



Uganda Civil Alliance Network  
266 Pretorius Street  
Die Meent Building 4<sup>th</sup> Floor  
Suite D405/D407  
Tel: +27 12 751 8230  
Fax +27 86 690 82 03  
Republic of South Africa  
[www.ucanreach.org](http://www.ucanreach.org)

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Mr Hargreaves TisetsoMagama  
The Chairperson  
Portfolio Committee on International Relations and Cooperation  
Parliament of the Republic of South Africa.

Mr Malusi Stanley Motimele  
The Chairperson  
Portfolio Committee on Defence and Military Veterans  
Parliament of the Republic of South Africa.

Dear Sirs,

**RE: UGANDA AT CROSSROADS—A CALL TO THE REPUBLIC OF SOUTH AFRICA**

We, members of the Ugandan community in South Africa, under the umbrella of Uganda Civil Alliance Network (UCAN) would like to bring to your honoured attention the failing state of democracy and deteriorating human rights situation in Uganda.

Uganda's President, Yoweri Museveni, in power for over 25 years, has increasingly resorted to repressive and unjust means to maintain his grip on power, in the face of increasing discontent over his length and style of leadership.

Below, are the areas we highlight:

**1. ELECTIONS**

General elections are not free and fair – so much so that post-election petitions are order of the day. No effort has been made by the regime to seal the election loop-holes as stipulated in the country's court judgments [1]. The Electoral

Electoral Commission is wholly partisan, never independent, and controlled by Museveni and as a result, Ugandans have lost interest in the electoral process.

The most recent national elections have particularly been followed by an unprecedented state of social and economic paralysis, accompanied by heavy military deployment throughout the country.

## **2. THE ECONOMY**

Museveni has unilaterally squandered trillions of Uganda Shillings through supplementary budgets at the expense of Ugandan citizens whose salaries are neither paid nor increased. At the same time, state hospitals, state schools and many other public institutions are crumbling due to lack of funds [2].

The rate of inflation in the country topped 30% this October, its highest level in two decades. The regime faces widespread discontent over spiraling food and commodity prices. Though the increase in food and commodity prices is a global phenomenon, Uganda's financial crisis has a lot to do with the regime's wasteful use of the country's resources.

## **3. TORTURE AND MURDER OF INNOCENT UGANDANS**

At least ten people were killed and hundreds arrested by security forces during a harsh crackdown on "Walk to Work" demonstrations in April 2011. Earlier, after the cultural site of Kasubi Tombs in Kampala had burned down, two people were shot dead by Museveni's security forces during his enforced unwelcome visit to the site and no action was taken against the culprits. Museveni has consistently used language that encourages brutality from his security apparatus [Annexure A].

## **4. ALARMING RESTRICTIONS ON FREEDOM OF EXPRESSION AND PEACEFUL ASSEMBLY**

There have been wide condemnations of a proposed legislation that would make it easier for the regime to block demonstrations, public meetings, muzzle journalists, arrest opposition members and enable the scrapping of pre-trial bail for certain charges for up to 6 months. The regime is creating a climate where it is becoming increasingly difficult for the citizens to freely criticize government

officials, their policies or practices. In the proposed legislation, any group of three or more people will require police clearance to meet.

All these proposed measures impose impermissible and alarming restrictions on freedom of expression and peaceful assembly in blatant violation of Uganda's obligation under the country's Constitution and International law.

Opposition activists and journalists have been subjected to harassment and politically-motivated arrests for merely criticizing the regime, and more alarmingly, treason charges are laid randomly to crack down on political dissenters [3].

The regime claims that by walking-to-work, the citizens are plotting to overthrow the government. Unexplained killings and suspicious motor-accidents have become common and many Ugandans view these as means of eliminating dissenting voices. From recent events, some believe the regime is planning to "eliminate" opposition leader, Dr Kizza Besigye.

These actions have created an environment of fear and terror in the country.

## 5. UNDERMINING THE COUNTRY'S INSTITUTIONS

Museveni has been interfering with the country's institutions and we cite a few examples:

- (i) He has interfered with corruption cases and ensured that those close to him have their cases withdrawn, while at the same time sending the common man to prison to give the international community an impression that he is dealing with corruption. In a recent case of corruption against his former Vice President, Mr Gilbert Bukenya and while the matter was sub judice, he publicly declared that according to his own investigations, Mr Bukenya was innocent and shortly after that the Inspector General of Government withdrew the case from the court saying "he had lost interest in the case."
- (ii) Whenever parliament comes up to question the Executive, he devises unconstitutional means to compromise their independence, including bribery, blackmail and intimidation. Recently when parliamentarians

demanded accountability in the country's oil deals that are only handled by Museveni and his inner circle and passed a motion to investigate the cabinet ministers implicated in oil corruption, Museveni branded them rebels and "threatened to go back to the bush" to enforce his way; an act of blackmail. This is after he had invited his entire party parliamentarians to a bush resort and dressed all of them in military uniform as means to intimidate them. He vowed not to abide by parliamentary resolutions [4]. Without transparency and accountability, corruption in the country's oil sector is increasing and through it, some in the regime are enriching themselves at the expense of millions of Ugandans that are languishing in abject poverty.

Andy Demetriou, former Tullow Oil Uganda's head of external relations, said Tullow (ENI) made personal payments to Museveni and ministry of Energy officials in return for Tullow's offshore exploration rights which are caved in 'secrecy'. Tullow, in other countries like Ghana, publish agreements on open channels including the internet, something President Museveni is resisting in Uganda claiming this will undermine the government.

- (iii) During his recent presidential campaigns, Museveni instructed the National Treasury to transfer US \$400 million to the State House account which he personally controls without any accountability, and later \$740 million to buy fighter jets without consulting any relevant organs in the country. These withdrawals from the National Treasury and many other unilateral expenditures are partly held responsible for the economic crisis the country is currently facing [5].

Museveni, through his language and actions, now treats Ugandans with much disdain and contempt, and is only accountable to himself. He has promoted or turned a blind eye to corruption among his own as a way of ensuring their loyalty. To most Ugandans, he has lost credibility and legitimacy to govern the country. His security forces now continually terrorise the citizens and the distinction between the army and police has completely been removed.

Therefore we:

- i) Express grave concern at the deteriorating situation, the escalation of violence and the unnecessary civilian killings;
- ii) Reiterate that it is the responsibility of the regime to protect the population and reaffirm its primary responsibility of taking all feasible steps to ensure the protection of civilians,
- iii) Condemn the gross and systematic violation of human rights, including arbitrary detentions, 'organized' motor accidents, unexplained disappearances, torture and summary executions,
- iv) Condemn acts of intimidation and regime-planned violence against opposition party members, dissenting Ugandans, members of parliament, the media, professionals and many others and urge the regime to comply with their obligations under International Human Law and the Uganda constitution,
- v) Consider the widespread and systematic attacks currently taking place against the civilian population as crimes against humanity,
- vi) Are concerned that the situation in Uganda if allowed to continue could constitute a threat to International peace and security,
- vii) Are concerned that South African tax-payers' money that may go to the Ugandan regime in any form is used to harass, kill, imprison and suppress Ugandans.

#### **UGANDA'S ARMS IMPORTS FROM SOUTH AFRICA**

We further note that the Uganda government has over the years been acquiring a lot of its arms from South Africa.

According to *Stockholm International Peace Research Institute (SIPRI)*, an institute that tracks military spending of 173 countries around the world, in their Background Paper released in January 2011, Uganda in 2009 imported from S Africa arms worth SA Rand 169.2 million (\$24 m). Uganda was by far the highest of the 32 African countries SA exported arms to. The 2<sup>nd</sup> highest country, Senegal, bought less than half (Rand 84 m) and the 3<sup>rd</sup> highest, Kenya, approximately a third (Rand 55 m).

Uganda's armed purchase from 2009 alone dwarfed what many African countries had spent on S African arms over a period of 10 years from 2000 [6].

The transfer of major conventional weapons by South Africa to Uganda from 2002 to 2009 included the following APC/ISV type military vehicles:

2002 15 RG-31 NYALAS

2004 5 MAMBAS

2005 31 BUFFELS

2009 6 GILLAS

*According to SIPRI, armoured vehicles supplied from South Africa were also used in the violent suppression of demonstrations in Uganda in 2006.*

Information from the South African National Conventional Arms Control Committee (NCACC), presented in a report by Peter Bachelor titled "South Africa's Arms Trade and the Commonwealth: A Cause for Concern?" [7], shows that Uganda's arms imports from post-apartheid South Africa between 1996 and 1998 amounted to only Rand 41.8 million. This however was second only to Congo-Brazzaville in Africa.

The BBC, on 1 March 2006 [8], cited an Oxfam report that showed how a South African subsidiary of the British company BAE Systems sold Mamba armoured personnel carriers to the Ugandan government ahead of the country's general elections. The report said at least 32 such vehicles had been sold to Uganda by the subsidiary, called Land Systems OMC, since 2002, with the most recent consignment before the release of the report arriving just ahead of polling day. The report went further to say that at least three people had been killed when the vehicles were used to quell demonstrations a week before the elections.

There is concern in some circles about the sale of arms to African countries like Uganda. Peter Bachelor in his report quotes James Speth, an administrator at the United Nations Development Programme, as saying "The world cannot ask Africa to develop and then blight its development efforts through the sale of arms and ammunition that fuel Africa's civil conflicts"

There is widespread belief in Uganda that South African armoured personnel carriers have been very prominent in this year's brutal crackdowns on the peaceful "Walk-to-Work" protests which saw the death of at least 10 people

On 5 May 2011, a Ugandan newspaper, the Red Pepper, reported that the Ugandan Police Force had imported more than 40 South African made anti-riot trucks called Nyalas (type RG-31) to bolster their already rich collection [9].

Ugandans in South Africa, in a petition to President Zuma, requested that South Africa puts a stop to the sale of arms to the present government of Uganda. Recent events in Uganda have shown that the weapons Uganda imports are for use against her people rather than advance their well-being. Unconfirmed reports say that much of the teargas used against demonstrators and the dyed spray used against opposition leaders are imported from South Africa. International media reported that the coloured spray was a common tool used by the apartheid police and what is being used in Uganda could be remnants of that.

South African weapons are increasingly being viewed as tools of repression in Uganda

Now, more than ever, countries like South Africa that highly promote democracy and human rights both within and outside their borders should take a moral step and stop the sale of arms to countries like Uganda that are blatantly and severely repressing their people.

#### **SOUTH AFRICAN COMPANIES OPERATING IN UGANDA**

There are many South African or South African-liked companies operating in Uganda and offering a good service but there are some that are working with those in the regime to loot the country, manipulate its institutions or aid the repression of the people. Examples of these companies are, Saracen International an arms company in which Museveni's brother [10] owns much of the Ugandan stake, Tullow Oil and Heritage Oil (both implicated in oil corruption), and Libone Litho Printers whose East African agent, Mr Sam Rwakoojo, is the secretary to Uganda's Electoral Commission yet this is the same company that printed ballot papers for Uganda's 18 February 2011 elections.

Cellular Phone giant, MTN, is accused of having blocked opposition party communication on Uganda's polling day on 18 February 2011, and allowed only Museveni's ruling party to communicate hence frustrating the efforts of opposition parties to independently tally the votes. This was clear collusion by a South African company with the regime and probably aided the rigging of the elections by Museveni who had earlier vowed not to allow the opposition tallying of votes to go ahead.

## APPEAL

In light of all the above, we through South African Parliament's Portfolio Committee on International Relations and Cooperation and Portfolio Committee on Defence and Military Veterans call upon South Africa, which is a major player in Uganda, to:

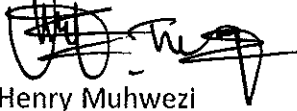
- i) Demand the immediate end to violence and attacks against civilians;
- ii) Demand that the regime comply with their obligations under International law, including International Human Rights and take all measures to protect civilians and their basic constitutional rights;
- iii) Enforce an arms embargo against the regime;
- iv) Stop directly funding the Uganda government but rather fund projects that are managed independent of the government;
- v) Impose targeted sanctions against Museveni and those within his regime that have wantonly fleeced the country of its resources, and freeze all the assets they hold internationally until such a time that proper audits have been done and expropriations of stolen assets or funds have been returned to the state. These actions should extend to their immediate family members because many of them are known to 'hide' their assets and launder their money through family members.
- vi) Call for the censure of South African companies that are facilitating or complicit in the looting of Uganda's resources or assisting the regime in suppressing people's rights, many of them working either directly with Museveni or corrupt politicians that are close to him.
- vii) Intensify efforts to find a solution to the crisis which responds to the legitimate demands of the Ugandan people, with the aim of facilitating dialogue which should lead to political reforms necessary to find a peaceful and sustainable solution – this process should exclude Museveni;

We in particular call upon the Government of South Africa to institute intervening measures for Uganda, and support any efforts to find a sustainable and peaceful solution to the crisis in the country.



We thank you for taking time to consider the Ugandan situation.

Yours Faithfully

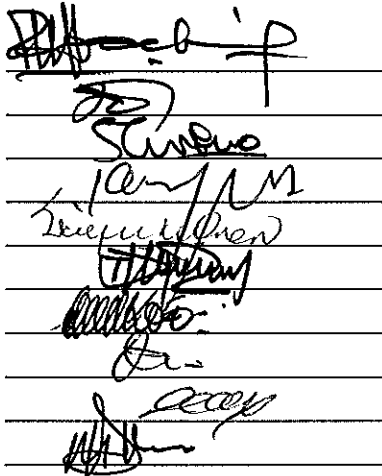


Henry Muhwezi

Chairman, Uganda Civil Alliance Network (UCAN)

On behalf of the wider Ugandan community:

1. Richard Obo
2. Dominic Drabile (Dr)
3. Stephen Twinoburyo
4. Fred Kasirye (Dr)
5. Wilfred Onen (Dr)
6. Dan W Kigoonya
7. Malcom Matsiko
8. Herbert Tumusiime
9. Michael Kakoza
10. Baker Mayambala



cc.

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