

**HUMAN RIGHTS ABUSE IN UGANDA  
WITH  
(SECURITY FORCES INVOLVEMENT)**

**BY**

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### APPROVAL

"I certify that I have supervised and read this study titled Human rights abuse in Uganda with security forces involvement, and that in my opinion it conform to acceptable standards of scholarly presentation and is fully adequate in scope and quality as a dissertation in partial fulfillment for award of a diploma of Law of Kampala international university,"

Signature



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29/1/2016

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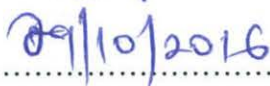
### DECLARATION

“I declare that this thesis is the work of Ogwal Patrick alone, except where due acknowledgement is made in the text. It does not include materials for which any other university degree or diploma has been awarded.”

Signature



Date



## **DEDICATION**

I dedicate this piece of work with lots of love and appreciation to God and former immediate supervisor Justice Lydia Mugambe and Mdm Harriet Rose Akello for their provincial support to see that I achieve my purpose of life, to my workmate Kayanja Vincent, Monica for their support during the course of my study. Most importantly to my parents, brothers, sisters and friends, your love inspire3s me to be the greatest person I can possibly be. May God bless you.

Also to all those who have contributed for the final completion of this of this dissertation. Without your support, I would not have accomplished this work. Thank you, May the almighty God bless and reward your good works abundantly according to his riches in Heaven.

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## **CHAPTER ONE**

### **INTRODUCTION**

#### **1.1 Overview**

This chapter presents the overall introduction of the study. Inter alia, it explores the constitutional role of the security forces, the genesis, contextual and the conceptual background cruelty nature of the security forces and there economic social environment and how it has impact on human rights and which need a practical solution.

The current chapter indicates the purpose, statement of the study, and objectives of the study. It further presents the significance, limitation and scope of the study, the research questions, hypothesis, literature review, methodology and ends by short summary.

#### **1.2 Background.**

There are many factors that have impact on the enjoyment of rights; poverty, disasters and diseases i.e. Poorly and powerless people living in rural parts of low income countries are mostly affected.

However the security forces involvement has worsened the situation. Security forces in Uganda have been the biggest violators of human rights i.e the police force of is associated with the past regimes of Uganda during the post-independence Uganda period, ie the Obote and Amin's government where thousands of people died in the hands of the security forces. However it is totally ironical in this error enlightened for the police force to be still involved. The method employed in violation is torture. Torture means the intentional infliction of severe pain or suffering, whether physical or mental upon a person in custody or under the control of the accused. Under Obote regime the security forces has one of the world worst human rights records in their efforts to stump out an insurgency led by Yoweri Muevoni's National Resistance Army (NRA), laid waste to a substantial section of the country especially in the Luwero area of Kampala.

There was particularly in the 1971 to 1985, complete absence of rule of law. Court orders were not complied with by the security forces and journalists were murdered. The security forces would arrest people without warrants and detained them for as long as they wished but

these forces were immune to prosecution. Upon assuming power in 1986, the NRM government instituted a commission of inquiry in past human rights abuses and the creation of the human rights commission. The situation dramatically changed to a small extent for the better.

The security force is one of the most important departments of the country. They play a major role of safeguarding the territory of the state against external invaders, maintaining peace and order within the state and administering law and order.

They are charged with protecting the state and all its resources and private property and human rights. However Uganda continues to experience difficulty in advancing respect for human rights in matters concerning torture, child labour liberties.

There are many security organizations of Museveni's government, and established by the Act of parliament. These organizations persecute opponents of the government, carry out abduction, disappearance, extrajudicial killing and torture and act both independently, interdependent with each other and in cooperation with the Uganda police. These organizations also harass the free media and official parliamentary opposition.

#### **1.2.1 The Uganda Peoples Defence Force (UPDF)**

The UPDF is established under Article 208(2) of the constitution. The 1995 constitution places the Uganda People's Defence Forces in charge of the defence and national security. The constitution states that, UPDF shall be nonpartisan, national in character, patriotic, professional, disciplined, and productive and subordinate to the civilian authority as established under this constitution, that the member of the UPDF shall be citizen of Uganda of good character<sup>1</sup>.

The constitution provides for the function of UPDF as follows;

- To preserve and defend the sovereignty and territorial integrity of Uganda.
- To cooperate with the civilian authority in emergency situation and in case of natural disasters.
- To foster harmony and understanding between the defence<sup>3</sup> forces and the civilian and
- To engage in productive activity for the development of Uganda<sup>2</sup>.

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<sup>1</sup> Article 208 (2) of the constitution

<sup>2</sup> Article 209 Of the constitution

### **1.2.2 Uganda Police Force (UPF)**

The UPF is established under article 211 and falls under the ministry of internal affairs. Its primary responsibility is to keep law and order. The constitution of the republic of Uganda provides that the force shall be nationalistic, patriotic, professional, disciplined, competent, and productive and its member shall be citizens of Uganda of good character<sup>3</sup>.

The functions of the Uganda police force are found under article 2012 of the constitution as follows;

- To protect life and property,
- To preserve law and order &
- To prevent and detect crime, and to cooperate with the civilian authority and other security organs established under this constitution and with the population generally.

### **1.2.3 Other security apparatus**

There is the internal security organization (ISO) and the external security organization (ESO) which is security agency and intelligence gathering entities under the ministry of security. They often act as semi autonomous units in detaining civilian suspected of rebel and terrorism activities. There is the joint anti terrorism task force (JATT) which is an interagency paramilitary group under the CMI. It has no codified mandate but illegally it detains civilians suspected of rebel and terrorism activity.

However with the constitutional provision outlining the role of the security forces, Ugandans voices are choked by the security forces. It is worrying the rate at which the police and the army use excessive force on civilian. This act of brutality is a total violation of human rights and constitutional mandate express in many international instruments standards Uganda is a party to.

### **1.3 Statement of the problem**

In a country that its history is characterized by massive human rights violations the situation is much worse with the security forces involvement. During the 2011 post-election violence scum the situation worsened during the walk to work, and also in Acholi region during the Kony's reign of terror.

In Uganda this problem is so rampant where there is the involvement of the UPDF and police in torturing the suspects and even innocent civilian in the name of interrogation despite the fact that there are both local and international instrument in place that advocate for the end of torture and

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<sup>3</sup> Article 211 (3) of the constitution

promote respect of humanity. This is because either the security forces are ignorant of the law, suffer psychological problems or just take pleasure in torturing the people.

#### **1.4 Purpose of the study**

- a) To examine the cause of the security forces brutality
- b) To examine the impact of the security forces involvement in human rights violation has on the enjoyment of rights.
- c) To examine the government response to these acts and makes recommendation for lasting solutions.

#### **1.5 Objective of the study**

- a) To study the role of the security forces on enjoyment of human rights.
- b) To study the involvement of the security forces in the violations of human rights.
- c) To critically examine the role that has been played by the Uganda human rights commission and other human rights activist in remedying the acts of the security forces to people and to find out the challenges it has encountered in bringing a solution.
- d) To find out whether there are laws in place that safeguards human rights and prohibits its violation.
- e) To suggest possible lasting solutions of upholding and respecting human rights tenets.

#### **1.6 Research questions**

- a) What is the role of the security forces on the enjoyment of human rights?
- b) Are the security forces involved in the violation of human rights?
- c) What is the role played by the Uganda human rights commission and other human rights activist in remedying the acts of the security and finding a solution?
- d) Are there laws in place that safeguard human rights and prohibit its violation?
- e) Can there be lasting solutions that can uphold and respect human rights tenets?

#### **1.7 The scope of the study**

The study has been approached from a legal perspective. In this regard it will consider the extent to which the security agents have been involved in carrying out the act of torturing the civilians. The study will be approached in a legal perspective, conducted to cover the entire country of Uganda especially the northern and eastern region of Uganda. The region has experienced massive cases of human rights abuse including torture reports thus making the inhabitants of the region perceive the security agents as monsters rather than protectors.

### **1.8 Significance of the study**

- a) The researcher will be able to come out with recommendation that if adhered to, will create harmonious relationship between the security agents and the people of Uganda.
- b) The research will open the eyes of the government to know the root cause of the security force brutality and come up with lasting solutions thus ushering in a new beginning of enjoying human rights in Uganda.
- c) The research topic will provide up to date factual information for academic researchers and policy makers.
- d) The study will help the government provide a better remuneration to the security forces, better housing and working conditions because the UPF is constrained by limited resources including low pay and trading that torture them psychologically resulting to their cruelty.
- e) The research will help other researchers to develop their studies in this area.
- f) The research will be useful in the academic area for students of Kampala international University.

### **1.9The hypothesis**

Security forces are the major violators and abusers of human rights in Uganda

### **1.10 Literature review**

This area looks at the related literature that was read concerning the effects of the security forces torture brutality in Uganda. It aimed to discuss on the existing writing or knowledge focusing on the brutality of the security agents which are always the source of torture and loss of life with negative impact of human rights in the country.

It explores the advanced literature of many scholars in the same topic by finding gaps between the first writer and the last one. This area draws out the theoretical concept framework, theories of violation and promotion of rights in Uganda.

#### **1.10.1 Introduction**

In this area an attempt was made to review previous studies which have contributed to bulk of knowledge about the security forces abusive and brutal nature. The study reveals that security agents' brutality is one of the many factors and reasons that many people suffer, die and live in fear. It may be fear of physical attack rape and torture.

Modern states (inclusive Uganda) can no more stand without pens than without bayonets this maxim might well have phrased as a long term prognosis, for all developing African democracies are today faced by a gathering problems: the violation of human rights with the security forces involvement. This is in the appeal to the principle of the sovereignty of the state (national security).

It is curious that researchers in the field of human rights in Uganda have paid little attention to this trend of the security forces involvement in the abuse of human rights, despite their profoundly disturbing implications for our understanding of the rule of law and democracy.

Modern state power thrives on police and military organs which are shrouded in secrecy. The reason is obvious: there is no better way in which the state can outmaneuver the domestic opponent than to learn about them by monitoring their activities and suppressing them at the expense of human rights. This dynamic underpinning growth of invisible 'repressive state apparatus', is certainly evidence in Uganda. Police and military apparatuses are antithetical to political democracy and to human rights and freedoms.

The problem of harm suppression of opponents and involvement in the violation of human rights as observed by other researchers was evidenced within the operation of early regimes of Uganda as discussed by other researchers.

#### **1.10.2 Historical involvement of the security forces**

Civilian policing in Uganda is a sad tale of brutal police and army joint operations, direct political interference in policing and militaristic policing units. Policing units include the black mamba special military unit, the joint anti terrorist task force, the members of the kalangala action plan, the violent crime crack unit and the presidential protection unit. These groups and the force and techniques use are undermining any potential to achieve true security in Uganda. As civilian policing is confused with military operations and civilian police are given extended military and counter terrorism style powers and mandates, the legitimacy of the police is undermined as are the checks upon it. The trust the community has in its police service which is essential for good policing, is also damaged. The police are meant to protect and serve the community. In Uganda the police protect and serve the ruling regime. This has manifested itself in the historical accounts of Uganda and recently in the police use of the media council to stifle free press, the brutal police response to legitimate protest, and the government's use of the military to carry out traditional police functions relating to criminal justice.

According to amnesty report, the Uganda security agency has been implicated in torture and illegal detention of suspects including suspected LRA rebels and their sympathizers. Methods of torture including suspending suspects tied ‘‘kandoya ‘’ from the ceiling, severe beating and kicking and attaching electric wire to the male genitals.

### **1.10.3 The NRA atrocities**

According to Uganda human rights commission reports, human rights violation have continued in northern, eastern and western Uganda in the late 1980s and early 1990s. In October 1987, for example witnesses reported that soldiers killed 600 people in Tororo district during the NRA counter insurgency operation. People in the south west claimed that the security service killed a number of school children in antigovernment protests and that as many as 200 villagers were shot for refusing to attend a political rally. Murder of people suspected to be sympathizers were also reported.

In early 1989, Dr H. Benjamin Obonyo, secretary general of the antigovernment Uganda people’s democratic movement (UPDM) corroborated evidence of atrocities acquired by amnesty international and other human rights organizations. He also charged that the NRA had burned civilian alive in regions of north and east.

Though the 1990 amnesty report international, the NRA killed a number of un armed civilian in districts of Gulu, Tororo, Kumi and Soroti. Despite several government inquiries, amnesty international discovered that no NRA personnel were ever charged with these human rights violations or brought to trial. Moreover more 1300 people remained in detention without charged at the end of 1990-. The government officials labeled most of these allegations exaggerated but it was clear that they were unable to eliminate abuses by the military forces and that Uganda would face mounting international protests engendered by such.

To counter accusation of human rights abuses, particularly in northern and eastern Uganda the government punished members of the NRA convicted of assault or robbery against the civilian. Several were executed for murder or rape. Military officers even carry out some of the executions.

Despite protest by several international organizations, these executions continued in the 1990’s. Uganda’s AG George Kanyeihamba justified the practice, insisting that strict discipline was necessary to maintain order in the military.

Since the dispensation of the 1995 constitution with the detailed bill of rights and Uganda being a signatory to international instruments that forbid torture, the government agencies are still involved in torture of civilians. Amnesty report of 2004 accuses the UPDF Chieftaincy of Military Intelligence (CMI), the Internal Security Organization (ISO), the Violent Crime Crack Unit and ad hoc agency such as the Joint Ant-Terrorist Task Force (JAFT) of torture. In October 2001 the Uganda Human Rights Commission (UHRC), which only receives complain for a small fraction of actual human rights violations found that torture continued to be widespread practice amongst the security organizations in Uganda.

In late 2002, the independent monitor newspaper was temporarily closed by the army and police. Journalists from the paper continued to come under attack, two of whom were publicly denounced as rebel collaborators by a spokesman of the UPDF.

On 14<sup>th</sup> June 2003 amnesty reported that (violent crime crack unit) officers arrested Nsangi Murisidi aged 29, on suspicion that he had facilitated friends to commit robbery and alleged possession of a gun. Relatives tried in vain to visit him in detention. On 18<sup>th</sup> June, the lawyer representing the family received confirmation of his death in custody while at VCCU headquarters at Kireka, a suburb of Kampala. The death Certificate established the cause of death as extensive deep burns on the buttocks. The body also bore 14 deep wounds.

On October, the minister of internal; affairs informed amnesty internal that the inquiry had been ordered but no progress was subsequently reported.

The human right watch in 2009 June, reported the security agents in Bukede district tortured to death David Okwi, a member of the opposition party Forum for democratic Change (FDC).

The government took no action to investigate security force handling of the September 2009 riots in Kampala that resulted in at least 40 deaths. On September 8<sup>th</sup> the High court denied an appeal for bail by 23 individuals who were arrested during the riots.

Further in his 2009 annual report released in October 2010, the UHRC, reported registering 785 human rights complaints against 106 UPDF members, 285 police officers 86 other security agencies, 29 prison warders of which involved allegations of torture or cruel inhuman or degrading treatment and punishment.

It further reported that there were numerous reports and abuses in unregistered detention facilities operated by the JATT and the Chieftaincy of Military Intelligence (CMI). Torture



victims included political activities and detainees. The security forces tortured in mates particularly in military facilities and unregistered detention centers.

### **Methodology**

The methodology show how data was collected and analyzed it also shows how the research was designed, survey population and data collection and analysis. This was essential in the assessment the extent on which the security forces have impacted negatively on the enjoyment of human rights in Uganda.

### **Research design**

The study was carried out using qualitative and this method was essential in establishing the involvement of the security forces in the violation of human rights. Descriptive and analytics methods were combined especially in finding out the factors influencing and leading to the cruel nature of the security forces.

### **The study population**

The study sought to assess the impact of security forces involvement in the infringement of human rights and freedoms and reviewing the various roles of the security forces, with specific reference to many types of security apparatus.

### **Sample design**

Interviews in relation to the topic were administered to victims of walk to work demonstrations, human rights activists and ordinary citizen population. Interviews were preferred because they gave an opportunity to probe and obtain defiled information on an issues and it was the cheapest method.

### **Data collection**

Data was collected using both primary and secondary methods. Library research was extensively and intensively used to collect the information from the existing laws, journal, newspapers textbooks, government documents and financial institution annual reports to authenticate or refute information obtain from the primary source. Data collected was critically analyzed to determine the extent to which the security forces have been involved, by reviewing their role in the resent human rights abuses from the historical point of view.

### **Data processing and analysis**

The data collected were analyzed, edited and transcribed. Comparing and sorting were effective in eliminating irrelevancies duplications and disorder. The data collected were analyzed using

different analytical techniques such as comparison with similar research work. Data collected was determined whether among other factors that undermine human rights, the security forces are the major factor.

## **CHAPTER TWO**

### **ANALYSIS OF RELEVANT LEGAL PROVISIONS ON PROTECTION OF HUMAN RIGHTS**

#### **2.0 Introduction**

This chapter presents the analysis of legal provisions both municipal and international legal instruments that advocate and promote the observance and respect of human rights in Uganda. It also presents a critique of their inadequacy and ends with a review of the chapter.

Law has been defined differently by different scholars. But in simple term Law is a system of rules that everyone in a country or society must obey. Or ordinances of reason made by one who has the authority and care of the society for the common good and are promulgated.

Thus in a democratic society like Uganda it is important for the people to enjoy there inherent rights and freedoms when these laws are in place as they are in paper today.

#### **2.1.0 The municipal instruments**

They include the constitution of Uganda 1995, the police Act Cap303, the UPDF Act 2005, the prisons Act, the Criminal Procedure Code Act Cap 116, the Penal Code Act Cap 120 and case law.

#### **2.1.1 Constitution of Uganda 1995**

It is the basic law, which governs our country. It is where all the organs and departments of the government derive their authority & legitimacy from ", it defines the relationship between society and government, provides for rights, duties of government towards an individuals and rights and, duties and individuals.

The 1995 constitution provides that fundamental rights and freedoms are inherent and not granted by the state<sup>4</sup>, as it was held by the East Africa Court of Appeal.

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<sup>4</sup> Article 20 (1) of the constitution

The constitution does not only entitle citizens to express their views, but also allows them to assemble and demonstrate with others peacefully and unarmed<sup>5</sup>. These rights are also provided for in key international human rights instruments to which Uganda is a party.

It also provides that man ought to live in the perfect freedom, to be equal and have a right to live. It provides for the police force and the UPDF as the departments of the government to exercise their powers and function in accordance with the Constitution. All persons are equal before and under the law in all spheres of political economic, social and cultural life and in every other respect and shall enjoy equal protection of the law<sup>6</sup>.

### **2.1.2 Criminal procedure Code Act cap 116**

Every individual in Uganda has ac constitutional protection as to liberty as enshrined in the bill O rights. It is to the effect that when conducting an arrest, the police officer shall actually touch or confine the body of the person to be arrested, unless there is a submission to the custody by word or action. And that the person arrested shall not be subjected to more restraint than is necessary to presents his or her escape."

### **2.1.3 Police Act cap 303:**

The police Act, Cap 303 provide that Police officers are not authorize to resort to the use of firearms to prevent the escape of a prisoner unless he/she has reasonable ground to believe that he/she cannot otherwise prevent the escape or unless he/she gives warning to such a person that he is about to use such arms against him and such warning is unheeded<sup>7</sup>.

The act provides that a police officer can arrest and detain a person if he/she believes that action is necessary to prevent that person from; causing physical injury to him/her or any other person, suffering physical injury, causing loss or damage to property, committing an offence against public decency in a public place and from inflicting harm or undue suffering to a child or other vulnerable person<sup>8</sup>. This act give too mush discretionary powers to the police. In most cases according to the research this has been abused by the brutal nature of the police in the public places thus violating human rights, for example-it permits the police office

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<sup>5</sup> Article 29 of the constitution

<sup>6</sup> Article 21 (1) of the constitution

<sup>7</sup> Section 28 (3) (a) (b) and (c) of the police Act

<sup>8</sup> Section 24 (1) (a-f) of the police Act

without a warrant or order to arrest a person if he/she has reasonable cause to suspect that the person has committed or is about to commit an arrestable offence.

The requirement for permission being granted by the police for the assembly from the police subjects the inherent right to assembly and demonstrates peacefully to permission which goes against the spirit of *Article 29(1)*. There is need to review the statutory instrument so that notice is given by the demonstrators rather than permits being issued police. Where police believe that the assembly should not be held, they can petition court for an injunction to stop the assembly. The act authorizes the minister to gazette areas with regard to assemblies and not demonstrations and processions<sup>9</sup>. The statutory instrument thus exceeds the scope of the authority granted to the minister. In line with *section 35*, the minister should place that are limited to assemblies and not demonstrations and processions.

#### **2.1.4 Penal code act cap120:**

The penal code Act Cap 120 provides for the use of minimum force that is reasonable in the apprehension of a person, in regard to the gravity of the offense which has been or was being committed by the person and the circumstances in which the offence had been or was being committed by the person<sup>10</sup>.

#### **2.2.2 How the ICRC makes a difference**

Fourth Geneva Convention relative to protection of civilian persons in times of war provides that States have the duty to respect and ensure respect for international humanitarian law, including the rules protecting women, and, should violations occur, to bring the perpetrators to justice<sup>11</sup>.

The International Committee of the Red Cross (ICRC) is particularly concerned about the protection of women against the effects of hostilities, and especially against the acts of violence to which women are particularly vulnerable. It tries to prevent such violations by making appropriate representations to parties to armed conflicts, be they States or armed opposition groups, urging them to comply with the rules of international humanitarian law and to respect and protect persons not, or no longer, taking an active part in the hostilities.

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<sup>9</sup> Section 35 of the police Act Cap 303

<sup>10</sup> Section 16 of penal code Act

<sup>11</sup> Article 27 (2) of the fourth Geneva Convention

The ICRC carries out and promotes the dissemination of international humanitarian law (also known as the "law of war"), and refers to this law in its activities throughout the world when dealing with specific problems concerning women. Through detention visits, activities to protect members of the civilian population, relief and medical assistance programmes, and efforts to restore family links, it seeks to protect and assist victims of hostilities. Moreover, in January 2000 the ICRC began implementing a four-year pledge to ensure dissemination of provisions of international humanitarian law relating to the protection of women and the prohibition of sexual violence to parties to hostilities, and to ensure that all its activities appropriately assist and protect women.

### **2.2.3 The Rome Statute of the international criminal court (ICC)**

*The Rome statute of the international criminal court* in its preamble affirms that most crimes against civilians must not go unpunished and that there effective prosecution must be ensured by taking measures at the national level<sup>12</sup>. It entered into force on July 2002 after ratification by 60 countries inclusive of Uganda.

*Torture is defined* as the intentional infliction of severe pain or suffering, whether physical or mental, upon a person in the custody or under the control of the accused<sup>13</sup> except that torture shall not include pain or suffering arising only from, inherent in or incidental to, lawful sanctions.

Most people find themselves victims of torture in the hands of the security forces especially the police force as we shall see in the next chapter.

### **2.2.4 Universal Declaration of Human Rights (UDHR)**

The UDHR is to the effect that all human beings are born free and equal in dignity and rights and are endowed with reason and conscience and should act to one another in a spirit of brotherhood<sup>14</sup>. It further state that everyone is entitled to all the rights and freedoms in the declaration without distinction of any kind as race sex and thus all people are equal before the law and entitled to protection of the law."

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<sup>12</sup> Article 7 (2) (e) of the Rome statute of the international criminal court

<sup>13</sup> Oxford advanced Dictionary 8<sup>th</sup> edition

<sup>14</sup> Article 1,2 and 7 of the Universal declaration of human rights

### 2.3 Writings of international jurists

*Rousseau* (1712-1778) argued that for the natural goodness of human nature, that man is born innocent and good, free and equal, but the corrupt powers of civilization are responsible for the evil situation he finds himself in, that men by nature born with rights and it is on the basis of these inalienable rights to freedom and equality that they enter a social contract with the government to protect them<sup>15</sup>.

According to *John Locke* (1632-1704) man has individual rights and ought to live in the perfect freedom without fear, to be equal and enjoy the right to live in dignity<sup>16</sup>."

What they meant is that it is the role of the government to protect the rights of the civilians.

This is a contrast in Uganda where the same person entrusted to protect the civilians are the ones involved in the violations through use of excessive force thus subjecting the people into suffering as we shall see later in the chapter three.

### 2.4 Justification for the laws and criticism

In an era where the state power thrives on police and military organs which are shrouded in secrecy, in order to outmaneuver their domestic opponents, there is need to have legal machineries in form of laws to regulate and check their actions and conduct.

In 2007, Government passed statutory instrument No.53 of 2007 which has implications on the rights to freedoms. This was in response to the numerous demonstrations and strikes that were witnessed that year. Thus this chapter highlights the importance of these freedoms, the challenges faced in the enjoyment of the right and the need for implementation.

The freedom of assembly and demonstration is protected because it helps to communicate the public's will to the state, and in so doing, prevents the government from undertaking or continuing a particular course of action which lacks either public support or legitimacy. Thus, by allowing population to demonstrate, assemble and express their views, the government's general exercise of power becomes more legitimate and democratic.

However, the abuse of police powers through denying people's right to assemble and

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<sup>15</sup> J.P.Omony jurisprudence 1

<sup>16</sup> J.P.Omony jurisprudence 1 supra

demonstrate, is a threat to safety of the demonstrators, security of property, as well as law and order during the suppression of this right and freedom

An arrest is the deprivation of liberty for the purpose of compelling a person to appear in court. The law of arrest attempts to harmonize the competing social interests based on the need to enforce the law on one hand and the need to respect individual liberty on the other hand. the law of arrest attempts to balance this precedence by laying down provisions aimed at preventing abuse of power to take into custody and emphasizing the desirability of keeping the use of force to a minimum, as well as the need to make arrests a quick and effective means of ensuring that those arrested are brought before a court of law to answer the charges against them<sup>17</sup>.

However, this is not the case on the ground, the police use brutal means to secure arrest violating the rights of individual resulting even to death, thus to cost government to compensate for unlawful arrest or detention, as we shall discuss in the next chapter.

Another critique of these laws is that there is ignorance on the part of the security force of their existence. This is due to the fact that most of them are illiterate. For example the Uganda prison service has not created awareness about the prisons Act 2006 for all prison staff and inmates and there for, there is no implementation to ensure that suspects on remand are not tortured and subjected to hard labour and are separated from the convicted prisoners, in order to uphold the constitution of the presumption of innocence until proven guilty<sup>18</sup>.

As we shall see in the next chapter, there is still unconstitutional detention without trial in the hands of the police and prison authorities, thus violating the right to liberty by detaining people without commitment orders.

It must be appreciated that the powers given to law enforcing agencies such as the police, are given exclusively for lawful purpose from which the public is entitled to benefit and these powers must be used reasonably. Clearly, there are remedies available both in our civil and criminal courts to the victims of unlawful arrests and acts of high-handedness on the part of

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<sup>17</sup> Criminal procedures by Francis J. Ayume

<sup>18</sup> Article 28 (3) of the constitution



those wielding powers of arrest. Admittedly, these powers are more often open to abuse because of human frailty but the study has shown that very often these powers are deliberately and brutally misused to the detriment of members of the public. Apart from inconveniencing the victim, it embarrasses the government which will be vicariously liable in civil action for his wrongful act. No doubt if security agents are left unquestioned in the law courts every time they exceed their powers and unlawfully arrest or assault people in the course of their duties, the image of our legal system will be tarnished in the eyes of the public whom the law seeks to protect and in the international arena.

Therefore the police powers to suppress the demonstrators must meet the following standards: *legality*- police action must be lawful and not arbitrary or based on unjustifiable orders, *proportionality*- the nature and extent of police actions must only be what is required to meet what it seeks to address, *Necessity*- police action must be appropriate, reasonable and justifiable in each circumstance at hand, *Accountability*- police must be responsible for their actions, and lastly the Exercise of power must recognize the need to facilitate rather than hinder demonstrations.

These laws also entail that, fundamental human rights are not granted by the state, but are inherent in citizens by very fact of their birth. For instance the constitution provides that any person who claims that a fundamental or other right or freedom guaranteed under the constitution have been infringed or threatened, is entitled to apply to a competent court for redress<sup>19</sup>. And this was also *prima facie* manifested in the case of *Rev. Christopher Mtikila v. A. G of Tanzania* that fundamental human rights are not gifts from the state, they are inherent in a person by reason of his birth therefore prior to the state and law<sup>20</sup>.

*The fact that citizens have to bear so much of the tragic/burden of hostilities from the security agents is not primarily because of any shortcomings in the rules protecting them, but because those rules are not sufficiently observed. The general and special protection to which men, women and children are entitled must become a reality. Constant efforts must be made to promote knowledge of and compliance with the rules of international/human*

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<sup>19</sup> Article 50 of the constitution

<sup>20</sup> Civil case no 5 of 1993

*right laws and domestic human rights provisions, in the constitution and other legislations among as wide an audience as possible by using all available means.*

## **2.5 Review**

This chapter was all about examining the provision of legal instruments both municipal and internationally, that are in place that advocate the observance and respect of the human rights by those who wield power like the security agents. It was also a critique on the reality of these instruments on the ground, on the part of the security agents who are supposed to implement them to ensure that there are no violations and abuses of human rights

## **CHAPTER THREE**

### **DATA PRESENTATION, ANALYSIS AND INTERPRETATION**

#### **3.1 Introduction**

This chapter presents findings of the study in accordance with the research objectives stated in chapter one therein. The results reflect on the specific acts of abuses and violations of human rights in which the security forces have been involved in, from the year 2007-2016 and the effect of security agent's brutality in violation of human rights on the ground despite the presence of international law instruments against torture ratified by Uganda.

#### **3.2 Demographics**

Demographics can be defined as the physical characteristics of a population such as age, sex, marital status, family size, education, geographic location, and occupation. Also can be characteristics and statistics of human population: the characteristics of a human population or part of it, especially its size, growth, destiny, distribution and statistics regarding birth, marriage, and diseases.

#### **3.3 Findings from Data Sources**

Finding from data sources shows that Uganda has ratified the international law instruments against torture yet security agents brutal acts of violence flares up in most part of the country including the streets of Kampala, detention centers and prisons. This is preceded by persistent corruption to cover up the actors of violence.

##### **Police station**

There were some extreme cases of torture unearthed by the commission during inspections in several parts of the country especially in Northern Uganda. 'Juvenile was tortured and denied medical treatment until the Gulu regional human rights officers intervened and had him taken to hospital. In central Uganda the officer in charge of prison tortured an inmate who had attempted to escape.

The UHRC found people in detention without commitment orders which is a clear case of detention without trial. This came about as a result of some security officers colluding with some prison staff to remand suspects without commitment orders. In some instances, some

people were found on remand in prisons on forged court orders. This was the case in Amuria and Ntungamo prisons, where the commission found inmates on remand without court authorization but forged court paper. This is a clear abuse of the institutions expected to oversee dispensation of justice. The UHRC exposed this illegal practice to prison authorities for their agent action.

**2007 suppression of demonstrators:** Enjoyment & limitation on the freedom of assembly and demonstration as provided, has and is still a subject of controversy": During the demonstration by the public over the selling of Mabira forest, the police and the UPDF used excessive force to suppress the people leading to loss of life and destruction of property in Kampala<sup>21</sup>. These followed by use of force to destroy people's property by demolition by the police just in preparation of CHOGM to clean the town.

**Hiring out prisoners labour:** Usually prisoners work in prison farms in pursuance of self-sufficiency strategy. However, some inmates on remand are taken out and hired as labourers. According to the research, Amuria inmates are hired to private individuals in the neighboring villages and forced to work for long hours without food or remuneration<sup>22</sup>.

**(b) Commonwealth Human Rights Initiative:** On 1 March 2007, President Museveni's Black Mamba squad raided the Ugandan High Court in Kampala. The Black Mamba is the sinister heavily armed anti-terrorism division of Ugandan government security. They are cloaked in secrecy and take orders" from the President. During the raid 25 Black Mamba members and 20 prison officers forcibly rearrested five People's Redemption Army (PRA) suspects who had just been released on bail after being charged with treason and terrorism. The Human Rights Network in Uganda states that the Black Mamba 'unleashed brutal violence against the suspects' and their lawyers, leaving one lawyer 'bleeding after he attempted to intervene in the unlawful arrest. The following day the five suspects were charged with new allegations of murder and presented before a military court. In a display of

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<sup>21</sup> Gudrun Dewey, access to justice programme and a reflection security in Uganda

<sup>22</sup> Annual report of the Uganda human right commission.

outrage at the arrests, judges, magistrates and others working at the High Court accused the Government of undermining the independence of the judiciary and went on strike.

This is not the first time the Black Mamba have intimidated the judiciary. The suspects were first arrested in 2003 and held in illegal detention until they were released on bail in 2005. The Black Mamba were at Court to re-arrest the suspects as they were bailed and returned them to a maximum security prison. The Ugandan Government uses a military approach to security to intimidate the population and assert its might and power over any possible opposition. It is an example of a government putting its own interests above the true security of its people. True security demands the unswerving respect for human rights standards, the rule of law and the ability of the community to express opinions openly and without fear.<sup>58</sup>

March saw the police force exercising powers beyond its jurisdiction when it filed petitions to the Media Council - the regulator of all media in Uganda - complaining of critical articles published about the Government, with the claim that these articles were threats to national security and therefore a police concern. The Monitor, a privately owned Kampala newspaper, reported that out of the 53 complaints filed 4 police officers, all related to independent press and none to the government run New Vision newspaper. When asked by the Media Council to issue a written defence, lawyers from The Monitor declined on the grounds that the complaints were invalid because 'the police [are] not a legally designated representative of the state' and had 'usurp[ ed] the powers of other designated institutions to represent the state.' In characterizing the press and journalists as threats to security, the police and the Government are stifling healthy, legitimate debate within the community. In doing so they are damaging the key elements of a free, functioning and secure democracy. While newspapers do continue to publish, many journalists claim that they now have to self-censor for fear of becoming police targets.

The Government continues to use the police to crack down on political dissent and opposition. On 12 April there was a large protest over the Government's decision to allocate a significant area of national park to a privately owned Asian sugarcane company. The protests turned violent and some of the demonstrators began attacking those in the community of Asian origin. While the demonstrators began to engage in unacceptable conduct, and the police were

required to step in and diffuse the situation, the actual Government response through the police was vastly excessive and described as a 'brutal' and 'menacing show of force' in which at least two people were killed by officers. Two opposition members of Parliament, along with 24 others, were arrested and charged. Just a few days later in a related protest, the police again showed their strength by using live bullets, water cannons and tear gas to stop the demonstration.

Meanwhile, conflict continues to ravage the North Eastern Karamoja region of Uganda where the presence of the Ugandan Peoples' Defence Forces (UPDF) and a general failure of civilian policing has led to increased insecurity. In this arid region bordering Kenya and Sudan, which is often labeled the 'forgotten area', the Karamojong people are pastoralists who depend on cattle for their livelihoods. They are also heavily and illegally armed and the harsh conditions have created a culture of violent inter-tribe cattle raids and fighting whose casualties are devastating. In an attempt to end the complex tribal conflict, the Government installed a disarmament plan in 2001, starting with a program of voluntary disarmament and then assigning the UPDF to the region to forcibly recover illegal arms. In addition, the UPDF have combined with civilian police, working with the Ugandan Police Force to arrest armed Karamojong. Although the Government run New Vision newspaper declared this April that the security situation has improved this year and that local leaders 'praised the armed forces' and 'hailed the new UPDF leadership in the region for improved performance and better relations with civilians', independent observers paint an entirely different picture. This April, the UN High Commissioner for Human Rights released a statement of concern over security forces from carrying out using indiscriminate force and methods of torture in Karamojain the disarmament process. She found that between November 2006 and March 2007, 'the force of the [UPDF] resulted in the killing of at least 69 civilians [and] 10 cases of torture'. The Commissioner has also received reports of other UPDF human rights violations including extra-judicial killings, arbitrary executions and the destruction of property.

In all of these examples the central *problem* is that *police* act outside their designated powers - often with Government sanction - or officers are *explicitly* authorized to use excessive force and engage in conduct that *violates* human rights standards, the rule of *law* and the basic foundation stones of democracy, including judicial independence. This is exacerbated by a lack of accountability. When the actions of the police are poorly controlled, lack transparency and are

immune from prosecution, a culture of impunity flourishes and real security for the people is even less attainable.

The lack of accountability is worsened by the emergence of more and more forms of policing in Uganda, whereby security is now the responsibility of many different Government actors. Where civilian police units take on military style powers or military forces are given the traditional civilian police power to arrest, as in the case of the Black Mamba in Kampala and the UPDF in Karamoja, they employ more brutal militaristic techniques and their conduct is outside normal civilian policing oversight structures such as reporting or judicial review. Also, where there are Joint army and Police operations, like those occurring in the arrest of criminals in Karamojaa, the jurisdictional boundaries of the military and police are dangerously blurred. As the actors have no clear role it is impossible that they will have any clear accountability for their actions. While there may be instances where military intervention is necessary, it must always be carried out separately and in addition to a strong civilian police and judicial structure that exists to protect the community. Civilian policing tasks and roles must stay within the jurisdiction of civilian police Karamoja demonstrates how the human rights violations of the army in the region have led to an intense distrust from the community towards any security agency attempting to enforce law and order. This undermines the establishment of an effective community police service, which is essential for stability and the security of the people, especially where there is a need to protect those who have disarmed and consequently are more vulnerable to cattle raids and attacks from neighboring tribes who have not. Similarly, aggressive police tactics to control public protests create further community mistrust. In contrast to a brutal approach, a policing that respects human rights can build peoples' trust and confidence necessary that benefit effective policing by reducing violent community reprisals, heightening police morale and

building up effective community/police communication and intelligence networks."

### **3.3.2 Findings in the year 2009:**

This year was also characterized by brutal acts of the security agents directed to the civilian.

There were numerous witness reports according to my research that witnessed these atrocities against humanity as follows:

a) The newspapers magazines and journals: *The Sunday vision newspaper* reported on the Buganda riots of September 11, where many Ugandans were rounded up and taken to Luzira Prison, where many of them are, until now. Many of those people had relatives directly or indirectly depending' on them. Remember also that not all the people who were arrested and beaten up had participated in the riots! Some people were rounded up while going to work or were just flushed out brutally of their homes with teargas.

In September 2009, at least 40 people were killed by security forces during two days of protests. Human Rights Watch documented numerous instances in which unarmed protesters and bystanders died as a result of the police and military police using live ammunition to scare people off the streets or shooting inside people's homes. Despite numerous commitments to investigate those events from government ministers and Uganda's parliament, no one has been held accountable for those killings, and the police and soldiers responsible have never been punished.

(b) other sources: The March 11 country human rights report released by the American government"" faults the Ugandan government in at least 18 areas of serious human rights abuse, which among others include arbitrary and politically motivated killings, abductions; electoral irregularities; official corruption; mob and ethnic violence and official impunity. It highlights other "serious human rights problems" as vigilante killings; politically motivated abductions; torture and abuse of suspects and detainees and harsh prison conditions; arbitrary and politically motivated arrest and detention; the holding of suspects incommunicado and lengthy pretrial detention; restrictions on the right to a fair trial and on freedoms of speech, press, assembly, association, and; restrictions on opposition parties.

### 3.3.3 Findings in the Year 2014- 2015:

According to the research, the year was characterized by abuses of rights by the security agents *infer alia*.



## **The newspapers magazines and journals**

*The daily monitor* had a story that read, "Seven cops held over torture of a mad man"<sup>23</sup> the action of the police against an innocent and helpless man clearly shows the extent of how the security agents are brutal in Uganda.

According to the study, *the Sunday vision*, had the following headline, "PRISONER TORTURED" this happened in Iganga where HamzaKiirya (inmate) apparently remained in line when other inmates were sent to bring hoes, which they would use to dig. That's when the prison warder is said to have haphazardly beaten him with a stick on the head and all over the body. It was only with the intervention of other warders that BadruKisambira stopped the abuse. The warder reportedly wamed the inmate not to reveal that his wounds were a result of the torture he received<sup>24</sup>.

## **Situation of human rights defenders**

While freedoms of expression, association and peaceful assembly were severely challenged in Uganda in the run up to the general elections that took place in February 2011, NGOs and Journalists who tried to expose irregularities and allegations of corruption by Government as well as human rights violations by the security forces faced acts of intimidation and attacks. Several defenders were also targeted by the authorities to hinder the legitimate exercise of their human rights activities against the background of the fight against terrorism in East Africa. Finally, in a context of increasing stigmatization and criminalization of homosexuality and defenders of sexual rights, a defender of LGBTI rights was assassinated.

## **Political Context**

Presidential, parliamentary as well as local elections were held in February 2016. On February 18, 2016, President Museveni, candidate of the National Resistance Movement (NRM) who has been in power for 30 years, was re-elected with over 60% percent of the votes.

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<sup>23</sup> The daily monitor July 14<sup>th</sup> 2011

<sup>24</sup> Sunday vision of October 23<sup>rd</sup> 2011

The NRM also won the majority of the parliamentary seats. Presidential and parliamentary elections took place in a generally peaceful atmosphere but were marred by irregularities and widespread allegations of voters bribing, as well as some acts of violence and intimidation. They were also held under high security forces presence and preceded by acts of intimidation of political opposition members and civil society

In the run up to the general elections, freedoms of expression, association and peaceful assembly were severely challenged. Following the swearing in ceremony of president elect in May 2016 the leading opposition candidate Rtd Colonel Dr Kizza Besigye was arrested a day before the general election and was only released after over a period of two months. However to date his movement is restricted as the security forces continue to deploy around his home and he cannot leave his home freely. The continued presence of the security forces around Dr Kizza Besigye is in violation of his rights as of recent he was stopped from going to a Sunday service on the independence as they had to drive him in a police vehicle instead of using his personal car. The Government's will to restrict these fundamental freedoms was clearly reflected in the 2009 draft Public Order Management Bill, which was made public in September 2010 and seeks to re-introduce police permission for public meetings, grants the Inspector General of Police (IGP) and the Minister of Internal Affairs wide discretionary powers to regulate the conduct of public meetings but also to regulate the content of the discussion at such meetings. In that context, several demonstrations aiming at protesting against the composition of the Electoral Commission were violently repressed, in particular before the 2016 general election.

### **Legal obstacles that might restrict human rights activities**

In 2010-2011, the Amendment to the NGO Registration Act, which was adopted by the Parliament in 2006, continued to have the potency to severely hinder human rights GO activities and silence the most critical ones, as it could directly threaten GO autonomy and independence. Yet, since 2006, the law could not be implemented pending the adoption of the GO Registration Regulations, which were finally adopted on March 26, 2009, as well as pending the decision by the Constitutional Court following the petition filed in April 2009 by a

group of NGOs led by the Human Right Network - Uganda (HURINET), challenging the constitutionality of the Act on the ground that it violates a number of rights enshrined in the Constitution such as the freedom of association. Hearings scheduled were regularly postponed by the Constitutional Court and no decision had been issued as of the end of April 2011. Under the terms of this Law and the 2009 Regulations, NGOs have to obtain, annually, a renewal of their licences by a NGO registration board composed of a limited number of NGO representatives and different ministry representatives, including the Internal and External Security ones. Among many other restrictions to the activities of NGOs it contains, it would prevent NGOs from making direct contact with local people in rural areas without giving a seven-day written notice to the district authorities which would obviously affect human right monitoring in the field. It also expands the powers of the board to regulate the dissolution of NGOs by adding grounds for which the Board could order dissolution. An attempt of the GO Board to implement the Act by requiring GOs to proceed with registration before August 30, 2010 was dismissed by the High Court, which on August 202010 granted a temporary injunction against the NGO Board prohibiting it from implementing the Act pending decision of the Constitutional Court.

### **Intimidation and arrest of human rights defenders promoting free and fair elections**

NGOs faced acts of intimidation when trying to expose irregularities and allegations of corruption by Government during pre-election times. For instance, on November 23, 2010, Mr. OfwonoOpondo, the Deputy Spokesperson of President Museveni's ruling party, threatened the Democracy Monitoring Group (DEMgroup) that he would use his influence to cancel the registration and accreditation of this group as an election observer following reports that some NRM candidates had not resigned from their posts in Government before contesting as prescribed by electoral laws<sup>12</sup>. On January 26, 2011, a coalition of GOs led by the Ugandan National NGO Forum (UNNGOF) launched a campaign called "Respect your Honour and Return our Money Campaign" aiming at denouncing allegations of corruption. On February 5, 2011, the police arrested an employee of UNNGOF, Mr. Job Kijja, and a volunteer for the coalition, Mr. Dennis Muwonge, while they were distributing leaflets against corruption and mismanagement. They were taken to Kampala central police station and ultimately released after being interrogated for four hours. The following day,

nine other persons were arrested including Mr. Andrew Dushime, a member of UNNGOF, and volunteers who were distributing the statements as well as individuals carrying it. Messrs. Patrick yakoojo, Joel Nyakahuma and Andrew Dushime were detained at Wandegaya police station while Ms. Esther Namubiru and two others were detained at the Old Kampala police station. All were released without charge on the same day after a few hours, except three others, including Ms. Betty Nakitende, who were detained at Kasangati police station until the next day. Subsequently, the defenders sent a letter to the IGP informing him of their illegal arrests. Although a team of officers belonging to the Professional Standards Unit took the victims' testimonies, there were no developments afterwards. In Lira, in the northern part of Uganda, on February 8, 2011, Ms. Eunice Apio, the Executive Director of Facilitation for Peace and Development (FAPAD), was summoned for interrogation and intimidated by the Lira district police Commander and the Lira District Resident Commissioner, after a member of her organization had read the coalition statement during a talk show on Radio Rhino on February. Multiplication of violent attacks against journalists reporting on human rights violations by security forces and electoral irregularities

Journalists faced numerous violent attacks aiming at preventing them from documenting and reporting on violence and irregularities linked to elections as well as human rights violations by the security forces. For instance, on February 18, 2011, while he was covering the presidential and parliamentary polls in Mbale district in eastern Uganda, Mr. Julius Odeke, a journalist from the Red Pepper and the Razor Newspaper, was shot in the knee by the bodyguard of the Minister of the presidency Beatrice Wabudeya, who was trying to confiscate Mr. Odeke's photos of electoral violence in the area. On February 23, 2011, during Election Day at Kakeeka polling station in Rubaga division in Kampala, supporters of NRM ruling party candidate Peter Ssematimba, who were reportedly angry with the media coverage of the polls irregularities, attacked the journalists present at the polling station with sticks. Thus, Ms. Lydia Nabazziwa, a reporter from Bukedde TV, was injured at her ear, Mr. Nixon Bbaale, a cameraman for Channel 44 TV, was injured at the head, Mr. Brian Nsimbe, a reporter for Channel 44 TV, was injured at his arm, the equipment of Ms. Florence Abukeera, a reporter with Bukedde newspaper, were stolen, Ms. Christine amatumbwe, a reporter for Metro FM, had her radio recorder, mobile phone and hand bag stolen and Ms.

Jane Anyango, a reporter with UBC TV, sustained blows at her face and leg. The six journalists filed a complaint and an investigation was ongoing with no results at the end of April 2011. In April 2011, at least eight journalists were injured by security forces during a "walk to work" protest. For instance, Mr. Ali Mabule, a correspondent of the New Vision newspaper, was beaten by a Ugandan People's Defence Forces (UPDF) soldier to prevent him from taking a photo of a soldier beating a protester in Masaka on April 14, 2011. Mr. Norman Kabugu, a journalist for Kamunye newspaper, was then beaten by an UPDF soldier as he was taking photos of his colleague being beaten. Messrs. Ronald Muhinda, a journalist with Radio One, Stuart Yiga, a reporter with the Red Pepper newspaper, and Francis Mukasa, a cameraman of Wavah Broadcasting Service (WBS) television, were assaulted by security forces as they were covering the April 14 protests in Kampala, including human rights violations that occurred in that context. Furthermore, journalists were denied access to places where the riots were taking place and to Kiasangati hospital where a demonstrator reportedly died following security forces beatings and inhalation of tears gas.

#### **3.3.4 Investigation of the April 2011 Killings during Protest**

Human rights watch said that, "The government of Uganda has failed to investigate adequately the use of lethal force by security forces that resulted in the deaths of at least nine people during protests over corruption and rising commodity prices in April 2011. A year after the nine were killed, no member of the security forces has been held accountable and only one has been arrested.

The failure to investigate all of these deaths and prosecute members of the security forces who used unnecessary lethal force during the April 2011 protests, as well as new threats in recent weeks on the right of free speech and assembly, set the stage for future abuses and contribute to escalating tensions," Human Rights Watch said.

"Members of the Ugandan military and police commit serious crimes with impunity, particularly during politically charged demonstrations," said Maria Burnett, senior Africa researcher at Human Rights Watch. "Ugandan law guarantees the right to free assembly, speech, and association, but security forces disregarded these basic freedoms and responded with live ammunition."

A wave of protests began in April 2011 after Activists for Change (A4C), a non-partisan group, called on the public to "foster peaceful change in the management of public affairs." The first action was "Walk to Work" protests twice a week to protest escalating food and fuel costs and government financial mismanagement. The government contended that the protests constituted unlawful assembly and said it intended to stop them.

Based on multiple accounts from witnesses, Human Rights Watch documented the killings of at least nine unarmed people over several days by government forces - six in Kampala, two in Gulu, and one in Masaka. None of the nine were actively involved in rioting and some were not involved in the protests. Security forces also beat or shot at more than 30 journalists, confiscated audio recorders and cameras, and deleted images of the violence. Several opposition politicians, including two former presidential candidates, were violently arrested and charged with unlawful assembly and inciting violence. All charges were eventually dropped.

Human Rights Watch investigated the fatal and non-fatal shootings by the security forces, as well as allegations of abuses such as beatings, theft, and rape, that occurred on three of the most violent days of the demonstrations, April 14, 21, and 29. Researchers interviewed more than 60 people, including victims and their relatives, witnesses, community members, medical staff, members of civil society, police, members of the military, and journalists in Gulu and Kampala. Human Rights Watch also gathered forensic evidence, such as photographs of bullet holes, post-mortem reports, and police records.

In some instances protesters began throwing stones and burning debris, but Human Rights Watch found that security personnel did not distinguish between people who actively participated in violence and those who did not, and instead fired randomly into crowded areas and launched teargas at people or into houses.

In mid-October 2011 at least 27 members of Activists for Change were arrested and charged with incitement to violence, concealment of treason, or treason as the group planned more protests to highlight corruption and inflation. An opposition leader and former presidential candidate, KizzaBesigye, was arrested several times during 2011 while walking to work and held in "preventative detention" at his home.

Recently several women activists have also been arrested and beaten. Ingrid Turinawe, leader of the Women's League of the opposition Forum for Democratic Change (FDC), was arrested on April 20 as she tried to drive to an opposition rally outside Kampala. Turinawe was assaulted as she was hauled from her vehicle, and her breast was grabbed several times by a police officer. She was eventually arrested on charges of unspecified traffic offenses and released. The televised and widely publicized incident sparked outrage, and on April 23 women's rights activists held a protest at police headquarters. Six were arrested after stripping down to their bras and refusing to leave the station. Police leaders said the women were arrested because they did not have permission for their protest and were exposing themselves in public. The women were later released.

As a result of the grave human rights violations," in late May 2011, lawyers from the East Africa Law Society (EALS) filed several suits with the East African Court of Justice in Arusha, Tanzania, against the Kenyan and Ugandan governments and the East African Community (EAC). The legal group alleges that Ugandan security agencies committed human rights violations and acted in contradiction to the country's Constitution during recent demonstrations. The EALS describes itself as the "premier regional Bar Association in East Africa."

Aggrey Mwamu, Vice-President of the EALS, explained before the suits were formally filed that the organization was able to raise human rights issues, stating "[t]he memorandum of articles empowers the society to intervene in matters pertaining to human rights violation and arrest the situation before it gets out of hand.

The suit claims that gross violations of human rights were committed in April of this year by Ugandan security forces, in response to a "walk-to-work" protest, and that at least ten people were killed, several were injured, and others were subjected to arbitrary arrests. In addition, the government is being blamed for property damage that occurred at the same time.<sup>81</sup> Mwamu alleged that the actions of the Ugandan government violated clauses of the East African Community (EAC) Treaty on good governance and human rights. The EAC is a regional organization formed by Burundi, Kenya, Rwanda, Tanzania, and Uganda by a treaty signed on November 30, 1999.

The suit filed against Kenya by EALS claims that citizens of Kenya were improperly extradited to Uganda, where they were charged with taking part in terrorist activities in July 2010. The suit alleges that required procedures for extradition were not followed. As Mwamu stated, "[t]he Kenya [sic] citizens were handed over in a casual manner without any legal process. This was also inconsistent with the Kenya Constitution." He went on to criticize the EAC officials for not pointing out the lapse to the government's involved.

"Ugandan officials should ensure that the right to assemble is protected without protesters fearing lethal force," Burnett said. "Police need to show leadership by professionally managing demonstrations, exercising restraint, and investigating criminal acts by all sides - including the security forces themselves.

According to Daniel Bekele, Africa director at Human Rights Watch (Kampala) - The Ugandan police Rapid Response Unit frequently operates outside the law, carrying out torture, extortion, and in some cases, extrajudicial killings, Human Rights Watch said in a report released 23rd march 2012.

The 59-page report, "Violence Instead of Vigilance: Torture and Illegal Detention by Uganda's Rapid Response Unit," documents the unit's illegal methods of investigation and serious violations of the rights of the people it arrests and detains. The unit has a history of violent and unlawful operations since it was formed by President Yoweri Museveni in 2002 as Operation Wembley, an ad-hoc security entity commanded by an active member of the Ugandan military. Later, the unit became the Violent Crime Crack Unit and was formally taken under police command. In 2007, it was renamed the Rapid Response Unit. "Changing the unit's name, leadership, and command makes no difference to the people this unit tortures, detains, or in some cases kills," said Daniel Bekele, Africa director at Human Rights Watch. "The authorities and the donors who fund the police need to get serious about holding abusive officers of this unit accountable."

The Human Rights Watch investigation spanned the period from November 2009 to January 2011 and included over 100 interviews with people arrested and formerly detained by the unit, widely known as RRU, as well as former detainees' family members, current and former



employees of the unit, other police officials, intelligence officers, lawyers, journalists, and civil society members.<sup>86</sup>

## **Outside the Law**

The unit's mandate is to investigate "violent crime," but officers and affiliated personnel have made arrests for a wide range of alleged crimes, from petty offenses to terrorism. The unit's personnel typically operate in unmarked cars, wear civilian clothing with no identifying insignia, and carry a variety of guns; from pistols to larger assault rifles. The unit's members have on some occasions transported suspects in the trunks of unmarked cars.

Human Rights Watch also found that the unit routinely uses torture to extract confessions. Sixty of 77 interviewees who had been arrested by RRU told Human Rights Watch that they had been severely beaten at some point during their detention and interrogations. In 2010, at least two people died of injuries from beatings during interrogations, and four people were shot and killed in the course of an arrest. Several former detainees told Human Rights Watch that they had witnessed co-detainees die from beatings during interrogations, but did not know the names of the individuals.

Scores of victims across Uganda cited nearly identical treatment during interrogations by the unit's officers. Detainees were beaten on the joints with batons over the course of several days while handcuffed in stress positions with their hands under their legs. Human Rights Watch also found that RRU personnel regularly beat detainees with batons, sticks, glass bottles, bats, metal pipes, padlocks, table legs, and other objects. In rare instances, the unit's officers inserted pins under detainees' fingernails or used electric shock torture. The Ugandan authorities at all levels have a responsibility both to end these practices and to prosecute those responsible, Human Rights Watch said.

One former detainee of the unit told Human Rights Watch about his arrest and interrogation for allegedly having a gun: "they handcuffed me and beat me with a [glass] Coke bottle. They beat my friend too. They hit him in the ears a *lot*. As they were talking they would slap me, saying "tell us where the gun is," hitting me in the ankles, face, ears and elbows. We

went to the RRU office. They took my money from me - about 70,000 shillings [about US\$30]. They took us back to our home - searched the house and started torturing me again. Theft of money during investigations is a common complaint by former detainees. Some were also told they would be released if family members would bring cash to the officers. In several instances, victims of robberies told Human Rights Watch that RRU officers told them money had been recovered during investigations, but then the officers kept part or all of the money.

### **Forced Confessions and Illegal Prosecutions**

Several former detainees told Human Rights Watch that RRU personnel forced them to sign statements under duress, while the detainees were being beaten or threatened with further violence. None of those whom Human Rights Watch interviewed had been brought before a court within the constitutionally mandated 48 hours. In most cases, they were denied access to family or lawyers, in breach of the law.

People arrested by RRU are most often held in the unit's headquarters in Kireka, Kampala. They are usually then handed over to the military authorities to face trial before military courts. In 2009, the country's constitutional court held that military courts do not have jurisdiction over civilians. The African Commission has also prohibited the trial of civilians in military courts. But Ugandan authorities ignore these rulings and continue these illegal prosecutions.

The military court martial judges, despite hearing testimony detailing torture, have taken no known steps to address the abuses. Human Rights Watch observed trials in which confessions extracted through torture were held as admissible evidence by the court martial without proper scrutiny of the source and methods by which the evidence was obtained.

### **Extrajudicial Killings**

There are no precise figures about how many people may have died in RRU custody or as a result of abuses by the unit. But Human Rights Watch research documented at least a number of extrajudicial killings since its creation. RRU officers shot and killed four people in Kyengera in

January. In May, Henry Bakasamba died while officers were questioning him about a robbery of a foreign exchange bureau. In August, RRU officers severely beat Frank Ssekanjako, a 22-year-old robbery suspect, and he died shortly thereafter. In a positive step, three officers have been arrested and charged with Ssekanjako's murder, but they were not charged for the severe beatings of Ssekanjako's co-accused. The case of these three officers provides an important opportunity for the authorities to show they are serious about tackling RRU's abusive culture. However, Human Rights Watch remains concerned about the quality of the police investigation into Ssekanjako's killing, and the actions of the police investigators seriously call into question whether the authorities are committed to pursuing the case with the best evidence. For example, investigators have failed to collect statements from key witnesses, to determine the precise cause of Ssekanjako's death, or to document the full range of violence he and his co-accused were subjected to by the unit's officers.

#### **Selected Accounts:**

*"The beatings started at 9AM and went until 3PM. 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.'*

Former RRU detainee charged with murder, aggravated robbery, and unlawful possession of a firearm *"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. Delayed in picking up the pen and he hit me with the baton. Didn't write the statement, but signed it. Don't know what's in the statement because never read it, and he never read it to me. "*

Former RRU detainee charged with murder, aggravated robbery, and unlawful possession of a firearm *"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*

Former female RRU detainee charged with counterfeiting. She stated she witnessed eight Women being tortured during her detention.

### **3.4 Review**

The chapter was all about the analysis of the specific incidents of security forces involvement in the violation of human rights. This specific account were reported by various human rights defender both locally and internationally with specific selected accounts

## **CHAPTER FOUR**

### **EFFECTS OF HUMAN RIGHTS ABUSES, CHALLENGES FACED BY SECURITY FORCES AND HUMAN RIGHTS DEFENDERS IN MAINTAINING HUMAN RIGHTS**

#### **4.1 Introduction**

This chapter presents findings of the study in accordance with the research objectives stated in chapter one. The results reflect the effect of human rights abuses by the security forces, challenges faced by human rights defenders and challenges affecting the security agents leading them not to respect human rights and freedoms.

#### **4.2 Effects of human rights abuse on the individuals by security forces**

The majority of the findings from data sources showed that the effect of security forces actions are so grave that there is need for government, civil society, the community and human rights actors to unite in one accord and preach the gospel of peace and tolerance between the warring citizens and the security forces. The facts on the ground are very clean because lives have been lost.

The findings showed that all the human rights have been violated by the security forces and the government by omission to play its role of ensuring security to the tax payers. The following are the violated rights:

Right to life: the brutal handing of the civilians during demonstrations and elections periods has taken an enormous dozens of ordinary people life.

Rights to protection and security: every citizen has rights to protection by his government, this protection generate liberty and freedom.

Rights to property: many people as a result of the brutal nature of the security force during the suppression of demonstrators left many properties destroyed in Kampala.

Women rights: women and girls were raped and defiled in the northern part of the country.

The government is vicariously liable for the torts acts or omission committed by its officers. Therefore these acts of abuse by the security forces make the government incur large amount of money in compensation of the victims of torture in terms of damages.

Rights to dignity: throughout the suppression of demonstrators and counterinsurgency of rebels and the handling of the prisoners and inmates, the dignity of the individual is violated.

#### **4.3 Human rights defenders**

The actors of human rights are from various groups and places and work positively to implement and protect the rights human being in accordance with the international human rights instruments like the UDHR. This is because a human rights violation has become a main principle concern of many human rights activists. The international community has and is playing a major and most important role to reduce human rights violations.

For example the UN: has devoted much attention to ending violence and frequent denounced human rights abuses and the humanitarian crises spawned. World vision in its branch of humanitarian, aimed to advocate rights for vulnerable groups, and to improve the conditions of peace and human rights. Nationally there are several figures that are worried by human rights violations and have stood up to speak against; these are the civil societies and many

##### **4.3.1 Challenges faced by human rights**

There are many challenges they face that hinder the re effective performance. So, to arrive at the topic of my talk, what have been the challenges faced by these human rights defenders here in Uganda? And what are the particular challenges faced by human rights defenders today?

For the three decades that open violence raged, and for the decade that the population was interned in concentration camps, 1986-2016, human rights defenders, too, faced a counterinsurgency of their own. This was a counterinsurgency from all sides, determined to silence their demand for an end to grave human rights violations. Being a human rights defender during those years was an extremely difficult task, as those who stood up against brutal violence often brought upon them those same forms of brutality"

#### **4.4 Factor affecting the security forces**

##### **Underpayment:**

Poverty is defined as low standard of living that lasts long enough to undermine the health, moral and self-respect of an individual or group of individuals. The term is relative to the general standard of living in the society, the distribution of wealth, the status system and social expectation." This poverty is, contributed by under payment of the security forces by the government as result they arrest and detain civilians without cause and ending up to solicit for bribes for them to be released. This also affects them psychologically and emotionally thus hence handling the civilian in a brutal manner.

##### **Lack of respect to the rule of law**

The rule of law was is absolute respect of human rights and supremacy of the constitution and far criminal procedures. It is observed that one the big causes of human rights abuse by security agents is the lack of respect of rule of law in the minds of the security agents which is due to injustice and impunity which has become a culture of the security agents in Uganda. This is caused by the reluctances of the government administration which makes it difficult to monitor and valuate the observance of the law by its security apparatus

The sound good governance is based upon accountability, transparency, institutional capacity, popular involvement through regular policing adherence to rules and respect of all aspects of human rights. Governance in Uganda has frequently demonstrated the opposite such as corruption, big man political dominance, patronage, arbitrariness and violation of human rights.

##### **Ignorance of the law**

Generally speaking, ignorance of the law is no defence to abuse a person's right and freedom. The security agents in Uganda are both ignorant of the local and international human rights instruments. This is because they have not been sensitized. Thus they end up brutalizing and manhandling people like animals, in fact animals too have rights.

### **Illiteracy among the security agents**

Most of the security agents are not educated. Some of them are either primary or secondary dropouts. So their level of reasoning and understanding is much lower compared to those that are elite. This factor has made them not to be exposed to the changes evolving in this 21<sup>st</sup> century and thus can't appreciate that human rights are inherent and not granted by the state.

### **Poor childhood upbringing**

This can be a factor leading to the brutal nature of the security force. Some of them might have been abused in childhood and raised in a violent environment. This thus affects one's way of relating and understanding with other people.

### **Orders from above**

Most of the junior security officers act on the orders from above. According to my interview with one anonymous police officer of Kabalagala Police Station suburb of Kampala, he stated that sometimes they have to act ruthlessly as per the order given to them by their seniors to suppress demonstrators who threaten the peace of the state, and in that occasion many people are injured.

### **Poor implementation of the international human rights laws**

Most of these international instruments have not been domesticated into the Uganda laws. This is due to the laxity of the government to be bound by them. Because of that they are not binding on the state, thus enforcing them becomes difficult in cases of their violations.

### **Colonial and independence formation**

It was European rivalry that imported that modern Leviathan, the state, in the 19<sup>th</sup> century. It was like all states assembled by force and driven by self-interest. Its British officials allied with native African leaders to suppress any revolt to the rule of the British. They gave much power to the security agents to manhandle people. After independence the



leaders who inherited power become more brutal than the colonialist. For example in Obote's and Amin's regimes were characterized by excessive human right abuse by the security forces due to excessive power given to them by the dictators. Thus history repeats itself, from that era to date the security agents' have never been accountable for their excesses.

#### **Breach of the law by citizens**

The security agents are not only the one to be blamed, but the local people sometimes failing to use the right channel to air their grievances and try to use orthodox means, thus pushing the security agents beyond the limit. Though human rights and freedoms are inherent some of them are not absolute. There are exceptions to the enjoyment of these rights in cases they threaten the peace of the state or they affect the enjoyment of other people there rights. Thus the security forces are forced to use constitutional force to limit their enjoyment as provided in the legal instruments.

#### **4.5 Review**

The review is linked to analysis of the impact of the involvement of the security forces among the factors that violate human rights as seen supra. The analysis of the role of human rights defenders and the challenges they face in their daily routine in ensuring that the world is a better place to live and enjoyed by human beings. This challenges are the one that hinder their effective performances. The researcher has also discussed the factors that lead the security agents' to be brutal in nature to an extent of violating human rights.

## **CHAPTER FIVE**

### **DISCUSSIONS, CONCLUSIONS AND RECOMMENDATIONS**

#### **5.0 Overview**

The current chapter presents the discussions of the study, conclusions of the research and lastly recommendations examined in this research.

#### **5.1 Discussions**

In this section of discussions a researcher presents the main points of findings as given in relation to the introduction and literature review. the root causes of human rights violations by security agents of Uganda and other part of east Africa in which the researcher expounds more about and shows the weaknesses of African countries in management of crisis in favor of enjoyment of human rights. This is because of the earlier foundation laid by the founders of the nation and inherited by political leaders who also injured the conditions of the human rights, which is foundation of right to development. Uganda since independence has experience massive human rights violations; political motivated abuses have been recurring in times of elections, coups and demonstrations. This resulted to death of many people"

Impunity continued to be a crucial issue in the country. In particular, grave human rights violations committed during the unresolved long lasting conflict with the Lord's Resistance Army (LRA) remained unpunished. Besides, arrest warrants against top five LRA leaders issued by the International Criminal Court (ICC) in 2005 on charges of "crimes against humanity" and "war crimes" remained unimplemented. Allegations of involvement of security forces in serious human rights violations did not lead to any prosecution of security 'forces 1. However, the adoption of the ICC Act allowing Ugandan courts to try crimes against humanity, war crimes and genocide defined under the Roma Statute in June 2~ 2010, constituted a positive step."

During coups, election and demonstrations, many women, children, young adult, disabled and elderly are highly affected for example the government of Uganda has failed to investigate adequately the use of lethal force by security forces that resulted in the deaths

of at least nine people during protests over corruption and rising commodity prices in April 2011, Human Rights Watch said. A year after the nine were killed, no member of the security forces has been held accountable and only one has been arrested.

The failure to investigate all of these deaths and prosecute members of the security forces who used unnecessary lethal force during the April 2011 protests, as well as new threats in recent weeks on the right of free speech and assembly, set the stage for future abuses and contribute to escalating tensions, Human Rights Watch said.

"Members of the Ugandan military and police commit serious crimes with impunity, particularly during politically charged demonstrations," said Maria Burnett, senior Africa researcher at Human Rights Watch. "Ugandan law guarantees the right to free assembly, speech, and association, but security forces disregarded these basic freedoms and responded with live ammunition. "Ugandan officials should ensure that the right to assemble is protected without protesters fearing lethal force," Burnett said. "Police need to show leadership by professionally managing demonstrations, exercising restraint, and investigating criminal acts by all sides - including the security forces themselves.

Uganda has a responsibility under international law to investigate allegations of abuses by its police and security forces and to hold those responsible to account. The authorities should take an active role in curtailing those abuses and ensure that allegations of torture and illegal detention are properly investigated and prosecuted. Within the Ugandan system of criminal administration, both the judiciary and the prosecution should challenge the legality of RRU's investigative methods and exclude from evidence any confessions obtained by torture or in any other coercive way. The Ugandan Parliament also has a responsibility to act urgently, for example by enacting long-overdue legislation to criminalize torture in Uganda. "No police force is going to be respected and trusted by the people it exists to protect if it flouts the law, tortures detainees, and disregards due process," Bekele said. "Officials at any level of the Ugandan state that tolerate or encourage RRU's behavior may be held accountable for the consequences." 100 Surely, a professional Police Force cannot be this brutal this letter is for the attention of the Inspector General of Police, Maj. Gen. Kale

Kayihura. I was saddened to see shocking pictures of police brutality on television recently and I would like to add my voice to that of other citizens in condemning such acts. We have been informed over and over again that this current Police Force has been professionalized but with the current happenings, I guess the critics who say it was instead militarized have been proved right. There is no justification for police to beat up people who have been apprehended for breaking the law. In fact, I wonder what is done to people in custody if you can openly beat up people in daylight. Wake up before it's too late; torture is criminal and one day the culprits will have to answer for this brutality."

## **5.2 Conclusion**

There can be no human society without government, no government without sovereignty, no sovereignty without infallibility. Therefore it is the responsibility of the government to protect its citizen as per the social contract it executed with them and the citizens have the responsibility to obey the government as an authority instituted by God, for the authority that act in accordance with the will of God do not frighten people who are doing good.<sup>103</sup> The root cause of security force brutality to the civilian that has characterized the Uganda political and social scene appears to have the result of deliberate manipulation and instigation by the state, the immediate causes of violence against the civilians have always been political, illiteracy and ignorance of the law rather than the poor salary pay the security forces get advanced, such as poor housing.

The study contends that since independence the successive governments have been using force to exert their authority to the citizens. Time-honoured attempts by governments to bully parts of the citizens into submitting directly to their wishes by means of threats, bans and arrests has continued to make their presence today. The state power thrives on police and military organs which are shrouded in secrecy. The reason is obvious: there are no better ways in which state officials can outmanoeuvre their domestic opponents than to use violent force against them and monitoring their activities.

Therefore the only means of reconciliation is GOU ensuring that civic education is taught to the security forces and updating them that we are living on 21<sup>st</sup> century where the welfare and

rights of an individual is a priority. The understanding of the security forces will help them when they receive instructions 'from above' to weigh the amount of force to use to combat the threat posed by the victim of his actions. The GOU should ensure all those who use excessive force are punished by burying impunity by the parliamentarians' passing laws incriminating any act of brutality. '.

This study therefore demonstrates the nexus between the politics violence and brutality. It notes that the security forces, politics and the state versus citizens on the other hand who ought to co-exist together peacefully have now become arch-rivals, ready to use lethal weapons against each other, with dire results on the enjoyment of inherent rights and freedoms.

Brutal violence on civilians has had far reaching implications for the Uganda body politics. There is strong evidence that the state was and is partisan in its intervention to violations of human rights through its security apparatus. The security forces cannot escape censure and blame for the violations of human rights in Uganda. This is because it is the duty of the state to ensure the safety of its citizens.

The study concludes that the brutal nature of the security forces have impeded the democratization and enjoyment of human rights process in Uganda. The institutionalization of violence has adversely hindered the achievement of democratic co-existence and the rule of law that is consistent with the new global political order. Violence is often used by an authoritarian state to justify policies, which call into question the establishment of civil and political norms, promotion of healthy citizenship and nation building.

### **5.3 Recommendations**

There is an agent need to redefine for Uganda, a prescriptive strategy based on historical reality, material conditions, demographic trends and the status of security agents and citizens relationship. Political tolerance is vital to the consolidation of democratic governance in transitional societies. These are the essential factors that the GOU should put abreast because the GOU has competed in its role of super father to all nationals.

First and foremost the Uganda police force should ensure that special police constables are properly trained not only in policing but also in respect for human rights. The Uganda prisons service should create awareness about the prisons Act 2006 for all prisons staff and inmates. In addition, training in human rights for prison staff should be continuous.

The prison authorities should enforce the implementation of the prison Act 2006 and ensure that suspects on remand are not subjected to hard labour and are separate from the convicted prisoners and also that the juvenile offenders are separated from adult detainees.

Detention without trial is unconstitutional and both prison and police authorities are urged to prevent violations of the right to liberty by not detaining people without commitment orders.

The requirement for a permit subjects the inherent right to assemble and demonstrate peacefully to permission, which in itself goes against the spirit of Article 20(1) of the Constitution, which provides that fundamental rights and freedoms are inherent and not granted by the state. There is therefore a need to review the statutory instruments so that notice is given by the demonstrators rather than permits being issued by the police, except in a few exceptional circumstances. Where that police believe that the assembly should not be held, they can petition court for an injunction to stop the assembly rather than resort to use of force to brutalize the demonstrators.

The state should make a provision for compensation or some sort of restitution in aid of victims of security forces involvement in human rights violations '.

Investigation of abuses perpetrated by the security agents should be removed from the hands of the police and given to solely Uganda human rights commission and the cases need to be done immediately and psychosocial and medical support provided to the victims.

There is an urgent need of civic education, to both the security agents and the citizens, to encourage the people to them to respect the civil liberties of individuals and the need for coexistence. The government, churches, and other NGOs should spearhead this education, so

that the security forces should understand the nature of political pluralism and the changes in the international arena concerning human rights.

The security agents should not only foster democratic changes, they should also experience such changes. All the security forces must start embracing the democratic culture. They hold the ace to becoming the liberating force that will swing the pendulum from authoritarianism to genuine democracy. The researcher cannot relent to say that if Ugandans security forces hold the above within their heart and act on them; they will be heading to peaceful coexistence with the local people. Violence and constant antagonism of security agents and the local population have become endemic in Uganda because the government has remained obstinately unreasonable, unrealistic and irresponsible to the currents of historical changes and to the need to develop workable (home-grown) democratic institutions in African states. This entails discerning and popularizing relevant aspects of the traditional political culture, mobilizing the masses and promoting their effective involvement in national affairs. It is also necessary to identify and prescribe proper remedies for the political problems plaguing Africa in general and Uganda in particular.

The underlying root causes of security forces involvement in the violation of human rights should be identified and addressed in an honest manner, instead of mere focusing on the symptoms. In regard, the state should coexist up with a policy or establish a commission to look into the issue affecting the security agents.

In a state where the judiciary is independent and separate from the domineering executive respect for laws is upheld and lawbreakers are punished justice is not only done it is also enforced the contradiction in Uganda's administration of justice promotes conflicts if the judiciary and the civil service were free to work without interference peace building structures could be established the current judicial commission on ethnic clashes should be seen as one major pillars for bringing about a healing process in the nation.

#### **5.4 Future Areas of Research**

Since this work has been academic that time cannot allow a researcher to exhaust the issue of security forces involvement in the human rights because it covers a wider area that time and due to constraints and challenges I had, I will suggest those interested with security forces involvement issues to carry research on the following topics.

Causes of security forces brutality in Uganda

The judiciary as cause of human rights violations

The state as human rights violator



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