



**Report of the United Nations High Commissioner for Human Rights
on the situation of human rights in Uganda:**

**Update report on the situation of human rights in Karamoja,
from 1 April to 12 August 2007**

Issued by the United Nations High Commissioner for Human Rights

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I. Executive summary

1 Since the publication in April 2007 of the Karamoja update report on the human rights situation in Karamoja¹, north-eastern Uganda, by the United Nations High Commissioner for Human Rights, the Office in Uganda (OHCHR Uganda) has continued to monitor the situation to assess progress in the implementation of the recommendations made by the High Commissioner in two previous reports², as well as the commitments made by the Government of Uganda in dialogue with its development partners and in follow-up to dialogue with the Ministry of Defence.

2 The Karamoja region in north-eastern Uganda is characterized by recurrent problems of proliferation of illegal fire arms, cattle rustling, looting, ambushes and other acts of criminality. Similarly, the practice of cattle rustling in neighbouring countries and the proliferation of small arms across regional international borders continues to cause widespread instability in the region.

3 The present report covers the period from 1 April to 12 August 2007, and highlights, *inter alia*, improvements in the security and human rights situation in the Karamoja region, advances by the Uganda People's Defence Forces (UPDF) in the scale and type of disarmament operations conducted, as well as an increased engagement by the Government in mobilization and confidence-building measures with different Karimojong communities.

4 Notably, the number of road ambushes by armed Karimojong registered a significant reduction in comparison to previous months and as reported in OHCHR's April 2007 report. In contrast, a significant number of cattle raids were recorded, some of which were successfully repulsed by the UPDF. Concomitantly, and in cooperation with local leaders and members of the communities, the UPDF recovered and returned a number of raided cattle to their rightful owners.

5 Furthermore, the number of reported and alleged cases of human rights violations committed during disarmament operations, including extra judicial killings, theft and loss of property, markedly reduced during the reporting period, pointing to significant overall improvements in the human rights situation in Karamoja.

6 OHCHR recognizes that during the reporting period the UPDF has made significant strides to enhance confidence-building measures and improve civil-military relations in Karamoja. These steps have culminated in increased mobilization and regular discussions with different communities, as well as in inter-ethnic dialogue and an

¹ Karamoja in north-eastern Uganda is a region of 27,000 square kilometers, populated by close to 1 million inhabitants, consisting of several ethnic groups. In addition to Kotido, the four other districts of Karamoja are Moroto, Abim, Kaabong and Nakapiripirit

² The first report was issued in November 2006, on the human rights situation in Kotido (<http://www.ohchr.org/english/countries/ug/docs/ugandarep11-06.pdf>). In April 2007, OHCHR Uganda issued its second report on the human rights situation in Karamoja (http://www.ohchr.org/english/docs/OHCHR_Karamoja_March2007.rev4.1.doc). Both reports contained a number of recommendations made by the United Nations High Commissioner for Human Rights.

increase in the number of protected *kraals*³. The establishment and facilitation of communal grazing areas are also noteworthy efforts in building confidence and reducing insecurity in the region. OHCHR also observed growing broad agreement by the communities and their leaders that the guns must be removed through a disarmament process.

7 Disarmament operations, which take a number of different forms – cordon, search and disarm; raids; forceful or involuntary, as well as voluntary disarmament processes – have yielded significant results in reducing the number of guns and ammunitions in the illegal possession of the Karimojong during the reporting period. To date, UPDF statistics show that over 1,500 weapons were recovered during cordon and search operations since the start of 2007. The UPDF reiterates that that the forced or involuntary disarmament options have produced more results than any voluntary means. During the reporting period the UPDF also handed back over 5344 raided cows, in addition to other animals, back to their owners.

8 In spite of concrete efforts to reduce the numbers of illegal weapons in Karamoja, OHCHR recorded a significant number of cases in which individuals, including UPDF soldiers, were killed and/or injured by illegally armed Karimojong elements. Road ambushes resulting in the loss of life and property were recorded in Nakapiripirit, Kotido and Moroto districts. At the same time, the most recorded harm inflicted on the population in Karamoja resulted from cattle raids and retaliations during this reporting period. It should be noted that the numbers of persons killed and/or injured by armed Karimojong elements were remarkably higher than death or injury resulting from UPDF actions during the period under review.⁴

9 According to UPDF sources, the army is granting amnesties for those who surrendered their arms without resistance. However, blanket amnesties are not granted to any individuals alleged to have committed previous crimes, including killings, road ambushes or known to have persistently caused harm in the communities.

10 OHCHR reiterates that crimes committed by armed individuals should be addressed by the civilian justice system in accordance with international standards, rather than by military tribunals. OHCHR acknowledges, however, that according to existing Ugandan national law, the offence of illegal possession of firearms lies within the competence of the military justice system.

11 The report highlights that measures put in place to ensure that UPDF commanders and operations forces adhere to the army's cordon and search guidelines and to their standard operating procedures have reduced the instances in which excessive or indiscriminate use of force were applied during the reporting period.

12 OHCHR notes that some UPDF members continued to commit acts which resulted in human rights violations, including killings, acts of cruel, inhuman, and

³ A *kraal* is an open area partitioned by thorn bushes used to guard cattle.

⁴ A list of recorded incidents covering April to July 2007, compiled from various sources.

degrading treatment or punishment, as well as the use of excessive force leading to the destruction of property and livelihoods. In the face of such allegations, OHCHR stresses the importance of holding perpetrators accountable for violations of the UPDF code of conduct, the UPDF Act, Ugandan national laws and international human rights standards. OHCHR notes that a systematic institutional response against fighting impunity with the UPDF is still lacking. In addition, the institutional processes to ensure systematic investigations, prosecution and punishment of perpetrators require further strengthening. Also, the conditions of detention in many places which OHCHR visited were found to be poor and well below international standards for the treatment of prisoners.

13 In addition to the in-depth interviews with different stakeholders which provide the background to this report and inform its outcome, the findings of the report are substantiated by analysis of cases that OHCHR recorded and documented on the ground since April 2007. In addition, OHCHR conducted systematic follow-up with the relevant authorities in question. The report does not represent an exhaustive list. Rather it references a selection of documented and recorded incidents both by UPDF operatives and armed Karimojong elements, to reflect trends and patterns in the human rights situation in Karamoja from April to July 2007.

14 As part of its ongoing dialogue with the Government at the national level, OHCHR had the opportunity to discuss this report, as well as progress made and challenges remaining in Karamoja, with the Minister of Defence on 23 August 2007. The discussions and comments made during that meeting have been reflected in the report.

II. Recommendations

15 The Government of Uganda should continue to respect its obligations to protect the human rights of all individuals within its territory and under its jurisdiction at all times.

16 OHCHR reiterates the call of the United Nations High Commissioner for Human Rights, similarly echoed by the Partners for Democracy and Good Governance (PDG), for the Government of Uganda to engage with its Justice, Law, and Order Sector (JLOS) in order to strengthen the civilian administration of justice in Karamoja and to deploy permanent professional judicial and law enforcement personnel to re-establish a fully functioning administration of justice in Karamoja. Such measures will speed up investigations and trials of criminal suspects and reduce excessive pre-trial detention periods.

17 Government officials and local leaders are encouraged to work hand in hand with the local population to foster the documentation and reporting of human rights violations. To this effect, the recruitment, training and deployment of paralegals in each sub-county, responsible for documenting human rights allegations and for raising awareness of the local communities on issues of human rights promotion and protection is recommended.

18 The Government of Uganda is called upon to ensure that army personnel should not only be subjected to administrative reprimands when implicated in human rights

violations. Rather, all cases should be promptly investigated and alleged perpetrators tried for their actions in accordance with international fair trial standards. In this context, trial judgements shall be made public, within a reasonable time, so as to raise the awareness of the population of the Government's measures to address impunity. The outcomes of investigations into human rights violations should also be made public.

19 OHCHR reiterates calls that development initiatives in the whole of the Karamoja region need to be implemented as part of Government's current engagement in the region, especially in order to address the root causes of instability and prevailing insecurity.

20 Noting the vital contribution in human rights monitoring and documentation by non-governmental organizations (NGOs) and civil society organizations (CSOs), the Uganda Human Rights Commission (UHRC), in cooperation with OHCHR and other protection partners, should actively facilitate and build capacity of those NGOs and CSOs to undertake timely and comprehensive documentation of human rights violations in Karamoja. NGOs and CBOs should also be capacitated to carry out systematic community education and sensitization on human rights issues. These initiatives would complement ongoing training and awareness-raising programmes for UPDF personnel and other security agents involved in disarmament operations in the region.

21 Steps should be taken to ensure that alleged perpetrators of crimes and illegally armed individuals are brought to justice rather than imposing collective punishment on communities.

22 In order to facilitate joint monitoring of the security and human rights situation on the ground, stakeholders, including Government, and international and national protection actors, should develop agreed indicators to jointly measure trends and improvements progressively over time.

III. Introduction

23 The Karamoja region is characterized by recurrent problems of proliferation of illegal fire arms. Some have committed crimes, including the killing of unknown numbers of UPDF soldiers, cattle rustling at times resulting in the killing of men, women and children, looting, ambushes and other acts of criminality. Similarly, the practice of cattle rustling in neighbouring countries and the proliferation of small arms across regional international borders continue to cause widespread instability in the region.

24 The present report is an update on the human rights situation in Karamoja, covering the period of 1 April to 12 August 2007 and follows-up on OHCHR's previous reports on Karamoja issued in November 2006 and in April 2007⁵. Through its collaboration with the UHRC and interactions with civil society and non-governmental organizations and different stakeholders in Karamoja, OHCHR was able to intensify its monitoring activities, streamlined to provide in-depth coverage of the whole region, in

⁵ See website reference above.

particular to some rural areas previously not covered. In addition, OHCHR has worked in close collaboration with the UPDF and other security agents during its human rights monitoring activities in the region.

25 The report provides an overview of the current situation in the region and highlights improvements in the overall security situation, as well as tangible efforts and progress in the disarmament exercise which have sought to reverse the deteriorating human rights situation. Initial advances in development initiatives were also noted. OHCHR again makes recommendations to the Government of Uganda, particularly on the need to further fight a culture of impunity in Karamoja through strengthening the civilian justice system and to engage more systematically with communities, especially on prospects for development initiatives.

26 Whilst the human rights situation in respect of the ongoing disarmament operations in Karamoja is noted to have improved, isolated incidents and response tactics by the army have in a number of documented cases amounted to excessive use of force, resulting in killings of individuals. In addition, allegations have been made about loss, destruction and theft of property during operations. OHCHR, in line with its institutional mandate, emphasizes the importance of documenting and recording all reported and alleged human rights violations in an effort to combat impunity through encouraging systematic institutional responses to human rights violations.

27 During the reporting period, OHCHR interacted with a number of individuals who, whilst being generally supportive of the necessity to disarm, were outspoken critics of the UPDF's use of "heavy-handed tactics" during some of the disarmament operations during the reporting period. OHCHR regularly liaised with various UPDF officials and other stakeholders to corroborate allegations of misconduct and human rights violations by the army and to bring these allegations to the attention of the relevant authorities.

IV. Methodology

28 In the preparation of the report, OHCHR carried out fact-finding missions to different parts of Karamoja, some jointly with the UHRC, conducted post-cordon and search monitoring activities and undertook verification exercises. OHCHR also followed-up on allegations of human rights violations and abuses to verify information received from different sources. In addition, OHCHR conducted interviews and held discussions with representatives of the Civil-Military Cooperation Centres (CMCCs) and with various UPDF officials, including the UPDF 3rd Division Commander, the Divisional Operations and Training Officer, the Divisional Operations Officer, Brigade Commanders, the Civil-Military Liaison Officer, the Public Relations Officer, as well as with local authorities and district officials, and civil society and non-governmental organizations and other United Nations agencies.

29 Information was gathered from primary and secondary sources, through interviews and interactions with victims and members of the different communities, local elders, as well as *kraal* leaders. Interviews were conducted with detainees at UPDF detention facilities and patients at health facilities. Focus group meetings were also held

with different groups, and information was received from members of the communities in Karamoja during human rights sensitization exercises.

V Overview of the human rights situation in Karamoja

30 In April 2007, OHCHR released its second report into the human rights situation in Karamoja. This followed the initial report (released in November 2006) which focused on the situation in Kotido District during UPDF disarmament operations. The November report highlighted that the ensuing operations during the disarmament process from 29 October to 15 November 2006 amounted to indiscriminate and excessive use of force by the army. In its April 2007 report, the High Commissioner for Human Rights reiterated calls to the Government of Uganda to review its forced disarmament strategy in Karamoja where violence and human rights violations had continued since her report in November 2006. The High Commissioner repeated calls to the Government to respect its obligations to protect the human rights of all individuals under its jurisdiction at all times and cease the use of indiscriminate and excessive use of force against men, women and children; and to take all necessary measures, including reviewing the disarmament process, to prevent any further human rights violations in Karamoja. Recommendations were also made to address crimes committed by armed individuals through the criminal justice system in accordance with international standards, rather than by military tribunals.

31 During the period under review, OHCHR's findings show a moderation in the intensity of use of military force, as well as a steady decline in numbers of exchanges of fire between armed Karimojong and the UPDF soldiers during disarmament operations. This is partly attributable to stricter observance of the code of conduct and standard operating procedures by the UPDF, as well as a change of attitude towards the ongoing disarmament exercises based on increased civil-military dialogue. In addition, members of different communities, CBO and NGO representatives also attested to a change and marked improvement in the human rights situation in Karamoja, with isolated, as opposed to endemic, reports of human rights violations.

32 In different parts of the region, efforts to improve the UPDF's human rights record have been propelled by different stakeholders. The UPDF 405 Brigade Commander informed OHCHR that increased and improved "popular vigilance" is now common among the local communities themselves, who link with UPDF, police and other security agents, including the internal security officers, to fight insecurity and prevent human rights abuses and violations. In the words of one Local Council III official "there is no torture by UPDF these days because local councillors and other leaders are invited to accompany the soldiers to search the different areas".

33 During an OHCHR human rights sensitization exercise on 20 April 2007 in Kopopua Village in Lorengechora, Moroto, community members reported that they last witnessed a torture case in their village mid-2006. The villagers also reported to OHCHR that as of recently their relationship with the army has improved drastically.

34 OHCHR also notes the continuing cooperative and constructive relations it has been able to maintain with the UPDF in Karamoja throughout the reporting period. According to the UPDF 3rd Division Commander, Col. Patrick Kankiriho, “the Karamoja situation is not about using force – we should be able to mobilize the people and try to disarm them mentally as well”. Thus, new mechanisms have been set in place designed to improve disarmament operations, as well as the army’s human rights record. For example, UPDF district level brings together members of the communities, the army and police, working to undertake joint operations and change the face of disarmament operations in the region.

35 According to local district authorities, the UPDF has tried its best to involve all local leaders in preparation for and during cordon and search operations. This practice has been aimed at verifying the impact of military operations on the population, and has reportedly reduced casualties resulting from such operations. However, other human rights concerns were raised, including the prolonged detention of individuals in army detachments without appropriate detention facilities. Local authorities remain concerned that the sale of weapons has continued in the region, since those who have been arrested are required to produce a gun to secure their release from detention, even if they were not in possession of a gun previously.

36 According to the UPDF, the Civil-Military Cooperation Centres (CMCCs) coordinated by the UHRC have helped communities to understand the role of Government and other stakeholders involved in the disarmament process. In some areas, the absence of fully functioning Government structures and/or the lack of confidence in these structures have prompted members of communities at times to only report alleged human rights violations and cases of misconduct to the CMCCs. It was noted by the UPDF that the CMCCs could be more effective, including undertaking regular outreach activities, if they were provided with adequate resources to carry out their functions and fully facilitated to be able to undertake regular outreach activities, amongst others. The UPDF also encouraged the local population to attend the open military court sessions to witness how justice was carried out. According to the UPDF, such steps would send out deterrent signals to others and build confidence that actions were being taken to hold criminals liable for their wrongdoings. On 30 May, OHCHR held a meeting with the Resident District Commissioner and the Local Council V Chairperson of Nakapiripirit district, who stated that during a meeting on 29 May with the *karachunas*⁶, the youths informed them that the relationship with the army was more positive and that issues relating to human rights had improved significantly. The *karachunas* had stated that in comparison to previous months, fewer incidents were recorded against the UPDF during their disarmament operations.

37 According to the National Resistance Movement (NRM) Chairperson in Moroto district, the human rights situation was improving and the army was in good terms with the local population. During cordon and search operations, the army was reported to move with the local leaders to monitor the operations and to address any complaints. According to the Chairperson the disarmament exercise has been successful of late

⁶ *Karachunas* refers to young male Karimojong “warriors”.

because of the massive mobilization by local leaders and because discipline has been instilled in the army.

38 The above observations notwithstanding, OHCHR has documented human rights violations, with some allegations of indiscriminate use of force resulting in killings, acts of cruel, inhuman and degrading treatment or punishment, as well as loss and destruction of properties during military operations from April to July 2007. OHCHR also documented one case of alleged rape by a UPDF soldier⁷ on 29 May 2007, in Kodike Village, Nabwal Parish, Iriiri sub-county, Moroto district. The victim⁸ was reportedly assaulted and raped on her way home from the garden. She is said to have sustained bruises on her face and a cut on her lip. CMCC staff reported the matter to the detachment commander and investigations have been launched into the allegations. In addition, OHCHR has observed during monitoring and verification visits that detention conditions throughout Karamoja remain poor and well below international standards relating to the treatment of prisoners.

39 In dialogue with OHCHR, the UPDF has often justified reported killings, indicating that those individuals were killed during fire exchanges with members of the operational forces. Reports of the circumstances leading to the death and/or injury of others have at times been refuted by the UPDF.

40 OHCHR remains concerned that, despite assurances by the Government of Uganda to take measures to protect all persons under its jurisdiction and the concrete efforts of some echelons of the UPDF to improve the human rights situation during disarmament operations, a number of human rights violations were documented during the reporting period.

41 In a meeting with the Minister of Defence on 23 August 2007, the Minister took note of the reported human rights violations by the UPDF, as documented by OHCHR, and committed himself to following-up these complaints through institutional channels.

42 OHCHR has observed that the stance of some UPDF personnel that “the guns must go at all cost” has led, in some cases, to allegations of cruel, inhuman and degrading treatment and indiscriminate use of force resulting in the loss of lives, injuries, the destruction and loss of properties. OHCHR was informed by the parish chief in one sub-county that on 16 April 2007, a group of selected local and religious elders who had gone to meet the army command in their area to discuss matters pertaining to the heavy-handed approach of some of the UPDF soldiers during disarmament operations were told that “the army will do whatever it can do as long as people do not return the illegal guns in their possession”.

43 OHCHR has referenced below a sampling of cases to highlight the human rights concerns raised previously.

⁷ Names of alleged perpetrators referred to in specific cases in this report are on file with OHCHR.

⁸ Names of alleged victims referred to in specific cases in this report are on file with OHCHR.

VI. Instances of human rights violations by the UPDF

A. Extra judicial, summary and arbitrary executions

Kotido district

44 During a security and disarmament meeting organized and facilitated by OXFAM in Kotido on 13 April 2007, participants accused the UPDF of killing two men on a hill in Kacheri, Kotido on 25 March 2007. The UPDF 405 Brigade Commander in his response said that the killings were not intended and that it was a mistake of his troops but that UPDF will institute investigation into the circumstances leading to the death of the men. OHCHR has received no information whether an investigation was undertaken.

45 On 5 June 2007, OHCHR was informed by the a local council official for Kotido sub-county that around 20 May 2007, UPDF soldiers on a cordon and search operation in Losilang parish shot dead one unarmed young man near Moruongor village who was seen running away from approaching UPDF soldiers. It was further reported that the man's relatives had not recovered the body of the deceased which the soldiers were reported to have taken away. In follow-up to this allegation, on 11 June 2007, OHCHR's verification mission to Moruongor village received information from villagers that UPDF soldiers on cordon and search operations in Moruongor village in Losilang Parish shot one armed young man in the thighs on 27 May 2007. It was further reported that after disarming him, some soldiers stabbed him with a bayonet on his chest.

46 In raising the matter with the authorities, the police confirmed the death of the victim to OHCHR. The police indicated that the victim had reportedly escaped three times from custody and was wanted by the police. In dialogue with OHCHR, the Commanding Officer of the UPDF 67 Battalion stated that the death had occurred in an exchange of fire with soldiers.

47 OHCHR received reports of casualties during cordon and search operations on 22 May 2007 in Jimos and Nayese villages in Losilang Parish. The victims were said to have been taken to the Kotido Health Centre for treatment. OHCHR conducted a follow-up visit to the health centre on 8 June 2007 and confirmed from the admission book that three men in question were admitted on 22 May 2007. Although the account of the injuries sustained tally with the information received, presumed causes of their injuries were not stated in the hospital book. According to the duty nurse, the three discharged themselves from the hospital.

48 During a verification mission to Nayese village on 11 June 2007, OHCHR interviewed two men who had sustained multiple injuries from bomb shells when they were shot at by soldiers who saw them running from Jimos village to Nayese village. OHCHR also interviewed a third victim, an elderly man from Nayese village in Losilang, who had also been admitted at the health centre, whose right arm had been twisted by a soldier, thereby causing a dislocation. OHCHR was also informed that on the same day another victim, a primary school teacher, was also subjected to beatings by the UPDF in Nayese village. When brought to the attention of the Commanding Officer of 67, he

stated that he was only aware of one male youth who was injured in the thigh by stray bullets of armed elements who were trying to shoot at the soldiers.

49 OHCHR received reports that on 29 June 2007, following an exchange of fire with UPDF soldiers in Kacheri, one man was killed whilst his companion and 11 others were arrested during a cordon and search operation. According to the UPDF, two of the individuals, including the one who was killed in the cross-fire, were reported to be on the police's wanted list for killing two priests in Lobel some years back.

Moroto district

50 Information provided by a number of [named] sources pointed to the killing in April of one man from Naaut village in Tapac, Katikekile sub-county, Matheniko County whilst running away from advancing UPDF soldiers. In follow-up, the Commander of the UPDF Katikekile detachment, however, told OHCHR that the victim was killed when he engaged the UPDF soldiers in a gun battle.

51 On 8 May 2007, at Najokogolit village behind the UPDF detachment in Katikekile, reports received by OHCHR indicated that soldiers came across people leading their animals to water ponds. Reportedly, people started running away when they saw the soldiers approaching and one man was shot dead. The animals were confiscated and released after the army had recovered five guns from the community. During human rights sensitization exercise in Katikekile sub-county on 15 May 2007, OHCHR received corroborated information from different individuals interviewed, including some leaders of the sub-county, which indicates that between 7 and 11 May 2007, three men were killed during various cordon and search operations conducted by the UPDF19 Battalion. It was alleged that 16 others were subjected to acts of cruel, inhuman and degrading treatment and punishment by soldiers during the operations, whilst being frogmarched to the military detachment for further questioning and during their period of detention.

52 According to a local council leader in Nakwanga village "on 11 May 2007, the army confiscated 36 heads of cattle and in the process they shot at the people who were making attempts to run away from the *kraals*. It was during that time that one male individual was shot dead". It was further reported that the cattle owners followed-up to secure the release of their animals and during the meeting with the army detachment commanders, they were asked to bring guns. However, the army refuted their claims, including of those who had already handed in their guns and possessed disarmament certificates. When OHCHR raised issue of reports of non-acceptance of disarmament certificates, UPDF responded that "most people have more than one gun and use their certificates as a pretext".

53 In follow-up to these allegations, on 22 May, OHCHR and the UHRC carried out a joint fact-finding mission to Katikekile sub-county and Tapac parish. During a meeting with the UPDF Katikekile detachment, the UPDF assured that it was "aware of human rights since they had been sensitized on how to handle civilians and warned not to violate their rights". Subsequently, the UPDF refuted claims that three persons were killed

during the 15 May 2007 cordon and search operations, stating that only one man had been killed as a result of fire exchanges with operations forces.

54 Incidents of cattle rustling and a subsequent operation by the UPDF against suspected raiders on 4 July 2007 in *kraals* in Loputuk left a 76-year old man and his 8-year old son dead. The operation was reported to have been triggered following a raid of cattle belonging to a Lotome councillor and mistakenly believed to have been taken to Loputuk. On 9 and 10 July 2007, UPDF returned the impounded animals to their rightful owners.

55 In follow-up to these allegations, OHCHR visited the affected communities and documented statements which clearly pointed to indiscriminate and excessive use of force during these particular operations. An eye witness of one of the affected villages told OHCHR that “when the army led by a [named] Major came to the villages, they shot at us while in the *kraals* and we were forced to come out of the huts. One of my children was beaten, thrown into the muddy water and pulled out later. Another one had a spear pointed at him to tell where the gun is kept or else he could be killed. Some people were taken with the animals to Lokali detach”.

56 A female eye-witness recounted: “I had slept there [in the *kraal*], shooting started and I thought it was raiders. About 10 animals were killed and others more injured. One [named] *kraal* leader was also beaten, yet he is an old man and helpless. Some people were taken to the army detach for interrogation. Two people – a father and son were shot dead. One [named] boy was shot on the right hand and was taken to the army detach”.

57 In relation to the same incident, according to a 23-year old man, “the army came and took all our animals suspected to have been raided from Lotome sub-county. Six cows and two people were killed in one *kraal*. In another *kraal*, seven cows, three goats and a calf were killed during the shooting. Even the dogs were beaten up”.

58 OHCHR presented these findings of the 4 July 2007 incident to the Commanding Officer of the UPDF Lorengedwat detachment on 11 July 2007, who stated that “the two people killed were armed elements hit by stray bullets in cross-fire with the UPDF and that one soldier was also injured during the exchange of fire”.

59 OHCHR is not aware if the UPDF has carried out independent investigations into the above-mentioned incidents.

B. Torture, and other cruel, inhuman or degrading treatment or punishment

60 The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of which Uganda is a State party, defines “torture” in its Article 1 as “*any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes of obtaining from him or a third person information or a confession. ...*”

61 OHCHR has received several allegations of torture, and other cruel, inhuman and degrading treatment or punishment meted out on individuals reportedly with the purpose of obtaining confessions and to yield illegally possessed weapons. An increasing number of complaints have also been registered from females who alleged ill-treatment by UPDF personnel during the reporting period.

Kotido and Kaabong districts

62 Information received by OHCHR from victims and other sources indicate that UPDF soldiers have continued to beat up and intimidate individuals suspected to be armed, to surrender their guns. One district official in Kaabong said that “while there is no physical torture these days, there is verbal intimidation by the UPDF intended to make the victims produce a gun”. Further, during an interview on 22 June 2007 with the district official in Kadokini village and about 10 elders, OHCHR was informed that earlier that day, one man was beaten by soldiers and verbally intimidated to produce a gun. Although the victim reportedly finally admitted to having a gun, the elders testified that he had already handed in his gun previously and did not have a gun in his possession at the time of being mistreated.

63 During a human rights sensitization mission to Nateedekitoe village in Losilang parish on 16 June 2007, OHCHR was informed that since May 2007, beatings and other forms of degrading treatment or punishment during cordon and search operations continued to be a common practice in Losilang parish, as used to be the case in the past.

64 The above complaints were reported to the UPDF 405 Brigade Commander during a joint UPDF and police security meeting on 18 June 2007 in Losilang parish. According to the community, the recent UPDF cordon and search operations in Nayese, Jimos and Moruongor villages were “brutal” and some individuals had been “subjected to acts of torture and cruel treatment”. In response, the Brigade Commander informed the public that UPDF soldiers caught on the wrong would be punished, and if possible, in public in Losilang for the people to see the outcome. He informed participants that he did not support any wrong doing by any soldier and urged the community to raise an alarm if a UPDF soldier attempted to harass or intimidate them and/or grab their property. The Brigade Commander promised to inspect UPDF soldiers after every cordon and search to verify any allegations made.

Nakapiripirit district

65 In Loroo sub-county, a local councillor alleged that, following an incident on 8 April 2007 when a UPDF soldier was found killed and his testicles cut off by suspected armed Karimojong elements; the army followed-up the matter but had not consulted the local leaders during their operations. OHCHR interviewed a local leader on 16 May 2007 who said that an opinion leader was bayoneted on the chest and beaten by soldiers during the operations causing him to suffer from chest complications and difficulty in walking as a result of blood clots on his feet.

66 On 5 June 2007, OHCHR visited the villages of Nawet, Nachele, Nangamit and Naoi in Lorengedwat. During interactions with women, men, youth, local leaders and opinion leaders, OHCHR documented five cases of cruel treatment during army operations on 28 May and 3 June 2007 in the area. Victims complained of being beaten by soldiers for purposes of extracting information and surrendering their guns. Women victims claimed that during military operations, soldiers ill-treat them, particularly in the absence of their commanders. According to a female witness, “during the exercises all people have to get out irrespective of their age and gender. Sometimes women are beaten and soldiers shout at us saying in Kiswahili ‘*mutoke inje, bunduki iko wapi*’ [all come out, where are the guns]?” She also said that during the operations on 3 June, soldiers pressed on her son’s testicles using sticks.

Moroto district

67 On 24 April 2007, OHCHR carried out a post-cordon and search verification mission to Tapac, Katikekile sub-county, Matheniko county. Community members reported that during cordon and search operations in Kothiroi and Nakwanga village, two males were reportedly tortured by UPDF soldiers. When OHCHR presented the details of the allegations to the Commanding Officer of UPDF Katikekile detachment, he promised to investigate the matter. During a subsequent visit to the detachment on 22 May, the Commanding Officer was not available and the officer-in-charge was not in a position to provide that information.

68 During the joint UHRC and OHCHR on 22 May to follow-up into allegations of human rights violations in Katikekile, in the words of one victim “it was Major [named] who came for a meeting at the *kraal*. It was a cordon and search exercise. The people told him they had handed in their guns. But the people and animals were rounded up and taken to the army detach. Along the way, the Major threatened to give away the animals to other people if he does not realize any guns”. The victim continued by saying “we were told to lie naked facing the sun and any one who blinked was beaten. We were beaten on the chest, kicked on the head and beaten on the ankle. Whilst on the ground one of the UPDF commanders, [named], ordered for the armoured vehicle to be driven over the people. On seeing the vehicle approaching, the people got up to run and the soldiers who had surrounded them started beating the escapees. During this attack, one [named] individual was pierced with a bayonet on the head. The other [named] was beaten on the upper part of the eye and later fell down unconscious. He was given first aid treatment and released. Two [named] men were tied with ropes so that they produce guns. One [named] individual was forced to kneel down; a soldier hit him with a gun on the chest and blood oozed out of his mouth. We are not sure if he will survive because there was a lot of blood coming out of his mouth. Also, our properties including: *shuuka*, shoes, beads and earrings are still at the army detach. We were released on 17 May 2007.”

69 Another victim stated that soldiers detained 15 persons, who were subjected to beatings and other forms of ill-treatment during detention, with the objective of revealing how many guns each of them had. As reported above, OHCHR shared these findings with the relevant UPDF detachment commander.

70 Since OHCHR's visit to Tapac on 22 May 2007, a number of security related incidents in the area have prevented further visits for relevant follow-up.

71 On 19 May 2007, according to a local NGO, two men reported that they had been tortured by the UPDF during a cordon and search operation in Lokopo sub-county. According to reports at hand, one of the men was pierced in the testicles. The incident was reported to the UPDF 3rd Division.

72 During interactions with villagers from Lojom village, Tepeth Parish, it was reported that a 45-year old man was whipped severely on the buttocks during a military operation on 23 May 2007. The injuries necessitated medical attention, and according to the medical report, the cause of the complainant's swollen buttocks was the result of the beatings he had received. The victim also complained of chest pains as a result of kicks to his upper body.

73 Details of individuals allegedly beaten during the operations in Lokopuk on 4 July, including minors, and of the 47 individuals taken the army detachment, were provided to OHCHR on record. OHCHR also documented statements from two minors. In the words of a young boy: "I was kicked with the army boots on the neck. I now feel pain on the whole body of mine". According to another young boy herding cattle who was present during the operations, "I was beaten with a stick on the right thigh. My beads were cut by the army. I was choked around the neck".

74 During the reporting period, complaints from female victims about ill-treatment by soldiers have been on the rise. One woman lodged her complaint directly with the UPDF 3rd Division Commander on 11 July 2007 during a security mobilization meeting in Matany sub-county. She reported that she was hit with a stone by a [named] UPDF detachment commander, resulting in a gaping wound on her forehead. OHCHR noted that conflicting information was received about the cause of her wound: another source indicated that the victim fell and hit her head, or that she was tripped by a soldier whilst trying to run away. When interviewed, the victim replied that she had informed the local leaders who had promised to notify the authorities. Apparently, however, no follow-up investigations were made until she raised the issue at the public meeting. The UPDF Division Commander committed himself that an investigation will be launched into the allegations.

75 Following reports of mistreatment during a cordon and search operation in Lothinit and Lorukumo villages, Nakapiripirit district, on 31 July 2007 OHCHR interviewed communities on 3 August to further establish veracity of the reports received. The team documented 22 separate complaints of torture and other cruel, inhuman or degrading treatment or punishment. Three individuals were said to have been admitted for treatment in Matany hospital and one in Lolachat health centre. OHCHR notes, however, that most of the complainants had not sought medical attention.

76 On 10 August, 2007 OHCHR and the (UHRC/CMCC) carried out a joint post-cordon and search monitoring and investigation mission to Lokopo sub-county, Lorikitae

parish, Moroto district, which coincided with a gathering of community members and local council officials who were lodging their complaints of mistreatment to the authorities. OHCHR photographed and documented injuries sustained by 11 individuals allegedly due to acts of torture and inhuman or degrading treatment during cordon and search operations in July and early August 2007. Medical reports presented during the meeting indicate that individuals received treatment for conditions resulting from torture and/or trauma.

77 Three complainants reported they had given sums of money to a [named] UPDF officials amounting to UGX 100,000, 150,000 and 170,000, respectively, to secure their release from UPDF detention. In one case, the complainant states that the money was handed over to a [named] local parish official who passed the money on to a [named] UPDF official.

78 Details of the above findings were presented to the officer in charge of the army detachment who refuted the allegations, but nevertheless undertook to brief his soldiers about the army's standard operation procedures, including the prohibition against committing human rights violations during operations. OHCHR remains concerned that no mechanisms are currently in place for victims who have suffered physical injuries during military operations to receive compensation from the UPDF.

C. Arbitrary arrests and detention

79 OHCHR is concerned about reports that at times the UPDF has subjected communities to "collective punishment", holding them in detention for prolonged periods for failure to produce weapons. OHCHR has documented complaints that despite producing evidence of having participated in the disarmament process previously, some individuals continued to be detained as the UPDF did not honour their disarmament certificates.

80 OHCHR observed that during the reporting period some individuals were released immediately after their screening was completed, whilst others remained in detention pending investigations. Complaints received alleged that some individuals were being unjustly victimised with incessant demands to produce guns not in their possession, or despite having shown their disarmament certificates, in exchange of impounded cattle.

81 OHCHR also raised concerns with relevant authorities about the conditions of detention in a number of places visited. Acknowledging problems of overcrowding and frequent escape attempts, the UPDF 405 Brigade Commander and the Commanding Officer of the UPDF 67 Battalion recently stated that 14 of the detainees in Kotido Barracks whose files were completed, would be sent to the Moroto Barracks "which have good detention facilities" to await the Division Court Martial.

82 In this section, OHCHR has catalogued some cases to illustrate the situation on the ground.

Moroto district

83 One male complainant stated that in the early hours of 11 May 2007, soldiers of the UPDF 19 Battalion surrounded Nakonyen Kraal in Katikekile and impounded the animals. According to him, cattle were subsequently released to women unconditionally whilst each man was required to produce a gun to secure the release of their cattle. However, “even if a gun had been given to the army and a certificate presented, the certificates were torn up”, according to the complainant, to guarantee that detainees produced another gun”. The complainant stated that 20 guns were “recovered” from the detainees hailing from Nakonyen Village in this manner. As previously mentioned, UPDF officials have often asserted that ‘detainees’ usually have more than one gun. OHCHR is concerned that in some cases, presenting disarmament certificate might not always prove sufficient to secure ones unconditional release.

84 On 24 May 2007, OHCHR followed-up on reports that one man from Langalom, Matany sub-county, had for almost one week been handcuffed to his hospital bed in Matany hospital. During an interview with him, he stated he had been part of a group of 25 Bokora raiders from Ngoleriet (Moroto district) who had gone to Jie territory (Kotido district) for a raid on 12 May 2007. In his statement, he said a shoot-out ensued between the two groups resulting in the death of many of his fellow-raiders. Left injured, he was picked up by patrolling UPDF soldiers and taken to the hospital. Asked why he had been handcuffed, he stated he did not know the reason. OHCHR spoke with the attending nurse who said the handcuffs were removed periodically. In seeking clarification with the UPDF Brigade Intelligence Officer, Matany Barracks, OHCHR was informed that the handcuffs were removed permanently after the person had provided intelligence with “reliable information” about his brother’s whereabouts who was alleged to have been “behind the raids, in possession of guns” and aware of the whereabouts of the raided missing cattle”.

85 During a meeting on 3 July in Moroto with community elders and leaders from Katikekile, OHCHR was informed that two young boys (aged 6 and 10 years) were taken to the army barracks along with 17 heads of cattle belonging to a [named] individual. When the cattle owner, accompanied by some elders, followed-up on his cattle, he was reportedly detained in the barracks on accusation of possessing an illegal weapon. Yet, the man had reportedly produced a certificate indicating that he had surrendered his gun to the UPDF19 Battalion in Katikekile barracks on 27 May 2007. The elders stated that the two boys who had been taken to the barracks and subsequently released, had been forced by the soldiers to make statements to the effect that they had seen two [named] armed Karimojong men in the grazing area. According to the elders and local leaders, however, the two named individuals did not exist in their villages and were not known by to the community by these names.

86 In follow-up to the incidents of 4 July 2007 in the *kraals* in Lomoru Arengak (as reported above), on 10 July 2007, OHCHR visited the Lokali army detachment where the “suspects” had been taken. According to the Commanding Officer, 19 out of the 37 detained had been released “after they brought in their guns” and 18 remained in detention “until they produce a gun”. OHCHR observed that the detainees, who were

only partly clothed, were kept in a small area fenced off by thorny shrubs and had been left in the open, during the rains, for five days without any protection or shelter. OHCHR raised concerns about the conditions of detention with the officers present. The UPDF officers pointed to the lack of detention facilities and stated that the detainees were given what little food was available and were encouraged to take a shower on a daily basis.

87 During follow-up discussions on 12 July 2007 with the Commanding Officer, OHCHR was informed that the continued detention of the persons mentioned above was aimed at collecting more guns, which they had reportedly promised to hand in during the mobilization meeting with the UPDF and the Moroto LC V Chairperson. The UPDF indicate that the detainees would shortly be transferred to Lorengedwat detachment where conditions were more favourable. The Commanding Officer emphasized that those who would not produce guns, would be transferred to the UPDF Division Headquarters for continued custody.

88 OHCHR interviewed a few of the detainees. According to a 26-year old male, “after a gun was brought, my [named] brother was released. So now, my parents have gone to look for another gun”. He also said that “we were brought in on Thursday 5 July and were beaten. That is why we revealed having guns, just to make them stop beating us. It is true that the army came to our *kraals* and shot at us, killing two people. They rounded up our animals and brought them to the army detach with us. I was beaten on the waist”. Another man reported that “we have nowhere to get more guns. We are pleading to the army to leave us. There was no resistance during the cordon and search - they just shot at us. They suspected that we raided animals from Bokora”.

Kotido district

89 On 9 July 2007, OHCHR visited the UPDF 67 Battalion to interview 26 detainees. The detainees informed OHCHR that they were being locked-up in the cells for most of the day, without even being able to relieve themselves. The detainees alleged that they had been tortured and ill-treated, including denied drinking water for long periods up to two days. They complained that they were not given enough food or medical care. OHCHR observed that three of the detainees bore marks that could have been the result of torture, including parts of their bodies covered in fresh wounds or scars, with swellings on the legs, faces, hands and waists. During the interviews, the detainees claimed that they had been kicked, punched, caned and their stomachs were stepped on. Whilst some were in detention since two weeks, others had been detained for over two months. According to one of the detainees, he was suffering with diarrhoea and was passing blood.

90 When OHCHR raised these allegations with the UPDF 405 Brigade Commander, he immediately cautioned one of the officers in charge of the detention facility on the allegations and ordered that five plastic mugs to be given to the inmates for their personal use. OHCHR remains concerned about the prevailing conditions of detention, the absence of any judicial processes to bring charges against detainees or releasing them in the absence of charges. OHCHR urges that any allegations against UPDF members of torture

and ill-treatment must be duly investigated and appropriate disciplinary actions taken against perpetrators.

Nakapiripirit district

91 During a human rights sensitization exercise on 5 June 2007 with communities from Naweet, Nangamit, Naoi and Lokwuakua villages in Lorengedwat, members of the local community informed OHCHR that some children were also taken to the UPDF 29 Battalion Barracks in Lorengedwat after a cordon and search operation on 3 June 2007. When following-up these allegations with the Commanding Officer of the UPDF 29 Battalion, he informed OHCHR that “seven [named] notorious Local Defense Unit (LDU) deserters” were arrested and taken into custody during the recent military operation. OHCHR interviewed the seven detainees and observed that, six of the detainees appeared to be underage. Furthermore, the cell in which the detainees were kept had no windows to allow fresh air, and was very hot and unhygienic as the detainees had not bathed. The Commanding Officer consented to OHCHR’s requests to allow the detainees out of the cell to get some fresh air. He, however, stated that the detainees will only be released after they had produced their guns.

92 During the human rights sensitization on 5 June 2007 in Nangamit Naoi village, one female witness informed OHCHR that her son was only released after she “borrowed” a gun, yet she did not receive any disarmament certificate after handing in the weapon. She further complained that “we are also fed up of raids because we have been subject to attacks and since we do not have guns we end up being killed by the raiders”.

D. Loss, destruction and theft of property

93 Whilst allegations into the loss, destruction and theft of property were documented by OHCHR as well as local NGOs at time of writing this report, OHCHR had corroborated the allegations received and/or followed-up with the respective communities. Therefore, OHCHR brought some of the reports received to the attention of UPDF. Regrettably, the UPDF at times downplayed the allegations or refuted them without further investigations or inquiries. The examples below are by no means exhaustive but serve as an indication of reported cases of theft of and damage to personal property during the reporting period.

Kotido district

94 The UPDF has been accused of looting and destroying personal properties during cordon and search operations in Jimos and Nayese on 22 May 2007. During a post-cordon and search verification mission on 11 June, OHCHR received a compiled list of properties allegedly looted or destroyed by soldiers belonging to 43 complainants. Reportedly plastic ware, basins, plates, wooden cases and clay pots were destroyed, and mosquito nets, small blue bed sheets, blankets and saucepans, groundnuts for planting, spears, spoons, knives, ghee and quantities of money were stolen. OHCHR also observed destroyed or torn tarpaulins/canvas sheets, allegedly cut and taken away by soldiers. The

villagers reported that tarpaulins were part of items donated to them after the destruction of all their properties in a previous cordon and search operation on 19 May 2006.

95 When OHCHR brought the matter to the attention of UPDF officials, they downplayed the allegations by responding that “soldiers on cordon and search operations cannot be in position to carry properties such as mosquito nets during cordon and search operations because they are bulky and dirty”. OHCHR remains concerned that no mechanisms are currently in place for victims who have suffered physical injuries or material losses during military operations to receive compensation from the UPDF.

Moroto district

96 According to sources and victims in Lojom Kalooko, Iriiri sub-county, following a cattle raid on 19 May 2007 by the Bokora (Moroto district) to the neighbouring Pian of Nabilatuk (Nakapiripirit district), the UPDF followed footmarks from Nabilatuk to Lojom Kalooko on 20 May 2007. Focus group discussions and the list compiled by local NGOs indicate that 22 persons complained of theft and damage to property during the search for the raided animals. Those interviewed asserted that their leaders were not allowed to participate in the “searches” in the village, against the cordon and search guidelines. Items lost or destroyed included quantities of money, bananas, groundnuts, one radio, damage to locks of metal storage boxes, jerry cans of local brew and clothing. Reportedly, the raided animals had been taken to a nearby village, Nalaret village in Nabual Parish, Iriiri sub-county by the suspected Bokora raiders.

97 During a human rights sensitization exercise in Lotome-Lokoreto village on 21 June 2007, eight persons (two men and six women) reported that their personal property, including cooking oil, local brew, milk, beads, knives and axes, were stolen by soldiers during a UPDF operation on 16 June 2007.

98 OHCHR interviewed one man during the Uganda-Kenya cross-border meeting in Moroto on 3 July 2007, who claimed that during a cordon and search operation in Kothiroi, Katikekile sub-county, on 29 June 2007, he lost some clothes and UGX 500,000 meant for the payment of 30 people working in the marble quarry in Kothiroi in Loyaraboth parish, Katikekile sub-county.

VII. Criminal acts committed by armed Karimojong

99 During the period under review, the recorded number of road ambushes by armed Karimojong reduced significantly. Whilst fears of insecurity in the region have abated to a large extent with fewer road ambushes - credited to an increase in the frequency of UPDF road patrols, the continuing violent actions of armed cattle raiders remained a cause of concern to the overall security in the region. Cattle raids and counter-raids by armed Karimojong continued to be recorded almost on a daily basis, often resulting in unlawful killings, including of UPDF soldiers, and threats to the local communities. More recently, however, during the reporting period, trends indicate that the frequency of raids has reduced somewhat, primarily due to the scale up in regular UPDF foot patrols and

following increasing cooperation by community members in apprehending and handing over those allegedly in illegal possession of firearms.

100 The report provides a sampling of some recorded incidents⁹ intended to illustrate the continuing trend of violent acts committed by armed Karimojong. OHCHR has not conducted any independent investigations into incidents reported below. However, relevant information has been corroborated by a number of sources, including UPDF officials.

101 Measures have also been put into place to hold Karimojong responsible for alleged crimes in neighbouring Pader district, Acholiland. In June 2007, the Pader district authorities announced that the issue of compensation for injuries and losses suffered at the hands of armed Karimojong had been discussed at a meeting between Pader district officials and Karimojong leaders. At that meeting, it was agreed that 60 and 80 heads of cattle would have to be paid for each woman and man killed, respectively, in line with Karimojong traditional practices.

102 OHCHR cautions that implementing such measures should not serve to fully exonerate perpetrators from being held accountable for their criminal activities under the formal justice system in accordance with national and international standards.

103 In as much as some of the Karimojong alleged perpetrators have been arrested through the collaborative efforts of members of different communities, the Uganda Police Force (UPF) and the UPDF, OHCHR notes that the majority of the alleged perpetrators are yet to face trial due to delays in administration of justice. These excessive pre-trial detention periods contravene Uganda's constitutional guarantees and are in violation of international standards.

Moroto district

104 On 6 April 2007, one girl was killed and 25 head of cattle stolen in a cattle raid by suspected Bokora raiders in Namijimij village, Nadunget sub-county.

105 On 10 April 2007, whilst riding home from work, a medical worker was ambushed in the evening hours between Moroto town and Nadunget sub-county. His body was found days later and his bicycle which had been stolen was subsequently intercepted during attempts to sell it in the local market in Kangole. The suspects are currently in detention at Moroto prisons.

106 The UPDF reported that its soldiers killed six armed men on 14 May 2007, when raiders had allegedly attacked a Bokora returnee camp in Nabwal, Iriri sub-county. Four guns were recovered during the operation.

⁹ OHCHR has a more comprehensive list on record.

107 On 24 May 2007, along the Kokeris – Matany road, Matany sub-county, two women from the Nakicumet army detachment who had gone to collect firewood were killed by unidentified armed Karimojong elements.

108 On 29 May 2007, in Nawanatau parish, Nadunget sub-county, one woman was shot dead at night by suspected Bokora raiders returning from a raid.

109 On 5 June 2007, three women were attacked by unknown armed elements. One died of a bullet wound and the two others survived injuries. The perpetrators were not apprehended and the incident was reported to the UPDF Commanding Officer, Kautakou detachment.

110 On 8 June 2007, one man was killed in Nakamistae, Nadunget, at night in what was reported to have been a counter-attack by the Bokora from Kautakou.

111 A total of 12 guns were recovered as a result of a cordon and search operations on 15 June 2007, in Katakekile sub-county. One UPDF soldier was killed by armed Karimojong elements during the operations.

112 One UPDF soldier was killed in a sniper attack and several individuals were killed in a road ambush on a truck, following a series of incidents which started on 27 June 2007 in Katikekile, allegedly carried out by armed Pokot herdsmen from western Kenya. On 28 June 2007, one soldier and six Kenyan armed Pokot were killed and two soldiers injured in a road ambush on the convoy of the Commanding Officer of the UPDF 19 Battalion. According to the UPDF, foot soldiers and air support were used to pursue the fleeing Kenyan Pokot. The UPDF Division Commander informed OHCHR that the number of deaths from the air strikes, if any, was not confirmed.

113 On 10 July, the convoy of the Commanding Officer of the UPDF 19 Battalion, whilst being accompanied by a prominent *kraal* leader of Nakonyen *kraals*, was again ambushed by suspected armed Karimojong elements. One individual was killed by the UPDF repulsing the ambush and one gun recovered.

Kotido and Kaabong districts

114 On 9 April 2007, a soldier was killed and two civilians injured by unknown armed attackers near the mission in Kaabong.

115 On 28 May 2007, a World Food Programme truck driver was ambushed and killed on the Kotido - Kaabong road. As a result of combined efforts by the police, the UPDF and members of the local community, three men were arrested for their suspected involvement in the killing.

116 On 1 June 2007 one woman sustained gunshot injuries on the stomach when Matheniko warriors made an attempted raid on her home in Modokonyang village, Loletio Parish, Panyangara Sub County, Kotido district. The raiders fled empty handed.

117 On 10 June 2007 unknown Karimojong armed elements shot dead a man on his way home, between Narengemoru villages and Kotido senior quarters.

Nakapiripirit district

118 On 5 May 2007, some heads of cattle were raided from Lomuchurus, Loregai parish, and one man killed by suspects from Bokora.

119 On 11 May 2007, four men were killed by suspected Kadam/Pokot raiders in Kaiku Mountain, Loperot parish, Namalu sub-county.

120 On 29 June 2007, two women were shot at by suspected Karimojong in Nakaale (Napenanyia), Namalu sub-county. One died instantly, whilst the other victim was transferred to Matany hospital.

VIII Addressing impunity

Human rights violations by the UPDF

121 With reference to holding alleged military perpetrators accountable, the UPDF recounted that a number of soldiers are currently in detention and that the 3rd Division command has been swift to carryout disciplinary actions against alleged offenders. Whilst actions taken against alleged perpetrators within the armed forces were still not yet systematic during the reporting period, OHCHR notes that the UPDF has been more proactive in addressing reported misconduct and alleged human rights violations committed during the disarmament operations. On occasions, these actions have resulted in disciplinary or administrative measures against offenders or in court martial proceedings.

122 During the joint quarterly meeting held in Kotido district on 2 July, the UPDF Chief of Defence Forces (CDF) reiterated that operational forces will be required to observe the rights of people and the rules of engagement during cordon and search operations in Karamoja. This included the prohibition to shoot first at armed Karimojong and the prohibition of shooting indiscriminately into villages to minimize injuries and death, as well as collateral damage. Commanders in charge of operations were advised not to return fire as in most cases the armed Karimojong usually have very little ammunition.

123 According to the UPDF, most soldiers were not aware of human rights standards, but that has changed. At one time, the majority of the UPDF operation forces were composed of ill-trained LDUs and experienced communication difficulties with their commanders. LDUs were also said to have frequently colluded with the armed Karimojong to sell their guns and ammunitions. Such factors, amongst others, led to their dissolution by the UPDF. The UPDF also admitted that in May and June 2007, some soldiers were implicated in selling arms from the UPDF armoury to the Karimojongs. Subsequently, the UPDF 3rd Division Commander instituted a seven person

committee to take charge of the armouries and the soldiers in question were currently under detention for charges which included “failure to protect raw materials”.

124 During the reporting period, OHCHR has continually brought to the attention of the relevant UPDF authorities concerns about alleged and documented human rights violations, with a view to establishing which institutional responses would be put in place to respond to these violations. The UPDF 3rd Division Commander, in particular, has repeatedly informed OHCHR that acts of human rights violations would not be tolerated. During a meeting on 16 July, he stated that UPDF is investigating and asked OHCHR to also institute investigations into the allegations made against the detachment commanders at the Lokopo and Iriiri detachments (as reported earlier). He said that notwithstanding their successes in the disarmament exercise (7 guns and 1 tortoise grenade and 12 guns recovered respectively recently), he cautioned against human rights violations and had sent out a message to the 403 Brigade Commander which repeated instructions for all commanders to involve local leaders in disarmament exercises to avoid complaints.

125 OHCHR commended such actions and reiterated that prompt investigations should be conducted into all allegations of human rights violations and appropriate disciplinary and criminal measures be taken against known perpetrators.

126 The UPDF command at highest level in Karamoja has assured OHCHR on several occasions in dialogue and discussions that any violations of the code of conduct or of the cordon and search guidelines will be investigated and punished accordingly. Statistics provided by the Ministry of Defence show that 10 soldiers are currently awaiting trial before the 3rd Division Court Martial for human rights violations in connection with disarmament operations in Karamoja between April and July 2007. In addition, seven soldiers are under investigation and two case files have been transferred to the police.

127 In April 2007, OHCHR was informed that a soldier was arrested, subjected to disciplinary action and reminded of strict adherence to operational procedures, after he had caned a man for failing to hand in the ‘ammunition magazine’ together with the gun he had surrendered. According to UPDF, the soldier should have referred the matter to the operations commander instead of ‘beating’ the man.

128 It was also reported that on 24 April 2007, an UPDF officer based in Kotido was arrested following reports that he had misappropriated animals after an army cattle recovery operation in Kotido. Also in Kotido, in May 2007, one UPDF soldier was ordered to refund UGX 16,900 which he had stolen during a cordon and search operation in Napuatapuli in Kacheri. Also in Kotido in May 2007, a UPDF soldier was arrested after a tip-off by locals as he was planning to sell his gun in the open market.

129 In another incident, a soldier was reported to have tortured a young man from Kotyang village, Rengen sub-county in March 2007. The victim sustained a fractured arm. In response to these allegations, the UPDF Brigade Commander announced during a public meeting in Kotido on 13 April that he had ordered soldiers from the unit responsible for torturing the victim to treat and feed him until he recovered. OHCHR is,

however, concerned that it does not appear that any disciplinary action was taken against the perpetrators.

130 In June 2007, the unit disciplinary committee of the UPDF in Kotido charged one of its officers with “failing to execute his duties”, following the killing of two unarmed Karimojong youths whilst he was commanding a disarmament operation in Kacheri sub-county, Kotido.

Crimes committed by armed Karimojong

131 OHCHR repeats its calls for the strengthening of civilian law enforcement and judicial structures to address the situation of those suspected of committing criminal offences. OHCHR reiterates that crimes committed by armed individuals should be addressed by the civilian justice system in accordance with international standards, rather than by military tribunals. OHCHR acknowledges, however, that according to existing Ugandan national law, the offence of illegal possession of firearms lies within the competence of the military justice system.

132 In a recent meeting with the UPDF and a review of the case log at UPDF 3rd Division Headquarters in Moroto, OHCHR received an update of detainees whose cases were scheduled for hearing before the Division Court Martial starting late-July 2007. The UPDF explained that armed Karimojong who surrender their weapons and ammunition voluntarily during and/or after the cordon and search operations were usually released after being cautioned. The UPDF assured OHCHR that it was making efforts to expedite investigations and reduce the prolonged pre-trial detention (or remand) of suspects awaiting trial. In addition, all detainees were said to have been informed of their right to choose their own defence lawyer or to use a military lawyer assigned to them. During the reporting period, according to Ministry of Defence statistics, 17 individuals were under investigation, five pending trial and 16 committed to pre-trial detention.

IX Improvements and initiatives

A. Confidence-building initiatives

133 The UPDF, during the reporting period, also resorted to increasing security and opening additional detachments, following the killing of three men in Kaieku/Namalu, Nakapiripirit district, on 11 May 2007. This additional deployment in strategic areas was aimed at building the population’s confidence to continue with their economic activities without threats of insecurity.

134 The UHRC/CMCC reported that on 11 May 2007, during a meeting with communities of the Bokora and the Matheniko held in Lomoru-Arengak, Katikekile sub-county, the UPDF commended the spirit of elected leaders at both sub-county and district levels for their efforts made in facilitating the disarmament exercise, and provided assurances that impounded cows would ultimately be returned to rightful owners.

135 On 28 May 2007, a sensitization and peace building meeting was held at Lotirir Parish, Nawanatau, organised by the Member of Parliament for Matheniko county. The meeting aimed at sensitising the population on the disarmament process and on Government plans underway to develop Karamoja. Clarifications were provided that, according to its guidelines, the UPDF is not supposed to carry out cordon and search operations without being accompanied by the Local Council I chairpersons.

136 On 2 July 2007, the Minister of Defence called a security meeting in Kotido, with the participation of the Minister of State for Primary Education, Minister of State for Karamoja, the UPDF CDF, Division Commander and Brigade Commanders, Members of Parliament from Karamoja, local government officials and leaders, opinion leaders, *karachunas*, United Nations agencies, NGOs and CBOs. This meeting is part of a series of quarterly meetings initiated and organized by the Ministry of Defence to regularly review the security, political and human rights situation in Karamoja. During the meeting, the UPDF encouraged the population to take their animals to join communal grazing lands protected by the UPDF as a mitigating factor against cattle raiding in the region. The meeting also proposed that alternative livelihoods for Karamoja should be developed as a matter of priority to enable those disarmed to survive after handing in their guns. Government was called upon to support local peace initiatives issues and a “joint mobilisation of the masses” on issues of peace and security, human rights and education.

137 At the same meeting, the CDF relayed that the ongoing disarmament operations were not without challenges, citing as examples:

- The change of tactics by armed elements who have now resorted to burying guns and to moving at night time from villages to staying in bushes or remote areas to avoid detection;
- Insufficient logistical supplies, including water, and lack of road infrastructure which resulted in operational constraints;
- Lack of political support by some political leaders who were not supportive of the disarmament process. Similarly, it was stated that Members of Parliament visited Karamoja too rarely despite having received an increase in travel allowances;
- Exaggeration of numbers of animals raided, coupled with the unwillingness of some *kraal* leaders to surrender their guns or move their animals to UPDF protected *kraals*;
- Inadequate civilian administration of justice institutions in place in Karamoja, which has only five central police stations, few operational police outposts, and very limited regular police manpower supported by ill-trained local administration police to serve all of Karamoja.

138 The CDF informed that, as previously already announced, district security committees will be revived. In this connection, OHCHR notes that Parliament rejected a proposal by Karimojong leaders for a community-based security mechanism, which foresaw to arm local Karimojong “vigilantes” to maintain security in the region. The Parliamentary Committee on Defence and Internal Affairs, in a report to Parliament in

June 2007, concluded that there was fear that the vigilantes would use their guns to terrorise the local population instead of protecting them.¹⁰

139 During the reporting period, the Members of Parliament from Karamoja have been reportedly more active in consulting with their constituencies. The Parliamentary Committee on Defence and Internal Affairs also visited the sub-region during the reporting period.

140 The inclusion of and active participation in some of the mobilization efforts have been embraced by different members in the communities and are being spearheaded by both military and police components. Women increasingly play active roles in the recovery of stolen animals and guns. During a quarterly security review meeting for Karamoja, UPDF Brigade Commanders acknowledged to participants that the involvement of community members and especially women in the recovery of stolen animals was recognised and highly appreciated.

141 In addition, *karachunas* were mobilizing fellow youths still engaging in armed raids and road ambushes to desist from their actions and to embrace the disarmament process, and consider participating in meaningful community activities. In April 2007, OHCHR interviewed a former armed raider, who stated that he was cooperating with UPDF on disarmament exercises and was championing communal grazing initiatives in Nabilatuk, Nakapiripirit district. In Kotido, a former raider from Kanawat has formed the “Jie Gun Drop-out Youth Group Peace and Voluntary Disarmament Mobilization Committee”. He indicated that the Committee’s impact was limited due to lack of funds.

142 Measures to increase the number of communal grazing schemes to protect animals and curb cattle rustling have also been implemented by the UPDF 3rd Division command and welcomed by the Karimojong pastoral communities. The UPDF acknowledged that whilst such measures have improved the security of animals as well as the overall well-being of the population, challenges remained in these areas, such as lack of medical and veterinary services. Joint communal grazing initiatives have been tested in Nakapiripirit in Nakoit grazing land - which holds up to 8000 animals of both the Pian and the Matheniko - and found to be working very well. The Dodoth, who already have their communal grazing land in Kopoth with over 22,000 animals protected by the UPDF, were being encouraged to initiate joint grazing lands with the Jie.

143 OHCHR witnessed the launching ceremony of the Lokwamoru communal grazing land in Nabilatuk, Nakapiripirit District, which was presided over by the UPDF 3rd Division Commander, with the participation of local councillors, *kraal* and local leaders and youths from the surrounding communities. The communal grazing land is meant to serve the communities from Namalu, Lolachat, Nabilatuk and Kakomongole.

144 During a meeting on 16 July with the UPDF 3rd Division Commander and the Special Presidential Adviser on Disarmament and Development in Karamoja, the district

¹⁰ The New Vision, 5 June 2007.

was considering deploying veterinary services to the communal grazing areas but lacked the necessary resources.

B Development initiatives

145 During the security meeting in Kotido on 2 July 2007, growing calls were made for the practical implementation of the Karamoja Integrated Disarmament and Development Plan (KIDDP) and for alternative sources of livelihood for the Karimojong to be given urgent consideration to enable those who have participated in the disarmament programme to have alternative coping mechanisms. In addition, calls were made for the introduction and implementation of poverty eradication programmes for Karamoja, as well as the revitalization of demonstration agricultural farms. The Government was encouraged to support local communities in peace initiatives.

146 According to the Chairperson of Uganda Gum Arabic Cooperative Society Ltd (UGACS Ltd), an aloe vera processing factory will be set-up in Singila zone, Moroto district before the end of 2007, which will also establish nurseries for the identified tree species in all districts. He informed OHCHR that in addition to creating employment opportunities for the local people in Karamoja, the Government will buy products and the profits will be given to the local cooperative societies, in the form of shares. The announcement of the ground-breaking ceremony to mark the launch of the proposed UGACS project in Singila zone was marred by skirmishes by the local community on 8 July over ownership of the land at the project site on which crops had been planted, reportedly led by the LC I and LC III. UGACS informed the community that work on the site would not commence in earnest until after the crops had been harvested.

C. Capacity-building and advocacy efforts

147 To increase awareness about human rights standards and principles amongst the local population, OHCHR has conducted a number of human rights sensitization and awareness raising programmes in different parts of the Karamoja region during the reporting period. These activities were often carried out in cooperation with the CMCCs, NGOs, local councillors and the UHRC.

148 Jointly with the UHRC, OHCHR facilitated and conducted human rights sensitization exercises for UPDF operations forces under 403 Brigade and 27 Battalion, designed to ensure that UPDF soldiers have basic knowledge about human rights and to reinforce the UPDF code of conduct and the cordon and search guidelines.

149 During a post-training evaluation held on 21 June 2007, OHCHR interviewed some of the participants, who stated that they then recognized that some of the acts previously committed during disarmament operations constituted violations of human rights and were prohibited during their operations. According to one of UPDF co-facilitators of the training, soldiers “gained greatly” from the human rights training programmes. Another

military co-facilitator said that “the soldiers have appreciated the training and since the start of the training programmes in March 2007, we have no serious complaints by the public of human rights violations after cordon and search operations as before, despite the challenges. This has changed positively.”

X. Conclusions

150 During the reporting period, the UPDF’s forceful disarmament operations continued, albeit with less recourse to the use of force. The UPDF, police and the local communities have increasingly started to cooperate as partners in the disarmament exercise, thus demonstrating a constructive change of tactics. Nonetheless, OHCHR notes that despite the considerable, tangible improvements in the human rights situation, some UPDF elements continue to engage in acts which ultimately result in human rights violations, including indiscriminate killings, acts of cruel, inhuman degrading treatment and punishment and use of excessive force leading damages and destruction of property and livelihoods.

151 The Government of Uganda has made significant strides in trying to fulfil its obligation to provide security and protecting all persons under its jurisdiction from armed elements. With increased military deployment, additional manpower and strategic engagement, there is improved security along major roads, including through regular patrols. These efforts have contributed to an improved security environment, as well as faster reaction and responses following cattle raids and in cases of attacks against the local population.

152 OHCHR notes that the UPDF has been more proactive in addressing reported misconduct and alleged human rights violations committed during the disarmament operations. On occasions, these actions have resulted in disciplinary or administrative measures against offenders or in court martial proceedings. However, systematic and consistent investigations and prosecutions of all UPDF and Karimojong offenders should be instituted in all cases.

153 There currently exist no opportunities for compensation for victims or affected communities resulting from death, injuries or the loss of property during disarmament operations. To a large extent, victims, including child-headed households, the elderly and vulnerable, have been left on their own devices to cover medical or replacement costs following cordon and search operations.

154 Increased confidence building activities, including gazetting of additional protected *kraals*, launching of communal grazing grounds and community mobilization meetings have been embraced by Karimojongs and have contributed to improving the civil-military relationships in the region.

155 OHCHR has observed the continued absence of significant efforts or political commitment from the Government for developing alternative livelihoods in Karamoja. At the same time, the stand-off between Gum Arabic and the Singila community in Moroto

district serves as a clear indication that officials should endeavour to adopt a human rights based approach to development programming, in full consultation with and the equal participation of prospective developers and the affected communities if and when developing livelihood schemes are implemented for Karamoja.

156 In dialogue with the Minister of Defence, he noted challenges to the situation in Karamoja such as the need for strengthened mobilization including regular meetings and continued interaction with the local population. The Minister also emphasized the need to develop additional/alternative means of income and livelihoods; improvements to the infrastructure, including health, education and water services; and the strengthening of cross-border cooperation on illegal trafficking in arms. The Minister also laid emphasis on the need to improve the human rights and security situation and to strengthen checks and balances, such as military disciplinary and civilian justice systems.

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