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UGANDA

@Human Rights Violations by the National Resistance Army

1. Introduction

There have been reports of persistent human rights violations in 1991 in the northern Ugandan districts of Gulu, Kitgum, Lira and Apac, committed in particular by the Ugandan army, known as the National Resistance Army (NRA). Rebel forces have been active in these districts for many years and have been responsible for abductions, torture and killing of civilians. Human rights violations by the Ugandan authorities include the imprisonment of 18 prisoners of conscience, the detention without charge or trial of civilians suspected of involvement in rebel activities, the administrative sentencing of 1,100 others for "desertion", the ill-treatment of prisoners in military custody, and extrajudicial executions.

In March and April 1991 18 local and national northern political leaders, many of them sympathizers of the Democratic Party (DP), were arrested by the NRA. They were charged with treason on 7 May, after being held without charge for periods ranging from three to six weeks, but the state has proved unable to present details of their alleged treasonable activity to the courts. Amnesty International has adopted the 17 who remain in prison as prisoners of conscience.

These arrests illustrate how the rule of law is being routinely abused in Uganda and how the courts have failed to take action to stop unlawful or arbitrary detention. They also illustrate how Uganda's armed forces are allowed to interfere in the judicial process and sometimes appear to be running an unofficial system for imprisoning and punishing government opponents, which also undermines the rule of law. Although the routine abuse of the rule of law is particularly marked in areas where the government is facing armed insurgency, it is by no means restricted to these areas.

Between March and July 1991 thousands of people in Gulu and Kitgum Districts were detained during a major counter-insurgency operation so that they could be "screened" for involvement in rebel activity. The majority were held for only brief periods but several hundred were held illegally for up to four months without charge or trial in military barracks in Gulu, Kitgum and Lira. Amnesty International is concerned that some of these people remain detained without charge or trial and that they may be prisoners of conscience.

Prisons in Kampala, Kirinya and elsewhere in southern Uganda have received 1,100 prisoners arrested in the north during the counter-insurgency operation and subsequently convicted in Lira and Nebbi of "desertion" from the NRA and allied Local Defence Units (LDUs), as locally recruited militia which support the government are known. There are reports that some of these prisoners had never been members of the NRA or LDUs, and that several were formerly imprisoned as "lodgers" (people detained without charge or trial outside the framework of the law on suspicion of involvement with insurgents) who had been released in 1989 and 1990. It has been reported that the prisoners did not receive fair trials but were summarily sentenced in what appears to have been an administrative hearing. This appears to represent an attempt to perpetuate the phenomenon of "lodgers" in a way that avoids criticisms about violations of human rights, for officially the 1,100 prisoners concerned have been tried, even though in

practice they have not.

There are persistent reports that some of those held by the NRA during the counter-insurgency operation were beaten and ill-treated. The 18 northern leaders were beaten by soldiers before they were brought to court on 7 May. Uganda's ombudsman, the Inspector General of Government (IGG), has subsequently carried out an investigation into this incident but details of his conclusions have not been made public. Civilians detained for "screening" in Gulu town in late March 1991 are also reported to have been beaten. There are widespread reports of rape by soldiers in rural areas. Soldiers are also alleged to have looted and destroyed property.

Reports have implicated NRA troops in a series of extrajudicial executions - deliberate and unlawful killings of prisoners or unarmed non-combatants. In March 1991 five civilians were shot dead in Atiak in Gulu District. At least 35 civilians are alleged to have been extrajudicially executed at Komyoke near Lagoti in Kitgum District in early April. In mid-April seven men were reportedly extrajudicially executed in and around Bucoro in Gulu District. In late May 1991 soldiers are reported to have shot dead a schoolboy prisoner in Kitgum town.

Insurgents have also been responsible for serious abuses against civilians. Their activities evidently explain the deployment of the NRA in northern Uganda and provide a context in which human rights have been violated, just as the NRA's own campaign against the army of President Milton Obote provided the context in which tens of thousands of civilians were killed in southern Uganda between 1982 and 1985, particularly in the "Luwero Triangle". In 1991 insurgents have been active in northern Uganda and various groups have committed abuses against civilians. In July 1991 rebels belonging to the United Democratic Christian Army (UDCA) abducted 43 girls from a school in Gulu most of whom have subsequently escaped or been set free. In other incidents villagers suspected by UDCA rebels of supporting the government and assisting the NRA have been killed or mutilated.

2. Background

Since late 1986 the National Resistance Army (NRA) has been fighting a counter-insurgency war against rebels in northern Uganda. Throughout this period there have been persistent reports of gross abuses against the civilian population by both the NRA and the rebels. In various reports Amnesty International has drawn attention to reports of torture and ill-treatment of captives by the NRA, to allegations of extrajudicial executions by the army and to the detention without charge or trial of thousands of "lodgers" - prisoners arrested by the NRA in rural areas by the army and handed over to the custody of the civil prisons service. One entitled *Uganda: The Human Rights Record 1986-1989* and published in March 1989, described the full range of abuses reported during President Yoweri Museveni's first three years in power. In 1989 and 1990 thousands of "lodgers" were released from civil prisons, but there remained a significant problem of prisoners being held for long periods without charge or trial in military barracks. Amnesty International also remained concerned that extrajudicial executions were continuing to occur and that the authorities failed to take decisive measures in the majority of cases to prevent further incidents and to bring to justice those alleged to have been responsible for such executions. The organization has been concerned too by the failure of inquiries and investigations ordered by the government or the armed forces and announced publicly to reach a conclusion and to produce reports that make recommendations on measures to prevent extrajudicial executions.

Between March and July 1991 the NRA mounted a major counter-insurgency operation against insurgents of the United Democratic Christian Army (UDCA) in the northern Districts of Gulu, Kitgum, Lira and Apac. On 27 March 1991 the NRA closed roads leading into northern Uganda and seized all radio communications equipment not held by the army, effectively severing the north from the rest of the country. A series of operations described locally as "cordon-and-search" operations were then organized in order to "screen" the civilian population for the presence of rebels. The "screening" involved a variety of checks on identity and domicile and being paraded before former insurgents now working with the government. There were reports that troops were responsible for human rights violations during the course of the "screening" exercise, with allegations of extrajudicial execution, rape, beating and arbitrary arrest. Thousands of people were detained during the operation, the majority for brief periods while they were "screened", but several hundred others were held for longer periods in military barracks in Gulu and Lira. In an effort apparently to demonstrate the effectiveness of the whole operation, Major-General David Tinyefuza, the Minister of State for Defence, who personally supervised it, is reported to have announced in early April 1991 that rebels arrested during the operation would be charged with treason.

3. Prisoners of Conscience

On 7 May 1991 18 prominent citizens from northern Uganda, among them Omara Atubo, who was then Minister of State for Foreign Affairs, and Andrew Adimola, the Vice-President of the Democratic Party (DP), were charged with treason in the Chief Magistrate's Court in Kampala. They had been arrested in Gulu, Kitgum and Kampala on various dates between the end of March and the middle of April 1991. After their arrest the 18 were held illegally without charge or trial in military barracks in Gulu and Lira before being transferred to Kampala. On the morning of 7 May they were flown to Kampala from a military barracks in Lira. Before they flew, however, they were ill-treated by being beaten and forced to do physical exercises and they appeared in a shocked courtroom looking bruised and dishevelled. After being remanded in custody, they were imprisoned at Luzira Upper Prison near Kampala.

The treason charge, which under Ugandan law precludes the granting of bail for 480 days, was so vague that it 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. On 12 August 1991, in response to an action by defence lawyers, 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". By giving this ruling the court appeared to be condoning arbitrary detention and thus undermining the rule of law. The judge did urge the Director of Public Prosecutions (DPP) to supply the necessary details under-pinning the charge but failed to set a time limit for the DPP to comply.

Amnesty International believes that the 18 were detained for reasons other than treasonable activity, reasons which include the investigation of alleged embezzlement of public funds, local power struggles at District level, opposition to NRA actions in the north and consequent criticisms of government policy. The organization is concerned that treason is being used as a holding charge in the absence of any evidence that could lead to the conviction of the 18, or even justify their prosecution. One of the 18 was released on bail on grounds of poor health in June 1991. Amnesty International has adopted all 17 who remain in custody as prisoners of conscience.

3.1 Prisoners of Conscience from Gulu

On 29 March 1991 the NRA began "cordon-and-search" operations in Gulu District by rounding up several thousand people in Gulu town. There were reports that some were taken to a compound owned by the Ministry of Agriculture where people found without proper papers, NRA deserters and those suspected of being rebels were made to run a gauntlet of soldiers who clubbed them with rifle butts. The suspected rebels were apparently identified for the NRA by former insurgents. Approximately 2,000 people were confined overnight in the town's football stadium. There are allegations that some of those held were beaten.

Local political leaders, notably a number associated with the Democratic Party, were among those arrested. **Okwonga Latigo**, Chairman of Gulu District Resistance Committee Five (known locally as RC V),¹ **Tadeo Omal**, a Prisons officer, Mayor of Gulu town and Chairman of Gulu Municipality Resistance Committee Four (RC IV), **Yovan Ojok**, an agricultural officer from Gulu, **Jacob Okello Orach**, Chairman of Gulu Town Bazaar Ward Resistance Committee One (RC I), and **Aldo Okello**, a member of Gulu RC V for Awach sub-county, were among those arrested. Okwonga Latigo and Tadeo Omal are reported to have been arrested as they protested in the stadium about the conduct of soldiers during the "screening" operation. They, together with Yovan Ojok, Jacob Okello Orach and Aldo Okello, were among those charged with treason on 7 May. Other Resistance Committee members arrested around the same time who were not charged but appeared also to be prisoners of conscience included **William Thomas Otto**, representative on Gulu RC V of Purongo Sub-County, who is still detained without charge or trial, and **Ayoli Akot** and **Julio Joe Odur**, who were both released uncharged in late July after being held for four months in Gulu barracks.

In late 1990 Okwonga Latigo and other Gulu Resistance Committee officials, among them William Thomas Otto and Julio Joe Odur, had established a "Task Force" to investigate allegations that district funds had been embezzled. Amnesty International is concerned that the progress of these investigations may be the real reason behind their arrest. The organization is further concerned that the immediate cause of the arrest of Okwonga Latigo and Tadeo Omal appears to have been an attempt to fulfil their roles as elected representatives of the community by protesting about the behaviour of NRA soldiers towards civilians.

¹ Resistance Committees (RCs) are the grassroots structure of the ruling National Resistance Movement. They have responsibilities for local government and mobilizing people in support of the government.

3.2 Prisoners of Conscience from Kitgum

Among those charged with treason on 7 May were also a number of prominent citizens from Kitgum, the District bordering Gulu to the east. Kitgum District Resistance Committee Five (RC V) had been the focus of a power struggle between members sympathetic to the Democratic Party and others who were formerly members of the Uganda People's Congress (UPC). The Democratic Party, founded in 1956, and the Uganda People's Congress (UPC), founded in 1958, are historically the two major political parties in Uganda. Although the parties themselves have not been banned, party political activities have been suspended since the NRM came to power in 1986. The DP receives its strongest support from members of the Roman Catholic community, which is most numerous in the densely populated area of Buganda in the south and among the Acholi people of Gulu and Kitgum Districts. The UPC is traditionally associated with the Anglican community which is particularly strong in northern Uganda. The Acholi supporters of the DP, which was in opposition during the second UPC government of Milton Obote between 1980 and 1985, a government responsible for gross abuses of human rights, have continued to represent a powerful political force in northern Uganda up until the present. They have been critical of the NRM government's policies in relation to the north and have frequently spoken out about human rights abuses.

In June 1990 allegations were made that funds belonging to Kitgum High School Parent and Teachers Association and to the District were being embezzled by senior officials who had previously belonged to the UPC. Amnesty International is concerned that a power struggle for control of Kitgum RC V and the pursuit of these allegations of embezzlement may be the real reasons behind the arrest of **Maurice Lagol**, the District Education Officer, **Hannington Opira**, a businessman and RC V member, **Philip Odwong**, the headmaster of Guillio Pastore Primary School and an RC V member, **John Ocira**, the Chairman of Kitgum High School Parent Teachers Association and an RC V member, **Penyamoi Ojara**, Secretary to Kitgum RC V and Chairman of the Resistance Committee's Finance Sub-Committee, **G.B. Ocan Acaa Lamola**, a district tax officer and Chairman of Kitgum Town Central Ward Resistance Committee One (RC I), and **James Olobo**, a member of Kitgum town Resistance Committee Three (RC III). Those arrested include sympathizers of both the DP and the UPC. The majority had been involved in exposing and investigating the allegations of corruption.

Another Kitgum citizen, **Tiberio Atwoma Okeny**, the leader of a minor political group, the National Liberal Party, was charged with treason on 7 May 1991. He is reported to have been detained on 28 March 1991 by NRA soldiers at Puranga on the road between Kitgum and Lira. No official announcement was made about the reasons for his detention, although it was initially reported that the army was preparing a case against him for defaming the NRA. On 13 March 1991 Tiberio Atwoma Okeny had alleged that there was a deliberate policy of spreading Acquired Immune Deficiency Syndrome (AIDS) in the north through homosexual rape by NRA soldiers. His statement followed press reports making similar allegations. Tiberio Atwoma Okeny, who is thought to be in his late 60s, is an outspoken political figure from Kitgum District, frequently critical of both the Uganda government and the rebels. He has been a prominent proponent of peace in northern Uganda since 1986 and has been involved in efforts to mediate between rebels and the government. Tiberio Atwoma Okeny has often spoken out concerning alleged human rights abuses by both the NRA and rebels and is known to have been unpopular with government officials and threatened by some. Amnesty International is concerned that the real reason for his arrest is his outspoken criticism of the conduct of the NRA in northern Uganda, particularly his recent allegation about homosexual rape.

3.3 Other Northern Leaders

Three senior members of the Democratic Party (DP), two of them members of parliament, were among the accused who appeared in court on 7 May. **Andrew Adimola**, a veteran Ugandan politician, is the DP's Vice-Chairman. **Zachary Olum** is the DP's National Organising Secretary and NRC member for Nwoya County in Gulu District.² **Irene Apiu Julu** is Kitgum District's women's representative in the NRC. Perhaps the most prominent politician among those charged is **Daniel Omara Atubo**, who at the time of his arrest was the Minister of State for Foreign Affairs and National Resistance Council (NRC) member for Otuke County in Lira District. The only one of the 18 from Apac District was **R.T. Odur**, the officer in command of Loro civil prison in the district. It is believed he was arrested in early April.

Andrew Adimola, who is in his late 60s, was arrested on 14 April in Gulu and held in Gulu military barracks. On 4 May he was released by the army in Gulu, which suggests that the grounds for his arrest were not known locally, but before he could leave the barracks he was re-arrested. On 6 May he too was moved to Lira. Andrew Adimola was eventually released on bail because of his poor health on 24 June. Daniel Omara Atubo, Zachary Olum and Irene Apiu Julu were arrested on 15 April 1991 in Kampala, the day after they had attended a meeting of northern politicians, which expressed serious concerns about the conduct of troops in northern Uganda. They were then flown to Lira in northern Uganda where they were kept in unlawful military custody for three weeks before being returned to Kampala to be charged.

Statements by government officials both before and after these arrests indicate that the authorities were annoyed about the political activities of some northern leaders, particularly members of the DP. In January 1991 the then District Administrator in Gulu, J.B. Ochaya, is alleged to have written to the Director of Research and Political Affairs in the Office of the President accusing the DP of having "maintained the war" in the north. The letter, which mentions Zachary Olum by name, describes one manifestation of DP opposition as "writing about alleged atrocities committed by the army, and also influencing the Amnesty International report". In an interview with the government-owned *New Vision* newspaper on 10 May 1991, Major-General David Tinyefuza accused northern political leaders of "using government funds and property to negatively mobilise the masses". In a press conference on 11 May 1991 Major-General Tinyefuza is reported to have accused Andrew Adimola, the DP's Vice-Chairman, of hosting political meetings at his home before his arrest to discuss "sectarian politics in order to create confusion among the people".

None of the actions by northern leaders which have been condemned by government officials appear to have involved the use or advocacy of violence. Instead, they have been criticized - and, it seems, eventually imprisoned - for exercising their basic right to freedom of expression.

3.4 The Use of "Treason" as a Holding Charge to Justify Long-Term Detention

On 7 May 1991 the 18 prisoners of conscience were charged with treason. The particulars of the offence given were that "Atubo, the other 17 and others not before the court between 1989 and March 1991 in various places in Apac, Lira, Gulu and Kitgum districts contrived a plot and expressed the plot by overt acts in order by force of arms to overturn the lawful government of Uganda".

² The National Resistance Council (NRC) is Uganda's parliament.
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Although making clear that the 18 were plotting to overthrow the government, the charge was defective in that it provided no details and no supporting evidence to substantiate the accusation. Without such details, which would include particulars of the nature of the alleged overt acts, the dates on which they are supposed to have happened and the locations in which they are alleged to have taken place, it is impossible for the accused to prepare a defence. Under Ugandan law those accused of treason are not eligible for bail, save in exceptional circumstances, for 480 days after they have been charged. Inadequately framed treason charges can therefore be used as a way of holding prisoners without trial for 480 days, when in reality there is no evidence which would permit their prosecution on such a charge. This is particularly so if the courts fail to challenge the authorities' abuse of the charge.

On 12 August 1990 the High Court ruled the charges were defective. The judge, Justice Kityo, should then have ordered that the 18 be released, but he failed to do this. Instead he urged the Director of Public Prosecutions to supply the necessary details "as soon as it is possible". By failing to order that the 18 be released and compounding this by failing to set a time limit for the DPP to comply with the order to supply the necessary details, the judge indirectly indicated that he condoned arbitrary detention and the undermining of the rule of law. The state has had several opportunities in court to provide the necessary details about their alleged offence but by November 1991 had failed to do so.

The case of the 18 prominent northern politicians is an example of an abuse of the rule of law which appears to have become a routine way of dealing with political opponents of the government. On 9 August 1991 34 soldiers and civilians allegedly linked to groups seeking the return of the Buganda monarchy were released after they had spent 19 months in Luzira Upper Prison awaiting trial on treason charges. Before they were charged, they spent 15 months illegally detained without charge in military custody where some were reported to have been tortured. The 34, after almost three years in prison, were released when the government dropped the charges for lack of evidence. On 9 August the authorities finally provided details of alleged overt acts of treason in the cases of another nine, including the Kampala-based businessman Joseph Lusse, who have now been committed to the High Court for trial. Amnesty International is seeking assurances that these nine prisoners will receive a prompt and fair trial in accordance with internationally recognized standards of fair trial. On 21 August 1991 the Solicitor General also ordered that treason charges be dropped against 19 elderly men originally arrested in 1986 and never brought to trial. In addition to these cases, Amnesty International knows of another 104 individuals currently facing treason charges in seven different cases: in the cases of at least 72, prolonged detention without charge in military barracks has been followed by the bringing of treason charges which fail to specify the nature, location and date of the overt acts allegedly committed.

4. Other Recent Arrests in Northern Uganda

4.1 Detainees held without charge

Several hundred other people arrested during the "cordon-and-search" operations in Gulu in 1991 were held for several months without charge or trial. **Okello Nokrach**, for example, a civil engineer and businessman in Gulu, was arrested in early April. He was held without charge or trial in Gulu's military barracks, apparently until 31 July when he and a number of other prominent detainees, including Ayoli Okot and Julio Joe Odur, were released with 81 other prisoners held uncharged since April. In a meeting with Amnesty International representatives in Gulu in August 1991, Mrs Betty Bigombe, the Minister of State for the North and East resident in Gulu, suggested that the detention of Okello Nokrach and seven

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other prominent citizens had been due to denunciations by members of the community with personal grudges against the men. Evidently, their prompt appearance in court and judicial scrutiny of the evidence against them should have prevented such arbitrary detention.

While welcoming these releases, Amnesty International is concerned that they were held for four months without charge on the basis of unsubstantiated allegations in the first place. It is illegal under Ugandan law for suspects to be held for longer than 24 hours without charges being brought against them. However, since 1986, as before, the army has felt under no obligation to respect or enforce the country's laws on arrest and detention procedure. President Museveni himself has condoned the army's behaviour, so that in practice a quite separate detention system, unregulated by the law and beyond the reach of the courts, has been established and allowed to continue.

Amnesty International is also concerned that at least three other northern community leaders remain in detention without charge or trial. William Thomas Otto, mentioned above, is reported still to be held in Gulu military barracks. **Kassim Okeny** and **Oketta**, Chairman and Secretary for Defence of Alero sub-county RC III in Gulu District, were reportedly arrested in May. On 27 May Colonel Samuel Wasswa, the Commander of the NRA's 4th Division based in Gulu, announced that Kassim Okeny and Oketta were to be executed by firing squad for giving support to rebels. The announcement, which was reported in the Ugandan press, provoked protests because civilians arrested by the army remain under the jurisdiction of the civilian court system and are not liable for prosecution under the NRA's internal Code of Conduct. On 8 June 1991 the Army Commander, Major-General Mugisha-Muntu, apparently intervened to prevent the executions. The army has claimed that it has evidence linking the three to rebel activities. Despite this claim the three are not known yet to have been brought to court and charged.

Amnesty International has been unable to discover how many other people arrested in the north since late March 1991 remain in detention without charge or trial. In mid-May 1991 Mrs Betty Bigombe announced at a rally at Anyeke in Apac District that over 3,000 rebels had been "netted" in Atanga sub-county in Kitgum District alone. It is not clear to Amnesty International whether these people have been released or whether they too remain in detention.

4.2 "Deserters" Sentenced at Grossly Unfair Trials

On 18 May 1991 669 prisoners arrested in Gulu, Kitgum, Lira and Apac Districts during counter-insurgency operations were transferred from Lira military barracks to Luzira Maximum Security 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 to Kirinya Main Prison in Jinja in early July. The authorities announced that both sets of prisoners had been found guilty in military hearings of desertion from the NRA and Local Defence Units (LDUs), the locally-recruited militia set up to assist the NRA with their local knowledge and experience. The majority had been sentenced to five years in prison, although those found guilty of deserting with weapons apparently received terms of 10 years. These prisoners are reported to include men of fighting age who had fought with previous government armies in Uganda, but not with the NRA. A number are reported to have been held without charge or trial as "lodgers" in previous years. It has also been reported that the prisoners did not receive fair trials but instead were summarily sentenced *en masse* by two senior army officers, one of whom was the 5th Division Intelligence Officer, in what appears to have been an administrative hearing where the charges against them were read out, followed by their sentence, without a genuine trial taking place. This appears to be an attempt to perpetuate the phenomenon of "lodgers" (prisoners detained without charge or trial in civil prisons at the orders of the NRA) but to avoid criticisms concerning violations of human rights, for officially the 1100 prisoners concerned have been tried, even though in practice they have not. It has been reported that disquiet within the government has led to the formation of a committee to review the cases of these prisoners. While a review is to be welcomed, international standards lay down that imprisonment should only follow a fair trial or similar judicial process.

4.3 Inadequate Procedures for Justice in the NRA

Even where correctly applied, military justice procedures in the NRA at unit level fall far short of international standards for fair trial. In August 1991 the Director of NRA Legal Services informed Amnesty International representatives that in the previous few years the army had begun improving its legal services by appointing legal officers to each Division and Brigade. A shortage of trained lawyers in the army means that so far it has only been possible to appoint lawyers as legal officers at Divisional level - although Brigade legal officers have paralegal qualifications. The role of a legal officer is to advise the unit tribunal, which under the NRA Code of Conduct consists of senior officers and other ranks sitting as a panel of judges, on correct procedure. At the same time it is the legal officer's responsibility to represent the interests of the accused. The prosecution case is presented by representatives of the NRA's Military Intelligence service. Amnesty International is concerned that the legal officer's joint role, that of advising the court on correct procedure and representing the interests of the accused, may constitute a conflict of interests and means that the accused does not have an independent defence counsel.

Amnesty International is also concerned that appeal procedures for soldiers who are convicted are inadequate. Under the NRA's Code of Conduct, each time a military tribunal tries 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 them. However, according to international standards, anyone convicted of a crime

should have a right of appeal to a higher court, not just to a branch of the executive.³ 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's Code of Conduct makes no reference to the basic right to appeal to a higher court or tribunal.

5. Torture and Ill-treatment of Prisoners in Military Custody

There have been persistent reports of the torture and ill-treatment of prisoners held by the NRA. The 18 northern leaders who appeared in court on 7 May 1991 were bruised and dishevelled after being beaten by soldiers before being flown to Kampala. The arm of one prisoner, Zachary Olum, was broken. One of the accused, Irene Apiu Julu, was reported to have had complications with a pregnancy as a result of physical ill-treatment. The case shocked the court-room and wider Ugandan society - largely because the ill-treatment was so blatant and involved senior politicians and community leaders. In this instance good medical treatment was made available to the 18 when they subsequently arrived at Luzira Upper Prison and the authorities announced that the incident would be investigated by the office of the Inspector General of Government (IGG), Uganda's human rights ombudsman. Amnesty International welcomed this announcement and urged the government to take steps to ensure that the IGG's investigating team should produce a prompt report, that the report should be made public, and that it should include recommendations on measures to be taken to ensure that soldiers and law enforcement officials act in accordance with international standards governing the performance of their duties. In a meeting with Amnesty International representatives in August 1991, the Inspector General of Government, Augustine Ruzindana, said he expected the investigation into the allegations of torture to be completed by early September 1991. He indicated that the conclusions would be made public, but that the report produced by the investigating team would not be made public on the grounds that it could prejudice judicial proceedings. By October 1991, almost half a year after the incidents concerned, no conclusions had been announced.

There have been many other reports of torture and ill-treatment of prisoners in NRA custody in the north, as well as in barracks in the Kampala area. In late March 1991 people found without proper papers, NRA deserters and those suspected of being rebels, who were imprisoned in a compound belonging to the Ministry of Agriculture in Gulu, were reportedly made to run a gauntlet of soldiers who clubbed them with rifle butts. There have been reports of rape from both Gulu and Kitgum Districts. For example, women are reported to have been raped by soldiers while detained for "screening" at Bwobo in Alero Sub-County of Gulu District in early April 1991. Throughout the year there have been allegations of homosexual rape by NRA soldiers. Although these allegations have yet to be proved, that they are widely believed reflects the widespread fear and suspicion of NRA activities in the north.

A particularly serious set of human rights violations are reported by a several sources to have taken place between 16 and 18 April 1991 in Paicho Sub-County in Gulu District. On these dates people from villages around Bucoro were brought to a temporary NRA camp at Bucoro primary school for "screening". NRA soldiers rounding people up are alleged to have done so in a violent manner, beating some of those held. There were several reports of rape, torture and extrajudicial execution. The elderly **Juliana Ayako**, her daughter **Margaret Abwoyo** and **Erumalina Amono** are all reported to have been raped by soldiers on 17 April in Agung village. **Alfonse Lacere Majere** of Labongoguru village was

³ 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.

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executed extrajudicially by firing squad - without any form of trial - after a military uniform was found in his house. At Bucoro school soldiers are alleged to have dug a pit some two metres deep which was overlaid by soil-covered logs. Prisoners were put in the pit and a fire lit on top of the logs. Smoke from the fire is reported to have contributed to the suffocation and death of **Rodento Okema** from Onyama, **Opwonya p'Opige** from Labongoguru, **Ojabo** from Obyela and **Ogok p'Larii** from Olano. Another man placed in 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 was taken to the house, but a search failed to locate any weapon. He and his father, who was called **Raymondo Okwera**, are alleged to have then been beaten to death.

In a meeting with Amnesty International representatives in August, Mrs Betty Bigombe said that she had visited Bucoro after the reports of a "torture pit" became known to her and that there was no evidence that such incidents had ever taken place. However, an on-the-spot visit by a government minister under military escort, while demonstrating official concern, does not constitute an independent and thorough inquiry into the allegations. Amnesty International has been informed that the soldiers left Bucoro on 18 April 1991 and destroyed the "torture pit" before they left, leaving the bodies of the four men inside. Villagers are reported to have removed the bodies for burial, but on 20 April 1991 and two subsequent occasions soldiers are reported to have returned to Bucoro demanding information on who had removed the bodies.

Although the war in the north provides the context for these reports of gross human rights violations, allegations of torture and ill-treatment by NRA soldiers are not confined to the northern operational areas. In late June 1991, 10 men from Bunabulayi village in Bukiende Sub-County in eastern Uganda were reportedly given 30 strokes of a cane daily over a two week period while detained at Rubongi military barracks in Tororo after they were wrongly arrested and accused of attacking an army patrol. When they were released into the custody of the police at Mbale their buttocks were covered with deep wounds. They had not received any medical attention while they were in military custody and the wounds were badly infected. In August 1991 it was reported that the NRA had accepted liability in an out-of-court settlement and had agreed to pay compensation, but it is not known if any payment has yet been paid for these unlawful beatings. Corporal punishment remains a legal punishment that can be handed down by both Magistrate's Courts and the High Court.

There have also been persistent reports of torture at military barracks and other places where prisoners are held by soldiers in Kampala. Amnesty International has received reports in recent years alleging torture of prisoners held in Makindye and Lubiri barracks and Basima House, the headquarters of the Directorate of Military Intelligence. Prisoners have been tortured while under interrogation about political and criminal offences; in all cases victims were held incommunicado outside any legal framework, with no safeguard whatsoever to protect their right not to be tortured. For example, Haji Abdu Mbogo, a suspect in a case of armed robbery, is reported to have been subjected to a method of torture known as "balance" in Lubiri barracks in June 1990. This entails tying the victim's hands and feet together and then suspending the victim from the wall or from iron bars in a window while he or she is beaten. On 22 September 1990 a civilian, Mande Ntananga, was severely tortured in Lubiri barracks after being arrested by NRA soldiers. He is reported to have been arrested after an argument with some other civilians who then persuaded NRA soldiers to take him into detention. Medical examinations are reported to have revealed injuries consistent with having been beaten and subjected to electric shocks, treatment which led to brain damage. The case received extensive publicity in the Ugandan press and was the subject of

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investigations by the office of the Inspector General of Government. Some soldiers were arrested, but it is not known if any further action has been taken by the military authorities to bring them to justice. Again compensation was agreed in an out-of-court settlement, but it is not known if any payment has actually been made. Another prisoner held in Lubiri barracks, called Mbabazi, reportedly died in Mulago Hospital on 1 November 1990 as a result of injuries inflicted when he was beaten by soldiers.

6. Reports of Extrajudicial Executions

NRA soldiers have also executed prisoners extrajudicially - without any form of trial - as well as killing unarmed civilians in other circumstances which meant the killings were a gross abuse of human rights. In December 1990 Amnesty International published details of reports of extrajudicial executions in Gulu, Soroti, Kumi and Tororo Districts during 1990.⁴ In 1991 there have been reports of further extrajudicial executions in Gulu and Kitgum Districts. Once again the government and the NRA High Command have not acted to prevent extrajudicial executions.

On 16 March 1991 at least five civilians were reported to have been shot dead by troops in Atiak in Gulu District as they tried to leave a rally called by the Political Commissar of the local NRA unit. These appeared to be unnecessary and unlawful killings. Shortly afterwards it was reported that three soldiers had been arrested in connection with the shootings, but since then there has been no report of any of them being brought to justice. Reported killings around Bucoro in Gulu District in April 1991 - and the government response to the allegations - have been described above.

In early April 1991 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 one Omona, apparently to be "screened". It is reported that some of the men were tied *kandooya*-style,⁵ a practice that was officially outlawed in the NRA in 1987. Late in the afternoon, after several hours during which those detained are said to have been beaten and abused, the villagers were ordered to disperse. As they moved away troops opened fire. People who returned the next morning discovered 35 bodies, including those of Santo Alero, the Chairman of the Resistance Committee One (RC I), his son Ochieng, Orach p'Oyuru and Modesto Agaba, all from Lamel; and Aperi p'Ongaba, Okot p'Atuu and Celestino p'Obur, from Komyoke.

On 23 May 1991 soldiers of the 106 Battalion of the NRA reportedly extrajudicially executed Moses Oti in Kitgum town. Moses Oti, who was 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 began to beat the two boys who apparently panicked and ran towards a nearby NRA roadblock seeking protection. They were caught before they got there, and Moses Oti was forced to the ground and shot three times. His brother was taken to the NRA barracks where he convinced the senior officer on duty that he was not a rebel. This officer is reported to have confirmed that Moses Oti had

⁴ Uganda: *Death in the Countryside: killings of civilians by the army in 1990* (AFR 59/15/90).

⁵ *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. The practice was officially outlawed in the NRA in early 1987 and this reduced the frequency of cases reported. It has not been stamped out completely, however, and in recent years individual cases have been reported in various parts of Uganda.

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been shot, to have indicated that the culprit would be arrested and to have reported the incident to the District Administrator. A soldier was reportedly arrested but appears to have been set free two weeks later. Since then there has apparently been no further action either to investigate the incident or to bring those responsible to justice.

International standards, notably Resolution 1989/65 of the United Nations Economic and Social Council adopting *Principles on the effective prevention and investigation of extra-legal, arbitrary and summary executions (ECOSOC Principles)*, which were endorsed by the General Assembly of the United Nations on 15 December 1989, stress the importance of prompt and impartial investigations into reported extrajudicial executions as safeguards to prevent further extrajudicial executions from taking place. Such investigations should lead to the prompt production of reports making recommendations on measures to prevent extrajudicial executions. Amnesty International expressed concern in its December 1990 report that Ugandan Government announcements of investigations into alleged extrajudicial executions over the previous two years had not been followed by the publication of any reports on their activities and findings. The organization drew particular attention to a Commission of Inquiry into allegations of the extrajudicial execution of civilians in Gulu District in late 1988 set up under the office of the Minister of State for the North and East. Despite indications by government officials in mid-1989 and early 1990 that a report would be produced before long, the commission's work appears to have been in abeyance until August 1991 when the commission was re-established with the involvement of three officials from the office of the Inspector General of Government. It has apparently been given the task of investigating allegations of human rights violations by NRA soldiers and other state agents in the north of Uganda between 30 November 1988 and 30 April 1990.

While welcoming the renewed work of this commission, Amnesty International is concerned that for investigations and inquiries to be most effective, and to be seen as an expression of government commitment to preventing future human rights abuses, it is essential that they should be carried out promptly after an incident is alleged to have taken place. If this is not the case, logistical problems in locating witnesses or alleged offenders could become a barrier to effective investigation. The organization is therefore urging the government to initiate prompt and independent investigations into all incidents as they are reported, starting with the incidents which are alleged to have occurred most recently in 1991.

Amnesty International also notes that in the past the authorities have announced investigations into a number of serious incidents reported in other parts of Uganda, notably the killing of 69 prisoners at Okungulo railway station in Kumi District in July 1989, incidents in Pallisa District in April and May 1990 in which 12 civilians are reported to have died, and various incidents in Soroti District in 1990, including the burning to death of 16 people in Bugondo Sub-County on 10 August and the extrajudicial execution of 20 people near Soroti town on 6 September 1990. These investigations are not known to have been concluded or to have resulted in any reports being made public and, despite reports of arrests in some cases, no NRA soldiers alleged to have been responsible for these incidents are known to have been brought to justice. Because no public reports have emerged, it is impossible to assess the nature and scope of the investigations - or even, in some cases, whether they ever took place. It seems that when they did occur they were internal investigations by the NRA's Military Intelligence service, rather than an independent and impartial body. Investigations by the military of itself, especially in the absence of public reports, the continuing occurrence of extrajudicial executions and the failure to bring those responsible to justice do not provide reassurance that incidents are being taken seriously and are not

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simply being covered up. Confidential investigations which do not produce reports and which fail to make their conclusions or working methods public evidently do not meet the international requirement for effective investigation laid down in the United Nation's *ECOSOC Principles*.

The government's failure to carry out prompt and independent investigations of killings in which the NRA is implicated, particularly incidents in the course of counter-insurgency operations, stands in marked contrast to the speed with which inquiries have been set up in other circumstances. A Commission of Inquiry was set up into the circumstances surrounding the abduction by insurgents on 9 July 1991 of 43 schoolgirls from the Sacred Heart School near Gulu. The Commission was hearing evidence in Gulu by 15 August 1991. In December 1990 a judicial Commission of Inquiry was set up promptly after two students were shot dead by police at Makerere University. This inconsistency certainly raises questions about the government's commitment to dealing with the problem of human rights violations committed by the NRA.

There is one recent example from eastern Uganda of an alleged extrajudicial execution by NRA soldiers where the authorities moved promptly to try those suspected of being responsible. 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 the government-owned *New Vision* newspaper published a story in which he had accused soldiers in the area of ill-treating people. His comments to the press came after a prolonged period in which the local authorities failed to respond to complaints by Resistance Committee officials about continuing human rights violations by soldiers. The case received publicity in the Ugandan press, and two officers and a sergeant were subsequently arrested and tried by the General Court Martial in late August and early September 1991. While the authorities moved promptly once Bernard Wanzala was killed, their failure to act over preceding months was almost certainly interpreted by the soldiers involved as a sign that they could act with impunity.

7. Killings, Abductions and other Abuses Committed by Insurgent Groups in Northern Uganda

The human rights violations committed by Uganda's army in northern Uganda in recent years have been paralleled by a series of atrocities against villagers committed by rebels. Although the NRA evidently sees the local population in much of northern Uganda as a hostile recruiting ground for rebels, many villagers have agreed to take part in vigilante groups or other activities organized by the NRA or the government and have been perceived as "enemies" by the insurgents, who have also carried out apparently gratuitous attacks on civilians. The civilian population as a whole, and villagers in areas where rebels are active in particular, have been the victims of both sides, effectively caught in the cross-fire.

Rebels have executed prisoners and deliberately killed civilians who they perceive as collaborating with the authorities. They have inflicted terrible mutilations, such as cutting off prisoners' hands, noses or ears. They have abducted numerous people, particularly travellers caught in isolated vehicles and school girls. In many cases women abducted have been raped.

The reports of abuses by insurgent groups received by Amnesty International in 1991 mainly concern Acholi-inhabited areas in Gulu and Kitgum Districts. However, in the past the Uganda People's Army

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(UPA), an insurgent group active in northeastern Uganda since 1987, has also been responsible for the killing and mutilation of civilians and other abuses. Members of Resistance Committees have been at particular risk. For example, in late February 1990 Mzee James Otiono, RC II Vice-Chairman of Tank Parish in Kumi town was abducted from a taxi on the road to Kumi and shot dead by UPA rebels. In late March 1990, UPA insurgents captured and then killed John Simon Otim, RC I Chairman of Kutekei village in Pallisa District. On 22 July 1990, UPA members hacked to death Adoa, a medical assistant at Serere Health Centre in Soroti, at his home. On 20 October 1990, William Apungia, RC V Vice-Chairman of Kumi District was abducted from a vehicle and then killed by UPA rebels near Ngora in Kumi District. A school 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.

During 1991, as in previous years, insurgents in the north belonging to the United Democratic Christian Army (UDCA), a group previously known as the Holy Spirit Movement whose most prominent leader is Joseph Kony, have been responsible for the killing, rape, abduction and mutilation of civilians. Attacks on civilians in Kitgum and Gulu appear to have intensified since April 1991 when the government formed 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 consider those suspected of being members of "Arrow Groups" as targets to be attacked or killed. Evidently, many civilians are coerced into joining an "Arrow Group" because they fear that failure to do so would be construed as by the authorities as indicating sympathy for the rebels.

On 20 May 1991 UDCA rebels are alleged to have herded 20 people into a hut in the village of Angole-Awere in Kitgum District and set it alight. Fourteen people are reported to have died as a result, among them William Odonga, Harold Obonyo, and Martin Olobo. Six girls were also killed, including Harold Obonyo's daughter Akwero. Six people survived the attack with serious injuries. During May 1991 more than 20 other Angole-Awere villagers are also reported to have been killed by rebels in separate attacks. On 4 July 1991 rebels are reported to have murdered 43 civilians at Pacilo north of Gulu.

UDCA insurgents have also abducted civilians. Abducted women have often been raped and those trying to escape have sometimes been executed. On 9 July 1991 rebels belonging to the UDCA abducted 43 schoolgirls from the Sacred Heart School in Gulu. One of them, Jane Okula, is reported to have been killed in front of the other girls after she was caught trying to escape. By the start of September 1991 all but three of the girls had been freed by the NRA or had managed to escape. Most had been raped and some were reported to have become pregnant as a result. Earlier in the year, on 16 February, seven employees of the Ministry of Health in Gulu, including Joyce Otto, Julius Otto, and Mrs Apire, were abducted after their landrover was attacked by rebels in Lamogi Sub-County, west of Gulu town. Four managed to escape a few days later but the whereabouts of the others remains unknown to Amnesty International. On 9 March 1991 35 school students were reported to have been abducted from Abim secondary school in Kotido District by rebels from Kitgum.

In other incidents civilians have been deliberately mutilated by rebels. For example, on 24 June 1991 at Cet-Kana, north of Gulu town, four young men were killed and four others had their right hands cut off. Joseph Kinyera, John Okullu, Peter Onono and Cones Onekalit were captured by UDCA rebels while they were eating after working together on the farm of Joseph Kinyera's mother. They were taken to a nearby house where their right hands were severed with a panga. On 2 July UDCA rebels are alleged to have

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caught and mutilated eight women at Loka-Abolo in Gulu District. Joyce Alanyo and Jennifer Aol had their ears cut off. The rebels 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. In August four elderly women from Awere in Kitgum District had their ears and lips cut off.

8. Conclusion

Major human rights violations have occurred in Uganda since 1986 and have continued to be frequent in 1991. They have been particularly acute in areas where the NRA is fighting armed insurgents - and in 1991 there have been especially serious problems in the north - but are not restricted to those areas. When the current government took over in January 1986 it inherited a legacy of gross human rights violations from previous governments. There was an immediate improvement in the human rights situation in many parts of the country. Six years further on it seems that the authorities have grown to tolerate a persistent and serious level of human rights violations by the NRA. The continuing abuse of the rule of law suggests that the government no longer regards strengthening respect for human rights as a priority. The government is failing to take decisive steps to prevent NRA human rights violations. The repeated failure to take prompt action to investigate reports of NRA human rights violations effectively means that despite a public commitment to respecting human rights, the authorities in fact condone human rights violations.

The government has followed a policy of incorporating soldiers from varied backgrounds into the NRA, including members of former government armies, combatants who belonged to insurgent groups other than the NRA which fought against President Milton Obote's government in the first half of the 1980s, and even rebels who have fought against the current government. In some cases it appears that such people have had little option but to join the NRA - there are reports of individuals for whom the alternative was imprisonment. It is widely acknowledged that this process has changed the character of the NRA from being a tightly-organized, disciplined guerrilla force to a large standing army of variable quality and experience. This change is frequently cited by Ugandan Government officials as a reason for the continuing occurrence of human rights violations. However, blaming inadequately trained soldiers from former armies is no excuse - particularly as soldiers and intelligence officials who have been with the NRA since before it took power in 1986 have themselves been implicated in the violation of human rights. Furthermore, it has been government policy to entrust the NRA with a major law-enforcement role throughout the country, at the expense of the ordinary police or others. It is the government's responsibility to ensure that all NRA soldiers are disciplined, properly accountable and are well-trained in human rights issues. The continuing violation of human rights by soldiers suggests that there are significant weaknesses in operational procedures within the NRA and that the army does not regard itself as accountable to civil society.