

**Refugee Review Tribunal
AUSTRALIA**

RRT RESEARCH RESPONSE

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Questions

- 1. Does the Sudan People’s Liberation Army (SPLA) operate in Uganda?**
- 2. Do they ever kidnap Ugandan citizens?**
- 3. Would such an event be investigated and followed through?**
- 4. Does the Ugandan government or security forces collaborate with the SPLA?**

RESPONSE

1. Does the Sudan People’s Liberation Army (SPLA) operate in Uganda?

Sources indicate that the SPLA operates in Uganda. News articles report that the SPLA harassed civilians in the north-western and northern border areas of Uganda. The US Committee for Refugees and Immigrants (USCRI) has reported that the SPLA entered a refugee centre in Uganda for rest-and-recreation and to recruit refugee males. SPLA officers were also said to have been arrested for assault and illegal entry into the country. There are also reports of the SPLA kidnapping Sudanese in Kampala.

In December 2008 a news article, reporting on a meeting of leaders from Moyo, Adjumani, Yumbe, Arua, Nebbi, Nyadri and Koboko in north-western Uganda, stated that SPLA soldiers moved “freely with arms in the region”. According to the article the meeting noted that police in the area lacked the logistics to effectively patrol the area. A map showing this border area of Uganda, Sudan and Democratic Republic of Congo is attached (Richard, Drasimaku 2008, ‘West Nile leaders raise red flag on illegal guns’, *The Weekly Observer*, 3 December

http://www.observer.ug/index.php?option=com_content&view=article&catid=34%3Anews&id=1776%3Awest-nile-leaders-raise-red-flag-on-illegal-guns&Itemid=59 – Accessed 18

February 2009 – Attachment 1; ‘Border area Uganda, Sudan and Democratic Republic of The Congo’ 2000, *Microsoft Encarta Interactive Atlas* – Attachment 2).

In August/September 2008 news articles reported that the SPLA was harassing civilians at Bibia and the surrounding Elegu border areas in Atiak, Amaru District. The location of Atiak is shown on the attached map (at Attachment 2). Bibia, north of Gulu and Atiak, is shown on another map (at Attachment 5) (Eriku, James 2008, ‘SPLA harassment at Bibia worries authorities’, *Daily Monitor*, 5 August http://www.monitor.co.ug/artman/publish/regional-special/SPLA_harassment_at_Bibia_worries_authorities_69320.shtml – Accessed 13 February 2009 – Attachment 3; Musoke, Cyprian & Namutebi, Joyce 2008, ‘Uganda: MPs Protest Killings and Mistreatment of Locals in South Sudan’, *New Vision*, 29 September, allAfrica.com website <http://allafrica.com/stories/200809300306.html> – Accessed 12 February 2009 – Attachment 4; ‘Border area Uganda, Sudan and Democratic Republic of The Congo’ 2000, *Microsoft Encarta Interactive Atlas* – Attachment 2; UNHCR 2008, ‘Police Deployment and Accessibility of the Sites/camps by Bicycle in Gulu, Amuru districts (10 km approx. 40 minutes)’, June, Uganda Clusters website <http://www.ugandaclusters.org/downloads/0304CCCM/UNHCR-CartONG/PoliceDeploymentSiteAccessibilitybyBicycle.pdf> – Accessed 20 February 2009 – Attachment 5).

Merrill Smith writes of the SPLA in Uganda in the USCRI *World Refugee Survey 2004*:

SPLA fighters also reportedly use the Mirieyi reception center in Uganda, where the government is widely believed to support them and their war against the government of Sudan, for rest-and-recreation. The guerrillas march to and from the center openly armed and intimidate and forcibly recruit refugee men and boys (Smith, Merrill (undated), ‘Warehousing Refugees: A Denial of Rights, a Waste of Humanity’, *World Refugee Survey 2004*, US Committee for Refugees and Immigrants, pp.45-46 <http://www.refugees.org/data/wrs/04/pdf/38-56.pdf> – Accessed 3 June 2004 – Attachment 6).

The US State Department stated in its human rights reports for the year 2003 that there were unconfirmed reports that the SPLA was forcibly recruiting Sudanese refugees in northern Uganda (US Department of State 2004, ‘Arbitrary Interference with Privacy, Family, Home, or Correspondence’ in *Country Reports on Human Rights Practices for 2003 – Sudan*, 25 February – Attachment 7).

News articles have also reported arrests of SPLA officers in Uganda.

The Monitor reported in July 2007, that police in Gulu were holding a SPLA officer, after a fight, for alleged assault (Odokonyero, Moses 2007, ‘Uganda: Chinese, SPLA Officer Held in Gulu’, *The Monitor*, 17 July, allAfrica.com website <http://allafrica.com/stories/200707161775.html> – Accessed 12 February 2009 – Attachment 8).

Another July 2007 *The Monitor* article reported the arrest of a SPLA officer in Koboko. The officer, said to have been drunk, was arrested over an assault and illegal entry with fire arms and later deported. The location of Koboko, on the Uganda/Democratic Republic of The Congo border, is shown on the attached map (Okello, Warom Felix 2007, ‘Uganda: Spla Officer Held Over Assault in Koboko’, *The Monitor*, 16 July, allAfrica.com website <http://allafrica.com/stories/200707160921.html> – Accessed 12 February 2009 – Attachment

9; 'Border area Uganda, Sudan and Democratic Republic of The Congo' 2000, *Microsoft Encarta Interactive Atlas* – Attachment 2).

Okello also wrote in *The Monitor* on the procedure for SLPA soldiers entering Uganda as follows:

The procedure is that SPLA soldiers who enter Uganda deposit their fire arms and ammunitions at the Immigration office (Okello, Warom Felix 2007, 'Uganda: Spla Officer Held Over Assault in Koboko', *The Monitor*, 16 July, allAfrica.com website <http://allafrica.com/stories/200707160921.html> – Accessed 12 February 2009 – Attachment 9).

In 2003, two members of a Sudanese diplomat's family were kidnapped in Kampala by the SPLA. However, sources state that the two men were also SPLA soldiers attempting to defect to Khartoum. The SPLA denied involvement in the kidnapping (Allio, Emmy 2003, 'AAGM – Kampala, Khartoum Wrangle Over 'Kidnapped' Sudanese', *New Vision*, 6 August – Attachment 10; 'Sudan secrecy on kidnaps' 2003, *Africa Analysis*, 8 August – Attachment 11; 'IGAD – A tarnished Uganda takes charge' 2003, *Africa Analysis*, 18 September – Attachment 12).

In addition there are news articles that a SPLA general was arrested in Sudan in March 2007 for "administrative misconduct". He was accused of taking soldiers for training in Uganda without the authority or knowledge of the SPLA leadership (Matsiko, Grace 2007, 'Uganda: General Arrested Over Secret Troops', *The Monitor*, 1 April, allAfrica.com website <http://allafrica.com/stories/200704021146.html> – Accessed 12 February 2009 – Attachment 13; Akalkal, Peter 2007, 'Impunity among senior SPLA commanders', *Sudan Tribune*, 25 March <http://www.sudantribune.com/spip.php?article20955> – Accessed 13 February 2009 – Attachment 14; Vuni, Isaac 2009, 'Detained SPLA general released in Juba', *Sudan Tribune*, 2 January <http://www.sudantribune.com/spip.php?article29743> – Accessed 13 February 2009 – Attachment 15).

2. Do they ever kidnap Ugandan citizens?

Little information was found in the sources consulted on the SPLA kidnapping Ugandan citizens. One news article reported a kidnap of a Kampala "resident", in Kampala, by the SPLA. Another article reported the abduction in South Sudan of a Ugandan woman by a SPLA officer. However, sources also report SPLA harassment of residents in Uganda.

In August 2008 a *New Vision* news article reported a SPLA officer had been arrested in Kampala over an "alleged kidnap". Although it is not definitive that the person kidnapped was a Ugandan citizen, the article described the person as "a resident of Ntinda, Kampala a suburb" ('Top SPLA soldier held over kidnap' 2008, *New Vision*, 19 August <http://www.newvision.co.ug/D/8/13/645319> – Accessed 11 February 2009 – Attachment 16).

A September 2007 *The Monitor* article reported that a young Ugandan woman in South Sudan, having just escaped from the Lord's Resistance Army (LRA) in December 2006, was abducted by a SPLA officer and ended up in a forced marriage to a SPLA soldier (Butagira, Tabu 2007, 'Uganda: Tribulations of Citizens', *The Monitor*, 22 September, allAfrica.com website <http://allafrica.com/stories/200709210982.html> – Accessed 12 February 2009 – Attachment 17).

However, there are reports of the SPLA harassing civilians in northern Uganda. According to a news article on SPLA harassment at Bibia and areas surrounding Atiak, the Atiak LC3 Chairman had stated that “the people in his sub-county have suffered a lot from the cruel Sudanese Peoples Liberation Army soldiers”. The news article reported that residents had stated that “the South Sudanese military personnel maraud the area, harassing, beating and some times killing civilians” (Eriku, James 2008, ‘SPLA harassment at Bibia worries authorities’, *Daily Monitor*, 5 August http://www.monitor.co.ug/artman/publish/regional-special/SPLA_harassment_at_Bibia_worries_authorities_69320.shtml – Accessed 13 February 2009 – Attachment 3).

A *New Vision* article also reported on harassment and killings by soldiers “believed” to be from the SPLA:

Residents and local leaders in Bibia and Nimule have in past weeks complained of harassment by armed cattlekeepers believed to be soldiers of the Sudan People’s Liberation Army (SPLA). They also said these men graze their cattle on the Ugandan side of the border without permission from the immigration department.

Bibia LC2 chairman Flamin Nyima said the men had killed five Ugandans. Nyima also said they graze over 1,000 cattle in the area on a daily basis, exposing the area to environmental degradation (Ojwee, Dennis 2008, ‘Uganda: UPDF to Deploy At Border’, *New Vision*, 2 August, allAfrica.com website <http://allafrica.com/stories/200808040137.html> – Accessed 12 February 2009 – Attachment 18).

3. Would such an event be investigated and followed through?

Definitive information on whether the kidnapping of Ugandan citizens by the SPLA would be investigated and followed through was not found in the sources consulted. From the sources consulted, two kidnappings by the SPLA in Kampala were reportedly being investigated and, in one instance, the kidnappers were detained. No information was found in the sources consulted on the extent that these cases were followed through. Generally on the police and the judiciary in Uganda, however, sources state they are constrained by limited resources and corruption is considered widespread.

An August 2008 *New Vision* article on an “alleged kidnap” of a Kampala resident by a SPLA officer also reported that the police had heard the person’s screams from her car as it drove off and then waved it down. She was ordered to drive the car to a police station where the matter was referred to police. The two “kidnappers” were detained. According to the article the SPLA military attaché stated that he was not aware of the incident (‘Top SPLA soldier held over kidnap’ 2008, *New Vision*, 19 August <http://www.newvision.co.ug/D/8/13/645319> – Accessed 11 February 2009 – Attachment 16).

In July 2003 two Sudanese, said to be SPLA soldiers defecting to Khartoum, were reportedly kidnapped by the SPLA in Kampala. News articles reported that the police were investigating the incident (Allio, Emmy 2003, ‘AAGM – Kampala, Khartoum Wrangle Over ‘Kidnapped’ Sudanese’, *New Vision*, 6 August – Attachment 10; ‘Ugandan police probe alleged abduction of Sudanese diplomat’s family’ 2003, *Agence France Presse*, 26 July – Attachment 19).

Generally on security forces and the police in Uganda, the US State Department reported:

Security forces continued to be constrained by limited resources, including low pay and lack of vehicles, equipment, and training. Security forces committed numerous abuses, and impunity was a problem. Police officials faced charges of bribery during the year; the police commissioner for human resources reported that three members of the police force were discharged or dismissed during the year for accepting bribes, a significant decrease from 2006 that may have been the result of an aggressive government campaign to encourage citizen reports of bribe-taking that led to 49 officers being relieved of duty in 2006. The Police Human Rights Desk investigated complaints of police abuses, including mismanagement of case papers; torture and harassment; unlawful arrest and detention; abuse of office; irregular or discreditable conduct; and corrupt practices. In conjunction with the UHRC [Uganda Human Rights Commission] and international organizations such as the ICRC [International Committee of the Red Cross] and the UN Office of the High Commissioner for Human Rights (OHCHR), the UPDF [Uganda People's Defense Forces] and the police continued a training program to educate military officers on internationally recognized human rights standards. The police, UPDF, and prisons service also used human rights manuals in their training programs (US Department of State 2008, 'Role of the Police and Security Apparatus' in *Country Reports on Human Rights Practices for 2007 – Uganda*, 11 March – Attachment 20).

Also on the police, a March 2008 report by the US State Department's Overseas Security Advisory Council states:

The Ugandan Police lack adequate training and equipment and are underpaid. Most Police stations throughout the capital city have few phone lines, meager radio communications and a limited supply of vehicles, which are often in need of fuel. Police attempts to deter crime by placing their limited forces in static locations, supervised by mobile patrols that are infrequent have been unsuccessful. Police corruption is wide spread as evidenced by frequent request from Police officers for "donations" to cover the cost of completing a Police report or responding to a traffic accident. Police response to a crime often results in little more than a completed Police report. Investigations which result in the capture of a criminal are often lengthy and drawn out. The national emergency Police response number is "999." Due to the limitations of the Police, many local businesses choose to augment their security by employing armed guards or watchmen. The quality of these services range from poor to adequate. Even the best security presents little deterrent to criminals with a propensity toward violence (Overseas Security Advisory Council 2007, *Uganda 2008 Crime & Safety Report*, 17 March <http://www.osac.gov/Reports/report.cfm?contentID=80061> – Accessed 19 March 2008 – Attachment 21).

On the Ugandan judiciary the US State Department reported:

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

...The International Bar Association's Human Rights Institute issued a report in September that detailed threats to the independence of the judiciary, including allegations that some members of the judiciary were pressured to collude with the police in the arrest of opposition politicians. According to the report, two High Court judges, Edmund Sempa Lugayizi and John Bosco Katutsi, withdrew from FDC leader Besigye's treason case, citing military interference and pressure; government officials defied judicial decisions in a January 11 court

ruling to release People's Redemption Army (PRA) suspects on bail; and opposition members of parliament (MPs) were subjected to bail procedures for minor offenses which they alleged were timed to force them to spend a night or even the weekend in prison, despite the fact that they had been granted bail (US Department of State 2008, 'Denial of Fair Public Trial' in *Country Reports on Human Rights Practices for 2007 – Uganda*, 11 March – Attachment 20).

On trial procedures, the US State Department reported:

An inadequate system of judicial administration and a lack of resources resulted in a serious backlog of cases and limited the right to a fair trial. All nonmilitary trials are public, but without juries. Defendants have the right to be present and to consult with an attorney in a timely manner. The law requires that the government provide an attorney for indigent defendants accused of capital offenses, but there were rarely funds to retain adequate counsel. By law defendants can confront or question witnesses against them and present witnesses and evidence on their behalf. Defendants and their attorneys have limited access to government held evidence relevant to their cases. There is a presumption of innocence, and defendants have the right of appeal (US Department of State 2008, 'Denial of Fair Public Trial' in *Country Reports on Human Rights Practices for 2007 – Uganda*, 11 March – Attachment 20).

According to a *Sunday Monitor* news article, in the context of the judiciary's role in the punishment for people found guilty of child sacrifice, the President of Uganda Judicial Officers Association had stated on court judgements involving land matters:

Mr Muhirwa [President of Uganda Judicial Officers Association] said the courts have made judgements on cases involving land matters but the public, especially government agents have failed to comply with the orders.

"The major problem courts face is the enforcement of their orders because there is a lot of interference in judicial decisions by government agents thereby rendering the orders unenforceable," Mr Muhirwa said (Afedraru, Lominda et al. 2009, 'Judiciary promises stiff stand on child sacrifice', *Sunday Monitor*, 18 January http://www.monitor.co.ug/artman/publish/sun_news/Judiciary_promises_stiff_stand_on_child_sacrifice_78413.shtml – Accessed 19 February 2009 – Attachment 22).

Of interest is that, according to an *afrol News* article, a Ugandan Inspectorate of Government survey named the police and the judiciary, as perceived by the public, to be the most corrupt government institutions ('Police and Judiciary most corrupt institutions in Uganda' 2008, *afrol News*, 20 November <http://www.afrol.com/articles/31757> – Accessed 19 February 2009 – Attachment 23).

4. Does the Ugandan government or security forces collaborate with the SPLA?

Country information indicates that the Ugandan government supports the SPLA. Sources state that the UPDF collaborates with SPLA by taking part in joint operations and sharing intelligence. No information was found in the sources consulted of the Ugandan police collaborating with the SPLA.

Sources state that the Ugandan government supports the SPLA.

According to the International Crisis Group:

The Ugandan rebel Lord's Resistance Army (LRA), has been operating out of the Eastern Equatoria region of southern Sudan since the mid-1990's, supported by the Government of Sudan in order to destabilise Northern Uganda and counter **Kampala's support to the SPLA**... (International Crisis Group 2006, *Sudan's Comprehensive Peace Agreement: The Long Road Ahead*, 31 March, Africa Report No. 106, p.14 – Attachment 24).

Training for Peace (a programme funded by the Norwegian Ministry of Foreign Affairs) also reported that:

... Though the Carter centre brokered an agreement between Sudan and Uganda in 1999 to halt Khartoum's support for the LRA and **Kampala's support for the SPLA**, that agreement has hardly been honoured... (Training for Peace 2005, 'Armed militias and second tier conflicts: An impediment to the Sudan peace process' http://www.trainingforpeace.org/pubs/accord/ct2_2005_pgs30_37.pdf – Accessed 13 July 2006 – Attachment 25).

Sources indicate that the UPDF has fought alongside the SPLA.

An Institute for War and Peace Reporting article states that:

After peace talks between the LRA and the government collapsed at the end of 1993, the Sudanese government in Khartoum embraced Kony's band as a proxy force, prompting him to add a smattering of Islam to his mysticism to please his new allies.

The Sudanese used him to fight their own southern rebels, the Sudan People's Liberation Army, SPLA – who have since formed the government of south Sudan after making peace with Khartoum – and to also destabilise **Uganda itself, whose army fought alongside the SPLA** (Green, Matthew 2006, 'Uganda: Demystifying Kony', *Africa Update*, 27 June, No. 69, Institute for War & Peace Reporting website http://www.iwpr.net/?p=acr&s=f&o=321863&apc_state=heniacr2006 – Accessed 12 February 2009 – Attachment 26).

IRIN reported that:

An ongoing military offensive against Lord's Resistance Army (LRA) rebels by Ugandan, Congolese and Sudan People's Liberation Army (SPLA) forces, has caused panic among war-weary civilians in northern Uganda, with some returning to camps for the displaced in fear of retaliatory attacks by the LRA ('Uganda: IDPs Head Back to Safety of the Camps' 2008, *IRIN*, 23 December, allAfrica.com website <http://allafrica.com/stories/200812230813.html> – Accessed 12 February 2009 – Attachment 27).

A *New Vision* article reported that UPDF and SPLA soldiers had trained together (Kaawa, Martin 2008, 'Sudan: SPLA Disowns Machar's Statements', *New Vision*, 7 July, allAfrica.com website <http://allafrica.com/stories/200807080706.html> – Accessed 12 February 2009 – Attachment 28).

News articles have reported that the UPDF and SPLA co-operate in providing and sharing intelligence.

The Monitor reported that a regional security meeting resolved to give tasks to different members at the meeting and:

UPDF and SPLA were tasked to provide Intelligence for the mission while the Congolese forces are the ones to directly battle with the LRA in Garamba forest (Amoru, Paul & Mugyema, Andrew 2008, 'Uganda: Government Resumes War On LRA Rebels', *The Monitor*, 4 June, allAfrica.com website <http://allafrica.com/stories/200806031143.html> – Accessed 12 February 2009 – Attachment 29).

IRIN also stated:

Echoing Museveni's [Southern Sudan Vice President] call, he [a Uganda government spokesman] added: "The UPDF is ready to help in jointly fighting the LRA through sharing intelligence with both the SPLA and the Congolese army. Should they also need our active participation, we are also ready" ('Uganda: War-Mongering Against LRA 'Ill-Advised', Warns Northern Leader' 2008, *IRIN*, 9 June, allAfrica.com website <http://allafrica.com/stories/200806091407.html> – Accessed 12 February 2009 – Attachment 30).

List of Sources Consulted

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Open Directory Project search engine <http://www.dmoz.org/>
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afrol News <http://www.afrol.com/countries/uganda>
allAfrica.com <http://allafrica.com/>
Institute for War & Peace Reporting (IWPR) <http://www.iwpr.net/>
IRIN <http://www.irinnews.org/>
Daily Monitor <http://www.monitor.co.ug/>
New Vision <http://www.newvision.co.ug/>
Nordic Journal of African Studies <http://www.njas.helsinki.fi/>
The Observer <http://www.observer.ug/>
REFWORLD <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain>

Databases:

FACTIVA (news database)
BACIS (DIAC Country Information database)
REFINFO (IRBDC (Canada) Country Information database)
ISYS (RRT Research & Information database, including Amnesty International, Human Rights Watch, US Department of State Reports)
RRT Library Catalogue

List of Attachments

1. Richard, Drasimaku 2008, 'West Nile leaders raise red flag on illegal guns', *The Weekly Observer*, 3 December
http://www.observer.ug/index.php?option=com_content&view=article&catid=34%3Anews&id=1776%3Awest-nile-leaders-raise-red-flag-on-illegal-guns&Itemid=59 – Accessed 18 February 2009.

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12. 'IGAD – A tarnished Uganda takes charge' 2003, *Africa Analysis*, 18 September. (FACTIVA)
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