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PERMANENT MISSION OF THE REPUBLIC OF UGANDA

TO THE UNITED NATIONS, GENEVA



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Permanent Mission of the Republic of Uganda to the United Nations Office and Other International Organizations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights, and has the honour to refer to the Joint Communication from the Special Procedures of the United Nations Human Rights Council dated 23 August 2017, regarding the Kasese incident of November, 2016.

The Permanent Mission wishes to transmit herewith the response of the Government of the Republic of Uganda dated 17 October 2017, to matters raised in the Joint Communication from the Special Procedures Mandate holders of the United Nations Human Rights Council regarding the Kasese incident of November 2016.

Further, the Permanent Mission wishes to inform the Special Procedures that the Government of Uganda has taken note of their intention to publicize the Report, and requests that this Report should incorporate and reflect the Government's response.

The Permanent Mission of the Republic of Uganda to the United Nations Office and Other International Organizations in Geneva avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.



GENEVA, 21 October, 2017.

The High Commissioner
Office of the High Commissioner for Human Rights
GENEVA

Attach...

**RESPONSES BY THE GOVERNMENT OF THE REPUBLIC OF UGANDA TO THE
MATTERS RAISED IN THE JOINT COMMUNICATION FROM THE SPECIAL
PROCEDURES MANDATE-HOLDERS OF THE UNITED NATIONS HUMAN RIGHTS
COUNCIL (UNHRC) REGARDING THE KASESE INCIDENT OF NOVEMBER 2016**

I. INTRODUCTION

1. The Government of the Republic of Uganda received the Joint Communication under Ref. AL UGA 1/2017 dated 23 August 2017, from the UNHRC Special Procedures Mandate-Holders, i.e. the Working Group on Arbitrary Detention; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on extra-judicial, summary or arbitrary executions; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.

2. In the cited Communication, attention is drawn to the Government of Uganda about information received from un-named sources alleging violations related to their mandates committed in Kasese, Western Uganda, on 26th and 27th November, 2016, as well as obstacles encountered in investigation of the events. Furthermore, the Government of Uganda is requested to give comments on the allegations and to specifically give observations on ten specific issues within sixty (60) days.

3. The Government of Uganda acknowledges the events that took place in Kasese on 26th and 27th November, 2016, and takes note of the serious allegations contained in the Communication and avers that the allegations contain substantial misrepresentation of facts combined with wide-ranging falsehoods.

4. Therefore, the Government of Uganda avails itself of the opportunity to respond to the allegations and clarify as follows:

II. MATTERS RAISED AND RESPONSES THERETO:

A. Additional (Background) information and comments on the allegations

5. The incidents that happened in Kasese have their roots in the Rwenzururu insurrection / movement which started before Uganda got independence in 1962. First, were the socio-political and economic struggles between the Bakonzo and the Batooro around 1900s when the colonial agreements failed to recognize the Bakonzo as an independent ethnic group and instead placed them under the Toro kingdom. This was under the wider kingdom of Toro which was formed in 1830. The agitation for autonomy by the Bakonzo remained a concern for the colonial government.

6. The Government of the Republic of Uganda abolished kingdoms in 1966 which paved the way for the creation of districts and provinces. In 1974, two districts of Rwenzori and Semuliki were created and later renamed Bundibugyo and Kasese Districts in 1979. The two districts were created for purposes of enabling devolution of

power and resources between the local communities of the region; and as a response to the long-standing agitation and demands.

7. In 1982, a political understanding was reached between the Government of Uganda and the 'Rwenzururu Movement' in which the current king, Iremangoma Mumbere, agreed to lay down arms in return for development funds for social welfare, education as well as material incentives; inclusive of Government scholarships.

8. However, the breakaway faction led by [REDACTED] the movement's former 'Chief of Staff', formed the Rwenzururu Freedom Movement which transformed into the National Liberation of Uganda (NALU) led by [REDACTED]. NALU advocated for an independent state and the official recognition of the Bakonzo cultural institutions. It was active between 1986 and 1988; when it was defeated by the Government security forces and the remnants fled to Bunia in Eastern Democratic Republic of Congo (DRC).

9. In 1992, the Government of Uganda restored Cultural and Traditional Institutions, (vide the Institution of Traditional or Cultural Leaders Act, No. 6 of 2011), which had been abolished in 1966. This was later adopted in the Constitution of the Republic of Uganda (1995). However, the Rwenzururu kingdom was not recognized as a cultural institution despite their long-standing agitation. This led to continued widespread discontent.

10. In September 1995, NALU, under [REDACTED] met with Uganda Freedom Fighters Movement (UFFM) led by [REDACTED] in Beni, North Kivu Province of DR Congo. Their meeting resulted into a formal alliance giving rise to the Allied Democratic Force (ADF), a rebel armed group, under the leadership of Jamil Mukulu, with the objective of overthrowing the Government by force of arms. NALU commanders formed the initial ADF command structure which helped to enhance integration of ADF fighters in eastern DRC. The ADF committed terrorist activities in Uganda; such as the attack on the Uganda Technical Institute at Kichwamba in 1998. It continues to commit atrocities in DRC where it is based.

11. In 2009, the Government of Uganda recognized the *Obusinga bwa Rwenzururu* (OBR) with King Wesley Mumbere as its cultural head. Despite the recognition of the kingdom (under the said Institution of Traditional or Cultural Leaders Act, No. 6 of 2011), ADF-NALU activities continued in the region, exploiting the cultural relations between the Bakonzo and Banande in Eastern DRC. Meanwhile, King Wesley Mumbere maintained aspirations for secession and creation of an independent "Yiira State". This explains the *Obusinga bwa Rwenzururu's* (OBR) role in facilitating the recruitment of local militia ("*Kirumira Muthima*").

12. The weak state structure and volatile situation in eastern DRC has been exploited by the ADF, NALU and the Rwenzururu movement. Following the events of 27 November 2016, some elements of *Kirumira Muthima* escaped and fled to Eastern DRC for sanctuary.

13. Therefore, the on-going situation in the Rwenzori sub-region is historical and not a creation of the current Government.

III. CAUSES OF THE CONFLICTS

14. The conflicts in the Rwenzori sub-region are attributed to some of the following general causes:

- a) Political: Agitation for cessation and creation of a Bakonzo 'State of Yiira', straddling parts of Uganda and Eastern Democratic Republic of Congo (DRC) has been in the public domain for quite some time now. Indeed, some locals were referring to Government security forces as occupational forces that should leave their "country".
- b) Tensions between Obusinga bwa Rwenzururu (OBR) and Obudingiya bwa Bwamba (OBB): The recognition of the *Obudingiya bwa Bwamba* cultural institution alongside the *Obusinga bwa Rwenzururu*, which was aimed at achieving political and social harmony, instead intensified internal conflict, as it created tensions between the two cultural institutions based on jurisdiction and control.
- c) Minority Rights: Tension between minority groups, such as the Banyabindi and Basongora who were also agitating for cultural identity.
- d) Access to Land: Claims and counter-claims over land rights between the Bakonzo and other communities like the Banyabindi, Basongora and Bamba in the area are another cause of the conflict. Indeed, the Report of the *Kajura Commission of Inquiry* set up by Government in 2005 strongly recommended Government intervention in the matter.
- e) Vulnerability of local communities: The Western Region is endowed with natural resources including minerals, oil and gas; and national parks on top of the mountains and the Rift Valley. Many of the local communities, especially those in the hard-to-reach mountainous areas, are prone to misguidance by local individuals who are influential and powerful, to further their selfish and divisive political interests. Most of the youths who participated in attacks were being assured of false promises of economic emancipation by these selfish individuals.

From the above facts, it is evident that the causes of the events of 26th and 27th November, 2016, were multi-faceted.

B. The Militia - 'Royal Guards'

15. From 2012 to 2016 at various places in Rwenzori sub-region, a section of Bakonzo people referring to themselves as Bayiira by tribe, formed a militia group called "*Kirumira Muthima*" (meaning 'the strong - hearted' in the local Bakonzo language) with an intention of creating a "State of Yiira" under the presidency of king Charles Wesley Mumbere. This was followed by massive recruitment of youths into a militia disguised as cultural 'Royal Guards'.

16. The Royal Guards, and other agents of *Obusinga bwa Rwenzururu*, (especially the youth), were indoctrinated into believing that the Government of Uganda was / is

against the Bakonzo community. They were trained on how to use both guns and *machetes* to attack Government security personnel and rob guns.

17. The militias had been undergoing military training in camps in Eastern parts of Democratic Republic of Congo and in the (Ugandan) Rwenzori sub-region. The UPDF soldiers who were assigned to protect the king were rejected; the act of rejection of the Government security personnel is contrary to the letter and spirit of privileges offered to all cultural leaders under the Second Schedule of the Institution of Traditional or Cultural Leaders Act, No. 6 of 2011. This act of rejection was based on accusations that the UPDF soldiers were spies of the Government of Uganda. It is this militia group that launched spontaneous armed attacks on security personnel, Police and military installations where a number of officers and civilians were injured and/or killed.

18. The militias operated miniature camps in the vicinity -- an act contrary to Article 208 (4) of the Constitution of the Republic of Uganda 1995 (as amended). The camps acted as bases where Royal Guards came from to commit crimes against security of persons including murder, attempted murders and other crimes against state security. The situation became more fragile when they started attacking security personnel and robbing guns with ammunitions. The civilian population who worked with, or were suspected to be working for security personnel, were either killed or kidnapped.

C. Negotiations between the Government of Uganda and the *Obusinga bwa Rwenzururu*.

19. The Government of Uganda undertook several initiatives to peacefully resolve the crisis that followed the establishment of the *Obusinga bwa Rwenzururu*, including;

- a. Between 11th and 17th March, 2016, a Government delegation, held several reconciliatory meetings with the *Obusinga bwa Rwenzururu* cultural leaders, including King Mumbere with a view to promoting peace in the region.
- b. On 25 April 2016, a Government delegation held a meeting with king Mumbere at the latter's palace, during which he was given 30 days to have his group of militias disbanded peacefully. King Mumbere was further informed that the UPDF Royal Guards withdrawn earlier would be reinstated and that he could keep a few cultural guards for the sole purpose of performing royal cultural duties, whom the UPDF would incorporate among the Local Defence Forces, for remuneration and supervision.
- c. King Mumbere was also given an option of recruiting at least 30 youths and forward them to the UPDF for military training, after which they would be allotted UPDF service numbers and enrolled on the UPDF payroll. The king agreed to all these proposals but unfortunately, he never implemented any of them. Instead he went on a recruitment drive, training and radicalizing more youths. For instance, he made sure that in every sub-County, he had more than 40 "Royal Guards."

- d. Reconciliatory meetings between *Obusinga bwa Rwenzururu* (OBR) and *Obudinghiya bwa Bwamba* (OBB) cultural institutions, chaired by senior religious and political leaders, were also conducted. These resulted into the signing of a Communiqué between OBR and OBB which, among others, denounced violence and animosity between the two institutions.
- e. Meetings were also conducted by the Defence and Internal Affairs Committee of Parliament with king Mumbere and a number of Rwenzururu officials, with a view to understanding the problems within the institution of *Obusinga bwa Rwenzururu* in order to find durable solutions.

D. Chronology of Events leading to the November 2016 incidents

20. The attack on 26th of November, 2016, was preceded by a number of coordinated attacks on security forces in general, both on the same day and before, as presented below. In total, twenty-four (24) security personnel and three (3) civilians were murdered as well as three (3) attempted murders recorded.

- a) On 1st March, 2016, Royal Guards trailed Gombolola (Sub-County) Internal Security Officer (GISO), [REDACTED] and cut him with pangas. [REDACTED] also sustained serious injuries.
- b) On 10th March, 2016, a group of Royal Guards attacked Kitooma Police Post but were repulsed by Police. This group later attacked Police and Military patrollers. Four soldiers were stabbed as a result, [REDACTED]. On 11 March 2016, [REDACTED] were attacked and injured by the same group at Kasenyi Trading Centre. The same group maliciously damaged property and cut down coffee and banana plantations belonging to [REDACTED].
- c) On 24th March, 2016, at Kidodo village, Kasese Municipality, a group of Royal Guards (seven (7) in number), armed with pangas, knives, and batons attacked Kidodo Police Post and killed one Police Officer, [REDACTED] cut to death [REDACTED] and robbed his gun [REDACTED] with 30 rounds. Thereafter, they fled back to the palace. One of the attackers was shot dead and another arrested. Other Police Officers sustained injuries, and a Police Gun No. 1984 – SNY 2729 was taken away by the attackers to the palace. The same police rifle was recovered on 27th November, 2016, by the joint operation of UPF and UPRDF in the palace of king Wesley Mumbere. (*Vide* Kasese Case Record Book (CRB) 264/2016)
- d) On 13th of April, 2016, at about 1630 Hrs, while in the palace, Royal Guards of OBR attacked a UPRDF soldier, [REDACTED] (attached to the king's security detail) in order to disarm and kill him for allegedly spying on them. [REDACTED] tactfully withdrew and escaped unhurt. The rowdy Royal Guards came out of the palace, attacked and killed three people who were passing-by on a motor cycle. The two bodies were identified to be UPRDF soldiers who were on a motor cycle heading to the

barracks at Mulongoti. The third was of the *boda-boda* (hired motor cycle transport) rider / Royal Guard who was transporting [REDACTED] (both attached to Mulongoti Barracks); and Royal Guard [REDACTED] respectively. [REDACTED]

- e) On 18th June, 2016, [REDACTED], an Army veteran and *boda-boda* rider in Kasese; [REDACTED], a former Special Police Constable / Royal Guard; and [REDACTED], a daughter of [REDACTED], all residents of Kibira Local Council (LC) I, Kakoge Parish, Kakoge sub-County in Nakasongola District, were kidnapped, taken into the palace and tortured. On 19th June, 2016, at around 0709 Hrs, their bodies were found by [REDACTED] tied in sacks and abandoned. Witnesses identified the dead as people they saw alive while in the captivity of the accused persons in the palace. [REDACTED]
- f) On 23rd August, 2016, at about mid-day, [REDACTED], the former deputy minister for security in OBR, was kidnapped by the Royal Guards of OBR, accused of being a spy and taken into the palace. He was tortured and only saved by the timely intervention of the District Internal Security Officer (DISO), Kasese, who was promptly informed of the situation. [REDACTED]
- g) On 14th September, 2016, at about 1226 Hrs at Bukara Trading Centre, Kabonero sub-County, about sixty (60) Royal Guards under the command of one [REDACTED], attacked Police Officers attending a community policing meeting; killed two and injured four of them. [REDACTED]
- h) On 4th November, 2016, at about 2000 Hrs at Nyabuswa Trading Centre, Karangura sub-County, Royal Guards under the command of one [REDACTED], attacked [REDACTED] of the UPDF (who had just come home on Pass Leave from his duty station in Moroto) and hacked him to death. Police Officers who were proceeding to the scene of crime were attacked by the suspects using an improvised explosive device. [REDACTED]
- i) On 22nd November, 2016, at Kabulanzu Trading Centre in Karangura sub-County, [REDACTED], was kidnapped by the Royal Guards and up to now he has never been found. It is suspected that he was murdered and two suspects, [REDACTED], were arrested and charged with kidnap with intent to murder. They appeared in court in Fort Portal. Others are still at large. [REDACTED]
- j) On 24th November, 2016, a joint operation comprising of UPDF and Uganda Police Force (as provided under Article 212 (d) of the Constitution of the Republic of Uganda (1995) and the Police Act S.4 (1) (a) of the Police Act, Cap 303), was conducted to arrest the suspects from their base. This operation led to the closure of Kamabale Primary School and Nyabuswa Health Centre II. Residents of the vicinity of the trading centre migrated out of fear. The camp

was surrounded and Police managed to arrest twenty-one (21) persons who later appeared in court. [REDACTED]

21. On 26th November, 2016, various incidents happened at different time intervals. Simultaneous attacks on security personnel and installations occurred, orchestrated by the king's militias in areas of Ihandiro, at Kagando Hospital in Kisinga sub-County, Bwesumbu, Kyabarungira, Mubuku in Maliba sub-County and Ibanda in Bugoyi sub-County, all in Kasese District. Sixteen (16) Police men were killed in the attacks, seven (7) others injured and a Police patrol vehicle burnt.

22. At 1200 Hrs local time, along Alexander Street in Kasese Municipality, a platoon of Police Officers and UPDF soldiers on a joint foot patrol commanded by [REDACTED], was attacked by Royal Guards of *Obusinga bwa Rwenzururu*. The accused persons had pitched camp at the office of the prime minister. They were found with improvised explosive devices, spears, *pangas (machetes)*, knives, catapults, stones and arrows used during the attack. [REDACTED] was stabbed with a knife by the Royal Guards and injured on his right thigh. Two suspects, [REDACTED] were arrested and in their statements, they admitted having participated in the attack and revealed the identities of others. [REDACTED]

a) At 1430 Hrs, Maliba sub-County Police Station was attacked by the Royal Guards of *Obusinga bwa Rwenzururu* (OBR) while armed with *pangas*, catapults, batons, blue plastic 'magic sticks' and knives. The attackers murdered three Police Officers [REDACTED]

[REDACTED] The accused robbed two SMG rifles from the victims i.e. No. Uganda Police (UG. POL.) 56-3100591314744 and No. UG. POL. 56-31003099-14744 respectively. [REDACTED]

b) At 1500 Hrs, Bwesumbu Police Station was attacked by the Royal Guards of *Obusinga bwa Rwenzururu* armed with *pangas*, knives and batons. They killed three Police Officers and one Crime Preventer by hacking them to death. [REDACTED]

[REDACTED] The accused robbed six guns, to wit: - Rifle Numbers (R/Nos) 565814459-31994; 565833550-31981; 565834904-31965; 565831476-26795; 565900014-26795; and 563619267-14915 -- all with an uncertain number of ammunitions and magazines. [REDACTED]

c) At 1600 Hrs, Kagando Police Post in Bwera Division, Kasese District, was attacked by the Royal Guards from *Obusinga bwa Rwenzururu*. Five Police Officers were killed, [REDACTED]

[REDACTED] The following were seriously injured: [REDACTED]

[REDACTED] The accused persons also robbed the following SMG rifles and ammunitions: - UG. POL. 56-13100229314831 (with 90 rounds); UG. POL. 56-582317533007 (with 30 rounds); UG. POL. 56-

583512633108 (with 30 rounds)' UG. POL. 56-611514154614660; UG. POL. 56-290220324797; and Police motor vehicle, Registration Number UP 2958 was set ablaze. [REDACTED]

- d) At 1600 Hrs, Ibanda sub-County Police Station was attacked by the Royal Guards of *Obusinga bwa Rwenzururu*. The attackers were armed with *pangas*, spears, knives and stones. They killed [REDACTED]
- e) At 1650 Hrs, Kyabarungira sub-County Police Station was attacked by 30 Royal Guards of *Obusinga bwa Rwenzururu* armed with *pangas*, spears and knives. They hacked three Police Officers to death. [REDACTED] In the process they robbed three guns, to wit: - R/Nos. 56583014-30650; 565901810-30787; and 565908660-30793 with unspecified number of ammunitions. The attackers also damaged windows of Kyabarungira sub-County Hall, a Police motor cycle, Registration No. UP 2906; and burnt all the household property of [REDACTED]
- f) At 1650 Hrs, Mubuku Police Station was attacked by the Royal Guards of *Obusinga bwa Rwenzururu*, armed with *pangas*, knives and catapults. They killed [REDACTED] and injured [REDACTED]

23. On the same day, 26th November, 2016, [REDACTED] had been discovered missing from his residence; which was neighbouring the palace. Relatives tried to search for his possible whereabouts without trace consequent upon the insecurity that was prevalent in the area. On the 1st of December, 2016, his body was found in Kasese Health Centre Mortuary with signs of torture. Investigations commenced in this regard with a view to establishing the circumstances under which he was killed. While examining documents recovered from the palace at Kasese Police Station, detectives found a document that contained an interrogation report where [REDACTED] and [REDACTED] were the authors. The two were interviewed and they admitted participating in interrogating the deceased in the palace. They even confessed that the document recovered had been authored by them. [REDACTED]

E. Joint Operations to disarm the militias and dismantle the Camps

24. The majority of Royal Guards who participated in these attacks ran and hid in the palace of king Mumbere Charles Wesley. A Government negotiating team approached king Mumbere at the palace for a peaceful surrender of the suspects and weapons that had been robbed from Police Officers. As the events were unfolding, king Mumbere was also given an ultimatum to surrender and disband his militia, but he refused to heed. This prompted reinforcement of the Police from the Uganda Peoples' Defense Forces (UPDF) as provided for under Section 44 (1) of the Uganda Peoples Defense Forces Act, 2005, to pacify the palace with a view to enabling the Police apprehend the suspects and recover arms and exhibits. Article 209 of the Constitution of the Republic of Uganda mandates the UPDF to preserve and defend the sovereignty and

territorial integrity of the country. The resulting operation led to recovery of substantial arms and exhibits inclusive of guns and ammunitions, *pangas* (machetes), knives, catapults, etc. (See **Annex I**)

25. On the 27th of November, 2016, a joint operation by Uganda Police Force and UPDF was conducted following intelligence information that all native Royal Guards of *Obusinga bwa Rwenzururu*, who launched spontaneous armed attacks on Police Units on 26th November, 2016, at Hima, Kasese, Bwera Division and other areas in Rwenzori sub-Region, were hiding in the palace of king Charles Mumbere in Kasese. The palace was accessed amidst stiff resistance. A great number of Royal Guards, armed with lethal weapons, were found in the palace. One hundred and thirty-seven (137) of them were arrested; while others fled. A search was conducted and several documents recovered from the palace revealed information about massive recruitments done and planned alike, arming of a big militia disguised as Royal Guards by the king of Rwenzururu; who in most briefs was referred to as the 'Commander-in-Chief'. The documents corroborate witness statements and identify some of the suspects involved in the spontaneous armed attacks on Police Units in this region who were being credited by the king for 'a job well-done'. [REDACTED]

F. Victims of the palace attack and the search for bodies and disappeared persons.

26. Following the security operation at the palace, the following procedures were undertaken:

- a) The palace was declared a crime scene, sealed off to enable the scene of crime officers and investigators recover and identify exhibits for usage in subsequent prosecution.
- b) Suspects were arrested from the scene.
- c) Bodies were picked from the scene and taken to Bwera, Hima, Kasese and Fort Portal Mortuaries for post mortem.
- d) The sixteen (16) male suspects who were critically injured during the operation at the palace were air-lifted / flown to Bombo Military Hospital for treatment. One of the suspects unfortunately passed on. All the suspects with minor injuries were treated at the Police facilities where they were detained before production in Court.
- e) Locally-made improvised explosive devices, Sub Machine Gun (SMG) rifles robbed from the slain Police Officers, machetes, spears, knives, clubs used in hacking and killing Police Officers, security personnel and civilians were recovered from the palace.
- f) Vital records / documents of the operation of the Royal Guards were also recovered.

A total of one hundred and three (103) post mortem examinations were conducted by pathologists from the Uganda Police Force and Ministry of Health, between 28th November and 1st December, 2016. The dead were one hundred and three (103) i.e. ninety-one (91) males and twelve (12) females. No children were among the dead; but the dead included Police Officers. The breakdown is as follows:

Hima Hospital	3
Kasese	39
Bwera	6
Fort Portal	55
Total	103

Toxicology and DNA samples were taken from all the bodies before handing them to the relatives. Those that were not identified were recorded and buried in marked graves so that in case the relatives identify them at a future date, they can take them. Thirty-seven (37) male suspects were injured and not one hundred and sixty-four (164).

27. The allegation that one man was found alive in the piles of rotting corpses in the mortuary, whereupon he was shot dead by the Police, is not correct. No such information has been availed to the Police for investigation till now. The Police Officers are ready to receive any person with details of the allegation so that an inquiry can be carried out.

28. The Police was never availed any information regarding individuals who cannot be traced after the incidents on 26th and 27th November, 2016. The individuals who allegedly disappeared, and cannot be traced, are likely to be among those who were not identified but were buried after DNA tests. The Police are prepared to receive any person with such information for necessary follow-up action.

G. Detentions and Criminal Proceedings

29. The Detention procedure applied in this situation is as provided for under the law as follows:

- a. The accused person or suspect was informed of the charge for the offence(s) he or she committed.
- b. The accused or suspect was searched for any dangerous item he or she may have had in possession and the item removed and exhibited.
- c. Personal items / Identity Cards and other valuables were removed from him or her and registered as Accused Persons' Property (APP) to be returned to the accused or suspect when taken to court or released.
- d. Any injured suspect or accused persons that were seriously sick or injured, were taken to hospital under Police escort and guarded when admitted in the hospital.

- e. In case of minor injury or sickness, persons can be released on bond depending on the gravity of the offence or given treatment at the Police facility before detention.
- f. The accused were informed of their right to have a Lawyer and family in case of any need.
- g. Accused persons were detained for not more than forty-eight (48) hours. This, at times, was not strictly followed because of delay in investigation and the gravity of the case under investigation.

30. There have been no formal interrogations or charges against any military or Police personnel; because they were the main victims of the insecurity and were actually targeted by the Royal Guards in different places and at different times as elaborated hereinabove.

31. The wounds that were seen on the suspects during trial were sustained during the incident of 26th and 27th November, 2016. The sixteen (16) male suspects who were critically injured during the operation at the palace were airlifted / flown to Bombo Military Hospital for treatment. The other suspects were treated in the Police and Prison clinics prior to and continuously after appearance in court. However, the presiding Magistrate ordered an investigation into the treatment of the defendants.

32. Nalufenya Police Station in Jinja District is a gazetted Police facility, often used to detain terrorism suspects. Those detained at Nalufenya were under investigations for terrorism. Nalufenya is a sizeable Police Station adequately equipped and facilitated to detain alleged terrorism suspects; for their security and ease of investigations.

H. Obstacles in the Investigations

33. All the journalists had Press Cards, were briefed and working with guidance from security forces except [REDACTED] who was alone. [REDACTED] was briefly held for verification of status at Police and later released on Police Bond and all [REDACTED] equipment earlier confiscated, was handed over to [REDACTED] Lawyer. No other journalists were arrested, since those who had Press Cards were able to cover the events which were aired on both print and electronic media.

34. Therefore, the allegation that the Government of Uganda made concerted efforts to prevent independent investigations, and allegedly threatened persons who wanted to investigate the incident, is not true.

35. In light of the events in Kasese, and given the likelihood that the inter-religious event could have escalated the situation further, it was essential to halt it in order to secure lives and property. The State has a responsibility to protect its citizens and ensure that there is law and order.

36. The Constitution of the Republic of Uganda guarantees the Right to Freedom of Association which is regulated by the Police Act and the Public Order Management Act (POMA), 2013. It provides for the Police to be notified three (3) days prior to a planned

event (Section 5 of the POMA). This facilitates adequate security preparations to ensure that an event is held in a peaceful and conducive atmosphere.

37. The Government of Uganda reiterates that the unfortunate events of 26th and 27th of November, 2016, were handled by the security and law enforcement agencies in accordance with the due process and best practices under the Criminal Procedure Code and relevant international standards. The offenders were apprehended legally and charged in courts of law. No investigations have been blocked by the Government.

I. Statistical information on the number of cases of alleged extra-judicial killings officially recorded on the number of investigations initiated on potential extra-judicial killings and on the number of perpetrators of potential extra-judicial killings and on the number of perpetrators involved in these cases which were identified and tried over.

38. There were no extra-judicial killings in Kasese. All those who died were armed combatants who were killed in the armed conflict. Therefore, there are no perpetrators to warrant such an investigation.

39. Thirteen (13) accused persons charged with terrorism were arraigned in the Chief Magistrates' court at Kasese [REDACTED] and committed to the High Court for trial. (See Annex II).

J. Details and where available, the results of any investigation and judicial or other inquiries carried out concerning the above-mentioned allegations. If no inquiries have taken place, or if they have been inconclusive, an explanation as to why.

40. Inquiries were conducted into all the incidents reported in Kasese, Bundibugyo, Ntoroko and Kabarole districts.

41. A total of two hundred and one (201) accused persons were charged in this case. They were committed to the High Court and were remanded at Kirinya Government Prison in Jinja District. Eleven (11) of the accused persons, including king Mumbere, his prime minister and five (5) juveniles are out on bail. One person died in prison.

42. The above charges were preferred against the persons therein on the basis of the evidence compiled as a result of comprehensive criminal investigations. Conversely, any individual absolved of any criminal responsibility, was purely on the basis of insufficient evidence. The relevant Police files containing evidence, upon which decisions are based, are the subject of the *sub judice rule* and may thus not be made available.

43. Due process was accorded to all the accused persons and their rights to a fair trial fully observed. The accused had access to their own appointed Lawyers who included [REDACTED]

The Lawyers represented them throughout the court process and none was unrepresented at any stage of their trial. During the pre-trial committal proceedings, the accused appeared before the Chief Magistrates' Courts fortnightly as is provided for by the Magistrates' Court Act, 2007. They therefore had ample opportunity to challenge the legality of their detention.

K. Whether any Military or Police Officers have been dismissed or prosecuted for commission of human rights violations

44. When there have been violations of human rights by Military or Police Officers, punitive action has been taken, such as reprimand, long term imprisonment, dismissal; among others. For example, in the last three (3) years the Professional Standard Unit of Police has investigated two hundred and fifteen (215) cases and taken disciplinary action accordingly. The UPDF has handled fifteen (15) cases.

45. No case has been brought against any Police or military Officer to form the basis for investigation. Police were the primary targets and they responded to the attacks in exercise of their duties and in self-defense, as appropriate.

L. Measures taken by Uganda Government to determine the fate and whereabouts of missing / disappeared persons

46. There are no disappearances reported to the Uganda Police Force. However, the Government of Uganda has taken the following steps: -

- a) Mobilizing the community through their local leaders, community policing and Civil Society Organizations to call for peace and security in the affected areas in addition to identifying missing persons;
- b) There is a permanent program on amnesty for those who wish to denounce rebellion;
- c) A number of suspected Royal Guards have since returned to their homes and some have since reported to the Police. Those without criminal acts alleged about them, have been left to continue with their normal businesses; (See attached **Annex III**).
- d) Regarding allegations of missing and / or disappeared persons, the Government of Uganda calls upon the Special Procedures Mandate - Holders of the UN Human Rights Council to avail such names of missing persons, if they do have them, for necessary follow-up.

M. Measures being undertaken by the Government to identify the more than 50 bodies buried outside the military barracks in Kasese and information regarding the bodies taken to Mubende and other locations.

47. The number of dead persons were sixteen (16) Police Officers (all male) and eighty-seven (87) Royal Guards. Thirty-five (35) bodies were claimed by the relatives. Fifty-two (52) unclaimed bodies were buried by the Government in the public cemetery in Kasese on the 4th December, 2016. Each body was buried in a separate marked grave.

48. The bodies were taken to the mortuary at Kasese Municipality Health Centre III, Kabarole Regional Referral Hospital and Kavera Health Centre IV in Hima; where post-mortems were conducted from. Later, the relatives were called upon to identify their deceased persons. All bodies that were identified were taken by the relatives. For unidentified bodies, blood samples for DNA were taken before burial in marked graves

for future reference; in case the matching DNA results of relatives were obtained. No bodies were taken to Mubende or any other place for burial as alleged.

N. Whether all bodies of victims were identified and their families duly informed as well as the procedures and standards applied for DNA testing, also whether there is a genetic database with samples from relatives of the victims and those of the 44 from which DNA was allegedly taken.

49. Announcements were made over local FM radio stations and other media outlets calling upon relatives and the community to come and help in the identification of the dead persons. Arising from this exercise, fifty-one (51) bodies were identified and taken by their families for burial.

50. DNA samples were taken from the fifty-two (52) bodies that were not identified, before burial in marked graves, and kept in a data bank for future reference in case the relatives show up to claim their dead.

51. Pathologists from the Ministry of Health and Uganda Police conducted the post-mortems and took the DNA samples in accordance with the procedures and requisite international standards for the DNA management protocol. A total of eighty-three (83) DNA samples and eighty-four (84) for toxicology were taken and delivered to the Government Analytical Laboratory on 16th January, 2017.

O. Information about the number of individuals detained, the charges presented against them and the stage of trial. As well as information on whether they had access to a Lawyer, to all the information and means to prepare the defense, as well as the opportunity to challenge, before an independent and impartial judicial body, the legality of the detention.

52. A total of two hundred and one (201) persons were charged before the Magistrate's court in Jinja from 13th December, 2016, and committed to the High Court for trial on the 22nd June, 2017. (See **Annex IV**).

53. All the accused persons were Royal Guards and the charges preferred against them were on the basis of the evidence compiled as a result of comprehensive criminal investigations. Conversely, any individual absolved of any criminal responsibility was purely on the basis of insufficient evidence.

54. Out of the two hundred and one (201), accused persons, eleven (11) were granted bail, including the *Omusinga Wesley Mumbere* and [REDACTED] and five (5) juvenile offenders. One person died in prison, thereby leaving one hundred and eighty-nine (189) accused persons currently on remand. The case is at the committal stage, pending trial in the High Court and the summary of charges is attached hereto as **Annex V**.

55. As is the practice in Courts of Judicature in Uganda, where a person is charged with a capital offence (carrying a punishment of death or life imprisonment, the State is obliged to provide the accused persons with Lawyers at its cost as per Article 28 (3) (d) & (e) of the Constitution of the Republic of Uganda 1995 (as amended).

56. Due process was accorded to all the accused persons and their rights to a fair trial were fully observed. The accused had access to their Lawyers [REDACTED]

[REDACTED] The Lawyers represented them throughout the court process and none was unrepresented at any stage of their trial. During the pre-trial committal proceedings, the accused appeared before the Chief Magistrates' court fortnightly as is provided for by the Magistrate's Court Act (2007). They therefore had ample opportunity to challenge the legality of their detention.

57. The Judicature (High Court) (International Crimes Division) Rules, SI No. 40 of 2016, elaborately provide for pre-trial disclosure. The Office of the DPP fully adheres to these rules. Disclosure of the evidence relied upon in the Chief Magistrates' court was done. Each of the accused persons was availed with an indictment and summary of their respective cases. As is the practice of the Office of the DPP, a full disclosure will be made before hearing of the case in High Court. This will be done in accordance with the disclosure rules.

P. Information about the measures taken for protection of witnesses.

58. There are measures to protect witnesses which include:

- a) A Witness Protection Unit exists within the Police;
- b) Witnesses are facilitated to attend court once they are identified; and
- c) Government has drafted a witness protection bill which is under consideration.

R. Information about the evidence used to charge the journalists for terrorist activities and explain how this is compatible with Uganda's obligations under international human rights law, in particular with article 19 of ICCPR.

59. There is no journalist who has been charged in any court in Uganda in respect to the Kasese incidences. One journalist, [REDACTED], who was briefly held by the security operational team on 27th November, 2016, at the royal palace, has since received all [REDACTED] equipment to wit: - camera, laptop and accessories, through [REDACTED] lawyer. [REDACTED] was never arrested for terrorist activities but rather held briefly for verification of status at Police and later released on Police Bond. No other journalists were arrested, since those who had Press Cards were able to cover the events which were aired on both print and electronic media as explained in paragraph 4.1 above.

S. Other pertinent information

60. The Government of the Republic of Uganda is not aware of any missing children. The only known children are the five juveniles aged between 12 and 16 years who were granted bail. The Government calls upon the Special Procedures Mandate - Holders of the UN Human Rights Council to avail such names of missing children, if they do have them, for necessary follow-up

61. At the time the Government security forces took over the palace, all individuals found in the compound were topless. Subsequent investigations revealed that this was under the advice of a witch doctor. The rationale was that this kind of dressing would shelter them from bullets. This myth is a well-known practice among the Rwenzori communities and Congolese. Therefore, it is not factual that the security forces undressed the individuals in the palace. The Government took the initiative to provide clothes to the suspects before producing them in court.

62. Similarly, the narrative that the Royal Guards had assembled in the palace to get retirement packages is false. The Government was not aware of such an arrangement.

63. Government has been able to apprehend some of the Kirumira Muthima militia which is evidence by the arrest of two (2) suspected members of the group, [REDACTED] by security personnel at Mpondwe Border Post with one hundred and eighty-nine (189) rounds of ammunition seven (7) Magazines) as they tried to sneak back into the country on 2nd October, 2017.

III. CONCLUSION

64. The events culminating in the incidents of 26th and 27th November, 2016, had a long-drawn-out background. The Rwenzururu political movement associated with NALU and ADF, pursued a political objective with a cessationist agenda demanding for the creation of a state of Yira. This culminated into the *Omusinga's* Royal Guards in the palace, backed by their like-minded supporters within and beyond the environs of the kingdom, launching armed attacks on the security forces; armed and unarmed alike. Their murderous exploits against the Police Officers in particular misled them to believe they could get away with their heinous crimes.

65. The sequence of events, coupled with the strong, precise and irrefutable evidence available as, in part, hereinabove tabulated, meant that circumstances necessitated the deployment of the Uganda People Defense Forces (UPDF) which was urgently required for speedy restoration of peace and maintenance of law and order country-wide.

66. The Government of Uganda reiterates that the unfortunate events of 26th and 27th of November, 2016, were handled by the security and law enforcement agencies in accordance with the due process and best practices under the Criminal Procedure Code and relevant international standards. The offenders were apprehended legally and charged in courts of law. No investigations have been blocked by the Government.

67. The Government of the Republic of Uganda has fully accounted for the perpetrators, including the king. Court processes are ongoing in accordance with International Law and once a matter is before court, the *sub judice* rule applies.

68. We take this opportunity to assure the Special Procedures that the rule of law is being complied with in handling the culprits; taking into full consideration their human rights. Any short-comings which arise in the due course will as usual, be corrected.

69. Finally, the incidents in Kasese of November 2016 had historical causes and were not a creation of the current Government. It is important to note that after the efforts

by Government to address the situation, no new killings have occurred and full normalcy and tranquility has since returned to the Rwenzori region.

KAMPALA: 17 October 2017