub-County in Kitgum District. The village was then burned to the ground by insurgents. The incident occurred after villagers informed the NRA that rebels were located nearby.

Attacks on civilians in Kitgum and Gulu districts appear to have intensified after April 1991 when the government organized young and middle-aged men into informal vigilante groups, popularly known as Arrow Groups, to work with the NRA. The rebel response has been to attack or kill those suspected of being members of Arrow Groups. Yet many civilians have clearly been coerced into joining an Arrow Group, fearing that failure to do so would be construed by the authorities as indicating sympathy for the rebels.

On 20 May 1991 rebels belonging to the UDCA killed 14 people at Angolo-Awere village in Kitgum District. The victims, who included William Odonga, Harold Ben Obonyo and Martin Olobo, were locked in a grass-roofed hut which was then set on fire. This was one in a series of assaults on the village which led to the deaths of 46 people, including Harold Obonyo's daughter, Akwero. Three days earlier youths from the village who were members of an Arrow Group had attacked rebels fleeing from the army. The 14 people who were burned to death were all relatives of the Gulu District Resistance Committee member for the area.

On 24 June 1991 four youths were hacked to death at Cet-Kana in Gulu District by UDCA rebels. Those killed Kibwota Okutu, Obina Aco, Solomon Ojara and Peter Wokorac were apparently suspected by rebels of being members of an Arrow Group. Four other youths were mutilated by having their right hands hacked off.

Mutilation has been widely used by UDCA rebels to punish civilians suspected of cooperating with the authorities. On 29 May 1991 David Ober, Alfred Ojok and Oryema, all young men living in Tumangur in Kitgum District, were caught by UDCA rebels as they returned home after washing at a well. The men were accused of being members of an Arrow Group. David Ober described what happened next: Although we were not even armed, the rebels decided to cut our right hands so that we can no longer shoot the arrows.

On 3 June 1991 Santonino Otto, the parish chief of Mede in Labworomor Sub-County in Gulu District, was captured by rebels who then cut off his left arm. On 2 July UDCA rebels are alleged to have mutilated eight women at Loka-Abolo in Gulu District. Joyce Alanyo and Jennifer Aoi had their ears cut off. The rebels then cut off the noses, ears and upper lips of Concy Laker, Florence Adoc, Concy Lawil, Christine Aciro and Jennifer Akwero. On 3 July seven civilians, three of whom died, are reported to have been mutilated by UDCA rebels at Achet, east of Gulu town.

On 24 August 1991 four elderly women from Awere Sub-County in Kitgum District were assaulted by rebels who attacked their village. One of the women, Nekolina Latigi, said that the rebels told us that since we have decided to use our ears for listening to Museveni and our mouths for telling the NRA where they (the rebels) operate from, it was necessary that both be cut off. The rebels then sliced off their lips and cut off their ears. The UDCA group believed that the villagers had informed the NRA about their presence in the area, leading to their being attacked.

On 13 September 1991 insurgents captured and murdered two Resistance Committee members, Cira Bodo and his son Lajul, at Akonyibedo near Gulu town. They also mutilated Cira Bodo's three daughters by cutting off their ears. The next day another UDCA unit deliberately killed Erufaci Okwera, the parish chief of Patwong in Awach Sub-County in Gulu District, and 11 other civilians. A man who survived, named Oplio, had his ears cut off and his left leg crushed. There are many other cases of women, youths and men being taken captive and then having their noses, lips, ears or hands cut off or their limbs deliberately crushed.

Since 1986, northern rebels have used abduction as a method both of forcible recruitment and of maintaining pressure on civilians not to cooperate with the authorities. Those taken are retained by a combination of physical and psychological threats. On 6 March 1989, for example, around 300 civilians were abducted from Ngai in Apac District by Holy Spirit Movement forces led by Joseph Kony. Among those taken were 55 school students from Ngai Senior Secondary School. Abducted women have often been raped and those trying to escape have sometimes been summarily killed. Young girls have been at particular risk of rape.

Some of those abducted by rebel groups have not been seen again. They include three of seven employees of the Ministry of Health in Gulu

who were abducted after their vehicle was attacked by rebels in Lamogi Sub-County, west of Gulu town. Four others escaped a few days later but there has been no further word of the three. In March 1991, 35 school students were reportedly abducted by rebels from Abim secondary school in Kotido District and another 19 girls from Ngetta near Lira town. Most of the latter were released within a few weeks, but some continued to be held by the rebels and reportedly subjected to sexual abuse.

Abuses by the Uganda People's Army

Since 1987 and the earliest days of their conflict against the government, the UPA has been responsible for human rights abuses in the eastern districts of Kumi, Soroti and Pallisa. While disrupting the provision of government services ranging from basic administration to education and communications in these areas, UPA forces have ambushed civilians as well as military forces, and assaulted civilians identified as government servants. Elected members of local Resistance Committees have been particularly targeted.

Like the northern rebels in Kitgum and Gulu districts, the UPA has used violence against civilians suspected of passing information to the NRA. Former rebels who have surrendered to the government, and their families, have also been targets for deliberate and arbitrary killings. Former rebels are often used by the NRA to assist them in identifying those still active. The incidents described below are typical of many more that have taken place.

In June 1989 UPA rebels in Wera Sub-County killed six people, including four Resistance Committee officials. The victims included Vincent Okiror from Ololai and Heja Akello from Dodos. Another man, Sekeri Ouma, was killed when he refused to tell rebels where they could find his brother, who was a member of a Resistance Committee.

On 18 February 1990 UPA rebels ambushed a public taxi near Bukudea in Kumi District. The travellers were searched and their property stolen. James Otiono, an elderly Resistance Committee member from Kumi town, was recognized and abducted. His body was found the next day. The following month UPA insurgents captured and then killed John Simon Otim, a Resistance Committee member from Kutekei in Pallisa District. In July 1990 UPA members hacked to death Adoa, a medical assistant at Serere Health Centre in Soroti, at his home. In October William Apungia, a senior Resistance Committee member in Kumi District, was abducted from a vehicle and then killed by UPA rebels near Ngora. A girl who was in the same vehicle was reported to have been released by rebels after being held for a short period during which she was tortured and raped.

On 5 January 1991 at Olumut in Kanyum Sub-County in Kumi District, UPA rebels attacked the homes of relatives of a rebel who had surrendered to the government and joined the NRA. On 10 February rebels picked out three elderly men from a church congregation at Malera in Kumi District, took them outside the church and shot them. A man named Erongot and his brother died instantly. The third man was seriously wounded. The rebels are reported to have suspected the three of passing information to the NRA. On 10 April UPA insurgents burned 12 people to death in a hut at Aojakum in the Serere area of Soroti District. The rebels came to the house of Resistance Committee member Richard Ochen, who was drinking with friends and family. Those who died included Elizabeth Okopo, Richard Ochen's wife, and their children.

The UPA have also attacked small commercial centres in an attempt to disrupt local trade. During the course of these attacks, civilians have been deliberately and arbitrarily killed. One of the most recent incidents took place on 4 June 1992 when UPA insurgents attacked the small town of Bukudea in Kumi District. Twelve people were killed, among them a number of civilians who were abducted by rebels. A man named Akol was found dead with a rope tied around his waist. Houses were set on fire and property was looted.

The armed opposition and humanitarian standards

Amnesty International takes no position as to the legitimacy of any opposition group's decision to resort to arms in pursuit of its objectives. However, just as it looks to governments to uphold and observe international human rights standards, even in the face of severe provocation, so Amnesty International believes that armed opposition groups have an obligation to respect basic humanitarian

principles. Amnesty International therefore condemns such acts as hostage-taking and the torture and killing of prisoners by opposition groups. Equally, it condemns the arbitrary and deliberate killings of civilians and others by such groups.

In an internal conflict both government and opposition forces are bound to observe the basic tenets of humanitarian law, which are applicable in all forms of armed conflict. In particular, they are required to observe the principles set out in Article 3, common to all four Geneva Conventions¹⁵. Article 3 establishes minimum humane standards for situations of armed conflict which are not of an international nature. It is applicable to all parties involved in a conflict irrespective of whether the other has agreed to be guided by its terms and standards.

Common Article 3 extends protection to the following:

Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention, or any other cause...

It prohibits at any time and in any place whatsoever with respect to the above mentioned persons:

- a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
- b) taking of hostages;
- c) outrages upon personal dignity, in particular humiliating and degrading treatment;
- d) the passing of sentences and the carrying out of executions without previous judgement pronounced by a regularly constituted court."

Armed opposition groups in Uganda have committed widespread human rights abuses in recent years, including arbitrary and deliberate killings, and the torture and mutilation of prisoners. Amnesty International condemns such abuses and calls on the groups concerned to desist immediately from such acts and to observe to the full the international humanitarian standards cited above.

The Ugandan Government is also bound by international law. However widespread and violent the actions of armed groups, they can never be used to justify human rights violations by government forces.

8

Abuses by the armed opposition

We didn't complain. Askaris [soldiers], if they do anything, where can we go?

(Relative of Tarazizo Okwoya, reportedly extrajudicially executed in Gulu District in August 1991)

There is a widespread perception within the international community that since the NRM government came to power in Uganda respect for human rights has been restored. There is some truth in this. Before 1986 the spiralling atrocities of successive governments had torn apart the fabric of Ugandan society and given the country a reputation of endless violence and bloodshed. In 1986 Kampala became a safer place and in areas such as the south and central parts of Uganda the gross abuses of previous years came to an end.

Yet, as this report demonstrates, the six years since the NRM took power have been marked by persistent and mass violations of human rights, albeit on a reduced scale. Moreover, the government, despite its many promises, has failed to respond to these new violations in an appropriate and effective manner.

In order to bring human rights violations to an end, all governments must fulfil certain fundamental responsibilities.

Firstly, they must be prepared to ensure that when human rights violations are alleged they are made the subject of urgent and thorough investigations. These should determine individual and collective responsibility and provide a full account of the truth to the victims, their relatives and society at large.

Second, those responsible for human rights violations must be brought to justice.

Third, preventive action is needed. In particular, practical procedures and mechanisms must be introduced which are associated with the rule of law and are designed to prevent members of the security forces or others from taking the law into their own hands.

The Ugandan authorities have taken some positive steps to address these responsibilities. However, they have not gone nearly far enough to bring human rights violations to an end. On the contrary, the government has appeared to be willing to condone a certain level of violations and certain types of abuses in pursuing military operations against insurgent groups and others who appear to offer some challenge to its authority. The NRA in particular appears to have resisted proper investigation of extrajudicial executions and other grave violations by soldiers, seeing this as a form of interference in its affairs. Yet the army has also failed to implement the sort of practical safeguards needed to deter soldiers from committing abuses.

Reports of human rights violations

Since the NRM government took power in January 1986 Amnesty International has regularly brought cases of extrajudicial executions and other violations of human rights to the government's attention. It has directly appealed to government officials and reported publicly its concern about human rights violations in Uganda.

Amnesty International representatives have visited Uganda seven times during this period. The first visit was in April 1986, only three months after the NRM government took power. In September 1986 Amnesty International submitted a memorandum to the government proposing a series of safeguards to protect human rights. In March 1987 the Secretary General of Amnesty International visited Kampala and discussed human rights issues with President Yoweri Museveni. In July 1987, following this second visit, Amnesty International made another submission to the government. This included details of a number of incidents of extrajudicial execution which it urged the government investigate. The government did not respond to this or other subsequent submissions about abuses until April 1989. Amnesty International representatives again visited the country in February 1988 and met government officials. In July 1988 Amnesty International submitted a further memorandum to the government. It detailed cases of prisoners detained without charge or trial, the imprisonment of possible prisoners of conscience, instances of torture, ill-treatment and deaths in custody, and raised its concern about the use of the death penalty.

In March 1989, following another fact-finding visit to Uganda earlier in the year, Amnesty International published a report entitled Uganda: The Human Rights Record, 1986-1989. A month later, at the invitation of the government, the Secretary General of Amnesty International again visited Kampala and discussed some of the concerns raised in this report with President Museveni in Kampala.

Amnesty International representatives visited Uganda again in February 1990 and met the Minister of State for Defence and the Attorney General. In December 1990 the organization issued a report, Uganda: Death in the countryside; killings of civilians by the army in 1990. The report described extrajudicial executions in 1990 and highlighted the organization's concern about the long delay by the authorities in carrying out investigations. In August 1991 Amnesty International representatives visited Uganda to collect information and to have discussions with government officials. At the end of the year it published a report entitled Uganda: Human Rights Violations by the National Resistance Army. This focused on human rights violations reported during 1991.

The government responded to the December 1991 report with a 13-page public statement in which the report's contents were described as either untrue, exaggerated or made out of context. However, in May 1992 Abubakar Mayanja, the Third Deputy Prime Minister, Minister of Justice and Attorney General, told the press that several official investigations into NRA killings had concluded and reported the progress of others. He said that investigations into the killings at Mukura in July 1989, Atiak in March 1991 and Bucoro in April 1991 had been completed and that each had resulted in a number of soldiers being arrested. He added that investigations into reported extrajudicial executions at Lagoti (April 1991) and Kitgum town (May 1991) were in progress and that the report of a commission of inquiry into alleged human rights violations in Gulu District, which had been set up under the office of the Minister of State for the North and East, was still being drawn up (see below). This announcement in May 1992 was particularly significant given the manner in which official investigations have been undertaken.

Investigations

Several different institutions are responsible for investigating allegations of human rights violations in Uganda. In 1986 the government made a clear division of responsibility between the commission of inquiry established to investigate pre-1986 violations of human rights, and the office of the IGG, which was set up to examine new reports of human rights violations. In spite of this, however, many other inquiries have been set up since 1986, each using its own method, resources and each with its own time-scale.

Until 1991 the office of the IGG appeared to take little or no part in investigating the numerous reports of extrajudicial executions by NRA soldiers in the north and east. Instead, the Minister for the North and East, since the office was created in 1988, has initiated inquiries into incidents in these areas. So too has the army itself which, through its Commander and, more usually, through the DMI, has announced investigations into alleged abuses. In one recent case the Attorney General's office is reported to have carried out an investigation. These announced investigations have enabled the government to deflect a certain amount of criticism, as it has appeared that the authorities are committed to tackling abuses, but in practice many of them have led nowhere. In some cases, it is even questionable whether inquiries announced by the NRA were held at all.

Many of the incidents mentioned in this report have been the subject of an announcement of some official investigation. Yet there has not been even one case in which an investigation has been formally brought to an end, had its conclusions presented to the government and published, and its recommendations implemented.

The publicity which has focused on certain incidents has clearly acted as a spur to the announcement of official inquiries, but all too often these appear to have foundered or to have become bogged down at the investigation stage hence, an inquiry into NRA killings in Gulu District at the end of 1988 apparently had still not been completed more than three years later in July 1992. Also, when the authorities have announced that a particular inquiry has been concluded, they have not disclosed much information about the way it was conducted, making it difficult to assess its thoroughness and impartiality. In addition, as with the IGG's investigation into the cases of northern leaders arrested in 1991, the authorities have failed to indicate their response to the report or whether they would implement its recommendations.

The following examples of investigations carried out over the past four years illustrate what has happened in a number of cases when investigations have been announced into well-publicized incidents.

The Gulu inquiry (1988 to 1992)

In December 1988 the Commander of the NRA announced the establishment of a commission of inquiry into alleged killings by the NRA in Gulu District in late 1988. In early 1989 the inquiry was placed under the supervision of the Minister of State

for the North and East. Those appointed to the commission included both elders and Resistance Committee members from Gulu District and, at least at the outset, a number of army officers. Some of the latter, however, appear to have undermined the inquiry's credibility: according to a May 1989 report in *New Vision*, residents had said that people are reluctant to go and testify because some of the soldiers aggressively deny, so some of the people fear they would be in trouble.

Nevertheless, the commission did hear evidence from people who accused the NRA of human rights violations, as well as people who described abuses by rebels. In May 1989 the Minister of State for the North and East told Amnesty International that she expected the commission to report to her at the end of that month. Some nine months later, however, the Attorney General told Amnesty International that the inquiry was still in progress but that it was in the process of concluding its work. After a further eight months had elapsed, the Minister of State for the North and East informed Amnesty International in September 1990 that the production of the report had been delayed owing to logistical constraints, including a shortage of funds and equipment, but that the government was committed to publishing a comprehensive report in the very near future.

As the commission's report had still not appeared, Amnesty International representatives who visited Uganda in August 1991 inquired into its progress only to find that the work of the commission had by then actually fallen into abeyance. However, it was reactivated that same month under the chairmanship of a senior police officer empowered to investigate alleged human rights violations between 30 November 1988 and 30 April 1989. It was not authorized, however, to investigate more recent incidents although this might have been more effective. Three officials from the ICG's office and the legal officer of the NRA's 4th Division were included in the commission, as were local elders and community leaders. In May 1992 the Attorney General announced that the commission's work was 80 per cent complete, but that a recent reduction in its and other budgets of government bodies might affect its progress. The Attorney General also announced some preliminary findings, including that certain named individuals reported by Amnesty International to have been among those killed by the NRA had, in fact, been located alive.

Amnesty International looks forward with interest to the publication of the commission's report though regrets that it has been so long delayed. The interruptions to its work and the long delay mean that if it is to make an impact on human rights in the future it should contain specific recommendations for the prevention of extrajudicial executions and other grave violations, and that these should be implemented accordingly.

The Gulu Commission, like other investigations such as those carried out by the ICG, depend for their success on the degree to which the NRA, and those in charge of the NRA, are prepared to cooperate. This is because the NRA remains today the single most powerful institution in Uganda, so that those who seek to hold soldiers to account can hope to do so only if they receive support at the highest political level.

Most investigations have been carried out by the NRA's own Military Intelligence branch, but these have not been satisfactory: they have not been independent and little information has been disclosed about the procedures followed or the evidence obtained. In terms of international standards, they have failed lamentably to meet the standards laid down in the UN Principles on the effective prevention and investigation of extra-legal, arbitrary and summary executions.

Inquiries into incidents in Bucoro (1991)

The initial reaction of the authorities to reports of killings in Bucoro in April 1991 revealed the reluctance of both the political and military authorities to mount prompt and impartial investigations. In August 1991 the Minister of State for the North and East told Amnesty International that she had visited Bucoro herself after receiving

reports about the use of a torture pit there, but had found no evidence to substantiate the allegation. The commander of the NRA's 4th Division in Gulu District also denied the existence of the pit. Consequently, when responding to Amnesty International's December 1991 report which described the torture and killing of prisoners in Bucoro, the government said it had found no evidence of a torture pit in Bucoro parish in Gulu District. The response even suggested, falsely, that Amnesty International representatives had carried out an investigation in Gulu District and had themselves found no evidence.

The following month, however, New Vision reported that local people had confirmed the existence of the pit and that deaths had occurred. Only then, it seems, did the authorities mount any serious investigation and accept that people had died. In February the Minister of State for the North and East said the killings had been an accident and in May announced that an investigation team including village elders and an official from the District Security Office had been established. The same month the Attorney General's office, which had apparently mounted a separate inquiry led by a senior State Attorney, made public its finding that one detainee had been shot dead trying to escape from the pit and four others were found dead possibly from suffocation when the pit was opened up. A local NRA battalion commander and intelligence officer were said to have been arrested but nothing was said about other alleged extrajudicial executions and abuses reported to have occurred in Bucoro at the same time. It remains unclear, in fact, whether these have been the subject of any investigation. The failure of the authorities to mount any serious investigation into the Bucoro pit allegations for several months, and their repeated denials and prevarication in the face of such allegations, is most disturbing, particularly in the light of their failure to investigate effectively other abuses by the NRA. In this instance, the authorities say that there were unaware of what really had occurred because of a cover-up by soldiers, but this serves only to underline the urgent need for the government to create proper mechanisms and procedures for investigating incidents perpetrated by members of the NRA.

Investigation of unlawful detentions

In 1990 the IGG and the Attorney General visited several barracks in Kampala to investigate the situation of civilian detainees held without charge or trial. This welcome initiative led to the release of a number of prisoners and steps being initiated to bring proper criminal charges against those who remained in custody. Unfortunately, no further such visits are known to have been made, although the IGG told Amnesty International that further visits should occur.

Investigation of March 1991 arrests

Detainees held in military barracks outside Kampala, including in the north and east where the majority of uncharged detainees are held, have received even less attention from civilian authorities such as the IGG and the Attorney General's office. The authorities commonly cite a lack of investigative resources to explain this, but an additional reason may be a lack of cooperation with such bodies on the part of the NRA, although the full picture is not clear.

The IGG did become involved, however, in the cases of the 18 northern community and political leaders who were detained in March and April 1991 after their arrest and ill-treatment evoked publicity and widespread protests. The IGG began his investigation in August and made public his findings at a press conference in May 1992. Among other conclusions, the IGG said the arrests had been ordered by the Minister of State for Defence, on the basis of insufficient evidence, and that the 18 had been tortured and ill-treated at Lira airstrip. He found also that the transfer of Daniel Omara Atubo and the two other members of parliament from Kampala to Lira Barracks was unnecessary and an abuse of power. A summary of the IGG's findings clarified the scope of his investigation and indicated that he had made various recommendations to the authorities, including that disciplinary action be taken against certain unnamed officials. The summary suggested that certain preventive recommendations might also have been made but, if so, neither these, nor the government's response to them, have been made public.

The public announcement of the IGG's investigation and findings represented a significant step forward, and the investigation itself appears to have been carried out in a competent and impartial manner. The IGG's finding that the arrests were carried out without sufficient evidence has important implications for the NRA and for the many other treason cases which it has initiated.

However, the fact remains that it was more than a year after the incidents concerned that the IGG's findings were made public and, even then, his full report was not disclosed. Consequently, while in this case more information has been made available than in relation to other inquiries into alleged human rights violations, it still provides a less than full account of the investigation and of the evidence on which its findings were based. This may be corrected if, as the IGG told Amnesty International in June 1992, the full report is released once the government had effected the recommendations contained within it, but it is not at all clear when this may be.

Bringing perpetrators of human rights violations to justice

The government has not been consistent in bringing soldiers to justice for human rights violations. Chapter 3 described the repeated failure to take action in relation to many reported extrajudicial executions. After some incidents, however, generally those that were particularly blatant and which received national and international publicity, the authorities have announced the arrest of soldiers. But in most of these cases there has been little sign that the arrested soldiers have then been brought to justice, and some apparently have been quickly released. For example, the soldier reportedly arrested in May 1991 for killing Moses Otii is said to have been released within two weeks and no further action appears to have been taken until May 1992, when the Attorney General announced that the commander of the NRA unit involved had been arrested.

The government has said that it frequently brings soldiers to justice and pointed to cases in which soldiers have been executed for committing serious crimes against civilians as an indication of its commitment to human rights. But close examination of the cases in which soldiers have been executed shows that most were convicted of crimes committed while off-duty for their own personal gain or other such motives,

not in the pursuit of their military activities. So, while soldiers have been severely punished, in some cases put to death, for committing crimes such as murder or rape committed while off-duty, the vast majority of those who have committed similar acts while on duty, including in the context of counter-insurgency operations, have been able to do so with impunity. It is as if, in the NRA, off-duty crimes and breaches of discipline are seen to warrant severe punishment, but equally grave human rights violations, including extrajudicial executions and torture, committed in the pursuit of military operations, are effectively condoned.

In Amnesty International's experience, where it is exceptional rather than usual for perpetrators of human rights violations to be brought to justice, further grave abuses inevitably follow as those responsible for them come to believe they are beyond the reach of the law. This appears to have been a major factor contributing to one recent case in which an uncharged detainee died as a result of torture.

In May 1992 the Attorney General announced publicly that a number of soldiers had recently been arrested in connection with the deaths of 69 youths in a railway wagon at Mukura in July 1989, and named an NRA captain who was said to have been involved. Only a month earlier, in April 1992, this same man, a brigade intelligence officer directly responsible for interrogating prisoners, allegedly tortured to death a prisoner, Alphael Moses Alungat. The latter had been arrested at his home in Atiri in Tororo District, then three-piece tied (see Chapter 5) and hung upside-down from a tree where he was questioned about possession of a gun before a crowd of witnesses. Soldiers then took him away. Two days later his family were told that he had escaped from Rubongi Barracks. However, the same afternoon Alphael Moses Alungat's body was returned to his relatives with an autopsy report attributing his death to a heart attack. A subsequent post-mortem examination carried out by an independent doctor concluded that Alphael Moses Alungat had actually died as a result of torture. Four NRA soldiers, including the brigade intelligence officer named in the Mukura case, and two civilians were then charged with the murder. Speedier action by the authorities in relation to the Mukura killings in 1989 might therefore have resulted in the alleged perpetrators being identified and removed from their positions earlier, with the result that Alphael Moses Alungat might still be alive.

Taking effective preventive action

While it is extremely important that those who perpetrate extrajudicial executions and other grave violations are brought to justice, this alone is not enough. Practical preventive measures are also required if forces like the NRA in Uganda are to be brought to respect and observe human rights. The NRM government has taken some preventive initiatives, notably banning kandooya or three-piece tying of prisoners, but generally far too little has been done to check the NRA's tendency to resort to arbitrary and unnecessary violence in its handling of both criminal suspects and political detainees, and of suspected rebels and civilians seen as sympathetic to them.

Thousands of people arrested in areas of conflict were detained without charge or trial in civil prisons and military barracks during the first three years of NRM rule. Large numbers of them were freed in 1989 and 1990. Since then, however, there have been many new cases of detention without charge or trial of both civilians and soldiers, most of whom have been held in military barracks where inmates are generally incommunicado and thus at serious risk of torture. Ending the use of incommunicado detention, as has been shown elsewhere, would represent a significant step towards the eradication of torture.

Other practical steps would also help. For example, if the NRM government were to insist that NRA personnel must comply with guidelines on arrest procedures issued by the Solicitor General in May 1991, this too could have a significant and positive impact. The guidelines require that proper records are kept of a suspect's name, alleged offence and time and place of arrest; the names of witnesses or others who supplied the information which led up to the arrest; the necessity of securing any available material evidence to the alleged crime; and the importance of handing over both the suspect and this information to the police as soon as possible. The guidelines emphasize the legal requirement that normally an arrested suspect must be produced before a court within 24 hours or released, and that where this is not practicable for example, in remote areas in the war zones a suspect must be handed over to the police as soon as possible. Currently, these guidelines are routinely ignored by the NRA and the NRM government has as yet shown little determination to ensure that they are implemented and enforced.

Up to now, the NRM appears to have seen the death penalty as its most effective deterrent and, believing this, to see little necessity to introduce more procedural safeguards for the rights of prisoners and others. But this is a fundamentally flawed position. The death penalty itself is a major human rights violation and one which through its brutalizing effect can only undermine respect for human rights. Moreover, it is not an effective deterrent at all: on the contrary, as presently employed in Uganda it acts as a barrier to the implementation of effective measures and mechanisms to improve human rights.

Currently, it appears that a number of long-standing treason cases are under review and that in future, following the criticisms made by the ICG about the arrests of northern leaders, there will be a more scrupulous review of the evidence available before future arrests are made or treason charges laid. However, the real measure of the Ugandan Government's commitment to human rights will be seen in the extent to which it requires the NRA to observe the law relating to detentions, introduces and enforces safeguards for the protection of prisoners, investigates any future cases of alleged extrajudicial executions or other grave violations, and brings the perpetrators of such abuses to justice while ensuring that their basic rights are respected.

9

Government
responses to
human rights
violations

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Government officials have argued that the success of the NRA in progressively limiting insurgency to fewer and fewer areas means that in time the problem of human rights violations will gradually disappear. It is undoubtedly true that a reduction in the scale of counter-insurgency operations is likely to result in there being fewer extrajudicial executions. However, to suggest that this is all that is required to protect human rights smacks of complacency. As this report has demonstrated, serious violations of human rights continue to take place in most parts of Uganda.

Amnesty International is calling on the Ugandan Government to take decisive steps to end the violation of human rights by the NRA. An improved record will only be achieved if the government, at the highest level, demonstrates its commitment to human rights by ensuring that effective measures to prevent violations are implemented within the NRA. The authorities must ensure that these measures are then enforced. It is time for the government to act.

Amnesty International therefore urges the government to:

Take action to prevent extrajudicial executions.

the authorities should ensure there is strict control, including a clear chain of command, over all military units or other officials responsible for the apprehension, arrest, detention, custody and imprisonment of prisoners, as well as over all military units engaged in operations in areas of armed conflict;

records should be kept of everyone taken into detention, however brief the period of detention, by both the detaining military or police unit or authority and any military or police unit or authority or prison receiving prisoners;

written regulations should be prepared governing procedures for the use of firearms and communicated to every soldier and police officer. For example, in every incident where a firearm is discharged, a report should be made promptly to the competent authorities;

government and senior military officials should give a clear directive to NRA soldiers that, irrespective of their operational circumstances, the violation of the basic human rights of civilians or detained combatants is not acceptable and will be punished;

orders from superior officers or public officials authorizing or inciting others to carry out extrajudicial executions or other human rights violations should be prohibited and all members of the security forces and others should have the right and duty to defy any such orders that are given;

the authorities should order prompt and impartial investigations into all cases of alleged extrajudicial execution (see below).

End detention outside the framework of the law, particularly incommunicado detention without charge or trial in military barracks.

everyone should be informed, at the time of their arrest, of the specific reasons for their arrest;

all prisoners should be produced in court and charged with a recognizably criminal offence within the 24-hour period specified by law, or released;

all detainees should have access to relatives and lawyers promptly after arrest and regularly throughout their period in custody;

relatives should be informed immediately of any arrest and should be kept informed of the detainee's whereabouts;

the authorities should ensure that soldiers obey all rulings which result from any habeas corpus action;

a central registry should be established to receive information about the names and whereabouts of all people detained without charge to which lawyers and the relatives of those believed to have been arrested should have access;

all places of detention should be open to regular independent inspection by an international humanitarian organization with the appropriate expertise.

Take action to stop torture.

the authorities should ensure that orders are given to all officers and other ranks of the NRA prohibiting all forms of torture and ill-treatment, including beatings;

the date, time and duration of each period of interrogation should be clearly recorded, as well as the names of all those present during interrogation. These records should be open to judicial scrutiny and to inspection by lawyers;

the government should publish current guidelines of interrogation procedures and periodically review both procedures and practices;

in cases where prisoners complain that confessions have been extracted under torture, the burden should be on the detaining and interrogating authorities to prove that the confession was voluntary and that torture and ill-treatment did not occur;

the authorities should order prompt and impartial investigations into all cases of alleged torture (see below).

End the misuse of serious charges such as treason and sedition.

no arrests should take place without sufficient evidence to establish a clear case against the accused;

the authorities should review all existing treason cases with a view to ensuring the immediate and unconditional release of prisoners of conscience and the release of other prisoners unless they are to be brought to trial promptly and fairly on recognizably criminal charges;

the authorities should ensure that when charges of treason or other serious offences are brought, they contain sufficient detail to enable the preparation of a defence;

end the mandatory 480-day period during which bail is precluded;

ensure fair and prompt trials in all cases.

Order prompt and impartial investigations into all alleged human rights violations.

investigations should take place promptly;

investigations should be impartial and independent of the institution that is under investigation;

those conducting investigations should be empowered to obtain all the necessary information and to require witnesses, including those soldiers and officials allegedly involved in human

rights violations, to appear and give evidence;

all possible steps should be taken to safeguard complainants, witnesses and investigators in human rights cases against violence, threats of violence or any other form of intimidation;

investigations should issue written reports, including their findings, as soon as possible and these should be made public by the relevant authorities without delay;

reports of investigations should give details of the scope of the inquiry and the procedures followed. They should describe in detail what took place in the alleged incident, the evidence on which findings are based and the procedures used to evaluate evidence;

reports should make recommendations on effective, practical measures to prevent human rights violations;

the government should reply to the report or indicate the steps to be taken in response to it.

Bring to justice all soldiers and officials responsible for human rights violations.

NRA soldiers and others accused of involvement in human rights violations should be suspended from duty and removed from any positions in which they might be able to influence complainants, witnesses or others while the allegations against them are investigated. Those against whom there is evidence of human rights violations should be brought to justice;

summary field courts martial should be discontinued and soldiers and other officials accused of human rights violations should be tried in full accordance with international fair trial standards, including by being given a right of appeal.

End reliance on the death penalty as a deterrent.

commute all death sentences;

take urgent steps to reduce the number of capital offences and to end the mandatory nature of the death penalty, as part of a process towards eventual abolition.

10

Amnesty
International's proposals

ENDNOTES

INTRODUCTION

1 The term prisoners of conscience refers to people detained on account of their beliefs, colour, sex, ethnic origin, language or religion, who have not used or advocated violence.

2 Kandooya, also known as three-piece tying, involves tying the victim's arms together above the elbows, behind the back. It is extremely painful, putting great pressure on the chest, causing difficulties in breathing and sometimes permanent damage to the arms. A variation, known as briefcase, involves the victim's legs also being tied up behind his or her back. The victim may then be suspended above the ground.

CHAPTER 1

3 Buganda was one of the pre-colonial kingdoms that were amalgamated with the Acholi, Iteso and others to form the British Protectorate of Uganda. The people of Buganda are known as Baganda and their language is Luganda.

CHAPTER 2

4 Screening involves the generally short-term detention of villagers while their identities are checked. This may involve vetting by local community leaders or identification of rebels by former rebels now working with the NRA.

5 After he was ousted in July 1985, Milton Obote went into exile in Zambia.

CHAPTER 3

6 Uganda: Death in the Countryside: killings of civilians in 1990 (AI Index: AFR 59/15/90)

7 Ibid

8 Uganda: Human Rights Violation by the National Resistance Army (AI Index: AFR 59/20/91)

9 Ibid

10 Ibid

11 Ibid

CHAPTER 4

12 In August 1991 the SPLA, a rebel group that had been fighting the Sudanese Government since May 1983, underwent a major internal split. This led to two rival commands controlling different parts of the Sudan. Those arrested were suspected of being sympathetic to the breakaway faction, known popularly as the Nasir group.

CHAPTER 7

13 The NRA Operational Code of Conduct was applicable in situations where a military unit was engaged in an operation in the field. The Code of Conduct applied in all other situations, for example when soldiers were back in barracks. The codes of conduct were originally drawn up to regulate the behaviour of the NRA during its bush war against the government of Milton Obote.

14 Article 14 (5) of the International Covenant on Civil and Political Rights (ICCPR) states that everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law. This tribunal should have the characteristics of a court and should be independent.

CHAPTER 8

15 Uganda acceded to the Geneva Conventions of 12 August 1949 on 18 May 1964 and to the additional Protocols on 13 March 1991. Protocol II relates to the Protection of Victims of Non-International Armed Conflicts. The additional Protocols came into force on 13 September 1991.

Glossary

AIDS	Acquired Immune Deficiency Syndrome
CID	Criminal Investigation Department
DA	District Administrator
DMI	Directorate of Military Intelligence
DP	Democratic Party
DPP	Director of Public Prosecutions
ECOSOC	Economic and Social Council (of the United Nations)
FEDEMU	Federal Democratic Movement of Uganda
IGG	Inspector General of Government
LDU	Local Defence Unit
NALU	National Army for the Liberation of Uganda
NASA	National Security Agency
NOM	Nine October Movement
NRA	National Resistance Army
NRC	National Resistance Committee
NRM	National Resistance Movement
RPF	Rwandese Patriotic Front
SPLA	Sudan People's Liberation Army
UDCA	United Democratic Christian Army
UFM	Uganda Freedom Movement
UN	United Nations
UNLA	Uganda National Liberation Army
UNRF	Uganda National Rescue Front
UPA	Uganda People's Army
UPC	Uganda People's Congress
UPDA	Uganda People's Democratic Army

In 1986 the National Resistance Movement took power in a country torn apart by 20 years of gross human rights violations. Its pledge to respect human rights inspired hope that the nightmare of Uganda's past had ended.

This report by Amnesty International shows that despite some improvements, the government has failed to protect human rights. Every year soldiers have summarily killed hundreds of civilians and prisoners. Torture remains common. The law has been misused to imprison critics. And the killers and torturers in the army have rarely been brought to justice.

The report concludes that the government must urgently implement practical human rights safeguards and ensure that soldiers are brought to account for their crimes. Such action is vital for Uganda to break with its horrific past.