



**AFRICAN CENTRE FOR TREATMENT
AND REHABILITATION OF
TORTURE VICTIMS**

**A STUDY ON THE BARRIERS TO
THE EFFECTIVE IMPLEMENTATION
OF THE PREVENTION AND PROHIBITION
OF TORTURE ACT, 2012 (CAP 130)**

**RESEARCH
REPORT**

November
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ABOUT ACTV.

The African Centre for Treatment and Rehabilitation of Torture Victims (ACTV) is a Non-Governmental Organization that was established in 1993 and is located in Uganda (East Africa). ACTV advocates against torture, treats and rehabilitates survivors of torture and violence of both Ugandans and Refugees. It is a one-stop centre that offers holistic rehabilitation services to Survivors of torture and violence.

Vision: A World free from torture.

Mission: To advocate against torture, gender-based violence and other forms of violence and provide holistic care to survivors.

Core Values: Teamwork, Integrity, Professionalism and Compassion

ACTV STRATEGIC PILLARS.

1. Pillar 1: Holistic Treatment and Rehabilitation
2. Pillar 2: Advocacy for Torture Prevention
3. Pillar 3: Research and Documentation
4. Pillar 4: Livelihood Support
5. Pillar 5: Legal Aid
6. Pillar 6: Enhance Institutional Sustainability

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LIST OF ABBREVIATIONS

ACTV	African Centre for Treatment and Rehabilitation of Torture Victims
CDO	Community Development Officer
CIDT	Cruel, Inhuman or Degrading Treatment or Punishment
CSOs	Civil Society Organisations
GBV	Gender Based Violence
ISO	Internal Security Organization
KRANET	Karamoja Rights Advocates Network
NGOs	Non-Government Organizations
NPM	National Preventive Mechanisms
MGLSD	Ministry of Gender, Labour and Social Development
MJCA	Ministry of Justice and Constitutional Affairs
ODPP	Office of the Director of Public Prosecutions
OPCAT	Optional Protocol to the Convention Against Torture
PPTA	Prevention and Prohibition of Torture Act
UGANET	Uganda Network on Law Ethics and HIV/AIDS
UHRC	Uganda Human Rights Commission
UN	United Nations
ULS	Uganda Law Society
UNCAT	UN Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment
UPDF	Uganda People's Defense Force

EXECUTIVE SUMMARY



“
Despite legal provisions and ratifications, torture and ill-treatment violations persist,...

”
The study focuses on the barriers to the effective implementation of the Prevention and Prohibition of Torture Act 2012 in line with international obligations such as the UN Convention against Torture and the national legal framework. Despite legal provisions and ratifications, torture and ill-treatment violations persist, with high reported cases and limited investigations and prosecutions. Uganda ratified the UN Convention against Torture,

domesticating it through the PPTA in 2012. The Act defines torture broadly and prohibits it under severe penalties, aligning with constitutional guarantees and international standards.

Annual reports from the UHRC and NGOs like ACTV highlight a significant number of torture complaints and cases, with certain regions reporting higher incidences. Barriers to effective implementation of the PPTA include; the non-ratification of the Optional Protocol on the Convention Against Torture (OPCAT), the lack of clarity in defining cruel, inhuman, or degrading treatment or punishment (CIDT), and inadequate witness protection measures, inadequate institutional capacity and corruption within implementing agencies, financial and human resource constraints which hinder operational effectiveness and timely compensation for victims, infrastructural and technological limitations, socio-cultural factors that normalize certain forms of torture and discourage reporting, and lack of political will and impunity within security agencies further hinder accountability.

The study utilized a mixed-methods approach, combining qualitative interviews with duty bearers and victims, surveys among community members, and literature/document reviews to assess the situation comprehensively.

In the study 278 (105F, 173M) respondents were engaged in the study these were representative of 10 regional districts including Northern (Amuru, Gulu) Western (Hoima, Kasese), Central (Kampala, Mpigi), Eastern (Jinja, Iganga), Karamoja (Kabong, Moroto). These

were subjected to Interview guides and questionnaires to provide first-hand information on the subject matter.

The following findings were established:

- Torture understood by majority as degrading, inhuman, cruel and punishable acts that deprive people of their rights.
- 63.2% of the respondents reported to have been victims of torture at one point in time and 34% of these reported to have known someone or witnessed torture.
- Among the commonly known types of torture is the physical reported at 38.8%, followed by psychological at 30.6% and sexual torture at 18.5%.
- Notably within the Northern region (Amuru and Gulu), apart from the war insurgency, cases of tribal and land conflicts were reported as more causes of torture to the locals compared to other regions.
- In Karamoja sub region (Moroto and Kabong), most respondents reported tribal conflicts and economic issues, particularly cattle rustling as major contributors to notable cases of torture in the region.
- In the central region of Kampala and Mpigi, vulnerability and political differences were reported to cause many torture cases.
- Among the key perpetrators were family members at 20.3%, followed by the Army officials at 15.7% and police officers at 14.8%.

- Men were reported to be the perpetrators of torture at 83% compared to women at 17%.
- Among the key reasons for torture: Interacting with communities revealed that a lot of marital disputes (23.4%) and Minority/Vulnerable discrimination (18.2%) culminate into torture in Uganda.
- Respondents reported that torture perpetrators; not tried in courts are at 6.8%, a few arrests at 13.6%, others pardoned /forgiven at 20.4%, reported at 34% and majority let free at 38.1%.
- Reported practices used for torture include shackling, beating, electrocuting, and injecting unknown substances, often as a means of making detainees confess to the accusations leveled against them. Sexual torture methods undressing, sexual assault and rape. Psychological torture is exerted through incommunicado detentions for days, blindfolding, continuous threats and intimidation, denial of sleep, public humiliation, being put in solitary confinement, behavioral coercion and denial of access family and relatives.
- Among the Effects, depression was sound and visible among the torture victims at 28.8% injuries especially among those that were physically tortured at 24.9%, Trauma at 13.2% among those psychologically tortured and same cases of permanent disabilities among the victims.

Regarding the services that torture victims received, there was largely lack of legal representation at 13.7% and compensation at 7.1%. However, Family members were reported to be at the helm of provision of timely responses, Non-governmental organization reported at 38.9% and lastly many respondents reported that Government agencies take long to respond at only 16.5%.

- Regarding awareness on the Prohibition and Prevention of Torture Law, media including Radios and television were the major channels at 47.8% and community sensitization especially conducted by NGOs at 44.8%.
- However, majority of the respondents at 61.1% indicated that the PPTA law is not implemented in Uganda. Among the notable barriers to implementation of the PPTA; Legal (lack of clarity, inadequate witness protection, limited awareness and education on the law, lack of abridged and translated version of laws); Financial and human resource (limited budget allocation, Difficulty in identifying perpetrators of torture, Delayed compensation, Human resource deficit); Institutional barriers (involvement of security agencies in the enforcement of the law, Limited prosecution by DPP); Socio-cultural, political and legislative and policy reforms.

Based on the findings, torture is a crime that is prevalent in Uganda. With implementation of the above recommendations, it will become easy to manage and ultimately decimated



1.0 INTRODUCTION

The Prevention and Prohibition of Torture Act 2012 marked a significant step in Uganda's commitment to human rights and the prevention of torture. This report aims to examine the barriers that hinder the effective implementation of this important legislation and proposes recommendations to address these challenges.

The African Centre for Treatment and Rehabilitation of Torture Victims (ACTV) is a Non- Governmental Organization whose mandate is to advocate against torture, GBV and other forms of violence from state and non-state actors and provide holistic care to survivors. ACTV with support from the Royal Embassy of the Kingdom of the Netherlands is implementing a project titled "Strengthen torture and ill treatment prevention and accountability mechanisms in Uganda." Through this project, ACTV sought the services of a Consultant to undertake a research on the barriers to effective implementation of the PPTA.

The PPTA was enacted in 2012 ago and it is necessary assess its implementation in relation to accountability for acts of torture and the rehabilitation of survivors of torture. The key challenges relating to the implementation of the law but also the ways through which implementation can be effected to achieve the set objectives in the law.

With this in mind, it was important to carry out a research to inform ACTV and other relevant stakeholders to take action in addressing the barriers to effective implementation of the PPTA (2012).

1.1. Background to the study

Freedom from Torture, Cruel, Inhuman and Degrading Treatment is guaranteed by Article 24 of the Uganda Constitution and made an absolute freedom by Article 44(a) of the same Constitution. Uganda ratified the UN Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (UNCAT) in 1986 and is a party to a number of other regional and international treaties that outlaw torture and other forms of ill-treatment. These include but are not limited to the Universal Declaration of Human Rights (Article 5), International Covenant on Civil and Political Rights (Article 7), Convention on the Rights of the Child (Article 37) and the African Charter on Human and Peoples' Rights (Article 5).

Uganda domesticated the UNCAT and passed the Prevention and Prohibition of Torture Act, 2012 on the 26th April 2012. Under Section 2 of the PPTA, torture means any act or omission, by which severe pain or suffering whether physical or mental, is intentionally inflicted on a person by or at the instigation of or with the consent or acquiescence of any person whether a public official or other person acting in an official or private capacity for such purposes as:

- Obtaining information or a confession from the person or any other person;
- Punishing that person for an act he or she or any other person has committed, or is suspected of having committed

- or of planning to commit; or
- Intimidating or coercing the person or any other person to do, or to refrain from doing, any act.

Schedule 2 of the PPTA further provides a list of acts that amount to the different forms of torture namely; physical, mental or psychological and pharmacological torture.

Notwithstanding the legal regime, the violation of the right to freedom from torture and ill-treatment has remained the highest recorded violation. According to the UHRC 2022 Annual Report, the alleged violation of the freedom from torture ranked highest among the complaints registered, with 277 (36%) complaints, a 6% increase compared to 2021 (261 complaints).¹ The Moroto regional office registered the highest number of complaints which involved the alleged violation of the right to freedom from torture, with 56 complaints, followed by the Soroti and Central regional offices, with 54 and 43 complaints, respectively.²

ACTV registered 6230 cases of torture between the years 2016 to 2020.³ Despite these high numbers, only a few cases have been investigated and there have been no criminal prosecutions of public officials using the PPTA. The UHRC noted that it experienced difficulties during its investigations in securing comprehensive

1 UHRC, 'The 25th Annual Report on the state of Human Rights and Freedoms in Uganda in 2022,' p.205

2 *Ibid*

3 ICRT, *UPR Briefing Note: Torture and ill-Treatment in Uganda, 2021* p.2. https://irct.org/wp-content/uploads/2022/08/Briefing-note_Uganda_2021.pdf

medical reports from health institutions as evidence to corroborate allegations of human rights violations, particularly allegations of torture.⁴ According to the 2021 ACTV Annual Report, the UPDF, private individuals and the Uganda Police are among the leading perpetrators of torture.⁵

The PPTA was twelve years back to address torture and related issues. However, considering the continuous cases, this study commissioned by ACTV was undertaken to address the barriers to effective implementation of the PPTA.

1.2. Objectives of the Study

The main objective of the study was to assess the situation of Torture prevalence, the level of implementation of the PPTA and establish the barriers to the effective implementation of the PPTA. The specific objective were:

1. To assess the current situation on torture to highlight the prevalence of torture in the country.
2. To establish the level of awareness on the PPTA among the right holders and dutybearers.
3. To assess the level of implementation on the PPTA among

4 *Ibid* p.211

5 ACTV, 'Beyond Number Annual Report 2021,'p.11

the relevant Institutions including cases adjudicated under the PPTA.

4. To assess the factors that affect implementation of the PPTA 2012.

1.3 Methodology

1.3.1. Study Design

The study employed a cross sectional research design. Cross-sectional design also known as 'one shot' or 'status studies' because of its appropriateness when time and resources are limited. Within this design, a mixed method (both Qualitative and Quantitative) was used for study, which provided for in-depth, extensive data consequently leading to detailed analysis of findings.

1.3.2. Study Population, Sampling Techniques, and Sample size

The study targeted 278 respondents, comprising 105 females and 173 males

The Study was conducted in the 10 representative Regional Districts of Northern (Amuru, Gulu) Western (Hoima, Kasese), Central (Kampala, Mpigi), Eastern (Jinja, Iganga), Karamoja (Kabong, Moroto).

Data collection involved the use of purposive sampling and simple random sampling methods to gather information from duty bearers, torture survivors, and rights bearers. Different data collection tools were employed for each group, as indicated below:

Category of respondents	Study Popn.	Sample size	Female	Male	Each District (10)	Data collection tool
Duty Bearers	100	82	30	52	8	Interview Guide
Right Holders (Community Members)	250	152	60	92	16	Questionnaire
Torture, Survivors and Witnesses	50	44	15	29	5	Interview guide
Total	370	278	105	173	29	

Source: Krejcie, R. V., & Morgan, D. W. (1970). *Determining sample size for research activities*

1.4 Data Collection Methods

1.4.1 Key Informant Interviews



a) *Technocrats (Duty Bearers)*

The Consultant conducted interviews with technocrats and stakeholders through face-to-face interviews email exchanges, and phone conversations. Data collection utilized an interview guide (Annex 1). Key entities included the Ministry of Justice and Constitutional Affairs, Ministry of Internal Affairs, Ministry of Gender, Labour and Social Development, Uganda Human Rights Commission, Judiciary, Uganda Police Force (UPF), Uganda Prisons Services, Uganda Peoples' Defence Forces (UPDF), Office of the

Director of Public Prosecutions (ODPP), JLOS Secretariat, Uganda Law Society, and Non-Governmental Organizations (NGOs)/Civil Society Organizations such as ACTV, Action for Development (ACFODE), FIDA (U), Human Rights Watch, and Foundation for Human Rights Initiative (FHRI), among others.

b) *Interviews with Torture, survivors and witnesses*

Face-to-face interviews were conducted with survivors and witnesses of torture in the selected study districts. Open-ended questions were the preferred mode of communication between the consultant and respondents to gather in-depth information. (The Interview Guide for survivors, and witnesses is attached as Annex 2). The snowball sampling technique was employed, whereby initial informants were relied upon to nominate other participants who were survivors, or witnesses of torture in their locality but also ACTV regional centers were used to identify some of their clients willing to be part of the study.

c) *Questionnaire Survey*

Respondents from communities within the targeted districts were engaged in the study using simple random sampling. A simplified questionnaire (Annex 3) was developed, and the research team employed research assistants with in their respective districts to collect data from community members (Right Holders). This data was quantitatively analysed and interpreted to inform key recommendations.

1.4.2. Literature and document review

The consultant team conducted a desk review of international, regional, and national instruments relevant to the effective implementation of the Prevention and Prohibition of Torture Act 2012. Additionally, they reviewed reports from the Uganda Human Rights Commission, ACTV, national and international NGOs, and other stakeholders.

1.5. Data Management and Analysis



The information collected from the Key informant interviews was analyzed using qualitative methods, and merged with key outcomes from the literature review and questionnaires to paint a clear picture of perspectives, and develop evidence based recommendations for the report. The data collected from the questionnaires was to be analyzed through Statistical Package for the Social Sciences (SPSS).⁶ This is presented through info graphics and tables, analyzed to provide an in-depth quantitative analysis of the study topic. This draft report shall be presented and validated by a select team provided by the organization. Input from the validation workshop shall be included in the report and final document shall be submitted for approval.

⁶ <https://surveysparrow.com/blog/what-is-spss/> accessed 23 March 2024.

1.6. Limitations of the Study

The study on the barriers to the implementation of the PPTA had notable limitations. The study only covered 10 districts (2 per each region) out of the 146 districts across the country which may not fully be representative of the diverse perspectives and experiences across different regions, ethnic groups, and socio-economic backgrounds in Uganda. Limited funding given the wide scope and the short study timeframe affected the extent of data collection efforts.

There was also limited access to official information, and deliberate concealing of certain facts within targeted respondents especially from the Uganda police, judicial officers, Prisons and UPDF authorities' majority who declined to give audience to interviewers citing sensitivity of the information sought.

2.0. DEFINITION OF TORTURE

An article by the African Centre for Treatment and Rehabilitation of Torture Victims (ACTV) defines torture as means causing great physical or mental pain or suffering to a person, who is held in detention.⁷ Section 2(1) of the Prevention and Prohibition of Torture Act 2012 (PPTA 2012) defines torture as any act or omission by which severe pain or suffering whether physical or mental, is intentionally inflicted on a person by or at the instigation of or with the consent or acquiescence of any person whether a public official or other person acting in an official or private capacity for such purposes as section 2(1)(a) obtaining information or a confession from the person or any other person; 2(1)(b) punishing that person for an act he or she or any other person has committed, or is suspected of having committed or of planning to commit; or 2(1)(c) intimidating or coercing the person or any other person to do, or to refrain from doing, any act. This legal definition of torture shall be adopted for purposes of this report.



⁷ The Law against Torture: Explaining the Prevention and Prohibition of Torture Act (2012). https://www.apt.ch/sites/default/files/publications/simplified-anti-torture-law-uganda_0.pdf

3.0 CURRENT SITUATION OF TORTURE AS A CRIME IN UGANDA

3.1. Insights from the 26th Annual Report on the State of Human Rights and Freedoms in Uganda in 2023

3.1.1. Human Rights violations



According to the UHRC, the alleged violation of freedom from torture ranked highest among the complaints registered at their regional offices with 127 (31%) complaints. These were followed by complaints involving the alleged violation of the deprivation of personal liberty with 119 (26%) complaints. Moroto regional office registered the highest number of complaints which involved the alleged violation of the right to freedom from torture with 28 (21%) complaints followed by Central and Gulu Regional offices with 23 (18%) and 18 (14%) complaints respectively. The allegations of torture reported to Moroto Regional office were attributed to the disarmament exercise that was conducted by the law enforcement and security agencies during the period under review.

3.1.2. Torture and ill treatment of Juvenile offenders

The UHRC investigated the death of a juvenile named Lomiat Lokomolo who died in detention at Gulu Remand Home due to

starvation. Lomiat and several others were facing charges of cattle rustling. The Commission was informed that the juveniles were denied medical treatment while at the remand home, that they were starved and tortured. That they were forced to dig for long hours despite being starved and malnourished and that the officers at the prison would beat them using bamboo sticks while they were digging. Due to public outcry the juveniles were released from the remand home and transferred to St Peter's Community Centre Church of Uganda Kotido-North Karamoja Diocese for rehabilitation.



3.1.3 Insights from the Annual crime report 2023

According to the 2023 Police Annual Crime Report, a total of 866 cases of child abuse and torture were reported to the Police country wide in 2023 compared to 1,240 cases in 2022, giving a 30% decrease in this crime category.

3.3 Insights from the 2023 Country Reports on Human Rights Practices: Uganda

The report noted that there is a strong legal framework that prohibits Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, and Other Related Abuses.⁸ Despite the existence of this framework, there were credible reports that security forces tortured and physically abused suspects, according to Amnesty international and other human rights activities. It was additionally noted that impunity was rampant.

a) ***Alleged torture of 215 opposition supporters during 2021 general elections***

On July 11, media reported a foreign lawyer petitioned the International Criminal Court with testimony from 215 opposition supporters in the country who alleged torture at the hands of security agencies in the aftermath of the 2021 general election.

⁸ US Department of state Annual report on Human Rights Practices. The annual Country Reports on Human Rights Practices, also known as the Human Rights Reports, cover internationally recognized individual, civil, political, and worker rights, as set forth in the Universal Declaration of Human Rights and other international agreements. <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/uganda>

The petition pinned a number of officials as responsible for “aiding and abetting” human rights abuses. A government spokesperson told local media the torture allegations were “attention-seeking propaganda.”

b) *Alleged torture of LGBTQI+ persons by Police*

Human rights organizations reported that police subjected lesbian, gay, bisexual, transgender, queer, or intersex (LGBTQI+) persons to forced anal exams. Impunity was a problem and was widespread within the police, military, prisons service, and executive branch. Security forces did not take adequate measures to investigate and punish officers implicated in human rights abuses, especially in incidents involving political opposition members.



“Impunity was a problem and was widespread within the police”

c) *Poor prison and detention centre conditions*

Gross overcrowding was a problem in prisons, police cells, and unofficial detention facilities. In July 2013, the Uganda Prisons Service (UPS) reported prisons operated at 273 percent over capacity with “four inmates occupying the space allocated for one.”

Members of the Human Rights Committee of parliament in March

reported some inmates were forced to sleep in bathrooms due to overcrowding, which exposed inmates to disease. Legislators also reported overcrowding enabled the spread of sexual abuse among inmates. Former detainees reported prison prefects (inmates upon whom prison authorities bestowed a leadership position to supervise their fellow inmates) often beat their fellow inmates whom they accused of disobeying prison regulations.

Local human rights activists reported that authorities did not always carry out investigations into credible allegations of mistreatment and only took administrative measures against errant officers if the abuses attracted negative publicity.



“prison prefects often beat their fellow inmates whom they accused of disobeying prison regulations.”

Local human rights organizations further reported the government permitted monitoring by independent nongovernmental observers. The International Committee of the Red Cross reported that it visited 13 places of detention in accordance with its standard procedures. Findings from these visits on detainees’ treatment and living conditions were submitted to and discussed confidentially with authorities, including the military, police, and UPS.

d) ***Alleged arbitrary arrests and unlawful detention***

Arbitrary arrests and unlawful detention, particularly of dissidents, were problems. Police and military officials on numerous occasions arrested and harassed opposition supporters, especially those who posted videos on social media platforms such as TikTok that were critical of government officials.

e) ***Alleged pretrial detention***

Case backlogs due to an inefficient judiciary, inadequate police investigations, absence of plea bargaining prior to 2015, insufficient use of bail, and absence of a time limit for the detention of detainees awaiting trial contributed to frequent prolonged pretrial detentions. There was not sufficient information to determine if pretrial detentions frequently equaled or exceeded the maximum sentence for the alleged crime.

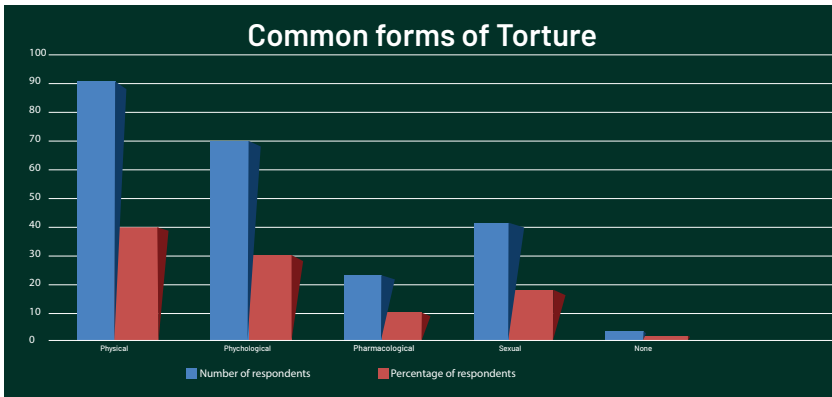
3.4 Results from the field study

The right to freedom from torture remains the most violated human right in Uganda. According to data from the UHRC, complaints related to torture represented a significant increase in registered complaints with 277 (36%) in 2022 from 261 in 2021. Torture in Uganda manifests through various patterns deeply rooted in social, political, and institutional dynamics. Political opponents, activists, and marginalized groups face heightened risks, with torture used as a tool for silencing opposition and instilling fear. Arrests, abductions, and detentions often lead to torture, particularly among suspects, political detainees, and those deemed security threats. Impunity and complicity among some authorities further perpetuate these patterns.

The enforcement of Covid-19 guidelines by security agencies and the 2021 general elections led to an increase in incidences of torture and cruel treatment. ACTV documented 95 cases of torture as a result of enforcement of Covid-19 guidelines by security agencies between the months of March 2020 – December 2020, and 69 cases related to election violence and torture between January 2021 to March 2021.

In the study areas, 63.2% of the respondents indicated to have been victims of torture at one point in time. 34% of these reported to have known someone or witnessed torture. This indicates the recurring and persistent occurrence of torture within communities. Patterns of torture also extend into the realm of domestic violence and family dynamics, where intimate partner violence and intra-family abuse contribute to a broader landscape of human rights violations.

Majority of the respondents reported to be more aware of physical torture, psychological and sexual torture as indicated above. The interviews conducted revealed that domestic violence, including physical, emotional, and sexual abuse within households, often goes unreported and untreated due to cultural norms, stigma, and fear of repercussions.



Victims, typically women and children, may experience ongoing torture-like behaviors that perpetuate cycles of trauma and power imbalance. The social and cultural contexts surrounding domestic violence and family torture are complex, influenced by beliefs about gender roles, authority within the family, and notions of discipline. Societal expectations often prioritize maintaining family unity and avoiding public scandal, leading to underreporting and a lack of intervention.

Similarly, religious beliefs and practices have occasioned torture and degrading treatment of worshippers in the guise of freedom of worship in Uganda. For example, a Pastor in Hoima district was thrust into the public limelight when he was arrested after a video clip surfaced showing him administering swishing lashes on church ushers for late coming.

A wide range of torture practices are used in Uganda. From

the interviews conducted with torture victims, survivors and witnesses, physical torture is commonly by beating, kicking and slapping. In the safe houses and military detentions, perpetrators apply nail plucking, burning, and tying in painful positions. According to Human Rights Watch, ISO officers and guards operating safe houses used several methods to torture victims, including shackling, beating, electrocuting, and injecting unknown substances, often as a means of making detainees confess to the accusations leveled against them.

Some survivors reported sexual torture methods of undressing, sexual assault and rape. Psychological torture is exerted through incommunicado detentions for days, blindfolding, continuous threats and intimidation, denial of sleep, public humiliation, being put in solitary confinement, behavioral coercion and denial of access family and relatives.

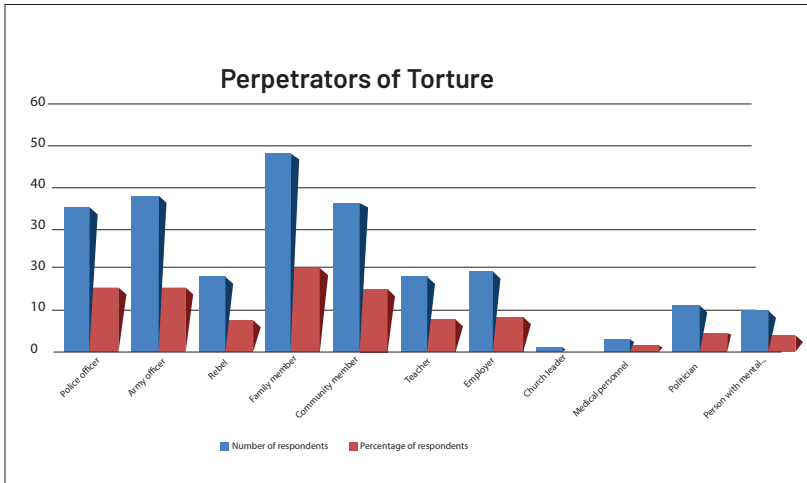
4.0. PERPETRATORS OF TORTURE IN UGANDA



4.1. State actors

According to ACTV and IRCT, Security agencies are the main perpetrators of torture with Uganda Police Force accounting for 30.27% of cases registered, followed by Uganda People's Defence Forces (UPDF) 21.77%, Uganda Prison Services (3.10%), and other para-security forces like; crime preventers, local defence units among others (1.89%).

Additionally, respondents revealed Family members especially as perpetrators of Gender based violence at 20.3%, army officials at 15.7%, Police officer 14.8 %. In the northern region, rebels were spotted out at 7.6% and a current surge of perpetrators within politicians at 4.7%.



4.2. Gender disaggregation

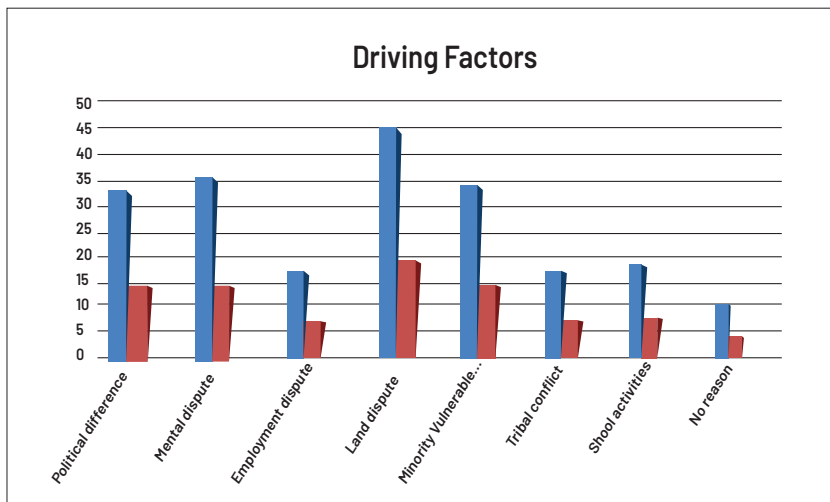
Men were reported to be the perpetrators of torture at 83% compared to women at 17%. Perpetrators of torture in Uganda encompass a wide spectrum, ranging from state actors such as law enforcement agencies and security forces to non-state actors like paramilitary groups and vigilantes. State actors often engage in torture during arrests, interrogations, and detentions, with allegations highlighting abuses of power and lack of accountability.

4.3. Non-state actors

Non-state perpetrators, operating with impunity, contribute to the prevalence of torture, posing challenges to justice and accountability. Institutional complicity within prisons and detention centers further perpetuates torture patterns. Additionally, private individuals, including family members and caregivers, also often inflict torture in domestic or community settings.

5.0. DRIVING FACTORS FOR THE PERPETRATION OF TORTURE

Torture in Uganda is a multifaceted issue driven by a range of factors that intersect at various levels of society and governance. One significant driver is political suppression, where state actors use torture as a tool to stifle dissent and intimidate opposition figures, especially during periods of political unrest or elections. Inadequate training and oversight within law enforcement agencies contribute to its prevalence, as interrogations may resort to coercive tactics to obtain quick results or confessions. 13.5% Political difference, 23.4% Marital dispute, 10.9% employment dispute, 12.5% land dispute, 18.2% Minority/vulnerable discrimination, 8.9% tribal conflict, 6.8% school activities and 5.4% no reason.



Interacting with communities revealed that a lot of marital disputes (30.4%) culminate into torture in Uganda. This is characterized with domestic violence between partners who victimize each other. In many cultural settings, women are socialized to be subordinates to men, unequal power relations making them vulnerable and susceptible to torture. But also the “People with Power” are reported to use it against the powerless citizens. A respondent from Amuru stated that:

“You can never see a common man coming to displace people from their land, beat them up, burn the houses and even some kill them. It is these people with power and we don’t even have where to report them”

Furthermore, justifications under the banner of national security can erode legal safeguards, allowing for abuses of power. Discrimination against marginalized groups, influenced by cultural perceptions and societal norms, also exacerbates vulnerability to torture, while impunity and weak accountability mechanisms perpetuate its use by creating an environment where perpetrators believe they can act without consequences. Torture in families was reported to be mainly based on the cultural practices related to marriage, property inheritances, and the vulnerability of women. Additionally, economic disparities and power imbalances lead to its exploitation for control or personal gain.

6.0. EFFECTS OF TORTURE

The effects of torture on victims in Uganda encompass; physical, psychological, social, and legal dimensions. Physically, victims often suffer severe injuries such as bruises, cuts, fractures, and internal organ damage, leading to long-term health complications and disabilities that impact their daily lives.

28.8% of the respondents indicate depression as the major effect of torture followed by Injury at 24.9% and trauma at 13.2%. This was also reechoed by the torture survivors who recall having gone into series of thoughts, stigma, and isolation among others due to the torture they underwent. A lady recalled:

“When we came back to our communities after being abducted by Joseph Kony rebels, many of our family members and the neighbors never wanted us, they saw us also rebels too, we were isolated and treated like outcasts. I felt so bad that I felt like committing suicide most times”

The psychological impact of torture is perhaps the most devastating, as survivors commonly experience Post-Traumatic Stress Disorder (PTSD), anxiety, depression, nightmares, and flashbacks, affecting their emotional well-being, relationships, and overall quality of life. This trauma can also lead to social stigma and isolation, as victims may face discrimination and fear further abuse or retaliation if they disclose their experiences. In 2021, 1,032 survivors presented with physical effects and were offered medical treatment, 175 presented with psychological effects, and

227 with social effects and were offered mental health services and social support respectively by ACTV.

There is loss of trust in authorities and the justice system which compounds the challenges faced by torture survivors, hindering their access to justice and redress.

Financially, torture disrupts victims' ability to work, leading to economic instability and barriers to accessing necessary medical and legal support. Victims were found to have suffered loss of livelihood, unemployment, discrimination and stigmatization, isolation and family breakdown.

7.0 THE LEGAL AND POLICY FRAMEWORK ADDRESSING TORTURE IN UGANDA

NO	INSTRUMENT	DESCRIPTION
7.1 INTERNATIONAL INSTRUMENTS		
	7.1.1 The Universal Declaration of Human Rights (UDHR) 1948	Article 5: states that No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.
	7.1.2 The International Covenant on Civil and Political Rights (ICCPR) 1966	Article 7: states that No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.
	7.1.3 The Convention Against Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment (UNCAT) 1987.	Article 4.1: states that each State Party shall ensure that all acts of torture are offences under its criminal law. The same shall apply to an attempt to commit torture and to an act by any person which constitutes complicity or participation in torture.
7.2 REGIONAL INSTRUMENTS		
	6.2.1 The 1981 African Charter on Human and Peoples' Rights	Article 5: prohibits all forms of torture, cruel, inhuman and degrading treatment against any individual.

	7.2.2 The 1989 Convention on the Rights of the Child (CRC)	Article 37(a): requires state parties to ensure that no child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment.
7.3 NATIONAL INSTRUMENTS		
	7.3.1 The Constitution of the Republic of Uganda 1995	<p>Article 24: Provides that no person shall be subjected to any form of torture, cruel, inhuman or degrading treatment or Punishment.</p> <p>Article 44: Stipulates that there shall be no derogation from enjoyment of the right to freedom from torture, cruel, inhuman or degrading treatment or punishment.</p>
	7.3.2 The Prevention and Prohibition of Torture Act Cap 130	This Act gives effect, in accordance with Articles 24 and 44(a) of the Constitution, to the respect of human dignity and protection from inhuman treatment by prohibiting and preventing any form of torture or cruel, inhuman or degrading treatment or punishment; to provide for the crime of torture; to give effect to the obligations of Uganda as a State Party to the UNCAT and other related matters.
	7.2.6 The Human Rights (Enforcement) Act Cap 12	This Act gives effect to article 50 (4) of the Constitution by providing for the procedure of enforcing human rights under Chapter Four of the Constitution; and for related matters.

7.2.7 The Anti-Terrorism Act, Cap 120	Section 24(e): also criminalizes the engagement in torture, inhuman and degrading treatment, illegal detention or intentionally causing harm or loss to property, by any authorized officer.
7.2.5 The Prevention and Prohibition of Torture Regulations, 2017	As provided for in Section 24 of the Act, these regulations were made to operationalize the PPTA. The regulations prescribe the procedures and forms for handling complaints, investigating and reporting of torture.
Judicature (Fundamental and Other Human Rights and Freedoms) (Enforcement Procedure) Rules, 2019.	These Rules were made under the Judicature Act Cap 16 to promote the right of any person to institute court action where he or she believes that a fundamental right or other human right or freedom under Chapter Four of the Constitution (including freedom from torture) has been violated or that there is a threat that it is likely to be violated.

8.0 CRIMINAL PROSECUTION AND CIVIL SUITS/ CLAIMS REGARDING TORTURE



Addressing cases of torture in Uganda involve three main legal avenues: criminal prosecution, civil suits, and complaints to the UHRC. Each mechanism has its unique features, strengths, and challenges, shaping how victims seek justice and redress.

8.1 Criminal Prosecution

Criminal prosecution is primarily governed by the PPTA, which criminalizes acts of torture and prescribes severe penalties, including life imprisonment for aggravated torture. Victims often file complaints with the police, the Directorate of Public Prosecutions (DPP), or the UHRC to initiate criminal proceedings. This approach is effective in promoting accountability, especially in cases where perpetrators are convicted. However, the effectiveness of criminal prosecution is undermined by several challenges. Investigations into torture are often poorly conducted

due to limited resources and expertise. Moreover, there is a reluctance to prosecute members of the police or military, often stemming from fear of institutional backlash. Victims also face intimidation and threats, deterring them from pursuing cases. The DPP has no control over Police Professional Standards Unit (PSU).⁹ When citizens report cases including those of torture to the PSU, many are never investigated and errant officers punished. Officers are often only transferred from one location to another or sent for further training to allow passage of time. The prosecution of torture victims before the court martial places their plight out of reach of the DPP. The DPP has a constitutional limitation of not pursuing matters before the court martial or military courts.

Private individuals have increasingly been reported as perpetrators of torture, particularly through various forms of domestic violence and family disputes. However, victims—who are predominantly women and children—often do not report these acts of torture. Cultural norms and beliefs, fear of social stigma, and other societal pressures compel them to endure the abuse in silence, perpetuating a vicious cycle of suffering.

Generally, there are few successful criminal prosecutions of perpetrators of torture. Most cases arise in the context of victims under trial who seek acquittal on the grounds of having been subjected to torture. Below are some recent criminal court cases on torture.

⁹ David Baxter Bakibinga, *The role of prosecutors in Preventing Torture and III -Treatment of accused persons and and proposals for reform* 2018 p.219.

**(a) Kawunde & 2 Others v Uganda (Criminal Appeal 468 of 2020)
[2024]**

The Appellants were indicted and convicted of the offence of Abduction with intent to murder on count one contrary to sections 243 (1) (a) & (b) of the Penal Code Act; Aggravated Torture contrary to sections 2(1)(b) & 5(h)(k) of the Prevention and Prohibition of Torture Act 2012 and an alternative count of cruel and inhuman or degrading treatment or punishment contrary to section 7(3) of the Prevention and Prohibition of Torture Act 2012.

The victim, Wasswa Emmanuel aged 15 years was living with his paternal grandmother at Baale village, Masuliita sub-county in Wakiso district. On the 13th February 2019, it was alleged that the victim stole a mobile smart phone and Uganda shillings two thousand only (UGX 2000) from their neighbour Nabukalu Esther. The latter reported the incident to Namakula Cotilda, the victim's grandmother. In response to the report of theft, the victim's Uncle Kawunde Geoffrey (1st Appellant) tortured the victim by tying him up with ropes onto a big tree and beat him up brutally thereby causing him a lot of severe pain and suffering until he became unconscious. One Mayambala Moses, a neighbour to Namakula Cotilda called the police to rescue the victim. The following the day the 1st appellant together with the other victim's other uncles namely Kinalwa Joel (2nd Appellant), Kiwanuka Sameo (3rd Appellant) and Grandmother Namakula Cotilda abducted the victim and caused his disappearance.

The 1st Appellant was convicted on his own plea of guilty and appealed against the sentence. The 2nd and 3rd Appellants were dissatisfied with the conviction and sentence of the trial court and filed this appeal, together with the 1st appellant on grounds related to conviction on uncorroborated circumstantial evidence, failure to consider their defence of alibi, and the harsh and excessive sentence.

The court of Appeal considered the 1st appellant's mitigating factors to wit that the appellant was a first offender and pleaded guilty to the offences charged did not waste court's time and continuously apologized for the mistake and accordingly reduced the period of his sentence from 18 to 17 years for the offence of Abduction and from 7 to 6 years for the offence of Aggravated Torture. The 2nd and 3rd appellants were acquitted as the prosecution failed to place the appellants at the scene of crime and prove their participation in committing the offences.

**(b) Owamanyi Gordon V Uganda (Criminal Appeal No. 115 of 2016)
[2022]**

The appellant had been charged with the offence of murder contrary to sections 188 and 189 of the Penal Code Act. It was alleged that the appellant during the night of 28th September, 2011 at Keitanturegye trading centre Kinkoni, Kiruhura District murdered Mucunguzi Sam. He was tried and convicted as charged but appealed against the decision of the High Court. One of the grounds of appeal was that the trial Judge erred in law and fact when he ruled that his charge and caution statement was voluntarily made and relied on it which

occasioned a miscarriage of justice. The appellant alleged to have been tortured prior to recording a charge and caution statement and there was medical evidence that showed multiple bruises on his back. The Court of Appeal found that the Appellant had been tortured or beaten and that the prosecution failed to discharge the burden of proving that the charge and caution statement was voluntarily made. Accordingly, court acquitted the appellant, set aside his conviction and sentence.

(c) Luyenje & 2 Others v Uganda (Criminal Application 10 of 2023; Criminal Application 12 of 2023; Criminal Application 13 of 2023)[2024]

The applicants brought their applications under Articles 24, 28(11), 44(a), and (c) of the 1995 constitution of Uganda, provisions of the Human Rights(Enforcement)Act, and the Judicature(Fundamental and other Human Rights and Freedoms (Enforcement Procedure) Rules 2019. They sought declarations that the charge and caution statements purportedly made by the applicants were generated through torture, cruel, inhumane or degrading treatment and that criminal proceedings against them under session case No. 07 of 2022 arising out of the said statements are a nullity, and consequently be acquitted.

The applicants were jointly charged with the offence of belonging to a terrorist organization and terrorism contrary to Section 11(1) and 7(2) of the Anti-Terrorism Act, 2002. The applicants were arrested in Masaka around August 2021 and detained at the UPDF's Chief of Military Intelligence(CMI)in Mbuya until they were produced in Court

in November 2021. During their detention, the applicants alleged they were subjected to cruel, inhumane degrading treatment and torturous treatment which included but not limited to beatings, thumping, and beating with wires, whereby they sustained physical injuries on their limbs, suffered physiological torture, trauma and physical pain. That they detained for a period of two months in total darkness such that they could not differentiate between day and night. The Court, upon evaluating the evidence, declined to grant the application on the grounds that the applicants failed to discharge the burden of proof required to establish that their right to freedom from torture, cruel, inhuman, and degrading treatment had been violated. They were also faulted on procedural technicalities of instituting the suit Human Rights (Enforcement) Act against Uganda instead of the Attorney General.

**(d) Kawunde Geoffrey, Kinalwa Joel and Kiwanuka Samoe
Criminal Appeal No 0468 2020**

The appellants were indicted and convicted of the offence of abduction with intent to murder contrary to Sections 243(1)(a) and (b) of the Penal Code, Aggravated Torture contrary to sections 2(1)(b) and 5(h)(k) of the Prevention and Prohibition of Torture Act 2012 and Cruel and inhuman or degrading treatment or punishment contrary to section 7(3) of the Prevention and Prohibition of Torture Act 2012. The survival was tortured by the appellants on allegation of theft of a mobile smart phone and UGX 200,000/= The first appellant tortured the survival by tying him up with ropes onto a big tree and beat him brutally thereby causing him a lot of pain and suffering until he became unconscious. The other appellants

aided the 1st appellant to torture the survival. The first appellant was convicted aggravated torture contrary to Section 2 (1)(b) and Section 5(h)(k). The two appellants were acquitted.

(e) Uganda vs. Nansamba Criminal Sessions Case No. 0152 of 2015

The accused in this case is indicted with one count of Murder c/s 188 and 189 of the Penal Code Act. The court considered that a person indicted with a grave offence and facts are proved which reduce it to another of a similar type, he or she may be convicted of the minor offence although he or she was not indicted with it. The court held that the manner in which the murder was alleged to have been committed necessarily placed the accused in this case of the offence of torture. Thus the accused was convicted under section 4(1) of the Prevention And Prohibition of Torture Act, 2012 for which she can be convicted which states that a person who performs any act of torture as defined by the Act commits an offence and is liable on conviction to imprisonment for fifteen years or to a fine of three hundred and sixty currency points or both.

(f) Uganda Versus ASP Rugubwa Kenneth and D/ASP Namulondo Eva Criminal Case No. 363 of 2018 (Unreported)

The accused persons were charged with Torture contrary to Section 2(1)(a) and Section 4(1) of the Prevention and Prohibition 2012 now Cap 130.

The survival was beaten until he became unconscious and by the accused having gone to report to the police station. The survival

was beaten by the accused trying to obtain information from him about who stole the place he was guarding at.

Both the accused were found guilty of Torture and convicted contrary to Section 2 (1) and Section 4 (1) of the Prevention and Prohibition Torture Act 2012 now Cap 130.

8.2 Civil Suits

Civil suits are a common avenue for victims seeking compensation for the harm they have suffered. These suits are often grounded in constitutional provisions (Article 50), the PPTA, Human Rights (Enforcement) Act and the Rules allowing victims to claim monetary damages, declarations of rights violations, and orders for rehabilitation.

This mechanism is particularly effective in providing immediate relief in the form of compensation for violation of non derogable rights, as evidenced by notable cases of Kakwenza Rukirabashaija and Hon Francis Zaake. Civil suits also allow victims to bypass the complexities of proving criminal liability, focusing instead on the harm caused.

Pursuing civil litigation comes with its own set of challenges. Victims must shoulder the burden of proof, which can be daunting without medical reports or independent eyewitnesses. The cost of litigation is also prohibitive for many victims, especially those from marginalized communities. Even after a favorable ruling, enforcing compensation awards can be a lengthy and frustrating process, often compounded by bureaucratic resistance from state

institutions. Below are some of the recent civil suits that granted relief to tortured victims.

(a) **Kakwenza Rukirabashaija v Attorney General (Miscellaneous Cause 35 of 2021) [2024]**

This was an application by Notice of Motion under Article 50 of the Constitution of Uganda, Sections 3, 4, 6(2), 6(3) and 10 of the Human Rights (Enforcement) Act, Section 33 of the Judicature Act and Rules 2, 3, 5(1)(a) and (d), 7, 8, 9, 10 & 11(1)(a), (f), & (2) of the Judicature (Fundamental Rights and Other freedoms) (Enforcement Procedure) Rules, 2019.

The applicant sought relief for arbitrary arrest, torture, incommunicado detention, and violations of privacy by state agents. Arrested from his home on 13th April 2020, Kakwensa was detained at CMI headquarters and Kireka Special Investigations Unit for seven days, enduring torture, degrading treatment, and unauthorized searches linked to his novel, "The Greedy Barbarian." The court found the state's actions violated Articles 23, 24, 27, and 44(a) of the Constitution, affirming the applicant's rights to personal liberty, freedom from torture, and privacy while dismissing the freedom of expression claim due to insufficient evidence. The court awarded UGX 40,000,000 in general damages for suffering and UGX 10,000,000 in exemplary damages to punish the oppressive conduct of the agents, along with the costs of the suit.

**(b) Asiimwe and Another v Attorney General and 2 Others
(Miscellaneous Application No. 7 of 2022)[2022]**

The applicants filed two motions against the Attorney General, DPP and the Uganda Revenue Authority (URA) under the provisions of Article 50 of the Constitution of Uganda, Section 11 of the Human Rights (Enforcement Act) seeking that their trial be declared null and void on grounds that at the time of arrest and detention, their non derogable Rights were violated. They sought compensation, punitive and general damages.

The applicants were employees of URA were under trial Criminal Session] Case 01 of 2022 on charges of Abuse of office C/S 11(1) of the Anti -Corruption Act, 2009 Theft C/S 390 Penal Code Act Cap 120 and Conspiracy to commit a felony C/S 390 Penal Code Act. They were accused of stealing USD 410,000 the property of GAK Express Co. Limited. They contended that they arrested, blindfolded and taken to CMI Headquarters at Mbuya where they were subjected to torture. Torture was administered by beating, boxing, kicking using metals, wires, kicked in the ribs with combat boots, burning with hot metals under the feet, chaining of hands and arms behind the back, dragging them on the floor while pulling the ropes tied in the neck and arms, hitting his toes, ankles and elbows and suspending them in air while tying the neck, legs and arms. It was executed by-muscled men using weapons such as guns, sticks, batons, metal bars, pliers, chains, ropes and electric wires. Accused 1's (A1) medical forms revealed injuries using blunt objects and hot substances. Accused 2 (A2) suffered from paralysis, headaches, hallucinations and general body weakness.

Court was satisfied that the applicants demonstrated that their non-derogable rights and freedoms were infringed upon when they were mercilessly battered in the hands of the military. Court declared their trial in Criminal Session Case 01 of 2022 a nullity and acquitted them pursuant to section 11(2) of the Human Rights (Enforcement) Act. Court awarded A1 UGX 200,000,000 general damages and UGX 50,000,000 punitive damages. A2 awarded UGX 100,000,000 general damages and UGX 50,000,000 punitive damages.

(c) *Zaake v Attorney General & 7 Others (Miscellaneous Cause No. 85 of 2020)* [2021]

The applicant, a Member of Parliament representing Mityana Municipality, filed this application under Article 50 of the 1995 Constitution of Uganda, Sections 3 and 4 of the Human Rights (Enforcement) Act, Rules 5(1) (a), 6(1) and 7(1) of the Judicature (Fundamental and Other Human Rights and Freedoms) (Enforcement Procedure) Rules, 2019, among other laws seeking declarations that his rights to dignity and freedom from torture were violated.

He claimed that on April 19, 2020, he was arrested at his home by police and military officers for distributing food without adhering to the Ministry of Health Covid-19 Standard Operating Procedures (SOPs). He was detained at Mityana Police Station, where he was beaten, kicked, his eyes sprayed with pepper, transferred to ungazetted facilities and insulted for belonging to his tribe and political party. On the 27th April, 2020, the Chief Magistrates Court

of Nakawa ordered for the unconditional release of the Applicant, but he was instead released on a Police bond on the 29th April 2020.

The High Court found that the infliction of pain and injury on the Applicant during his detention by the Police infringed on his fundamental human rights to dignity and freedom from torture and cruel, inhuman or degrading treatment or punishment protected under Articles 20, 24, 44 (a) of the 1995 constitution. The court awarded UGX 75,000,000 as compensation for these rights violations.

(d) Agaba Kenneth Versus Attorney General, Wabwire Allan, Kamukama and Kimuli Civil Suit No 247 of 2016

The Plaintiff institutes a suit against the defendants for being subjected to severe beating, sustaining multiple injuries and fractured limbs under the officer in charge of Kawempe Police Station. He underwent several medical examinations and treatment. He was arrested and released without being charged in court of law as would be of a murder suspect. One of the issues was whether the plaintiff was tortured by the Police.

The court held that he was tortured since he was held incommunicado and as a result of physical torture, he sustained wounds on the knees, elbows, ruptured muscle and multiple joint swellings/pains and permanent incapacitation of 75%.

The court noted that the highest number of complaints of human rights violations by the UHRC were allegations of torture, cruelty, inhuman or degrading treatments.

The plaintiff was awarded UGX 15,000,000/= against the defendants for the gross violation of human rights and the Constitution as well as to deter security agencies from repeating the conduct against the citizenry. The court ordered that the payment of the damages be shared between the Attorney General and the defendant so that each pays 50% of the total award.

(e) Nsereko Musa Versus Attorney General, Col. Kaka Bagyenda and others Miscellaneous Cause No. 386 of 2020

This application is brought under Article 20(1)&(2), 23,(1),(2),(3)&(4), 24, 28(1), 43(1) & (2), 44(a) and 50 of the Constitution of the Republic of Uganda 1995, Section 3, 4 and 11(b) of the Human Rights (Enforcement), Act 2019 and Section 6 of the Prevention and Prohibition of Torture Act, 2012. One of the issues was whether the applicant was subjected to torture and cruel, inhuman or degrading treatment or punishment. The court held that the applicant was tortured since the applicant has substantiated his claims of torture, cruel and inhuman and degrading treatment while he was detained at Kyengera and Lwamayuba Island at Kalangala island. He was UGX 100,000, 000/= as general damages as compensation for violation of his constitutional rights to torture and cruel and inhuman and degrading treatment and forced labour at Lwamayuba Island-Kalangala district UGX 60,000,000/= for the illegal detention of 17 months and UGX 15.000.000/= as punitive and exemplary damages the Director General of ISO and operative.

(f) **Twine Emmanuel Versus Attorney Misc. Cause No.03 of 2024**

The Applicant was severely assaulted by a one Private Ngabire Benjamin a soldier with the Uganda People's Defence Forces who hit him with a stick, panga and benet which left him unconscious having sustained severe injuries. The court referred to Section 2(3) and second schedule to the Act which sets out the acts constituting torture under three categories, namely; physical, mental or psychological, and pharmacological torture. Considering the severity of the injuries and the egregious nature of the violation, a substantial award of general damages amounting to Ushs 300,000,000/= and Ushs 40,000,000/= as punitive/exemplary damages.

In some cases, where there is no sufficient evidence, the plaint will not be successful, in the case of Sserunkuma **George William and Kalyesubula Edward Versus Attorney General Miscellaneous Cause No. 102 of 2021**

The applicants sought a declaration that the coercive manner in which the police obtained the original documents of the accused persons was a violation of their right to freedom from torture, cruel, inhuman and degrading treatment and the right against self-incrimination under Article 28(3)(a) and 28 (11) of the Constitution and s Section 2(2) of the Prevention and Prohibition of Torture Act. The court did not find sufficient evidence of torture of the allegation to torture, cruel, inhuman or degrading treatment because was it was simply the Applicants' word against that of the Respondent.

7.3 Complaints to the Uganda Human Rights Commission (UHRC)

The UHRC provides an accessible and less adversarial platform for victims to seek justice. As a quasi-judicial body, it investigates complaints of human rights violations, including torture, and can award compensation or recommend disciplinary action against perpetrators.

The UHRC has provided remedies to victims who may not have the resources or confidence to pursue criminal or civil cases. It also plays a crucial role in raising awareness about human rights and advocating for systemic reforms. In February 2023, UHRC tribunal awarded George Bush Okot and Stephen Bongomin, both residents of Lapul sub-county in Pader district Shillings 17 million for the torture they underwent at the hands of UPDF soldiers on March 3, 2007.¹⁰ Other victims include Private Francis Okello Ongom, a serving UPDF officer who was awarded Shillings 4 million for being tortured by his fellow soldiers in November 2006 in Nisitu in South Sudan, and Cipriano Oola and Samuel Olal who were awarded Shillings 6million for being tortured by UPDF soldiers in 2009 from Pabbo in Amuru District.

However, the UHRC's impact is limited by its lack of enforcement powers; its recommendations often require implementation by other institutions, which may not. Limited funding further hampers the commission's ability to investigate cases thoroughly and resolve complaints efficiently. The commission stated that

¹⁰ *The Independent* 14 February, 2023. <https://www.independent.co.ug/uhrcc-awards-ugx-67m-to-victims-of-security-brutality-in-acholi/>.

it is costly to transport commissioners for investigations and hearings as well as to give invited witnesses refund. In politically sensitive cases, the UHRC's independence is often tested, limiting its effectiveness against state actors implicated in torture.

9.0. AWARENESS OF THE PPTA AMONG RIGHT HOLDERS AND DUTY BEARERS

Field engagements among Right holders across the regions indicated that majority of the people have inadequate knowledge on the existence of the PPTA. Majority cited the Constitution of Uganda at 30.1%, PPTA at only 10.1% and others(26.3%) completely not aware as indicated in the graph below. Among the Duty bearers, the in-depth understating and application of the PPTA was equally inadequate.

When interviewed on how they knew the existing laws, media especially through (Radio, Television, Internet and Newspaper) was singled out as the main source at 47.8% followed by Community mobilization by NGOs. The following analysis therefore focuses on media as a key source of information. It reviews messaging on torture and the anti-torture act. It draws indicative figures from the levels of engagement from mainstream and digital media from both duty bearers and rights holders.

9.1. Publications

9.1.1 Joint press statement on the commemoration of the international day in support of torture survivors – 26 June 2023 by Uganda Human Rights Commission:

- Acknowledged that: torture is still an issue of national concern in as far as prohibition and accountability is concerned.¹¹ Noted that 308 complaints of torture were

¹¹ <https://uhrc.ug/joint-press-statement-on-the-commemoration-of-the-international-day-in-support-of-torture-survivors-26th-june-2023/>

registered out of 627 human rights violations in 2020. In 2021, 267 complaints of torture were registered out of 691 human rights violations.

- Observed that: a number of private legal practitioners are filing torture cases citing the PPTA, and the Human Rights Enforcement Act Cap 12. Journalists have realized there is need for specialized support for victims and survivors of torture beyond treatment and continue referring torture complaints for holistic care including rehabilitation. ACTV Medico-Legal reports address the gaps in professional documentation and continue to be critical in enabling victims and survivors in accessing legal support including compensation.
- The Criminal Justice actors especially Uganda Police Force, Uganda Peoples' Defense Forces and the State Attorneys under the Office of the Directorate of Public Prosecutions have undergone trainings on utilizing the Prevention and Prohibition of Torture Regulations 2017 for effective documentation and investigation of torture cases to aid prosecution. In April 2023, the Office of the Directorate of Public Prosecutions (ODPP) agreed to work with ACTV to develop a checklist for investigation of torture, and a capacity building programme for State prosecutors in Uganda on documentation and prosecution of torture using the forms in the Prevention and Prohibition of Torture Regulations 2017.

- Noted that the Prevention and Prohibition of Torture regulations 2017, the rules on the establishment and operation of the alert and reporting mechanism on the African commission – on human and people’s rights on situations of torture and cruel, inhuman or degrading treatment or punishment, 2022 are not yet popularized. This has been a hindrance to the effective implementation of the Act.
- Commended the UPF for documenting cases of child torture/abuse in the 2021 and 2022 crime reports. Urged the force to include cases of torture against adults.

9.1.2. Torture remains a problem in Uganda by DIGNITY November 2023

This article was based on an interview with Mr. Alex Kigoye –the Head of Programmes at ACTV by DIGNITY in Copenhagen;

- Torture remains the most violated human right in Uganda according to the Uganda Human Rights Commission, which is a government institution, mandated to investigate all human rights violations.
- The interviewer mentioned that Uganda was one of the first countries in Africa to ratify the UN Convention against torture. Article 24 and 44 of constitution prohibit torture together with other legislation. The gap is observed in implementation of the legal framework.

- Noted that the Police has not fully adopted the law and regulations in implementation of its work. This is attributed to the limited capacity, which limits the possibilities of prosecuting cases of torture. Mentioned that Police Form 4 which is designed specifically for medico-legal documentation of torture is part of the current forms of torture. This has also contributed to the low figures on torture in the annual crime reports.
- Emphasized reluctance in reporting and impunity investigations especially when the case targets a high ranking government official. This hinders access to justice and holding perpetrators accountable.
- Observed the delay in accessing compensation by victims of torture; it takes an average of five to seven years to receive compensation. There is a lot of back and forth in claiming compensation. This frustrates and deters victims from the process. There is need to develop a compensation fund for survivors to address delayed compensation.
- Emphasized the need to ratify the OPCAT. This will allow for the establishment of a National Preventive Mechanism which is also a gap in the country's prevention efforts. This will give an opportunity for frequent monitoring of places of detention. It would make it possible to tighten the levels of torture prevention and accountability. It's only the Uganda Human Rights Commission with the privilege to visit detention centers at will.

- There is also lack of constructive dialogue between government and civil society, which would be very instrumental in sharing knowledge, experiences and holding each other accountable.

The articles above depict awareness of the crime and legal framework in both national and international spaces. This is from a government and civil society perspective.

9.2 Review Of Digital Content Engagement

NO	PLATFORM	CONTENT	METRICS
	YouTube	Torture victim narrates ordeal - Sep 5, 2018 NTV Uganda Reports of Torture have become rampant in recent days, following the Arua Municipality by election, in which several people were arrested and finally appeared in court in a frail condition. We talked to a victim of torture at African Centre for Treatment and Rehabilitation of Torture victims to understand the cause and how to fight the habit of torture among Ugandans. https://www.youtube.com/watch?v=D8snL5ozrhM .	2,188 views
	YouTube	Kick starter: what is justice for torture victims in Uganda - Oct 26, 2018 NTV Uganda. https://www.youtube.com/watch?v=daTk22vn3yE .	326 views

	YouTube	<p>Investigating cases of torture in Uganda - Mar 18, 2016 APTGeneva</p> <p>The Network of National Human Rights Institutions in Africa (NANHRI) and the Association for the Prevention of Torture (APT) have worked to increase the capacity of African human rights institutions to prevent torture and ill-treatment. Read more about the project on www.apr.ch and www.nanhri.org. With the participation of the Uganda Human Rights Commission. https://www.youtube.com/watch?v=sTaxlga4M_I</p>	173 views
	YouTube	<p>Human Rights and Torture in Uganda – Premiered Feb 11, 2022 CIVIC SPACE TV</p> <p>In this episode, Monicah Amoding stands in for Demiano Masesa to host Micheal Aboneka – Advocate of Human Rights, Democracy & Good Governance, Joseph Ochieno UPC Leadership Ideologue & Candidate for Party Presidency, Sarah Bireete – Executive Director – Center for Constitutional Governance and Major (RTD) Awich Polar – Director External Services – NRM to discuss the Human Rights and torture in Uganda. https://www.youtube.com/watch?v=STp8MqzrK3I.</p>	1,266 views

	YouTube	<p>Torture victim records statement with UHRC - Feb 14, 2023 #NTVTonight #NTVWeekendEdition #NTVNews</p> <p>Eric Mwesigwa, the supporter of the National Unity Platform Party, who was reportedly abducted and tortured last month has recorded a statement with the Uganda Human Rights Commission with the hope of attaining justice. Mwesigwa was released last week after nearly ten days of detention by unknown individuals. https://www.youtube.com/watch?v=87Jn7x6VKUc.</p>	1,080 views
	YouTube	<p>PANORAMA Investigation reveals torture in Ugandan prisons - Mar 10, 2024 #NTVTonight #NTVWeekendEdition #NTVNews</p> <p>Torture incidents are prevalent across government prisons, especially on prison farms. Tonight, we bring you the story of Tony Kiyimba, who was left crippled after being tortured at Masaka and Kitanya prisons. His story sheds light on this abuse, which is at odds with laws on the right against torture as provided in the Bill of Rights. https://www.youtube.com/watch?v=6WplpMLHbHO.</p>	3,560 views
	Online Paper	<p>Torture case: Human rights boss commends UPDF - December 18, 2023. The suspects who appeared in the video clip torturing, Nelson Omona, accusing him of theft on Monday, were remanded to kitgum central prison until when their file shall be forwarded to the Division Court Martial. https://www.newvision.co.ug/category/news/torture-case-human-rights-boss-commends-updf-NV_177114.</p>	688 views

	YouTube	Ababaka ba NUP bafulumye Parliament lw'abantu abatulugunyizibwa, Ssewanyana ne Ssegiriinya Feb 3, 2022. Simba Ku lutimbe. https://www.youtube.com/watch?v=J72aKpnCe-E .	369 views
	Online magazine	Police denies torture of demonstrators by CID boss. The independent, August 5, 2024. The Uganda Police Force has refuted allegations that Kampala Metropolitan CID Commander Joel Ntabu was involved in torturing and threatening suspects arrested during recent anti-corruption protests. On Monday, Luke Owoyesigire, Deputy Police Spokesperson for Kampala Metropolitan, dismissed the claims as unfounded. https://www.independent.co.ug/police-denies-torture-of-protestors-by-cid-boss/ .	104 views
	Online magazine	Experts ask why authorities have failed to investigate psychological torture. The Independent, July 2024. Alex Kigoye, the head of Programs at the African Center for Treatment and Rehabilitation of Torture Victims (ACTV) says that it is worrying that even when cases are reported at the Police and court, the system cannot ably evaluate victims and as a result, they often conclude that the victim is telling lies. https://www.independent.co.ug/experts-ask-why-authorities-have-failed-to-investigate-psychological-torture/ .	112 views

	Online magazine	<p>Activists under “Stop EACOP” campaign sue police, Attorney General over torture. The independent. July 17, 2024. A group of activists under the “Stop EACOP” Campaign have instituted legal action against the Attorney General, as well as several police officers for alleged brutality against them. The group also says apart from taking action against the police, they are also seeking that the court holds police officers individually and personally responsible for the violence meted out against them.</p> <p>https://www.independent.co.ug/activists-under-stop-eacop-campaign-sue-police-attorney-general-over-torture/.</p>	74 views
	Online magazine	<p>UHRC: Police neglecting torture cases. The Independent, June 20, 2024. The Uganda Human Rights Commission has expressed worry about failure by the Uganda Police to tackle case of torture. The commission says the failure has contributed to a troubling pattern of torturers going free. Crispin Kaheru, a member of the commission says the lack of information about torture in the police annual crime reports indicates that the institution might not be concerned about this issue.</p> <p>https://www.independent.co.ug/uhrp-police-neglecting-torture-cases/.</p>	267 views

Online magazine	<p>American couple ordered to pay Shs100m over torture. The independent, November 5, 2023. The High court has ordered an American couple to compensate a child they tortured with Shs 100 million. The couple; Mackenzie Leigh and her husband Nicholas Scott Spencer pleaded guilty to intentionally inflicting physical and mental pain and suffering on a 10-year-old HIV-positive fostered son whose name remains withheld in respect of his right to privacy.</p> <p>https://www.independent.co.ug/american-couple-ordered-to-pay-shs100m-over-torture/.</p>	422 views
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	Online magazine	<p>Court orders medical examination of bombing suspects over torture claims. The independent October 12, 2023. The International Crimes Division of the High Court has ordered the medical examination of the 19 Kampala Central Police Station and IPS bombing suspects so as to ascertain their claims of torture while in security custody. The suspects include mobile money operators Yusuf Muwonge alias Hamza Ssemaganda alias Robert Danze and Shamirah Naddamba, Ismail Kiyemba, a Welder, Muniru Bogere a Boda Boda rider, Eron Nanfuka a student, Sharon Nakitende, a tailor and Annet Nakato Nakibirango, a housewife. Others are Zam Naiga, Ismail Matiwa, Huzaifa, Faisal Nadir Nsubuga, Bashir Jjuuko Kiwanuka alias Fred, Mohammed Kisiitu, Hamuza Bakyayita a conductor, Jero Ishaq a Shop Attendant and Twaha Wambembe, an Imam at Kabila Mosque in Nabweru in Nansana Municipality in Wakiso District. They include Juliet Nansubuga alias Maama Bumali alias Hajjati Mujabirina alias Butambika a Tanzanian national and hawker/ Artist, and Faisal Muwonge a Sales Person and businesswoman Jalia Nabukenya.</p> <p>https://www.independent.co.ug/court-orders-medical-examination-of-bombing-suspects-over-torture/.</p>	309 views
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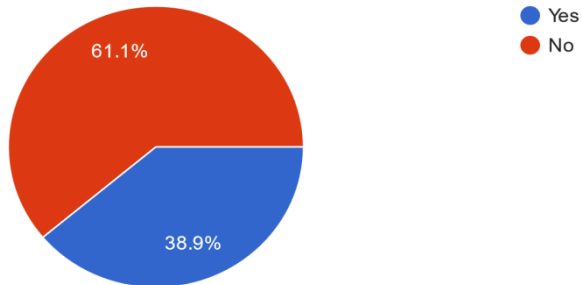
Based on the digital platforms reviewed in the table above, 10,938 online subscribers are aware of torture and the provisions of the law. Majority of these are engaged through YouTube which provides video content specifically news clips and documentaries. The minority is engaged through online magazines which provide text and still photos as content on torture, the act and its manifestation.

10.0 IMPLEMENTATION OF PPTA AMONG THE RELEVANT INSTITUTIONS

Despite the presence of the PPTA, among other Laws against torture, majority of the respondents (61.1%) think that the Law is not implemented. Ideally even those that indicated that it was implemented at (38.9%) a few were familiar with the PPTA specifically, rather had a general common view that there were Laws that are implemented against torture.

D.1 Do you think the law is implemented?

144 responses



This is based on the provisions in the PPTA Regulations of 2017 which provides for relevant institutions, role in implementation of the act, what has been done as described below:

10.1 The PPTA regulations 2017

Key stakeholders and some other duty bearers have some knowledge of the regulations, interpretation of key terms and

forms to aid in the case management process. These provide a fundamental legal basis for the implementation of the act by core institution such as the Inspectorate of Government; the Directorate of Public Prosecutions; the Directorate for Ethics and Integrity; the Uganda Peoples Defence Force; the Uganda Prisons Service; local councils; or any other public institution or body to whom a report of torture may be made under the Act. As provided for in the regulations.

10.2 Investigation of torture

The Uganda Police Force has taken initiative to investigate cases or complaints of torture as guided by the Uganda Human Rights Commission. Other institutions such as the army and the Uganda Prisons Service have taken initiative to investigate through their internal structures, forms of torture that have been reported or suspected to have been done by their staff.

10.3 Upholding the right to complain

The right to complain has been upheld as shown in the statistics provided by the principle monitoring body, the Uganda Human Rights Commission. There is little information on whether the processes provided for in the law are considered by the figures show that complains are encouraged, documented and followed up.

10.4 Handling of the complaint

The Uganda police force opens up case files based on the prima facie case, when the ingredients of the offence of torture are identified as reflected in the annual crime reports. Though majority of the cases are child related.

10.5 Investigation procedures

The investigative bodies comply with investigative process and practices provided for in their standing orders. These have registered results as reported in the annual crime report and other reporting mechanisms. There is limited information on whether the guidelines provided for in the regulations are adhered to.

10.6 Private prosecutions

There is limited information on the use of private prosecutions in managing cases of torture in Uganda. The Regulations permit a private person to make an oral or written complaint to a magistrate but this provision has not been utilized according to majority respondents of the study.

10.7 Inadmissibility of evidence obtained by torture

In regards to inadmissibility of evidence obtained by torture, the courts on several occasions have nullified evidence and provided for the closure of some cases on grounds that the evidence provided for was obtained by torture, this depicts the provision of a trail within a trail before evidence is admitted.

10.8 Reporting of torture

There is limited information on the reporting mechanisms provided for in case of torture. Most of the complaints are always sent to the Uganda Human Rights Commission with few incidents reported straight to the police or other relevant institutions. There is limited information on the procedure for reporting torture among rights holders and duty bearers. The mechanisms of reporting need to be reviewed to accommodate provisions in the reduction of reports of torture in writing and enhancing reporting of torture by electronic communication. These should be coupled with interventions to facilitate anonymous reporting of torture.

10.9 Protection of victim, witnesses and persons reporting torture

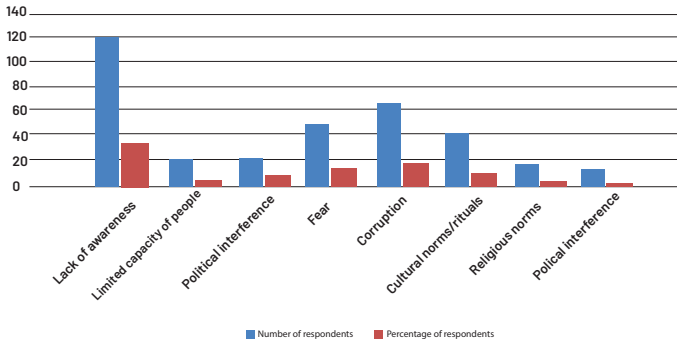
There is limited application of a victim centered approach in investigating cases of torture. Majority of these have their privacy violated by parading them in camera which could contribute to body shaming, stigma and re-traumatization. There is also limited information on witness protection programs to aid in the protection of witnesses and reporters of the crime.

10.10 Documentation of the case management process

The regulations provide specific forms to be utilized from the complaint level to final point of case management. The police is applying some of these forms though the Police Form 24 for medical examination is the most popularly used and some subject matter experts challenge its application.

11. BARRIERS TO IMPLEMENTATION OF THE PPTA 2012

Barriers to implementation of PPTA



Interactions with people indicated a number of barriers to implementation of the PPTA. Many right holders reported lack of awareness of the existing laws, persistent corruption, and fear of the perpetrators who tend to be more “powerful”, the cultural norms that are discriminative but also the political interference as indicated in the graph above. One of the respondents noted

“It is hard to know how the Law can protect us, because we do not know even what it says and even if it is there.....look at me, look at age, I have never seen Law work for me but only for the rich and educated.”

More barriers to implementation of the PPTA are discussed below;

11.1 Legal Barriers

11.1.1 Ratification of the OPCAT

Uganda has, not ratified the Optional Protocol on the Convention Against Torture (OPCAT) which requires states to establish National Preventive Mechanisms (NPMs) to conduct independent oversight of the treatment of those in prisons and other detention facilities as a prerequisite step to ensure adherence to treaties and national laws banning torture. In the absence of this, Independent monitoring of the conditions of confinement is crucial to prevent torture and abuse from occurring. By becoming a party to OPCAT, Uganda can ensure that torture and abuse do not occur in Uganda in detention cells, prisons, refugees' detention centres and other facilities where suspects are held.

11.1.2 Lack of Clarity

Field interviews with legal experts revealed challenges in interpreting specific provisions of the Act, leading to inconsistent application. Section 7 criminalizes cruel, inhuman or degrading treatment or punishment (CIDT). The Act however does not provide the definition of CIDT. Unlike the offence of torture, section 7 does not specify the acts that amount to cruel, inhuman or degrading treatment or punishment except stating that it is an act which does not amount to torture. This leaves it to the discretion of the court or other body considering the matter to determine what amounts to torture or ill treatment having regard to the definition of torture and the circumstances of the case. This means that each case will have to be considered on its merits. The Act also provides that a conviction from a crime CIDT may be a competent verdict where

the prosecution is not able to prove all the elements of torture exist. The question would be then to know how to distinguish torture and cruel, inhuman or degrading treatment or punishment.¹²

Courts have given examples that amount CIDT that necessitate amendment of the PPTA to give a definition. In the case of **Susan Kigula and 416 others V Attorney General**,¹³ one petitioner had been held on the death row for 20years, while the average number of years that the petitioners had been on the death row was between 5 and 6years. The court held that a 3 year delay in execution after a decision from the highest court in the land would be inordinate and constitute ill-treatment. The Supreme Court too upheld the decision on appeal by the Attorney General.¹⁴ In the case of **Simon Kyamanywa V Uganda**,¹⁵ the petitioner was sentenced to imprisonment and corporal punishment of 7 strokes daily on a conviction of robbery. The court found that corporal punishment would constitute cruel, inhuman or degrading treatment or punishment. Consequently, the Penal Code Act was amended to abolish corporal punishment.¹⁶ The lack of a clear definition of Cruel, inhuman or degrading treatment or punishment under the PPTA has contributed to prolonged court process in seeking constitutional interpretation.

12 UHRC, 'Interpretative Guide to the Prevention and Prohibition of Torture Act, 2012' p.24

13 *Susan Kigula and 416 others V Attorney General, Constitutional Petition No. 6 of 2003*

14 *Attorney General V Susan Kigula and 416 others, Constitutional Petition No. 3 of 2006*

15 *Simon Kyamanywa V Uganda, Constitutional Reference No. 10 of 2000*

16 *Section 1 Penal Code (Amendment) Act 2007*

11.1.3 Inadequate witness protection

It was noted during the field visits that the lack of protection for victims and survivors of torture, their relatives, lawyers and human rights defenders who advocate for what is owed to them by the State in the form of redress and guarantees of non-repetition. Such persons are subjected to threats, verbal intimidation, attempted arrests or re-arrests, and harassment as a result of seeking justice against perpetrators. Some perpetrators also operate within security agencies well known for their impunity and high handedness which increases the likelihood of threats being carried out. Uganda also has no legislation or program in place providing protective measures for victims and witnesses in torture cases to mitigate the fears that such persons may have about pursuing criminal and civil remedies. The PPTA Regulations which provide for filing of complaints seeking protection from the state by victims, witnesses or persons who report torture and believe they are in danger, are also not implemented. There is lack of detailed information for protection mechanisms for witnesses or victims of crime under the Act and the Regulations. Section 21 of the PPTA only stops at mandating the State the responsibility to ensure that any person including the complainant or witnesses is protected against all manner of ill-treatment or intimidation as a consequence of his or her complaint or any evidence given. Regulation 19 of the PPTA Regulations 2017 provides for the victim or witness to file a complaint and seek protection from the state but this is not implemented.

The Witness Protection Bill, 2015 which would successfully operationalize the provisions of the PPTA Regulations as it seeks to establish a witness protection agency and a witness protection programme has not yet been passed into law. In September 2020, the DPP launched witness protection guidelines for prosecutors to determine the witness protection perimeters and the scope of protection in absence of legislation.

The Chairperson of UHRC, while appearing before the Parliamentary Committee on Human Rights in March 2022 said that the tribunal is limited in carrying out its duties due to absence of the witness protection law. She said, "Eyewitnesses are hesitant to interface with the commission due to lack of a proper framework that will protect them after the interface."¹⁷

11.1.4 Limited access to credible and accountable legal aid services

Legal aid services are insufficiently available, especially in rural and marginalized areas where most victims reside. Torture victims often face logistical barriers, such as lack of transport, to reach legal aid centers. Some respondents who have been victims of torture stated pointed out that they fear to Victims seek legal aid due to fear of reprisals from perpetrators, particularly when the perpetrators are state or powerful individuals from the community. Some legal aid providers face financial constraints, lack qualified personnel, and thus have limited capacity to handle cases comprehensively.

¹⁷ The Parliament of Uganda, 'Expedite the Witness Protection Bill -UHRC' 3 March 2022 <https://www.parliament.go.ug/news/5718/expedite-witness-protection-bill-%E2%80%93-uhrc> accessed 21 April 2024.

Currently, legal aid providers are governed under scattered laws like the Law Development Centre Act, Uganda Law Society Act, and Poor Persons Defense Act among others. There is no comprehensive legal framework for credible legal services. Parliament drafted the National Legal Aid Bill 2022 but it is yet to be passed into law. This has undermined the credibility and accountability of the assistance rendered, leaving victims vulnerable to exploitation or inadequate representation.

11.1.5 Limited awareness and education on the law

Field surveys showed low levels of public awareness about the Act and human rights, indicating the need for targeted education campaigns. Law enforcement officers and local government officials, are not aware of the provisions of the Act and consequently do not comply with its requirements. This has led to instances of torture going unreported and unprosecuted. Law enforcement agencies and personnel lack adequate training on the Act, including its prohibitions, preventive measures, and its general purpose. ACTV has in the last couple of years, trained several lawyers and health personnel in prevention and prohibition of torture,¹⁸ however this training ought to be continuous yet there are always financial resource constraints.

Victims and witnesses are ignorant about the law and their rights, and do not report acts of torture, leading to under reporting and leaving perpetrators go at large. This has contributed to a culture

¹⁸ ACTV, *The situational analysis on the prevalence of torture in Uganda* 2015 p.87

where torture is tolerated or overlooked in communities.

Within our communities, it becomes so hard to know of such cases, many people don't want to openly talk about them, and it's because they think they are normal especially Gender based violence within homes. By the time, we get to know as leaders, it is too late to take action. Amuru District Leader.

Detainees are not informed by law enforcement officials of their rights while in detention and yet many are subject to torture and ill treatment inside police cells or safe houses. This has created mistaken belief by victims that torture is a normal element of law enforcement procedures.

Whereas majority respondents were aware of the institutions responsible for dealing with torture namely police, ODPP, Courts, UHRC, very few know the about the PPTA and other applicable laws, obligations, and rights which are not translated and disseminated. In Jinja, Gulu, Mpigi, Hoima, Moroto Kabong districts, efforts have also been made by authorities to educate the public through, community sensitization, radio talk shows, District Committee Meetings, training of elders but the understanding of the law against torture and its prohibitions is yet to be achieved.

11.1.6 Lack of abridged and translated version of laws

There are no abridged versions of the PPTA for easy comprehension by the different enforcement officials. Similarly, many people in the country are illiterate and cannot read and appreciate the content of the PPTA and the Regulations which are written in English language. A Legal officer from Justice Centers Uganda pointed

out that, once the laws are not translated, it makes it difficult for the local communities to understand and interpret them. This is a strong barrier to implementation of the PPTA.

11.1.7 Limited use of Prevention and Prohibition of Torture Regulations, 2017

The 2017 regulations to the PPTA which provides guidelines on effective investigations and documentation of torture cases are fully implemented by the respective state agencies. During the field visits, it was noted that the Uganda Police still uses the Penal Code Act to record cases of torture and documents the same using Police Form 3, which is designed to record assault cases as opposed to using Form 1 contained in the schedule of the Regulations that adequately makes provision for the reporting of torture complaints. These attract lesser punishments on conviction, and are not regarded as human rights violations.

This failure of the police to adopt and code the forms under the PPTA Regulations on investigation and documentation of torture results into compromised prosecutions due to insufficient evidence on torture files. Further, failure by the Uganda Police Force to fulfill her mandate to investigate and document cases of torture has led to increased incidences of torture and lack of accountability uses.

This is evidenced in the annual crime police reports where an average of 32,000 assault cases is recorded annually and no cases of torture. Cases of torture are also only reported as part of child abuse and as part of crimes of criminal syndicates. The documenting of torture is very vital to conducting effective

investigations, and obtaining justice and rehabilitation which are huge elements of state obligations relating to torture.

11.1.8 Limited Jurisdiction of the Uganda Human Rights Commission to handle torture

Under section 4 of the PPTA, torture is a criminal offence. The UHRC is not vested with criminal jurisdiction in performance of its duties in the investigation of human rights violations including torture. The UHRC has quasi-judicial powers to entertain torture cases as human rights matters under (3) of the PPTA but only has power to make compensatory awards, and cannot impose punitive sanctions. This limits the role of the UHRC in implementing the Act, since torture is a criminal offence.

11.1.9 Fear to report cases survivors of torture

It was noted during the field visits that survivors of torture live in immense fear of reprisal from the perpetrators once they come out to report their allegations. The majority of the survivors consulted were reluctant to report cases of torture to any institution because of fear of being rearrested and tortured again. The lack of a witness protection mechanism has hindered the access to justice for survivors and hence limits the promotion and protection of the right of freedom from torture and ill treatment.

Fear to report torture due to threats and intimidation to victims, their relatives and witnesses. This hinders the fulfillment of Uganda's obligations to investigate and document torture and hold perpetrators accountable. When it is a case against a police officer or senior government official there is a lack of willingness

to report or pursue the case which makes it impossible to hold perpetrators liable. Most victims of torture are too traumatized to seek legal reparations while others are too afraid to file complaints as they fear they will be tortured again. Most victims of torture from family conflicts are constrained from reporting torture due to cultural norms and beliefs, fear of social stigma, and other societal pressures.

11.1.10 The continued use and operation of un-gazetted places of detention by the State and its agencies

The continued use and operation of un-gazetted places of detention by the State and its agencies. These include 'safe houses' operated by ISO and SFC agents, UPDF barracks and CMI offices. These facilities are not authorized and gazetted places of detention for criminal suspects and offenders as required under Article 23(2) of the Constitution of the Republic of Uganda. These are places where non police agencies hold, interrogate and torture suspects, and they are illegal according to Human Rights Watch. They are not subject to inspection by any government institution charged with the same, and the government is provided deniability by holding detainees in secret and this creates leeway for impunity by security and intelligence officers. Many people detained in 'safe houses' and in military centres have faced torture. According to the report of the Committee of Parliament on Human Rights on alleged torture in un-gazetted detention centres in the country, several victims testified before the committee that they had been tortured from different such centres called safe houses that were

being operated by ISO. These were mainly suspected criminals accused of treason, murder and terrorism.

11.2 Institutional barriers

11.2.1 Inadequate Institutional Capacity

Data from government reports and stakeholder interviews highlighted resource constraints, including limited staffing and training within implementing agencies. For instance, the 2017 Regulations to the PPTA which provide guidelines on effective investigation and documentation of torture cases have not been utilized by respective state agencies.¹⁹ However, the Uganda Police still uses the Penal Code Act to record cases of torture and documents the same using Police Form 3, which is designed to record assault cases as opposed to using Form 1 contained in the schedule of the Regulations that adequately makes provision for the reporting of torture complaints. These attract lesser punishments on conviction and hence hindering deterrence of torture. The failure of the police to adopt and code the forms under the PPTA Regulations on investigation and documentation of torture has compromised prosecutions due to insufficient evidence gathered or disclosed.

The study established that there are few courts which are only at the districts, very few police posts especially in the remote districts were the torture victims could seek quick assistance.

¹⁹ IRCT Organisation, *UPR Briefing Note: Torture and III-Treatment in Uganda*.

The UHRC has limited centres and complainants have to travel cross districts to access the centres which become costly for them. There are also few or no organizations offering legal assistance, medical care, counseling, rehabilitation and reintegration programs to communities. Some few of the organizations that were found operation in the visited districts include; ACTV, FIDA (U), UGANET, KRANET, Uganda Law Society (ULS), Justice Centres Uganda, Kaleke Kasome foundation, and Totya Platform.

A Community Development Officer (CDO) consulted also pointed out that there are limited facilities to provide the much needed rehabilitation of victims, limited space, and limited personnel.

11.2.2 Increasing involvement of the UPDF and other security agencies in the enforcement of the Law

The use of UPDF and LDUs in ordinary law enforcement activities without adequate safeguards has resulted in the continued use of excessive and brutal force during arrests which comprises ill-treatment, and the use of torture during investigations and interrogations. This is after the sidelining of the police force which is the body constitutionally mandated to enforce law, detect and prevent crime, preserve law and order, and protect life and property under Article 212. On the other hand, the functions of the UPDF as provided under Article 209 of the Constitution are to preserve and defend the sovereignty and territorial integrity of Uganda and cooperate with civilian authority in emergency situations and in cases of natural disaster. The UPDF has no mandate to make arrests and interrogate criminal suspects, and its continued involvement

leads to the militarization of the criminal justice system. This leads to human rights violations including through torture due to the heavy handedness employed by military personnel in executing ordinary police functions.

There have been no express measures taken to halt this ever-increasing trend and yet military personnel have joined the ranks of torture perpetrators at an alarming rate. This further hinders Uganda's realization of its obligations relating to torture, and rather adds to the torture problem.

11.2.3 Limited Prosecution by Director of Public Prosecutions

During the consultations, it was established that there is limited inaction by the office of the Director of Public Prosecutions to institute and prosecute cases related to torture and ill-treatment. No single case of torture against public officials has been successfully pursued by the DPP to completion. Rather, the DPP has been implicated in discontinuing criminal proceedings initiated by private actors against perpetrators of torture as seen in the Hon. Francis Zaake case and as noted by the Committee against Torture in its November 2022 sessions with Uganda. This makes the positive step taken by Uganda in fulfilling its obligations through the criminalization of torture ineffective as only civil cases have been successfully pursued. The DPP also has no control over prosecutions conducted by the PSU, the Court Martial, and other military courts. Therefore many perpetrators go unpunished, and victims subjected to torture under military trial remain beyond the reach of the DPP.

11.2.4 Absence of an independent institution or body to investigate complaints and allegations of torture

The absence of an independent institution or body to investigate complaints and allegations of torture affect the effective implementation of the PPTA. The mandate to investigate complaints of torture is reserved for the Uganda Police Force under Section 11(2) of the PPTA, coupled with the arrest, detention and procuring of charges against the perpetrator. This duty of police to investigate allegations of torture is also reiterated in the PPTA Regulations under regulation 4 and 16. And yet, this is the very agency often with the greatest number of perpetrators of torture, which makes it impossible for the police to conduct transparent investigations against its own officers who wantonly torture suspects in custody.

Effective investigations are required to hold perpetrators accountable in State efforts to eradicate torture and end impunity. The impartiality in the conduct of investigations may thus hinder the realization of obligations relating to torture. In addition to this is the use of internal disciplinary mechanisms for police personnel implicated for torture and ill-treatment. This results into punishments like suspension, transfer to different geographical regions which are not as deterrent as the criminal sanctions that result from criminal proceedings for example fifteen years imprisonment or payment of a hefty fine for a conviction of torture as under Section 4 of the PPTA, and life imprisonment for the offence of aggravated torture.

11.2.5 Corruption

Respondents in all the study districts cited corruption and abuse of office as major setbacks to the implementation of the PPTA. Corruption is manifested in several instances including: Cases where the evidence is tampered with or altered to the interest of the offender; cases of the rich using redress mechanisms to torture the poor especially in cases related to confiscation of land among others. Respondents also cited instances where some individuals pay bribes to have victims or suspects tortured while in custody. In other cases perpetrators go unpunished due to inducements. In other cases, torture perpetuated by officials from state institution have not been prosecuted or in other cases are reduced to lesser charges. Torture charges are often changed by the police and prosecutors to common assault or assaults causing grievous bodily harm under the Penal Code Act. Judicial officers in lower courts are also connected to soliciting and accepting bribes from the parties involved.

A respondent from the ULS cited corruption as a challenge affecting effective compensation of the victims in a way that some Advocates conspire with individuals responsible for payment in the MJCA to prioritize their files for quick compensation and kickbacks. Consequently, victims without lawyers have the process of their payments delayed and some even die off without realizing it.

In the traditional justice system, corruption was also mentioned to exit. One victim of gender based violence in Moroto had this to say:

"Some men are big headed, he will beat you and ask you

report anywhere after all he has money. And indeed when you report to the elders, he will buy them local brew and your case will be dismissed.”

11.3 Financial and Human Resource Constraints

11.3.1 Limited budget allocation

Field data analysis revealed that budget allocations for implementing agencies are insufficient to meet operational needs, hindering effective implementation of PPTA. The limited financial resources allocated to institutions like the UGHRC responsible for monitoring, investigating, and prosecuting torture cases hamper their capacity to carry out these crucial tasks effectively. Insufficient funding often leads to understaffing, inadequate training programs, lack of modern equipment and facilities, and delayed or incomplete investigations. This, in turn, hampers the timely and thorough examination of torture allegations, the gathering of evidence, and the prosecution of perpetrators.

Additionally, resource constraints impede efforts to provide comprehensive support and rehabilitation services to torture victims, including medical and psychological care and legal assistance. The State has not been able to establish any rehabilitation programme for torture victims and it does not fund non-state services to provide support. There is limited field facilitation for CDOs yet their work is community based.

11.3.2 Difficulty in identifying perpetrators of torture

There is difficulty in identifying perpetrators of torture in order

to facilitate investigations and enable victims obtain redress, is a barrier to the effective implementation of the Act and realization of obligations relating to torture. According to the respondents there is a confusing array of security organs in Uganda that have detained and tortured suspects. In many cases, agents carrying out arrests wear civilian clothes with no identifying insignia. Victims are whisked away in unmarked vehicle called drones and majorities are blindfolded throughout their entire torture ordeal. Interrogation sessions which involve the torture of suspects are usually carried out while the victims are blindfolded or in dark rooms which makes it hard for them to glimpse their torturers.

Persons held in un-gazetted places of detention have no access to institutions charged with the prevention of torture and some even die prior to reporting or lodging of torture complaints.

11.3.3 Delayed compensation

The PPTA under section 6 (1)(a-b), provides for Compensation for any economically assessable damage resulting from torture. The courts of law in Uganda and the UHRC have continuously awarded compensation to survivors of torture. However, the absence of a compensation programme at national level to compensate victims has led to huge outstanding compensation sums totaling to over Uganda Shillings 5 billion (USD 1,402,661).²⁰ Many survivors who have been awarded compensation take more than six years to receive

²⁰ UPR Briefing Note, 'Torture and ill-treatment in Uganda ' 2021 p.3 https://irct.org/wp-content/uploads/2022/08/Briefing-note_Uganda_2021.pdf

it.²¹ This has impeded access to effective redress and access to timely quality treatment and rehabilitation provided under the law. The delays are attributed to a number of factors including limited budget allocation by the Ministry of finance amidst competing priorities, corruption at the MJCA, and appeals by the Attorney General against the awards.

An official from the UHRC, noted that whenever the Attorney General appeals to the High Court against the UHRC decision on compensation for torture victims, some victims cannot afford to continue with legal process or abandon it and become unable to access their compensation. The further delays are occasioned when the Attorney General appeals from the High court to the Court of Appeal.

Additionally, when punitive damages are awarded as against individual officers who engage in torture or ill-treatment of the victims, these officers are often financially unable to pay compensation due to their low salaries. .

This inability significantly hinders victims from receiving adequate and timely compensation, victims timely ultimately undermining the implementation of the PPTA.

11.3.4 Human Resource Challenges

The implementation of the PPTA faces significant human resource challenges, including a shortage of trained personnel in law enforcement, inadequate funding for training and resources,

21 *ibid*

limited interagency cooperation, instances of political interference compromising both prosecution of torture perpetrators, and a lack of public awareness about anti-torture laws. These challenges hamper effective investigation, prosecution, and adjudication of torture cases.

A respondent from the Office of the Director of Public Prosecutions (ODPP) stated that many police officers are not conversant with the provisions of the PPTA and continue applying the Penal code Act.

“That the ODPP is also grappling with understaffing which affects investigations, prosecution and adjudication of torture cases. This implies a need to contribute to efforts for massive awareness about the law within the justice, law and order sector so that the law is implemented”.

11.4 Infrastructural and Technological barriers

The infrastructural and technological challenge in implementing the PPTA encompasses several interrelated aspects. Uganda’s infrastructure outside major urban centers often faces limitations, including inadequate road networks and limited access to reliable electricity and internet connectivity. This hampers the efficient delivery of legal aid services to remote areas where victims may be located, creating barriers to investigations, reporting, monitoring, legal aid services, and generally access to justice. Rural and marginalized communities, lack the necessary skills and resources to effectively use the available digital platforms for reporting torture incidents, accessing legal information, or participating in virtual legal consultations. Field observations indicated a

lack of adequate infrastructure and technology, affecting data management and reporting processes in the areas of Karamoja and Hoima, and Kasese.

In 2019, the Judiciary started the use of video conferencing technology in its operations in implementation of the Judicature (Visual- Audio Link) Rules, 2016. The system has not been rolled out across the country and has been thwarted by the recurrent poor internet connectivity that can hardly allow stable communication between the suspects in prisons and courtrooms.²² In such circumstances, the feasibility and effectiveness of the PPTA is compromised.

11.5 Socio-cultural Challenges

11.5.1 Cultural factors

Certain forms of torture are normalized and condoned as culturally accepted practices rather than human rights violations. Victims of torture or witnesses to torture fear social stigma or retaliation from perpetrators or their communities if they report incidents to authorities. Cultural norms around silence, shame, and the fear of disrupting social harmony can stop individuals from seeking legal recourse or cooperating with law enforcement investigations. Cultural norms around gender roles and power dynamics can influence the prevalence and perception of torture, especially

²² *The Independent*, 'Lawyers ask judiciary to halt virtual court proceedings citing sluggishness' 30 March 2022.' <https://www.independent.co.ug/lawyers-ask-judiciary-to-halt-virtual-court-proceedings-cit-ing-sluggishness/> accessed 23 April 2024.

in cases of domestic violence or abuse. Cultural barriers can contribute to a lack of awareness and understanding of human rights principles, including the prohibition of torture.

In Moroto and Kabong, rape and sexual humiliation were recorded as common forms of torture which are traditionally rooted in the marriage norms. These are conducted the popular homesteads locally known as "Manyattas." Women are raped and young girls forced to marry, provide for the family, and subjected to a lot of domestic violence, said by a victim. Some of the punishments administered by elders and local councils involve beating (locally termed as 'Ameto'), sitting under scorching sun, and public humiliation to offenders especially to men and youths and yet most of them are petty offences like theft, failure to attend a clan meeting and other related issues. Victims of this kind of torture are not rehabilitated but are isolated, face family rejection, traumatized, stigmatized and some resort to alcoholism, drug abuse and abandon families.

Domestic violence is main cause of torture and ill-treatment among households. The perpetrators are potentially both men and women, but largely men. In the visited districts like Mpigi, Iganga, Kasese, Gulu, Amuru and other parts of the country, men traditionally feel they are at liberty to discipline their wives. Under such belief, whenever there is a disagreement, they beat up women, injure them and chase them from homes or deny them necessities.

Social services rendered to torture survivors is completely unavailable in some areas, those available are inadequate and

provided by NGOs, which affects effective access and utilization of social support necessary to torture survivors especially the holistic rehabilitation.

Torture survivor in Gulu narrates that:

“It so hard to find full package services given to torture survivors in all our communities, for example here in Gulu, we all run to ACTV center which may not be able to handle all our cases and address all our needs”.

11.5.2 Attitudes towards torture

Community respondents highlighted cultural attitudes that tolerate or condone torture, posing challenges to reporting and accountability. The public has limited faith in the justice system. There is a perception that only the rich can get justice and that the voices of the poor cannot be heard.

This has been worsened by corruption among judicial officers; lengthy court processes that have seen victims give up on their cases midway; and the lack of established witness protection where some witnesses have been intimidated off cases. A respondent from Hoima stated: *“But why should I go to report yet within a day, the perpetrator will be released. All what the Police, prosecutors and magistrates want is money.”*

The burning poverty has also influenced the attitude of people towards torture. A torture survivor from Kasese accounted that, *“I was tortured by LDUs during Covid 19 lockdown, they injured my left hand but I had no money for lawyers to go to court. I just*

received home treatment.” With such ordeals, many torture cases are often not reported.

Moral decay and poor anger management tendencies and mistrust in justice systems have impacted on the increasing torture cases. Step parents have tendencies of torturing children, and greedy relatives against widows and vulnerable children over inheritance of property.

11.6 Political barriers

11.6.1 Lack of Political Will

There is a challenge of lack of political will. Whereas the State has a duty to protect and promote all human rights and fundamental freedoms including protection from torture inter alia by implementing the PPTA, several government officials are instead the perpetrators. The different positioned or powerful individuals often give cover to officials who commit torture and frustrate their prosecution. Interviews with political stakeholders demonstrated varying levels of commitment to human rights and the Act, impacting enforcement and accountability. A human rights activist and respondent from Kampala stated:

Government has declined to sign the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment which is a clear sign by the political leadership that Uganda is not willing to be checked on torture.

11.6.2 Impunity and influence of Security agencies

Field data suggested instances of interference or reluctance from security agencies enforcing the Act, raising concerns about impunity. Impunity is widespread in police, the military, the prisons service, and the political leaders. *The security forces do not take adequate measures to investigate and punish officers implicated in torture crimes, especially in incidents involving political opposition members.* Security forces use torture for extracting information or confessions from suspects, extortion, or instilling fear in communities. A victim from Kasese stated that, *“I was arrested in 2016 when the army attacked the Omusinga’s palace and taken to Nalufenya police in Jinja where I was terribly beaten to give any information about the king.”*

Respondents from the local authorities in Moroto and Kabong implicated the army for torturing many people in search for guns during cordon and search. In Kampala, many cases of security agents carrying out arrests wear civilian clothes with no identifying insignia. Usually political critics are whisked away in unmarked vehicle popularly called drones and many are blindfolded throughout their entire torture ordeal.

In the interviews conducted with, human rights activists, lawyers, and judicial officers, it was reported that on many occasions, security agencies tortured suspects in their custody, defied court orders to release detainees and intimidated judicial officers from releasing political detainees. All these impede implementation of the PPTA.

12. CONCLUSION AND RECOMMENDATIONS

12.1 Conclusion

The enactment of the Prohibition and Prevention of Torture Act was an important step towards the fight against torture, but it is not an end in itself. The Act needs to be promoted and implemented. The field data analysis provides valuable insights into the practical challenges faced in implementing the PPTA in Uganda. By integrating these findings with existing literature and stakeholder perspectives, the recommendations outlined in this report offer a comprehensive approach to overcoming barriers and enhancing the Act's effectiveness, thereby advancing human rights and ensuring justice for all citizens.

Uganda's legal framework aimed at combating torture, as embodied in the PPTA, faces notable hurdles in its practical application. Challenges such as defining acts of cruelty, the absence of key protocol ratifications, institutional limitations, financial constraints, infrastructural deficiencies, cultural norms, and political commitments collectively impede the effective enforcement of anti-torture measures. Overcoming these obstacles necessitates comprehensive reforms across legal definitions, institutional capacities, financial allocations, infrastructure improvements, cultural sensitivities, and sustained political dedication to human rights, ensuring that the Act's principles are translated into tangible protections for all individuals within Uganda. The recommendations are detailed below.

12.2 Recommendations

Generally majority of the respondents conquered with the need for more community sensitization as a way of creating more awareness at the Law. It was reported that “*People cannot use, what they don’t know about*” this is for both the duty bearers and the Rights holders. Voices indicated the fact that there already existing laws which however have not been utilized. Therefore strengthening the existing laws was suggested as imperative among other recommendations as indicated in the graph above.

12.3 Legislative and Policy Reforms

Short term recommendations (1-2 Years)

a) ***Ratify the OPCAT***

The Ministry of Justice and Constitutional Affairs and the Human Rights Commission in collaboration with ACTV should support the process of the ratification of the Optional Protocol to the Convention against Torture (OPCAT) as soon as possible. Ratifying OPCAT would signify a strong commitment to preventing torture and ensuring the protection of human rights in detention facilities and other places where individuals are held in custody. The MJCA and the Ministry of Foreign Affairs should therefore begin high level engagements for timely ratification process and deposit the instrument of ratification with the Secretary General of the United Nations.

Upon ratification, Uganda should promptly establish effective and independent NPMs as required by OPCAT. These mechanisms

ought to have the authority and resources to conduct regular visits to places of detention, monitor conditions, prevent torture and ill-treatment and provide recommendations to the relevant authorities for improvements in the conditions of detention.

b) *Regulatory awareness and Education*

The UHRC, Uganda Police, Uganda Law Society and local governments should partner with CSOs and develop a programme to raise a national wide awareness campaign on the PPTA. Develop multimedia materials like poster, videos, Radio and TV adverts and shows explaining the legal obligations and the consequences of torture. They should educate torture victims on their rights and the availability of legal aid. Institutions or Organizations should recruit more community volunteers, counselors, para-social workers (PSWs), and peer support workers do sensitize against torture. Also consider establishment of Mobile Legal Aid Clinics to serve remote and underserved areas.

c) *Development of Abridged Versions and translations*

The Human Rights Commission in collaboration with ACTV should develop abridged versions or simplified summaries of the PPTA for easy comprehension by different stakeholders, including victims, witnesses, and community members. Ensure that these materials are available in multiple local languages and accessible formats. Distribute abridged versions and translations through legal aid centers, educational institutions, and community based organisations to promote awareness and understanding of the law against torture.

d) ***Updating the Interpretive Guide to PPTA***

The Human Rights Commission in collaboration with ACTV should revise the Interpretive Guide to PPTA and include practical examples and case studies to clarify the distinction between torture and CIDT. The updated guide should include procedural checklists for law enforcement officers, prosecutors, and judicial officers to improve decision making.

e) ***Enhancement of Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment***

The Ministry of Justice and Constitutional Affairs and Ministry of Health should in collaboration with ACTV should train lawyers and doctors on effective investigation and documentation of torture and other Cruel, inhuman or degrading treatment or punishment. This includes training in Istanbul Protocol which contains internationally recognized standards and procedures on how to recognise and document symptoms of torture so the documentation may serve as valid evidence in court.

Medium term recommendations (3-5 years)

a) ***Passing of the Witness Protection Bill***

The Ministry of Justice and Constitutional Affairs and CSOs should advocate for the speedy passage of the Witness Protection Bill, 2015, into law. Engage parliamentary committees and other stakeholders to prioritise the Bill. This bill should provide comprehensive protection mechanisms for witnesses and victims of crime, including those related to torture. Train prosecutors,

investigators and law enforcement officers on applying the interim witness protection guidelines developed by the ODP, until the Bill is enacted.

b) *Passing of the National Legal Aid Bill*

The Ministry of Justice and Constitutional Affairs in collaboration with the Uganda Law Society and Parliament should fast track the passing of the National Legal Aid Bill 2022 into law. This bill if passed will facilitate access to legal aid services which are credible, accountable and affordable to indigent, marginalised and vulnerable persons including victims of torture.

c) *Full implementation of the PPTA regulations*

The Judicial Training Institute, Uganda Human Rights Commission in collaboration with CSOs to train Judicial officer, law enforcement officers (Police Officers and Prison Officers), prosecutors, medical practitioners on the use of the PPTA Regulations and forms. All relevant institution should adopt and streamline the Regulations in the documentation and investigation of torture cases.

d) *Regulatory Awareness and Education*

The Uganda Human Rights Commission in collaboration with ACTV should develop awareness campaigns in law enforcement institutions especially, the police, prisons, UPDF, LDUs and LCs.

e) *Development of Abridged Versions and Translations*

Government, the UHRC and CSOs should regularly update abridged versions and translations of the PPTA to reflect amendments and evolving best practices.

f) Updating the Interpretive Guide to PPTA

The ODPP should periodically review and update the guide to the PPTA to include new case law, evolving international standards, and innovative practices.

Long term (5-10 years)

Amendment of the PPTA

The Uganda Law Reform Commission in collaboration with the Ministry of Justice and Constitutional affairs and ACTV should review the PPTA and propose provisions for amendment. The provisions include definition of CIDT under section 7, expanding the powers and function of the Uganda Human Rights Commission, Medical treatment and counselling of victims and Victim impact statement.

12.4. Institutional Enhancement

Short term recommendations (1-2 years)

a) *Toll-free numbers for reporting Torture incidents*

Uganda Police, UHRC and ACTV should establish Toll-free numbers for reporting Torture incidents.

b) *Strategic focus on advocacy*

ACTV should partner other human rights CSOs and media to raise awareness about the prevalence of torture and the role of institutions in combating it. Targeted campaigns should focus on high risk regions and vulnerable communities.

c) **Formation of platform for Torture**

ACTV should establish a multi-agency coordination platform to monitor and evaluate progress on anti-torture initiatives. This can include the Chairperson of the UHRC, Inspector General of Police, the Commander Defence Forces, Attorney General, and the Minister of Justice and Constitutional Affairs, DPP, ACTV and other Human Rights Organizations. a) Establish Regional Networks for Prevention of Torture. This could involve creating and sustaining regional networks for data sharing, case monitoring, and knowledge exchange among stakeholders including CSOs, journalists, lawyers, medical personnel and other actors. This would help to provide timely information for prevention of torture and for referral of cases to ACTV and other anti-torture actors.

Medium term recommendations (3-5 years)

a) **Institutional infrastructure improvement**

UHRC and the Ministry of Health in collaboration ACTV should to expand Medical Treatment and Rehabilitation Services to other regions of the country. The respondents noted that whereas ACTV in particular is providing a specialized service of treatment and rehabilitation of torture victims in Kampala, and Gulu, these services are not available in other regions like Rwenzori and Bunyoro. Torture, cruel and degrading treatment cases are rising in this oil rich region due land acquisition for speculation and migration. Therefore there is need to establish a national rehabilitation program for torture victims, providing medical, psychological, and legal support services. Consider partnering with non-state actors to expand access to comprehensive support

and rehabilitation services. Establish rehabilitation facilities for victims, skilling programs and recruit the necessary personnel.

b) *Provision of legal assistance*

ACTV, the Uganda Law Society and Legal Aid Service Providers Network (LASPNET) should develop a collaboration programme to provide pro bono legal services to victims of torture who may face challenges in torture cases. The assistance include legal representation and guidance to pursue their claims effectively. The other legal assistance include providing access to counseling, rehabilitation, and protection services to address trauma and promote recovery of the survivals. Legal aid clinics can be established in high torture risk areas.

c) *Judicial System Reform*

The Judicial Training Institute should initiate training programs for judicial officers on how to adjudicate torture cases.

d) *Strengthen Interagency Collaboration and cooperation*

The UHRC should formalise inter-agency coordination and create joint taskforces to streamline investigations and reporting on torture cases. Organise periodic meetings between key stakeholders, including the Police, Prosecution, Judiciary, and Human Rights Organisations to review case outcomes and enhance accountability.

e) *Enhance Technological Capabilities*

The Judiciary and the UHRC should expand the use of technology, such as video conferencing systems, for court proceedings and

legal consultations, particularly in areas where physical access is challenging. The UHRC, Security agencies, the ODPP and CSOs/ Legal aid providers should invest in modern equipment, technology, and facilities to improve data management, evidence collection, and reporting systems related to torture cases. This includes digital systems for case documentation, forensic analysis, and secure storage of sensitive information. Provide immediate training programs for rural communities on using digital platforms for reporting torture incidents and accessing legal information.

12.5 Financial and Human resource reforms

Short term recommendations (1-2 years)

a) Streamline Compensation Process

The Ministry of Justice and Constitutional Affairs and UHRC should streamline the compensation framework for torture victims under the PPTA. This should involve coordination between relevant government agencies and stakeholders to expedite the compensation process. The compensation can be decentralized and various institutions like the UHRC be enabled to cater for their clients as it is the case with the Uganda National Road Authority (UNRA). Enhance transparency in the compensation process by publicizing information on compensation claims, awards, and disbursements.

Medium term recommendations (3-5 years)

a) Increase Funding

Justice Law and Order Sector (JLOS) should in collaboration with CSOs advocate for increased budget allocations to implementing

agencies responsible for monitoring, investigating, and prosecuting torture cases. This should include funding for staffing, training programs, modern equipment, facilities and operational expenses. Additional funds should be allocated to support a robust advocacy campaign on prevention of torture through the media as well as promoting continuous and sustained dialogue. The mobilization of funds should include emergency funds from international donors and NGOs to address urgent needs for victim rehabilitation and legal assistance.

12.6 Social- cultural recommendations

Short term recommendations (1-2 years)

a) Cultural Sensitization and Dialogues

Government through the Ministry of Gender, Labour and Social Development (MGLSD) and the UHRC should conduct culturally sensitive awareness and education campaigns on human rights, specifically targeting communities where certain forms of torture are normalized or condoned. Engage local leaders, traditional institutions, and community influencers to promote human rights values and challenge harmful cultural practices.

Facilitate community dialogues and forums to discuss the impact of cultural norms on torture, emphasizing the rights of individuals and the importance of reporting and addressing human rights violations.

Medium term recommendations (3-5 years)

a) Empowerment Programs

Government through the MGLSD should implement empowerment programs for women and vulnerable groups to promote their rights, safety, and equality within traditional and cultural settings. Empowerment initiatives can include education on gender equality, economic empowerment, and legal rights awareness.

b) Rehabilitation and Reintegration

Government and Community based Organisations should develop comprehensive rehabilitation and reintegration programs for victims of cultural-based torture. These programs should focus on psychosocial support, vocational training, livelihood opportunities, and community acceptance to prevent social isolation and stigma.

c) Community Engagement and Victim Support

Legal aid providers should conduct regular legal clinics and outreach programs to educate the public on their rights and build confidence in the justice system. Expand victim advocacy networks to amplify torture survivor voices and advocate for better redress mechanisms.

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ANNEXURES

ANNEX 1: INTERVIEW GUIDE FOR THE TECHNOCRATS (DUTY BEARERS)

INTERVIEW GUIDE FOR TECHNOCRATS (Duty Bearers) ON THE BARRIERS TO EFFECTIVE IMPLEMENTATION OF THE PPTA (2012)

Introduction

The African Centre for the Treatment and Rehabilitation of Torture Victims is conducting on the barriers to effective implementation of the PPTA (2012). The exercise involves obtaining information on a range of issues pertaining to the s the current situation on torture in the country, he level of awareness on the PPTA 2012 among the right holders and duty bearers, the level of implementation on the PPTA 2012 among the relevant Institutions, and the he factors that affect the implementation of the PPTA 2012. You have been selected to participate in this interview and the results are expected to inform ACTV and other stakeholders to take action in addressing the barriers to effective implementation of the PPTA (2012). The information collected will only be used for the above purposes. We request you to kindly respond to the following questions.

Consent Statement

At this time, do you have any questions?

Are you willing to participate in this survey?

Can we begin the discussion now?

Yes..... No.....

Name of Respondent

Designation

Date

Name of Interviewer.....

Questions

NATURE, MAGNITUDE AND TREND OF TORTURE

1. What are the emerging patterns and trends of torture in Uganda?
2. What are the common forms of torture used by perpetrators in Uganda? Of these, which method is most dominant?
3. Which groups of people do you consider to be more at risk of torture and cruel treatment? (Children, women, refugees, internally displaced persons, youth, activists among others)In what ways are they vulnerable?
4. Who are the main perpetrators of torture?

AWARENESS AND IMPLEMENTATION OF THE PREVENTION AND PROHIBITION OF TORTURE LAW

5. What legislation is available at national, regional and international levels on the prevention of torture?
6. Why in your opinion is torture prevalent in spite of the available anti-torture laws?
7. Do you find the existing anti-torture laws effective?
8. What are the gaps in the existing legislation?

9. Why in their opinion is torture perpetrated despite enactment of necessary anti-torture legislation?
10. What administrative and legal institutions are available for redress for victims of torture?(Police, Courts of law, Uganda Human Rights Commission, Office of the Director of Public Prosecutions). How effective have these institutions been?
11. Are compensation awards ordered by courts of law and the UHRC promptly paid by the respective institutions?
12. How effective are the redress mechanisms including court processes and compensation? How can this process be improved?
13. What services are available including medical and psychological, physiological treatment and rehabilitation of survivors of torture?
14. What is the quality of services available for torture victims? How accessible are these services?
15. What challenges do torture victims face when re-integrated into communities?
16. Are there any organisations providing post community re-integration services? What is the quality of these services?
17. What do you consider to be the effects of torture (Social, economic, political among others)?

BARRIERS TO THE IMPLEMENTATION OF THE LAW AGAINST TORTURE

18. What do you consider to be the major barriers to implementation of the PPTA?
19. What major actions should be taken to address the barriers to implementation of the PPTA?

ANNEX 2: INTERVIEW GUIDE FOR VICTIMS, SURVIVORS & WITNESSES

INTERVIEW GUIDE FOR VICTIMS, SURVIVORS AND WITNESSES OF TORTURE IN UGANDA

Introduction

The African Centre for the Treatment and Rehabilitation of Torture Victims is conducting on the barriers to effective implementation of the PPTA(2012). The exercise involves obtaining information on a range of issues pertaining to the current situation on torture in the country, the level of awareness on the PPTA 2012 among the right holders and duty bearers, the level of implementation on the PPTA 2012 among the relevant Institutions, and the he factors that affect the implementation of the PPTA 2012. You have been selected to participate in this interview and the results are expected to inform ACTV and other stakeholders to take action in addressing the barriers to effective implementation of the PPTA (2012). The information collected will only be used for the above purposes. We request you to kindly respond to the following questions.

Consent Statement

At this time, do you have any questions?

Are you willing to participate in this survey?

Can we begin the discussion now?

Yes..... No.....

Name of Respondent

Designation

Date

Name of Interviewer.....

QUESTIONS

NATURE, MAGNITUDE AND TREND OF TORTURE

- 1) What is torture? How do you know that a specific individual has been tortured?
- 2) Have you been a victim of torture before, a torture survivor or a witness of torture?
- 3) For what reasons are people tortured in this community?
- 4) For how long ago was the torture that was inflicted to you or you witnessed? From where was it done?
- 5) Who carries out torture or cruel treatment activities in this community?
- 6) How common is torture in this community? What methods are used to torture people in this community? Which is the most dominant method used?
- 7) Are cases of torture reported in this community?
- 8) If not for what reasons are such cases not reported?
- 9) If reported, to which institutions are such cases reported?
- 10) How satisfied are you with the help received from anti-torture agencies in this community?

- 11) Does torture vary with age, religion, economic class, region, rural/urban and ethnicity, political affiliation among others?

AWARENESS AND IMPLEMENTATION OF THE PREVENTION AND PROHIBITION OF TORTURE LAW

- 12) Are you aware of the existence of laws that prohibit torture in Uganda?
- 13) If yes how did you get to know about them?
- 14) Why in your opinion is torture prevalent in spite of the available anti-torture laws?
- 15) What challenges have limited the implementation of the Prevention and Prohibition of Torture Act?
- 16) How does torture affect the victims?
- 17) How effective are the redress mechanisms including court processes and compensation? How can this process be improved?
- 18) What services are available including medical and psychological, physiological treatment and rehabilitation of survivors of torture?
- 19) What is the quality of services available for torture victims? How accessible are these services?

BARRIERS TO THE IMPLEMENTATION OF THE LAW AGAINST TORTURE

- 20) What challenges do torture victims face when re-integrated into communities? Are there any organizations providing post community re-integration and rehabilitation services?

21) What should be done to improve the implementation of the anti-torture law?

ANNEX 3: QUESTIONNAIRE FOR RIGHT HOLDERS

SECTION A: GENERAL INFORMATION

Respondent's code	
Location	

A1: Age group

Code	1	2	3	4	5
Age group	10-14	15-19	20-24	25- 29	30+
Tick					

A2: Gender

Code	1	2
Gender	Male	Female
Tick		

A3: Level of Education

Code	1	2	3	4	5	6	7
Level	None	Primary	O-level	A-level	Bachelor	Masters	Doctorate
Tick							

A4: Employment status

Code	1	2	3	4
Status	Employed	Self-employed	Unemployed	Other
Tick				

SECTION B: NATURE, MAGNITUDE AND TREND OF TORTURE

B.1 Have you been a victim of torture or do you know any person that has been tortured?

Code	1	2	3
Response	Yes I have been a victim	Yes I know someone	None
Tick			

B.2 What types of torture are you aware of?

Code	1	2	4	5	6
Type	Physical	Mental or Psychological	Pharmacological	Sexual	None
Tick					

B.3 Who was the perpetrator of torture?

Code	Response	Tick
1	Police Officer	
2	Army officer	
3	Rebel	
4	Family member	
5	Community member	
6	Teacher	
7	Employer	
8	Church leader	
9	Medical personnel	
10	Politician	
11	Person with mental disorder	

12	Other (specify here)	
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B.4 Was the perpetrator of torture male or female?

Code	1	2
Gender	Male	Female
Tick		

B.5 What happened to the perpetrator of torture?

Code	Action	Tick
1	Reported	
2	Arrested	
3	Tried in Court	
4	Penalized	
5	Pardoned/Forgiven	
6	Warned	
7	Left free	
8	Other (specify here)	

B.6 What were the reason for torture?

Code	Reason	Tick
1	Political difference	
2	Marital dispute	
3	Employment dispute	
4	Land dispute	
5	Minority/vulnerable discrimination	
6	Tribal conflict	
7	School activities	
8	No reason	

9	Other (specify here)	
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B.7 How did torture affect you or the victim you witnessed?

Code	Response	Tick
1	There was death	
2	Injury	
3	Hospitalization	
4	Permanent disability	
5	Depression	
6	Trauma	
7	Isolation by the community	
8	Other (specify here)	

B.8 Did you or the victim receive any response services/help after being tortured?

Code	1	2
Response	Yes	No
Tick		

B.9 What services did you or the victim receive? Please specify below:

Code	Service	Tick
1	Treatment	
2	Counseling	
3	Legal representation	
4	Rehabilitation	
5	Compensation	

6	Livelihood support	
7	Other (specify here)	

B.10 Who provided these services and how did you access them?
Please specify in the space below:

Code	Response	Tick
1	The Perpetrator	
2	Government agency	
3	NGO/ CSO	
4	Community members	
5	Family members	
8	Other (specify here)	

SECTION C: AWARENESS ON PREVENTION AND PROHIBITION OF TORTURE LAW

C.1 What laws prohibit torture in Uganda?

Code	Response	Tick
1	The Constitution of the Uganda	
2	The Prevention and prohibition of Torture Act	
3	The Penal Code Act	
4	The Police Act	
5	The Prisons Act	

6	The Human Rights (Enforcement) Act	
7	The Uganda Human Rights Commission Act	
8	Not sure	

C.2 How do you understand torture?

Code	Response	Tick YES <input type="checkbox"/>	Tick NO <input type="checkbox"/>
1	It is allowed?		
2	Is it cruel?		
3	Is it inhuman?		
4	Is it degrading?		
6	Is torture punishable?		
7	Can a person consent to torture?		

C.3 What is the punishment of torture?

Code	1	2	3	4	5
Response	Death	Imprisonment	Fine	None	Not sure
Tick					

C.4 Who should be punished for torture?

Code	Response	Tick YES <input type="checkbox"/>	Tick NO <input type="checkbox"/>
1	The Perpetrator		
2	The Witness		
3	The person who reports torture		

4	The person who finances the perpetrator		
5	The person who gives orders for torture		
6	The person who harbors the perpetrator		
7	The person who incites torture		
8	The person who recommends or encourages torture		

C.5 How did you know about anti-torture laws?

Code	1	2	3	4	5	6
Response	Read about them	Through Media (Radio, TV, Newspaper, internet)	Community sensitization (NGO, Local leaders, government official)	Through Court process	From Police	Other
Tick						

SECTION D: ENFORCEMENT OF PREVENTION AND PROHIBITION OF TORTURE LAW

D.1 Do you think the law is implemented?

Code	1	2
Response	Yes	No
Tick		

D.2 Who is responsible for enforcement the anti-torture laws?

Code	Authority	Tick
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1	Police	
2	Local Councils	
3	Prison	
4	Uganda Human Rights Commission	
5	UPDF	
6	ODPP	
7	Court	
8	Parliament	
10	Cultural Institutions	
11	Religious Institutions	
12	NGOs/CSOs	
13	Other (specify here)	

D.3 What are some of the barriers that hinder effective implementation of this Act?

Code	Barrier	Tick
1	Lack of awareness	
2	Limited capacity of Police, Prosecutors and Judiciary	
3	Political interference	
4	Fear	
5	Corruption	

6	Cultural norms/rituals	
7	Religious norms	
8	Other (specify)	

D.4 What can be done to improve implementation of anti-torture laws?

Code	Recommendation	Tick
1	Strengthen the existing law	
2	Maintain the existing law	
3	Dissemination of the law	
4	Support government agencies with enough resources	
5	Protect victims and witnesses	
6	Fight Corruption	
7	Sensitize communities	
8	Other (specify here)	

Supported By



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