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EXCERPT :

Uganda: Torture Threat for HIV/AIDS Activists

Abduction and Intimidation Accompany Unfair Trial

July 29, 2008

The abduction and torture of a Ugandan HIV/AIDS activist who faces trial for holding a peaceful protest reveals the danger to those who challenge the government's policies, Human Rights Watch, and the Observatory for the Protection of Human Rights Defenders said today. The three human rights organizations (the Observatory is a joint programme of the World Organisation Against Torture and the International Federation of Human Rights), called on the Ugandan authorities to investigate the abduction and torture and sanction those responsible. They also urged that the charges against all three human rights defenders on trial for the protest be dropped

Uganda's government promotes homophobia when it should be protecting its citizens against HIV/AIDS," said Scott Long, director of the Lesbian, Gay, Bisexual, and Transgender Rights Program at Human Rights Watch. "Harassing human rights defenders sends a message that no one in Uganda should dare to speak truths about sexuality, HIV, or human rights."

Police arrested Usaam "Auf" Mukwaya, Onziema Patience, and Valentine Kalende on June 4 after a peaceful protest at the 2008 "HIV/AIDS Implementers Meeting" in Kampala against the government's lack of response to HIV/AIDS among the country's lesbian, gay, bisexual, and transgender (LGBT) communities. The three human rights defenders were charged with criminal trespass and freed on bail on June.

On July 25, a few hours after a hearing in the case, Kampala policemen abducted Auf, as he is known to his friends, on his way back to the Speke Hotel. A patrol car stopped the motor taxi he was riding and four men identifying themselves as police officers took him to an undisclosed location. He was held for more than 24 hours without access to a lawyer or any reason provided for his arrest. During that time he was seriously ill-treated.

"Defenders of LGBT rights enjoy fewer protections and are more at risk of violations," said Eric Sottas, secretary-general of the World Organisation Against Torture. "And because they are particularly vulnerable to acts of repression, it is the state's responsibility to protect them."

Auf, 26, is an activist with Sexual Minorities Uganda (SMUG), a local organization advocating on behalf of Uganda's LGBT people. He told Human Rights Watch and SMUG colleagues that his abductors asked him questions in Luganda, a local language, about the activists' funders and supporters, and about his own role "among the homosexuals." They also demanded information from him about other individuals and their work for LGBT rights.

According to Auf, three police officers (one man and two women) pushed him through a dark corridor into a room where they made him sit on a chair. Auf saw four other men around his age in the room. One had a broken leg and the other three appeared to have been beaten. One of the women officers scraped his knuckles with a razor-like object; later, the man tied him to a machine that stretched his arms. At dawn, before releasing him, they forced him to strip to his underwear, asked him if he was a man or a woman, and made him walk around the room in his underwear. The following day, they dropped him at Mulago round-about in central Kampala. Auf told Human Rights Watch that he could identify his attackers if he saw them again.

"Defenders of LGBT rights in Uganda have been increasingly targeted," said Souhayr Belhassen, president of the International Federation for Human Rights. "The numerous acts of harassment are in clear violation of Uganda's international obligations, including the United Nations Declaration on Human Rights Defenders."

Uganda is a party to both the International Covenant on Civil and Political Rights and the United Nations Convention against Torture, which not only proscribe the kinds of act to which Usaam "Auf" Mukwaya was subjected, but also place an obligation on the Ugandan authorities to carry out an effective investigation into incidents and to prosecute those found responsible.

In June 2008, Human Rights Watch and the Observatory for the Protection of Human Rights Defenders appealed to the Ugandan government to drop the charges against all three activists. The organizations reiterated these requests immediately before the July 25 court hearing in a letter and urgent appeal to Uganda's attorney general.

Background information

The national police in Kampala arrested these three activists on June 4, 2008, during a peaceful protest organized by local LGBT organizations against statements made by Kihumuro Apuuli, director general of the Uganda AIDS Commission. Apuuli had stated that "gays are one of the drivers of HIV in Uganda, but because of meagre resources we cannot direct our programmes at them at this time."

Police charged the demonstrators with criminal trespass, under Section 302 of the Uganda Penal Code, despite the fact that they had been formally invited to attend the meeting.

The defendants last appeared before a Kampala court on July 25, where several witnesses of the state and the defendants were cross-examined. The judge adjourned the hearing until August 1, 2008. At previous hearings held on July 9 and 10, the judge adjourned the case following the public prosecutor's request to give police additional time to locate new witnesses. The defendants' lawyer presented the defendants' conference registration forms signed by the US Global AIDS Coordinator, and a support letter signed by all the conference organizers as evidence before the court.

Torture and ill-treatment is a pervasive problem in Uganda. The African Centre for the Treatment and Rehabilitation of Torture Victims in Kampala has treated approximately 2,632 torture survivors since 1999. The Uganda Human Rights Commission received an estimate of 1,963 complaints of torture between 1997 and the end of 2005. In its 2005 country report on Uganda, the United Nations Committee Against Torture, the body which oversees states' compliance with the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, found continued allegations of torture by the Uganda's security forces and agencies and recommended that the government "[t]ake vigorous steps to eliminate impunity for alleged perpetrators of acts of torture and ill-treatment, carry out prompt, impartial and exhaustive investigations, try and, where appropriate, convict the perpetrators of torture and ill-treatment, impose appropriate sentences on them and properly compensate the victims."

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