



Refugee Documentation Centre (Ireland)
LEGAL AID BOARD

Uganda - Researched and compiled by the Refugee Documentation Centre of Ireland on Monday 15 May 2009

Re: Information on collaborators with the Lords Resistance Army (LRA) in Uganda. Information on whether persons who support the LRA are at risk from persecution from state authorities.

Section IV of an April 2009 *Human Rights Watch* report under the heading 'Structure of Security Organizations in Uganda' states:

"One of these groups is the Joint Anti-Terrorism Task Force (JATT), but others include the Popular Intelligence Network (PIN), the Kalangala Action Plan (KAP), the Black Mambas, Operation Wembley, and its successor, the Violent Crime Crack Unit (VCCU), and its subsequent successor the Rapid Response Unit (RRU). These groups have all been accused at various times of human rights abuses. Some, such as PIN—a loose network of civilians collaborating with the military to unearth collaborators of the Lord's Resistance Army (LRA) in 1996—and KAP, an armed group launched by President Museveni in the run-up to the elections of 2001—were relatively very short-lived. KAP drew its membership from loyalists of President Museveni's National Resistance Movement (NRM) and was described by the president as a "political action group for disturbed areas." (Human Rights Watch (09 April 2009) *Open Secret: Illegal Detention and Torture by the Joint Anti-terrorism Task Force in Uganda*, p.15)

Section XI of the same report, under the heading 'Uganda's Anti-Terrorism Act', states:

"The criminal offense of terrorism is set out in both the Ugandan Penal Code and the 2002 Anti-Terrorism Act (ATA), which was passed in the wake of the 2001 attacks on the World Trade Center in New York. The ATA lays out legal procedures required when state authorities are conducting counterterrorism investigations, defines the crime of "terrorism" in much greater detail than the Penal Code and gives specific regulations for surveillance and interception of communications by terrorism suspects. There is no specific mention of JATT and its role to combat terror in the ATA.

Under the ATA, four groups are labeled as terrorist organizations. The Lord's Resistance Army (LRA), the Lord's Resistance Movement (LRM), the Allied Democratic Forces (ADF) and Al-Qaeda.²⁷¹ Human Rights Watch is not aware of detentions in Kololo of LRA or LRM suspects, though there have been several instances in which LRA combatants have been held in CMI custody in ungazetted locations.²⁷²

The crime of terrorism, as defined in the ATA, is overly broad, consisting of any act that involves serious violence against a person or serious damage to property, endangers a person's life (but not just the life of the person committing the act), or creates a serious risk to the health or safety of the public. Any such act must be "designed to influence the Government or to intimidate the public or

a section of the public,” and to advance a “political, religious, social or economic aim” indiscriminately.²⁷³ The minister of internal affairs has the sole power to declare an organization “terrorist” without challenge in court and without any substantive requirements.²⁷⁴” (ibid, p.72)

Section 1d of the *United States Department of State* 2008 Human Rights Report for Uganda, under the heading ‘Amnesty’ states:

“The government has offered a blanket amnesty since 2000 to former combatants for treason charges to encourage defection from the LRA and other rebel groups. Almost 23,000 individuals benefited from the law since its implementation, over half of whom were former LRA combatants.” (United States Department of State (Bureau of Democracy, Human Rights, and Labor) (25 February 2009) *2008 Country Reports on Human Rights Practices: Uganda*)

Page 10 of a November 2008 *International Displacement Monitoring Center (IDMC)* report, under the heading ‘Background: war and displacement in northern Uganda’, states:

“In the period up to 1996, some people in the Acholi sub-region fled their villages as a direct result of LRA attacks, mainly in the districts of Kitgum and Pader (W. Weeks, March 2002, p.2). But the main cause of the subsequent large-scale displacement in northern Uganda was the government’s decision in 1996 to force civilians into IDP camps which it described as “protected villages” (RLP, February 2004, p.25; CSOPNU, 10 December 2004, p.6 and 31 December 2004, p.1; HRW, September 2005, p.10, Reuters, 21 February 2008). As rebel activity increased, the government sought to separate civilians from the rebels in order to reduce the LRA’s ability to benefit from suspected civilian collaborators and to clear the territory for military operations (CSOPNU, 10 December 2004, p.6).” (International Displacement Monitoring Center (IDMC) (03 November 2008) *Uganda: Focus shifts to securing durable solutions for IDPs*, p.10)

A February 2008 *IRIN News* report states:

“KAMPALA, 21 February 2008 (IRIN) - An agreement to prosecute alleged war criminals in Uganda rather than in the International Criminal Court (ICC) has fuelled hopes for an imminent end to the long-running civil war, even if one leading rights group has condemned the deal.

Delegates from the Ugandan government and the Lord’s Resistance Army (LRA) agreed on 19 February that a special division of the country’s high court be set up to try war crimes committed during the 21-year-old conflict.

The deal was reached in the Southern Sudanese capital, Juba, where the two sides have been negotiating a peace deal for the past 18 months. The Ugandan government has insisted a comprehensive treaty must be reached by the end of February 2008, failing which it could resume hostilities.

Key to the talks are justice and reconciliation, an issue complicated by war crimes indictments issued in 2005 by the ICC against LRA leader Joseph Kony and other senior members of the rebel group.

The rebels have repeatedly called for these indictments to be dropped, echoed by civil society groups in northern Uganda, which feared they would deter the LRA from signing a comprehensive peace agreement.

The latest agreement "is a splendid achievement for the talks. It is a great turnaround that we have managed to have an alternative to the International Criminal Court indictments against some of the fighters," James Obita, one of the rebel negotiators, told IRIN by telephone from Juba.

The deal "will please the fighters who had said they would not leave their bush hide-out unless the indictments by the ICC had been withdrawn", he added." (IRIN News (21 February 2008) *UGANDA: Peace, justice and the LRA*)

A September 2005 *Human Rights Watch* report under the heading 'Summary', states:

"In 2004, peace talks were held between the Ugandan government and the LRA spearheaded by the efforts of Betty Bigombe, a former government minister who is from the north. These negotiations broke down in early 2005 and fighting was renewed.

Both the LRA and the UPDF enjoy almost complete immunity from prosecution for their crimes in northern Uganda. Human Rights Watch believes all of those responsible for war crimes and other serious abuses should be held accountable, be they LRA or UPDF combatants and their commanders.

Thousands of LRA fighters and commanders, including many responsible for grave abuses, are among the 15,000 persons who have received amnesties under the Amnesty Act of 2000, which was enacted to encourage rebels to lay down their arms and surrender. The government provides these ex-fighters "amnesty packages" of cash and supplies to help them start over, which has created resentment among the impoverished civilian population in the north.

In December 2003, the Ugandan government referred the "situation concerning the Lord's Resistance Army" to the International Criminal Court (ICC). The ICC has since expanded the scope of its inquiry to cover the situation in northern Uganda more generally, implicitly including serious crimes committed by Ugandan government forces.

The ICC referral, the first ever by a state party to the ICC treaty, has not generally been well received by the leadership of some communities in northern Uganda. Many traditional, civic and religious leaders as well as civil society groups in northern Uganda have opposed the ICC investigation on the grounds that it undermines the peace process and will lead to increased violence against civilians. They have instead advocated amnesty for all members of the LRA,

including the top leaders who would be the individuals the ICC would most likely investigate and prosecute.

Opposition to the ICC also stems from the perception among many northerners that it will only investigate the LRA and not government forces despite the UPDF's long record of abuses. The ICC is to blame for such perceptions: it has failed to undertake an effective outreach strategy to actively engage civil society and the general population in northern Uganda to explain its mandate and the scope of its inquiry. Despite its shortcomings, however, the ICC remains the best option for achieving some measure of justice and ending impunity for the people of northern Uganda." (Human Rights Watch (20 September 2005) *Uprooted and Forgotten: Impunity and Human Rights Abuses in Northern Uganda*)

An October 2000 *Immigration and Refugee Board of Canada* response states:

"Several sources report that political opponents and suspected rebel collaborators are mistreated by the Uganda authorities (AI 2000; Country Reports 1999 Feb. 2000; New Vision Dec. 1999; The Monitor 29 Jan. 1999).

According to Amnesty International, "more than 60 suspected government opponents were charged with treason, which precludes bail for at least 360 days" (2000, 246). In January 1999 security forces reportedly executed four boys aged 14 and 17 years, and a man, using 25 bullets (The Monitor 29 Jan. 1999). Although they were initially suspected of being members of the Allied Defence Forces (ADF), security forces later described them as "hard core criminals who together with others at large have been terrorising the district" (ibid.).

A Lord's Resistance Army (LRA) fighter, said that he was an innocent before he was abducted and forced to fight and kill by the LRA (New Vision 21 Dec. 1999). He reportedly told the Ugandan press that he was forced to kill his parents and uncle on the orders of the LRA. "The aim is that the fighters would no longer have an attachment to their families" (ibid.).

A mother of an alleged ADF rebel chief, Jamil Mukulu, whom security forced questioned several times regarding her son's whereabouts, was reportedly harassed and tortured by members of the Directorate of Military Intelligence (DMI) (The Monitor 16 Aug. 1999)." (Immigration and Refugee Board of Canada (IRB) (04 October 2000) UGA35457.E: *Uganda: Treatment of family members of political opponents and suspected members of rebel movements such as Allied Defence Forces (ADF) and the Lords Resistance Army (LRA)*)

References:

Human Rights Watch (09 April 2009) *Open Secret: Illegal Detention and Torture by the Joint Anti-terrorism Task Force in Uganda*
<http://www.unhcr.org/refworld/pdfid/49ddf78e2.pdf>
(Accessed 15 May 2009)

Human Rights Watch (20 September 2005) *Uprooted and Forgotten: Impunity and Human Rights Abuses in Northern Uganda*

<http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=printdoc&docid=43ba85384>

(Accessed 15 May 2009)

Immigration and Refugee Board of Canada (IRB) (04 October 2000)

UGA35457.E: Uganda: Treatment of family members of political opponents and suspected members of rebel movements such as Allied Defence Forces (ADF) and the Lords Resistance Army (LRA)

<http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=printdoc&docid=3df4beb81c>

(Accessed 15 May 2009)

International Displacement Monitoring Center (IDMC) (03 November 2008)

Uganda: Focus shifts to securing durable solutions for IDPs

<http://www.unhcr.org/refworld/pdfid/490f15fc2.pdf>

(Accessed 15 May 2009)

IRIN News (21 February 2008) *UGANDA: Peace, justice and the LRA*

<http://www.irinnews.org/Report.aspx?ReportId=76860>

(Accessed 15 May 2009)

United States Department of State (Bureau of Democracy, Human Rights, and Labor) (25 February 2009) *2008 Country Reports on Human Rights Practices: Uganda*

<http://www.state.gov/g/drl/rls/hrrpt/2008/af/119030.htm>

(Accessed 15 May 2009)

This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

Sources Consulted:

All Africa

Amnesty International

BBC News

ECOI: European Country of Origin Information Network

Freedom House

Human Rights Watch

International Crisis Group (ICG)

International Displacement Monitoring Center (IDMC)

IRB: Immigration and Refugee Board of Canada

IRIN News

Lexis Nexis
Refugee Documentation Centre Query Database
United Kingdom: Home Office
UNHCR Refworld
United States Department of State