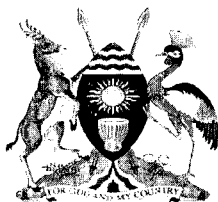


# PARLIAMENT OF UGANDA



10<sup>TH</sup> PARLIAMENT

## REPORT OF THE COMMITTEE ON HUMAN RIGHTS ON ALLEGED TORTURE IN UNGAZETTED DETENTION CENTRES IN THE COUNTRY

*OFFICE OF THE CLERK TO PARLIAMENT  
PARLIAMENT BUILDING  
KAMPALA-UGANDA*

NOVEMBER 2019

*Edoaga* *Imulichu* *AS* *D*  
*W. R. S. Cu* *Rangond*  
*MMO* *K.S.* *Komunant* *fu* *AB* *Kabiriki*

# REPORT OF THE COMMITTEE ON HUMAN RIGHTS ON ALLEGED TORTURE IN UNGAZETTED DETENTION CENTRES IN THE COUNTRY

## 1.0 INTRODUCTION

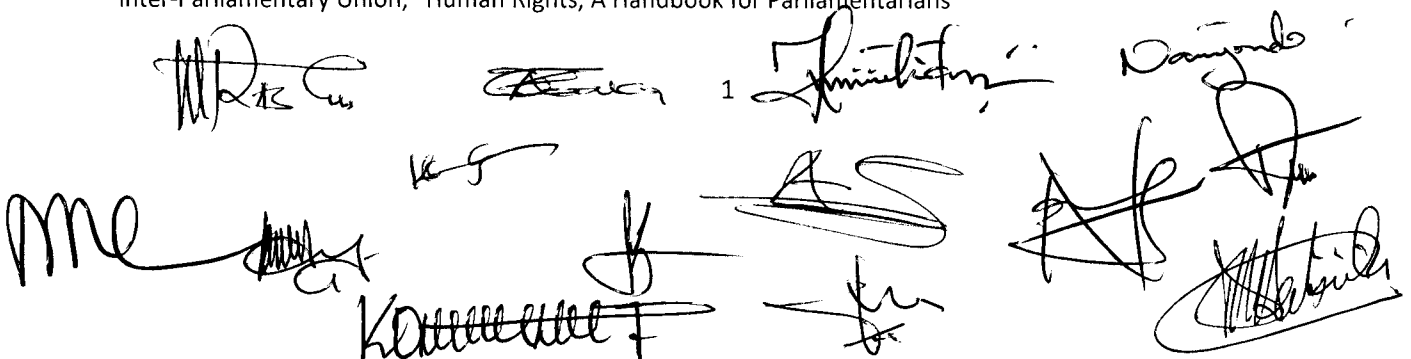
During the House sitting of Thursday 15<sup>th</sup> August 2019, Hon. Abdulatif Ssebaggala, MP Kawempe North and Hon. Kasiano Wadri, MP Arua Municipality, raised the issue of the existence of illegal detention centers commonly referred to as safe houses in Lwamayuba - Kalangala and Kyengera which were allegedly used by security agencies to torture citizens. Subsequently, the Rt. Hon Speaker directed the Committee on Human Rights to investigate this matter and report back to the House. The Committee notes that illegal detention is against the Fundamental Human rights as enshrined in the Constitution of the Republic of Uganda, and Sustainable Development Goal 16: *"Promote inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels"*

## 1.1 BACKGROUND

Torture is one of the most serious human rights violations, as it constitutes a direct attack on the personality and dignity of the human being. The prohibition of torture is an absolute right hence not subject to derogation under any circumstances. <sup>1</sup> The prohibition of torture is codified in the Universal Declaration of

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<sup>1</sup> Inter-Parliamentary Union, "Human Rights, A Handbook for Parliamentarians"

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Human Rights (UDHR)<sup>2</sup> and the International Convention on Civil and Political Rights<sup>3</sup> the 1949 Geneva Conventions and the African Charter on Human and People's Rights,<sup>4</sup> which instruments Uganda is party to.

In regard to the prevention of torture, Uganda acceded to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 1987. Its obligations under the Convention include - taking effective legislative, administrative and judicial measures to prevent acts of torture (Article 2); to criminalize all acts of torture (Article 4); among others. Further, freedom from torture or cruel, inhuman or degrading treatment or punishment has been recognized by Uganda's Constitution as a fundamental right.<sup>5</sup> According to Article 44(a), this right is non-derogable, therefore the state cannot under any circumstances invoke torture.

## 1.2 LEGISLATION ON TORTURE

### 1.2.1 *The Prevention and Prohibition of Torture Act, 2012*

On 27<sup>th</sup> July, 2012, Parliament passed the Prevention and Prohibition of Torture Act, 2012. The law affirms the absolute prohibition of torture under the Uganda Constitution and

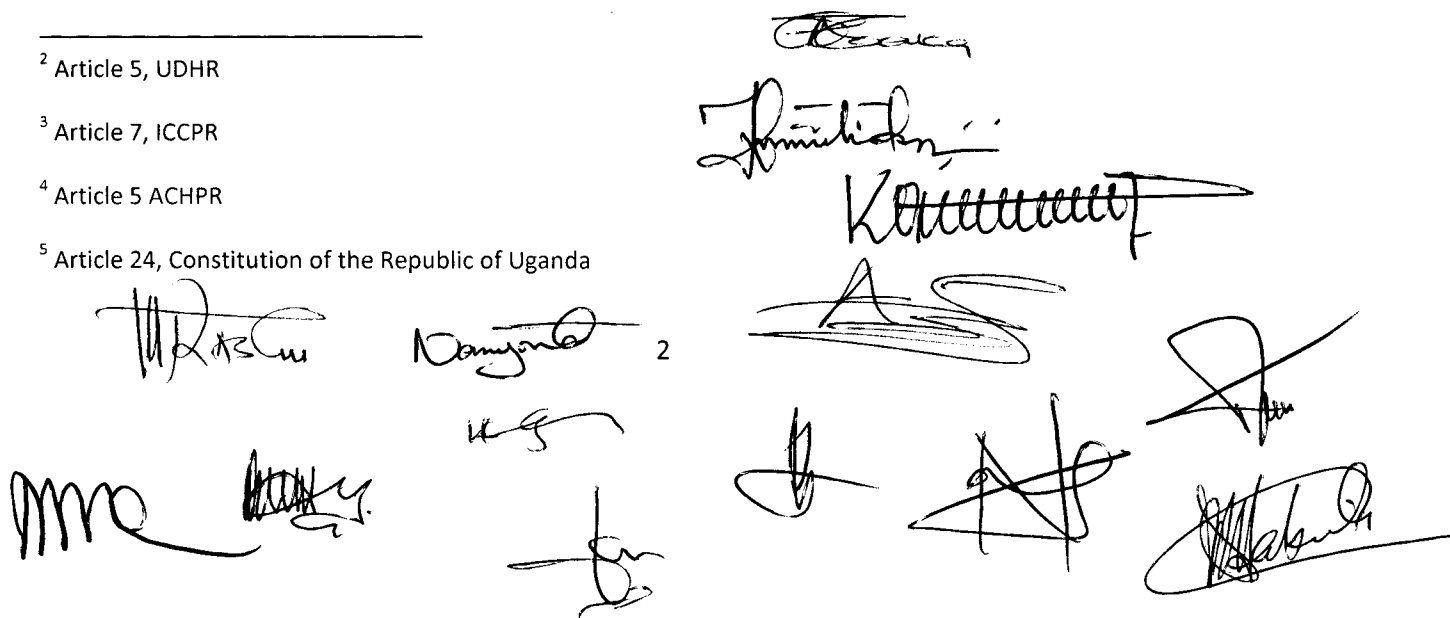
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<sup>2</sup> Article 5, UDHR

<sup>3</sup> Article 7, ICCPR

<sup>4</sup> Article 5 ACHPR

<sup>5</sup> Article 24, Constitution of the Republic of Uganda



domesticates Uganda's state party obligation under international human rights conventions. In particular, it reflects Uganda's commitment to the UNCAT.

The Act specifically addresses the following:

- Defines and criminalizes torture; cruel, inhuman or degrading treatment and punishment hence punishes the offence of torture with 15 years imprisonment.
- No circumstances, however exceptional, such as a state of war or political instability can be invoked to justify torture, and neither can orders from a higher authority.
- Expounds the definition of torture perpetrators to include private individuals. The international definition is limited to official and state actors.
- Emphasizes individual responsibility for perpetrators of the offense
- Makes all information obtained through torture inadmissible in court.
- Provides for compensation to victims of torture.
- Places responsibility for rehabilitation services on the state.
- Places jurisdiction of the offense of torture in Chief Magistrate's Court for wider court coverage.

### 1.3 GOVERNMENT INTERVENTIONS

Government has made commitments under the UNCAT, the national Constitution and the enactment of the Prevention and Prohibition of Torture Act, 2012 as mentioned above.

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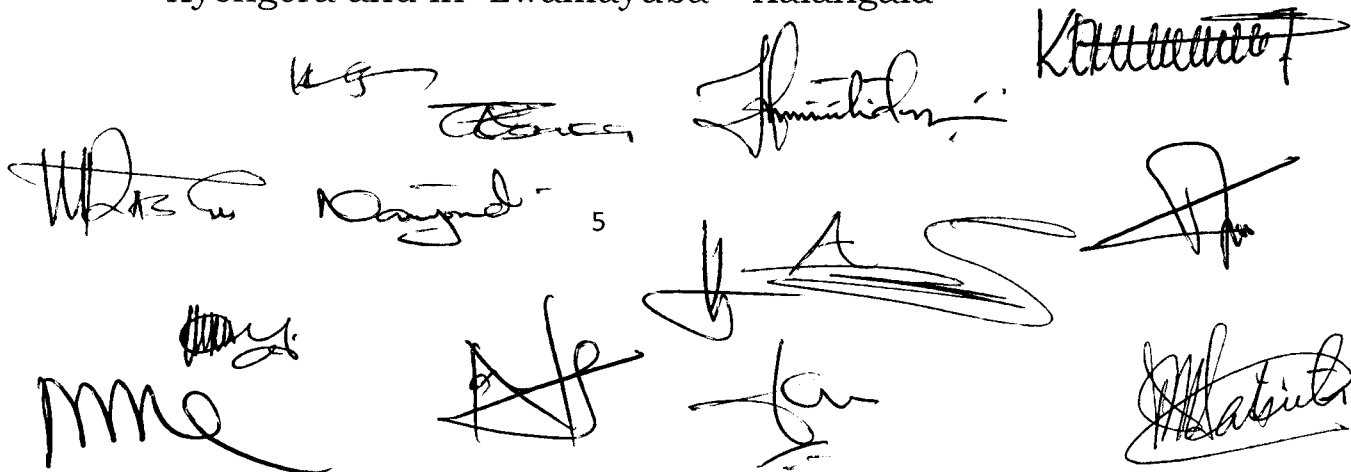


### 3.0 METHODOLOGY

#### I) The Committee met the following;

1. Hon. Gen Elly Tumwine – Minister for Security
2. Hon. Kasiano Wadri
3. The Uganda Human Rights Commission
4. The Uganda Police Force
5. The Directorate of Public Prosecutions (DPP)
6. Witnesses namely;
  - a) Gabula Bright Africa
  - b) Kayondo Justin
  - c) Mukungu Isa
  - d) Mr. Odwori Alex
  - e) Nsereko Musa
  - f) Magoba Moses
  - g) Abdu Mulindwa
  - h) Segawa Deo
  - i) Mere Isma
  - j) Kawooya Abdulwahah
  - k) Luwangula Isa

#### II) The Committee also interacted with the relatives of individuals allegedly in custody in safe houses in Kyengera and in Lwamayuba – Kalangala



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III) The Committee carried out on spot field visits to alleged safe houses in Kyengera, Nalukolongo, Kabowa and Nakasero

## 4.0 COMMITTEE FINDINGS

### 4.1 EXISTENCE OF SAFE HOUSES IN UGANDA

The Committee interacted with a number of witnesses regarding this matter as follows;

#### a) The Minister for Security, Gen. Elly Tumwine

The Hon. Minister admitted before the committee of the existence of safe Houses noting that:

Safe Houses were in different locations where operations deem them fit to fulfill their purpose and functions as provided in the Security Organisations Act Cap 305 of 1987, Section 3 (a).

He further stated that;

- Safe houses are there to coordinate clandestine intelligence information noting that intelligence is gathered secretly.
- They are for briefing and de- briefing intelligence assets.
- To secure and protect witnesses in danger especially criminals who have turned into witnesses.

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- To observe and surveil around hard- core criminals, some of who have completed prison sentences but remain a threat to the public.

He further provided justification for their existence by stating the following:

#### **i) Legal basis of the establishment of Safe Houses**

He noted that there is no specific law under which safe houses operate, however, neither is there a law which bars them and that there are many safe houses in Uganda depending on the need.

*He noted the relevance of the following provisions in the law;*

Article 27 of the Constitution on the right to privacy, home and other property.

Under the functions of Security Organisations, the Security Organisation Act Cap 305 Section 3(1) which is for collection, receipt and processing of Internal and External Intelligence data on the security of Uganda.

However, the committee observes that in Section 4(2) of the same law, no officer or employer of either organization shall have the power to arrest, detain or confine any person by virtue only of being an officer or employee of the organization.

#### **(ii) Procedure to get in and out of the Safe Houses**

Entry into or exit from Safe Houses is after authorization by the Director General of the Internal Security Organisation

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(ISO) or by any officer authorised by him. Entering depends on the operation for which the Safe Houses were created.

Further, the Hon. Minister noted that all security officers and employees are obliged not to disclose what they see or hear in a Safe House.

#### **b) Testimonies of witnesses**

Witnesses also testified about the existence of safe houses as follows:

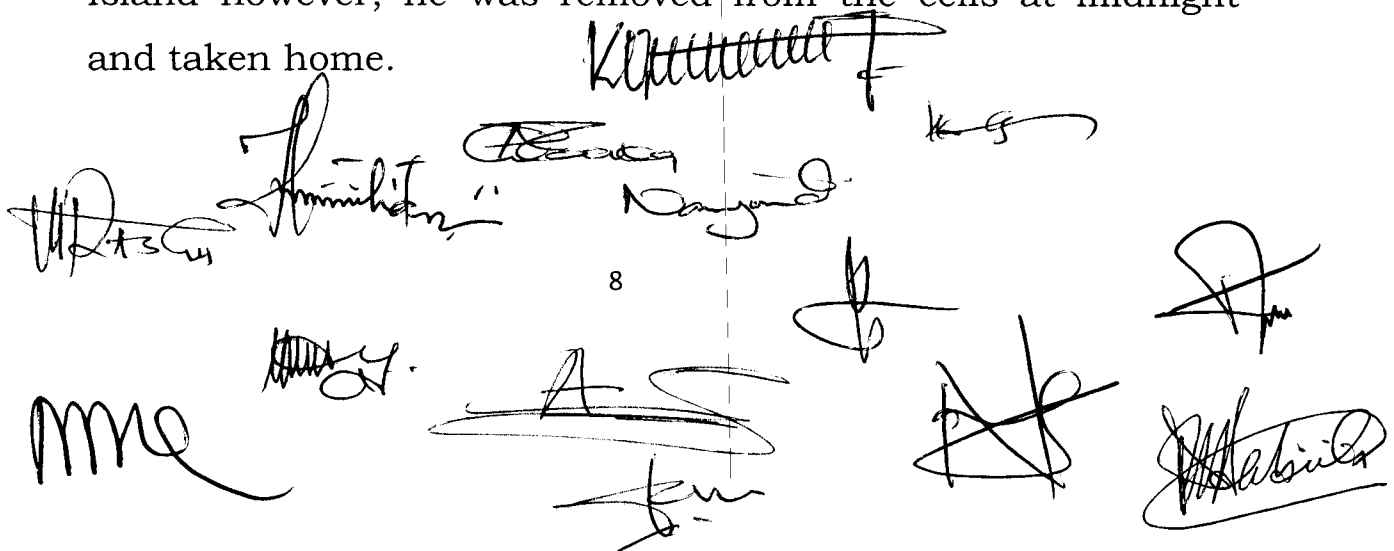
##### **Hon. Kassiano Wadri**

He reported the existence of Kyengera safe house as disclosed to him by a one Atim Asha Sheila, a Records Clerk with Arua Regional Hospital who had been violently arrested and was later taken to Kyengera safe house.

##### **Mr. Gabula Bright Africa**

He informed the committee that he was taken to a Safe House in Nalukolongo where he was with about 100 prisoners and then to another Safe House - Base 2 in Kyengera and then to Kyengera Base 1 next to JJ guest house. He learnt that there are 21 bases in the country.

On 1<sup>st</sup> of July 2019 he was taken away from Kyengera Base. He was supposed to be transferred in two days to Kalangala Island however, he was removed from the cells at midnight and taken home.

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**Mukungu Isa:**

He informed the Committee that he was captured by ISO on 22<sup>nd</sup> May, 2018 and was taken to a safe house in Kyengera. He was thereafter taken to a safe house in Kalangala district on an island called Lwamayuba.

**Odworu Alex**

He stated that on 9<sup>th</sup> March 2019 while riding on a boda, it was knocked by some army officers. He was blindfolded and hand cuffed and then later realized that he was in Kyengera. He stayed there for 3 months and then was taken to Lwamayuba.

**Magoba Moses**

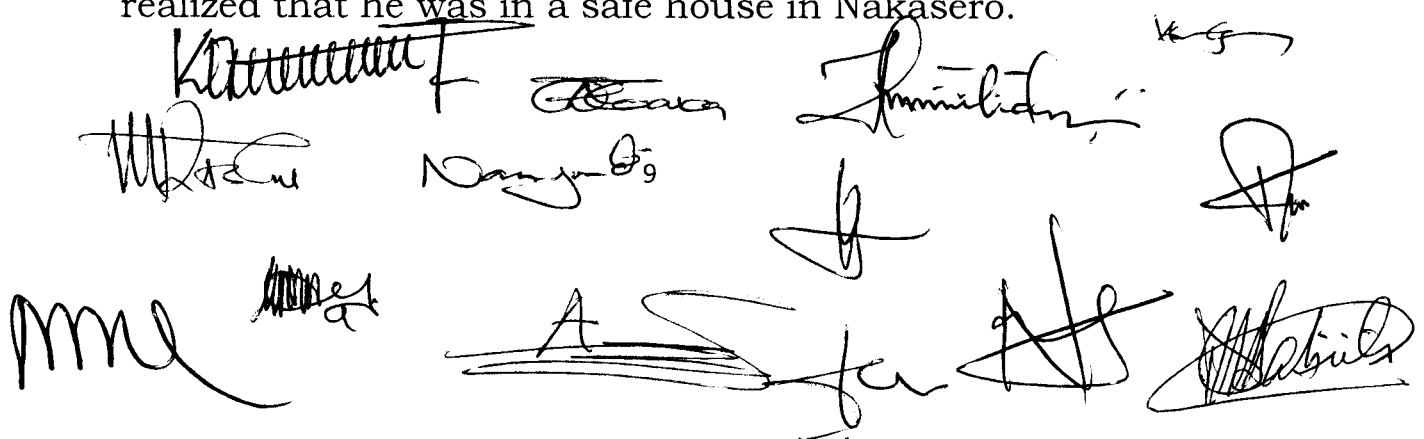
He informed the Committee that he was arrested on 5<sup>th</sup> January 2019 at Shell Kibuye and taken to a safe house in Lwamayuba Kalangala

**Abdu Mulindwa**

He informed the Committee that he was arrested on 22 May 2018 at Rubaga road, he was blind folded and later realized that he was in Kyengera.

**Kayondo Justine**

He informed the Committee that he was blindfolded later realized that he was in a safe house in Nakasero.

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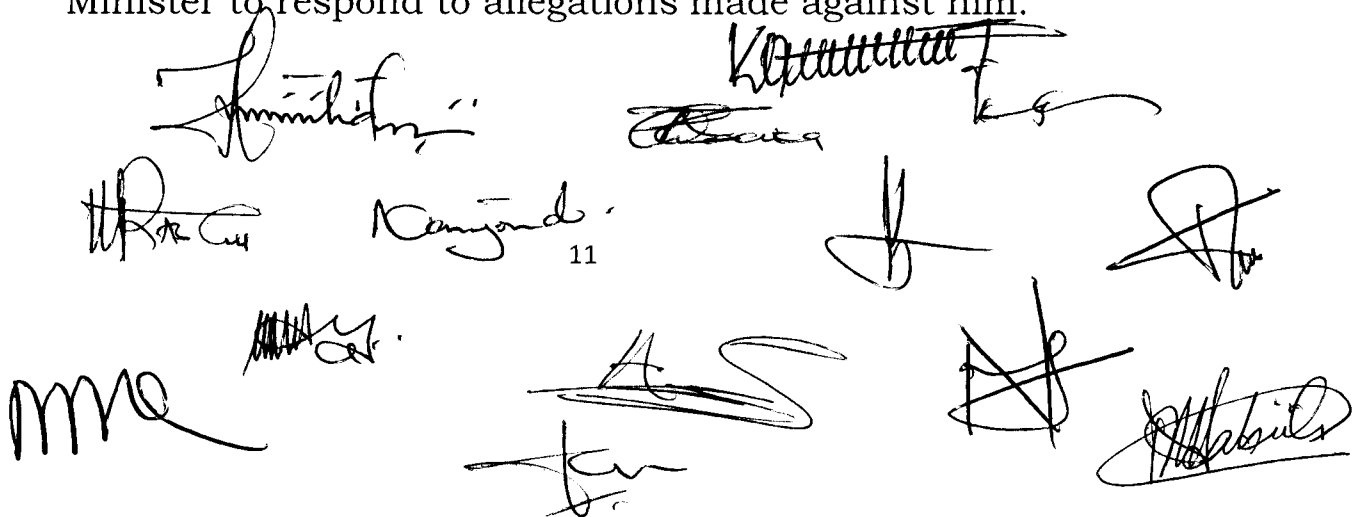
The Committee also interacted with some of the relatives of missing persons alleged to be victims of detention in ungazetted centers who claimed interaction with the Police and Colonel Kaka who in some instances confirmed having some of the victims. For example Joel Agape Kyeyune a second year law student of Kampala International University who disappeared on 8<sup>th</sup> May, 2019, Bukenya David arrested on 15<sup>th</sup> April, 2018, Sengooba Geoffrey Salongo arrested by plain clothed policemen from a bar on 26<sup>th</sup> April, 2019, Bashir Mukungu of Kitemu arrested by ISO and Segawa Deo arrested by ISO and later released.

### Observations

1. The Committee was not able to verify the allegations made by the alleged victims and relatives of missing persons it interacted with;
  - a) Given that members were denied access to the alleged safe houses during their on spot visits.
  - b) The Director General ISO Colonel Kaka did not turn up when invited by the Committee.
2. As directed by the witnesses, having been denied information by the Minister, the Committee visited Kyengera, Kabowa, Nalukolongo and Nakasero but was denied access. However, out of the areas visited, the Minister could only confirm that Kyengera Base 1 was a safe house.

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3. The Committee could not exercise its powers to summon the Director General as provided for in Article 90(3)(i) of the Constitution because the Minister of Security, General Elly Tumwine categorically stated that he would not allow the Director General ISO to appear before the Committee yet some witnesses had made reference to Colonel Kaka.
4. The Committee further observed that the Minister had informed members that the Heads of Intelligence Security Agencies are represented by Ministers in Parliament. Thus, the matter of their appearance before committees of the House was a subject that required the interpretation of the Attorney General.
5. Given that the committee was able to interact with victims who alleged that they had been in safe houses and the Minister having recognized some of the witnesses and also acknowledged that safe houses do exist and that he knew some of the victims is evidence enough to show that safe houses exist.
6. Despite the fact that the Committee had instructed the Director General of ISO, Col. Kaka to come with the Minister, he instead wrote a letter requesting the Committee to give him specific questions prior to the meeting which, the Committee declined because it instructed that he appears with the Minister to respond to allegations made against him.



Handwritten signatures and initials are present below the text, including names like 'Kanyondo', 'AS', and others, along with the number 11.

## **Recommendations**

1. The Minister for Security be held accountable for failing the Committee work by;
  - a) Denying the committee access to the safe houses
  - b) Blocking its interaction with the Heads of Security Agencies
2. Security agencies should follow the established procedures of detention of suspects in accordance with Article 23 (2) of the Constitution of the Republic of Uganda.

## **4.2 ESTABLISH THE INVOLVEMENT OF SECURITY**

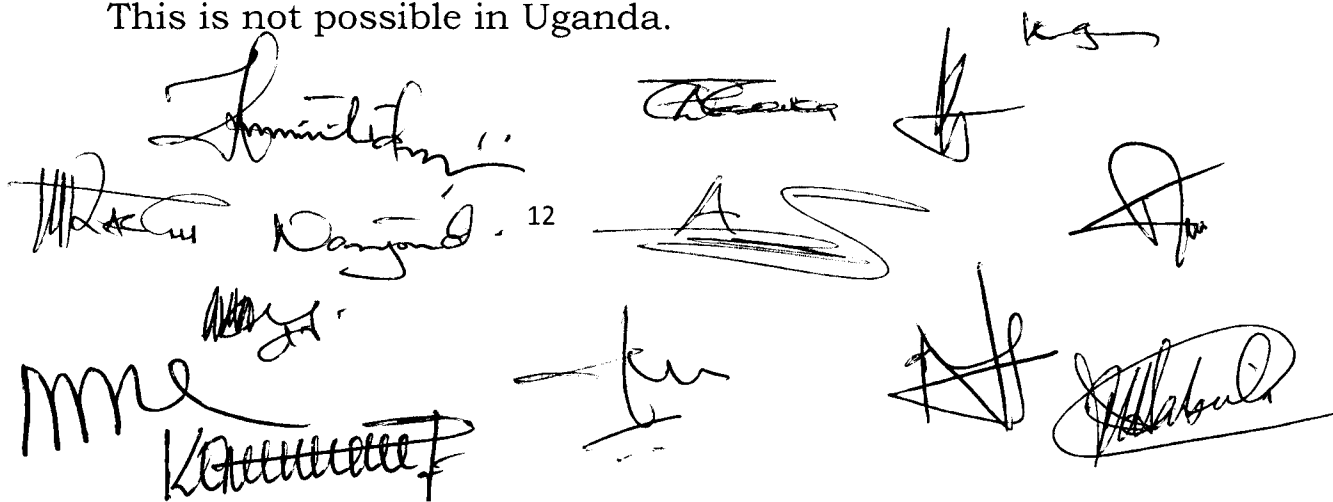
### **AND OTHER AGENCIES IN THE ALLEGED TORTURE**

#### **1) The Uganda Police Force**

***The Uganda Police Force stated the following as the challenges that they are faced with;***

- There is limited sensitisation on the anti – torture law
- Many of the detention facilities were built during the colonial times with limited capacity, they are now over crowded.
- There is limited capacity in the Police Force. They cited the fact that by internationally accepted standards, one detective is supposed to handle twelve cases per year.

This is not possible in Uganda.

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## Observations

The Committee interacted with the Uganda Police Force and was concerned that;

1. Suspects were still detained beyond the mandatory 48 hours.
2. Suspects are dropped at police stations informally by security agencies and without police statements and Criminal Register Book (CRB) or to the General Inquiry file.
3. Basing on the witnesses' accounts, the Police was reluctant to conduct investigations where ISO was involved.
4. There is weak collaboration amongst the security agencies

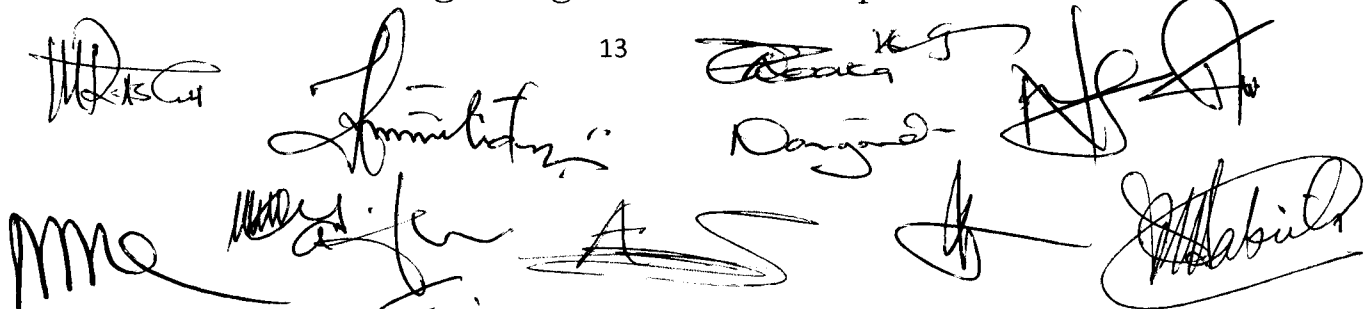
## Recommendations

1. The Police Force should adhere to the 48 hour rule that requires suspects to be produced in court after arrest. (Article 23(4)(b))
2. Activities of security agencies should be coordinated and they should respect each other's roles.
3. The Police Force together with the UHRC should investigate all allegations of torture and hold the perpetrators accountable.

## 2) The Office of the Director of Public Prosecutions (ODPP)

- The DPP informed the Committee that the ODPP always had issues regarding torture in the prosecution of cases

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even prior to the enactment of the Prevention and Prohibition of Torture Act 2012, noting that cases where persons appear to have been tortured are not admissible.

- Noted that in Section 11(2) of the Human Rights Enforcement Act, where in any criminal proceedings, it is brought to the attention of the magistrate or judge that any of the accused person's non-derogable rights have been infringed upon, the Judge or Magistrate presiding over the trial shall declare the trial a nullity and acquit the accused person. ODPP 's concern was; what happens to complainants or victims in cases of defilement, rape, robbery or murder and what remedies are available to them as the first victims of rights and freedoms.
- The ODPP further informed the Committee that the office lacked an enabling law to allow them carry out their functions effectively.

### Observations

1. The ODPP in the chain of investigation deals with the end product. The office handles the evidence that is presented to it by Police or any other investigative organ of government.
2. The Committee was concerned that the ODPP does not have an enabling law to enable the office effectively undertake its mandate.

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## Recommendations

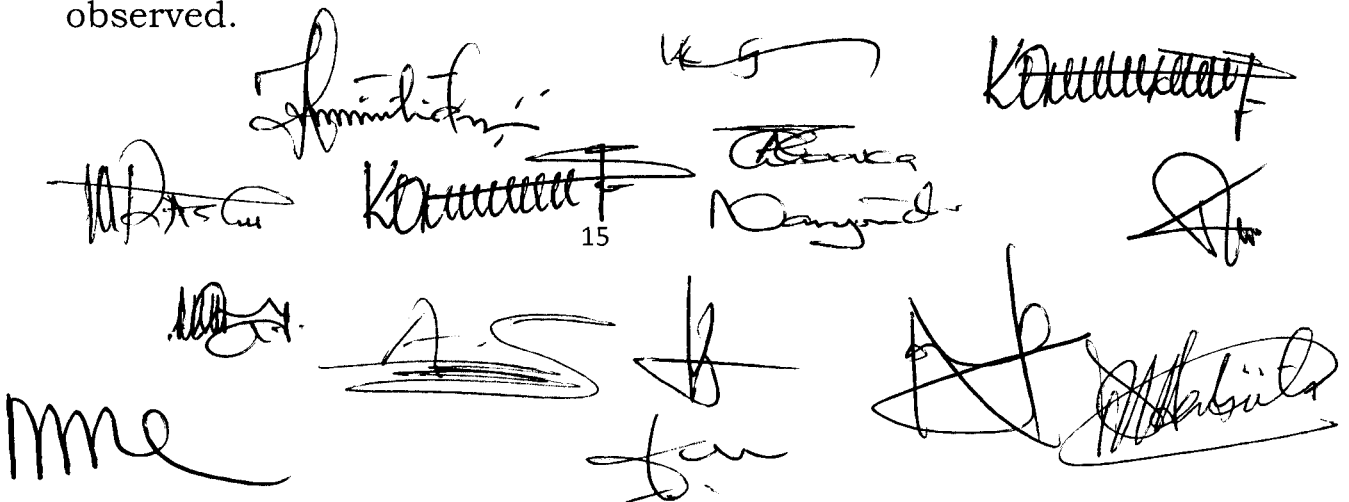
1. The ODPP should work closely with the Police and other investigative organs of government to improve on evidence collection and hasten justice.
2. The Human Rights Enforcement Act, 2019 should be amended to provide remedies as those provided under Section 6, 14(1) (2) and 15 of the Prevention and Prohibition of Torture Act, 2012.
3. Government should expeditiously initiate specific legislation for the Office of the Directorate of Public Prosecutions.

### 3) The Uganda Human Rights Commission (UHRC)

*Mr. Medi Kagwa, the Chairperson of the UHRC informed the Committee as follows;*

For years torture had been a leading issue in Human Rights reports. He emphasized that while the Commission is not against arresting, it is concerned about the manner of arrest and what happens during and after arrest.

He made reference to Article 23 (3) and (5) of the Constitution, noting that the suspect should be given the reason for arrest and the next of kin should be as soon as practicable informed of the arrest and allowed reasonable access to that person because these are constitutional rights and should be observed.



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Safe Houses had died down but are now resurrecting and in the 9<sup>th</sup> report of the UHRC, the UPDF acknowledged safe houses but denied that they were used for torture. The UHRC visits police and prisons at their own will however with Security installations, the Commission used to provide a notice of 3 months to go there, but now drops in and informs them while on their way especially the quarter guard where suspects are kept.

#### **a) Nalufenya**

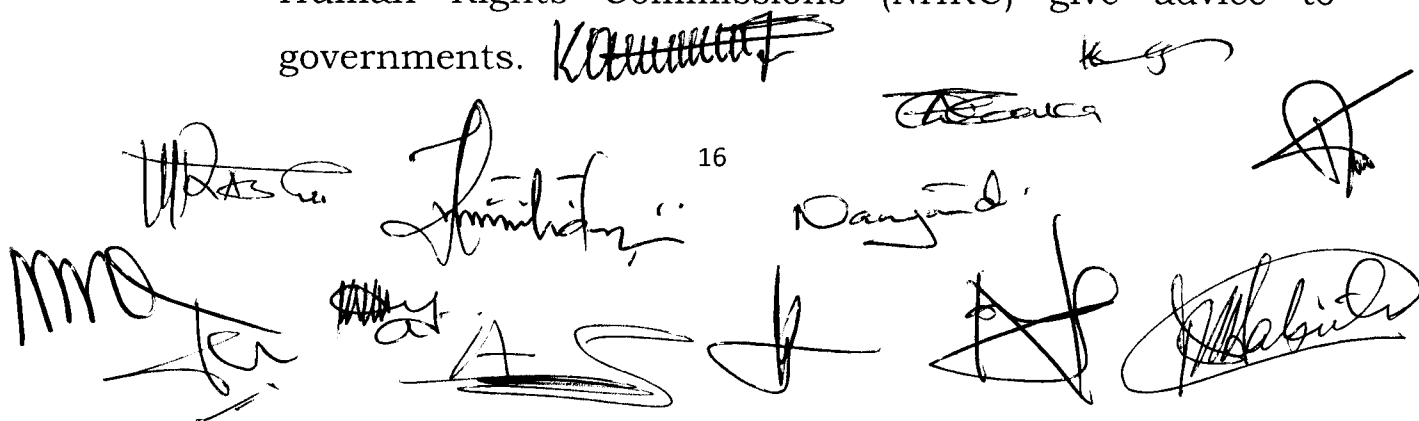
UHRC had earlier received several complaints from people about torture in Nalufenya but later was allowed to access the facility and at that time there were 36 inmates.

A few days later, the inmates were released and Nalufenya has now got back to its normal functions as a police station and is visited regularly by UHRC.

- He further informed the Committee that the issue of the Kyengera and Kalangala Safe Houses had come up several times however, the Commission had not ascertained the conditions in safe houses because they hadn't visited them.

#### **b) Role of the UHRC**

- UHRC is guided by the Paris principle that National Human Rights Commissions (NHRC) give advice to governments.

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- Safe houses are in existence and arrangements are being made to meet the security forces. He informed the Committee that he usually invites security personnel to his office to respond to issues and they appear.
- UHRC gets thousands of people going there on a regular basis and that there were recorded figures to vindicate the Commission. The Commission had been accredited with an "A" status in Geneva and is the best UHRC in Africa.
- He stated that the Commission could not be the investigators and implementers. Government should take on the recommendations made in the UHRC reports.
- He further stated that the Commission works for all Ugandans and noted that NHRCs worldwide work with the authority of their countries.
- He stated that the UHRC would meet the security agencies about the matter of safe houses and provide feedback to the committee.
- UHRC has only 10 regional offices and 12 field offices because their budgets are constrained.
- UHRC had noticed an improvement in compliance with the law by police especially with regard to producing suspects within 48 hours.
- The Human Rights Enforcement Act 2019 takes people culpable of human rights abuses/ violations to be personally liable.

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- UHRC has made an effort to sensitise people on its role and would continue to do this for all districts.
- The UHRC has a list of people missing and are still following them up. They have been in touch with ISO, CMI, SFC and other security agencies.
- He noted that the Commission had been consistent in providing annual reports

## Observations

*The Committee made the following observations regarding the mandate of the UHRC.*

1. The Committee appreciates the work of the UHRC but recognizes that its budget is constrained and needs to be boosted for effective delivery of their mandate. There is need to increase the number of the Commission's regional and field offices in order to have a wider coverage.
2. Although UHRC stated that it had noticed an improvement in compliance with the law by police especially with regard to producing suspects within 48 hours, the Committee notes that there are several cases of non-adherence to the law.
3. Even if the Prohibition of Torture Act was adopted on 27<sup>th</sup> July 2012, it is not being implemented.
4. Noted that the powers and functions of the UHRC are enlisted in Article 52 and Article 53 of the Constitution. The independence of the Commission is also clearly spelt out in

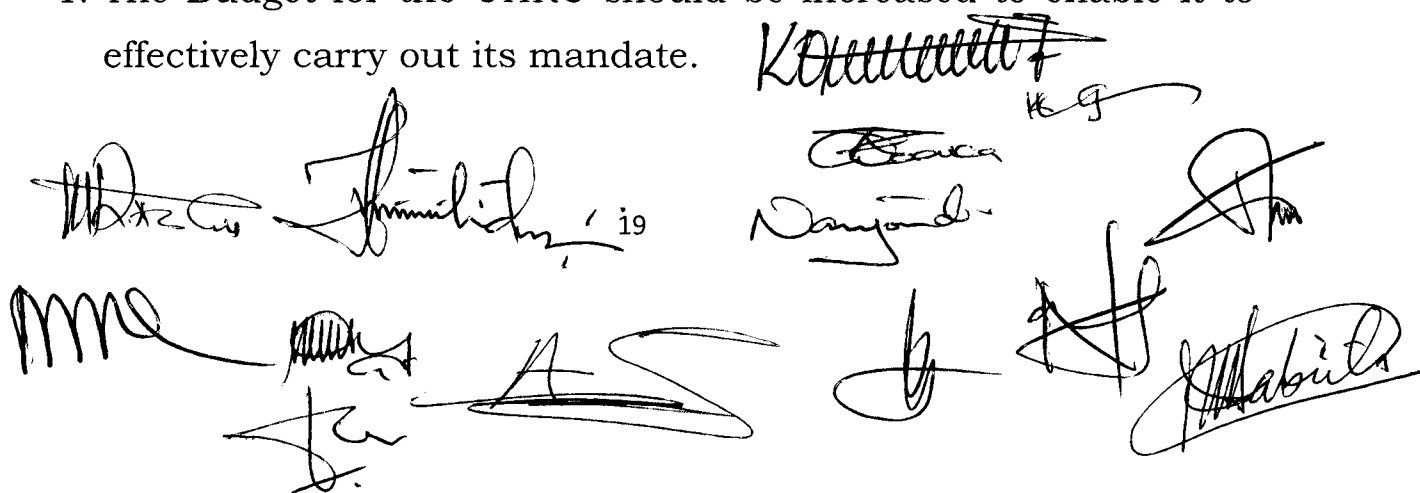
independence of the Commission is also clearly spent out in

Article 54 of the Constitution, however the Commission had not used the powers vested to it and its mandate to ascertain the number of safe houses and their condition and as well as to establish information on the numbers of men and women incarcerated in safe houses in the country.

5. Some cases of people having been held in illegal detention had not been heard to date despite several petitions made to the UHRC.
6. Further noted that the UHRC was supposed to be accountable and had the power to order the release of people incarcerated. It appears that the UHRC has not fully exercised their powers given that it had not held any perpetrator of torture accountable.
7. Noted that the work of the Commission is critical because any lag in their mandate could lead to loss of lives of the citizenry.
8. Noted that Ugandans are not adequately sensitized about the role of the UHRC and the procedure that can be followed to ease their plight in cases of torture.
9. Noted that while the Commission had on several occasions recommended compensation, the implementation was minimal and the process lengthy.

### **Recommendations**

1. The Budget for the UHRC should be increased to enable it to effectively carry out its mandate.

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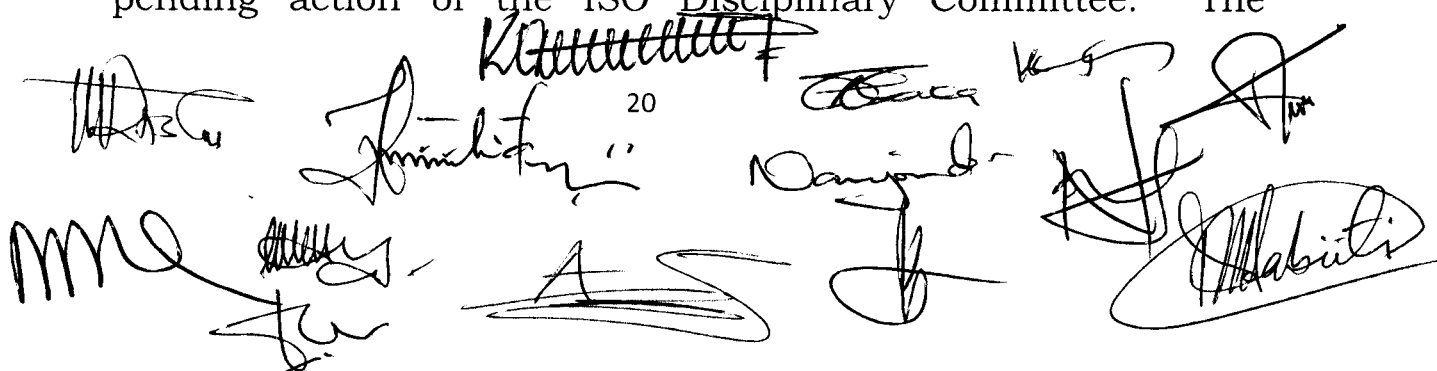
2. Government should establish a Victims Compensation Fund to expedite compensation of tribunal awards made in favor of victims of torture and other human rights violations.
3. Government should expedite the ratification of the Optional Protocol to the Convention Against Torture to enable the establishment of a National Prevention Mechanism that allows unfettered access to all places of detention.
4. The UHRC should be emphatic and increase its visibility in the exercise of its powers as mandated by the Constitution.
5. The UHRC should take up all the cases by the witnesses and investigate them further.

#### **4) Internal Security Organisation (ISO)**

*Hon. Gen. Elly Tumwine, Minister in charge of Security* informed the committee that on realization that a person has been brought into a Safe House illegally, disciplinary action is taken against the responsible officers in the organisation. Further, for purposes of ensuring compliance by the officers of the security organizations, anybody who violates the rules of operation and Standard Operating Procedure faces disciplinary action.

The Minister stated that a one Capt. Elijah Mwesige (rtd) faces dismissal while Maj. Amos Alitegyeka, Sgt Apuun Joseph, CPL Opoka Charles, Pte Okwanga Celestino and CPC Okwi are pending action of the ISO Disciplinary Committee. The

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Committee awaits to hear the outcome of the investigation against the above named.

The Hon. Minister informed the Committee that some of the victims had criminal records with CRBs at different police and had recorded cases to answer. He cited Mukwayalsma, BukenyaIsma, Seguya Moses, Musoke Paddy, Hakim Kigozi, Kabiito Brian. Others mentioned were Bashir Mukungu of Kitemu and SegawaDeo of Kitemu.

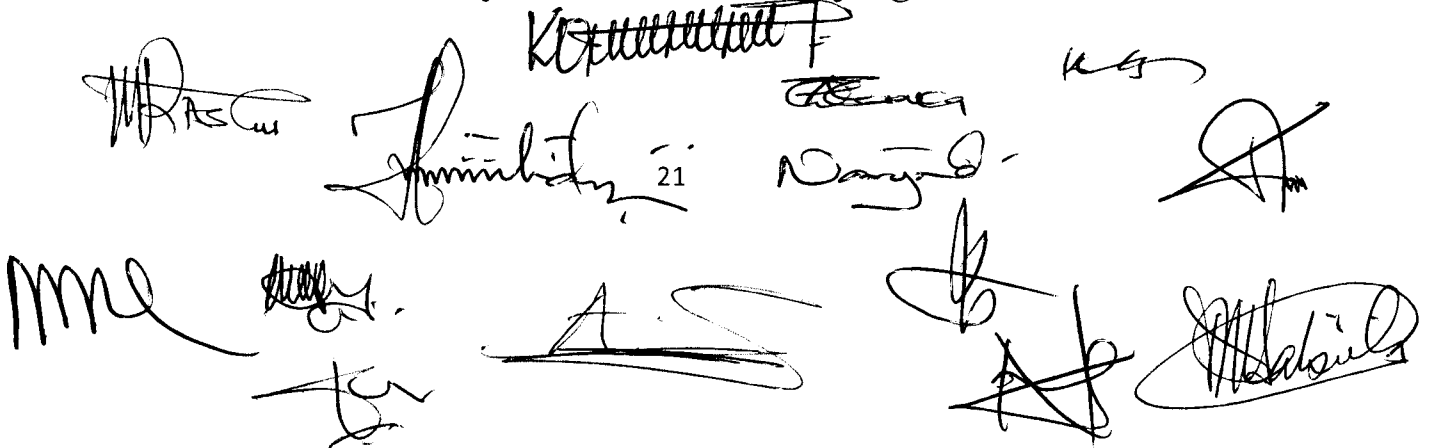
### **Observations**

The Committee notes that although the Minister alleged that some of the suspects had criminal cases, a number of suspects maintained that the said criminal cases had been concocted. All these did not warrant the torture as alleged. It should be noted that the prohibition of torture is a non-derogable right in accordance with the Constitution of the Republic of Uganda.

### **4.3 ESTABLISH FROM THE VICTIMS WHETHER THEY WERE SUBJECTED TO TORTURE IN THE SAFE HOUSES**

#### **Gabula Bright Africa**

He stated that he refused to give evidence against the former IGP Gen. Kale Kayihura and Dr Kiyingi, and was tortured.



While in the safe house, his hands and legs were tied with chains. For 72 days, he could not stand up and did not bathe.

### **Mukungu Isa**

He stated that he was chained and tortured and he had scars on his body. At Lwamayuba, he was physically tortured and his hands were tied. He was chained up while sleeping, eating and using the toilet.

### **Odworu Alex**

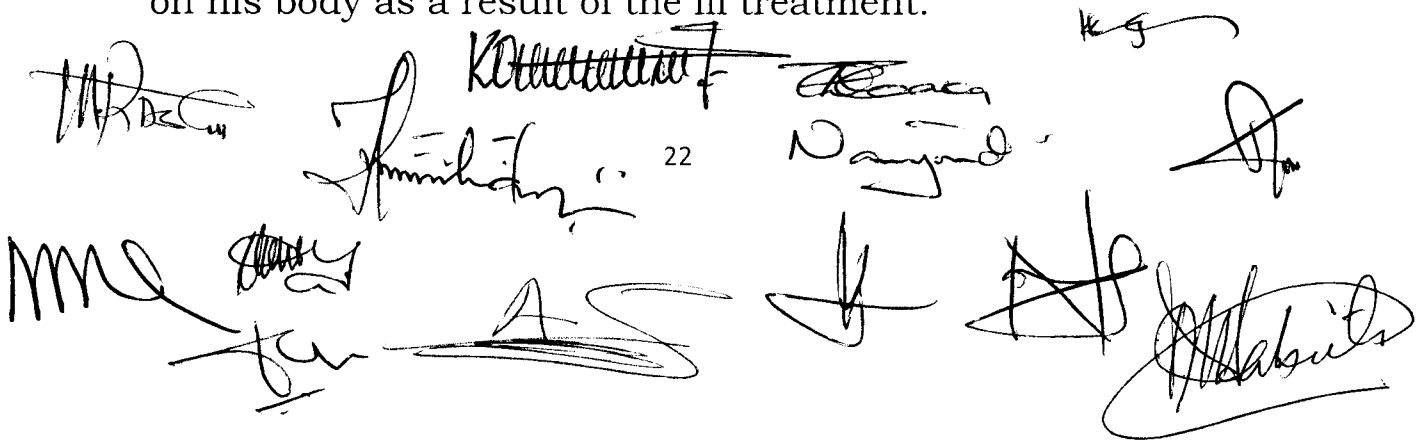
He alleged that in the Kyengera safe house, he was chained up and was there for eight days. In Lwamayuba, he was tortured by a one Sobi. Every morning, he was beaten, slapped and pricked with needles.

### **Nsereko Musa**

He stated that while in Kyengera, when the detained people tried to make an alarm, they were blindfolded and beaten when the police officers of Nsangi and Kyengera showed up. Food was also thrown at them like dogs.

### **Magoba Moses**

He informed the committee that he was arrested on 5<sup>th</sup> January 2019 at Shell Kibuye, by a one Kaberenge who beat and tortured him. He showed the committee the defamations on his body as a result of the ill treatment.

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### **Abdu Mulindwa**

He alleged that he was blindfolded and taken to Kyengera, while there stones were tied on his testicles. He was also tortured and his joints broken by Sobi.

### **Segawa Deo**

He informed the Committee that he was arrested on 22<sup>nd</sup> May 2018 and was severely beaten. He had been accused of stealing mobile money and motor bikes.

### **Kayondo Justine**

Mr Kayondo alleged that on the fateful day he had just dropped his children to school at about 8.30 am where someone known to him arrested him. He was made to sit down and hit with a gun butt, handcuffed together with his friend and put on a double cabin pickup. They were taken to a safe house in Nakasero and blindfolded, the house was big and had about 60 other people. They were told that they were in a kangaroo court and had to undress.

His hands and legs were tied with chains on a door. He had been there for 6 months and while there he was injected on his fingers.

He was subsequently told that there was no case against him, he was dropped at the City Square and asked to go.



**Mr. Mere Isma**

Mr. Mere alleged that he was beaten till his kidneys got swollen and 3 stones were tied to his testicles for 5 days.

He was blindfolded and taken from Kyengera to a medical facility in Kitante where he was given panadol and capsules.

There are other people in custody who were treated in similar circumstances. One person died but his details are not known to the witness.

Mr. Mere stated that he was in custody for five months and released without a charge.

**Kawooya Abdulwahah**

He informed the Committee that in 2011, he contested as an MP for Lubaga South Constituency. On the day of election, he was called to meet some people at a depot but was instead beaten and put in a vehicle.

He only recognized the Busega by pass. He was taken to a safe house where he did not eat but was given bitter milky drinks.

On 27<sup>th</sup> August 2011, he was taken up to Kawempe Police station after four days in the safe house.

He further stated that he was beaten using batons, he was punched and injected with some substance that stopped the functionality of his manhood. He informed the Committee that he had no money for medical attention.

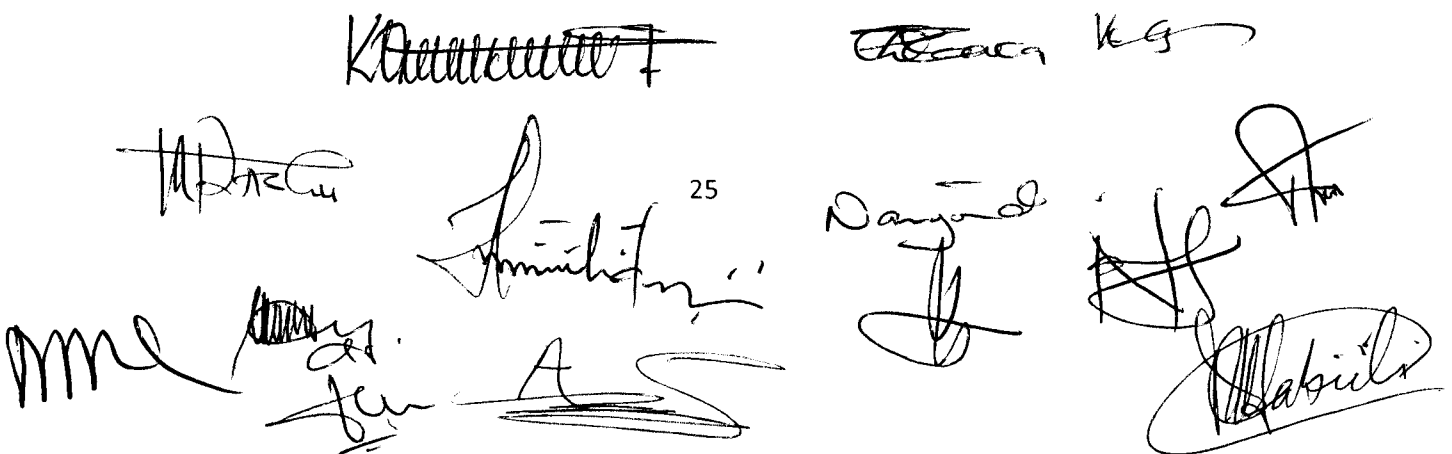
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## **Luwangula Isa**

He informed the Committee that he had been arrested by plain clothes security personnel. He stated that he was taken into custody in safe houses 3 times since 2016, the location of which was not stated. He had also been taken to Makindye barracks. He had a land wrangle case and the perpetrators were sent by one Ochieng Odoi Joseph. He was arrested on 10, September 2017 and taken to Mityana. He was also arrested on 19<sup>th</sup> February 2019 and taken to Goma Mukono where he was asked to leave the matters of land. He reported to UHRC and did not get any solution. He opened up a police case against one Kiiza Abdu Mugerwa, one of the perpetrators.

## **Observation and recommendations**

1. The Committee was not able to ascertain the authenticity of any of the above allegations and recommends that the relevant authorities specifically police takes up the said matters for further investigation.
2. The Committee noted from some of the testimonies that individuals use security agencies to resolve their personal conflicts and recommends that security agencies should avoid being used by the public to settle personal vendetta.
3. The alleged victims should be encouraged to seek damages for unlawful detention and torture.



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#### 4.3.1 Interaction with relatives of people in custody

The Committee also interacted with individuals who alleged that their relatives had been arrested and incarcerated in safe houses in Kyengera and Lwamayuba. Their accounts are as follows;

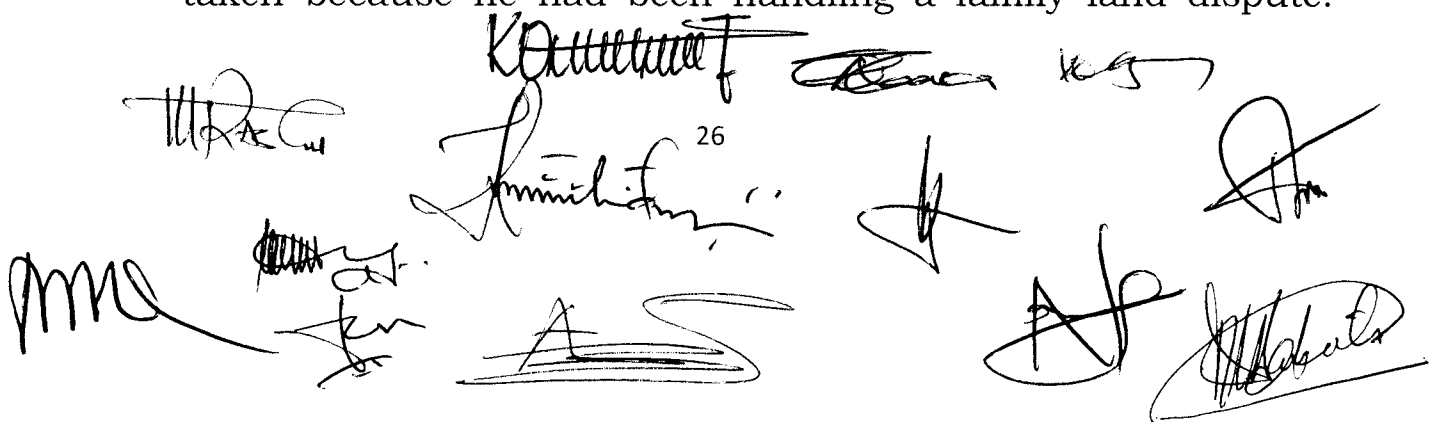
##### a) **Ramadhan**

He informed the Committee that his brother Sath Kakemba had been arrested by red top soldiers in 2018. He checked all the available police stations and the said Kakemba was missing until the present date. The police asked him to leave his contact behind but did not get back to him.

##### b) **Rose Bwanika Kibya,**

This is the Mother of Joel Agape Kyeyune, a second year Law Student at Kampala International University who disappeared on 8<sup>th</sup> May 2019. She stated that for 2 weeks his family searched for him everywhere but failed to get him. His mother reported the case to Katwe Police Station, file number 53/15/05 and still failed to get any information on his location.

She said that she was then informed that it was ISO that took him and ISO confirmed so. The sister Josephine suspected that it was because of land issues that Joel Kyeyune had been taken because he had been handling a family land dispute.



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They were informed that the victim was taken to a safe house in Kalangala.

**c) Bukenya Grace**

Her husband Bukenya David was arrested on 15<sup>th</sup> April 2018. His family and friends had since searched for him at all police stations and hospitals in vain.

The Director of Operations, ISO informed his family that he had no information about whether Bukenya David was dead or alive.

**d) Nabukenya Sauda, 27 years, works in a salon in Ndeeba**

Her brother Swaibu Kirabira, a shoe saler was taken by plain clothed armed men the day before Eid Aduha in 2018. He informed his family that he was taken to Kyengera but they haven't heard from him since then. The case was reported to Police.

**e) Nalongo Nanyonjo Esther, 30 years old, operates a hotel in Namungoona**

Her husband Sengooba Geoffrey Salongo was picked by armed plain-clothed policemen from a bar on 26<sup>th</sup> April 2018. He was taken in his personal car. From then on, no one has heard from him. She met one Afande Jones, Director Operations ISO and was told that he is in ISO and that they were still doing

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investigations. She informed the committee that their children had no fees and could not go to school yet one of them was a sickler.

**f) Hadijah Mukungu of Kitemu**

She informed the committee that her husband Bashir Mukungu of Kitemu had been arrested by ISO in his private car a premio, registration number; UAZ 065/R and that they had spent about two months without hearing from him. She was informed that the husband was in Kyengera. Her children had no school fees and one of them had fallen seriously sick. She called Brig Kaka, asking for her husband's car to get money so that she pays for her child's medical bills but this did not happen. The child later died and was buried in Mityana.

She was told that the husband was taken to Kyengera. She is not aware of the charges against her husband.

The Committee notes that Mr. Bashir Mukungu was later released on the 11<sup>th</sup> September 2019 and he appeared before the committee. The other suspects who had been released mentioned that Mr. Mukungu was among the people who were used to lure the other suspects into arrest.

**g) Aisha Naluyange**

Her husband Segawa Deo of Kitemu had been arrested by ISO in his private car from Natete in February 2018. Brig Kaka

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admitted that ISO had Segawa but was still investigating his case. Ms. Naluyange informed the Committee that she couldn't sustain her family of 8 children.

The Committee notes that Mr. Segawa was later released by ISO and he subsequently met the Committee and his account is as above.

#### **h) Nakiwala Mariam Muganga**

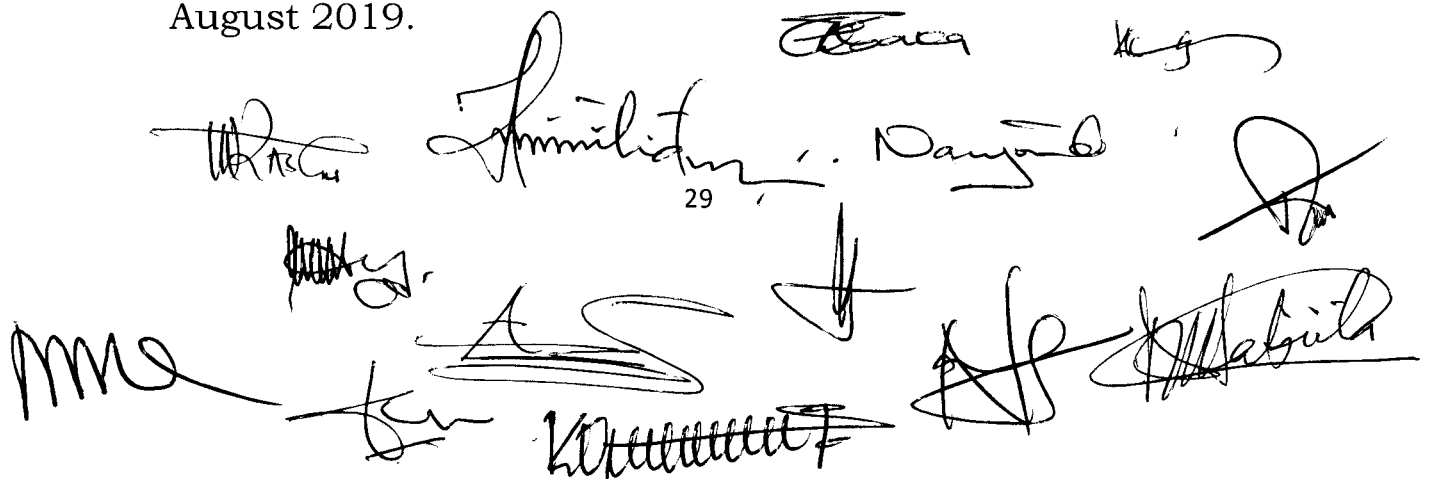
She informed the Committee that she was the Mother of KimeraShafiq, a 20 year old mechanic who had been arrested by plain clothed armed men, one of whom was called Kaberenge.

She stated that a 'bodaboda' rider who was known to the family followed the car and saw that Shafiq was taken up to Kyengera. His brother attempted to go there but was denied access to the safe house.

She said that they framed her son that he was a car thief yet he was a mechanic in Wandegeya. She had no idea where Shafiq was for two years until now.

#### **i) Namuli Mariam**

Her sons namely Kasumba Abubaker and Nasser Kibowa were taken by 6 plain clothed policemen, 3 of them with guns on 5<sup>th</sup> August 2019.

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The gunmen were driving a car, registration number UAF 257E. The family reported the case at Mini Price police station and they also checked different police stations. The sons sent their mother a message that they were held at Makindye Barracks.

**j) Haji Ali Kasujja of Nansana**

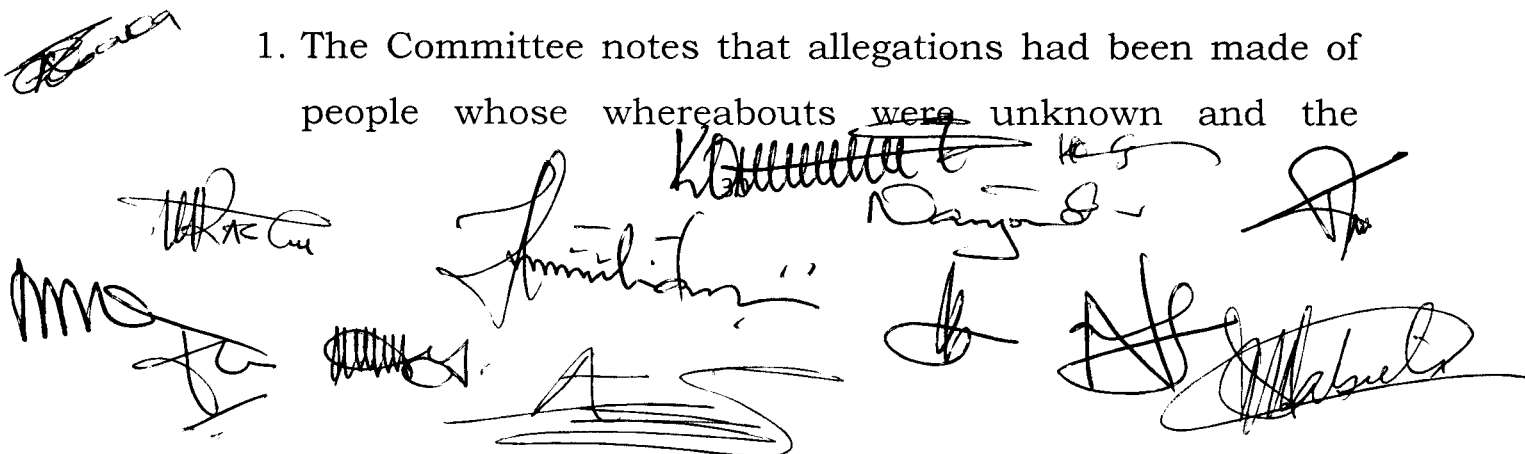
He informed the committee that his son Nuhu Lugolobi had been taken away since August 2018. He called and informed his Father that he had been arrested and taken to Nakasero headquarters. His father reported the case to Nansana Police and spoke to the in charge ISO. He left his phone number behind in case his son appears in Court. He further stated that he had reported to Nakasero about this matter 11 times. He wrote a letter to Brig Kaka and was informed that there had been no charge against the victim and he was told to wait for two weeks before he could pick him from Kireka.

However when he went to Kireka, he was told never to show up there again.

He informed the Committee that the Nansana Police had declined to register this case because it was being handled by ISO.

**Observation and recommendation**

1. The Committee notes that allegations had been made of people whose whereabouts were unknown and the



relatives of the victims alleged that these missing were in the custody of government. The Committee could neither confirm nor dismiss these allegations.

2. The Committee notes that holding a person incommunicado causes distress to the family and is a grave violation of human rights and contravenes Article 23 (5) (a) of the Constitution.
3. The practice of using plain clothed armed men to arrest people without following established procedure creates a gap for bad elements to take advantage and cause mayhem in society.

### **Recommendation**

The Committee recommends that the aggrieved families apply for a *writ of habeas corpus*.

### **4.4 ESTABLISH THE CONDITIONS OF THE SAFE HOUSES**

As already stated, the Committee was denied access to the safe houses by the Minister in charge of Security and therefore was not able to establish their condition.

Although the Hon. Minister of Security informed the Committee that the people in safe houses lived in good, safe and secure habitation, which was suitable for its purpose, in contrast, the witnesses stated that the conditions in the safe houses were dire.



The Minister further stated that;

- He was not aware of anybody killed in a Safe House.
- Relatives of people in Safe Houses are allowed to access them depending on the category and on security considerations.
- He was not aware of any woman against whom offences had been made in Safe Houses.
- He was not aware of any body under age in a Safe House.

**Hon. Kasiano Wadri**

He informed the Committee that when Atim Asha Sheila was arrested and taken to the safe house in Kyengera, She was eating one meal in four days and while there, she was in custody with 3 Somali ladies namely; Hagan, Salima and Absalam.

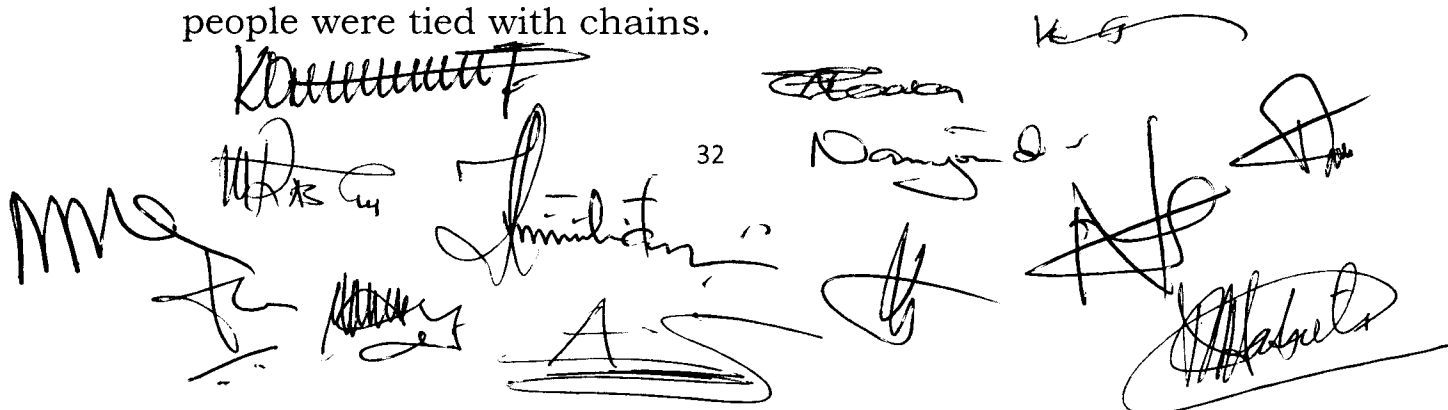
He stated that Atim Sheila was released on Monday 26<sup>th</sup> of August 2019 but she was traumatised. According to Hon. Wadri, information from the witnesses above indicated that torture was the order of the day.

The Committee however was unable to verify this information from the primary witness.

**Odwor Alex**

He described the Kyengera safe house as a nice looking one guarded with military personnel, however inside the house people were tied with chains.

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## 5.0 GENERAL OBSERVATION

The Committee observes that much as safe houses are operated by ISO, there are reports of illegal detention centres under other agencies and some gazetted detention centres where suspects are brutalized and tortured.

## 6.0 GENERAL RECOMMENDATIONS

1. The Committee calls upon all security agencies to observe human rights in the course of their work as provided by the Constitution of the Republic of Uganda.
2. All Security Agencies should undertake continuous training and sensitization about all laws governing human rights.
3. Government should expedite the operationalization of Chapter 4 of the Constitution on fundamental rights and freedoms.
4. The Commission should supply to Parliament regular statistics of the list of missing persons and all the people who had been duly compensated.

## 8.0 CONCLUSION

The Committee notes with satisfaction that as a result of the directive by Parliament to investigate the existence of safe houses, some detainees were reportedly released after the commencement of the investigation and the Committee later interfaced with them.

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Human rights observance remains a critical concern to Parliament because Uganda is a signatory to international protocols of human rights and good governance. It is therefore necessary for the UHRC to follow up all the findings that have been established especially visits to the alleged safe houses in Uganda and furnish Parliament with a report within a period of three months. All agencies involved or mentioned for alleged torture should be subject to further investigation and feedback be made to Parliament.

Finally, a specific Act of Parliament for the Office of the Director of Public Prosecutions should be enacted with immediate effect to improve its effectiveness.

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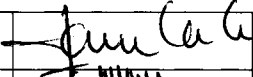
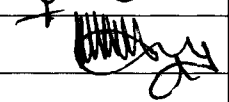
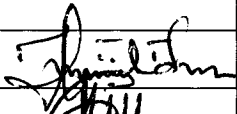
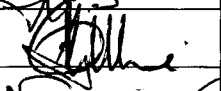
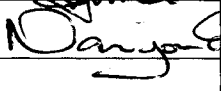


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**REPORT OF THE COMMITTEE ON HUMAN RIGHTS ON THE ALLEGED  
TORTURE IN UNGAZETTED DETENTION CENTRES IN THE COUNTRY**

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