

Uganda

The war in northern Uganda, which started when President Yoweri Museveni and the National Resistance Movement/Army took power eighteen years ago in 1986, continued in 2004. Violence and related human rights abuses abated somewhat by mid-year yet predictions of an imminent military solution to the conflict proved unfounded. The war pits the northern Lord's Resistance Army (LRA) against the government's Ugandan Peoples' Defence Forces (UPDF) and the people of the three northern districts where the Acholi live – and the war has expanded to parts of eastern Uganda in 2003-04. In February, the LRA committed the worst massacre of the entire conflict in an eastern district by attacking Barlonyo internally displaced person's camp, defended only by a small local defence unit, and killing more than 330 people. The LRA continues in its practice of abducting children, who remain the main victims of this war. President Museveni did, however, take an unprecedented step in referring the case of Uganda's LRA to the International Criminal Court (ICC) in December 2003. The ICC agreed to undertake an investigation but peace activists in Uganda remain wary that Museveni will manipulate this international institution to punish his foes, and thereby diminish chances for a negotiated settlement, while avoiding investigation of the Ugandan army's abuses.

Ugandan security agencies have proliferated and are implicated in torture and illegal detention of suspected rebels and their sympathizers. The Ugandan government continued to support armed groups in the conflict in the Ituri region of the Democratic Republic of Congo (DRC), despite officially withdrawing from eastern DRC in accordance with the Luanda accords signed in September 2002.

The War in Northern Uganda

The LRA persisted in its policy of abducting northern Ugandan children to use as soldiers and forced sexual partners for its forces in 2004. This has brought the number of abducted children to a new high. More than 20,000 children have been seized by the LRA over the course of the war. In total, more than 1,300,000 civilians are currently forced to live in government-controlled displaced camps.

In 2004, the LRA continued with renewed severity its attacks on civilians living in displaced persons and Sudanese refugee camps and others it considered to be collaborating with the UPDF. An LRA raid on Barlonyo camp near Lira in eastern Uganda resulted in up to 337 deaths. This attack was followed by a protest demonstration of more than 10,000 people, angry at the lack of government protection in the camps. Many questioned the willingness and effectiveness of the UPDF to protect civilians against the LRA, claiming that it is often absent or too late to respond when the LRA strikes. President Museveni, in a rare move, apologized for UPDF's failure to stop the massacre. The LRA continued in its offensive through the year, killing civilians, abducting children, destroying and looting property and taking captives

to porter the loot in a number of other raids on internally displaced persons camps. Cases of LRA mutilation of suspected spies, including cutting off lips and limbs, were reported.

The UPDF has also committed abuses in the north, including arbitrary detention, torture, rape, and stealing. A few civilians have pending civil actions for damages on account of this ill treatment; the UPDF soldiers are rarely criminally prosecuted for abuse of civilians. Furthermore, the failure to protect civilians in the north has been persistent. The Human Rights Committee, a body that monitors state compliance with the International Covenant on Civil and Political Rights, noted in its concluding observations on Uganda the failure of the state “to ensure the right to liberty and security of persons affected by the armed conflict in northern Uganda.”

President Museveni referred the war in northern Uganda, particularly the LRA’s role in it, to the ICC in December 2003. This was the first time a state has made such a referral. The ICC prosecutor, Luis Moreno-Ocampo, since launched an investigation but it is not clear that the serious crimes committed by the government will also be investigated.

The Conflict in DRC

Despite the official withdrawal in May 2003 of Ugandan troops, Uganda continues to provide support to armed groups in Eastern DRC, particularly in the Ituri region, which they partially occupied from 1998 to 2003, and where the UPDF committed war crimes and other violations of international humanitarian law. Continued support for proxies in DRC has been in part to ensure allies in Uganda's strategic border region, but also to ensure continued control over the lucrative trade in natural resources from the DRC, particularly gold. A report in mid 2004 by a U.N. arms monitoring panel documented Ugandan complicity in arms trading across the border, and Ugandan forces intervened on at least one occasion to ensure their allies in Ituri remained in control. In August and September 2004 local sources reported further assistance by Ugandan troops to General Jèrôme Kakwavu, leader of an Ituri based armed group responsible for the torture and killing of civilians. In a move to deflect Uganda's role in supporting such groups, President Museveni wrote secretly in August 2004 to the U.N. Secretary General requesting provisional immunity from prosecution for armed group leaders operating in Ituri, and the suspension of investigations by the International Criminal Court (ICC) in DRC but not in Uganda.

Torture and Other Abuses by Ugandan Security Forces

Ugandan security and intelligence agencies have used torture to coerce detainees to provide information or confess, detaining suspects in illegal places of detention called "safe houses," and holding them for weeks or months without ever charging them with any crime. Methods of torture include suspending suspects tied “kandoya” (tying hands and feet behind the victim) from the ceiling, severe beating and kicking, and attaching electric wires to the male genitals.

Among the agencies accused of torture are the UPDF’s Chieftancy of Military Intelligence (CMI), the Internal Security Organization (ISO), the Violent Crime Crack Unit (VCCU) and ad hoc agencies such as

the Joint Anti-Terrorist Task Force (JATF.) In October the Uganda Human Rights Commission (UHRC) found that torture continued to be a widespread practice amongst security organizations in Uganda, being commonly used to humiliate and breakdown suspects in investigation.

The torture and illegal detentions in safe houses seem related to military intelligence and security force suspicions that the detainees, who are often involved in political opposition activities, are linked to armed rebel movements. Many previously or currently politically active suspects are charged with terrorism or treason, both of which carry the death penalty. By constitutional provision detainees in such cases may be held for up to 360 days without being charged with any crime although they must be held in legal places of detention.

Political Freedom

The present political system restricts prospective candidates to standing on an all-inclusive “movement” platform. The movement system is based on the idea of one supposedly all-inclusive "movement" in which individual candidates run for elections based on their personal merit. The system was introduced in 1986 by the victorious rebel forces led by current President Museveni. In practice, this "no-party" system has significantly curtailed civil and political rights of those who are in political opposition. A legal challenge to the legitimacy of the movement system in Uganda was successful at the Constitutional Court in June. The court ruled that a 2000 referendum which had confirmed one-party rule was null and void. However, following an angry outburst from President Museveni on the decision was subsequently overturned by the Supreme Court in September. Presently the Constitution specifically requires Parliament to amend the constitution to allow the President to serve more than two terms in office, but the authorities plan a referendum on the issue – possibly to be combined with a referendum on whether a multi-party political system should be reinstated. The referendum is planned for February 2005.

Press Freedom

The temporary closure by army and police of the independent Monitor newspaper in late 2002 has had a chilling effect on that newspaper and on free speech generally. Journalists from the paper continued to come under attack in 2004, two of whom were publicly denounced as “rebel collaborators” by the spokesman for the UPDF.

However, in February the Supreme Court enhanced freedom of expression in Uganda by repealing a frequently invoked law allowing reporters to be prosecuted for reporting subversive “false news” in a ruling in favour of the Monitor newspaper. Following this the Chief Magistrates Court in Kampala in April ruled in favour of The Monitor in another case brought by the government who alleged the newspaper had endangered national security by reporting on the war in the north.

HIV/AIDS

Uganda continues to face a generalized epidemic of HIV/AIDS despite being widely acknowledged as a regional success story in combating the epidemic. In 2004, senior government officials, including

President Museveni, made numerous comments undermining the effectiveness of condoms as a strategy to prevent sexual HIV transmission. These comments were apparently linked to the prospect of significant foreign aid from the United States for programs that emphasize "abstinence only" as an HIV prevention strategy. Abstinence only programs have been shown to censor critical and lifesaving information about condoms and HIV prevention, in violation of the human right to information and the highest attainable standard of health.

Key International Actors

The humanitarian situation in northern Uganda remained dire in 2004, with 80 percent of the entire northern population in displaced persons' camps. Security remains very poor for relief agencies as well as for the population itself, and in several areas the UPDF refuses to escort relief convoys to camps on account of danger.

A group of international donors meets regularly with the Ugandan government and negotiates budget items, including defense spending, with it. These donors provide one-half of the budget of the Ugandan government, their funds going directly to the treasury once the budget has been agreed.

The U.S. government is not part of this donors' group, and has provided military assistance and training to the UPDF to enable it to protect civilians in northern Uganda as well as become an effective counterinsurgency force—an approach the donor's group does not endorse. No special human rights conditions are attached to this U.S. military assistance. This aid has facilitated the pursuit of a purely military solution to the conflict in the north, an approach Museveni has long endorsed that has been widely criticized by civil society in the north.