Uganda

Violence Instead of Vigilance

Torture and Illegal Detention by Uganda's Rapid Response Unit

HUMAN RIGHTS WATCH

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Summary

> At RRU [Rapid Response Unit] station … they don't want to listen. They want you to accept that you've stolen something. With the pain of beating, you accept.
> –Former suspect detained by RRU and charged with aggravated robbery, Kampala, November 19, 2009

On August 20, 2010, robbers broke into the house of an affluent woman in Makindye, Kampla, held machetes to her guard's neck, and allegedly stole property and money. Police questioned several people, including Frank Ssekanjako, a 22-year-old who was renting a room near the crime scene. He was arrested, along with three others. Eyewitnesses who saw Ssekanjako in detention in Kabalagala police station two days after his arrest said that he was concerned about the allegations against him but seemed in good health and spirits.

On August 23, three officers from Uganda Police's Rapid Response Unit collected Ssekanjako and another suspect allegedly in order to recover stolen property. What happened next is a matter of dispute. The RRU officers told Human Rights Watch that Ssekanjako complained of stomach pain in the car, so they took him to the hospital where he died a few minutes later. But the official post-mortem report suggests otherwise, as do multiple eyewitnesses who described how the officers beat Ssekanjako and other suspects for over an hour at the scene of the alleged robbery with plastic pipes and a large *entolima*, or wooden club, until he stopped moving or making any noise.

Reportedly, officers then dragged the men to the car, dropped off two suspects at Kabalagala police station to give statements and took Ssekanjako to the hospital, where he was later pronounced dead. According to the post-mortem report Ssekanjako's injuries were "fresh" and included eight puncture abrasions on the right foot, bruising on the back, a swollen right shoulder, bruising on the right and left upper arms and left flank, and abrasions on the left thigh and elbow. No cause of death was determined. Three officers have been arrested and are awaiting trial. Ssekanjako's family has yet to receive information, documents, or medical evidence related to his death—including copies of photos that police took of his body—and say interacting with police about the investigation has been very difficult. "Either the police were negligent or they were purposefully trying to kill [Ssekanjako], but my mother has a right to know what happened," Ssekanjako's brother told Human Rights Watch. "You go to police and expect vigilance and instead get violence"

Over the last decade, a range of security units within the police and the military in Uganda have earned notorious reputations for using brutal and unlawful interrogation methods. Confronted with mounting evidence of abuse, government officials have often denied allegations or made piecemeal reforms, such as changing a unit's name or commander. In this climate of tacit tolerance of brutal methods, victims have been reluctant to speak out about their ill-treatment and abuse, fearing reprisals.

At the same time, Uganda has worked to enhance its reputation as country that respects human rights, for example, by becoming a member of the United Nations Human Rights Council (UNHRC). There are also increased efforts to professionalize Uganda's security forces via international trainings and participation in African Union (AU) and United Nations peacekeeping missions. But despite these measures of external engagement the government still fails to protect human rights domestically, or to take significant steps to address the problem of systemic and pervasive torture and prolonged illegal detention.

Human Rights Watch has documented hundreds of cases of torture by various security units in Uganda over many years. This report details extrajudicial killings, torture, illegal detention, forced confessions and other abuses by the Rapid Response Unit (RRU) of the Uganda Police Force. RRU is the legacy of Operation Wembley, a short-lived security unit that quickly earned a reputation for torture, including water-feeding, genital mutilation, and stabbing, whipping or beating detainees. While the name and command structure of the unit has changed, abusive practices continue and are rarely exposed, acknowledged, challenged, or punished.

During more than 13 months of research, Human Rights Watch carried out over 100 interviews in regions where RRU is most active—Kampala, Mbale, Jinja, Masaka, and Mbarara. Drawing on interviews with victims of abuses, as well as current and former RRU employees, researchers documented serious human rights violations by RRU since its formal establishment in 2007. RRU officers routinely use unlawful force during arrest, including beating suspects and, in one instance that Human Rights Watch documented, shooting a handcuffed suspect. RRU personnel were allegedly responsible for at least six extrajudicial killings in 2010 alone, frequent use of torture during interrogations to extract confessions, and prolonged illegal and sometimes incommunicado detention of suspects at RRU headquarters in Kireka, Kampala, and other locations.

This report builds on previous Human Rights Watch work published over almost a decade. *State of Pain: Torture in Uganda*, published by Human Rights Watch in March 2004, was broad in scope, examining illegal detention and torture by several security agencies, including Operation Wembley. In 2009, Human Rights Watch published *Open Secret: Illegal*

Detention and Torture by the Joint Anti-terrorism Task Force in Uganda, a detailed and in-depth account of torture and illegal detention by the Joint Anti-terrorism Task Force (JATT), a security organization led by military intelligence, which was also featured in *State of Pain*. Unfortunately, despite government officials' commitments to investigate and make changes to eradicate brutality and detention without charge, evidence of abuses continues to mount.

RRU's predecessor, Operation Wembley, was formed in June 2002 on the executive order of President Yoweri Museveni to combat armed urban crime. Commanded by a then-military colonel and comprised of soldiers and other ad-hoc operatives untrained in law enforcement, Operation Wembley became synonymous with brutal forms of torture against alleged armed robbers. In late 2002, Operation Wembley's name was changed to the Violent Crime Crack Unit (VCCU) and was led by a police commander, but the military involvement in the law enforcement operations continued. Nongovernmental organizations (NGOs) and the Uganda Human Rights Commission documented extensive abuses by the VCCU. In July 2007, the unit again changed its name to Rapid Response Unit and officially moved under the command control of the police. According to interviewees, over half of the original operatives affiliated with Wembley remain active in RRU, although it is unclear precisely how many.

Ugandan police claim RRU is mandated to investigate "violent crime," usually offenses affiliated with the use of firearms. However since the unit was established, RRU officers and affiliated personnel have carried out arrests for a wide range of crimes, from petty theft to terrorism. Known for practices that flout basic legal safeguards in Ugandan and international law—such as ignoring laws regulating the right to arrest and detain persons, and extracting confessions by coercion—RRU appears to be the preferred unit of authorities seeking arrests and confessions by any means. RRU also continues Operation Wembley's practice of handing over civilian suspects to the military courts for prosecution, even though Uganda's Supreme Court and its international obligations prohibit the trial of civilians before military courts.

Although under police command, RRU has sometimes used soldiers and untrained informants to carry out law enforcement operations. RRU personnel typically operate in unmarked cars, wear civilian clothes with no identifying insignia, and carry a range of guns—from pistols to larger assault rifles. The unit's members have on occasion transported suspects in the trunks of unmarked cars.

Of the 77 interviewees arrested by RRU, 60 said that RRU personnel had beaten or tortured them at some point in their custody. The most common form of torture was repetitive beatings on the joints, such as knees, elbows, ankles, and wrists during several sessions over many days while handcuffed in stress positions. RRU personnel beat detainees with

batons, sticks, bats, metal pipes, padlocks, table legs, and other objects. Detainees reported that torture had left them with swollen or fractured limbs, unable to walk or lift objects, and with ongoing chronic pain. In some instances, RRU personnel inserted pins under suspects' finger nails or in rare instances administered electric shocks. Suspects often said they were forced to sign confessions under duress following torture. In May and August 2010, for example, media reported that RRU operatives had killed two suspects in their custody due to torture while trying to extract information about robberies.

From their detention at the Kireka facility, civilian suspects are handed to military courts to face trial. Although military courts have regularly heard testimony that the accused has been tortured, the military officers who act as judges in military courts have admitted into evidence confessions extracted through torture and have not instructed anyone to take steps to address the allegations. Neither the judiciary nor the regular police have tried to assess the quality of RRU's investigative methods. As a result, suspects often spend long periods in pre-trial detention, in some instances, because their trials cannot proceed due to lack of evidence, or judges rely upon coerced confessions as the main form of evidence.

The absence of a lawyer when a suspect is interrogated, a standard safeguard against abuse, has allowed torture to persist in Uganda. All suspects have the legal right to counsel in Uganda; in practice, defendants do not receive a state-provided lawyer until their case is at trial and often spend years in detention before they ever meet a lawyer. During this time, evidence of the serious ill-treatment and torture used to elicit confessions often vanishes, and the defendant becomes demoralized by the long remand time, desperate for the case to be resolved, and skeptical there will be a fair trial. For the vast majority of suspects arrested by the RRU, they will be tried before military courts, where they are judged, prosecuted and defended by members of the military and where the lack of sufficient guarantees of independence and impartiality makes the outlook for suspects even bleaker.

In 2010, police took a significant step in the fight against RRU impunity. Three RRU officers were arrested for the murder of Frank Ssekanjako, the 22-year-old suspect who they allegedly brutally beaten to death in August 2010. These arrests could mark a turning point in addressing abuses by RRU. However, Human Rights Watch has investigated this case in detail and remains concerned that police have failed to collect statements from key witnesses to determine the circumstances of his death, or to document the full range of violence used against Ssekanjako and his co-accused that day. These shortcomings raise doubts about the quality of evidence that will be presented at trial, if and when it occurs. The three RRU officers have also been charged only with murder and not for the severe beatings meted out to the co-accused the same day. Ssekanjako's family members, who have demanded justice, have also

faced intimidation that has led them to doubt the police's commitment to ensuring criminal accountability for his murder. And while taking action in response to a detainee's death is laudable, real reform will only come if RRU personnel face repercussions for other instances of brutality and beatings that can result in deaths in custody.

Uganda's government must comply with the provisions of its own constitution and fulfill its core obligations under international human rights law—in particular the absolute prohibition on torture and cruel, inhuman, and degrading treatment—by systemically addressing persistent allegations of torture and illegal detention by security services. Human Rights Watch welcomes commitments made by the inspector general of police to remedy abuses by RRU personnel. In November 2010, a new commander was appointed to head RRU who has established a toll-free phone line for complaints and a human rights desk within RRU headquarters. These measures are encouraging. But they need to be accompanied by a demonstrable no-tolerance policy of ill-treatment— including prosecutions and punishment for any violators—if meaningful change is to occur and abuses are to end. Officers implicated in abuse cannot only face administrative sanction or short-term suspension. While trainings in human rights are important, they will be ineffective if senior officials ignore or order beatings of suspects.

In carrying out its responsibilities to investigate and prosecute crime, Uganda's government must ensure that suspects enjoy the protections of due process and the right to counsel and fair trial that are currently lacking in practice. Commanders should not wait until a suspect dies during an interrogation to take action. High ranking police and military commanders should publicly and unambiguously articulate a no-tolerance policy regarding torture and illegal detention, and prosecute and punish members of their forces who abuse suspects.

To achieve this, Human Rights Watch recommends that Uganda's Parliament pass the newly tabled Prevention and Prohibition of Torture Bill, which the president should sign into law without delay. The prosecutor's office should then use this law to proactively prosecute cases of torture by members of police and military. The government should also urgently create a functional legal aid system and identify appropriate funding so that all suspects access an independent lawyer from the start of their detention. Without such concerted action, the government is indicating its tolerance for the abuses documented in this report and implying its tacit acquiescence, which belies its stated commitment to the rule of law.

Recommendations

To the President and Government of Uganda

- Issue direct orders to police to cease illegal detention and torture of suspects, and respect criminal procedure at each stage of any criminal investigation.
- All individuals arrested should be brought to recognized, lawful locations where their detention can be monitored.
- End impunity for human rights violations by anyone employed or affiliated with Rapid Response Unit (RRU), including violations of the right to life, bodily integrity, liberty and security and fair trial, such as the right to be charged before a judge within 48 hours of arrest and the right of access to a lawyer.
- Improve safeguards in police custody, including guaranteeing the right of access to a lawyer from the outset of detention, presence of counsel during all interrogations, and access to family members throughout detention.
- Ensure that coerced confessions, particularly those extracted under torture, are not admitted as evidence against persons at trial, and that prosecutors and judges are able to investigate torture and illegal detention by any branch of the military and domestic intelligence services free from obstruction or interference.
- Release prisoners who have been convicted in unfair trials, or appropriately retry them in accordance with international fair trial standards.
- Provide timely and adequate remedies, including compensation, for persons arbitrarily arrested, tortured, and otherwise mistreated in detention.
- Ensure that police, military and intelligence officers committing torture or other human rights violations against persons in their custody are appropriately and fairly prosecuted.
- Ensure that the Prohibition and Prevention of Torture Bill 2010, recently tabled in parliament, is passed and signed into law without delay.
- Ensure that commissioners for the Uganda Human Rights Commission are appointed in a timely manner so that torture complaints can be heard without delay.
- Devise a functional legal aid system to ensure that defendants have access to a lawyer, provided by the state if they cannot afford one, from the time of arrest and not only at trial.
- Ratify the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture), which would allow the Subcommittee on Prevention of Torture of the UN Committee Against Torture to visit Uganda.

- Abolish the death penalty and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR).

To the Uganda Police Force, Particularly the Police Standards Unit and the Criminal Investigations Department of Police

- Immediately release or charge with a cognizable criminal offense before a civilian court all those currently held without charge in Kireka's RRU headquarters, any military barracks, or any other locations—gazetted or ungazetted. Release those who have been on remand where no steps have been taken to investigate the charges or bring the case to trial.
- Focus on the conduct of officers, special police constables, and informants working for the Rapid Response Unit anywhere in Uganda. Carry out more regular spot checks on any detention facility run by RRU officers, interview suspects out of earshot of RRU officers, investigate allegations of ill-treatment and torture, and ensure that the Criminal Investigations Department takes forward cases of torture and murder by RRU officers. Raise instances of incommunicado and illegal detention by RRU with commanders and press them to end the practice.
- Ensure the Uganda Human Rights Commission has full and unhindered access to the Kireka facility and other locations where there are allegations of unlawful detention, and ensure they can conduct such investigations and visits without prior notice.
- Immediately stop parading suspects before media.
- Immediately stop handing over civilian defendants for trial before military courts.

To the Ugandan Judiciary

- Use judicial powers to appoint a judicial agent to visit, without prior notice, the RRU facility in Kireka, prisons, police stations, military barracks, and any other facility where state security forces are allegedly holding or treating persons in violation of their rights.
- Ensure that civilian defendants are tried by civilian courts, in accordance with Uganda's constitutional court ruling.
- Ensure that confessions made under duress are not used as evidence in trials, as required by the Evidence Act. Limit the use of confessions as a basis for pretrial detention or conviction to confessions freely made in the presence of counsel and ratified within 24 hours before a judge and the defendant's counsel.

To the Parliament of Uganda

- Criminalize torture as an offense, in compliance with the Convention against Torture, by passing into law the Prohibition and Prevention of Torture Bill 2010.

To the Uganda Human Rights Commission

- Actively pursue investigations and visits to any location, including the RRU facility at Kireka and other RRU-run facilities throughout Uganda, especially where there are credible allegations of unlawful detention or torture. If denied access to specific areas or to specific detainees, continue to raise the issue publicly.
- Actively locate and interview former RRU suspects in prisons to determine their treatment in RRU custody and raise findings with senior police commanders.
- Report publicly and in a timely manner on findings related to individual acts of torture and illegal detention, and pass evidence to the director of public prosecutions for criminal prosecution.

To the United States, the United Kingdom, and Other Concerned Governments, Especially Development Partners in the Justice, Law and Order Sector (JLOS)

- Urge the government of Uganda to investigate human rights abuses by RRU and hold fair and credible trials for anyone suspected of criminal acts such as torture.
- Promote legislative and judicial oversight of the police.
- Closely monitor any assistance to police to ensure that human rights standards are strictly observed in all settings.
- Ensure that human rights training is an integral component of capacity building or of training projects for police and/or security forces. Such training should include a strong component designed to stop the use of torture and other cruel, inhuman, and degrading treatment as an interrogation technique or punishment. Base any continuation of training and/or provisions of equipment on police taking concrete action to investigate abuses and hold perpetrators accountable.
- Condemn torture and illegal detention when it occurs, and consistently raise concerns with Ugandan government officials, especially the inspector general of police and the director of public prosecutions, until action is taken to hold perpetrators of torture, extrajudicial killings, and illegal detention responsible.
- Use every available opportunity to press for an end to impunity for perpetrators of human rights abuses, including by members of the police and military. Urge respect for international due process and fair trial standards and press for impartial inquiries

into, and accountability for, cases of illegal detention, torture, extrajudicial killings and ill-treatment in detention.

- If cooperating with Uganda on counterterrorism and law enforcement activities, take all necessary measures to ensure that torture and ill-treatment of suspects is not used, raise concerns for the ill-treatment and illegal detention of suspects with authorities and press for accountability. Stop cooperating with abusive units.
- Support Uganda government efforts to devise a functional legal aid system to ensure that defendants have access to a lawyer from the time of arrest, not only at trial.

To the United Nations Human Rights Council (UNHRC) and the African Commission on Human and Peoples' Rights (ACHPR)

- The UN special rapporteur on torture and the AU special rapporteur on prisons and conditions of detention in Africa should request permission to visit Uganda. The Kireka facility and military barracks should be among the detention centers visited.

Methodology

This report is based on research carried out in Uganda from November 2009 to January 2011, involving interviews with 108 individuals with knowledge of the operations of Rapid Response Unit (RRU) and its predecessors, the Violent Crime Crack Unit (VCCU) and Operation Wembley.

Human Rights Watch interviewed 77 current and former detainees who had been held in various places throughout the country, but predominantly in Kampala, Mbale, Soroti, Masaka, and Mbarara regions. Human Rights Watch researchers focused on recent cases since 2007, when RRU was officially established and placed under the authority of the police. Particular efforts were made to quote testimony related to incidents that took place in 2009 and 2010.

Some interviewees had been arrested and detained by RRU, VCCU, or Operation Wembley and then released without charge. In other cases, individuals were on remand awaiting trial, or were convicted and serving sentences at the time of the interview. In prisons, Human Rights Watch identified prisoners likely to have been arrested by Operation Wembley, VCCU, or RRU agents based on the court in which they were being charged (most commonly the military courts) or the criminal charges against them (often aggravated robbery and illegal possession of firearms). In some instances, interviewees were selected based on the recommendation of prison officials familiar with their cases. Human Rights Watch spoke to prisoners out of earshot of officials, but also interviewed prison wardens and officers in charge of prisons, many of whom voiced concern about the years of remand time facing civilians before military courts.

Interviews with former RRU detainees were conducted with each person individually, except in two cases when Human Rights Watch interviewed two together. Pseudonyms have been used for interviewees to protect their identities. Sixty-nine were civilians, five were current or former soldiers, one was a member of a Local Defense Unit, one was a special police constable, and another a former prison warden. Interviews with current and former suspects were generally conducted in English, though in some instances with an interpreter from Luganda, Runyoro Rutoro, Runyankole Rukiga, Lusoga, Kiswahili, Iteso, and Karimojong.

Human Rights Watch took every precaution to verify the credibility of interviewees' statements and to corroborate their accounts with other knowledgeable sources. Uganda's government frequently challenges the credibility of evidence and allegations forwarded by human rights

organizations that detail prolonged incommunicado detention and torture by police and security, despite a range of actors producing similar findings over more than a decade.

Human Rights Watch focused its efforts on determining the veracity of accounts. Wherever possible, Human Rights Watch corroborated details with others who had been released from RRU custody and interviewed them individually and separately. In some instances of allegations of ill-treatment, Human Rights Watch documented physical scars consistent with the alleged implements used. In instances where the method of torture left minimal physical evidence, scores of current and former detainees interviewed on different days and in different locations described identical or nearly identical treatment by RRU personnel, in some instances using the same names of those allegedly responsible.

Human Rights Watch made multiple and varied attempts to identify current and former officers of RRU and its predecessor units, and sought out interviews with them about the history, daily operations, and abuses that occurred during their employment. Some former officers approached by Human Rights Watch declined to be interviewed because they said they feared reprisals from colleagues in the unit. Five ultimately agreed to speak about their work.

Human Rights Watch observed trials at the General Court Martial in Kampala on 25 days in 2010 and 2011 and took particular note of civilians who were on trial and alleged that they had been arrested by Operation Wembley, VCCU, or RRU. In 11 instances, Human Rights Watch was able to observe the partial trials of individuals who had been previously interviewed about their arrest and pre-charge detention period.

Human Rights Watch conducted additional interviews with four private lawyers who had represented RRU suspects, and five family members of current or former suspects who witnessed the arrests or tried to visit suspects in RRU detention. Human Rights Watch also interviewed journalists and civil society members working on public law and order.

In 2010, Human Rights Watch made more than ten attempts to gain access to suspects held in Kireka through phone calls and text messages to RRU commanders and others in the police. Permission was never granted or denied, but was promised and then never fulfilled. On November 30, 2010 Human Rights Watch wrote a letter to the inspector general of police inquiring about a range of issues related to the contents of this report (see first annex). He did not reply to that letter. In a meeting on January 24, 2011, the inspector general of police assigned two officers to provide responses to the questions. One officer, the new commander of RRU, furnished some answers (see second annex); the other officer never

provided any responses to any of the questions despite phone calls, text messages and emails reminding him and his colleagues to do so.

Locally in Uganda, RRU is most often referred to as “Rapid Response Unit” or RRU, not *the* Rapid Response Unit. Throughout the report, we have been consistent with local usage.

I. Background

The Rapid Response Unit was previously known as Operation Wembley and, later, the Violent Crime Crack Unit (VCCU). However, changes in name and leadership over time have not altered the fact the unit is responsible for carrying out arbitrary arrests, as well as detentions, torture and extrajudicial killings in violation of national and international law.

Operation Wembley

In June 2002, President Yoweri Museveni created Operation Wembley (or "Wembley") as an autonomous ad hoc unit to combat armed crime.[1] Led by then- Colonel Elly Kayanja—an active member of the military and deputy director of the Internal Security Organization—Wembley was initially staffed by people from various units of the security services. These included the military's intelligence branch known as the Chieftaincy of Military Intelligence (CMI), the Criminal Investigation Department (CID) of police, the External Security Organisation (ESO), the Internal Security Organisation (ISO), as well as people who had worked informally as informants for military intelligence and the president's office.[2] Several credible sources told Human Rights Watch that most Wembley personnel were "repentant criminals" and former child soldiers who had fought in the National Resistance Army, a rebel group that President Museveni led before he took power in 1986, who needed work.[3]

In 2002, President Museveni said that Wembley was established to counteract the inefficacy of the civilian judicial system in prosecuting and punishing crimes. In 2002, the government-owned *New Vision* newspaper quoted him as saying:

> The robbers, the police, and the judiciary were related just like the palate and the tongue. The police would make the statements poorly and the thirsty magistrates would release the robbers to continue terrorizing people.[4]

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[1] Operation Wembley was formed at a meeting of security chiefs on June 25, 2002, chaired by President Yoweri Museveni. Grace Matsiko, "Bageya 'is Voluntary ISO Cadre,'" *New Vision*, July 23, 2002.

[2] Human Rights Watch, *State of Pain: Torture in Uganda*, vol. 16, no. 4(A), March 2004, http://www.hrw.org/node/12160. Moses Mugalu, "Ex-Wembley Convicts Behind City Crime," *New Vision*, May 17, 2008. Human Rights Watch interview with current RRU employee, November 12, 2010.

[3] Human Rights Watch interviews with Ugandan journalists, Kampala, August 25 and December 13, 2010. Human Rights Watch interviews with former Wembley officers, Kampala, August 26, 2010. Human Rights Watch interviews with former Wembley officers, December 21, 2010.

[4] Allan Turyaguma, "Museveni Defends Ops Wembley," *New Vision*, August 26, 2002.

The legal basis for Wembley was not clear since the Ugandan Constitution states that intelligence organizations must be established by an act of parliament, which Operation Wembley was not.[5] Wembley also had no clear legal authority to carry out arrests and detentions. When it detained people, it took most suspects to a house on Clement Hill road in Kampala, which the minister of internal affairs had never designated a legal place of detention, as required by law.

Within its first month of operation, the government-owned newspaper *New Vision* reported that Wembley had killed 20 suspects.[6] Others recorded 83 suspects killed.[7] After its first two months, Wembley had arrested and detained over 430 individuals.[8] Suspects arrested and detained by Wembley routinely reported that they had been severely tortured during interrogations. One detainee who has been in detention awaiting trial since his arrest in 2002 told Human Rights Watch:

> At Clement [the offices of Operation Wembley at the time], there was beating every day. At night, they'd come and beat us…. They would tie us, lay us on the ground, and pour water on us. On Sunday, they would come in the morning and beat us…. They used sticks and whips. They beat all of us … morning and evening, we were beaten twice a day…. I lost a front tooth from being hit with a gun butt. The marks on my chest are from whips to the chest. I was admitted to Mbuya [military hospital] to suck out pus. They beat us terribly. I couldn't walk. My body was rotting…[9]

Another former Operation Wembley detainee who has been on remand for over eight years, described Wembley members forcing him to drink large amounts of water, a practice known as "Liverpool."[10]

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[5] In 2004, opposition parliamentarian Erias Lukwago alleged a constitutional violation in the formation of numerous security agencies without any act of parliament. Erias Lukwago, "Uganda Public vs. Yoweri Museveni," *Monitor*, January 3, 2004 ("President Museveni and his NRM government have established a plethora of intelligence and other militia groups without any supportive Parliamentary legislation to wit; CMI, PPU, PGB, KAP, PIN, VCCU, Wembley etc. This contravenes Art. 218 of the Constitution which provides that: 'Parliament may by law establish intelligence services and may prescribe their composition, functions and procedures.'").

[6] Felix Osike, "Judiciary Protests on Kayanja," *New Visio*n, July 31, 2002.

[7] Human Rights Watch, *State of Pain*, p. 51.

[8] Ibid.

[9] Human Rights Watch interview with Geoffrey, Kampala, June 24, 2010.

[10] Human Rights Watch interview with Anthony, Kampala, November 19, 2009.

Members of the judiciary and NGOs condemned Operation Wembley for its unofficial shoot-to-kill policy and the use of torture and other ill-treatment.[11] Operation Wembley also engaged in other illegal practices, such as detention in unauthorized locations euphemistically known as "safehouses"; detention without charge; denial of access to family, lawyers, or doctors; denial of bail; and trial of civilians by military courts martial.[12]

Despite the amassed evidence of Wembley's brutal tactics, the current inspector general of police, Major General Kale Kayihura, subsequently credited Wembley with reducing crime rates, telling media, "It is because of police incapacity that when Kampala was taken over by armed thugs in the late 1990s, Brigadier Kayanja's Operation Wembley was the salvation."[13]

Violent Crime Crack Unit (VCCU)

The government appears to have ended Operation Wembley in late 2002 and shifted its duties to the newly created Violent Crime Crack Unit (VCCU).[14] This unit was mandated to be led and staffed only by the police. However, Colonel Kayanja remained at the helm until February 2003, when David Magara, his deputy and newly appointed assistant commissioner of police, took over.[15]

While some have credited Magara with improving the conduct of operations, the VCCU was in many respects a de facto continuation of Operation Wembley, with the same personnel and tactics.[16] Several sources, including the Uganda Human Rights Commission, indicated VCCU staff continued to include soldiers and intelligence agents who had worked for Wembley.[17]

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[11] Felix Osike, "Judiciary Protests on Kayanja," *New Vision*, July 31, 2002. The chair of the Judicial Service Commission, Justice Christine Kitumba, condemned the extrajudicial killing of suspected robbers. "We don't support that at all. We hope the security organisations will respect the law and bring the suspects to court so that they don't kill evidence. We should respect the rule of law," she said.

[12] Human Rights Watch, *State of Pain.*

[13] Maj. Gen. Kale Kayihura, "The State Has Not Become Militarized," *New Vision*, 28 July 2009.

[14] Human Rights Watch, *State of Pain*. The official end date of Wembley is not known. News reports indicate that it ended sometime in August 2002, but the Certificates of Appreciation handed out by the President's office to Wembley operatives indicate that the operations ended in January 2003.

[15] Ibid.; Magara was also Kampala's deputy regional police commander. Geoffrey Kamali and Kyomuhendo Muhanga, "Colonel Kayanja Quits Wembley," *New Vision*, February 26, 2003.

[16] Human Rights Watch interviews with former VCCU employee Kampala, August 26, 2010; and with Ugandan journalists, Kampala, August 25 and December 13, 2010.

[17] Uganda Human Rights Commission, *Freedom from Torture: The End of Operation Wembley and the Rise of the Violent Crime Crack Unit*, 2003, chap. 9. Human Rights Watch interview with police sources, December 13, 2010.

In 2003 and 2004, VCCU arrested at least one thousand people, still without a specific mandate in law to conduct arrests.[18] Reports of torture by VCCU endured,[19] and the Uganda Human Rights Commission asserted that allegations of torture against VCCU continued at the same rates as those against Operation Wembley.[20] Torture and interrogation methods also appear to have stayed the same.[21] A former VCCU detainee, echoing Operation Wembley detainees, described how VCCU operatives put a hose in his mouth and forced him to drink during an interrogation.[22] One detainee on remand for four years said that in 2005, VCCU operatives subjected him to a mock execution, making him and his co-accused lie down in a field at night before firing three shots at them.[23] A VCCU detainee who was on remand for two-and-a-half years said that agents suspended him from a pole and then beat him.[24]

In 2004, in a first step towards ending impunity, police arrested one VCCU operative for the death of a suspect in detention. A co-accused filed a complaint with the Human Rights Commission alleging that she had been tortured and her money stolen.[25] According to police sources, the operative was eventually convicted of manslaughter although the duration of his criminal sentence remains unclear.[26] Despite this case, reports of torture continued. [27]

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[18] According to the United States Department of State country reports on human rights practices, VCCU arrested and detained over 500 suspects in 2003, and over 1,100 suspects in 2004. US State Department, Bureau of Democracy, Human Rights, and Labor, "Country Reports on Human Rights Practices – 2003: Uganda," February 25, 2004, http://www.state.gov/g/drl/rls/hrrpt/2003/27758.htm (accessed September 6, 2010). US State Department, Bureau of Democracy, Human Rights, and Labor, "Country Reports on Human Rights Practices – 2004: Uganda," February 28, 2005, http://www.state.gov/g/drl/rls/hrrpt/2004/41632.htm (accessed September 6, 2010).

[19] In 2003, Amnesty International called for an inquiry into the death of Nsangi Murisidi, a small business owner, who was picked up by VCCU and killed due to "extensive loss of fluid and blood, severe bleeding in the brain and extensive burns on the buttocks." Amnesty International, "Urgent need to end torture following death in custody," AFR 59/009/2003, June 27, 2003, http://www.amnesty.org/en/library/info/AFR59/009/2003/en (accessed September 6, 2010).

[20] Uganda Human Rights Commission, *Freedom from Torture: The End of Operation Wembley and the Rise of the Violent Crime Crack Unit*, 2003, chap. 9 ("In 2003 the Commission registered 48 complaints against the VCCU, compared to 44 complaints registered against Operation Wembley in 2002.").

[21] Human Rights Watch interviews with Arnold, Kampala, November 20, 2009; with Arthur, Kampala, November 20, 2009; with Roger, Kampala, November 20, 2009; with Ali, Mbarara Main, February 23, 2010; with Daniel, Mbarara Main, February 23, 2010; with Edward, Mbale, December 7, 2009; with Samuel, Mbale, December 7, 2009; with George, Kampala, June 24, 2010; with Gerard, Kampala, June 24, 2010; with Stephen, Kampala, June 24, 2010; and with Julius, Murchison Bay, November 10, 2010.

[22] Human Rights Watch interview with Gerald, Kampala, June 24, 2010.

[23] Human Rights Watch interview with Stephen, Kampala, June 24, 2010.

[24] Human Rights Watch interview with Donald, Mbarara Main, February 23, 2010.

[25] Emmanuel Mulondo, " VCCU Man Arrested On Torture Charges" *New Vision*, May 3, 2004.

[26] Names of RRU operatives charged in courts of law since 2005, provided by RRU Commander Joel Aguma, On file with Human Rights Watch.

[27] Amnesty International, "Detainees Tortured During Incommunicado Detention," AI Index: AFR 59/006/2007, September 14, 2007, http://www.amnesty.org.au/news/comments/3117/ (accessed September 6, 2010).

A representative of the Uganda Human Rights Commission said at the time, "This is the group that taints the name of the regular police force because most of the torture takes place in VCCU." VCCU head David Magara urged the commission to conduct its own investigations.[28]

Rapid Response Unit (RRU)

In July 2007, police announced that despite its reputation, VCCU would be converted into Rapid Response Unit (RRU).[29] It would be one of three new units in the Criminal Investigations Directorate (CID), along with Crime Intelligence and Crime Investigations.[30] According to news reports, RRU was to respond urgently to crime scenes. It would also have a broader role in crime control, targeting armed robbers, and responding to general crime.[31]

However, in 2009 the Ministry of Public Service indicated in an official report on police structures that RRU "is an emergency unit set up to curb violent crime, track and arrest violent crime offenders."[32] The precise mandate of RRU remains unclear in practice. Since 2007, media reports have documented RRU agents carrying out numerous and varied tasks including patrolling during by-elections;[33] arresting journalists for covering specific stories;[34] investigating financial fraud;[35] counterfeiting;[36] impersonation;[37] stealing vehicles, money,

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[28] David Magara was quoted as saying, "Is that information on evidence? Have the people who have supplied that information to you visited us and do they have evidence? You investigate for yourself and make your independent findings." Solomon Muyita, "Army Leads in Torturing," *Monitor*, July 21, 2007. The UHRC continues to include abuses by RRU in its annual reporting.

[29] Simon Kasyate, "Kayihura Undergoes Massive Overhaul," *Monitor*, July 1, 2007.

[30] The Crime Intelligence Unit would be charged with studying crime trends and making projections. The Crime Investigations Unit would continue with the CID's traditional investigative role. Simon Kasyate, "Kayihura Undergoes Massive Overhaul," *Monitor*, July 1, 2007.

[31] Andrew Bagala, "VCCU Renamed, Gets Wider Role," *Monitor*, September 25, 2007.

[32] Ministry of Public Service, "A report on the approved structure of the Uganda Police Force," March 2009, on file with Human Rights Watch. The document further explains that RRU's "key functions" are to: "Develop plans, strategies, policies and guidelines for effective management of hard core criminals in the whole country; Plans and implements operations against hardcore criminals in the whole country; Trace and apprehend well-known criminals who are still at large; Liaise with other security agencies and other stakeholders within and outside Uganda for purposes of tracing and apprehending hard core criminals; Compile case files and complete investigations of the violent suspects; Promote and ensure reduction of violent crime in the country by keeping vigilance surveillance on RRU suspects released from prisons; Assist police in curbing crimes which include but are not limited to burglaries, street mugging, mobile phone grabbing and theft of motorcycles and vehicles; Develop and build the human and non human capacity of the unit to handle hard core criminals."

[33] In Mbale in February 2010, RRU reportedly harassed opposition supporters from the Forum for Democratic Change (FDC) party during by-elections. Wafula Oguttu and Ofwono Opondo, "Is the Mbale Election Result a Reflection of FDC Strength or NRM Internal Weaknesses?" *New Vision*, February 20, 2010

[34] Andrew Bagala, "Police Search Bank over Missing 900 million UGS," *Monitor*, October 15, 2009.

[35] Herbert Ssempogo, "Two Held Over Fraud," *Monitor*, July 23, 2009; Eddie Ssejjoba, "Suspected Impersonator Faints at Press Conference," *New Vision*, June 7, 2009; and Luke Kagiri, "Mityana Police Arrest Suspected Conmen," *New Vision*, April 20, 2009.

[36] Pascal Kwesiga, "Three Arrested Over Fake Notes in Masindi," *New Vision*, June 30, 2010; and David Kazungu, "Police Impound a Million Fake Dollars," *Monitor*, September 30, 2009.

[37] Eddie Ssejjoba, "Kayihura Impostor Still in Police Custody," *The New Vision*, April 14, 2009; and Francis Kagolo, "Saleh Impostor Arrested," *New Vision*, November 8, 2008.

livestock, and fuel—all without allegations that suspects were carrying weapons;[38] as well as instances of issuing fake checks,[39] stealing from empty hotel rooms prior to the 2007 Commonwealth Heads of Government Meeting in Kampala,[40] and cases of alleged terrorism.[41]

Once again, the unit's name change did not significantly alter its pattern of abuses, and at least some Wembley and VCCU personnel transitioned to RRU. Human Rights Watch interviewed five people who said they worked for Wembley, VCCU, and RRU, all of whom confirmed that changes in name did not constitute a substantial shift in personnel.[42] One former Wembley operative said that his experience was typical; after serving in Wembley and VCCU with no training at all, in 2007 he was given two months of training in law enforcement and was made a special police constable and then continued on with RRU.[43] Knowledgeable sources indicate that currently roughly 25 original Wembley operatives are still employed at RRU.[44] Human Rights Watch found no evidence that police authorities vetted current RRU personnel to assess whether they had been implicated in past abuses before recruiting them into the unit.[45] In September 2007, a Uganda Human Rights Commission report stated that the VCCU/RRU topped its list of human rights violators, stating that, "Torture is common among suspects detained by VCCU/Rapid response unit (RRU), who bore marks consistent with torture."[46] In 2009, the commission again noted that it continued to receive reports of torture by RRU.[47]

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[38] Obed K. Katureebe, "National Forestry Authority Chokes Under Gross Corruption," *Observer*, November 25, 2009; Dradenya Amazia, "15 Stolen Vehicles Recovered," *New Vision*, November 12, 2009; Robert Mwanje and Faridah Kulabako, "Security Officials Beat Worshipers," *Monitor*, August 12, 2009; and Uwera Runyambo and Robert Muhereza, "Injured Suspect Now at Mulago," *Monitor*, July 30, 2009.

[39] Patrick Jaramogi, "Tycoon Ezra Escapes in Police Car Chase," *New Vision*, October 19, 2010.

[40] Zurah Nakabugo, "41 Arrested in Police Raid On City Lodges," *Monitor*, August 17, 2007.

[41] "Uganda: Kenyan Activists at Risk of Torture," Human Rights Watch news release, September 17, 2010, http://www.hrw.org/node/93131.

[42] In 2009, the Inspector General of Police terminated the services of 16 former Wembley operatives who had been employed in VCCU and RRU without explanation. Two active members of the military were ordered back to their military units. Orders from the inspector general of police, dated October 16, 2009 (On file with Human Rights Watch).

[43] Human Rights Watch interviews with current and former Wembley/VCCU/RRU employees, Kampala, August 25, 2010.

[44] Human Rights Watch interview, Kampala, February 22, 2011.

[45] Human Rights Watch interviews with current and former Wembley/VCCU/RRU employees, Kampala, August 25, November 13, November 14, and December 20, 2010.

[46] Solomon Muyita, "Army Leads in Torturing," *Monitor*, July 21, 2007; Mercy Nalugo and Solomon Mutiya, "Rights Bodies Want MPs to Criminalise Torture," *Monitor*, September 20, 2007.

[47] Solomon Muyita and Pauline Kairu, "UHRC Orders Closure of Prisons in Eastern Uganda," *Monitor*, June 27, 2009. The article notes that the Uganda Human Rights Commission "accused the Police force particularly the Rapid Response Unit (RRU) of administering 41.6 per cent of the claimed torture…."

In October 2009, the inspector general of police, Major General Kale Kayihura, reportedly dismissed around 50 officers from RRU, including its top three commanders. There was no explanation as to why these specific officers warranted termination, and it is not clear that their conduct in operations was a factor.[48] Kayihura also removed the new RRU chief, who had only been in office for seven months, and his two deputies. According to media, they were removed after President Museveni rebuked them for detaining a suspect for 10 days without charge in a highly publicized case involving a government official.[49] Magara was reappointed and then replaced by a new commander who again remained for less than one year. On November 18, 2010, the police chief appointed yet another police commander, Joel Aguma, to lead the unit.[50] Aguma has committed to making reforms to address and curtail abuses.[51]

According to several well-placed individuals interviewed for this report, the continuation of abuses despite these leadership changes is likely due to the fact that RRU is, at its core, run by some who operate outside the law and are either active military or former Wembley operatives specifically tasked to ensure they get confessions by any means necessary. Other personnel maintain close personal ties and direct access to senior officials within the government and security forces.[52] These individuals can circumvent command hierarchy, take orders on an ad hoc basis, and enjoy protection from scrutiny or investigations when it is politically expedient.

Criminal suspects arrested by regular police are sometimes told they will be taken to RRU's headquarters in Kireka if they do not confess—a sign that RRU's notorious reputation for abuse is hardly a source of shame among police. In popular vernacular in Uganda and amongst current and former suspects interviewed by Human Rights Watch, the term "Wembley" still refers to RRU, indicating a popular understanding that the tough-on-crime, shoot-to-kill reputation of Operation Wembley lives on in the unit. This popular

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[48] Andrew Bagala and Emmanuel Gyezaho, "Police Crack Unit Disbanded," *Monitor*, October 19, 2009. Some sources indicate that the removal of at least 19 of the RRU officers was related to disagreements over loyalty between former commander David Magara and subsequent commander Emmanuel Muhairwe.

[49] Juliet Akankwasa, the wife of National Forestry Authority (NFA) head Damian Akankwasa, was detained for allegedly stealing 900 million Ugandan shillings (approximately US$450,000) from her husband. Her lawyer challenged her detention for over one week without charge. She stated that she made an alleged confession at the Rapid Response Unit headquarters under duress. She accused police detectives led by Dickson Byona of keeping her under illegal detention and threatening her with electrocution and extraction of her fingernails. Andrew Bagala and Emmanuel Gyezaho, "Police Crack Unit Disbanded," *Monitor*, October 19, 2009.

[50] Police Chief Appoints New RRU Boss, *The New Vision,* November 18, 2010.

[51] Human Rights Watch interview with Commander Joel Aguma, January 24, 2011.

[52] Human Rights Watch interviews with Ugandan journalist, August 24, 2010; and with Internal Security Organisation agent, November 29, 2010.

understanding appears, to some extent, to be well-founded. According to one intelligence agent who has worked in conjunction with RRU:

> Since Wembley [in 2002], little has really changed there. It is the same people doing the same things. They just keep changing the name and bringing in new commanders, but those new police commanders never have the power to change the problems there. Those Wembley guys still run the place.[53]

[53] Human Rights Watch interview with ISO agent, November 29, 2010.

II. Applicable International and National Law

Uganda is a party to a number of international and regional treaties that impose legal obligations on Uganda regarding the conduct of law enforcement personnel and treatment of detainees. These include the International Covenant on Civil and Political Rights (ICCPR),[54] the United Nations Convention Against Torture and Other Inhuman or Degrading Treatment or Punishment (Convention against Torture),[55] and the African Charter on Human and People's Rights (ACHPR).[56] The rights that these treaties protect include the absolute prohibition on use of torture or other forms of inhuman or degrading treatment on any detainee, the right of detainees to be held in humane conditions and treated with dignity, the right to liberty and security, which includes a prohibition on arbitrary detention, and the right to due process and a fair trial.

Various instruments further elaborate the standards with which Uganda is expected to comply as a party to these treaties. These include the Standard Minimum Rules for the Treatment of Prisoners,[57] Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment,[58] Basic Principles on the Use of Force and Firearms by Law Enforcement Officials,[59] the UN Basic Principles on the Role of Lawyers,[60] the UN Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[61] and African Union Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa.[62]

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[54] International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1996, G.A. Res. 2200A (XX1), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976, acceded to by Uganda June 21, 1995.

[55] Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture), adopted December 10, 1984, G.A. res. 39/46, annex, 39 U.N. GAOR Supp. (No. 51) at 197, U.N. Doc. A/39/51 (1984), entered into force June 26, 1987. The UK ratified the Convention against Torture in 1988, ratified by Uganda, November, 3, 1986.

[56] African [Banjul] Charter on Human and Peoples' Rights, adopted June 27, 1981, OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), entered into force October 21, 1986, ratified by Uganda May 10, 1986.

[57] Standard Minimum Rules for the Treatment of Prisoners, adopted Aug. 30, 1955, by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, U.N. Doc. A/CONF/611, annex I, E.S.C. res. 663C, 24 U.N. ESCOR Supp. (No. 1) at 11, U.N. Doc. E/3048 (1957), amended E.S.C. res. 2076, 62 U.N. ESCOR Supp. (No. 1) at 35, U.N. Doc. E/5988 (1977).

[58] G.A. res. 43/173, annex, 43 U.N. GAOR Supp. (No. 49) at 298, U.N. Doc. A/43/49 (1988).

[59] Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, 1990.

[60] Basic Principles on the Role of Lawyers, adopted at the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, U.N. Doc.A/CONF.144/28/Rev.1 at 118 (1990).

[61] Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Punishment ("Istanbul Protocol"), August 9, 1999.

[62] African Commission on Human & Peoples' Rights, "Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa," DOC/OS(XXX)247, 2001, http://www.achpr.org/english/declarations/Guidelines_Trial_en.html (accessed February 21, 2011).

Court decisions reinforce these core rights, which are also incorporated into, and reflected in, Uganda's Constitution. For example, under the constitution, a criminal suspect must be kept in a place that is authorized by law.[63] The accused person is not to be subject to torture or cruel, inhuman or degrading treatment, although torture is not currently criminalized in law.[64] There are references to the prohibition of torture in various laws, such as the Anti-Terrorism Act. However, despite evidence that torture has occurred during interrogations of terrorism suspects, there has never been a prosecution for torture under this provision.[65] According to the director of public prosecutions, Richard Buteera, perpetrators of torture can be charged with grievous bodily harm or assault as defined in the Penal Code, although this has rarely occurred.[66]

In 2005 the UN Committee Against Torture (CAT) called on the government to amend the domestic criminal law in accordance with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture),[67] to which Uganda is a party. In July 2010 the government finally tabled a bill in parliament that would introduce these changes. The bill is still pending.[68]

An accused person also has a constitutional right to be informed of the reason for his or her arrest and detention, and of the right to a lawyer.[69] Within 48 hours of arrest or detention, a suspect must be brought before a court to be charged with a crime.[70] For serious offenses tried before the High Court, the state must provide legal representation in courts, though it is not specifically stipulated when in the process that right must adhere.[71] In practice, state-

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[63] Constitution of the Republic of Uganda, 1995, art. 23(2).

[64] Ibid., art. 24.

[65] Ibid. The Anti-Terrorism Act specifically states that an officer "who engages in torture, inhuman and degrading treatment, illegal detention or intentionally causes harm or loss to property, commits an offence and is liable, on conviction, to imprisonment not exceeding five years or a fine … or both." Anti-Terrorism Act, art. 17 (4). Human Rights Watch is not aware of any prosecutions of individuals under this article of the Act. For more, see Human Rights Watch, Open Secret: Torture and illegal detention by the Joint Anti Terrorism Task Force in Uganda. April 2009.

[66] Human Rights Watch interview with director of public prosecutions, Richard Buteera, January 20, 2009.

[67] Conclusions and recommendations of the Committee against Torture: Uganda. "Consideration of Reports submitted by State parties under Article 19 of the Convention", Art. 10 (a), June 21, 2005. CAT/C/CR/34/UGA, http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CAT.C.CR.34.UGA.En?Opendocument.

[68] Website of the Parliament of Uganda, "Parliament of Uganda eNewsletter," Vol. 4 Issue No. 5, July 5, 2010 - July 9, 2010, available at http://www.parliament.go.ug/enewsletter/index.php/home/view/78/.

[69] Constitution of the Republic of Uganda, art. 23(3).

[70] Ibid., art. 23(4).

[71] Ibid., art. 28(3)(e). Human Rights Watch interviews with criminal lawyers, Kampala, January 15 and 16, 2009.

paid attorneys are not provided until the case is actually at trial, despite the fact that an accused person will normally have spent well over two—and sometimes several—years in detention by that time.[72] Detainees are also entitled to have access to family members, a lawyer, and a doctor and medical treatment.[73] A detainee's family must be informed of the detention at the request of the person in custody.[74]

The Ugandan Constitution also provides for a right to bail. The Supreme Court affirmed a constitutional right to bail in 2009 for all civilians, whether before military or civilian courts.[75] In practice, accused persons are rarely released on bail. Instead, in the civilian court system, defendants are detained for an indeterminate period of time until the case is sent—referred to locally as being "committed"—to the High Court for trial.[76] This delay is partly due to the huge backlog of cases in the courts, but also gives the prosecution time to fully investigate the case against the accused. In practice defendants accused of serious crimes are prevented from exercising their right to bail during the investigative stage—which usually lasts for at least six months—because they are brought periodically before a magistrate's court, which does not have jurisdiction over the case, and so cannot hear a bail application.[77]

If a detainee can afford a private lawyer, he or she can apply for bail before the High Court—an option that is prohibitively expensive for most defendants. The court is obliged to grant bail on reasonable conditions for persons held beyond the six months, although this is also

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[72] A 2007 census of Ugandan Prisons indicated that the average length of stay on remand for the entire trial (from date of admission to date of case disposal) was 30.3 months for capital offences. The Republic of Uganda Justice Law and Order Sector, "Census of Prisoners in 48 Central Government Prisons," 2007, http://www.prisons.go.ug/publications/Prisoners%20census-2007.pdf (accessed December 17, 2010).The U.S. State Department reports that judicial case backlogs contribute to pre-trial detentions between two and three years, and sometimes as long as seven years in Uganda. U.S. Department of State, "2009 Human Rights Report: Uganda," 2010, http://www.state.gov/g/drl/rls/hrrpt/2009/af/135982.htm (accessed December 17, 2010). Human Rights Watch is aware of at least four individuals who were arrested by Operation Wembley in 2002 and whose trial is still not concluded, meaning that they have been on remand for eight years.

[73] Constitution of the Republic of Uganda, art. 23(5)(b) and (c).

[74] Ibid., art. 23(5)(a).

[75] *Attorney General v. Tumushabe*, Constitutional Appeal Number 3 of 2005. The court ruled that the General Court Martial is not exempt from the constitutional requirement to comply with the provisions on entitlements to bail. The case was brought by 27 individuals suspected to be members of the Peoples Redemption Army (PRA), a Congo-based rebel group charged with treason by the general court martial. For more than two years, the military refused to obey High Court orders for the suspects to be granted bail and access to their lawyers or families. By the time the Supreme Court issued its ruling, many of the suspects had already applied for amnesty.

[76] The Magistrates Court Act sets out the actions which must occur after a person is charged with certain capital crimes which must be tried in High Court. In particular, the Director of Public Prosecutions (DPP) must provide the magistrate's court with an indictment and a summary of the case in order to commit a case to the High Court. Magistrates Court Act of 1971, sec. 168. The Trial on Indictments Act does not allow a person accused of a criminal offence triable by the High Court to be produced in the High Court unless and until such person has been committed for trial by the DPP. Trial on Indictments Act of 1971, sec. 1. Due to the criminal process's dependency upon the speed of the DPP's actions, prisoners can continue on remand without any statutorily defined time limitations.

[77] A person also cannot plea before the magistrates court if the High Court has jurisdiction over the case.

not always the case in practice.[78] Access to bail is also very difficult when suspects come before the military court. Military defense lawyers have never met their clients until just before a hearing, rarely consult their clients, and therefore are unlikely to raise matters at their client's request.[79]

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[78] Article 23(6) as amended by the Constitution of the Republic of Uganda (Amendment) Act 11/2005 provides:

(6) where a person is arrested in respect of a criminal offence –

(a) the person is *entitled to apply* to the court to be released on bail and the court may grant that person bail on such conditions as the court considers reasonable;

(b) in the case of an offence which is triable by the High Court as well as by a subordinate court, if that person has been remanded in custody in respect of the offence for *sixty days* before trial, that person *shall* be released on bail on such conditions as the court considers reasonable

(c) in the case of an offence triable only by the High Court, if that person has been remanded in custody for *one hundred and eighty days* before the case is committed to the High Court, that person *shall* be released on bail on such conditions as the court considers reasonable.

Before the constitutional amendment, (b) and (c) stated 120 and 360 respectively as the number of days that must pass before a person is entitled to bail. *See also Uganda v. Besigye*, Constitutional Court of Uganda at Kampala, Constitutional Reference No. 20 of 2005, September 25, 2006.

[79] Human Rights Watch interview with military court official, Kampala, December 15, 2010. Human Rights Watch interview with Anthony, Kampala, Nov. 19, 2009 and June 21, 2010. Human Rights Watch interview with Arnold, Kampala, November 20, 2009. Human Rights Watch interview with Arthur, Kampala, November 20, 2009. Human Rights Watch interview with Roger, Kampala, November 20, 2009. Human Rights Watch interview with Brian, Kampala, November 20, 2009. Human Rights Watch interview with Christopher, Mbarara Main, February 23, 2010.

III. RRU Abuses

The beatings started at 9 a.m. and went until 3 p.m. That RRU man got out a baton and beat me in the knee joints. He asked me to tell him where my boss is, saying that we rob together. He beat my joints for hours. I was seated and handcuffed. When he was not satisfied with my answers, he took a hammer and hit me on my back with it. He hit me on my backbone, from the bottom up to my shoulders. I said that the other man was a thief because I was in so much pain. He said, "If you don't tell the truth, I'll kill you....If you don't admit you know this man, we'll kill you."

Later, they tied us again, and told us to hold our hands under our thighs, and handcuffed us, bent over. There was a pole behind the house. That's where we were tied. It was between our legs; the pole was between our legs, and our arms were underneath. We couldn't move, but we sat on the ground. They used batons to beat us on the wrists, shoulders, elbows, and knees. They were beating us one person at a time. One man they called "Commander" pointed his pistol at me and ordered another one to beat me on the joints. I still have marks from the beating. Two guys were beating me....When one got tired, the other continued. Seven days after being beaten, when I was recovering, I was taken to the office for a statement. A man brought out a baton.... He said, "Tell me how you stole, what you stole." He beat me, so I said, "We got it from where the person was shot dead." He told me to make a statement and to admit at court. Because I was tired and scared, I said OK. He beat me four times in the process of writing my statement. They forced me to accept everything. At court, I denied the charges.

—Former RRU detainee, charged with murder, aggravated robbery, and unlawful possession of a firearm, on remand for two months at time of interview, Kampala, June 25, 2010.

Extrajudicial Killings

Human Rights Watch has obtained information on some cases in which RRU personnel have been implicated in extrajudicial killings. An extrajudicial killing is a deliberate unlawful killing by security forces. The practice of extrajudicial killings violate basic human rights, including the right to life, the right to liberty and security of the person, the right to a fair and

public trial, as well as the prohibition on torture and cruel, inhuman, and degrading treatment or punishment.[80]

Abusive behavior by security forces persists when perpetrators are not held accountable for their actions. Eliminating abusive actions requires more than new policies and senior officials committed to reform; it requires that would-be perpetrators know that they will go to prison and their careers will end if they order or participate in abuses such as torture and extrajudicial killings. Given the long history of abuse of detainees by Operation Wembley, VCCU and now RRU, the police must pay specific attention to this unit, hold perpetrators accountable, and end the long standing practices that have led to deaths in custody.

It is not known how many suspects may have died in RRU custody since it officially came under police control in 2007. Reports of killings have occasionally surfaced in the press. Family members of suspects, fearful of reprisals by security operatives, rarely seek information regarding the whereabouts of those arrested by RRU and may believe the person is in prison or detained elsewhere, such as military barracks.

The Killing of Frank Ssekanjako

In August 2010, RRU officers allegedly brutally beat to death Frank Ssekanjako, a 22-year-old robbery suspect from Wakiso district in Central Uganda.

On the evening of Friday, August 20, 2010, eyewitnesses saw police officers affiliated with Kabalagala police post arrest Ssekanjako and others for alleged robbery. Earlier that day, robbers had broken into the house of an affluent woman in Makindye, Kampala, held machetes to her guard's neck, and allegedly stole some property and money. Local police and the local community chairman questioned several people, including Ssekanjako, who was renting a room near the crime scene. On Sunday, some suspects were released on police bond. Eyewitnesses who saw Ssekanjako and his co-accused in detention that day described them as being in good health and spirits, and though concerned about the allegations against them, hopeful the matter would be resolved quickly.[81]

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[80] Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, A/HRC/14/24 May 20, 2010, http://www2.ohchr.org/english/issues/executions/annual.htm (accessed December 17, 2010). See especially, "Killings by Law Enforcement Officials or Other Security Forces," para. 30.

[81] Human Rights Watch interview with eyewitness 3, November 29, 2010.

On August 23, two RRU officers and an RRU driver were sent to Kabalagala police station to collect two of the suspects.[82] The RRU officers maintain that someone affiliated with the Presidential Guard Brigade had called the RRU deputy commander, requesting intervention and support.[83] The RRU deputy commander then ordered the three to recover the stolen property by collecting Ssekanjako and his co-accused from police custody. The officers drove Ssekanjako and his co-accused to the location of the robbery. RRU officers who collected Ssekanjako told Human Rights Watch that he complained of stomach pain while in the car, so they took him to the hospital where he died a few minutes later.[84]

This explanation is inconsistent with multiple eyewitness accounts and the official post-mortem report. Eyewitnesses described in stark detail how Ssekanjako and co-accused were brought back to the scene of the alleged robbery by the two RRU officers and their driver and beaten severely for over an hour with plastic pipes and a large wooden club, known locally as an *entolima*.[85] At one point, when Ssekanjako was hit repeatedly on the head and blood flowed from wounds on his ankles, knees and flanks, he said, "Why don't you shoot me, so I die?" This angered the officers, who responded by separating Ssekanjako from the others by some distance, saying, "You want to die with a bullet? No, you will die of beatings." The beatings continued.[86]

Eventually, Ssekanjako stopped making any noise, his eyes were wide open and he could not move or walk.[87] Eyewitnesses said that they suspected that he was dead.[88] This prompted one of the co-accused to admit to the robbery in order to stop the beatings. Officers dragged the suspects to the car, but allegedly protested to the family of the woman who owned the house, and who witnessed the physical state of the three suspects, that they did not have money for petrol. Two eyewitnesses told Human Rights Watch those family members handed RRU officers money, with the bleeding suspects still slumped in the dirt by the car.[89] Eventually RRU officers dropped other suspects at Kabalagala police station to give statements, and took Ssekanjako to Mulago hospital, where he was later pronounced dead.

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[82] Police register at Kabalagala police station.

[83] Human Rights Watch interview with detained RRU officers, November 12, 2010.

[84] Ibid.

[85] Human Rights Watch interview with eyewitness 1, November 29, 2010 and eyewitness 2, December 3, 2010.

[86] Human Rights Watch interview with eyewitness 1, November 29, 2010.

[87] Human Rights Watch interview with eyewitness 1, November 29, 2010 and eyewitness 2, December 3, 2010.

[88] Ibid.

[89] Human Rights Watch interview with eyewitness 1, November 29, 2010 and and eyewitness 2, December 3, 2010. One reported that the amount was 20,000 UGS (US$10) the other said that each officer was given 50,000 UGS (US$25).

The post-mortem report indicates that Ssekanjako had "eight puncture abrasions on the right foot, six linear tramline bruising on the back associated with linear abrasions, swollen right shoulder, diffuse bruising of the right and left upper arms, three linear abrasions over the left thigh, an abrasion 4 x 1 cm over the left elbow, multiple bruising of the left flank, injuries are fresh."[90] No cause of death was determined.

Police eventually arrested two RRU personnel, Muhammad Kavuma and Ramhadhan Dhikusoka. According to media reports, a third RRU officer, Hussein Dhikusoka (no relation) briefly evaded arrest after allegedly telling health workers that an angry mob had killed Ssekanjako.[91]

The three are under arrest and currently awaiting trial, although police have yet to collect significant evidence related to the case.[92] Three suspects were severely beaten that day and yet police have not helped them all to complete paperwork to certify their physical state after the torture. One has never made a statement to police regarding what occurred and he told Human Rights Watch he feared to interact further with police because of his sever beating that day. Multiple people in the community witnessed the events that day, heard the suspects screaming, and have valuable evidence that place the officers at the scene. The woman who owns the house that was robbed and was at the scene of the beatings was briefly detained and is now free on police bond. Community members indicate that she has now left the country, making it unlikely that she will be prosecuted for events that day, or that she will even testify as a witness to what occurred. Furthermore, no one has been charged for the household robbery that precipitated the original arrests.

Ssekanjako's family has also faced numerous challenges and intimidation in pushing the police to investigate and take action. On the day of Ssekanjako's burial, police gave the family "compensation" in the form of fuel for transport of the body, 500,000 Uganda shillings (US$230) cash, and some food. Later, after family members reported the death to a newspaper, they received phone calls from police saying that Ssekanjako was a thief and that family members should not return to the police. His brother told Human Rights Watch:

> Police told me, 'Despite what we did for you, you keep complaining. We don't want to see you again. Every police officer here is waiting for you if you return

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[90] Post-mortem report of Frank Ssekanjako, examination performed August 24, 2010, signed by Dr. Sylvester Onzvuua. A "tramline" injury is "typical of a blow from a linear blunt object." Margaret Stark, *Clinical Forensic Medicine: A Physician's Guide*, Humana Press, p. 339.

[91] Chris Kiwawulo, "Suspect on the Run," *New Vision*, August 28, 2010.

[92] "Two Cops in Jail Over Death of Suspect," *New Vision*, August 25, 2010.

> here. Don't come back.' I took that as a threat. It made me feel that the police thought that my brother deserved to die.[93]

Police have also failed to give the family information, documents, or medical evidence related to Ssekanjako's death. The family submitted multiple requests before receiving a copy of the post-mortem and death certificate, and has never received copies of photos that police took of his body. Police doctors have yet to officially determine the cause of Ssekanjako's death, and toxicology and histological tests have still not been completed because doctors at the mortuary claim they could not afford the chemicals needed to run the tests—even though Ssekanjako's family gave them 80,000 Uganda shillings ($40) to buy materials.[94]

Ssekanjako's brother told Human Rights Watch:

> I feel assured that the officers were arrested, but police have been so hard to work with. I get suspicious because police are so uncooperative at each step. Either the police were negligent or they were purposefully trying to kill [Ssekanjako], but my mother has a right to know what happened. You go to police and expect vigilance and instead get violence.[95]

Ssekanjako's death also illustrates that RRU becomes involved in alleged criminal investigations for reasons that are not evident. In this instance, police had shown willingness to investigate the alleged robbery and take action by making arrests and detaining suspects in Kabalagala police station. No one, including the regular police or the RRU personnel, has claimed that a gun was involved in the robbery, the usual basis for RRU involvement.

Ssekanjako's death is unique in that his family actively pursued investigations, could afford the cost of the logistics to follow the matter up and complained to journalists and officials, despite multiple obstacles. The case, if well-handled, could be the first in which RRU officers are ultimately held accountable for murder of a suspect and act as a potential deterrent to others in the unit. If poorly handled, this case might well discourage victims of crime from coming forward and further embolden RRU.[96]

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[93] Human Rights Watch interview of brother of Frank Ssekanjako, August 26, 2010.

[94] Ibid.

[95] Human Rights Watch interview of brother of Frank Ssekanjako, November 25, 2010.

[96] Note that most of the eyewitnesses in this account have not been interviewed by police who appear to have made minimal investigations in this case, despite having arrested the officers for the murder.

The Killing of Henry Bakasamba

In May 2010, media reported that RRU beat Henry Bakasamba during questioning about the theft of 80 million Ugandan Shillings [$34,000] from a foreign exchange bureau and that he subsequently died at Kireka from his injuries.[97] According to eyewitnesses at the crime scene, Bakasamba was initially arrested by "informants," people who work with police but are not members of the police force themselves.[98] Two employees of the exchange bureau were also arrested after allegedly being implicated by Bakasamba. All three were taken to Central Police Station in Kampala, and from there to Kireka. One eyewitness told Human Rights Watch he saw Bakasamba in RRU custody, his hands and feet shackled to a pole, being repeatedly beaten on the joints. Other detainees later saw Bakasamba taken into a room for interrogation. One told Human Rights Watch that, an hour later, "I heard people outside saying that the man had died. I was very scared that I would be killed too but we didn't know what to do."[99]

The Uganda Human Rights Commission said it was investigating the death.[100] According to media reports, police arrested two police officers who were detained in Nsambya police barracks: three other RRU agents allegedly evaded arrest. It is not clear if anyone was ever charged in this case. Human Rights Watch could not find any names in prison records that media had mentioned, and a summary of RRU officers charged in courts of law that police provided Human Rights Watch did not include mention of this case. Police did not reply to Human Rights Watch's question posed in a letter to the inspector general of police regarding police action taken in regards to Bakasamba's death.

After Bakasamba's death, other suspects in the case were released on police bond. No one was ever charged in the robbery of the money from the exchange bureau and no money was ever returned to the owners. One source within government with knowledge of this case told Human Rights Watch that it had been mishandled by police who sought to cover up RRU's involvement in the death. A police officer who had also looked into the incident told Human Rights Watch he believed that Bakasamba had become a liability for police, including some RRU officers, who had stolen money they had recovered from his robberies. Since police considered Bakasamba to be a "hardcore criminal" and a "thief for hire," the police officer said it was possible that he had been beating severely to keep him silent.[101]

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[97] Herbert Ssempogo, "RRU Officers Held Over Killing Suspect," *New Vision*, May 17, 2010. "Rights Body to Investigate Death in Police Custody," *New Vision*, May 18, 2010. Herbert Ssempogo, "Suspect Dies in Police Custody," *New Vision*, May 16, 2010.

[98] Human Rights Watch interview with multiple eyewitness, December 22, 2010.

[99] Ibid.

[100] "Rights Body to Investigate Death in Police Custody," *New Vision*, May 18, 2010.

[101] Human Rights Watch interview with police officer, December 13, 2010.

The Killings in Kyengera

In January 2010, at least four people were shot dead in public on the Masaka Road in Kyengera, outside Kampala.[102] Police sources told media that the men— later identified by police as James Angulu, Jude Oceli, retired Lieutenant Kiiza, and retired Warrant Officer Musanje—were attempting to rob a supermarket and were being tailed by plain clothes RRU operatives. Cornered, the men shot at the officers who returned fire.[103] Multiple eyewitnesses who spoke to Human Rights Watch and media contradict that version of events, but no investigations into these killings have taken place.[104]

Since the incident occurred in the evening on a busy roadway, there were many eyewitnesses. One man, who runs a shop nearby, told Human Rights Watch:

> I saw a vehicle coming from the direction of Kampala, and I saw a man near me, shooting his gun at the vehicle, deflating the tires. When the four men jumped out of the car, the man shot them all. I read in the papers later about an attempt to rob the market, but that's not true. There was no exchange of bullets. As soon as the guys came out, they were shot dead. Those policemen with guns quickly took away the dead bodies, and the towing vehicle came and took away the car. The whole circus didn't take much time.[105]

Other eyewitnesses corroborated the claim there was no exchange of gunfire. One Kyengera resident told Human Rights Watch:

> They were shot dead. Were these people attempting to rob the supermarket? No, no one should tell lies. They were being trailed and the chance to kill

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[102] Some sources claim more than four were killed in this incident. See Ire Roilson, "Seven Unarmed Civilians Executed At Kyengera –Natete," *The Independent*, January 5, 2010.

[103] Andrew Bagala and Martin Ssebuyiira, "Four Shot Dead in City Robbery," *The Daily Monitor*, January 4, 2010.

Steven Candia, "Kyengera Shooting Suspects Named," *The New Vision*, January 4, 2010.

[104] The numbers of those killed vary in the eyewitness accounts, but the lack of an exchange of gunfire is consistent. Andrew Bagala and Martin Ssebuyiira, "Four Shot Dead in City Robbery," *The Daily Monitor*, January 4, 2010. "[I]n a different account of events by residents, the suspects had accepted to surrender but the Police officers ordered them out of the car and shot them, a claim denied by the Police." Ire Roilson, "Seven Unarmed Civilians Executed At Kyengera –Natete," *The Independent*, January 5, 2010. The author was an eyewitness, who wrote, "[T]here was absolutely no exchange of fire. Those seven people were unarmed; they did not return fire; but they were surely executed on the streets, with their hands up in the air and some were kneeling on the tarmac with their hands up pleading for their lives. Why they were not arrested, but shot mercilessly allegedly by law enforcement agencies in civilian clothes, terrifies people here who are bracing for violence in the run up to elections in 2011. The security personnel surely could have arrested those people and taken them into custody. For reasons best known to them, perhaps according to their operational command, they chose to summarily kill, rather than let justice run its course if indeed the victims were in any way connected to some crime."

[105] Human Rights Watch interview with eyewitness in Kyengera, December 6, 2010.

> them was in front of the supermarket. This is a story that is well known among the people of Kyengera.[106]

One person quoted by the government-owned *New Vision* newspaper, stated, "One is presumed innocent until proven guilty. How could the police, who are in charge of keeping law and order, shoot at people without establishing whether they were guilty?"[107]

Police did not reply to Human Rights Watch's question posed in a letter to the inspector general of police regarding specific police action taken after this shooting.

Other Killings

Many other people who had at some time been held in RRU detention told Human Rights Watch they had witnessed fellow detainees die, but did not know the full names of those killed.

Three witnesses formerly detained by RRU who were interviewed individually, in different locations, all told Human Rights Watch that RRU officers in Kireka beat to death a detainee known only as "Okello" in May 2010.[108] According to one former detainee, Okello had been arrested for allegedly stealing money and was beaten severely over two days.

Other former detainees interviewed by Human Rights Watch alleged that at least six other detainees were also killed, but Human Rights Watch could not further corroborate the killings. One man said that he witnessed the extrajudicial killing of a co-detainee in Mabira forest in July 2009 while RRU officers were transferring him from Soroti military barracks.[109] He alleged that another RRU detainee died in 2009 after he sustained injuries while being sodomized with a gun.[110] Another former RRU detainee said he knew of a man who died as a result of severe beating in 2010.[111] Another also said he knew of a fellow detainee who had been beaten to death in 2010.[112] Yet another said she witnessed beatings that resulted in the

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[106] Human Rights Watch interview with eyewitness 2, December 6, 2010.

[107] Jude Kafuuma, "UPC Raps Cops On City Shootings," *The New Vision,* January 7, 2010.

[108] Human Rights Watch interview with James, Kampala, June 25, 2010. Human Rights Watch interview with Mohamed, Kampala, June 25, 2010. Human Rights Watch interview with Grace, Butuntumura, November 11, 2010.

[109] Human Rights Watch interview with Francis, Soroti, December 8, 2009.

[110] Ibid.

[111] Human Rights Watch interview with Simon, Kampala, June 21, 2010.

[112] Human Rights Watch interview with James, Kampala, June 25, 2010.

death of two other detainees in May 2010.[113] Former detainees also told Human Rights Watch of deaths at the hands of VCCU and Wembley agents.[114]

Torture

Nearly all the detainees experienced acts of violence when they were being arrested. They claimed that they were punched, kicked, hit with gun butts, and had guns pointed at them at close range or inserted in their mouths.[115]

Abuse continued once suspects were in custody. The aim of the interrogations was to extract information or confessions about robberies with particular emphasis on the whereabouts of firearms or money.[116] Interrogations accompanied by severe beatings took place in multiple locations, including during transportation between locations, at RRU headquarters in Kireka, and in uniports—temporary aluminum shelters—run by RRU but located within police compounds outside Kampala.

Of the 77 interviewees arrested by RRU, 60 said that RRU officers, constables, or informants beat or tortured them at some point during their custody. The most common form of torture was repetitive beating on the joints—knees, elbows, shoulders, ankles, and wrists—during several sessions over many days while handcuffed in stress positions. RRU personnel beat detainees with various objects, including batons, sticks, bats, wooden clubs, metal pipes, padlocks, glass soda bottles, and table legs. In three instances, detainees said they received electric shocks.[117]

Detainees interviewed in eastern, western, and central Uganda during more than a year of research described the same method of restraint and beatings during interrogations: suspects are frequently made to sit with their legs in front of them, bent at the knees, with

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[113] Human Rights Watch interview with Agnes, Butuntumura, November 11, 2010

[114] For example, one former Wembley detainee said that he saw four people die while he was held at Wembley offices in Clement Hill. Human Rights Watch interview with Geoffrey, Kampala, June 24, 2010.

[115] Human Rights Watch interview with detainees, Kampala, Mbarara, November 2009, February 2010, June 2010. Human Rights Watch trial observations, Makindye General Court Martial, September 21, 2010.

[116] Civilians who wish to own a gun must apply to the Ministry of Internal Affairs for a firearms certificate. The police complete a background check to assess criminal, mental, and addiction records. Applicants must demonstrate a genuine reason for owning a firearm, be at least 25 years of age, and have competency in handling the firearm. If the applicant qualifies, the Ministry may then issue a certificate which must be re-applied for and renewed every year. See Firearms Act of 1970, sec 3 and 4. The estimated number of civilians with guns in Uganda is about 400,000, but only 2,770 of them are registered. GunPolicy.org, "Uganda, Gun, Facts, Figures, and the Law," http://www.gunpolicy.org/firearms/region/Uganda (accessed Jan. 20, 2011).

[117] Human Rights Watch interview with John, Kampala, June 21, 2010. Human Rights Watch interview with William, Kampala, June 25, 2010. Human Rights Watch interview with Isaac, Kampala, June 25, 2010.

their hands handcuffed under their legs. Sometimes suspects are placed in this position around a pole. They are then beaten repeatedly on the joints. One former detained said:

> I saw many people being beaten in that position, where they tie your hands under your knees around the veranda pole. You can spend all day in that position. When you are inside, you can hear the crying of people throughout the building.[118]

Torture was frequently carried out on several detainees simultaneously, or within sight or earshot of others. In some instances, RRU operatives coordinated to take turns to beat suspects over the course of several days. There were usually two shifts for beatings, one in the morning and again at night.[119] A former RRU detainee who had been on remand for two-and-a-half years described torture he experienced in 2007:

> They tortured me several times. They would take me from my cell and take me behind the offices. Many would take part in torturing. There were five consecutive days of them beating me. At night, around 11 p.m., and in the morning, around 10 a.m. They tied cloth on my mouth and handcuffed me so that I wouldn't obstruct the beating or bring my hands down. My hands were tied up. They used broken timber that had four corners, like a table leg, to beat me.[120]

Victims of beatings said they had difficulty walking or lifting heavy objects, sometimes for many months, after the event.[121] One detainee who had been beaten three months earlier said, "They hit me in the chest, and I still have pain there and in my joints. Everything still hurts because the beatings were heavy and long."[122]

Three persons arrested in 2010 in western Uganda each said that an RRU operative who used electric shock on them during questioning went by the name "Amoni".[123] It is not clear if the

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[118] Human Rights Watch interview with Simon, Kampala, June 21, 2010.

[119] Human Rights Watch interview with Gideon, Kampala, June 24, 2010. Human Rights Watch interview with Geoffrey, Kampala, June 24, 2010.

[120] Human Rights Watch interview with Gideon, Kampala, June 24, 2010.

[121] Human Rights Watch interview with Roger, Kampala, November 20, 2009. Human Rights Watch interview with Simon, Kampala, June 21, 2010.

[122] Human Rights Watch interview with Jonathan, Kampala, June 21, 2010.

[123] Human Rights Watch interview with John, Kampala, June 21, 2010. Human Rights Watch interview with William, Kampala, June 25, 2010. Human Rights Watch interview with Isaac, Kampala, June 25, 2010.

name "Amoni" is a pseudonym.[124] One victim also said that "Amoni" used a hammer to strike his spine and a knife to cut his back.[125] Another individual in eastern Uganda who had been on remand for a year said that an RRU agent named Kizza cut his stomach and thighs with a knife. Human Rights Watch researchers saw scars on his body consistent with this account.[126]

Female detainees were not spared brutality. One woman, who was detained in Kireka for five months without charge, told Human Rights Watch that she witnessed eight women being tortured by RRU agents, who also forced needles under her fingernails during interrogations. She showed Human Rights Watch multiple black pin-like scars on her fingertips.

> I cannot recall the number of times they pierced my nails …. My nails were destroyed. They were black, swollen, and painful. The needles were inserted under the nail, on both my hands and feet. They pierced every nail.[127]

Forced Confessions

Detainees often alleged that RRU personnel forced them to admit to crimes or sign statements under duress while they were beaten or threatened with further violence. RRU personnel did not inform detainees of the contents of the statements or allow them to read them. If detainees questioned what they were signing, RRU personnel threatened or beat them further.[128] In one instance, RRU personnel promised a detainee that he would be released if he signed the statement.[129] Three detainees said they each signed several statements without knowing their contents.[130]

One suspect, having endured two days of serious beatings while being questioned, said that his interrogator forcibly applied his thumbprint to a statement.[131] Others said that the

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[124] Human Rights Watch interview with William, Kampala, June 25, 2010.

[125] Ibid.

[126] Ibid., Human Rights Watch interview with Gabriel, Mbale, December 9, 2009.

[127] Human Rights Watch interview with Grace, November 9, 2010.

[128] Human Rights Watch interview with Anthony, Kampala, June 21, 2010. Human Rights Watch interview with Gideon, Kampala, June 24, 2010.

[129] Human Rights Watch interview with Gideon, Kampala, June 24, 2010.

[130] Human Rights Watch interview with Jerome, Kampala, June 21, 2010. Human Rights Watch interview with Henry, Kampala, June 25, 2010. Human Rights Watch interview with Isaac, Kampala, June 25, 2010.

[131] Human Rights Watch interview with Gregory, Kampala, June 24, 2010.

interrogator would have his baton with him when he was writing up a statement so that he could coerce detainees into signing.[132] One man described his experience:

> I made a statement and was put in a car by [my interrogator] and taken to Kireka. He wrote the statement, and he said, "Sign here." He had a baton. I delayed in picking up the pen, and he hit me with the baton. I didn't write the statement, but I signed it. I don't know what's in the statement because I never read it, and he never read it to me.[133]

Two detainees suspected of robbery who had been tortured by RRU were brought to a local police station to make statements, but were so profoundly injured they could not sit up or hold a pen. A RRU operative told a female police officer to write the statements. One of the suspects told Human Rights Watch:

> [RRU operative] ordered [the policewoman] to make us sign the statement, but I couldn't hold the pen because of the beatings on my arms. The RRU man held my hand with the pen in it and scribbled something on the paper. I have no idea what was in the statement. I had lost sense by then. Finally, the RRU man went away. I fell down on the ground and so did [the other suspect]. There was confusion then. I heard the policewoman yell, 'Suspects are dying!'[134]

Police eventually took the two to Mulago hospital. One of the suspects left the hospital a day later, fearful that he would receive more beatings when he recovered. The other could not leave for several more days because of his injuries. In his medical records, seen by Human Rights Watch, the police surgeon lists 13 wounds varying in size from 2 x 2 centimeters, to a large wound on his upper arm more than 15 centimeters in length.[135] There was never any follow up on the robbery case and neither man was ever charged with a crime. It may be that the physical state of the suspects caused police to drop the investigation into the robbery.

During trials before military courts, Human Rights Watch witnessed that even when a defendant argued that his statement was made under RRU coercion, it was admitted into

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[132] Human Rights Watch interview with William, Kampala, June 25, 2010. Human Rights Watch interview with Isaac, Kampala, June 25, 2010.

[133] Human Rights Watch interview with Isaac, Kampala, June 25, 2010.

[134] Human Rights Watch interview with Moses, November 29, 2010.

[135] Medical records from Mulago hospital as seen by Human Rights Watch.

evidence.[136] During one trial, a defendant showed the court how he had been held in the stress position in a manner consistent with descriptions relayed to Human Rights Watch by other RRU suspects, and lifted his shirt and trouser legs to reveal scars.[137] However, the court ruled that there was "no evidence [that] the statement was not given voluntarily."[138] Under the Ugandan Evidence Act, admissions of guilt extracted by torture are to be considered irrelevant during trial.[139] However, the Evidence Act applies only to civilian courts and not to military courts, where the vast majority of RRU suspects are prosecuted.[140]

Illegal and Incommunicado Detention

All the detainees whom Human Rights Watch interviewed were not brought before a magistrate within the 48 hours mandated by the constitution. In most cases, they lacked access to family or lawyers, as prescribed by law.[141]

Under the constitution, all places of detention must be designated by an administrative act of the minister of internal affairs, and the locations of legal places of detention must be published in a government gazette.[142] Police argue that Kireka has been "gazetted," but have never furnished the gazette or any other evidence to support this assertion, despite multiple requests from Human Rights Watch for such information.[143] Some have argued that because Kireka is officially under the jurisdiction of the Criminal Investigations Department, it is now a regular police post and therefore can be a lawful place of detention for the 48 hours permitted by the constitution. Its status as a location of legal detention remains unclear.

Suspects repeatedly report being denied access to family members and attorneys during their detention in RRU's Kireka headquarters. As a party to the International Covenant on Civil and Political Rights (ICCPR) Uganda should ensure that everyone charged with a

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[136] Human Rights Watch trial observation, Makindye General Court Martial, September 21, 2010.

[137] Human Rights Watch trial observation, Makindye General Court Martial, September 28, 2010.

[138] Ibid.

[139] Evidence Act of 1909, sec. 24. "A confession made by an accused person is irrelevant if the making of the confession appears to the court, having regard to the state of mind of the accused person and to all the circumstances, to have been caused by any violence, force, threat, inducement or promise calculated in the opinion of the court to cause an untrue confession to be made."

[140] Evidence Act of 1909, sec. 1. "This Act shall apply to all judicial proceedings in or before the Supreme Court, the Court of Appeal, the High Court and all courts established under the Magistrates Courts Act, but not to affidavits presented to any court or officer nor to proceedings before an arbitrator."

[141] Uganda Constitution, art. 23(4).

[142] Ibid., art. 23(2).

[143] Human Rights Watch interview with Commander Joel Aguma and police, January 24, 2011.

criminal offense can exercise their right to defend themselves in person or through legal assistance, including in pre-trial detention. This is also set out in the UN Basic Principles on the Role of Lawyers which provides that "all arrested, detained or imprisoned persons shall be provided with adequate opportunities, time and facilities to be visited by and to communicate and consult with a lawyer, without delay, interception or censorship and in full confidentiality." The African Union Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa similarly provides that an arrested person shall have prompt access to a lawyer, and shall not be obliged to answer any questions or participate in any interrogation without his or her lawyer being present.[144]

One detainee who had been in custody for five months in Kireka said, "I am sad that I don't know how my people and place are doing. I have ten children and two wives. I don't know the life of my people now and I have no way to communicate to them."[145] A soldier testified during his trial that while he was detained Kireka, he asked RRU officers, "Let me call a lawyer and let my people know where I am." He added: "I refused to write a statement until I had a lawyer. They said, 'Here at RRU, we don't do that.'"[146]

Democratic Party mobilizer, Annet Namwanga was also detained incommunicado in the Kireka facility. Namwanga was arrested on January 18, 2011 from her work, held in the headquarters of the Joint Anti Terrorism Taskforce (JATT) in Kololo, Kampala until January 25 and then transferred to Kireka.[147] She was not able to see family or her lawyer until she was brought to court on February 4, 2011.[148]

The issue of incommunicado detention of suspects in Kireka also emerged after the July 11, 2010 bombings in Kampala, in which 76 people died. Suspects in the bombings were held in a range of facilities, including Kireka.[149] Most notably, human rights activist Al-Amin Kimathi of the Kenyan Muslim Human Rights Forum, and Kenyan lawyer Mbugua Mureithi were arrested on September 15, 2010, shortly after arriving from Kenya at Entebbe airport, and

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[144] The African Union Principles and Guidelines on the Right to a fair trial and legal assistance in Africa Paragraph M (f).

[145] Human Rights Watch interview with Simon, Kampala, June 21, 2010.

[146] Human Rights Watch trial observation, Makindye General Court Martial, July 8, 2010.

[147] Human Rights Watch, *Open Secret: Illegal Detention and Torture by the Joint Anti-terrorism Task Force in Uganda*, ISBN: 1-56432-467-2 , April 2009, http://www.hrw.org/en/reports/2009/04/08/open-secret-0.

[148] Human Rights Watch interview with friends of Annet Namwanga, Kampala, February 17, 2011.

[149] Others were held in the headquarters of the Joint Anti terrorism Task Force in Kololo, Kampala, and the Chieftancy of Military Intelligence in Kitante, Kampala. Others were held in police posts around the capital.

were taken to RRU headquarters in Kireka.[150] Mureithi was deported back to Kenya on September 18, but Kimathi remained in detention in Kireka without access to a lawyer. He was eventually charged with terrorism on September 20, 2010, and transferred to Kampala's Luzira prison.[151] He spent six days in Kireka without access to a lawyer.

On December 9, 2010, two relatives of one of the bombings suspects were arrested, allegedly for attempting to bring a knife to the suspect in the prison.[152] The relatives, both elderly women, were detained in Kireka for 12 days. Lawyers made multiple attempts to visit the two women, be present during their interrogations, and observe their well-being, but were only granted access after 11 days of detention.[153]

Several suspects arrested in relation to the July 2010 bombings in Kampala also faced interrogation and detention in Kireka, some after they had been charged with terrorism in court and should have been in the exclusive custody of the Uganda Prison Services. Some stated that DNA samples were taken from them while they were detained in Kireka, despite no court order and no consent for such a sample to be taken.[154] Two former suspects detailed how they were questioned on and off for several days by Americans, who introduced themselves as members of the Federal Bureau of Investigations (FBI).[155] In one instance, an RRU officer came in after a suspect had refused to work as an FBI informant. The suspect said:

> He looked at me and said, 'You think your life is important? See what we will do to you.' I felt like they were going to disappear me. I was happy to finally see the prison after Kireka.[156]

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[150] Kimathi had been critical of the manner of the handover of Kenyan suspects to Uganda without proper legal process. For more on Kimathi's case, see Human Rights Watch, "Uganda: Kenyan Activists at Risk of Torture, September 17, 2010, http://www.hrw.org/en/news/2010/09/16/uganda-kenyan-activists-risk-torture; Human Rights Watch, "Uganda: Terrorism Charges Used Against Kenyan Rights Defender," September 27, 2010, http://www.hrw.org/en/news/2010/09/27/uganda-terrorism-charges-used-against-kenyan-rights-defender; and Human Rights Watch, "Uganda: Kenyan Rights Defender to Be Tried for Kampala Bombings," November 30, 2010. http://www.hrw.org/en/news/2010/11/30/uganda-kenyan-rights-defender-be-tried-kampala-bombings.

[151] Human Rights Watch has been denied access to Kimathi and all suspects on the July bombings case by the Uganda Commissioner General of Prisons.

[152] Charles Ariko, "Uganda: Woman Tries to Arm City Bomb Suspect," *New Vision*, December 5, 2010.

[153] Human Rights Watch interview with defense lawyers, Kampala, December 8, 9, and 17, 2010.

[154] Human Rights Watch interview with MA, ER, December 22, 2010.

[155] Human Rights Watch interview with MA, December 22, 2010 and January 20, 2011.

[156] Human Rights Watch interview with MA, Kampala, December 22, 2010.

Theft of Suspects' Property, Extortion, and Theft of Evidence

Interviewees described how personal property, including money from wallets, phones, or household items, including medicine and food, was routinely stolen from suspects when they were arrested.[157] Victims of robberies also told Human Rights Watch that money was rarely returned to them despite police confirming that they had recovered stolen cash.

Family members of suspects also complained to Human Rights Watch that RRU personnel pressured them to give money to secure the suspects' release. In some cases, RRU personnel urged wives of suspects to sell land in order to raise funds to buy their husband's freedom.[158] One suspect, arrested in 2008 for allegedly purchasing stolen goods in Mbale district, said RRU agents arrested him at his workplace. He recognized them as local RRU agents normally involved in arrests for violent crime. One of them asked for the phone number of his brother, whom he summoned to the station before demanding 2,000,000 Ugandan shillings ($900) to secure the suspect's release. The suspect told Human Rights Watch of the exchange between his brother and RRU agents. "They said, 'Your brother committed an offense. Give us 2 million.' My brother said, 'What for? If it's a capital offense, why should we pay? You should take him to court and sort it out.'"[159] When his brother did not pay, he was beaten and made to sign a confession that he was not permitted to read.

Another detainee was promised release if he paid over 6,000,000 Ugandan shillings (approximately$ 2,900), or that the beatings would stop if he paid 100,000 Ugandan shillings (approximately $45).[160] In one instance, the military court handed down the lenient punishment of a 22,000 Ugandan shillings (approximately $ 10) fine to an elderly detainee charged with unlawful gun and ammunition possession.[161] The defendant said in open court that he could not pay the fine since RRU officers had taken all his money during his arrest.[162]

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[157] Human Rights Watch interview with Edgar, Mbale, December 7, 2009. Human Rights Watch interview with Gabriel, Mbale, December 9, 2009. Human Rights Watch interview with Emmanuel, Mbale, December 9, 2009. Human Rights Watch interview with Jerome, Kampala, June 21, 2010. Human Rights Watch interview with Henry, Kampala, June 25, 2010. Human Rights Watch interview with William, Kampala, June 25, 2010. Human Rights Watch interview with Mohamed, Kampala, June 25, 2010. Human Rights Watch trial observation, Makindye General Court Martial, September 21, 2010. Human Rights Watch trial observation, Makindye General Court Martial, January 19, 2011.

[158] Human Rights Watch interview with wives of suspects, Kampala, November 2010.

[159] Human Rights Watch interview with Gabriel, Kampala, December 9, 2009.

[160] Human Rights Watch interview with Jerome, Kampala, June 21, 2010.

[161] Human Rights Watch trial observation, Makindye General Court Martial, January 19, 2011.

[162] Ibid.

One knowledgeable source, familiar with the operations and methods of RRU, told Human Rights Watch that in some cases suspects have been forced to reveal bank account numbers or hand over bank account details.[163] Some suspects told Human Rights Watch that RRU personnel had used this method to withdraw money from their accounts.

Some people who reported theft of money by armed robbers to police never recovered their money. One victim who was robbed of several thousand dollars told Human Rights Watch that his money was still missing, even though RRU arrested the alleged thieves. He said:

> I kept going back to Central Police Station and RRU to look for my money. They said they had recovered the money but couldn't release it yet. After a few weeks, the police said they had found the key to the safe where the money was held but when they opened the safe, the money wasn't there.[164]

Public Parading of Criminal Suspects

RRU officers often force detainees to be photographed by journalists prior to being brought to court, and suspects may be made to pose next to or holding firearms in front of photographers who have been invited by RRU.[165] An RRU officer testifying before the general court martial said that RRU headquarters has a policy in instances of theft or robbery to hold press conferences to parade suspects.[166] Press coverage of these parades often refers to suspects as "hardcore criminals" and "thugs," even though they have never been convicted of a crime.[167] Such a practice clearly violates the right to be presumed innocent.

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[163] Human Rights Watch interview with Ugandan government official, November 2010.

[164] Human Rights Watch interview with robbery victim, Kampala, December 22, 2010.

[165] Human Rights Watch interview with Duncan, Mbale, December 7, 2009. Human Rights Watch interview with Eric, Mbale, December 9, 2009. Human Rights Watch interview with Evan, Mbale, December 9, 2009. Human Rights Watch trial observations, Makindye General Court Martial, September 21, 2010.

[166] Human Rights Watch trial observations, Makindye General Court Martial, September 21, 2010.

[167] *See, e.g.,* Esther Mukyala, "Police Shoots 3 Robbers in Jinja," *New Vision*, May 24, 2010; Stephen Candia, "Police Arrests 35 Suspects Over Robberies," *New Vision*, January 28, 2010; Stephen Candia, "Kyengera Shooting Suspects Named," *New Vision*, January 4, 2010; Francis Kagolo, "Four Robbers Shot Dead in Kampala," *New Vision*, January 3, 2010; Vision Reporter, "Police Arrests Highway Thugs," *New Vision*, April 23, 2009; Moses Nampala, "RRU Team Kills Thugs, Recovers Gun in Tororo," *New Vision*, April 14, 2009; Chris Kiwawulo, "Police Shoot Two Armed Thugs," *New Vision*, October 29, 2008; Patrick Jaramogi and Richard Kanamugire, "38 Suspected Robbers Paraded," *New Vision*, October 28, 2008; Herbert Ssempogo, "Police Arrest 66 Suspects, Recover 19 Guns," *New Vision*, September 11, 2008; Moses Nampala, "Cop Held Over Hiring Out Gun," *New Vision*, August 20, 2008; Moses Mugalu, "Ex-Wembley Convicts Behind City Crime," *New Vision*, May 17, 2008; Abdulkarim Ssengendo, "Thugs Held," May 8, 2008.

The press events serve several purposes: to create public support for RRU's supposed successes in cracking down hard on crime, to serve as a deterrent, and to be a potential platform for suspects' confessions. However, such policies aimed at forced public shaming of individuals can amount to violations of suspects' rights to a fair trial and flout principles of due process. One detainee said, "They published my story to the media. It was in the *New Vision*....The government and public are scared of me, but I have never been tried."[168]

Inviting press to photograph suspects also violates the UN Standard Minimum Rules for the Treatment of Prisoners, which provides that "[w]hen the prisoners are being removed to or from an institution, they shall be exposed to public view as little as possible, and proper safeguards shall be adopted to protect them from insult, curiosity and publicity in any form."[169]

Trials of Civilians before Military Courts

In most cases, RRU detainees are subsequently transferred to Makindye military barracks, in Kampala, where they again spend long periods in pre-charge detention—from one month to well over a year, according to cases that Human Rights Watch has documented. One detainee interviewed by Human Rights Watch stayed in Makindye for two years, another for two-and a-half years. Eventually, suspects arrested by RRU are detained in civilian prisons once they have been charged before the military courts.

These cases end up before military courts because the government argues they have jurisdiction over cases involving the military, former military personnel, or persons found in unlawful possession of firearms or ammunition, which are considered to be the monopoly of the army.[170] Statistics aren't available, but one military court official told Human Rights Watch that he believed that most defendants at the general court martial are civilians accused of having firearms.[171]

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[168] Human Rights Watch interview with Mohamed, Kampala, June 25, 2010.

[169] Standard Minimum Rules for the Treatment of Prisoners, adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Geneva in 1955, and approved by the Economic and Social Council by its resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977, Rule 45(1).

[170] Uganda Peoples' Defence Forces (UPDF) Act of 1992, sec.119(1)(g) and (h). The section lists persons subject to military law and includes:

(g) every person, not otherwise subject to military law, who aids or abets a person subject to military law in the commission of a service offence; and

(h) every person found in unlawful possession of—(i) arms, ammunition or equipment ordinarily being the monopoly of the Defence Forces; or (ii) other classified stores as prescribed.

[171] Human Rights Watch interview with court official, Kampala, July 8, 2010.

The trial of civilians in military courts has been a particularly contentious legal issue in Uganda in recent years. In 2009, the country's constitutional court held that military courts do not have jurisdiction over civilians.[172] Despite this ruling, military courts continue to try civilians. The chairman of the general court martial affirmed this failure to implement the ruling in open court, saying, "We try people with army property …. Some people, the Uganda Law Society, wrote to say we should stay [stop] trying cases of civilians. I put it to the officials. We'll continue until otherwise. I'm waiting to be driven to court or I'll continue trying [civilians]."[173]

Asked why RRU continues to hand suspects over to the military courts, despite the constitutional court ruling to the contrary, the inspector general of police told Human Rights Watch that police are obeying the law until parliament changes it.[174]

One Ugandan defense lawyer described the difference between military and civilian courts:

> The military courts have less oversight than ordinary courts, both in structure and practice. If you have a real case, then you take it to a civilian court. In civilian courts there is a reporting hierarchy.[175]

As previously stated, the original aim in establishing Operation Wembley in 2002 was to circumvent the perceived obstacles in the civilian court system. That pattern continues despite significant increased support to the justice sector since then. [176]

Under regional law, trying civilians in military courts is absolutely prohibited. The African Commission, interpreting the African Charter on Human and Peoples' Rights, has prohibited the trial of civilians in military courts.[177] The African Commission's Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa also prohibit the trial of civilians in

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[172] *Uganda Law Society v. Attorney General*, Constitutional Petition no. 18 of 2005. The constitutional court held "That section 119(1)(g) and (h) of the Uganda Peoples Defence Forces Act No.7/05 which subjects civilians not employed by or voluntarily or in any other way officially connected with the Uganda Peoples Defence Forces to military law and discipline, is inconsistent with Articles 126(1) ['Judicial power is derived from the people"] and 210 ["Parliament shall enact laws regulating the Uganda Peoples' Defence Forces"] of the Constitution." The court further held, "Therefore, civilians who do not fall under the categories stated in the [UPDF] Act are not liable to be tried by military courts because Parliament did not intend them to [be] so tried."

[173] Human Rights Watch trial observation, Makindye General Court Martial, December 16, 2010.

[174] Human Rights Watch interview with inspector general of police, January 24, 2011.

[175] Human Rights Watch interview with Ugandan criminal defense lawyer, June 15, 2011.

[176] For more on financial support to the Justice, Law and Order sector, totaling over 366 billion Ugandan Shillings [1.74 million USD] in 2009-2010 alone, see http://www.jlos.go.ug.

[177] *Law Office of Ghazi Suleiman v. Sudan*, Comm. Nos. 222/98 and 229/99, para. 64 (African Commission on Human and Peoples' Rights 2003); *Media Rights Agenda v. Nigeria*, Comm. No. 224/98, paras. 60-66 (African Commission on Human and Peoples' Rights 2000).

military courts.[178] The African Charter also guarantees the associated right to judicial independence, guaranteed by article 26. The fundamental right to procedural fairness is undermined in Uganda by the infrequency of court sessions and the composition and lack of legal competency of the judges. The African Charter does not admit any exceptions to the rule against the use of military courts to try civilians, such as emergency situations.

Uganda should immediately stop prosecuting civilians before military courts, in accordance with regional laws and domestic court rulings.

Opportunities to Address Abuses by Rapid Response Unit

Several branches of government can and should play a more active role in curtailing abuses by RRU, and in ensuring that perpetrators of human rights violations are held to account rather than shielded from scrutiny. The serious intimidation of suspects and their families means that the police, among others, will need to work hard to encourage victims of abuse to report mistreatment. However, the manner in which suspects are tortured and often held for long periods incommunicado and then tried by military courts years after their alleged crimes means that the Uganda government cannot solely rely on victims coming forward. More must be done to identify abuses as they occur. This will require police commanders, the Police Standards Unit, and the Uganda Human Rights Commission to increase their monitoring of operations.

Commitments to Address Abusive RRU Practices

Efforts to address RRU abuses must come, first and foremost, from the unit's commanding officers. This is necessary to ensure that evidence during law enforcement operations is gathered within the limits of the law, and to ensure that personnel who commit abuses face criminal sanction.

Joel Aguma, the new commander of RRU, told Human Rights Watch that he had instituted numerous changes since taking office in late November 2010. He also confidently stated that abuses had reduced since he had taken office.[179] He said he faced challenges in both eliminating "armed thuggery" from Uganda, as well as professionalizing his staff. He stated he is open to criticism and hoped to work closely with civil society to address complaints. He now gives written instructions to regional RRU offices that personnel must operate within the

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[178] African Commission on Human and Peoples' Rights, Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa (Nov. 1999).

[179] Human Rights Watch interview with Commander Joel Aguma, Kampala, January 24, 2011.

law, and work "hand in hand" with police from other units. He has also instituted a human rights desk in December 2010 and a toll free phone line for the public to communicate more directly with RRU. The desk has since registered six complaints, all regarding allegations that RRU officers failed to follow up investigations. It is not clear how detained suspects who had been recently tortured would be able to report abuse to either the desk or the phone line.

Upon request, Aguma provided Human Rights Watch with a list of RRU and VCCU personnel who have been brought before courts of law since 2005. The list includes some obvious errors in dates and names and it has not been possible to verify each assertion. But according to the document, in many instances cases were withdrawn or "reconciliation was promoted." There is the one conviction for manslaughter stemming from an incident in 2005. Thirteen individuals involved in seven incidents are listed as free on court bail, including cases of alleged crimes (including murders) that appear—based on the court file number—to have occurred in 2007. Three individuals are on remand (involved in the death of Ssekanjjako noted earlier). Despite the numerous reports of abuse published by NGOs and the Uganda Human Rights Commission over the years, only one case involves a criminal charge of assault and that case has been pending since 2008.[180]

The Role of the Police Standards Unit (PSU)

In July 2007, the Uganda police force established the Police Standards Unit (PSU). According to one police member involved in setting up the unit, "At the time, there was a real question: As police polices the community, who polices the police?" [181]

The unit was an effort to operationalize section 70 of the Police Act, which lays out the procedures for complaints regarding the police and monitoring conduct that violates the police code of conduct.[182] The unit is to advise the inspector general of police (IGP) and police management on professional standards, investigate specific allegations of professional misconduct within the force as assigned by the IGP or the public, and promote the respect for rule of law and human rights within police, among other tasks. The unit is not currently represented throughout the country, but there are plans to expand offices to more easily receive complaints from more areas around the country.

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[180] Names of RRU operatives charged in courts of law since 2005, from Commander Joel Aguma, received by Human Rights Watch via email on January 25, 2011. Human Rights Watch did not republish this chart in the annex of this report because of the errors in names and dates.

[181] Human Rights Watch, interview with member of Uganda Police Force, Police Standards Unit, December 13, 2010.

[182] The Police Act, 1994, as amended by the Police (Amendment) Act, 2007, sec. 70. and Police Code of Conduct, Schedule 1.

Police sources indicate that the unit receives many complaints. In 2009 alone, there were over 2,000 complaints, of which 1,200 were "completed," although it is not clear how many of these involved RRU.[183] Once a complaint is received, the unit must investigate and then can either recommend that the administrative courts of police handle the case, or hand it over to the Criminal Investigations Department (CID), both in consultation with the police's legal department.[184] Violations of the police disciplinary code of conduct can result in dismissal from the police in the most serious cases, to fines and reprimands for lesser offenses.[185] In some serious instances, CID and PSU can jointly investigate a matter.

Police indicate that the unit can initiate investigations based on allegations contained in media reports, surprise visits to police posts, and complaints from the public. In cases of mistreatment of suspects, the unit relies heavily on family and friends of detained suspects to locate loved ones, gain access to the person, and then bring any complaints to the unit's attention. Complaints via family members are clearly much less likely to be made if suspects are held incommunicado or transported long distances, rather than detained close to home where family members can visit with relative ease. Human Rights Watch interviewed several suspects who indicated that their families had no idea where they were held or how to find them. Many asked Human Rights Watch to make calls to family members on their behalf so that relatives could know their whereabouts. Human Rights Watch researchers did not do so.

A PSU officer indicated that they make monthly visits to Kireka. He remembered that an RRU officer was arrested on one occasion for having detained someone over a dispute with a landlord, rather than a criminal matter. The RRU officer's arrest, according to PSU, sent a signal that the police do not condone this behavior. It is not clear what later occurred in that case.

Police indicate that inefficiencies in the justice system are an obstacle to accountability within the police force. In some cases, the PSU has funded travel costs for officers who have investigated cases of police misconduct or abuse so that they can appear as witnesses in court, only to be frustrated by the fact the courts do not sit on the days scheduled. Another challenge is public reluctance to report police abuse. This would appear to be particularly true of cases involving RRU, due to its notorious reputation and the influence of Operation Wembley. Complaints about RRU are very unlikely to be made unless police make a concerted effort to push for respect of rule of law.

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[183] Human Rights Watch, interview with member of Uganda Police Force, Police Standards Unit, December 13, 2010. "Completed" does not necessarily mean that disciplinary action was taken.

[184] Ibid.

[185] Police Code of Conduct, Schedule One of the Police Act.

The Role of the Uganda Human Rights Commission (UHRC)

Established by the 1995 constitution, the Uganda Human Rights Commission (UHRC) is tasked with investigating human rights violations and monitoring detention conditions.[186] The UHRC, which is a standing body with judicial powers, is empowered to subpoena any witness or document, order the release of any detained person, and recommend payment or compensation, or any other legal remedy after it finds the existence of a human rights abuse.[187] However, in cases before the UHRC, complainants do not sue their torturers directly: instead, the defendant is the attorney general as a representative of the state. This means that perpetrators are not identified and go unpunished. The UHRC can award damages for torture, and many such cases are currently pending. As the chairperson of the UHRC told media, "[E]rrant armed officers torture people and it is the tax-payer who bears the cost."[188]

There is currently a significant delay in cases pending before the UHRC: complainants wait approximately two-and-a-half years for commissioners to hear a case.[189] This is partly due to a significant delay in appointing commissioners in 2009.[190] In addition, two commissioners recently stepped down from office, so the UHRC is again operating without its required manpower.

UHRC staff is granted access to Kireka but the content of those interviews has never been published or publicized, though commissioners have on occasion alluded to abuses occurring. For example, in April 2010, the UHRC held a training for RRU officers. According to media reports, officers were encouraged to reach out to the public more because "if RRU builds a better relationship with the public, the organ will not need to apply excessive force when arresting and extracting information from suspects."[191]

In the past, the UHRC worked specifically on abuses by Operation Wembley and VCCU and engaged in high-level advocacy with government officials about their findings, which were

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[186] The UHRC was established under articles 51 to 59 of the 1995 constitution.

[187] Uganda Constitution, art. 53 (1). The court powers include the issuance of summons and the power to compel testimony, on pain of contempt of court; however, the UHRC cannot investigate any matters pending before a court of law. The powers, functions, and structure of the UHRC are implemented in greater detail by the Uganda Human Rights Commission Act passed by parliament in 1997. Human Rights Watch, *Protectors or Pretenders: Government Human Rights Commissions in Africa* (New York: Human Rights Watch, 2001), http://www.hrw.org/legacy/reports/2001/africa/index.html.

[188] Josephine Maseruka, "Mob Justice Cases Expected to Increase," *New Vision*, September 23, 2009.

[189] Human Rights Watch communication with staff of UHRC, December 15, 2010.

[190] "Uganda: Carry out Rights Commission Recommendations," Human Rights Watch news release, May 29, 2009, http://www.hrw.org/en/news/2009/05/29/uganda-carry-out-rights-commission-recommendations.

[191] Lydia Nabayego, "RRU officers urged to respect human rights," *The Observer*, April 4, 2010.

then reported in publications.[192] But in more recent reporting, particularly since a new chairman of the commission took office in 2009, there is less reporting on the substance of dialogue with high-ranking security officials and less analysis of the causes of ongoing abuse by this unit. This is despite the fact that the UHRC noted in its 2009 report that complaints involving allegations against RRU more than doubled between 2008 and 2009.[193] This kind of finding should immediately trigger public condemnation and further in-depth research by the UHRC to ensure abuses are addressed.

UHRC commissioners should continue to raise concerns about RRU's use of excessive force and torture of suspects. Specifically, commissioners should insist that Rapid Response Unit warrants particular attention because of its history of abuse. While commissioners have engaged in "quiet diplomacy" with the security services, the results of this engagement—particularly commitments by the police and military to take action regarding specific allegations—are never made public. The commissioners, endowed by the constitution to protect human rights in Uganda, can play an important role in curtailing abuses if they speak out publicly about abuses and hold security services responsible for their actions in a timely manner.

Uganda's Duty to Provide Lawyers to Defendants

Another key element in addressing the abuses documented in this report is for the government to ensure that all criminal suspects can access lawyers from the start of their detention. There is no reason to believe that a properly conducted police investigation would be compromised by ensuring that suspects have the right to a proper defense. Any system of justice must be measured by its fairness, as well as by its efficiency.

International fair trial standards require that all persons suspected or accused of a crime have the right to defend themselves and are entitled to consult with legal counsel.[194] Suspects in police custody, no matter the alleged crime, should have the right to see a lawyer immediately, access a lawyer during interrogations, and to be informed of their right to remain silent. Prompt access to a lawyer is a fundamental safeguard against torture and

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[192] See for example, Uganda Human Rights Commission, *Freedom from Torture: The End of Operation Wembley and the Rise of the Violent Crime Crack Unit*, 2003, http://www.uhrc.ug/index.php?option=com_docman&Itemid=111&limitstart=5, Chapter 9.

[193] 2009 Uganda Human Rights Commission report. Almost half of those involved allegations of torture while others alleged deprivation of property, life, and unlawful detention. In a visit to the Makindye Military barracks, the UHRC found 92 RRU suspects in detention, two of whom had been there for at least one year. See p 6, 9, and 48.

[194] United Nations, Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (Body of Principles), adopted December 9, 1988, G.A. Res. 43/173, annex, 43 U.N. GAOR Supp. (No. 49) at 298, U.N. Doc. A/43/49 (1988). Principle 18 of this body reads: A detained or imprisoned person shall be entitled to communicate and consult with his legal counsel.

ill-treatment. Many authoritative sources have indicated that the provision of lawyers should be from the moment of detention, to prevent abuse in custody. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment states:

> [I]n its experience, the period immediately following deprivation of liberty is when the risk of intimidation and physical ill-treatment is greatest. Consequently, the possibility for persons taken into police custody to have access to a lawyer during that period is a fundamental safeguard against ill-treatment. The existence of that possibility will have a dissuasive effect upon those minded to ill treat detained persons; further, a lawyer is well placed to take appropriate action if ill-treatment actually occurs.[195]

For the right to a lawyer to be fully operational in practice, appropriate provisions must be made for people who cannot afford legal fees. In practice in Uganda, defendants in criminal trials for the most serious crimes receive a lawyer at the commencement of trial if they cannot afford one, though this is always months, if not years, after their initial arrest.[196] According to the Poor Persons Defence Act, defendants in criminal trials can also be certified to receive a state-provided lawyer if "it is desirable in the interests of justice."[197]

According to the Ugandan Legal Aid Providers Network, there is no legal aid policy to require government to provide legal services to indigent persons in custody whose rights have been abused.[198] Though there are some provisions in national law regarding how legal aid must be provided, the systems are limited and do not function efficiently or transparently. As evaluators to the main donor-funded program concluded, the "meagre provision of state-funded legal aid almost certainly puts Uganda in breach of its international treaty obligations in relation to legal aid."[199]

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[195] Extract from the 6th General Report [CPT/Inf (96) 21] CPT – para 15. http://www.cpt.coe.int/en/documents/eng-standards.pdf.

[196] Uganda Constitution, Art 28(3)

[197] Poor Persons Defence Act of 2000, sec. 2.

[198] LASPNET, "Mapping report: Legal Aid Service Provision in Uganda," April 2009. http://laspnet.org/index2.php?option=com_docman&task=doc_view&gid=6&Itemid=15.

[199] Evaluation of Uganda's Legal Aid Basket, November 17, 2010, para. 2.15.

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Annex 1: Letter from HRW to Police

Major General Kale Kayihura
Inspector General of Police
Police Headquarters, Parliament Avenue
Kampala, Uganda

November 30, 2010

Dear General Kayihura,

We hope this letter finds you well. As always, we appreciate the candid dialogue that your office has maintained with Human Rights Watch over the years. As we discussed in our last formal meeting in May 2010, we would appreciate your responses to some questions regarding the Rapid Response Unit of the Police.

In summary, over the last several years, Human Rights Watch has documented numerous cases of arbitrary detention as well as mistreatment at the hands of agents working for Rapid Response Unit (RRU) and its predecessors, Violent Crime Crack Unit (VCCU) and Operation Wembley. We seek responses to ensure accuracy in our work and to reflect your views in our reporting.

1. Please provide us with information regarding the legal status of Rapid Response Unit, its command structure, mandate, geographic areas of operation and precise legal powers of its staff.

2. What is the substantive difference, if any, between RRU and VCCU or Wembley in structure, personnel or mandate?

3. Please provide us with information regarding the legal status of Rapid Response Unit's headquarters in Kireka, Kampala. Is this a legal site for detention of suspects and if so, on what legal basis?

4. How many individuals work for RRU? How many are police, special police constables (SPCs), or informal operatives and what training have they received?

5. Are all employees of RRU obliged to obey the police code of conduct?

6. Do RRU officers and/or SPCs working with RRU carry identity cards or have any other identifying information, such as insignia or uniforms?

7. How does RRU work with the other parts of police and the other security services, such as military intelligence, the army, Internal Security Organization or External Security Organization? Who has the authority to call in RRU to investigate a particular case or collect suspects from another police post/station for further interrogation?

8. In locations where RRU is operational outside Kampala, what powers do the district police commanders and the officers in charges of the police stations ("OC Station") have over RRU officers, SPCs, or informants, if any?

9. Does RRU have any formal or informal relationship with the Presidential Guard Brigade and if so, what is that relationship?

10. On what legal basis does RRU hand over detainees/suspects to the Ugandan military for detention in Makindye barracks or other military barracks and eventual prosecution before the military courts martial?

11. Please provide documentation of any police, SPCs, and informal agents affiliated with Wembley, VCCU or RRU who have been arrested, tried or administratively sanctioned for violations of the laws of Uganda. Has anyone ever been convicted and if so, who?

12. What steps have been taken to identify and investigate abuses committed by officers working for Operation Wembley, VCCU and/or RRU?

13. What steps have been taken to prevent abuses committed by officers working for Operation Wembley, VCCU and/or RRU?

14. Please provide us with any information regarding the deaths of suspects in RRU custody in early January 2010 on the Natete-Kyengera road.

15. Please provide us with any information regarding the death of Frank Ssekanjjako on August 23-24, 2010 while in custody of RRU officers.

16. Please provide us with any information regarding the death of Henry Bakasamba in May 2010 while in custody of RRU officers.

17. Please provide us with any information regarding extrajudicial deaths at the hands of officers, SPCs or informants affiliated with Wembley, VCCU or RRU since 2002.

18. Please provide us with an explanation of RRU's working relationship with the American Federal Bureau of Investigations. Who leads those investigations and how are decisions made regarding how suspects will be treated, if they will be charged, detained, etc?

We look forward to receiving your response to these inquiries by December 23, 2010, so that we can include your perspective in our work. Please email any response to burnetm@hrw.org or via fax at: +1-212-736-1300.

Yours sincerely,

Rona Peligal
Africa Director, Human Rights Watch

Annex 2: Police Letter to HRW

TELEGRAMS "GENPOL"
TELEPHONE: 041-4-286185/8
041-4-4286186

IN ANY CORRESPONDENCE ON
THIS SUBJECT PLEASE QUOTE NO. .....

RAPID RESPONSE UNIT
P.O. BOX 2976
KAMPALA - UGANDA

THE INSPECTOR GENERAL OF POLICE
POLICE HEADQARTERS
P.O.BOX 7055
KAMPALA

ATTENTION:
HUMAN RIGHTS WATCH

1. RRU is a Unit of the Police under CID Headquarters and falls under crime intelligence.

4. RRU has SPCS and Police Officers but the number of Police Officers is 3/4 of the whole unit (Police Officers pasted through the formal Police training.) There is a training and human resource development desk to handle staff training.

5. All employees of RRU (Police Officers and SPC's) are obliged to obey the Police Code of conduct as per regulation 1(a) and (c) and (e) of the Police Act Cap 303.

6. There are no special Identity Cards for RRU but most of them being Police Officers carry their identity cards. They don't put on Police Uniform or any other kind of special uniform. They perform their duties in that capacity of detectives.

7. RRU share information with other sister security organization and vice versa as per Article 212 of 1995 Constitution. Some suspects of offences related to Fire Arms, when arrested by our sister security organs are referred here so that they are arraigned before G.C.M.

   The suspects referred here for further interrogation or investigation are referred by Regional Police Commanders and other a few from CID Headquarters.

8. The RRU in a particular Region or District are under the Police Authority of that Region or District and are obliged to work hand in hand with the area Police Authority.

9. RRU has no formal or informal relationship with PGB, these are two different Identitities. And each with duties not related to one another.

10. RRU handles only those suspects who are due to appear in G.C.M.Offences like murder by murder by shooting Aggravated rebbery,failure to protect war materials to wit Gun etc, (those offences affiliated to use of Fire Arms)-

11. A copy of the list is attached and marked Annexure 'A' of those who have ever been arrested and taken to Courts of Law.

13. MEASURES TAKEN:

- Establishment of a Toll Free Line.
- Establishment of Human Rights Desk.
- Working closely with P.S.U.
- Arranging Short Staff Trainings on Wednesdays.
- Liaising with various stake holders.

SP AGUMA JOEL
COMMANDANT RRU

Acknowledgments

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HUMAN RIGHTS WATCH

Violence Instead of Vigilance

Torture and Illegal Detention by Uganda's Rapid Response Unit

In 2007, Uganda's government established the Rapid Response Unit (RRU) – with a mandate to investigate violent crime in Uganda. Emerging out of the notorious ad-hoc Operation Wembley security unit, RRU targets people accused of a range of criminal activity and often subjects suspects to vicious beatings to force confessions. It then hands civilian suspects to military courts for prosecution to skirt safeguards in the civilian court system.

This report documents how RRU, part of the Uganda police force, routinely carries out illegal detention, torture, and in some instances extrajudicial killings – at least six suspects in 2010. It details the extortion of money from suspects and robbery victims, the use of excessive force during arrest; prolonged, illegal, and sometimes incommunicado detention of suspects at RRU headquarters in Kireka, Kampala; and routine use of torture during interrogations. Impunity for such actions remains the norm. However, in an important and positive step, police in August 2010 arrested three RRU officers accused of beating a suspect to death.

During 13 months of research, Human Rights Watch conducted 108 interviews with individuals knowledgeable about the operations of RRU and its predecessors – the Violent Crime Crack Unit and Operation Wembley – including over 77 current and former detainees held in various locations throughout Uganda.

Violence Instead of Vigilance calls on Uganda's government to address persistent allegations of torture by RRU, dismiss known human rights abusers from its ranks, issue a no-tolerance policy on torture, and hold its forces accountable through criminal sanctions. To safeguard against torture and unfair trial, the government should urgently devise a legal aid system that allows suspects to access a lawyer from the start of their detention.