

## Uganda: Launch Independent Inquiry Into Killings

No Lethal Force was Needed in at Least 9 Fatal Shootings

May 8, 2011

(Kampala) - The Ugandan government should conduct a prompt, independent, and thorough investigation into the use of lethal force by security forces to counter recent demonstrations and rioting throughout the country, Human Rights Watch said today. The violence took place over several days in April when demonstrators protested against wasteful government spending and rising commodity prices.

Human Rights Watch carried out investigations into fatal and non-fatal shootings by the security forces, as well as abuses such as beatings, theft, and rape that occurred on three of the most violent days of the demonstrations, April 14, 21, and 29, 2011. Based on multiple eyewitness accounts, Human Rights Watch documented at least nine unarmed people killed by government forces - six in Kampala, two in Gulu, and one in Masaka - none of whom were actively involved in rioting.

"Uganda's security forces met the recent protests with live fire that killed peaceful demonstrators and even bystanders," said Maria Burnett, senior Africa researcher at Human Rights Watch. "A prompt, effective, and independent investigation into the violence is essential. For far too long Uganda's government has allowed a climate of impunity for serious abuses by the police and military."

Human Rights Watch interviewed more than 60 people, including victims and their relatives, eyewitnesses, community members, medical staff, members of civil society, police, military, and journalists in Gulu and Kampala. Human Rights Watch also gathered forensic evidence, such as photographs of bullet holes, and medical and police records.

The Ugandan government should include outside, independent international experts to participate in investigations and set out the concrete steps it will take to ensure perpetrators are held to account. Specifically, the Ugandan government should invite the African Union and United Nations Special Rapporteurs on Extrajudicial Executions to Uganda to conduct an in-depth investigation. Because of the deep mistrust between the security forces and communities affected by the recent violence, the inclusion of independent international experts will also encourage witnesses to come forward, Human Rights Watch said.

Human Rights Watch also called on donors, including the British and Irish governments and others, to end support and

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training of Ugandan police and military units until the killings are investigated and the perpetrators brought to justice.

The recent protests in Uganda began on April 11 after "Activists for Change," a new group claiming to be non-partisan and non-profit, called on the public on April 8 to "foster peaceful change in the management of public affairs." The first action was a "Walk to Work" held every Monday and Thursday to protest escalating food and fuel costs. The government argued such an action constituted an unlawful assembly and vowed to stop protests. Since then, several opposition politicians, including two former presidential candidates, participated in the action and were arrested and charged several times with unlawful assembly and inciting violence while walking to work.

The crackdown on the Walk to Work protests has been marked by multiple instances of brutality by the security forces, including killings, beatings, and abusive and arbitrary arrest of protesters and uninvolved bystanders. In some instances, protesters turned aggressive, throwing stones and burning debris on the roads. Human Rights Watch did not, however, find any evidence that protesters had guns or other potential lethal means at their disposal, though in at least three instances documented by Human Rights Watch, security forces were injured when hit by pelted rocks.

In addition to the nine unarmed persons killed by government forces, Human Rights Watch received information about three other killings, but could not corroborate the details of their death. At least two more deaths reported in the media as related to the crackdown did not appear connected to the unrest directly. Police acknowledge that well over 100 people have been injured and over 600 have been arrested country wide since the unrest began on April 11.

In Kampala, for example, one victim was shot dead as he walked along the road, two were killed as they attempted to hide from live bullets in a marketplace, and three people observing the protests died from gunshot wounds in the back as they tried to flee from the violence. In Gulu, northern Uganda, one victim was shot in the back and killed as he fled from security forces and one was shot dead after taking cover inside a metal shipping container. In Masaka, a two-year-old girl was killed when security forces shot live ammunition to disperse demonstrators. In both Gulu and Kampala, the military, mainly made up of military police, were deployed to support the police.

One civil society activist told Human Rights Watch that "Gulu saw more than excessive force. It felt like a conventional war here that day, like a one-sided battlefield, and we know war here."

There has been widespread criticism of the actions of Uganda's security forces. Members of civil society, religious leaders, and the Uganda Human Rights Commission have all called on the authorities to respect people's right to demonstrate and for police restraint. After the violent arrest of opposition leader Dr. Kizza Besigye on April 28, the Inter-religious Council, comprised of the leadership of Uganda's Christian and Muslim communities, called for the resignation of the Minister of Internal Affairs and the Inspector General of Police. Navanethem Pillay, the UN High Commissioner for Human Rights, also urged a halt to actions by the police and the army that she said constituted disproportionate and excessive use of force. Lawyers have petitioned the Chief Justice and gone on strike, arguing that recent events may constitute crimes against humanity.

The government has not made any commitment to open an inquiry into the violence, nor have the authorities started meaningful criminal investigations into most killings. In the case of the two-year-old girl shot in Masaka, police arrested a member of the police reserve force, and paraded him before the media. According to media reports, he will be charged

with her death. This is the only arrest so far since the crackdown. Circumstances of her killing appear very similar to numerous other incidents, though public condemnation of the child's death may have prompted police to act quickly.

Impunity for serious crimes committed by members of the security forces, especially during political demonstrations, persists in Uganda, Human Rights Watch said. Ugandan law in theory guarantees the right to free assembly, speech, and association, but in practice the response to the exercise of these rights is a resort to lethal force without clear justification.

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

Since the 2009 violence, several international donors have funded training programs for the Uganda Police Force, including the British and Irish governments who jointly funded a program in public order management and community-based policing costing €2 million (US\$2.9 million). Despite this, the unnecessary use of lethal force to prevent protests continues. Police brutality in law enforcement operations also remains a serious problem in Uganda.

"Donors gave the Ugandan security forces a great deal of training and support in public order management before the February 2011 elections," said Burnett. "But people still get killed in circumstances where there was no need for live ammunition and perpetrators go unpunished."

Human Rights Watch urged the police and the military when they are deployed to abide by the UN Basic Principles on the Use of Force and Firearms, which provide that law enforcement officials should apply nonviolent means before resorting to the use of force. Under these principles, government should ensure that instances of "arbitrary or abusive use of force and firearms by law enforcement officials is punished as a criminal offence under their law."

## **Detailed Accounts of Recent Events**

### **Abuses Committed in and Around the Kampala Demonstrations**

Since demonstrations began on April 11, at least six people have been killed in Kampala and more than 100 injured after uniformed soldiers and police as well as plainclothes security agents shot, beat, and arrested individuals, many arbitrarily.

Numerous witnesses corroborated accounts that security forces failed to distinguish between individuals actively participating in riots and bystanders. Witnesses also told Human Rights Watch that security forces responded to stone-throwing demonstrators by firing randomly into crowded areas and throwing teargas canisters directly

at people or into houses. Passersby were forced at gunpoint or on threat of beating to clear burning debris from streets. In the case of three killings by the security forces, community members, angered by the excessive force of security officials, attempted to prevent police from taking the bodies because they did not trust them to carry out a post-mortem. Many of those interviewed by Human Rights Watch said the brutality of the police and military made them unwilling to work with state security officers because they distrusted them and feared adverse consequences such as arrest or assault.

The protests escalated sharply on April 14 after Dr. Kizza Besigye, the former presidential candidate of opposition political party, Forum for Democratic Change, was hit in the hand by a rubber bullet. That day, media reports stated that 47 people were injured in Kampala alone, and 220 people were arrested countrywide. The same day, police in riot gear attacked a journalist from Uganda's Radio One, striking him with batons and the butt of a gun. The Uganda Communication Commission wrote a letter to internet service providers ordering them to block access to Facebook and Twitter for 24 hours to "minimize the use of the media that may escalate violence."

The Kampala protests spiked again on April 28 and 29, when the media captured footage of plainclothes security and uniformed police officers violently arresting Dr. Besigye and his companions by dragging them from their car in the Mulago area of Kampala. On April 28, security officers cracked the windows of the car with a hammer and a gun butt and sprayed liquid teargas and pepper spray inside at close range to force Besigye and others out of the car. The following day, residents of some Kampala districts responded by burning debris in streets and throwing stones at security agents. Eighty-four injured people were taken to Kampala's Mulago Hospital, 64 with bullet wounds. Police said they arrested around 360 individuals from Kampala and Mbale, in eastern Uganda, where protests also occurred. Sources at a Kampala mortuary indicated that six individuals died on April 29, all of gunshot wounds.

Around 10:30 a.m. on April 29, a uniformed military police officer wearing a red beret shot several rounds into the Nakivubo Parkyard Market in response to a stone thrown in his direction. He shot two vendors, including Ssemuga Kanabi, as they took cover by the market walls. Kanabi was hit once in his chest and died instantly. The other vendor, shot twice in the arm, survived. Human Rights Watch observed eight bullet holes in the market walls and merchandise. The cause of death on Kanabi's death certificate was first listed as penetration by a sharp piece of wood. After his family protested, the pathologist changed the

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cause of death to "hemorrhagic shock from a penetrative wound." Security agents accompanied the body and members of his family out of Kampala city limits for burial and instructed other agents to stop the vehicle if it turned around, allegedly to prevent the family members from obtaining a second post-mortem at another Kampala hospital to determine the cause of death.

The same day, at nearby Owino market, witnesses told Human Rights Watch that Sam Mufumbiro, a vendor, heard gunfire and was unsure how to safely get home. He then called his cousin who, mid-conversation, heard others shouting, "Blood!" before the call abruptly ended. Witnesses at the scene said Mufumbiro fell and bled from the mouth. Medical personnel told the family that he died of gunshot wounds. He had been shot twice, in the head and chest. Other vendors said that security forces were seen outside on the street but none were inside the market, where there was no rioting.

In the Masajja area of Kampala, soldiers patrolled in armored personnel carriers, randomly beating people they found by the roadside. Police and plainclothes security officers were also deployed. Witnesses in the area told Human Rights Watch that there were several hours of gunfire on April 29. Frank Kizito, a father of six, was shot while attempting to collect rent from his tenants. At around 1 p.m., witnesses said Kizito fell down as a police officer wearing a blue camouflage uniform fired in their direction. Police allegedly told mortuary staff that Kizito had been injured by rioters. Subsequently, the official cause of death was confirmed as a gunshot wound.

On the same day, in the Kakajo area of Bweyogerere, near Kampala, at around 4 p.m., around 20 uniformed soldiers entered a car lot and beat workers with batons and wire for no clear reason. Wilber Mugalazi, a guard at the lot, jumped over a fence to escape and was shot in the back. He died immediately. Community members surrounded the body and refused to hand it over to the police. Police responded by firing shots at the crowd to disperse them. Human Rights Watch observed the marks of whips and batons on the backs of several people who said they had been beaten by police. Broken glass where a bullet broke a car windshield was still at the scene. Other witnesses in nearby Bweyogerere district observed a man in civilian clothing shoot one David Kato in the head. Kato remains hospitalized.

Motorcycle taxi driver Augustine Guwatudde was shot in the back and killed as he and two others ran from a plainclothes security operative who was firing shots in a residential area in Namasuba, Lufuka Zone. Family members attempted to keep Guwatudde's body by carrying it to his father's home, but police

surrounded the house and pointed guns at a family member to force them to relinquish the body. Family and community members told Human Rights Watch that the security operative who shot and killed Guwatudde was a known resident of the area who has moved away since the shooting.

In the Bwaise neighborhood of Kampala, security forces randomly shot teargas and bullets into the air in a residential area, even though there were no demonstrators in the immediate vicinity. At around 11 a.m. on April 29, James Mukiibi, a trader, walked to the main road from his home to see what was happening. Witnesses told Human Rights Watch that he was shot through the back by one of three uniformed military police wearing red caps who approached him from behind. He died soon after. Multiple witnesses said they heard a security officer instructing his subordinates to respond to any stone-throwing with gunshots.

Numerous witnesses reported that security forces committed serious and repeated abuses throughout Kampala, including entering houses, beating and attacking inhabitants, and shooting to disperse crowds. For example, witnesses told Human Rights Watch of a resident shot for refusing to come out of his home and of others pulled out of their houses and beaten by security forces. In one case, when people threw stones at a uniformed police officer after he was accused of killing a Namasuba resident, he fired into the crowd, shooting a three-year-old girl who was hospitalized with a gunshot wound to her thigh.

In Kasubi on April 29, police in blue camouflage uniforms riding armored personnel carriers shot three individuals, two in their thighs and one in the arm. In Kalerwe, witnesses said police threw a teargas canister into a house near Kalerwe market, after which two people had to be hospitalized due to inhalation. A resident of nearby Kibe Zone said he helped a woman who was shot in the stomach as she slept in her house.

The father of a Namasuba victim said that a number of people were arrested from nearby areas that night, and that residents were consequently afraid to speak with police or report crimes. He said:

"There's little government has done to console people. They treat us as sheep, and yet there is no shepherd around. The leaders have lost hope and we have lost hope for their protection....People are fearful of being taken at night. Some don't even sleep in their houses....People fear to give evidence. If they do, police come and collect you."

Most of the families interviewed by Human Rights Watch said that there had been no official

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investigations into the circumstances surrounding the death of their loved ones. In two instances, police approached family members and asked cursory questions about the victim's occupation, dependants, and any involvement in the riots, followed by vague promises of compensation. In one case the police told relatives of the victim to gather evidence and hand it over to police. In two other instances, police gave fuel, food, and cash to support funeral costs. However, families stated that these actions were not enough. One told Human Rights Watch, "[A]s if we want compensation. . . . I'd expect the authorities to condemn in public and apologize....That man who killed my boy is moving freely."

### **Abuses in Gulu on April 14, 2011**

Violence broke out in Gulu on April 14 when people mistakenly believed that police had arrested prominent opposition politician Norbert Mao. While there had been some participation in the Walk to Work action in Gulu, in part because many people normally walk to work, participation had been less prominent. Mao and some of his supporters walked from his home in Pece, Gulu to the center of town without incident on April 14 at around 4:30 p.m. Their objective was to spray paint a symbol of the Walk to Work action on the roundabout in downtown Gulu to show solidarity with people in Kampala. A crowd assembled.

The District Police Commander, Moses Muluya, and the head of police Criminal Investigations for Gulu, Moses Byabagye, arrived shortly thereafter. Police told Mao to return home, and Mao agreed, but the two police officers grew impatient and eventually grabbed him and forced him into a police car. Though the police intended to take him home, they did not inform the growing crowd who assumed he was being arrested.

As a result, some young men threw stones at the police in the roundabout area of Gulu and the police used teargas and live ammunition to disperse crowds. Witnesses told Human Rights Watch that they were shocked at how quickly the situation deteriorated and became violent, with security forces firing their weapons from 5 p.m. until after hours after dark. Word of Mao's alleged arrest continued to spread. Military police and infantry soldiers were deployed together to disperse the crowds and patrolled the streets in three armored personnel carriers.

Under Uganda's constitution, the military can be deployed in emergency situations, but should be under the command and orders of police.

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day, like a one-sided battlefield, and we know war here," one civil society activist told Human Rights Watch, referring to the two decades of conflict in Northern Uganda.

At around 7 p.m., Dan "Musa" Wasaga, a father of four who sold cabbages in Layibi market, began walking home heading north with some colleagues on Gulu's Kampala road. They met three soldiers who inquired where they were going. As the men answered, the soldiers opened fire at a distance of less than five meters. They ran. Wasaga was shot in the back and killed. Witnesses told Human Rights Watch the bullet went through his body from back to front. His friends said that he had a telephone and 400,000 Ugandan shillings (US\$180) in cash to buy cabbages before he was killed, but the family has never recovered anything but the phone's SIM card which friends found in a pool of blood the next day. They said the authorities have promised money to the family but that, so far, they have not received compensation.

At the intersection of Gulu's Kampala Road and Workers Road, a group of local welders and metal workers were finishing up their business for the day when they heard gunshots. Four of the men took cover inside a metal shipping container after they saw a group of six or seven soldiers walking along the road firing their guns randomly. Shortly after, 36-year-old father of four Charles Odur was hit by a bullet that went through the wall of the container and into his arm and chest cavity. He died instantly.

At least two women have also come forward to report to police they had been raped by soldiers on the night of Gulu's unrest. In a statement seen by Human Rights Watch, one woman described how she was going home well after dark when one soldier approached her and took her baby while the other forced her down on the road and raped her. It remains unclear if police are actively investigating these alleged rapes. The spokesman for the Fourth Military Division, based in Gulu, told Human Rights Watch that allegations of rape by soldiers are "simply the people wanting to abuse the army." He rejected any possibility of a military inquiry into alleged sexual violence by soldiers on the night of April 14 in Gulu.

Witnesses reported that soldiers continued to use live ammunition as well as randomly stop Gulu motorists trying to get home in rush hour, forcing them from the cars, and beating some with batons. One soldier, who was off-duty at the time of the unrest, told Human Rights Watch he was beaten by neighbors who said they did not want soldiers in their area. The government *New Vision* newspaper reported that 20 had been injured. [hrw.org/.../uganda-launch-independent...](http://hrw.org/.../uganda-launch-independent...)

The situation normalized late that evening when police and military authorities, along with Mao, went on radio to explain what had transpired and call for calm.

## **Background**

President Yoweri Museveni officially won Uganda's presidential elections in February 2011 with 68 percent of the vote amid allegations of vote buying and rigging, and state intimidation of the media. The electoral commission was also criticized for lacking independence while the opposition accused the government of using state resources to support the ruling party's campaigns. There have also been widespread allegations of government corruption and profligate spending, such as the recent purchase of fighter jets for US\$750 million and the costly inauguration ceremony for Museveni's fourth term, set for May 12, all while inflation is at record levels and prices for many basic goods have risen sharply.

## **Recommendations**

Human Rights Watch urged the government of Uganda to take the following actions:

Invite the UN and African Union Special Rapporteurs on Extrajudicial Executions to investigate the killings that occurred in April 2011 as a result of the law enforcement response to protests.

Undertake to conduct an independent, impartial investigation led by international experts, into the actions of soldiers and police alleged to have perpetrated human rights abuses in April; prosecute those against whom there is sufficient evidence in accordance with international fair trial standards; and ensure fair compensation to victims.

Publicly acknowledge each individual shooting of unarmed people by members of the security forces and commit to criminal investigations of each incident within a specific timeframe.

Ensure that fundamental rights such as the rights to freedom of assembly and expression are fully protected and can be exercised without risk of censure. Any regulation or restrictions on the exercise of these rights must comply with international law, and be strictly necessary and proportionate to achieve a legitimate goal for the public good.

Issue clear public instructions to all government forces involved in policing that lethal force should only be used when strictly unavoidable, to protect human life.

Human Rights Watch urged donors to the Ugandan government, especially members of the Partners for Democracy and Governance Working Group, to take the following actions:

Stop all support and training of the Ugandan police and military until the recent killings are effectively investigated and the perpetrators identified and held to account. This includes holding to account the

superiors in the police and military police who authorized the use of lethal force.

Continue to condemn instances of the unlawful use of lethal force by members of the security services, and call on the government to respect Ugandans' rights to assembly and expression.

Press the Ugandan government to invite the UN and AU Special Rapporteurs on Extrajudicial Executions to investigate the April killings.

### **List of Fatalities Investigated by Human Rights Watch**

People shot and killed in Gulu on April 14, 2011

1. Dan "Musa" Wasaga, Layibi
2. Charles Odur, near Workers Road

*People shot and killed in and around Kampala on April 29, 2011*

3. Ssemugga Kanabi, Nakivubo Parkyard Market
4. Sam Mufumbiro, Owino Market
5. Frank Kizito, Masajja
6. Wilber Mugalazi, Bweyogerere
7. Augustine Guwatudde, Namasuba
8. James Mukiibi, Bwaise

*Fatal shootings on April 21, 2011 reported in media*

9. Julian Nalwanga, Masaka

*Other unconfirmed death reported by community members*

10. Unnamed bicycle taxi driver in Kalerwe, beaten on April 14, 2011, and died days later of injuries

<http://www.hrw.org/en/news/2011/05/08/uganda-launch-independent-inquiry-killings>

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