

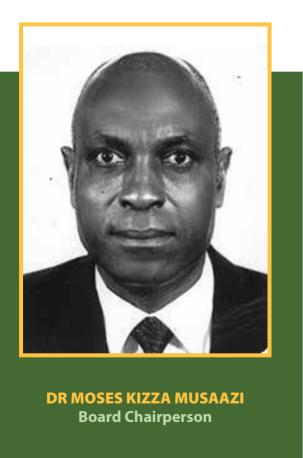


## African Centre for Treatment and Rehabilitation of Torture Victims (ACTV)

## 2017 ANNUAL REPORT

# From Rhetoric to ACTION

#### Chairperson





we are moving beyond rhetoric
to action being taken by holding
perpetrators accountable for torture.
The time for the implementation of the
Prevention and Prohibition of Torture
Act No.3 of 2012 (PPTA) is now

Dear our treasured partner and friend,

It is with great pleasure that we present to you our **2017Annual Report: From Rhetoric to Action.** 

Two thousand seventeen marked the second year of the implementation of the organisation's Strategic Plan (2016-2020). This year was unfortunately characterised by torture coming to the fore following the brutal murder of Assistant Inspector General of Police (AIGP) Andrew Felix Kaweesi, which precipitated arbitrary detention and torture of suspects in places of detention.

Nalufenya, an unremarkable police station in Jinja district, became a 'household name' synonymous with allegations of gross human rights violations. What ACTV has spent 24 years advocating against suddenly became the springboard to a national debate, although our statistics over the years had shown that torture was on the rise.

Therefore, we are moving beyond rhetoric to action being taken by holding perpetrators accountable for torture. The time for the implementation of the Prevention and Prohibition of Torture Act No.3 of 2012 (PPTA) is now! The 22 Kaweesi murder suspects who were awarded compensation of eighty million Uganda shillings (UGX 80,000,000) or twenty two thousand United States dollars (USD 22,000) each by the courts of law following ACTV's medical and psychological assessments which proved that the suspects had been tortured, was a first step in the right direction.

During the reporting period, ACTV provided rehabilitation to 834 survivors of torture, a decrease from 1,346 in 2016. This was mainly as a result of a funding shortfall rather than a reduction in torture in the country. Therefore the organisation conducted fewer outreaches to communities and prisons.

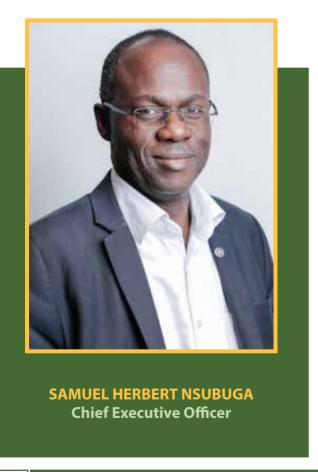
The organisation's advocacy initiative contributed towards the gazetting of the regulations to the PPTA, which will contribute towards the implementation of the anti-torture law. Advocacy for the ratification of the Optional Protocol to the Convention against Torture (OPCAT) was also conducted, although it has yet to be ratified. Therefore, ACTV still has to seek permission every year to monitor places of detention and provide holistic services in prisons.

ACTV would like to thank all the development partners and key stakeholders that have contributed to the work of the organisation over the past year, for without them we would not have made such a significant contribution and registered such noteworthy achievements. I would like to warmly thank the staff of the Secretariat for their work and contribution towards advocating against torture and providing holistic rehabilitation to survivors.

We pledge to continue advocating against torture and rehabilitating survivors and call upon you to join and support us in the fight against torture. Saying 'NO!' to torture starts with you.

Dr Moses Kizza Musaazi Board Chairperson

#### The Chief Executive Officer



In 2017, torture continued to be prevalent in Uganda. With the demise of AIGP Andrew Felix Kaweesi, ACTV was given a court order to examine those allegedly suspected to have killed him. These suspects were in Luzira Prison and the examination confirmed that they were tortured and the courts went ahead to award compensation of UGX 80,000 to each one of them. This was a landmark achievement in the sense that we are recognised for being able to provide independent medical reports to any institution that requires it, especially regarding our niche in dealing with survivors of torture. It is rewarding that the Judiciary recognises our role in the anti-torture fight by giving us these court orders.



We remain eternally grateful to our partners in the Coalition against Torture (CAT) and the Uganda Human Rights Commission (UHRC) as well as other civil society organisations (CSOs) for also being a part of the fight against torture

Secondly, the examination of the suspects yielded compensation to them in amounts unprecedented in Uganda's history, hence illustrating the gravity of the torture meted out to them.

The Prevention and Prohibition of Torture regulations were developed and gazetted and plans are being made to disseminate them to all the stakeholders in the Justice, Law and Order Sector (JLOS). Institutions in the justice chain have on many occasions demanded that with these regulations in place, the Prevention and Prohibition of Torture Act (PPTA) 2012 or the anti-torture law would be better implemented. Five years after the passing of the anti-torture law we still do not have a conviction of note. However, with these regulations now in place, the PPTA shall be effectively implemented to include punishment of perpetrators of torture.

We remain eternally grateful to our partners in the Coalition against Torture (CAT) and the Uganda Human Rights Commission (UHRC) as well as other civil society organisations (CSOs) for also being a part of the fight against torture. The JLOS and other state and non-state actors, we thank you very much for the collaboration as we strive to do away with this vice.

To the development partners that have provided both financial and technical support, we would like to affirm that without you it would not have been possible to treat and rehabilitate the survivors of torture and the advocacy fight would have been more challenging.

Last but not least, I thank the Board of ACTV for the strategic guidance and wisdom given to us over the years. The management and staff of ACTV, thank you very much for completing 2017 by fulfilling the plans we had set out to achieve. For this I remain eternally grateful.

Our vision is a world free from torture. Let us all, without exception, continue to strive towards the achievement of this vision so that the globe can become a better place to live in.

Samuel Herbert Nsubuga Chief Executive Officer

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#### **Abbreviations and Acronyms**

ACTV African Centre for Treatment and Rehabilitation of Torture Victims

IRCT International Rehabilitation Council for Torture Victims

CMI Chieftaincy of Military Intelligence
DGF Democratic Governance Facility

SRT Sigrid Rausing Trust

PPTA Prevention and Prohibition of Torture Act

CAT Coalition against Torture

OPCAT Optional Protocol to the Convention against Torture

CVT Center for Victims of Torture
FGHR Fund for Global Human Rights
JLOS Justice, Law and Order Sector

UNOHCR United Nations Office of the High Commissioner for Human Rights

UPDF Uganda People's Defence Forces
CID Criminal Investigation Department

LRA Lord's Resistance Army

RDC Resident District Commissioner

AIGP Assistant Inspector General of Police

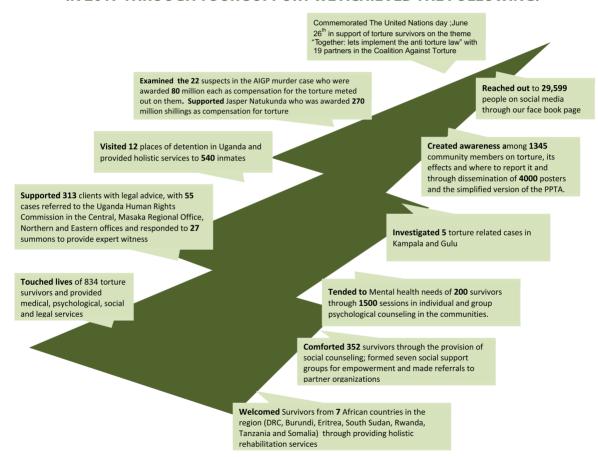
DISO District Security Organisation KCCA Kampala Capital City Authority

RRU Rapid Response Unit

DRC Democratic Republic of Congo

#### **WHAT YOU HELPED US ACHIEVE IN 2017**

#### IN 2017 THROUGH YOUR SUPPORT WE ACHIEVED THE FOLLOWING:



#### 1.0 INTRODUCTION

The African Centre for Treatment and Rehabilitation of Torture Victims (ACTV) was established in June 1993 and is dedicated to the promotion and protection of human rights with emphasis on advocacy against torture as well as the treatment and rehabilitation of survivors of torture by state and non-state actors. ACTV is licensed by the Ugandan Ministry of Health (MoH) to operate two medical referral centres that provide physical and psychological treatment in support of the rehabilitation process of torture survivors in Uganda and the neighbouring countries. Torture is abhorrent, inhumane and barbaric but it still persists in Uganda and in the surrounding regions. This report highlights the uphill task that ACTV embarked on in 2017 in the fight against torture and the rehabilitation of survivors of torture

WE HOPE THAT THIS REPORT WILL PROMPT YOU TO JOIN US IN THE FIGHT AGAINST TORTURE. YOU CAN MAKE A DIFFERENCE BY SPEAKING OUT AND REPORTING TORTURE TO ANY HUMAN RIGHTS ORGANISATION.

#### 1.1 ACTV'S Strategic Direction

- 1. Holistic care: To provide quality holistic treatment and rehabilitation services to survivors of torture.
- 2. Advocacy: To advocate for the prevention of torture and the implementation of the Prevention and Prohibition of Torture Act 2012
- **3. Research:** To undertake research and documentation on torture.
- **4. Empowerment:** To empower survivors of torture through livelihood programmes to integrate them in society.
- **5. Organisational strengthening:** To build the institutional capacity of ACTV to deliver on its mandate.

#### **Pictorial**

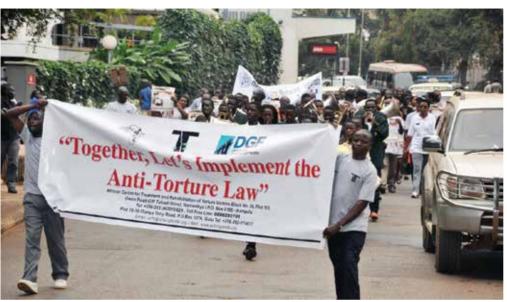
# REHABILITATION OF TORTURE SURVIVORS





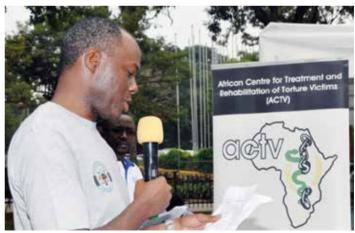
Group psychological counseling in the community

ACTV staff screening torture survivor



### **ADVOCATING AGAINST TORTURE**

A procession to commemorate June 26th











#### 2.0 OPERATING ENVIRONMENT

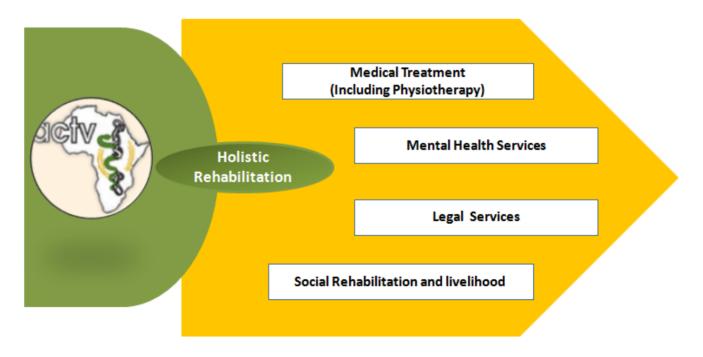
- The murder of the AIGP in the first quarter of the year sparked off arbitrary detention of suspects, allegations of torture and enforced disappearances. In addition, the torture meted out to the mayor of Kamwenge left the public in shock at the blatant lack of respect for the rule of law in Uganda. After this incident, the Parliamentary Committee on Human Rights started monitoring the notorious Nalufenya detention centre. However, ACTV was not granted permission to monitor Nalufenya.
- The unpaid claims by government for human rights violations stood at UGX 2,021,647,943 as at 31June 2016, with the claims rising, as per the Uganda Human Rights Commission Report.
- The year ended with the amendment of Article 102 (b) of the Ugandan Constitution on lifting of the age limit.
- Noteworthy, though, was the gazetting of the Regulations to the Prevention and Prohibition of Torture Act, which will go a long way in effecting the implementation of the anti-torture law.

#### **3.0 ACHIEVEMENTS 2017**

#### 3.1 Provision of quality holistic treatment and rehabilitation services to survivors of torture

'ACTV: AN OASIS OF HOPE FOR TORTURE SURVIVORS'

ACTV is still the only organisation in Uganda that provides holistic treatment and rehabilitation to survivors of torture. Holistic services are as defined below:

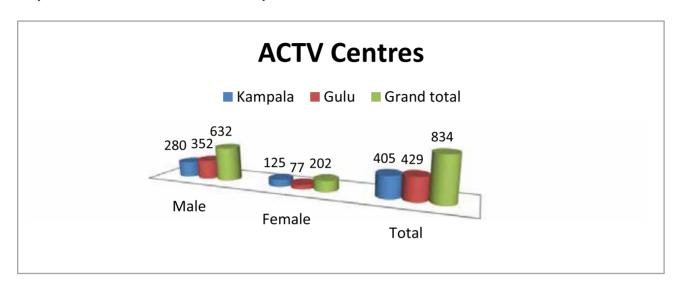


#### 3.1.1 Survivors of torture who received ACTV services in 2017

Table 1: Statistics of new survivors who received services in 2017

	ACT	V KAMPAI	LA	P	ACTV GULU			TOTAL	
Month	Male	Female	Total	Male	Female	Total	Male	Female	Total
January	7	4	11	1	0	1	8	4	12
February	15	15	30	1	0	1	16	15	31
March	39	1	40	81	29	110	120	30	150
April	18	20	38	4	2	6	22	22	44
May	58	6	64	4	2	6	62	8	70
June	12	9	21	96	13	109	108	22	130
July	12	26	38	2	1	3	14	27	41
August	28	9	37	51	4	55	79	13	92
September	50	9	59	51	14	65	101	23	124
October	23	7	30	2	2	4	25	9	34
November	10	15	25	59	9	68	69	24	93
December	8	4	12	0	1	1	8	5	13
Total	280	125	405	352	77	429	632	202	834
Percentage	69.1%	30.9%	100%	82.05%	17.95%	100%	75.8%	24.2%	100%

Graph 1: Clients received at the Kampala and Gulu centres



Of the 834 new torture survivors provided with rehabilitation services in 2017, the Kampala Centre and Gulu centres registered 48.5% (405) and 51.5% (429) respectively.

#### 3.1.2 Point of contact with survivors of torture

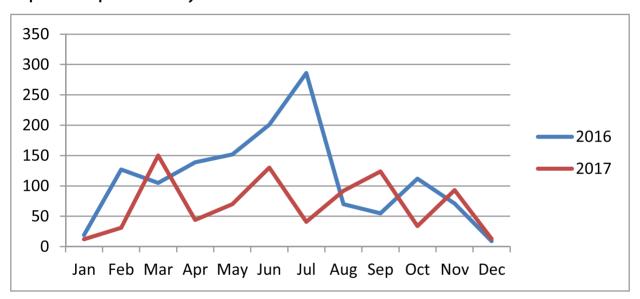
Table 2: Point of contact

Source	Kampala	Gulu	Total	Percentage
Prison visits	123	255	378	45.32%
Community outreach	134	80	214	25.66%
Referrals from partners	129	57	186	22.30%
Walk-in (self-referral)	17	35	52	6.24%
Field investigations	02	02	04	0.48%
Total	405	429	834	100%

Outreach interventions still dominate the means by which survivors' access services from ACTV, with 45.32% accessing services in prisons and 25.66% through community outreaches. Working with partners has also boosted the number, with 22.30% referred by human rights organisations such as the Refugee Law Project, Chapter Four Uganda, Uganda Human Rights Commission (UHRC), Vivo and CVT in Gulu, among others. A smaller number of clients still refer themselves to ACTV, at 6.24%, thus the need to intensify awareness creation and media advocacy.

#### 3.1.3 Comparative analysis of torture survivors registered at ACTV by month in 2016 and 2017

**Graph 2: Comparative analysis** 

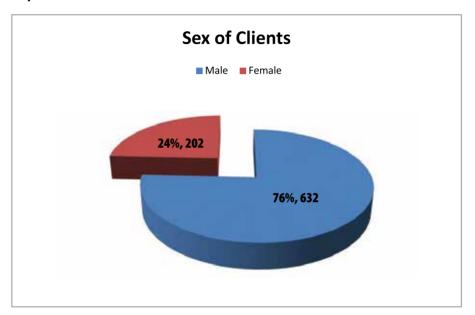


The 2016-17 trend analysis of the registered torture survivors shows that the spike in the number of registered survivors is associated with isolated elements of violence as sighted during and after the 2016 presidential and parliamentary elections in January to July 2016.

In 2017, however, the spike in the registered torture survivors as registered in the months of March, June, August, September and November was mainly associated with torture at the point of arrest and in places of detention.

#### 3.1.4 Gender of the clients received

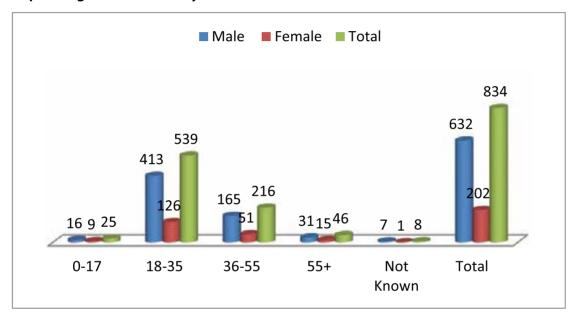
**Graph 3: Sex of clients** 



The chart above shows that the majority of clients who accessed services at ACTV were male, at 76% (632), and female, at 24% (202), respectively. This suggests that men are more susceptible to torture because of their engagement in risky behaviours, such as criminal activities, compared to women. Most of the survivors allege that they are tortured as criminal suspects during arrests and interrogations.

#### 3.1.5 Age distribution of torture survivors

Graph 4: Age distribution by sex



Out of the 834 survivors of torture received at ACTV, the youth (18 – 35 years) constituted the highest number, representing 64.6% (539). The highest percentage of the population in Uganda falls within this age bracket which, again, accounts for the high numbers of survivors of torture from this group. In addition, the high levels of unemployment among the youth have seen them engage in activities that put them at risk of being tortured.

#### 3.1.6 Distribution of clients by nationality

Table 3: Nationality of the clients received

Nationality	Female	Male	Total	Percentage
Uganda	137	551	688	82.5%
DRC	58	75	133	15.9%
Burundi	4	2	6	0.72%
Eritrea	0	2	2	0.23%
South Sudan	2	0	2	0.23%
Rwanda	1	0	1	0.11%
Tanzania	0	1	1	0.11%
Somalia	0	1	1	0.11%
Total	202	632	834	100%

ACTV provides services to survivors of torture from the Great Lakes region. The majority of clients received were Ugandans, at 82.5%, while the Democratic Republic of Congo (DRC) contributed 15.9% of the clients registered because of the persistent insecurity in that neighbouring country.

#### 3.1.7 Alleged perpetrators of torture

**Table 4: Alleged perpetrators** 

No.	Perpetrator	Kampala	Gulu	Total	Percentage
1.	Uganda Police	127	213		
2.	Rapid Response Unit (RRU)	0	1	200	45.560/
3.	Flying Squad	24	0	380	45.56%
4.	Crime preventers	11	4		
5.	DRC government	103	0	103	12.35%
6.	UPDF	15	42	57	6.83%
7.	Unknown	21	26	47	5.64%
8.	Prison warders	13	30	43	5.16%
9.	Private individuals	38	2	40	4.80%
10.	LRA	0	37	37	4.44%
11.	Others/Region  • M23  • Eritrean government  • FDLR  • Mai Mai  • Burundian police/army  • Sudanese army  • Rwandan government	30	0	30	3.60%

12.	Local council	3	36	39	4.68%
13.	Inmates/Katikkiros	5	15	20	2.40%
14.	Clan leaders	0	19	19	2.28%
15.	CMI	11	0	11	1.32%
16.	Warriors	0	4	4	0.48%
17.	KCCA law enforcement	2	0	2	0.24%
18.	DISO/RDC	2	0	2	0.24%
	TOTAL	405	429	834	100%

As per the statistics above, allegations against the Uganda Police Force, at 45.56%, are still a cause for worry since the police is supposed to protect the lives and property of the citizens of Uganda. Private individuals are also taking the law into their own hands, at 4.8%, and allegations of torture against local councils and clan leaders in northern Uganda, at 4.68% and 2.28% respectively, are becoming a major concern.

#### 3.1.8 Reasons for torture

The major reason given by 528 clients who accessed services at ACTV for being tortured was that of being suspected of criminal acts. This was followed by torture as a result of rebel activities. Forty-eight were tortured as a result of their relationship with the victim and 44 for their political affiliation. Land-related disputes and wrangles also count among the reasons why people are being tortured, as shown in the table below.

Table 5: The reasons for torture

No.	Reason	Kampala	Gulu	Total
1.	Suspected criminals	200	328	528
2.	Rebel atrocities	14	47	61
3.	Relationship with victim	46	2	48
4.	Political affiliation	39	5	44
5.	Land-related wrangles	9	26	35
6.	Illegal punishment	11	10	21
7.	Mistaken identity	16	3	19
8.	Unknown	12	4	16
9.	Human rights defenders	14	0	14
10.	Disarmament process	12	0	12
11.	Journalist	10	0	10
12.	Domestic violence	4	3	7
13.	Tribal conflict	7	0	7
14.	Sexual minority	2	1	3
15.	Work conflict	3	0	3
16.	Debt	3	0	3
17.	Religious	2	0	2
18.	Health worker	1	0	1
	Total	405	429	834

#### 3.1.9 Methods of torture

Table 6: Major forms of torture

No.	Form	Number			
	Physical torture				
1.	Beating (blunt trauma)	471			
2.	Burns (including electric shock)	54			
3.	Positional torture	15			
4.	Sexual torture	102			
5.	Asphyxiation	5			
	Psychological torture				
6.	<ul> <li>Confining incommunicado</li> <li>Witnessing torture of others</li> <li>Denial of sleep</li> <li>Blindfolding</li> </ul>	153			
7.	Solitary confinement	23			
8.	Chemical exposure	8			
9.	Pharmacological torture	3			

Beating is still the main method of torture employed by perpetrators. This is both systematic and non-systematic beating and includes punching, kicking, slapping, whipping, beating the soles of the feet, and striking the soles of the feet, among others. Sexual torture mainly occurs in the conflict areas in the Great Lakes region among refugees. However, psychological torture is also employed and this is not easily detected; that is why ACTV developed several assessment tools to identify psychological torture.



The client was allegedly beaten non -systematically with a baton, stick and gun butt on the back during arrest by police

The client who was allegedly tortured in a detention facility



#### 3.2 ADVOCACY AGAINST TORTURE: FOCUSING ON THE IMPLEMENTATION OF THE PREVENTION AND PROHIBITION OF TORTURE ACT

The theme of the year 2017 was' Together let's implement the anti-torture law'. The advocacy interventions focused on ratification of the OPCAT, completion of the regulations for the implementation of the PPTA and raising awareness about torture among the communities. ACTV worked closely with the Coalition against Torture (CAT), a group of 19 CSOs committed to advocating against torture. A media campaign was sustained throughout the year, as shown below.

**Table 7: ACTV media appearances** 

PERIOD	RADIO 2017 22 radio talk shows conducted	TELEVISION 2017 5 television appearances
FEBRUARY 2017	Step 99.8 FM in Mbale on 25 February 2017 Voice of Africa on 24 February 2017.	
MARCH 2017	<ul> <li>Spot messages were run on Voice of Africa for a month, 6 March to 6 April 2017, on torture. (This was a bonus for having held a talk show with Voice of Africa)</li> <li>14 live mentions were made on Step 99.8 FM radio for a week from 13 to 17 March 2017.</li> <li>A spot message was produced and aired 6 times on Mega 102 FM in Gulu.</li> </ul>	An infomercial on torture was aired on NTV during the 9.00 pm news in the first week of March 2017.

4 radio talk shows conducted:

- a) A 15-minute guest appearance on KFM regarding the Nalufenya detention facility torture allegations.
- b) On 17 May, 2 talk shows were held: On Radio One FM 90 on *Spectrum* where our Head of Programmes was hosted by Gabriel Iguma from 7.00 to 8.00pm; and on Akaboozi Ku Biri 87.9 FM where the Communication and Advocacy Officer and the Medical Doctor were hosted on the *Ebiffa Mugwanga* show from 8.00 to 9.00pm. The topic was torture and the ongoing torture allegations in the Nalufenya facility.
- c) On 19 May, the Communications and Advocacy Officer and the Nursing Officer were hosted on Impact Radio from 10.00 am to 11.00 am by Frank Walusimbi on torture allegations in the Nalufenya detention facility.
- In May, a spot message was run 10 times on Radio Simba 97.3 FM. This was geared towards raising awareness in the central region. The target audience was the 18 – 45 year old age group, both male and female, who comprise over 70% of the population.

On 17 May, there was a interview with NBS TV at the ACTV offices where the Head of Programmes was interviewed on torture and the recommendations about the torture happenings in the Nalufenya detention facility. The feature was broadcast live in the 7.00 pm news item on NBS TV.

#### **MAY 2017**

JUNE 2017	<ul> <li>Radio Simba, 97.3 FM, 20June 2017, at 7.00-8.00 pm.</li> <li>Mega 102 FM, northern Uganda, Wednesday 28 June 2017.</li> <li>Open Gate 103.2 FM, eastern Uganda, Saturday 24June 2017.</li> <li>KRC Radio, western Uganda, Friday 23 June 2017.</li> <li>KFM Radio 93.3 FM, central Uganda.</li> <li>Thursday 22 June 2017, Hot Seat (7.00 -8.00 pm).</li> <li>CBS 89.2 FM, central Uganda, 18 June2017.</li> <li>Mama 101 FM, central Uganda, Thursday22 June 2017,1.15pm - 3.00 pm</li> <li>A spot message aired 10 times on Radio Simba (central), Radio West (western), Radio Rupiny (north), and Open Gate (East).</li> </ul>	<ul> <li>attended a TV talk show on Fourth Estate on NTV.</li> <li>The Nursing Officer attended two TV talk shows on Record TV on 28 June 2017 and BBS Terefayina on 27 June 2017.</li> </ul>
JULY 2017	A 2-hour radio talk show was held on Metro 90.8 FM on 3 July 2017 from 7.00 pm to 9.00 pm. This was during the 'Olujegere lwe dembe lyobuntu' (the chains on the rights of citizens).	

# From 27 September to 29 September 2017, 6 spot messages were run on Radio Simba: 2 spot messages per day. SEPTEMBER 2017 From 27 September to 29 September 2017, 6 spot messages were run on Radio Simba: 2 spot messages per day. 26 September 2017 and 27 September 2017, two television infomercials were run on NBS TV. 29 September, 1 TV talk show was held on NBS TV during the Morning Breeze show from 9.00 am to 9.30am.

The regulations to the PPTA were gazetted and these will be instrumental in operationalising the PPTA.

ACTV interfaced twice with the Parliamentary Committee on Human Rights, the Ministry of Justice and the Ministry of Foreign Affairs in order to advocate for the ratification of the Optional Protocol to the Convention against Torture (OPCAT). This was not achieved during the year. However, strides were made, with the Committee on Human Rights pledging to champion the cause of moving a motion in Parliament for the ratification of the OPCAT.

ACTV was recognised **by court as an organisation that provides holistic rehabilitation to torture survivors.** In the ruling made my Justice Margaret Oumo-Oguli in the High Court for the 22 suspects who were tortured in connection with the murder of AIGP Andrew Felix Kaweesi, court recognised that ACTV provides rehabilitation and would, therefore, oversee the rehabilitation of the 22 suspects and would provide monthly reports to court regarding the status of the suspects. The article that appeared in the Daily Monitor of 30 Friday 2017 about this is quoted below:

#### National > NEWS

tion. Court rules that the If each be paid ShuGOm tortured while under ary detention.

BY JULIET KIGONGO ogongo@sig runtoownedia.com

The High Court yesterday ordered o pay Shsl 8 billion ts in the murder of spokesperson Felix were torfured in

rgaret Oguli-Oumo each of the tortured mid Shs80m, which Shs1.76b. The judge money will attract to per cent from the ient yesterday until completed.

s are: Abdu-Rashid amanzan Noordin Mugerwa, Bruhan r Baganda, Ahamada n Tusiime, Ibrahim Mohamed Omarite, abo, Yusuf Nyangi, d Gibril Kalyango. bdu Majid, Joshua eikh Musa Ntende, ja, Abdala Kaala, Ui Mugoya, Asuman sileh Ddamulira. ustified the 20 per account that the r homes but their

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t that the suspects inhumaneacts and vore degraded and police and UPDF heir custody. I so be compensated ch for violating torturing them,'

were violently sted by military awfully detained ody where they to their lawyers. res," she added. ordered the

# Kaweesi murder suspect to get Shs1.8b for torture



On trial: Suspects in the murder case of Felix Kaweesi display the wounds they sustained while in detention in Naturonya this year, issue or account the work.

government to treat the suspects for all the torture injuries but ruled that the African Centre for Treatment and Rehabilitation of Torture Victims should oversee the treatment and give court a monthly

report regarding their medical

However, the judge declined to release the auspects on account that they had pending murder charges in the Nakawa Chief Magistrate's

Court. Justice Oguli observed that it was unlawful to remand the suspects in police custody even after being formally charged before Nakawa Chief Magistrate's Court yet an order to remand them at Luzira prison had been issued.

Investigations still on

Prosecution says investigations into their charges are still ongoing and the suspects have to routinely report to Nakawa Chief Magistrate's Court until completion of the inquiries when they can be committed to the High Court for

The compensation of the 22 suspects followed an application by human rights lawyer Ladislaus Rwakafuuzi, stating that they had been tortured while in military and police custody.

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According the suspec at Kulambi bodyguard -

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#### PAST CASES OF TORTURE COMPENSATION

Costs: According to Uganda Human Rights Commission (UHRC) annual reports, since its establishment in 1998. government has lost over Sha3b of taxpayers' money in compensation of torture victims.

2017: Uganda Human Rights Commission (UHRC) last month ordered an award of Shs48m to Mr Gideon Tugume, a journalist with a local FM radio station, after he was shot by police as he covered Opposition politician Dr Kizza Besigye's activities at Kibuye roundabout in 2011.

Police shot Mr Tugume despite his pleas that he was a journalist on duty. He also reported harassment, torture and ille

Akello and Ch as compens treatment

2010: UHR compensation 33-year-old hands were soldier.

2015: The H government Lord Mayor En She75m at 5 malicious w Police State subsequent protesting age of the police

#### **Case Story**

#### TORTURE SUSPECTS AWARDED COMPENSATION BY THE COURTS OF LAW

#### 22 suspects arrested in connection with murder of AIGP Andrew Felix Kaweesi

On 22 May 2017, 22 suspects arrested in connection with the murder of Assistant Inspector General of Police, Andrew Felix Kaweesi, sued the Attorney General, citing torture by police personnel during their detention at Nalufenya police station in Jinja district. The suspects alleged that they were gruesomely tortured and eventually promised huge sums of money if they confessed to the murder of the AIGP.

In response, the High Court ordered that all the 22 suspects remanded be immediately subjected to an independent medical examination to ascertain whether or not they were tortured while in custody. A court order was issued to ACTV by the Hon. Lady Justice Margaret Oguli-Oumo to carry out examinations of the suspects, after which a report of the findings would be presented in court.

ACTV acted on the court order and conducted a medical and psychological assessment of the suspects and filed a report on the same with court. Upon evaluation of the report presented before it, the High Court Judge, Oumo-Oguli, found that torture was indeed meted out to the applicants and declared that the torture of the applicants by both military and police was a violation of their guaranteed constitutional right to freedom from torture and cruel, inhuman, degrading treatment under Articles 24 and 44 of the Constitution of Uganda and ordered the State to pay UGX 80million (USD 22,000) to each of the suspects as compensation for the damages suffered as a result of torture.

#### Jasper Natukunda

Jasper was among hundreds of people that were carrying a petition to the office of the Resident District Commissioner (RDC), Rukungiri district on 12 September 2012 to protest the sorry state of Mitano Bridge, Rukungiri Municipality.

As the congregation marched peacefully and unarmed with the petition in hand, the police dispersed the procession by spraying tear gas at the demonstrators and battering them with gun butts. In the melee, the police arrested Jasper, who was carrying the petition and detained him.

He was gravely tortured in custody and his bladder shattered; as a result, he carried a catheter with him that helped him urinate in a polythene bag. ACTV supported this case not only to prosecute the individual but also the state since the individual might not have been in a position to pay for the costs of the case and damages that might be awarded to the complainant. The case, though filed in Kampala, was transferred to Kabale over court's jurisdiction. The High Court on 20 December 2017 in Kabale district awarded Jasper 270 million shillings as compensation for the torture by police.

#### **4.0 CHALLENGES**

- Implementation of the PPTA, especially in relation to litigating cases of torture, is still a slow process, coupled with the lack of a witness protection law. The witness protection bill has not yet been passed into law.
- Inability of most CID officers to raise charges basing on the PPTA as opposed to the Penal Code.
- Compensation of survivors of torture is delayed owing to budgetary constraints, thus marginalising the survivors further.

#### **5.0 LESSONS LEARNT**

- Fighting torture requires a multipronged approach with communities, CSOs, the media, government agencies and criminal justice actors working together. If communities have no understanding of what torture is and do not report it as such, the police will not record it as torture which, in turn, affects how the case will be presented in court. Therefore, sensitisation of communities and empowerment of criminal justice actors is paramount in the fight against torture.
- Reintegration of torture survivors from a prison setting is costly and yet it is important if they are to live productive lives. Communities' acceptance of survivors who are former prisoners is a slow process, which requires that reconciliation and reintegration be brokered by a neutral party. There must be forgiveness and healing on the part of both the survivors and the communities.

#### **6.0 THE WAY FORWARD**

- Sustained awareness creation in the communities through dialogues, barazas, media advocacy, and social media and partnering with local video halls; and training of key stakeholders in the PPTA.
- Sustained advocacy in partnership with the Coalition Against Torture for the implementation of the PPTA, the enactment of the witness protection bill into law, ratification of the OPCAT targeting parliamentarians, criminal justice actors and the JLOS actors, among others.

### 7.0 FINANCIAL SITUATION AND INSTITUTIONAL DEVELOPMENT IN 2017

The annual approved budget for the organisation for 2017 was UGX 2,073,361,060 and our actual income for the year was UGX 1,988,549,464. We experienced a shortfall of UGX 89,811,596 for the year.

**Table 8: ACTV Balance Sheet** 

	December 31, 2017
ASSETS	
Current Assets	
Other Current Assets	
Prepayment	665,655,140.65
Total Other Current Assets	665,655,140.65
Cash at Bank and in Hand	
Total Cash at Bank and in Hand	748,515,052
Total Current Assets	1,414,170,192
Current Liabilities	
Other Current Liabilities	
Accrued Expenses	-
Total Other Current Liabilities	-
Total Current Liabilities	-
TOTAL ASSETS LESS CURRENT LIABILITIES	1,414,170,192

NET ASSETS	1,414,170,192
Capital and Reserves	
Retained Earnings	62,101,645.04
Opening Bal. Equity	974,684,663.11
Profit for the Year	377,383,884.28
Shareholder Funds	1,414,170,192.43

## **ACTV Staff in 2017**

Samuel Herbert Nsubuga, - Chief Executive Officer

Esther Akello, - Head of Finance and Administration

Daniel Lubinga, - Accountant

Esther Nabwire, - Ag. Head of Programmes

Michael Bamulageyo - Programme Manager, Kampala Alfred Okettayot - Programme Manager, Gulu Kenneth Bagonza - Medical Coordinator, Kampala James Ogwal Opio - Medical Coordinator, Gulu

Leila Wakabi Hassan - Ag. Mental Health Coordinator

Isaac Ogwal - Clinical Psychologist, Gulu
Juliet Anango - Legal Officer, Kampala
Tony Ojok Obonyo - Legal Officer, Gulu
Peace Avola, - Social Worker, Kampala

Beatrice Acayo - Social Worker, Gulu

Apollo Robinson Kinyera - Physiotherapist, Kampala Godfrey Musangania - Physiotherapist, Gulu

Alex Kigoye - Nurse, Kampala Susan Labeja - Nurse, Gulu

Robinah Nabatanzi - Accounts Assistant, Kampala Augustine Nkurunziza - Accounts Assistant, Gulu Peter Opio - Transport Officer, Kampala Charles Ayella - Transport Officer, Gulu Benon Kanyanzira - Office Attendant, Kampala

Santos Okaa - Office Attendant, Gulu

## **Volunteers**

Annet Nantume - Nurse

Jolie Nsengimana - Interpreter

Baker Isabirye - Counseling Psychologist

Grace Namatovu - Data Clerk

Kirya Mukalere Paul - Communication and Advocacy

# **Board Members**

### **Board Chair**

Dr Moses Kizza Musaazi

## **Treasurer**

Ms Judy Kamanyi

# **Members**

Dr Margaret Mungherera(RIP) Ms Margaret Sekaggya Mr Livingstone Okello-Okello

# Secretary

Mr Samuel Herbert Nsubuga



#### **APPRECIATION – MS JUDY KAMANYI**

Ms Judy Kamanyi served on the Board of ACTV for 10 vears (2007 – 2017) where she brought passion, intellect, insight, experience and resources to the organisation. ACTV thanks her in a special way for not holding back, and for being available and professional throughout her tenure. The ACTV family will miss your wise counsel and guidance.

### DR MARGARET MUNGHERERA - IN MEMORIAM

Dr Margaret Mungherera passed away on 4 February 2017 after losing the battle to colon cancer. She joined the Board of ACTV in 2008.

She was a Consultant Psychiatrist and she was a lead facilitator in training medical, legal and human rights officers in the Istanbul Protocol guidelines which assist in the effective documentation of torture as Forensic Psychiatry was her specialty.

Dr Mungherera was an extremely valuable asset to ACTV: she was the link to the Ministry of Health, being that we are a torture treatment and rehabilitation centre. She was reelected five times as President of the Uganda Medical Association and was also President of the World Medical Association (2013-2014). We shall miss her drive, focus and determination in the pursuit of her vocation, in the course of which she also embraced human rights. May her soul rest in eternal peace.



### A POEM IN APPRECIATION OF THE ACTV STAFF

### **LET THE BRAINS BREATHE**

Let the brains breathe, allow your thoughts to fly, Sail through your worries, descend upon your fears How are you feeling today? What a wonderful ACTV family!

You are so green, full of life, Burgeoning and flowering, full of fruit Harvest the rotten and ripe, I cannot think of anything productive as teamwork Let our ideals be our ideas Our vision, our inspiration

Delight in this day; forget the zeros for now, Think of yourself as heroes, there are no dead heroes Mount on the achievements harnessed so far, let's keep ascending The buzzing of the bees, it's an acknowledgement of this vibrant force we have You are my worker bees of ACTV ACTV must be proud of you

You have been tested and tried but trampled upon, Pushed beyond giving up but embraced service above self

Despair not; wear away the mystery of no life tomorrow

You are capstones, you are hope

Your voice rejuvenates a sense of belonging for the tortured,

You are my care for caregivers

Composed and written by **Kirya Mukalere Paul** 

### **APPRECIATION TO PARTNERS**

ACTV would like to thank all its partners who supported the organisation financially and in kind throughout 2017. The achievements highlighted in this report are as a result of your dedication to the fight against torture. We appreciate our development partners that include the Democratic Governance Facility (DGF), Sigrid Rausing Trust (SRT), the Fund for Global Human Rights (FGHR), the International Rehabilitation Council for Torture Victims (IRCT) and the United Nations Office of the High Commissioner for Human Rights (UNOHCHR).

We further appreciate our partners in the public and private domains that refer clients to ACTV, the Coalition against Torture, Uganda Human Rights Commission, the Justice, Law and Order Sector (JLOS) institutions and the Ministries, Departments and Agencies (MDAs). Thank you for showing a commitment to realising our vision of a world free from torture.

### **COALITION AGAINST TORTURE MEMBERS**

- 1. African Centre for Treatment and Rehabilitation of Torture Victims (ACTV) Chairperson
- 2. Association of Human Rights Organisations in the Rwenzori Region (AHURIO)
- 3. Avocats Sans Frontières (ASF)
- 4. Chapter Four Uganda
- 5. Coalition of Uganda Private Schools Teachers Association (COUPSTA)
- 6. Foundation of Human Rights Initiative (FHRI)
- 7. Human Rights Centre– Uganda (HRC-U)
- 8. Human Rights Focus (HURIFO)
- 9. Human Rights Network Uganda (HURINET)
- 10. Human Rights Network for Journalists (HRNJ)
- 11. Kumi Human Rights Initiative (KUHURI)
- 12. Muslim Centre for Justice and Law (MCJL)
- 13. National Coalition for Human Rights Defenders Uganda (NCHRD-U)
- 14. Refugee Law Project (RLP)
- 15. The Uganda National Medical Alliance for Prisoners Support (TUNMAPS)
- 16. Torture Survivors Association Uganda (TOSA-U)
- 17. Uganda Prisoners Aid Foundation (UPAF)
- 18. Women of Uganda (WOU)
- 19. World Voices Uganda



African Centre for Treatment and Rehabilitation of Torture Victims (ACTV)				

