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Uganda

Country Reports on Human Rights Practices - [2005](#)

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Uganda, with a population of 26.4 million, is a republic led by President Yoweri Museveni, who continued to dominate the government. The 2001 presidential and parliamentary elections generally reflected the will of the electorate; however, both were marred by serious irregularities. The government continued its 19-year war against rebels of the Lord's Resistance Army (LRA) in the northern and eastern portions of the country and in southern Sudan. While civilian authorities generally maintained effective control of the security forces, there were instances in which elements of the security forces acted independently of government authority.

The government's human rights record remained poor; although there were some improvements in a few areas, serious problems remained. The following human rights problems were reported:

- restrictions on opposition party activity
- unlawful killings by security forces
- disappearances
- security forces' use of torture and abuse of suspects
- vigilante justice
- harsh prison conditions
- official impunity
- arbitrary arrest, incommunicado detention, and lengthy pretrial detention
- restricted right to a fair trial
- infringement of privacy rights
- restrictions on freedom of speech, the press, association, and assembly
- limited freedom of religion
- abuse of internally displaced persons (IDPs)
- government corruption
- violence and discrimination against women
- female genital mutilation (FGM)
- violence and abuse of children, particularly sexual abuse
- trafficking in persons, particularly children
- violence and discrimination against persons with disabilities
- forced labor, including by children
- child labor

The government took significant steps to improve human and workers' rights during the year. In October the parliament passed a series of reforms that allow political parties to participate in government and compete in elections. These reforms followed the July referendum in which citizens voted to adopt a multiparty system of government. The government proposed an employment law to eliminate burdensome requirements to form a union and the Constitutional Court overturned a provision that restricted the number of national trade union associations.

The LRA, led by Joseph Kony, committed numerous, serious abuses and atrocities, including the abduction, rape, maiming, and killing of civilians, including children. The LRA used children as soldiers, held children and others in slave-like conditions, and subjected female captives to rape and other forms of severe sexual exploitation. For much of the year approximately 30,000 children known as "night commuters" traveled from conflict areas or internally displaced persons (IDP) camps each night to urban centers in order to avoid abduction by the LRA.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

The government or its agents did not commit any politically motivated killings; however, security forces committed unlawful killings during the year and were responsible for deaths as a result of torture.

On March 23, Alex Okullo, a member of the Local Defense Unit (LDU) militia in Kitgum District, killed two civilians. Police arrested Okullo; there was no further information available by year's end.

On March 31, in Gulu District, Private Tony Eremo of the Uganda People's Defense Forces (UPDF), killed high school student Francis Ocaya Okot. Private Eremo suspected the student was an LRA rebel because he was walking in public after dark. On April 8, military police arrested Eremo and charged him for the killing. He was awaiting trial at year's end.

In August UPDF Privates Lazarus Avil Kwasigwee and Johnson Asimwe killed businessman Sam Abol in Pader District. Authorities suspected that the soldiers conspired with a lodge owner to kill the businessman in order to rob him. In September the suspects and several others were arrested; charges were still pending at year's end.

On December 26, UPDF Private Joel Lubangakene killed 18-year-old Ojok Ojara after they had a personal dispute at Gulu District dance club. The military arrested Lubangakene, and he was awaiting trial at year's end. On the day of the killing an angry crowd of civilians marched on the local UPDF barracks to protest the killing. The UPDF fired on the mob and killed seven civilians. According to the army, the UPDF acted in self defense.

There were no developments in any of the unlawful killings committed by security forces in 2004 or 2003.

There were a number of deaths in custody, some due to torture.

On January 3, Noah Katungi died in police custody after being arrested for theft. On February 2, police officers Stephen Kasiba, Hannington Opiio, and Julius Oboch were charged with the killing; they were awaiting trial at year's end.

On August 30, the Uganda Human Rights Commission (UHRC) ordered the government to pay approximately \$16,000 (30 million shillings) in compensation to the family of the late Patrick Owomugisha Mamenero, who died in July 2002 in custody of the Chieftancy of Military Intelligence (CMI).

On September 2, John Atwine, a key suspect in a high-profile killing, died in Luzira Upper Prison under mysterious circumstances. Authorities investigated the death, but no arrests were made by year's end.

There were no reports of any action taken against security forces responsible for torture-related deaths in 2004 or 2003.

Use of excessive force by security forces while pursuing suspected criminals resulted in deaths. On February 5, police in Busia District killed Abdallah Mumiro when they opened fire on a group of Muslims who resisted an inspection of sanitary facilities. A police investigation determined that the death was accidental.

On June 23, Special Police Constables Joel Adrama and Dickson Anguyo in Arua District beat to death Zacharia Ocitia, who allegedly insulted the constables. On July 5, the constables were charged with the killing, and awaited trial at year's end.

On August 25, security force personnel in Ntungamo District killed suspected robbers Edson Sajabi, Charles Mworozzi, and Benon Kankiriho during a crackdown on criminals. There were no reports of action taken against any security personnel.

There were no developments in 2004 or 2003 security force killings of criminals as a result of excessive force.

During the year security forces killed numerous civilians during anti-LRA operations (see section 1.g.).

LRA attacks continued during the year and resulted in hundreds of deaths (see section 1.g.).

Unlike in the previous year, there were no reports that LRA landmines resulted in deaths and injuries.

During the year raids by armed cattle rustlers of the Karamojong ethnic group continued in Katakwi, Nakapiripirit, Moroto, Sironko, Kitgum and Kapchorwa Districts. These raids resulted in the deaths of more than 200 civilians and the displacement of thousands. The government continued its Karamoja disarmament program during the year (see section 5). UPDF forces killed numerous persons during clashes with armed Karamojong warriors.

The war in the north and violence in Karamoja resulted in significant numbers of deaths due to interethnic violence (see section 5).

Incidents of vigilante justice were reported frequently during the year. There were numerous instances in which mobs killed individuals suspected of committing crimes. On January 18, family members in Lira District beat to death a man suspected of raping a four-year-old girl. On May 20, residents in Mukono District lynched a suspected cannibal. On June 14, Makerere University students in Kampala burned to death a person who tried to break into a women's hostel on campus. There were no charges in either of these cases.

Unlike in the previous year, there were no reports of the ritual killings of children.

Ethnic Pokot warriors killed civilians and security forces during the year. On August 11, two Pokot warriors killed two civilians in Kapchorwa District while stealing cattle. On September 23, Pokot warriors from Kenya killed four police officers after rustling cattle in the country. The warriors retreated to Kenya and remained at large at year's end.

b. Disappearance

There was one report of a disappearance due to incommunicado detention by government forces. In addition, there continued to be other reports of disappearances during the year.

On March 11, relatives of Esther Luggya, a former member of the opposition party Reform Agenda, reported her missing since December 2004. There were no further developments in the case by year's end.

On May 21, six armed men in military uniform kidnapped three persons including local government official Geoffrey Mwebase during a raid on Bukinda village in Hoima District. The incident was reportedly related to a land dispute. There were no further developments in the case during the year.

On November 15, Achikulo Abuko, Amir Yahaya, Kesia Yasin, and Zacharia Obba were transferred from Luzira prison to incommunicado detention. The four men were charged along with opposition leader Kizza Besigye with treason. Prison officials said they were transferred to another prison to alleviate overcrowding. The suspects' lawyers were unable to verify the transfer or meet with them by year's end.

The whereabouts of 10 members of the opposition party Uganda People's Congress (UPC) arrested by the CMI in July 2004 were still unknown at year's end. The 10 members were arrested with 5 others who were charged in July 2004 and released on bail.

The whereabouts of James Kashajja, who was apprehended by armed men in uniform in October 2004, was still unknown at year's end.

Despite a February 2004 high court order to produce Captain Robert Ruteinama, the UPDF did not relinquish custody. Ruteinama was believed to be held in incommunicado detention since 2003.

According to the UN Children's Fund (UNICEF), rebel groups have abducted approximately 38,000 persons since 1986. The LRA continued to abduct hundreds of civilians for training as guerrillas; most victims were children and young adults whom the LRA forced into virtual slavery as laborers, soldiers, guards, and sex slaves (see sections 1.g. and 5).

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

The law prohibits such practices; however, there were credible reports that security forces tortured and beat suspects. Many of these incidents occurred in unregistered detention facilities and were intended to force confessions. The UHRC received approximately 58 complaints of torture during the year, which was less than half the number of complaints received in 2004. The UHRC conducted human rights training for the police and military throughout the year.

On April 21, UPDF Private William Bisogo allegedly tied up Opiyo Ajonga in a painful and unauthorized manner. In May authorities arrested Bisogo for torture; there was no further information available at year's end.

On May 4, John Barigye Bakirahi and Peter Agom, UPDF soldiers charged with spying for the Rwandan government, claimed they were tortured throughout their detention in CMI custody. The suspects were admitted to Mbuya military hospital to treat injuries apparently sustained as a result of torture. On September 6, their lawyer stated in a court martial that the suspects' testicles were tied to big stones to extract confessions.

In May the UN Committee Against Torture (UNCAT) reviewed the country's compliance with the UN Convention Against Torture. The UNCAT noted its concern of continued allegations of torture and the apparent impunity of its perpetrators. On May 10, Human Rights Watch and the Foundation for Human Rights Initiative released a joint report citing examples of torture such as caning, severe beating, and inflicting pain to the genitals carried out by security forces in the last two years. The government response noted that action was taken against 13 police officers over torture allegations since 2003. Security units involved in torture included the police, the UPDF, the CMI, and the Violent Crimes Crack Unit (VCCU); on occasion, such torture resulted in death (see section 1.a.).

Police and security forces harassed and detained opposition activists (see sections 1.d. and 2.b.).

There were reports that UPDF soldiers raped persons, particularly in conflict areas and in or near IDP camps (see sections 1.g. and 5).

On June 25, the UHRC revealed that the government owed approximately \$425,000 (790 million shillings) awarded by the tribunal to approximately 60 persons. The UHRC Tribunal confirmed approximately 22 torture complaints and ordered the government to compensate the victims. However, many complainants had not received compensation by year's end.

On January 19, the UHRC awarded approximately \$8,175 (15 million shillings) to Idrisi Kasekedde for torture suffered while in prison in 1998. On February 25, the UHRC awarded approximately \$545 (1 million shillings) to Wilson Kimuli for being tortured while in prison in 2000. On April 5, the UHRC awarded approximately \$1,090 (2 million shillings) to Gregory Babukika for being tortured by prison wardens in 2001.

No action was taken during the year against security organizations that reportedly tortured prisoners in Kigo Prison or CMI personnel who were illegally arresting and torturing persons to force them to pay their financial debts; in July 2003, the UHRC testified of such incidents before the Legal and Parliamentary Affairs Committee. No action was taken against VCCU officers responsible for the 2003 torture of Bumali Mubiri and Sam Okiring.

There were no developments in the December 2004 torture of Sam Aniga or the 2003 torture of prisoners at Makindye military barracks.

During the year civilians were killed, injured, and displaced as a result of security force operations against the LRA (see section 1.g.).

During the year the LRA continued to commit numerous atrocities, including the killing, torture, sexual abuse, and kidnapping of civilians, primarily children (see section 1.g.).

There were numerous instances in which mobs attacked suspected thieves and other persons known or suspected to have committed crimes (see section 1.a). Motivated in part by distrust or misunderstanding of the formal judicial system, these mobs engaged in beatings, lynchings, and other forms of mistreatment.

Prison and Detention Center Conditions

Prison conditions remained harsh and frequently life threatening, primarily as a result of the government's severely inadequate funding of prison facilities. In addition, there were several reports that security forces and guards tortured inmates. Prison conditions came closest to meeting international standards in Kampala, where prisons provided medical care, running water, and sanitation; however, these prisons also were among the most overcrowded. There were an estimated 19,258 inmates in the country's prisons and police cells. By one estimate, the country's prisons held approximately three times their planned capacity. Severe overcrowding also was a problem at juvenile detention facilities and in women's wings of prisons. The remand home in Kampala, designed for 45 inmates, held more than 123 children. The reception center, designed for 30 children, held 73 juveniles under the age of 12.

A Lira District prison official admitted in August that food shortages prevented 500 inmates from receiving regular meals. The central prison system continued to work with NGOs and the donor community to improve prison buildings, water and sanitation systems, food, and the provision of uniforms; however, progress was minimal during the year. Although the law provides for access to prisoners by their families, ignorance of this right and fear of prison authorities often limited family visits. Prisoners held on treason charges complained that security officers kept files on and harassed their visitors. Opposition leader Kizza Besigye claimed prison authorities restricted access to his lawyers and prevented them from having private meetings to prepare a defense.

The UHRC reported that it received allegations that officers in charge of prisons sometimes demanded bribes to allow visits. There were no investigations conducted during the year. On July 25, the government gave 59 senior prison officers the powers of magistrates to try inmates and prison staff suspected of committing offenses.

Inmates at most prisons grew maize, millet, and vegetables; however, the UHRC accused prison farms of overworking inmates and prisoners as young as 12 performed manual labor from dawn until dusk (see section 6.c.).

The Community Service Act seeks to reduce prison congestion by allowing minor offenders to do community service in lieu of imprisonment. Since 2001 2,953 offenders have been sentenced to community service. In July the high court also launched "Operation Open Gate" to reduce congestion of pretrial detainees. The operation created special court sessions to fine and release petty criminals who were willing to plead guilty.

Prisons were believed to have high mortality rates from overcrowding, malnutrition, diseases spread by unsanitary conditions, HIV/AIDS, and lack of medical care; however, accurate estimates were unavailable. According to the prisons department, 272 inmates died in custody during the year. Approximately 60 percent of these deaths were due to HIV/AIDS-related diseases.

Although there were no available statistics, there were reports of deaths in custody due to neglect and adverse conditions such as denial of medical attention.

Due to lack of space in juvenile facilities, juveniles often were held in prisons with adults. In Kampala jails, pretrial detainees were separated from convicted prisoners; however, in the rest of the country, due to financial constraints, pretrial detainees and convicted prisoners sometimes were held together.

During the year the government permitted access to prisons by the International Committee of the Red Cross (ICRC), foreign diplomats, and local nongovernmental organizations (NGOs), principally the Foundation for Human Rights Initiative (FHR) and the Uganda Prisoners' Aid Foundation. The UHRC visited numerous prisons and reported on its findings publicly. There was no government action on the UHRC findings by year's end. Prison authorities required advance notification of visits, a process that was sometimes subject to administrative delays.

d. Arbitrary Arrest or Detention

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

Role of the Police and Security Apparatus

The Uganda Police Force (UPF), under the Ministry of Internal Affairs, has the primary responsibility for law enforcement and maintenance of order in the country. The UPDF is the key security force and has partial responsibility for maintaining order in the north, where it was deployed to protect civilian IDPs from rebel attacks. The Internal Security Organization (ISO), under the direct authority of the President, is a domestic intelligence-gathering body. ISO force personnel occasionally detained civilians. The External Security Organization (ESO), which also reports to the President, also gathered intelligence and occasionally detained civilians. The CMI, under UPDF control, detained civilians suspected of rebel and terrorist activity. Local leaders formed LDUs to reinforce government efforts to protect civilians from LRA attacks. In some cases LDUs also participated in offensive military operations and carried out police functions. The UPDF consolidated command and organization of the LDUs under its authority during the year.

The police force continued to be constrained by limited resources, including low pay and lack of vehicles, equipment, and training. Police committed numerous abuses, and impunity was a problem. Corruption resulted in the dismissal of some local police officials during the year. In conjunction with the UHRC, the UPDF continued a training program to educate military officers on internationally recognized human rights standards. In addition, the police, UPDF, and the prisons department used human rights manuals in their training programs. The UPDF made attempts to improve relations between soldiers and civilians. The Police Human Rights Desk, charged with investigating police abuses, received 330 allegations of police abuse and reported that approximately 117 complaints had been resolved by year's end.

Arrest and Detention

The law requires search warrants issued by competent judges or prosecutors to make arrests; however, in practice suspects often were taken into custody without warrants. Despite a provision that suspects must be charged within 48 hours of arrest, many persons were detained longer without being charged. Suspects must be brought to trial or released on bail within 120 days (360 days for a capital offense); however, if the case is presented to the court before the expiration of this period, there is no limit on pretrial detention. Detainees must be informed immediately of the reasons for their detention, although authorities did not always enforce these procedural protections in practice. The law provides for bail, except in capital cases and cases of treason, and bail was provided in practice.

Suspects must have access to a lawyer; however, there was no provision ensuring family visitation. By law, indigent suspects are provided a lawyer; however, this was not enforced in practice due to resource constraints of the government. Incommunicado detention was a problem during the year.

The Anti-Terrorism Act permits suspects to be held for more than 48 hours without charge and states that persons convicted of terrorist acts that "directly result in the death of any person" shall be sentenced to death. The UPDF General Court Martial charged opposition leader Kizza Besigye and 22 others with the crime of terrorism as defined by the act. The suspects remained in detention awaiting court martial proceedings at year's end, despite being granted bail by the High Court for similar charges pending in the civilian court system.

Security forces arbitrarily arrested political activists during the year. On February 3, security force personnel in Arua District arrested Joseph Agupio, a former district mobilizer for opposition party leader and presidential candidate Kizza Besigye. Agupio was still in detention at Arua military barracks at year's end.

On March 7, UPDF soldiers in Gulu District arrested Otim Orach in Pabbo IDP camp and took him to the Gulu Military barracks, where they allegedly told him that he would not be released until he swore allegiance to President Museveni's ruling party, the Movement. There was no further information on Orach by year's end.

On March 16, Rukungiri District security force personnel arrested Christopher Turyarugayo, an opposition party district coordinator, for wearing an opposition party T-shirt. Turyarugayo remained in detention pending police charges at year's end.

On April 20, police arrested members of parliament (MPs) Ronald Reagan Okumu and Michael Ocula for the 2002 killing of Alfred Bongomin, a former local government chairman of Pabbo Sub-County in Gulu District. On March 9, UPDF soldiers arrested three other suspects--David Ochieng, Ochan Lalyang and Stephen Otim--for the same crime. On April 22, the UPDF transferred all five suspects to Kampala and charged them. On May 17, Okumu and Ocula were released on bail; on August 19 the others were released on bail. The trial began on November 20; the state withdrew charges on December 9 against Ochieng and Lalyang. The trial for the remaining three defendants was ongoing at year's end.

On November 15, police arrested 44 supporters of the Forum for Democratic Change (FDC) for "causing chaos during protests over the jailing of opposition leader Kizza Besigye. On December 13, a Kampala court dismissed the charges against them. Police arrested journalists during the year (see section 2.a.).

Mass arrests during police sweeps for criminals remained a problem. On January 3, police arrested approximately four hundred persons in Mukono during an operation to check whether residents had paid taxes. On January 31, police arrested 60 people in Kampala for being idle and disorderly.

During the year, the UHRC received 29 complaints from persons claiming to have been arbitrarily arrested. The UHRC tribunal confirmed that 28 of the complaints were cases of arbitrary arrest and awarded compensation; the government made no disbursements during the year.

No action was taken during the year against the UPDF officer who ordered the illegal 2003 arrest of Gulu State Attorney Sydney Asubo.

There were reports of political detainees, and the government continued to arrest persons for treason; however, the government failed to bring any treason case to trial. Opposition parties claimed that approximately 60 supporters were arrested during the year for political reasons. The ICRC registered approximately 200 detainees held for offenses against the security of the state. The government permitted access to political detainees by international humanitarian organizations.

Treason suspects were subject to numerous abuses, such as detention without charge, detention in unregistered and unofficial locations, and mistreatment, including torture (see section 1.c.).

On April 22, authorities charged Patrick Ochola, Mike Musiluwa, Johnson Otim and Sula Serumbi with treason. The three, who were arrested in 2004 for allegedly plotting to overthrow the government, were members of the unregistered political party Citizen Multiparty Democracy.

On July 5, the high court ordered the release of Charles Ekemu and Francis Ogwang Olebe after prosecutors withdrew treason charges. Both suspects were local politicians and had been held since 2003.

On August 12, the high court granted bail to 12 persons charged with treason for collaborating with the rebel group People's Redemption Army (PRA). The suspects had been detained since 2003.

On November 15, authorities charged opposition leader Kizza Besigye and 22 others with treason for terrorism and weapons possession in the UPDF General Court Martial. Some suspects had been arrested in November and December 2004. The High Court granted bail to 15 of the accused, including Besigye, but the military forced all of them to remain in prison and they awaited trial at year's end.

Patrick Biryomumaisho Kirasha and four others accused in 2003 of recruiting for the PRA rebel group remained in detention at year's end.

Legal and human rights groups criticized the excessive length of detention prior to trial, which in many cases amounted to several years; such lengthy pretrial detentions both violated the constitutional rights of the detainees and contributed substantially to prison overcrowding (see section 1.c.). The average time in pretrial detention was between two and three years. Pretrial detainees comprised 60 percent of the prison population. During the year, the UHRC heard several cases brought by prisoners challenging the length of their detention.

There were reports that civilians were detained in military barracks and unregistered detention facilities known as safe houses. There were credible allegations that the CMI ordered detainees held incommunicado at police stations or in so-called safe houses.

There was no further information on the whereabouts of Titus Kiwanuka, who had been detained in March 2004. The military transferred Kiwanuka to Kigo Prison on orders from the High Court; however, Kigo Prison officials had stated that he was no longer at the prison facility.

Amnesty

The government has offered a blanket amnesty to former combatants since 2000 as a means to induce defection and surrender of LRA rebels and members of other rebel groups. During the year, 691 former LRA combatants applied for and received amnesty.

On March 25, police released George William Mugisha Kyalimanya after he was granted amnesty. Kyalimanya was arrested in November 2004 on suspicion of collaborating with the PRA.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the government generally respected this provision in practice; however, the president has extensive legal powers of judicial appointment. The president appoints supreme court, high court, and court of appeal judges with the approval of parliament. The president also nominates, for the approval of parliament, members of the Judicial Service Commission, who make recommendations on appointments to the judiciary. The judiciary ruled against the government on several high-profile cases during the year; however, judicial corruption was a common problem. The lower courts remained understaffed, weak, and inefficient.

The highest court is the Supreme Court, followed by the court of appeal, which also functions as the constitutional court; the high court; the chief magistrate's court; local council (LC) sub county courts, LC parish courts; and LC village courts.

The constitutional court ruled against the government on several cases during the year, including a June 9 decision that found unconstitutional the mandatory death penalty attached to capital crimes, and death penalties that were not carried out within three years of sentencing. On June 20, the court found that a law restricting the number of national trade union associations was unconstitutional.

The LC courts have the authority to settle civil disputes, including land ownership and debt cases, and criminal cases involving children. These courts, often the only ones available to villagers, reportedly exceeded their authority by hearing criminal cases. LC court decisions can be appealed to magistrates' courts; however, there often were no records made at the village level, and some defendants were not aware of their right to appeal.

Trial Procedures

An inadequate system of judicial administration and a lack of resources, resulting in a serious backlog of cases, limited the right to a fair trial.

All nonmilitary trials are public, but without juries. Defendants have the right to be present and to consult with an attorney in a timely manner. The law requires that the government provide an attorney for indigent defendants accused of capital offenses, but there rarely was enough money to retain adequate counsel. By law defendants can confront or question witnesses against them and present witnesses and evidence on their behalf. Defendants and their attorneys have limited access to government-held evidence relevant to their cases. There is a presumption of innocence and defendants have the right of appeal.

Specialized courts also exist. The industrial court adjudicates labor disputes. Commercial courts resolve commercial disputes; they have significantly improved commercial justice and reduced case backlogs.

The military court system often did not assure the right to a fair trial. Although the accused has the right to legal counsel, some military defense attorneys were untrained and could be assigned by the military command, which also appoints the prosecutor and the adjudicating officer. The law establishes a court martial appeals process; however, a sentence passed by a military court, including the death penalty, could be appealed only to the senior leadership of the UPDF. Under circumstances deemed exigent, a field court martial could be convened at the scene of the crime. The law does not permit appeal of a conviction under a field court martial. The Military General Court Martial can try civilians charged with crimes listed under the UPDF Act.

On May 30, the UPDF General Court Martial charged Brigadier General Henry Tumukunde with two counts of conduct prejudicial to good order and discipline and two counts of spreading harmful propaganda. The charges were based on his statements that he had been prevented from retiring from the army and that he would not join President Museveni's political party after retirement. Tumukunde was awaiting trial at year's end.

The VCCU arrested 1,100 suspects on various counts during the year, including aggravated robbery, killing, illegal possession of firearms, and desertion. The VCCU used military courts to try by court martial civilians found in possession of military property.
Political Prisoners

Bright Gabula Africa, whose death sentence for treason was upheld by the Supreme Court in 1995, remained imprisoned pending the outcome of his appeal to the Advisory Committee on the Prerogative of Mercy, a largely autonomous constitutional body. There were no confirmed visits to Gabula Africa by international humanitarian groups during the year.

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

The law prohibits such actions, and the government generally respected these prohibitions with some exceptions. At times police did not obtain search warrants, as required by law, to enter private homes and offices. On July 20, two local government officials searched and confiscated items without a warrant from the home of Juliet Mukasa, a women's rights activist and chairperson of the NGO Sexual Minorities in Uganda.

The Anti-Terrorism Act authorizes certain law enforcement officials to intercept communication to detect and prevent terrorist activities. There were no reports of such interceptions during the year.

There were reports that the government punished family members of suspected criminals and political opposition members (see section 1.g.).

g. Use of Excessive Force and Other Abuses in Internal Conflicts

Security forces tortured and abused civilians suspected of collaborating with the LRA; however, unlike in previous years, there were no reports that security forces killed suspected collaborators. UPDF soldiers reportedly tortured suspected rebels and raped civilians living in IDP camps.

During the year security forces killed and injured numerous civilians, including noncombatant children abducted by the LRA, during anti-LRA operations in the northern and eastern parts of the country. Some observers charged that UPDF tactics, including extensive use of helicopter gunships, resulted in deaths and injuries to such children and that the UPDF failed to protect noncombatants during engagements with the LRA. The UPDF denied such allegations, noting that more than 80 percent of LRA fighters were child soldiers, which made it difficult to distinguish between combatants and noncombatants during engagements with the LRA.

On April 1, UPDF soldiers in Pader District killed Cecilia Aryemo and Marietta Anying, both residents of Pajule IDP camp, during an operation against the LRA rebels. There were no reports of action taken against the soldiers.

On April 18, UPDF soldiers on patrol in Kitgum District killed five civilian women and injured four others who were fishing in a river near their IDP camp. A UPDF spokesperson said that the soldiers mistook the women for rebels when the women fled as the soldiers approached them.

In August, a UPDF soldier killed Ben Oketta and his wife Donica Ajok as they worked in their garden at Olwal IDP camp. There were no reports of action taken against the soldier.

There were no new developments in the following 2003 killings by UPDF forces: the February killing of a Sudanese national; the July 22 and 24 killings of 21 civilians by UPDF helicopter gunships; and the October 2003 killings of 2 civilians by a UPDF soldiers in Gulu.

There was no action taken against soldiers in the 309 Brigade for firing a mortar in April 2004 in an IDP camp that killed five people.

Security forces tortured and abused civilians suspected of collaborating with the LRA. On February 17, UPDF soldiers reportedly tortured a farmer working on his home outside an IDP camp. Accused of working for the rebels, the farmer was held for one day in the army barracks where soldiers caned him and pulled on his testicles using a rope. There was no further information on the incident by year's end.

Security forces were implicated in reports of rape and sexual violence against women and girls. In some instances, perpetrators were arrested after victims complained. However, most incidents went unpunished, in part because the procedures for making complaints were not widely known.

On March 25, the UPDF arrested four LDU soldiers for raping four women in an IDP camp in Kitgum District. On April 19, Prime Minister Apollo Nsubambi ordered an investigation into the incident after MP Jane Akwero Odwong alleged that more women were raped. There was no further information on the investigation by year's end.

On May 15, four UPDF soldiers were arrested by Kumi District authorities following the rape of two young girls. There were no further developments in the incident by year's end.

There were credible reports that security forces and some government officials provided material support to armed groups operating in the eastern Democratic Republic of Congo (DRC). Militia fighting resulted in the deaths of hundreds of civilians in the DRC.

As in the previous year, the UPDF defended civilians against many LRA attacks but was unable to bring the conflict to an end. LRA attacks continued during the year, and there were numerous atrocities. Civilians were summarily executed, often by gruesome methods, to terrorize local populations or as retribution for violating various LRA edicts, such as the prohibition on riding bicycles. LRA rebels also attacked private homes, schools, and IDP camps in which persons were killed, injured, raped, mutilated, or abducted. During the year LRA attacks resulted in the deaths of hundreds of persons, including children, numerous injuries, and the destruction of homes and property.

On February 23, LRA rebels killed 14 civilians and injured 20 more when they ambushed a passenger vehicle in Gulu. On the following day, a separate band of LRA rebels cut off the lips of seven women in Kitgum district.

On May 6, LRA rebels attacked Koch-Goma IDP camp in Gulu district and killed 20 people.

On May 30, LRA rebels abducted 13 persons when they attacked Abwoch village in Gulu district.

On July 14, LRA rebels killed 14 traders during an ambush in Kitgum District.

On July 23, LRA rebels abducted 20 villagers when they raided Apala village in Lira district.

On August 11, LRA rebels killed 17 persons during an ambush in southern Sudan.

No action was taken against LRA rebels who were responsible for numerous killings in 2004 and 2003.

The LRA continued to abduct thousands of civilians for training as guerrillas; most victims were children and young adults whom the LRA forced into virtual slavery as laborers, soldiers, guards, and sex slaves (see Section 5).

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of the press; however, the government at times restricted these rights in practice. In addition, the law criminalizes offenses committed by the media and limited the media's ability to function effectively. The government at times harassed and intimidated journalists and journalists continued to practice self-censorship.

In February 2004 the Uganda Law Council upheld the regulation prohibiting lawyers from making public statements on legal matters that were before the court; however, the ban continued to be widely disregarded without penalty.

Private media were generally free and outspoken. There were many privately owned publications and broadcasts. The *New Vision*, a government-owned daily newspaper, sometimes included reporting that was critical of the government. The *Monitor*, the country's largest independent daily newspaper, consistently criticized the government. The *East African*, a Kenya-based weekly publication that provided extensive reporting on the country, continued to circulate without government hindrance. During the year, two new independent weekly newspapers began publication.

The government continued to operate Radio Uganda, the only national radio station, and Uganda Television(UTV), whose reporting was not

considered to be independent. There were at least 120 private radio stations in operation. Several independent media outlets broadcast daily or weekly political talk shows, including recorded off-site radio public debates called *ekimeeza* (table talk), which were often very critical of the government. In August the government announced that existing FM radio stations were being technically mismanaged and stopped licensing new stations. By year's end, the government ban on new stations had not been lifted.

In November 2004 Minister of Information James Nsaba Buturo instructed the Uganda Broadcasting Council to revoke the licenses of those stations that "abuse the president or use offensive language and fail to correct the behavior." Buturo also announced that no additional licenses would be issued for stations seeking to broadcast in Kampala; in 2003, the Broadcasting Council proposed regulations that would limit the number of FM radio stations, allegedly to prevent overburdening the airwaves and adversely affecting the quality of broadcasting. Critics charged that the restrictions targeted independent radio, which was the primary news source for 80 percent of the population.

On August 10, President Museveni threatened to close any press organization that threatened the country's national security. On August 11, the Uganda Broadcasting Council closed KFM radio station on grounds that it breached a national security provision in the electronic media law. One of KFM's talk show hosts, Andrew Mwenda, made comments critical of the government and the president's handling of the helicopter crash that killed Sudanese Vice President John Garang. On August 18, the council reopened the station, but ordered that the producer of Mwenda's talk show be fired.

On November 23, Minister Buturo announced a new ban on media coverage of the trial of opposition leader Kizza Besigye. Buturo said the Media Council would revoke the license of any media outlet that provided a forum for discussion or debate on the trial.

There were four local private television stations and numerous private television stations available via satellite.

Security forces arrested and harassed journalists who criticized the government. The leader of a press association, William Rwebembera, publicly criticized the increased intimidation and harassment of journalists by politicians during the year.

On June 21, police in Soroti arrested David Enyaku, a *New Vision* freelance journalist, for allegedly entering an office of the district town clerk with the intent to "annoy" him. Enyaku was released after paying a fine of approximately \$27 (50 thousand shillings).

On September 10, Major General Kahinda Otafiire, Minister of Water, Lands and Environment, pointed a gun at Mike Odongkara, a photojournalist with the *Daily Monitor*, who was taking pictures at the scene of a minor accident involving Otafiire. Odongkara pressed charges against Otafiire; however police had not investigated the incident by year's end.

On November 29, security officials locked journalists out of the High Court premises when opposition leader Kizza Besigye was re-apprehended on orders from the Military Court Martial after being granted bail by the High Court. Journalists were permitted to cover all civilian court proceedings before and after the incident.

Vincent Matovu, who was arrested in 2003, was released from detention in February after prosecutors withdrew sedition charges against him.

Media laws require that journalists be licensed and meet certain standards, such as possessing a university degree in journalism or the equivalent. A 1994 law also provides for a Media Council with the power to suspend newspapers and deny journalists access to state information.

The government made several statements that encouraged self-censorship. On August 10, President Museveni publicly claimed several journalists irresponsibly disregarded national security interests in the course of their reporting. In the same speech, Museveni threatened to arrest journalists and close down media outlets that continued this pattern of irresponsible journalism. The Minister of State for Information, James Buturo, reminded journalists during the year that even when facts were true, their reporting must be informed by an imperative to preserve national interests.

During the year the government arrested and sued critical journalists, citing national security. On June 1, the government sued the chief editor and two staff reporters of the independent *Weekly Observer* newspaper for publishing confidential material prejudicial to the security of the state. The government claimed that the newspaper unlawfully published documents from the High Command Committee of Inquiry investigating the existence of "ghost soldiers" in the UPDF.

On August 12, police arrested popular radio talk show host Andrew Mwenda on grounds of sedition. The charges were based on his criticism of President Museveni's leadership and his blame of the government for the helicopter crash that killed Sudanese Vice President John Garang. The government claimed these remarks threatened national security, relations with country's neighbors, and the security of its citizens abroad. Mwenda was released on bail and awaited trial at year's end.

In March 2003 the UPDF warned that media outlets that published or broadcast classified information or abetted soldiers in leaking information would be subject to punishment, including the possibility of court martial.

The 2003 ban that prevents the media from reporting the declarations of assets and liabilities made by the country's political leaders continued; however, no action was taken against journalists who published such information during the year.

There were no government restrictions on the Internet or academic freedom; however the government censored cultural events during the year. On February 15, the Media Council banned a production of the "Vagina Monologues" in Kampala on grounds that it promoted "unnatural sex acts, homosexuality, and prostitution." The cabinet also endorsed the ban the next day.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law restricts freedom of assembly, particularly for political groups, although some restrictions were lifted in October when parliament amended relevant laws to open the political system to multiple political parties (see section 3).

For groups legally authorized to operate, permits were not required for public meetings; however, groups were required to notify the police prior to such gatherings.

On March 29, Minister of Internal Affairs Ruhukana Rugunda banned all demonstrations related to parliament's efforts to eliminate term limits.

Police denied permission to hold public rallies to several opposition political groups during the year, blocked public meetings organized by opposition parties, and, on several occasions, disrupted or forcibly dispersed opposition meetings and other events.

The government forcibly broke up several demonstrations during the year. At times police sprayed tear gas and water cannons in large urban centers, which resulted in injuries to bystanders.

On March 31, police in Kampala enforced Rugunda's ban by breaking up a protest opposing the elimination of term limits. The police fired teargas canisters and water cannons to disperse the protestors and arrested 17 persons. Six of the protestors were released on the same day. On April 1, a court charged the remaining 11 protestors with rioting and released them on bail. A trial was pending at year's end.

On May 12, police in Kampala blocked a demonstration organized by opposition MP Ken Lukyamuzi over increased electrical power tariffs and fuel prices.

On June 28, police in Kampala broke up another attempted protest against the abolition of presidential term limits and arrested five persons. Riot police fired tear gas and water cannons to disperse hundreds of demonstrators. Many bystanders were also sprayed with tear gas. On June 30, a court charged the suspects with holding an unlawful assembly and released them on bond. A trial was still pending at year's end.

On July 12, police in Kampala dispersed 20 demonstrators who were protesting against a third term for President Museveni.

On August 6, police in Ntungamo District dispersed a Uganda People's Congress (UPC) rally organized by Yona Kanyomozi, a member of the East African Legislative Assembly.

On November 22, Rugunda banned all demonstrations, public meetings, and seminars related to opposition leader Kizza Besigye's trial. Rugunda said that public meetings would prejudice the court process and undermine the right to a fair trial.

There were no further developments in the following 2004 incidents:

In February 2004 police in Kampala arrested two members of Uganda Young Democrats, affiliated with the opposition Democratic Party (DP), for organizing an illegal assembly. In March 2004 the two were released with a case pending trial at year's end.

In March 2004, government supporters in Jinja dispersed a political meeting organized by the Parliamentary Advocacy Forum (PAFO); several persons were injured, including an MP with disabilities who was pushed through a ground-floor window. A December 2004 report by a parliamentary select committee charged two local officials with primary responsibility for the incident, but recommended that all those responsible be prosecuted.

In June 2004, police in Kyotera, Masaka District arrested and detained 17 activists from the Popular Resistance to a Life Presidency (PRALP) for attempting to hold an illegal assembly. The activists were released after one week and did not appear for their October 2004 court hearing. In December 2004, police issued an arrest warrant for all of them.

In August 2004, police accidentally shot and killed a secondary student during a street battle between Muslims and Christians in Kyazanga Town, Masaka District. Several others were injured in the incident.

Freedom of Association

The constitution provides for freedom of association; however, the government restricted this right in practice, particularly for opposition political parties and organizations (see section 3). On January 23, the army blocked opposition party leaders Major General Mugisha Muntu of the FDC and MP Cecilia Ogwal of the UPC from attending a fundraising function at Aromo IDP camp in Lira District.

On February 20, Tororo district MP Yeri Ofwono blocked members of the FDC from holding a consultative meeting in his district by locking the gates of the meeting venue, and he reportedly offered bribes to deter attendance.

On March 8 police in Mpigi district blocked female supporters of the FDC from attending the national celebrations marking International Women's Day.

On June 10 a joint force of police and UPDF soldiers blocked an FDC welcome rally for MPs Ronald Reagan Okumu and Michael Ocula at Kaunda grounds in Gulu. The two MPs were returning to their constituency after being released from prison on bail from murder charges. Gulu police authorities stated that the MPs had not sought permission to hold the rally.

On July 1 police in Nakapiripirit District ordered local promoters for the FDC not to hold a rally; however, the promoters defied the order. No action was taken against the organizers of the rally.

c. Freedom of Religion

The law provides for freedom of religion, and the government generally respected this right in practice with some minor restrictions. The law requires religious groups and foreign missionaries to register with the government; failure to register is a criminal offense.

The government continued to refuse registration to the World Last Message Warning Church due to continuing suspicions arising from the killings of more than 1,000 citizens in Kanungu in 2000. There were some reports that the government refused to grant registration to other self-proclaimed religious groups on the grounds that the groups were not legitimate religious organizations. Several religious groups shut down by police as suspected "cults" in previous years, remained inactive at year's end.

In addition, bans against nighttime prayer meetings by evangelical churches, reportedly for security and noise abatement reasons, were still in effect in residential areas of several districts.

In March 2004, antiterrorism police in Kampala arrested two Muslim religious leaders and five other suspects on treason charges. The Muslim leaders claimed they were arrested for their religious beliefs, but the government insisted they were arrested for recruiting for the Allied Democratic Forces. The men were in detention awaiting trial at year's end.

On June 1, a court in Arua District charged six suspects with the March 2004 killings of two American missionaries. The suspects were awaiting trial at year's end.

Muslims occupied positions of authority in local and central government; however, some Muslim leaders claimed that the number of positions did not reflect their percentage of the population.

During the year the government arrested leaders of unregistered religious organizations. On February 25, police in Gulu arrested Severino Lukoya, the father of former rebel leader Alice Lakwena, and three other pastors for operating the unregistered New Melita Jerusalem Church. The government refused to register the organization for security reasons. On February 28, police released the four pastors with a warning.

On May 1, police in Mubende District arrested Prophet Ssali Kilimba Mwaka for conducting an illegal society, practicing witchcraft, and being in possession of articles used in witchcraft; Mwaka was later released on bail. On September 21, a court acquitted Mwaka on all charges.

Unlike in the previous year, there were no reports of LRA attacks on religious institutions. In 2003 LRA leader Joseph Kony ordered the LRA to "destroy all church missions and kill all priests in northern Uganda."

No action was taken against LRA rebels responsible for killing, injuring, and abducting religious workers in 2004 and 2003.

Societal Abuses and Discrimination

Some religious leaders denounced local tribal customs as witchcraft. In one case, a Catholic priest in Mukono District launched a campaign to search and destroy traditional shrines. The government did not take any action against the priest. Four local traditional healers claimed they lost business as a result of the campaign.

The Jewish community represents less than 1 percent of the population. There were no reports of anti-Semitic acts.

For a more detailed discussion, see the 2005 [International Religious Freedom Report](#).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for these rights; however, the government at times limited them in practice. A married woman must obtain her husband's written permission on her passport application if children are to be listed on her passport.

Unlike in the previous year, there were no reports that government agents seized passports of opposition party members or blocked their

travel.

There was no information on whether the law permits or prohibits forced exile. However, the government did not use forced exile during the year.

Internally Displaced Persons (IDPs)

Continued attacks by the LRA and Karamojong warriors caused many ethnic Acholis and Iteso to leave their homes for urban centers, IDP camps, and villages guarded by the UPDF and LDUs. According to the UN Office of the Coordinator for Humanitarian Affairs, there were more than 1.4 million registered IDPs as a result of this violence. At year's end the number of IDPs per affected district was: Gulu, 462,580; Kitgum, 310,140; Pader, 319,506; and Lira, 349,156.

UPDF soldiers reportedly raped women and girls and security forces detained and mistreated suspected LRA collaborators in the camps (see section 1.g). Security forces severely restricted the freedom of movement of IDPs and imposed nighttime curfews in many camps.

During the year, the LRA killed and injured numerous persons during attacks on IDP camps (see section 1.g.). In the north, security forces continued their policy of maintaining UPDF detachments at IDP camps as a means of protecting civilians and denying support to the LRA.

Although domestic and international humanitarian organizations provided assistance to the estimated 200 IDP camps, health and living conditions remained precarious, and several were the targets of large-scale rebel attacks (see Section 1.g.). IDPs sometimes traveled outside the camps to farm, hunt, and gather wood and water.

Protection of Refugees

The law does not provide for the granting of asylum or refugee status in accordance with the definition of the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol; however, the government has established a system for providing protection to refugees. In practice the government provided protection against *refoulement*, the return of persons to a country where they feared persecution. The government granted refugee status or asylum. More than 70 percent of the approximately 238,000 refugees in the country were from southern Sudan; there also were refugees from the DRC, Rwanda, and other countries.

The government provided temporary protection to individuals who may not qualify as refugees under the 1951 Convention and 1967 protocol and also provided land for temporary resettlement to citizens from neighboring countries.

The government generally cooperated with the UN High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers. There were no reports of refugee abuse or discrimination by government authorities.

Unlike in the previous year, there were no LRA attacks against Sudanese refugee settlements.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The law provides citizens with the right to change their government; however, the ruling party's domination of the government and some restrictive constitutional and statutory provisions limited citizens' effective exercise of this right.

Elections and Political Parties

In 2001 six candidates competed in the presidential elections, including President Museveni and Kizza Besigye. President Museveni was reelected with 69.3 percent of the vote. The presidential election generally reflected the will of the population; however, there were many complaints of irregularities prior to and on day of the election, particularly regarding the voting process. There also were numerous reports of election-related violence and intimidation by both the government and the opposition.

In 2001 elections were held for the 214 directly elected parliamentary seats. The elections generally reflected the will of the population; however, there were numerous instances of election-related intimidation and violence. The number of opposition MPs increased from 12 to 35, including 9 UPC MPs and approximately 6 MPs from the DP. Others were affiliated loosely with the DP, and the affiliation of several other MPs was unclear. There were 230 MPs elected from the Movement party, giving it a clear majority; however, a number of moderate Movement MPs kept their seats in spite of President Museveni's active campaigning for their opponents.

On July 28, citizens voted in a national referendum to adopt a multiparty system of government. On October 24, the parliament amended the electoral laws to formally include opposition party participation in elections and in government. There were approximately 25 opposition parties registered by the end of the year. However, before the multiparty system was formally adopted the government restricted non-Movement political gatherings and dispersed numerous political meetings not sanctioned by the Movement (see section 2.b.).

On June 2, the parliament approved a controversial amendment to eliminate presidential term limits, clearing the way for president Museveni to seek a third term in office.

On October 26, FDC leader Kizza Besigye returned from self-imposed exile and was elected as the party's presidential candidate on October 29. On November 14, police arrested Besigye and the next day he and 22 other individuals were charged with treason for allegedly organizing the rebel group PRA. Besigye was also charged the same day with rape that reportedly occurred in 1997.

On November 16, an armed paramilitary group, the Black Mambas, surrounded the High Court to prevent the release of 14 of the co-defendants. Although the High Court granted them bail, the suspects returned to prison to avoid military arrest.

On November 24, the Military General Court Martial charged Besigye with terrorism and possession of firearms. The court martial had charged all 22 of his codefendants with the same offenses on November 18. Defense lawyers filed suit with the constitutional court arguing that the military court martial violated the principle of double jeopardy. The constitutional suit was pending at year's end.

On November 29, Besigye was granted bail and also forced to return to prison by military officials. Judicial officials, human rights organizations, and the opposition parties denounced the interference of the military. All 23 suspects, including Besigye, remained in prison awaiting trial at year's end.

The ruling Movement regularly held rallies, conducted political activities, and in 2003 registered the National Resistance Movement-Organization, a political party that generally operated without restriction. Approximately 25 new parties were allowed to function, as have political parties that existed in 1986, when the Movement assumed power.

Opposition parties opened offices and registered new members during the year. After the July 28 referendum, opposition parties conducted elections among registered members at the grassroots level for delegates to attend the party conference to select a presidential candidate.

The law requires elections through electoral colleges for the 81 seats reserved for special interest groups in parliament: 56 seats were reserved for women; 5 for organized labor; 5 for persons with disabilities; 5 for youth; and 10 for the army, which were selected by the UPDF High Command, chaired by President Museveni.

There were 72 women in the 305-member parliament, and 16 female ministers in the 60-member cabinet. One woman served as deputy speaker, and another as deputy chief justice of the Supreme Court. Women also headed the Inspectorate General of government and the Criminal Investigation Division of the national police.

The law allocates 56 parliamentary seats to women, 5 seats to workers, 5 seats to persons with disabilities, and 5 to the youth. In addition, 16 women, 1 worker, and 1 person with disabilities were members of the cabinet.

Government Corruption and Transparency

Corruption continued to be a major problem. Despite credible evidence of wrongdoing, there were no prosecutions of senior officials accused of corruption. The law requires the declaration of wealth by government officials and their family members, and the government enforced the law during the year.

In March an International Monetary Fund (IMF) report charged that the government ordered the Central Bank to release \$10 million (18.5 billion shillings) to pay the creditors of a prominent businessman, Hassan Basajjabalaba. The IMF noted that nontransparent government support to certain companies reinforced perceptions of corruption.

On February 23, the government charged Emmanuel Katto with corruption for offering a bribe to the president's half-brother, Salim Saleh, during the sale of helicopters to the government. A 2003 Judicial Commission report implicated Katto and Saleh in the bribery scheme. However, on June 7, Katto was acquitted and the public prosecutor decided not to pursue an indictment against Saleh.

On August 23, the Global Fund to Fight AIDS, Tuberculosis, and Malaria suspended grants worth \$201 million (362 billion shillings) to the country after an investigation uncovered evidence of serious mismanagement of funds. On August 26, the government suspended all officers who had been managing the funds, and instituted an independent probe commission to investigate the incident. The commission started work on September 21 and was ongoing at year's end.

The 2003 court martial of army officials suspected of maintaining under strength units and pocketing salary payments for so-called "ghost soldiers" was ongoing at year's end.

The law provides for public access to government information, and the government provided such access in practice.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were receptive to their views. Active independent domestic groups included: the FHRI, Uganda Association of Women Lawyers (FIDA-U), Human Rights Focus, the National Association of Women's Organizations of Uganda, the International Federation of Human Rights, and the Human Rights and Peace Center of Makerere University. Government officials continued to attend conferences and seminars hosted by NGOs on social problems and cooperated with NGOs on legal and prison reforms.

No action was taken on the government's 2003 call for a code of NGO conduct to minimize corruption.

The government allowed visits by the ICRC, UNHCR, and several international human rights NGOs, including Amnesty International, Human Rights Watch (HRW), and the International Justice Mission. During the year the ICRC continued its visits to prisons, police stations, and military detention facilities. In September the ICRC signed a new agreement with the government to permit ICRC visits for the next three years.

The law establishes the UHRC as a permanent independent body with quasi-judicial powers. The president appoints the UHRC's eight-member board. Under the law the UHRC may subpoena information, order the release of detainees, and order the payment of compensation for abuses. In several cases during the year, the UHRC Tribunal awarded compensation to complainants who proved their allegations against the government (see sections 1.c. and 1.d.). The UHRC continued to pursue suspected human rights abusers, including high-level officials in the government and military, and had branches countrywide. The UHRC did not have adequate resources to investigate all complaints it received. The UHRC Tribunal headquarters in Kampala received 267 new cases (compared to 1,080 in 2004), including some against senior government leaders and military and police officials. The UHRC Tribunal opened proceedings for 108 new cases and 143 cases from previous years; it rendered judgment in 63 cases during the year.

A January report by a UN Security Council panel implicated the government for violating a UN-imposed arms embargo in the Democratic Republic of Congo (DRC) by funneling weapons, including land mines, and military support into the DRC to the *Forces Armees du Peuple Congolais* (FAPC), an Ituri-based militia group. The government denied the report's claims.

On December 19, the International Court of Justice issued its judgment that the armed activities of the government in the DRC between August 1998 and June 2003 violated the international prohibition against aggressive use of force, international human rights, and international humanitarian law. The ruling determined that the government should pay reparations to the DRC.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, disability, language, or social status; however, the government did not enforce the law in matters of locally or culturally accepted discrimination against women, children, persons with disabilities, or certain ethnic groups. Continued instability in the northern region led to violations of the rights of some Acholi, an ethnic group that comprises a significant part of the population; LRA rebels, although predominantly Acholi themselves, were responsible for the most serious human rights violations.

Women

Violence against women, including rape, remained common. A 2003 Johns Hopkins University study indicated that one in three women living in surveyed rural areas experienced verbal or physical threats from their partners, and 55 percent sustained physical injuries as a result of domestic abuse. According to a September survey conducted by police and civil society at selected police stations, the police received 30 percent more reports of domestic violence than in the previous year. The law prohibits assault, battery, and rape; however, there were no laws that specifically protected women from spousal abuse. Many law enforcement officials continued to view wife beating as a husband's prerogative and rarely intervened in cases of domestic violence. Women remained more likely to sue for divorce than to file rape or assault charges against their husbands.

A 2003 HRW report concluded that married women were particularly vulnerable to HIV/AIDS infection as a result of forced sex in marriage by husbands with multiple partners or wives. HRW's report identified numerous social and legal obstacles to women's ability to protect themselves against HIV/AIDS infection in abusive relationships.

According to a June 15 UNICEF study on sexual and gender based violence at a northern IDP camp, 469 cases were reported to police in Gulu District in 2004. The study revealed that the three most common forms of gender-based violence were rape, child sexual abuse, and physical assault. Teenage girls, and then young women, were the most common victims of gender-based violence.

The law requires that bride prices be nonrefundable gifts to the parents of the bride. The constitutional amendments approved by parliament did not include a provision to abolish bride prices, despite 2003 recommendations to do so from civil society groups.

Rape is illegal. Although the government arrested, prosecuted, and convicted persons for rape during the year, there were reports that some cases were not investigated. Thousands of women were victims of abduction and rape by rebel forces. There also were reports that members of the UPDF raped women (see section 1.c.).

There was no law against FGM, which was practiced by the Sabiny ethnic group, located in rural Kapchorwa District, and the Pokot ethnic group along the northeastern border with Kenya. The government, women's groups, and international organizations continued programs to combat the practice through education. These programs, which received some support from local leaders, emphasized close cooperation with traditional authority figures and peer counseling.

Prostitution was illegal; however, it was common. There were no credible statistics available on the occurrence of prostitution, including child prostitution, during the year.

There were reports of trafficking in women (see section 5, Trafficking).

Sexual harassment is prohibited by law, but was a common problem, and the government did not effectively enforce the law. On February

16, the Makerere University Appointments Board dismissed Dr. Julius C. Enon, a lecturer at the Department of Educational Psychology, after investigations showed that he sexually harassed female students.

Unlike in the previous year, the parliament did not register complaints from women asked for sexual favors during job interviews.

Traditional and widespread societal discrimination against women continued, especially in rural areas. Many customary laws discriminate against women in the areas of adoption, marriage, divorce, and inheritance. Under local customary law in many areas, women can not own or inherit property or retain custody of their children. Traditional divorce law in many areas requires women to meet stricter evidentiary standards than men to prove adultery. Polygyny is legal under both customary and Islamic law. In some ethnic groups, men can "inherit the widows of their deceased brothers. Women did most of the agricultural work but owned only 7 percent of the agricultural land. A May 18 World Bank report estimated that 80 percent of all unpaid workers were women. Employers in the private sector frequently failed to apply the statutory provision that provides women with maternity leave.

There were limits on a married woman's ability to travel abroad with her children (see section 2.d.).

Numerous NGOs sponsored conferences and training programs on women's rights throughout the country. There were several active women's rights groups in the country.

Children

The government demonstrated a commitment to improving children's welfare. Education received the largest percentage of the national budget. The government did not enforce effectively the Children's Statute, which outlines broad protections for children, due to the large proportion of children in the population (56 percent of the population was under the age of 18), staffing and fiscal constraints on the judiciary, and cultural norms. The law stipulates parents' responsibilities and provides extensive protection for children in a wide variety of areas, including financial support, foster care placement, adoption, determination of parentage, and treatment of children charged with offenses. The law also prohibits children from taking part in any activity likely to injure the child's health, education, or mental, physical, and moral development; however, the government often did not enforce these prohibitions.

The government's Universal Primary Education (UPE) program provided free education through the seventh grade; however, education was not compulsory. The UPE program made education more accessible financially; however, parents still had to pay for school supplies and some school costs. The UPE increased funding for education, provided additional skills training for teachers, and reduced the student to textbook ratio. Strained finances, corruption, instability, infrastructure problems, and inadequate teacher training prevented full implementation. Teachers were rarely paid on time, and many did not show up for work when the government was late in paying their wages. On June 23, teachers conducted a nationwide one-day strike to protest low wages (see section 6.b.). On June 25, the Minister of Finance announced the government would seek additional funds within the budget to supplement teachers' wages. The government, however, did not disburse any additional money by year's end.

According to the 2002 census, the country's primary school enrollment rate was 84 percent for boys and 83 percent for girls. Girls and boys theoretically had equal access to education in the lower grades; however, the proportion of girls in higher grades remained low because families traditionally favored boys when making educational decisions. Boys also were more likely to finish primary school and performed better on examinations for admission into secondary school. The government continued several programs to promote a national plan for the education of girls.

The government provided subsidized health care through a national health care program, and boys and girls had equal access. However, health clinics did not have adequate resources to provide comprehensive care or treatment.

Child abuse remained a serious problem, particularly rape and other sexual abuse of girls known as "defilement." Defilement applied to all cases of sexual contact outside of marriage with girls younger than 18 years of age, regardless of consent or the age of the perpetrator. The perpetrators of defilement often were family members, neighbors, or teachers. A Save the Children survey of 1400 children conducted during the year found that 46 percent of girls were sexually abused and 20 percent were raped. During the year 985 persons were convicted of defilement, and 3,771 suspects were awaiting trial at year's end. Defilement carried a maximum sentence of death; however, in practice defilement cases often were settled by a payment to the girl's parents.

During the year teachers were arrested and charged for defilement. On July 1, a court in Kampala charged Hussein Kiberu, a primary school teacher, with defiling a 13-year old student in 2004. On September 6, police arrested Deo Habarurema, a primary school teacher in Kyenjojo district, for defiling a 16-year-old student.

There were no developments in the February 2004 arrest of two traditional healers for reportedly attempting to kill an 11-year-old boy. There were no developments in the 2003 cases of ritual killings of children.

FGM was performed on girls in the Sabinu and Pokot ethnic groups (see section 5, Women).

The legal age for marriage is 18 years, but the marriage of young girls by parental arrangements was common, particularly in rural areas. According to the 2002 census, 36 thousand girls and 29,031 boys entered into marriage below the age of 15.

Child prostitution and trafficking were problems (see section 5, Trafficking).

The law prohibits service in the military by persons under 18 years of age; however, persons below the age of 18 occasionally enlisted, sometimes with the collusion of local officials. During the year there were reports that individuals under the age of 18 enlisted in the army and that others enlisted in local militias. The UPDF denied that it had actively recruited child soldiers, but stated some might have joined through deception or oversight.

Since December 2004 approximately 70 candidates were rejected by UPDF recruitment officers for being underage. Other reports indicated that the UPDF detained some former LRA child combatants for unacceptably long periods, and in some cases used them on intelligence and reconnaissance missions.

There were an estimated two million children who had lost one or both parents. This large number of orphans resulted from wars and other instability, population dislocation, and HIV/AIDS. The government supported two programs to assist children affected by HIV/AIDS and conflict in the north.

Child labor was a problem (see Section 6.d.).

According to UNICEF estimates, the LRA has abducted approximately 12 thousand children since 2002, and continued to abduct children during the year. The LRA forced children into virtual slavery as laborers, soldiers, guards, and sex slaves. In addition to being beaten, raped, and forced to march until exhausted, abducted children were forced to participate in the killing of other children who attempted to escape. More than 85 percent of LRA captives were made up of children whom the LRA abducted and forced to fight as rebels; most LRA rebels were between the ages of 11 and 16.

During the year the UPDF rescued 563 children from LRA captivity. The UPDF's Child Protection Unit provided treatment to returned abductees upon arrival at military facilities. The unit also escorted former abductees to NGO facilities, which provided assistance and counseling to the children and their families. The government also worked closely with NGOs in the north to facilitate their assistance programs for amnesty seekers and rescued children; however, these programs were primarily financed by donors.

Approximately 35 thousand children, known as "night commuters", traveled from conflict areas or IDP camps each night to urban centers to avoid abduction by the LRA. In September the UN estimated that nearly 9 thousand children commuted nightly into Gulu town and 10,847 commuted in Kitgum. During the year the government cooperated with NGOs to establish shelters for such children in tented dormitories and other semi-permanent structures; in other cases children slept under balconies or on the grounds of schools, churches, and hospitals. Conditions ranged from harsh to adequate. There were credible reports that many displaced girls became involved in prostitution.

Trafficking in Persons

The law does not specifically prohibit trafficking in persons; however, the law does prohibit trafficking-related offenses. There were reports that persons were trafficked to, from, and within the country. There were no available statistics on the extent of trafficking in persons. The maximum penalty for the procurement of women for purposes of prostitution or detention with sexual intent is 7 years' imprisonment; the maximum penalty for trading in slaves is 10 years' imprisonment.

The national police force is responsible for investigating trafficking-related crimes and maintains a special Child and Family Protection Unit to train local police on women and children's rights. The UPDF is responsible for capturing, disarming, or eliminating LRA combatants who perpetrate human trafficking crimes in the north.

In addition to trafficking related to LRA abductions (see section 1.b.), adults and children were trafficked internally for labor, commercial sexual exploitation, and criminal activities. Trafficking in persons primarily occurred internally: the LRA abducted children to be soldiers, sex slaves, and porters; freelance operators, including taxi drivers and hotel/bar operators, conducted the commercial sex trafficking.

Victims of internal trafficking were subjected to hazardous working conditions, and commercial sex victims were subjected to physical abuse and the risk of contracting sexually transmitted diseases. Victims of commercial sex trafficking in urban centers often came from small rural villages.

The government did not prosecute or fine any victims of trafficking.

The government, through the military and civilian agencies, continued efforts to combat LRA trafficking in persons. The government began "Operation Iron Fist" in 2002 to eradicate the LRA threat and has continued to offer amnesty to former rebels, providing resettlement packages with educational benefits and vocational training. The government also established protected camps garrisoned by the UPDF and LDUs that have helped to prevent abductions (see sections 1.b. and 2.d.).

In March the government began participating in a national working group to combat anti-trafficking. The working group was mandated to support efforts to write a new antitrafficking law, coordinate NGO activities to prevent trafficking, assist victims, and oversee an initiative to conduct pilot prosecutions of trafficking-related crimes.

Persons with Disabilities

The law provides protection for persons with disabilities from discrimination in employment, education, or the provision of other state services; however, the government did not enforce the law effectively. There was widespread discrimination by society, and employers limited job and educational opportunities for persons with disabilities. There was no statutory requirement that buildings be accessible to

persons with disabilities. Five seats in parliament were reserved for representatives of persons with disabilities. Government agencies responsible for protecting the rights of persons with disabilities included the Ministry of State for Disabled Persons and the Ministry of Gender, Labor, and Social Development (MGLSD), but both ministries lacked sufficient funding to undertake or support any significant initiatives.

The law requires that children with disabilities be given necessary special facilities; however, in practice inadequate funding hampered enforcement of this provision.

National/Racial/Ethnic Minorities

Civil strife in the north and east led to the violation of the rights of members of the Acholi, Langi, and Ateso ethnic groups, who primarily resided in the districts of Gulu, Kitgum, Pader, Lira, Apac, and Soroti. LRA rebels, who themselves largely were Acholi, committed abuses against ethnic Acholi and other ethnic groups. The LRA in particular was implicated in the killing and kidnapping of Acholi and other tribe members (see section 1.g.). During the year the UPDF committed abuses against ethnic Acholi during combat operations against the LRA.

Unlike in the previous year, there were no reports of interethnic violence between the Langi and Acholi ethnic groups.

During the year raids by armed Karamojong warriors in Katakwi, Kotido, and Kapchorwa Districts in the northeast resulted in approximately 200 deaths. The raids reportedly exacerbated ethnic tensions in the northeast (see section 1.a.). The government's mandatory disarmament program for Karamoja, which has caused confrontations between the UPDF and the Karamojong, continued along with negotiations for a Karamojong-led solution. The UPDF and police continued efforts to improve security conditions by arresting cattle rustlers and preventing cross-border incursions.

Other Societal Abuses and Discrimination

Homosexuals faced widespread discrimination and legal restrictions. It is against the law for homosexuals to engage in sexual acts, based on a legal provision that criminalizes carnal acts against the "order of nature" with a penalty of life imprisonment.

In January the *Anti-Homophobie Africaine*, a local NGO whose aim is to protect and promote the rights of persons with a minority sexual orientation, applied for registration with the NGO Board; the registration had not been granted by year's end.

On July 6, parliament amended Article 31 of the constitution to prohibit homosexual marriage.

Persons with HIV/AIDS continued to face discrimination among local communities and employers. International and local NGOs, in cooperation with the government, sponsored public awareness campaigns that aimed to eliminate the stigma of HIV/AIDS. Counseling and testing for HIV/AIDS was free and available at health centers and local NGOs across the country. Counselors encouraged patients to be tested with their partners and family so that they all received information about living with HIV/AIDS. Persons living with HIV/AIDS formed support groups to promote awareness in their local communities.

Section 6 Worker Rights

a. The Right of Association

The law allows workers, except many "essential" government employees, including police, army, and management-level officials, to form and to join unions of their choice; however, union membership is restricted by law. On June 24, the Constitutional Court overturned a provision that restricted the number of national trade union associations. Union officials estimated that 500,000 workers were unionized, representing approximately 5 percent of working age citizens. The government failed to enforce the rights of some employees to join unions in newly privatized industries and factories.

The law allows unionization if 51 percent or more of the work force support it and if the proposed union represents at least one thousand employees. These requirements effectively prevented workers in important parts of the private sector from forming unions, especially in the textile, hotel, and construction sectors.

The law does not prohibit antiunion discrimination by employers, and union activists were not protected from retribution for union activities. However, there were no reported incidents of government harassment of union officials. There were reports that several private companies urged workers not to take part in unionization efforts.

b. The Right to Organize and Bargain Collectively

The law allows unions to conduct their activities without interference, but the government did not protect this right in practice.

The law provides for the right of workers to bargain collectively; however, it was not freely practiced. Some employers ignored the legal requirement to enter into collective bargaining agreements with registered unions.

The law provides for the right to strike; however, the government seldom protected this right, and government policy required labor and management to make "every effort to reconcile labor disputes before resorting to strike action. During the year there were three strikes held by civil servants, teachers, and railway workers protesting unpaid salaries or benefits and one strike held by commercial vehicle operators

protesting high taxes.

There were no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred (see sections 5).

Prison officials hired out prisoners to work on private farms and construction sites, where the prisoners often were overworked. Throughout the country, prison officials routinely supplemented their meager wages with cash crops grown by prisoners on the prison grounds (see section 1.c.). Male prisoners performed arduous physical labor while female prisoners produced marketable handicrafts such as woven basketry. Juvenile prisoners performed manual labor, often for 12 hours per day. Compensation, when paid, generally was very low.

Unlike in the previous year, there were no reports that the UPDF forced ethnic Acholi citizens to clear roadways in the war-affected north.

Forced labor by children occurred during the year (see section 6.d.).

d. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits employers from hiring workers below the age of 18; however, child labor was common, especially in the informal sector. Demographics contributed to the problem of child labor; more than half of the population was under 18 years of age. Many children left school and went into agricultural or domestic work to help meet expenses or perform the work of absent or infirm parents, a situation common throughout the country (see Section 5). The problem was particularly acute among the large orphan population. A joint International Labor Organization and MGLSD survey, released in July, estimated that approximately 2.7 million children were employed as workers.

In urban areas children sold small items on the streets, were involved in the commercial sex industry, worked in shops, or begged for money (see Section 5). Children were also employed in the tea-harvesting sector.

According to statutory orders issued by the Ministry of Labor, children between the ages of 12 and 18 can be employed in jobs that involve light work.

The law prohibits forced and bonded labor by children; however, a lack of resources prevented the government from enforcing this prohibition effectively. There were reports that the UPDF used former LRA child soldiers on reconnaissance and intelligence missions (see section 5).

The LRA often forced abducted children into virtual slavery as guards, laborers, soldiers, and sex slaves (see section 5).

The MGLSD enforced the law on child labor; however, financial constraints limited its efforts. On June 16, the MGLSD launched the Orphans and Vulnerable Children Policy, which extended social services to children working in the worst forms of child labor and other target groups. The government also coordinated its efforts to stop child labor through the National Steering Committee on Child Labor, which included representatives of the MGLSD, the Ministry of Education and Sports, the Ministry of Local Government, the Federation of Uganda Employers, the National Organization of Trade Unions, NGOs, journalists, and academics. The government organized a number of child labor awareness workshops, disseminated printed information, and sponsored radio and television discussions to educate the public on child labor issues. Several human rights NGOs continued programs to remove children from hazardous work situations.

The government also cooperated with the ILO, foreign governments, and NGOs in several initiatives to combat child labor, including the education and reintegration of children into their communities.

e. Acceptable Conditions of Work

The minimum legal wage was \$3.50 (6 thousand shillings) per month, a rate set in 1984, which did not provide a decent standard of living for a worker and family. The government and the private sector negotiated a new rate in 2003; however, no minimum wage legislation had been passed by year's end.

In industries that employed workers on an hourly basis, the normal workweek was 40 hours. There was no legal maximum workweek; however, employers were supposed to pay a time-and-a-half rate for each additional hour worked beyond a 48-hour workweek. Many industries paid workers incrementally to avoid overtime and circumvent the prohibition on child labor. Many companies employed workers as "casual laborers" or "contract workers" to avoid providing benefits. The law requires employers to give workers a continuous period of 24 hours of rest per work week. Compulsory overtime is not prohibited by law.

The law establishes some occupational health and safety standards. The Workers' Compensation Act provides compensation, based on monthly salaries, for workers injured or killed at work. The MGLSD's Department of Occupational Health was responsible for enforcement of occupational safety regulations. In practice inspections were rare, primarily due to the lack of vehicles and funding for inspection trips. There were fatal accidents at several construction projects. The limited occupational safety regulations under the law did not prevent the dismissal of workers who refused to perform dangerous work; however, strong unions in certain dangerous industries protected such workers.

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