



By Eriasa Sserunjogi



Four police operatives who were charged with torturing a local politician were on May 30 granted bail, hardly a week after they had been remanded to Uganda’s biggest prison, Luzira.

In Uganda, bail is treated as a constitutional right, granted at the discretion of a judge/magistrate and subject to the accused fulfilling certain conditions. But the speed with which the accused policemen were granted bail will leave you agape, especially since the same court that restored the policemen’s temporary freedom - Buganda Road Chief Magistrate’s Court - had dilly-dallied and in the end taken 33 days to release on bail one of President Yoweri Museveni’s leading social media critics.

I will digress into this peculiar case for a split second.

Stella Nyanzi, a researcher at Makerere University, uses colourful language on her Facebook page. Her posts, especially before her incarceration beginning early April, are littered with phrases many consider lewd and obscene. She ventured into largely uncharted territory, berating Museveni and his family, especially his wife Janet; to many an observer that was courting real danger. Some of Nyanzi’s classic phrases may not be appropriate for this article, but suffice it is to note that her charge sheet indicated that she had referred to the president as “a pair of buttocks”.

As Museveni marked 31 years in power on January 26, which is a public holiday, he told the people gathered to celebrate his unprecedented feat that, contrary to what some (referring to his opponent Kizza Besigye) had said, he was not a servant of Ugandans. A boiling Nyanzi wrote the post as a rejoinder to the president, for which she was eventually charged.

Opinion was split over Nyanzi's case; those who back Museveni and moralists admonished her over what they called obscenity, while Nyanzi's following and support of activists disenchanted with Museveni's long rule grew astronomically.

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On the other hand, the country was galvanized in condemnation and shock after pictures of the tortured local politician, Geoffrey Byamukama, were leaked on social media. His knee and ankle joints had been hammered and pounded, and by the time he was delivered to Nakasero hospital in Kampala, all the skin around them was dead and mounds of pus, as he would later tell members of parliament, were rapidly inching towards his bones. Medical workers at the hospital had to urgently peel away the dead flesh and drain the pus immediately and, according to Byamukama's narration to the MPs who visited him as he recuperated at the dreaded Nalufenya police station in Jinja, his doctors feared that they would need to amputate his legs.

If for a moment we keep on the court's decision to immediately grant bail or delay it, it is hard to miss the irony in all this. The chief magistrate hesitated to grant Nyanzi bail because the prosecution had, based on a colonial-era law, argued that, given what she had written about the president, the accused was probably insane and asked the court to order that she undergo a mental examination. Arguing this application took a lot of the court's time on the first day, leaving no time for Nyanzi to apply for bail.

The same prosecution, however, did not find it appropriate to seek leave of court to examine the mental states of the four policemen - who are part of a force whose motto is to "protect and serve", but who were accused of visiting the most savage torture imaginable on a suspect.

Nothing unusual

As far as the unlucky Byamukama is concerned, it is easy to conclude that his tormentors had just done a bad job of torturing him, as opposed to him being an isolated case.

Byamukama, as we would later learn from the MPs that interviewed him at Nalufenya, was accused by his tormentors of having played a part in the gruesome murder on March 17 of former police spokesman Andrew Felix Kaweesi. The flamboyant police publicist, who was at the rank of Assistant Inspector General of Police and was an unmissable embodiment of power in the force, was, the postmortem report showed, shot 27 times. He was killed together with his driver and bodyguard shortly after leaving his home in a Kampala suburb.

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The country was terrified. Police chief Gen. Kale Kayihura pensively sat out the whole day at the scene of the crime, and President Museveni a day later paid a visit to the bereaved family to pay his respects. Museveni observed on that occasion, and not for the first or last time, that the police had been infiltrated by criminals, and charged Kayihura to clean up his house.

Kaweesi was mourned but the arrests began even before he was buried. Kayihura would announce at the burial that at least three suspects had been arrested in connection with the murder, and that one of them had been nabbed as he tried to escape to the Democratic Republic of Congo. More arrests followed but we have no accurate count of the people arrested in connection with this high profile murder.

Appearing before a magistrate for mention of their case, 13 of the suspects complained that, contrary to the court's remand order for them to be detained in Luzira, they had been taken to Nalufenya and tortured, "both physically and psychologically".

The case had just come up for mention, the magistrate would tell the complaining suspects, adding that the court had no jurisdiction to hear them out. Security Minister Henry Tumukunde would later remark that it was prudent for the forces to release suspects and even apologise to them if it was discovered that their arrest was a mistake.

Byamukama told MPs that after suffering terrible beatings that left him thinking he was dead (if there is such a thing), he pleaded with his tormentors to shoot him right away instead of raining the painful beatings on him. He later found out that he was suspected because his phone number was found in the contacts list of one of the arrested suspects.

Byamukama is a man of some standing, a ruling party supporter and mobiliser at the local level in Kamwenge, Western Uganda, where Museveni and most people in positions of power and authority in the political and security circles hail from. He, therefore, does not fit the profile of a torture victim under the current circumstances.

Torture as an instrument of rule

Before his torture story came to the fore, those who had alleged torture during Museveni's regime either supported the opposition, had scores to settle with influential people in government or security circles who had set them up for torture, or were genuinely suspected of committing crimes and were being tortured to reveal information the investigators would otherwise not access.

In a "safe house", we were told, one would get savagely beaten up, carried through a mock execution, shocked with electricity, threatened with vile reptiles, have fingers or toe nails pierced with needles, among other torture methods. There was widespread outcry for the torture chambers - "safe houses" - to be shut down, but they tended to be located in the most unexpected of places in upscale neighbourhoods of Kampala and so could not be easily identified.

Mid last year, for instance, the magistrate's court at Makindye in Kampala issued criminal summons for Gen. Kayihura and other police commanders to appear before it and answer to charges of torture. The court appearance, which was set for August 10, 2016, did not happen because the court was besieged by goons who argued against Gen. Kayihura being summoned by a court of law. The lawyers who had spearheaded the private prosecution, including opposition politician Erias Lukwago, who is also lord mayor of Kampala City, had to be sheltered in the magistrate's chambers as the mob bayed for their blood, until they were whisked away.

Richard Mafabi, the magistrate who took the unprecedented step of summoning a top general to answer to torture charges, died two months later of a cardiac arrest as he was being rushed to hospital. He was aged 51.

The complainants, who through a private prosecutor had moved Mafabi's court to summon Kayihura, were supporters of opposition leader Kizza Besigye, who at the time was protesting against what he said was a stolen election. Many of his supporters had been rounded up, and many told horror stories of torture during incarceration.

Before Kayihura shot to prominence, there was Nobel Mayombo, a brigadier who headed the chieftaincy of military intelligence and who was the permanent secretary at the Ministry of Defence at the time of his death in 2007. His critics accused him of being in charge of torture chambers, ironically dubbed "safe houses".

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The word "safe house" has now almost gone out of use in Uganda, but multiple sources within the police and accounts by people who have been subjected to torture recently suggest that such places still exist. In his narration to the MPs, the tortured Byamukama said the beating that nearly ended his life did not happen in Nalufenya, for instance. He was blind-folded and driven to a location within Kampala City where he was tortured and was only dropped in Nalufenya after the fact.

During the pre-colonial period, for instance, Susan Miers, in a book published in 1988, refers to a practice of mistreating slaves in Buganda which sometimes led to the mutilation of parts of their bodies. The author quotes an earlier book, which provides the origin of a popular Luganda saying: "Muddu awulira; y'awangaaza amatu" ("A slave who is obedient gives long life to his ears").

Museveni, as the public huffed and puffed about Byamukama's savage torture, wrote a widely publicised letter to the security agencies, warning them against torture and pointing out that it is a backward and ineffective method of investigation.

But, in all honesty, a revolted Fountain of Honour would be expected to do more under such circumstances. How, to begin with, would he let Kayihura's leadership of the police, which he had renewed only weeks earlier, continue after such a terrible scandal? And even if he were to let it continue, what demonstrable steps were taken to ensure that such torture does not continue?

The four policemen referred to earlier were charged, of course. But that would, contrary to the reports that have continually come through, suggest that that the instance of torture was an isolated occurrence, which is not the case. The Uganda Human Rights Commission, the statutory body charged with overseeing the observance of human rights in the country, for instance, has consistently pointed out that torture is the single most prevalent violation of rights by state organs. In its 2015 report, for example, the rights body noted that nearly 38 percent of all reported rights violations by security agencies involved torture.

The facts suggest that what is going on is just a furtherance of the way those who have held power in Uganda across time have reproduced it. During the pre-colonial period, for instance, Susan Miers, in a book published in 1988, refers to a practice of mistreating slaves in Buganda which sometimes led to the mutilation of parts of their bodies. The author quotes an earlier book, which provides the origin of a popular Luganda saying: "Muddu awulira; y'awangaaza amatu" ("A slave who is obedient gives long life to his ears"). There are tales of servants in ancient Buganda having their ears cut off

if they disobeyed their masters; others were summarily put to death. The story of Kabaka Mwanga putting to death disobedient subjects who had embraced Christianity (and would later be regarded as Uganda Martyrs) towards the end of the 19th Century is very widely told.

“Ankole”, according to a publication by the British aid agency DFID, “became a class-based society in which the Bahima controlled the use of violence...” The old Ankole kingdom is the only one whose restoration Museveni has blocked until now, citing the possibility of resurrecting inter-ethnic tensions between the Bahima (Museveni’s ethnic group) and the Bairu, who were previously oppressed.

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In a working paper titled “Taking orders from above: Police powers, politics and democratic governance in post-Movement Uganda,” Makerere University law don Joe Oloka-Onyango takes a look at how the police have been used as an instrument of repression in Uganda through time. Oloka-Onyango writes:

“If the police played an essentially coercive role under colonialism, after independence it became even more overtly politicised and draconian. In other words, the police became an instrument of direct political repression in the competition for state power among the Ugandan elite. This witnessed the proliferation of sub-branches of the police, such as the Special Force in Obote I (1960s), or the Public Safety Unit (PSU) and State Research Bureau (SRB) under Idi Amin.”

No single Ugandan, going by recorded history, personifies torture, repression and outright murder more than Idi Amin, who seized power in 1971 and held on to it until April 1979 when a combined force of the Tanzanian army and Ugandan exiles shot him out. The figure is disputed, but it is estimated that about half a million Ugandans were killed by state agents during Amin’s time. Many of the victims were severely tortured. Some of these gruesome murders are documented in a book with a depressing title, *A State of Blood: The Inside Story of Idi Amin*, by Henry Kyemba, who served as a minister in Amin’s government but later fell out with the dictator and ran into exile.

“The basic role of these agencies was to use state resources to terrorise political opposition, to carry out covert intelligence operations that could barely be sanctioned by the law, and to spread and maintain a high level of terror and intimidation among the general public,” writes Oloka-Onyango.

He adds: “In this context, the prevention of and tracking of crime took a back seat, unsurprisingly leading to higher levels of criminality as the attention of the police was focused elsewhere.”

That crime surges as the police focuses more on repressing the regime’s opponents than catching criminals is as true today as it has ever been in Uganda’s history. The police have not released a crime report for over three years now, so it is hard to prove this scientifically, but there has been a surge in shootings and petty crime, especially house break-ins in and around Kampala in recent months. For this reason, President Museveni has on at least three occasions in a space of three months talked about the police force being infiltrated by criminals.

I will give you an example. Someone I know personally had her mobile phone grabbed in the streets of Kampala two weeks ago. She went to a nearby police post and told a police officer that she

desperately needed her phone back. The police officer told her she would actually get it back, but at a fee, which she agreed to pay. She described to the police officer the person who had grabbed her phone and left. Hours later, the police officer called her and she picked up her phone, with all her data already deleted.

One policeman, Stephen Mugarura, went public about what he calls criminality within the police force, but the force he serves is instead trying him for the exposé instead of investigating his claims. Speaking to police officers like Mugarura, you discover that as far as investigations are concerned, there are at least two, not one, police forces in Uganda.

There are so many Ugandans with similar stories these days. Thieves broke into one man's house and stole his electronics while he was asleep. . When he reported the incident at the police station the following morning, there was no policeman to follow him to the scene of the crime. He was just asked whether he was interested in having his phone tracked, for which he would have to pay.

One policeman, Stephen Mugarura, went public about what he calls criminality within the police force, but the force he serves is instead trying him for the exposé instead of investigating his claims. Speaking to police officers like Mugarura, you discover that as far as investigations are concerned, there are at least two, not one, police forces in Uganda. Those who call themselves "professional" investigators distance themselves from acts of torture, which they say are perpetrated by rogue groups closely connected to the topmost leadership of the police but have nothing to do with the directorate charged with criminal investigations. These "rogue" police operatives, other policemen say, were either former criminals or informants who were irregularly recruited into the force. But this doesn't matter so long as they do the job.

After the fall of Amin, Obote II came up with the dreaded National Security Agency (NASA), which was directly under the Security Minister Chris Rwakasisi. Rwakasisi would, after Museveni took power, be convicted for murder and condemned to death, only to be released on presidential pardon. He was later named presidential advisor and campaigned for Museveni in the 2011 elections.

During the early hours of Museveni's bush war, one man who would pay for hailing from the same region as Museveni and who backed him in the impugned 1980 elections, was Kizza Besigye, now Museveni's fiercest challenger. Besigye has since told his story: He was picked up and tortured in the dreaded Nile Mansions for, he would later find out, being suspected of supporting Museveni's rebel activities; he later teamed up with Museveni in the bush.

The point in all this is that the state is, as has always been the case, unwilling to stamp out torture in its entirety. In the wake of Byamukama's torture, for instance, parliament sent a team of MPs to inspect the dreaded Nalufenya police station. But the inspection took just a day after which the MPs reported back to their colleagues. Some things were said and that will be about it; of course until another serious case of torture pops up.

In such a case, parliament should have charged a select committee with conducting an inquiry, hearing from victims and summoning accused persons and heads of security agencies accused of torture. We would, through such a process, get to know much more about the anatomy of torture in Uganda, and those carrying it out would be deterred for a while or forced to change their approach.

That was a lost opportunity in the war against torture. And, if Museveni is keen on launching an assault on the Constitution to remove the 75-year age cap to the presidency as it is widely feared, torture against his opponents could escalate and provide even more space to mourn this lost

opportunity.

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