



September 19, 2008

INTERNATIONAL GAY AND LESBIAN HUMAN RIGHTS COMMISSION

Uganda: Action Alert-Demand An End To Official Harassment of LGBT Activists

SUMMARY

In what appears to be an all-out effort to silence the sexual rights movement in Uganda, police have again arrested high profile members of the lesbian, gay, bisexual and transgender (LGBT) community, this time two male-to-female transgender gay men - Georgina (aka) Oundo George and Brenda (aka Kiiza). According to Sexual Minorities of Uganda (SMUG), two men who identified themselves as police officers, but were not in the customary Ugandan Police uniform arrested both men at the home of Georgina on Wednesday September 10, 2008.

Georgina and Brenda were held at Nabweru Police Post for a full week without access to lawyers or to bail. They were never brought before a judge, even though Article 3.9 of the International Covenant on Civil and Political Rights (ICCPR) states that, "anyone arrested or detained on a criminal charge shall be brought promptly before a judge." Article 23 of the Ugandan Constitution requires that an arrested person must appear before a judge within 48 hours of arrest.

Brenda and Georgina report being beaten, kicked and hit with batons around the legs and ankles during their detention as interrogators demanded that they provide information about the names and addresses of other LGBT activists. Brenda and Georgina were finally released on September 17, 2008, but have been required to report regularly to the police station. They have been accused of "spreading homosexuality," though no such crime exists under Ugandan law. "Carnal knowledge against the order of nature" is punishable by up to life imprisonment in Uganda.

Among the rights violated in this most recent incident are:

- * The right to liberty and security of person; freedom from arbitrary arrest or detention
- * The right to freedom from torture or to cruel, inhuman or degrading treatment
- * The right to freedom of expression

ACTION

IGLHRC requests that its members send appeals to Ugandan authorities as quickly as possible:

- * Demanding an end to the harassment of Oundo George and Kiiza through the requirement that they report to the police on a regular basis.

* Calling on the Ugandan government to immediately end illegal arrests and detention of LGBT individuals and human rights defenders.

* Asking for a repeal of Section 145 of the Penal Code Act of 1950, which ostensibly criminalizes homosexual acts.

Please feel free to cut and paste from our letter (below) and send faxes and e-mails to the following officials:

President
Yoweri Museveni
Parliament Building
PO Box 7168
Kampala, Uganda
Fax: + 256 414 346 102
Email: info@gouexecutive.net
Salutation: Your Excellency

Inspector General of Police
Major Kale Kayihura
Police Headquarters
PO Box 7055
Kampala, Uganda
Fax: + 256 414 255 630
Salutation: Dear Major

Minister of Justice
Hon. Makubuya Kiddu
Parliament Building
PO Box 7183
Kampala,
Uganda
Fax: + 256 414 234 453
Email: info@justice.go.ug
Salutation: Dear Minister

COPIES TO:

Chairperson of the Uganda Human Rights Commission
Margret Sekagya
P.O .Box 4929, Kampala,
Uganda
Fax: +256 414 255 261
E-mail: uhrc@uhrc.ug
Salutation: Dear Chairperson

COPIES TO: diplomatic representatives of Uganda accredited to your country.

PLEASE SEND COPIES OF ALL APPEALS TO IGLHRC SO THAT WE CAN TRACK THE RESPONSE:

E-mail: aro.africa@iglhrc.org

Fax: +27.21.462.3024, fax

SAMPLE LETTER

Your Excellency President Museveni,

I am writing to you to express my concern about the unwarranted arrest and arbitrary detention of two lesbian, gay, bisexual, and transgender (LGBT) human rights defenders in Uganda on September 10, 2008. George Oundo and Kizza Brenda were held in detention for eight days without going before a judge. Article 23 of the Constitution of Uganda makes it unconstitutional to hold a suspect for over 48 hours. Furthermore, it is my understanding that these two individuals were arrested and detained solely as a result of their sexual orientation and gender identity

The continuous violation of the basic human rights of lesbian, gay, bisexual and transgender people perpetuated by the Ugandan government is of great concern. I understand that Uganda is party to various regional and international human rights covenants such as the African Charter on Human and People's Rights and the International Covenant on Civil and Political Rights, both of which condemn arrests based on arbitrary categories such as race, ethnicity, political belief and sexual orientation, among others.

I would ask that your government ceases and desists from harassing and arresting LGBT people simply because of their sexual orientation and gender identity and end the harassment and intimidation of LGBT human rights defenders. I would also urge you to consider the repeal of Section 145 of the Penal Code Act of 1950, which criminalizes homosexual acts. Such laws have been declared a violation of the rights to privacy and equality by the United Nations and have caused great pain to many of your citizens.

Sincerely,

Paula Ettlbrick

Executive Director
International Gay and Lesbian Human Rights Commission

Cc: Major Kale Kayihura, Hon. Makubuya Kiddu, Margret Sekagya
BACKGROUND

In the past five years, there have been nearly a dozen arrests of LGBT people on charges related to homosexuality in Uganda. Authorities have harassed LGBT human rights defenders in their homes and in public and fined a private radio station that broadcast a program on HIV prevention among men who have sex with men. In July 2005, Uganda's Parliament passed an amendment to the constitution making Uganda only the second country in the world to use its supreme law to outlaw marriage between people of the same sex. In 2007, a coalition of religious leaders

marched through the streets of Kampala demanding the arrests of LGBT people with one cleric even calling for the "starving to death" of homosexuals. Buttressed by the official homophobia of the state, the Ugandan media has published lists of gay men and lesbians, leading to physical violence, loss of employment and the curtailing of educational opportunities for those LGBT people who were named.

On June 4, 2008, Usaam Mukwaaya, Pepe Julian Onziema and Valentine Kalende, were arrested and charged with criminal trespass while peacefully attending the HIV/AIDS Implementers Meeting in Kampala. The arrest of the activists was condemned by local and international organizations, including UNAIDS, as well as by the U.S. government. Usaam Mukwaaya was rearrested on July 25, 2008 on his way from Friday prayers and was detained and tortured for several days.

IGLHRC is deeply concerned that this increasingly clear pattern of abuse - arrest, mistreatment in detention, and then release - is a systematic attempt to silence the Ugandan LGBT, feminist and human rights communities through constant harassment. There have also been reliable reports that authorities have a list of LGBT leaders including addresses, photographs and other personal information. Some activists have fled into neighboring countries to escape arrest.

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The International Gay and Lesbian Human Rights Commission (IGLHRC) is a leading human rights organization solely devoted to improving the rights of people around the world who are targeted for imprisonment, abuse or death because of their sexuality, gender identity or HIV/AIDS status. IGLHRC addresses human rights violations by partnering with and supporting activists in countries around the world, monitoring and documenting human rights abuses, engaging offending governments, and educating international human rights officials. A non-profit, non-governmental organization, IGLHRC is based in New York, with offices in Cape Town and Buenos Aires. Visit <http://www.iglhrc.org> for more information

email: executive_director@iglhrc.org
phone: 212-268-8040
web: <http://www.iglhrc.org>

The Mission of the International Gay and Lesbian Human Rights Commission is to secure the full enjoyment of human rights of all people and communities subject to discrimination or abuse on the basis of sexual orientation or expression, gender identity or expression and/or HIV status.