

## **General allegation**

**127th session (9-13 May 2022)**

### **Uganda**

The Working Group received information from credible sources concerning reported obstacles encountered in the implementation of the Declaration on the Protection of All Persons from Enforced Disappearance in Uganda.

1. It was reported that before, during and after the January 2021 general election, the authorities reportedly embarked on a massive campaign of terror against civilian population that was opposed the Government. The Security Forces conducted a series extrajudicial killings, excessive use of force, illegal arrests, detentions, abductions of several government critics. After the general elections, there was a public outcry reflecting an increase of allegations of people gone missing before, during and after the general elections. The Government recognized having a large number of people under detention in connection to penal offenses allegedly related to the electoral process. According to the allegations, there were a large number of people who were kidnapped by security forces. Victims of the alleged kidnaps by security forces were reportedly tortured, raped and often kept in unauthorized detention centers commonly known as “safehouses”. According to the information received, the detention centers -which were non gazetted to hold civilians- were operated by the Uganda People’s Defence Forces (UPDF), especially the Special Forces Command (SFC), the Chieftaincy of Military Intelligence (CMI), and Military Police (MP).
2. The wave of abductions and torture by security forces reportedly intensified during the pre-election campaign period in the second semester of 2020 through the January 2021 general election, resulting in a dramatic increase in the number of reported cases of enforced disappearance in the country. On 4 March 2021, Uganda’s Internal Affairs Minister admitted and tabled before parliament a list of 177 civilians believed to be held under detention.
3. The sources further indicated that men and women were illegally detained in various safehouses around the country. Some victims were held in military detentions and others were tried before the court martial, while other individuals were abducted by security forces and their whereabouts remain unknown. Some detainees who were tortured reported psychological and physical harm including broken backs, fingernails pulled out, genitals beaten, electrocution and burns; some women reported that they were raped by security forces while under detention. In some instances, breastfeeding mothers were snatched away from their babies and detained in safehouses for long periods of time. Security forces also reportedly abducted and illegally detained minor children at gunpoint.
4. Serious allegations were also reported regarding attacks on members or persons with perceived affiliation with the opposition in the diaspora by Ugandan State agents.
5. The sources further listed numerous cases of persons allegedly forcibly disappeared and for which the fate and whereabouts remain unknown to this day.

The Working Group would like to bring to the Government's attention the following provisions of the Declaration, which are directly related to the present allegation:

*Article 2*

- 1. No State shall practice, permit or tolerate enforced disappearances.*
- 2. States shall act at the national and regional levels and in cooperation with the United Nations to contribute by all means to the prevention and eradication of enforced disappearance.*

*Article 3*

*Each State shall take effective legislative, administrative, judicial or other measures to prevent and terminate acts of enforced disappearance in any territory under its jurisdiction.*

*Article 7*

*No circumstances whatsoever, whether a threat of war, a state of war, internal political instability or any other public emergency, may be invoked to justify enforced disappearances.*

*Article 9*

- 1. The right to a prompt and effective judicial remedy as a means of determining the whereabouts or state of health of persons deprived of their liberty and/or identifying the authority ordering or carrying out the deprivation of liberty is required to prevent enforced disappearances under all circumstances, including those referred to in article 7 above.*
- 2. In such proceedings, competent national authorities shall have access to all places where persons deprived of their liberty are being held and to each part of those places, as well as to any place in which there are grounds to believe that such persons may be found.*
- 3. Any other competent authority entitled under the law of the State or by any international legal instrument to which the State is a party may also have access to such places.*

*Article 10*

- 1. Any person deprived of liberty shall be held in an officially recognized place of detention and, in conformity with national law, be brought before a judicial authority promptly after detention.*
- 2. Accurate information on the detention of such persons and their place or places of detention, including transfers, shall be made promptly available to their family members, their counsel or to any other persons having a legitimate interest in the information unless a wish to the contrary has been manifested by the persons concerned.*
- 3. An official up-to-date register of all persons deprived of their liberty shall be maintained in every place of detention. Additionally, each State shall take steps to maintain similar centralized registers. The information contained in these registers shall be made available to the persons mentioned in the preceding paragraph, to any judicial or other competent and independent national authority and to any other competent authority entitled under the law of the State concerned or any international legal instrument to which a State concerned is a party, seeking to trace the whereabouts of a detained person.*

### Article 13

1. *Each State shall ensure that any person having knowledge or a legitimate interest who alleges that a person has been subjected to enforced disappearance has the right to complain to a competent and independent State authority and to have that complaint promptly, thoroughly and impartially investigated by that authority. Whenever there are reasonable grounds to believe that an enforced disappearance has been committed, the State shall promptly refer the matter to that authority for such an investigation, even if there has been no formal complaint. No measure shall be taken to curtail or impede the investigation.*
2. *Each State shall ensure that the competent authority shall have the necessary powers and resources to conduct the investigation effectively, including powers to compel attendance of witnesses and production of relevant documents and to make immediate on-site visits.*
3. *Steps shall be taken to ensure that all involved in the investigation, including the complainant, counsel, witnesses and those conducting the investigation, are protected against ill-treatment, intimidation or reprisal.*
4. *The findings of such an investigation shall be made available upon request to all persons concerned, unless doing so would jeopardize an ongoing criminal investigation.*
5. *Steps shall be taken to ensure that any ill-treatment, intimidation or reprisal or any other form of interference on the occasion of the lodging of a complaint or during the investigation procedure is appropriately punished.*
6. *An investigation, in accordance with the procedures described above, should be able to be conducted for as long as the fate of the victim of enforced disappearance remains unclarified*

### Article 16

1. *Persons alleged to have committed any of the acts referred to in article 4, paragraph 1, above, shall be suspended from any official duties during the investigation referred to in article 13 above.*
2. *They shall be tried only by the competent ordinary courts in each State, and not by any other special tribunal, in particular military courts.*
3. *No privileges, immunities or special exemptions shall be admitted in such trials, without prejudice to the provisions contained in the Vienna Convention on Diplomatic Relations.*
4. *The persons presumed responsible for such acts shall be guaranteed fair treatment in accordance with the relevant provisions of the Universal Declaration of Human Rights and other relevant international agreements in force at all stages of the investigation and eventual prosecution and trial.*

### Article 19

*The victims of acts of enforced disappearance and their family shall obtain redress and shall have the right to adequate compensation, including the means for as complete a rehabilitation as possible. In the event of the death of the victim as a result of an act of enforced disappearance, their dependents shall also be entitled to compensation.*

The Working Group would be grateful for your Excellency's Government cooperation and observations on the following questions:

1. Please provide any additional information and/or any comment you may have on the above-mentioned allegations.
2. Please inform on any investigations undertaken into allegations of arrests, arbitrary detention or enforced disappearances reportedly committed during or in the aftermath of the electoral period in 2020-2021 against opposition organizers, campaign staff, members and their supporters.
3. What steps does Your Excellency Government take to ensure that any ill-treatment, intimidation or reprisal or any other form of interference against the persons mentioned in the previous point is subjected to a prompt, thorough, independent and impartial investigation and those responsible are prosecuted and appropriately punished?
4. Please provide information on how does Your Excellency Government ensure that persons alleged to have committed an enforced disappearance are tried only by the competent ordinary courts, to the exclusion, in particular, of military courts.
5. How does Your Excellency Government ensure the right to a prompt and effective judicial remedy as a means of determining the whereabouts of persons deprived of their liberty?
6. How does Your Excellency Government ensure that persons who have or are alleged to have committed enforced disappearance do not benefit from any measures that might have the effect of exempting them from any criminal proceedings or sanction?
7. Please provide information on how Your Excellency Government ensure the rights of persons deprived of liberty, notably measures on gender sensitivity for women, including breastfeeding mothers who were detained in safehouses and were reportedly snatched away for long periods of time from their babies and children.
8. How does Your Excellency Government ensure the right of victims and their relatives to an effective remedy, which should at minimum guarantee cessation of violations, restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition?

The Working Group requests your Excellency's Government to provide a response to the above questions within 60 days.