

**UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES
ASYLUM OFFICE
BOSTON, MA**

IN THE MATTER OF:)
)
Abdallah WAMBERE)
A206572188)
_____)

**SUMMARY AND INDEX OF UGANDA COUNTRY CONDITIONS DOCUMENTATION
IN SUPPORT OF APPLICATION FOR ASYLUM, EXHIBITS A-H**

INTRODUCTION

A-D. United States Department of State, *Country Reports on Human Rights Practices, 2010-2013: Uganda*,¹ available at <http://www.state.gov/j/drl/rls/hrrpt/>

- In 2010, LGBTI (lesbian, gay, bisexual, transgender, and intersex) Ugandans were subject to societal harassment, discrimination, intimidation, and threats to their well-being. Harassment and intimidation of LGBTI persons increased after September 2009, when parliamentarian David Bahati introduced an “antihomosexuality bill” that would have imposed sentences ranging from imprisonment to the death penalty on those convicted of “homosexuality” or “related acts.” (2010 report)
- Since 2011, violence and discrimination against LGBTI individuals have been cited by the Department of State as one of the three most important human rights problems in Uganda. (2011, 2012, 2013 reports)
- Community religious leaders have been active in perpetuating homophobic sentiments by, among other actions, delivering church sermons and writing articles to lobby their congregations against LGBTI people:
 - “[O]n April 15 [2010] in Jinja, Pastor Martin Ssempe led a march against homosexuality, and during an April 17 event against homosexuality at a church in Kampala, Ssempe showed a pornographic slideshow to audience members, which included several children. During these rallies, participants openly threatened LGBTI individuals.” (2010 report)
- Ugandan government officials have and continue to work to suppress LGBTI activism:

¹ Relevant excerpts from 2010-2013 reports are included in reverse chronological order as exhibits A-D in the attached Appendix.

- “On June 18, police closed a skills-building workshop for LGBTI human rights defenders organized by the East and Horn of Africa Human Rights Defenders Project (EHAHRDP) in Kampala. Police detained workshop participants, guests, and hotel staff for more than three hours. Two EHAHRDP staff and two workshop participants also were briefly detained but later released.” (2012 report)
- “On September 13, police in Kampala arrested British theatre producer David Edwards Cecil for staging a play police alleged promoted homosexual activity. The play was reportedly performed in several venues around Kampala in August, despite an injunction by the Media Council, the government media regulatory body. On September 17, a court charged Cecil with violating lawful orders issued under section 117 of the penal code and for staging a play while it was under review by the Media Council. Cecil was released on bail, and his case was pending at year’s end.” (2012 report)
- In October of 2010, a tabloid published the names, photographs, and contact information of LGBTI activists, among them David Kato, under the headline: “Hang Them.” In 2011, Kato was bludgeoned to death in his home outside Kampala. (2011 report)
- Discrimination against people living with HIV/AIDS is common. Non-governmental organizations (NGOs) have reported that prisoners and individuals living in rural areas lack adequate access to antiretroviral medications. HIV-positive prison inmates have sometimes been subjected to hard labor. (2011 report)

Ugandan police have been active in arresting individuals on charges such as “acts against the order of nature,” “indecency,” and “engaging in unnatural (homosexual) activities.” At times, those arrested have been subject to mistreatment and humiliation by police:

- “On October 1, a local news station broadcast a video of a transgender individual being harassed and humiliated at a local police station in Kisenye District. The video showed police officers aggressively touching, taunting, and forcibly undressing the individual, whom the police subsequently paraded before a crowd of onlookers.” (2012 report)

E. International Gay and Lesbian Human Rights Commission, *Violation of the Human Rights of Lesbian, Bisexual, Transgender (LBT), and Kuchu People in Uganda, September 2010, available at <https://iglhrc.org/sites/default/files/445-1.pdf>*

- Due to the homophobia present in Ugandan society, individuals who are openly affiliated with LGBTI affinity or advocacy groups are often harassed, beaten, and discriminated against in public by police, teachers, neighbors, strangers, and even family members. Because women in Uganda are already at increased risk for community and family violence, LBT women are especially vulnerable.

- Members of Freedom and Roam Uganda (FARUG), a lesbian group founded in 2003, reported being attacked, harassed, and threatened whenever they venture out into public:
 - “On the 1st of August 2008, I was chased out of a taxi because someone had identified me after watching me on TV and newspapers. I was later hit on the head as a result of hate crime.”
 - “In 2006, I got raped. Apparently the neighbours used to complain. (...) At first, saying ‘why do you dress like a man?’ ‘We should teach you a lesson.’ they said ‘you remind us, aren’t you that lesbian who lives up there with your funny girlfriend?’ (...) They told me to close my eyes. So one does his thing and I’m like you’re done, can I please go? The man says, ‘No, it’s my turn now.’”
- Ugandan LBT women face constant insecurity in obtaining and maintaining a domicile and in moving around when in public. For instance, LBT women are often forced to live in expensive housing that may not have stringent security and are often evicted from this housing when they are found out to or rumored to be LBT.

CRIMINALIZATION AND PERSECUTION OF LGBTI INDIVIDUALS

Attempts to Criminalize Homosexuality in Uganda

F. *Uganda Penal Code Act 1950, available at*

<http://www.ulii.org/ug/legislation/consolidated-act/120>

- Section 145 (“Unnatural Offences”) of the Uganda Penal Code Act 1950, which was first promulgated during British colonial rule in the 19th century, reads:

“Any person who-- has carnal knowledge of any person against the order of nature; has carnal knowledge of an animal; or permits a male person to have carnal knowledge of him or her against the order of nature, commits an offence and is liable to imprisonment for life.”
- Section 146 of the penal code further designates attempts to commit offenses specified in Section 145 as a felony, with potential imprisonment of seven years.

G. *The Anti-Homosexuality Bill, 2009, available at*

<http://www.publiceye.org/publications/globalizing-the-culture-wars/pdf/uganda-bill-september-09.pdf>

- The Anti-Homosexuality Bill of 2009 was proposed in September 2009 by parliamentarian David Bahati. It sought to punish homosexual people through sentences of life imprisonment. Those convicted of “aggravated homosexuality” could be sentenced to death, while those charged with attempt to “commit homosexuality” could be sentenced to imprisonment for seven years. Although the bill enjoyed broad popular

support and almost unanimous support in Parliament, it expired because it was not voted on before the close of the Eighth Parliament in 2011.

- Section 2 of the Act defines the offense of homosexuality as:

“(1) A person commits the offence of homosexuality if-- (a) he penetrates the anus or mouth of another person of the same sex with his penis or any other sexual contraption; (b) he or she uses any object or sexual contraption to penetrate or stimulate sexual organ of a person of the same sex; (c) he or she touches another person with the intention of committing the act of homosexuality. (2) A person who commits an offence under this section shall be liable on conviction to imprisonment for life.”
- Section 3 of the Act defines the offense of aggravated homosexuality as:

“(1) A person commits the offence of aggravated homosexuality where the-- (a) person against whom the offence is committed is below the age of 18 years; (b) offender is a person living with HIV; (c) offender is a parent or guardian of the person against whom the offence is committed; (d) offender is a person in authority over the person against whom the offence is committed; (e) victim of the offence is a person with disability; (f) offender is a serial offender; or (g) offender applies, administers or causes to be used by any man or woman any drug, matter or thing with intent to stupefy or overpower him or her so as to thereby enable any person to have unlawful carnal connection with any person of the same sex. (2) A person who commits the offence of aggravated homosexuality shall be liable on conviction to suffer death. (3) Where a person is charged with the offence under this section, that person shall undergo a medical examination to ascertain his or her HIV status.”
- Records of Parliamentary discussions during the consideration of the 2009 Anti-Homosexuality bill reveal significant hostility toward, as well as misunderstanding and fear of LGBTI people. For instance, homosexuality is routinely characterized as a “creeping threat” and an “illegal, unnatural and abnormal act” that contributes to the contamination of African society. LGBTI people are described as desirous of killing children and actively attempting to recruit others into the practice of homosexuality. Foreign NGOs are portrayed as complicit in these efforts. Moreover, granting rights to LGBTI people is described as a slippery slope that will lead to the destruction of Ugandan societal values.
 - Dr. James Nsaba Buturo, Minister of State, Office of the President, Ethics and Integrity: “Government is aware that some non governmental organizations are recruiting our youth and taking them abroad under the pretext of giving them education, when in fact their motive is to turn them into homosexuals who will then come back and spread the vice. There are many others as well as individuals

that are in this country quietly recruiting our people into this illegal, unnatural and abnormal practice of homosexuality. Government will take appropriate steps to rectify this dangerous development.”

- Ms. Grace Oburu, Woman Representative for the National Resistance Movement (NRM) [ruling political party]: “Since we still have the death penalty, we should actually condemn these people to death because they are killing our children and actually desirous of exterminating Ugandans.”
- Mr. David Bahati (NRM): “Today they are talking about a right to homosexuality, tomorrow it might be a right to walk naked or to defilement. And I think the so called right will lead to the destruction of our social fabric and value system. We cannot afford to see this pass on as we watch.”

H. *The Anti-Homosexuality Act, 2014, available at*

<https://s3.amazonaws.com/wp.patheos.com/blogs/warrenthrockmorton/files/2014/02/Anti-Homosexuality-Act-2014.pdf>

- The Anti-Homosexuality Act of 2014, passed on December 20, 2013, had very similar language to the Anti-Homosexuality Bill of 2009. However, after international outcry over the 2009 bill’s death penalty provision, the sentence for the offense of “aggravated homosexuality” was changed to life imprisonment:
- Section 3 of the 2014 act states:

“(1) A person commits the offence of aggravated homosexuality where the-- (a) person against whom the offence is committed is below the age of eighteen years; (b) offender is a person living with HIV; (c) offender is a parent or guardian of the person against whom the offence is committed; (d) offender is a person in authority over the person against whom the offence is committed; (e) victim of the offence is a person with disability; (f) offender is a serial offender; or (g) offender applies, administers or causes to be used by any man or woman any drug, matter or thing with intent to stupefy or overpower him or her so as to enable any person to have unlawful carnal connection with any person of the same sex. (2) A person who commits the offence of aggravated homosexuality shall be liable, on conviction, to imprisonment for life. (3) Where a person is charged with the offence under this section, that person shall undergo a medical examination to ascertain his or her HIV status.”

- I. **Grace Matsiko, *Uganda Gay Pride Party After Tough Law Overturned*, AFP, August 9, 2014, available at <https://news.yahoo.com/uganda-appeals-overturn-anti-gay-law-093819728.html>**
- On Friday, August 1, 2014, Uganda’s Constitutional Court overturned the 2014 Anti-Homosexuality Act, ruling that it was invalid because it was passed without the required quorum.
- J. **Solomon Arinaitwe, *MPs Begin Drive to Return Law on Homosexuality*, Daily Monitor, August 6, 2014, available at <http://www.monitor.co.ug/News/National/MPs-begin-drive-to-return-law-on-homosexuality-/-/688334/2409336/-/2his9q/-/index.html>**
- After the court’s decision, at least 91 members of parliament signed a document supporting the reintroduction of the Anti-Homosexuality Act 2014. Many had expressed a desire that the Act’s reintroduction be the first item on the agenda after Parliament’s recess this month. Latif Sebagala, an MP, said:
 - “When we reconvene from recess, the first item on the agenda should be the passing of the Bill. This is not a normal Bill and the Speaker will allow us to amend the Rules of Procedure. Whether we are denied aid and we live in poverty, we shall live by that.”

Popular Ugandan Support of Anti-LGBTI Measures

Public Attitudes

- K. **Pew Research Center, *The Global Divide on Homosexuality: Greater Acceptance in More Secular and Affluent Countries*, June 4, 2013, available at <http://www.pewglobal.org/2013/06/04/the-global-divide-on-homosexuality/>**
- According to the Pew research Center’s Global Attitude Project, which surveyed a sample of 800 Ugandans in 2013, 96% of the adult population feels that homosexuality should not be accepted by society.
- L. **Rebecca Hodes, *Uganda throws a party to celebrate passing of anti-gay law: rally shows how homosexuality is being used to represent all the evils besetting the nation*, says Daily Maverick, The Guardian Africa network, April 2, 2014, available at <http://www.theguardian.com/world/2014/apr/02/uganda-celebrates-anti-gay-law>**
- Following the passage of the Anti-Homosexuality Act of 2014, “30,000 Ugandans gathered [at a stadium in Kampala] to give thanks to the president, Yoweri Museveni, for passing” the law.
 - Organized by a coalition of Ugandan religious leaders and government officials, the day-long rally consisted of speeches, distribution of anti-LGBTI and anti-HIV literature, and

festivities including musical interludes, dance performances, an acrobatics troupe, and songs by school choirs that included lyrics such as, “Say no to sodomy! No! No! No!”

- Pastor George Oduch of the Victory Church of Christian Ministries International spoke of a so-called gay manifesto, describing it as testament to “the kind of aggressiveness that was in Sodom and Gomorrah... the same with which the homosexual community is promoting this evil cause.”

Religious Organizing

M. Martin Ssempe, “Homosexuality is against our culture,” *New Vision Online*, September 4, 2007, available at <http://www.newvision.co.ug/D/8/459/584917>

- In response to a letter penned by Scott Long of the LGBT Programme at the Human Rights Watch, which criticized anti-LGBTI activism and violence in Uganda, Martin Ssempe, a prominent religious activist, stated that the harassment and threats experienced by LGBTI Ugandans “is in reality nothing more than the enforcement of the laws of our country prohibiting homosexuality.”
- Ssempe went on to say, “[A]n overwhelming majority of Ugandans, 95%, find homosexuality morally repugnant and absolutely unacceptable to our culture.”

N. Mariah Blake, *Meet the American Pastor Behind Uganda’s Anti-Gay Crackdown: Scott Lively has stirred up hate from Moscow to Kampala. Watch him in action*, Mother Jones, March 10, 2014, available at <http://www.motherjones.com/politics/2014/03/scott-lively-anti-gay-law-uganda?page=1>

- Much of the anti-LGBTI sentiment in Uganda, which has culminated in the Anti-Homosexuality Act of 2014 as well as anti-LGBTI violence and discrimination, has been manufactured by Western evangelical organizations.
- In 2002, American Scott Lively met with Ugandan pastor Stephen Langa and his wife in Uganda “for a brainstorming tour. Lively met with lawmakers, lectured at universities, and gave a number of media interviews. He and Langa also hosted an all-day conference with local pastors... Following the trip, Lively kept in contact with Langa, whom he calls his ‘ministry partner,’ and another influential Ugandan pastor named Martin Ssempe. Both men would ultimately be at the vanguard of Uganda’s anti-gay crackdown.”
- In 2009, Lively returned to Uganda for a three-day conferred with Langa’s anti-gay group, the Family Life Network.
 - “On the last day, Lively gave a marathon five-hour presentation, which was broadcast on Ugandan television. He claimed that homosexuals were aggressively recruiting Uganda’s children and argued that human rights protections should be extended to these ‘predatory’ figures.”

- “Lively also told attendees – among them Ugandan cabinet members – that the gay movement was an ‘evil institution’ that sought to ‘defeat the marriage-based society’ ... ‘They are so far from normalcy that they’re killers. They’re serial killers, mass murderers. They’re sociopaths. There’s no mercy at all, no nurturing, no caring about anybody else.’”
- “Lively also likened homosexuality to a disease, and suggested that if Uganda didn’t ‘actively discourage’ same-sex relations, the nation’s children might soon be throwing orgies and performing oral sex on school buses. ‘That’s what happens when the immune system becomes overwhelmed. The body begins to suffer, disintegrate. We need public policy that discourages homosexuality.’”
- “According to Kapya Kaoma, an Anglican priest from Zambia who attended the conference as part of an investigation... Lively’s remarks landed like a bombshell. ‘These people had never heard of anything called the gay agenda. But Lively told them that these predators were coming for children. As Africans hearing it for the first time, they believed it was true – and they were burning with rage.’”

O. Colin Stewart, *Ugandan Anti-Gay Strategy: The War Has Barely Begun, Erasing 76 Crimes*, March 12, 2014, available at <http://76crimes.com/2014/03/12/ugandan-anti-gay-strategy-the-war-has-barely-begun/>

- In 2009, Stephen Langa, a prominent Ugandan anti-gay pastor and director of the Family Life Network, organized a conference keynoted by American anti-gay activist Scott Lively.
- Langa’s rhetoric demonizes LGBTI Ugandans and characterizes them as trying to destroy the fabric of Ugandan society:
 - “Homosexuality is just the manifestation of [what] we are dealing with here. This is a conflict between the kingdom of Satan and the Kingdom of God, whereby the Devil wants to accomplish his agenda of John 10:10 to ‘steal, kill and destroy’ our children, marriages, families and ultimately nation.”
 - “On the ground, the gay machinery has extensively and clandestinely recruited children into homosexuality across the nation. Their agents have gone in some cases as low as nursery schools. Some have even gone as far as giving money to house girls and domestic workers to initiate children into homosexuality when their parents are at work!”
- Although Langa promotes prayer as the best way to combat homosexuality, his rhetoric has also tended toward violence. For example, he once issued the following plea:
 - “That the Lord would strike the power base of these evil forces in our country and that the Lord would dislodge their claim and stranglehold on our nation.”

Persecution and Violence Against LGBTI Ugandans

Before passage of 2014 Anti-Homosexuality Act

- P. **Leylah Ndindah and Tamsin Walker, *Gay Outing Case Highlights Ethics Questions Facing Ugandan Press*, DeutscheWelle, November 11, 2010, available at <http://www.dw.de/gay-outing-case-highlights-ethics-questions-facing-ugandan-press/a-6220577>**
- On two different occasions, the now-defunct tabloid *Rolling Stone* revealed the identities and addresses of alleged LGBTI people.
 - By November 2010, one month after the release of its October edition featuring a headline banner reading “100 Pictures of Uganda’s Top Homos Leak – Hang Them,” 29 people had been outed. Some of them were harassed and threatened by members of the public.
 - After Stosh Mugisha, who is a transgender man, was featured in *Rolling Stone*’s “Men of Shame” gallery, he said his life changed dramatically:
 - “I went to the shop where I usually buy cigarettes. The woman told me ‘I don’t sell cigarettes to faggots’, so I left.” On his way home, he was verbally abused and people even threw stones at him.
 - In an editor’s note featured alongside the publication of *Rolling Stone*’s “Men of Shame Part II,” editor Giles Muhame said his actions were motivated by a desire to stop a “cross-section of heartless homosexuals” from recruiting and brainwashing children.
 - Geoffrey Wokulira Ssebagala, programs coordinator at Human Rights Network for Journalists in Uganda, said a major challenge currently facing Ugandan media is the need to establish a culture of professionalism:
 - “People write about anything, and they don’t mind if it infringes on others’ rights. Those managing media in Uganda have no knowledge of human rights.”
- Q. **Human Rights First, *Communities Under Siege: LGBTI Rights Abuses in Uganda*, available at <http://www.humanrightsfirst.org/wp-content/uploads/Discrimination-against-LGBTI-Ugandans-FINAL.pdf>**
- “In April 2010, a gay man was detained and forced into a medical center for treatment where he was heavily medicated and declared mentally ill. [H]e has since disappeared.”
 - “In June 2010, men claiming to be members of the Criminal Investigation Directorate detained a gay man from a school in Kibuli. The victim of the abduction has not been seen since.”
 - “On January 26, 2011, leading LGBTI rights activist David Kato was severely beaten in his home with a hammer and died on the way to the hospital. A vocal and visible activist,

Kato had been featured prominently in an October 2010 newspaper article calling on readers to hang gay Ugandans. The police detained two individuals in connection with the attack, but were quick to rule out homophobia as a possible motive, despite the widespread feeling among the victim's friends and colleagues that the murder was motivated by Kato's sexual orientation and human rights advocacy."

R. Human Rights Awareness and Promotion Forum (HRAPF) and The Civil Society Coalition on Human Rights and Constitutional Law (CSCHRCL), *Protecting 'Morals' by Dehumanising Suspected LGBTI Persons? A Critique of the Enforcement of the Laws Criminalizing Same-Sex Conduct in Uganda, October 2013, available at http://www.hrapf.org/sites/default/files/publications/section_145_research_report_full_version.pdf*

- This study by human rights and civil society organizations in Uganda documents how during the period 2007-2011, LGBTI Ugandans and those perceived as LGBTI were "[f]requently arrested over accusations of same-sex conduct, usually under Penal Code 145 and other criminal statutes commonly used to target LGBTI individuals." During the same period of time, there was not "a single conviction nor an acquittal for consensual same-sex conduct on file in any magistrate's court in Kampala." Instead, report found that the Penal Code was simply "being used to persecute suspected LGBTI persons."
- "Usually the arrests are not premised on a reasonable suspicion as to the commission of an offence; rather, they are due to the eternal appearance of the person, or a tip off by a third party, or an attempt at mob justice by the community, or by entrapment by the police."
- Some of the trends that emerged were:
 - "Most arrests are carried out by the police rather than by private individuals."
 - "The police normally effect arrests first before investigating the cases. Upon any complaint, the first step is usually to arrest the accused persons."
 - "The police themselves use the criminal charges as a basis for extortion: most people are released after 'settling' the matter with the police, usually through the payment of money."
 - "The process of arrest is usually done in public, with the person arrested subjected to humiliation. Cases of this kind are usually given extensive coverage in the media, which disseminates the information far and wide, and brands people guilty even before trial."
 - "When arrests are reported in the media, consensual adult same-sex relations are conflated with paedophilia. Intemperate language further demonises LGBTI."

- “Most of the charges drawn by the police are usually sanctioned by State Attorneys. This occurs despite the fact that the evidence on record is usually scanty.... After sanctioning the file, usually the accused person is arraigned before court for plea taking. When an accused pleads ‘not guilty,’ the accused is either sent on remand or released on bail. Those sent on remand are usually mistreated and segregated in prison; they are sometimes subjected to ill treatment. In one instance, this has led to death.”

After Passage of the 2014 Anti-Homosexuality Act

S. Human Rights Watch, *Uganda: Anti-Homosexuality Act’s Heavy Toll: Discriminatory Law Prompts Arrests, Attacks, Evictions, Flight, May 15, 2014, available at <http://www.hrw.org/news/2014/05/14/uganda-anti-homosexuality-act-s-heavy-toll>*

- After the passage of the Anti-Homosexuality Act of 2014, Human Rights Watch and Amnesty International documented a significant increase in LGBTI human rights violations in Uganda. In the five months after the act’s passage, for instance, LGBTI people were subjected to beatings and even murdered:
 - “They went to her [Queen, a transgender sex worker] apartment at 8 a.m. and found her there, close to death, covered with cuts on the body and in the anus, apparently from a broken bottle. Queen was hospitalized, but died several days later. Her friends explain, ‘We were afraid if we told the police, they’d arrest us, because we’re gay and the bill had just been passed.’ They suspected the incident was a hate crime.”
- Many LGBTI people have also been displaced from their homes because of the new law, either as a result of being forcibly evicted by intolerant landlords or landlords fearful of running afoul of the new law, or because they have fled out of fear for their personal safety.
 - “The most evident impact of the law has been significant uprooting of LGBTI people, many of whom have fled the country, and others who are homeless or in hiding within Uganda. Human Rights Watch interviewed 10 LGBTI people who had been evicted by landlords, who appear to be interpreting the Anti-Homosexuality Act to mean that it is illegal to rent to LGBTI people. Hanifa Q. (her name and most others have been changed for security reasons), a lesbian in Kampala, showed Human Rights Watch an eviction letter she received from her landlord on March 3. Giving her one month to vacate the property, it reads: ‘You have been nice to me and paying very well. But due to the existing situation in the country plus your behavior with your friends, forgive me to suspect you of being indecent, I cannot allow you to rent my house, I cannot fight the government.’

Almost everyone else interviewed had to move to new homes in order to escape threats or scrutiny from neighbors, in some cases after being ‘outed’ by tabloids

and on television. At least 100 LGBTI people have fled the country since the beginning of 2014.”

- Although Ugandan LGBTI people were always liable to being arrested under the country’s penal code, arrests sharply increased after the passage of the act. At least 17 people have been arrested since the passage of the act. Beyonce K., a transgender woman, was arrested mere hours after the bill was passed, even though it had not yet become law:
 - “The police grabbed me and asked ‘Are you a man or a woman?’ He arrested me and took me to Owino police station...The police were insulting me. The head of the police there was saying ‘These are the homosexuals, we should burn you, these are the people who are selling themselves. This is why the bill has passed.’ The police rushed me into a male cell, where the other prisoners beat me and pulled my hair.”
- Individuals were also fired from their places of employment after the passage of the act. Agie B. a Kampa lesbian, recounted:
 - “The boss told me to go because he found out my sexual orientation. He told me ‘I don’t need you anymore.’ He said that because of the bill, I’m putting his business at risk: ‘What if the police come here, they’ll say I’m the one who’s encouraging you to be that.’”

T. Sexual Minorities Uganda (SMUG), *From Torment to Tyranny: Enhanced Persecution in Uganda Following the Passage of the Anti-Homosexuality Act 2014, May 9, 2014, available at*
<http://www.sexualminoritiesuganda.com/Torment%20to%20Tyranny%2009-05-2014%20FINAL.pdf>

- SMUG documented 162 cases of persecution against LGBTI people during the period December 20, 2013 to May 1, 2014, although most incidents of persecution likely go unreported. This represents a dramatic increase over previous years, which SMUG attributes directly to the passage of the Anti-Homosexuality Act 2014.
- “The passing of AHA has given permission to a culture of extreme and violent homophobia whereby both state and non-state actors are free to persecute Uganda’s LGBTI people with impunity. These include violent attacks, arbitrary arrests, blackmail, evictions and a concerted effort to drive LGBTI civil society underground.”
- Thirty percent of the 162 reported cases involved an element of violence, including violent attacks, kidnap, torture, and physical threats and risk of violence.
- Forty-one percent of reported cases an element of intimidation, including arrests, blackmail, non-physical threats, press intrusion, and state persecution.
- Fifty percent of cases involved some loss of physical property, income, or eviction.

- Twenty five percent of cases involved seeking asylum, suicide, or being disowned by family members.
- As some of those interviewed described:
 - “Many time, while returning home, local people have told me they are going to burn my house.”
 - “He said people knew I was a homosexual, and he could not guarantee my safety, they could come and kill me at any time. When I left, people were staring, whispering. I did not realize the danger I was in.”
 - “They took me into the jail for two months and they tortured me to a severe extent. They asked me to reveal other groups of gays and give them names. But I didn’t tell, and they continued the torture every day... They beat me and beat me to every part on my body...”

U. Sunnivie Brydum, *LGBT Ugandans Attacked, Killed as Tabloid Lists ‘Top 200 Homos,’ The Advocate, February 25, 2014, available at <http://www.advocate.com/world/2014/02/25/lgbt-ugandans-attacked-tabloid-lists-top-200-homos>*

- A February 25, 2014 edition of a Ugandan tabloid, *Red Pepper*, outed 200 LGBTI people, including activists, celebrities, and alleged “sympathizers.” The article, which repeatedly referred to gay men as “bum-drillers,” featured graphic descriptions of oral sex cited by President Yoweri Museveni when he signed the bill. The article also said that LGBTI couples and activists have “a sophisticated way of operating, recruiting several boys and girls into the devilish act.”

V. Sunnivie Brydum, *First LGBT Ugandans to Face Trial for ‘Sex Against the order of Nature,’ The Advocate, May 6, 2014, available at <http://www.advocate.com/world/2014/05/06/first-lgbt-ugandans-face-trial-sex-against-order-nature>*

- Two LGBT Ugandans suspected of having committed sexual crimes “against the order of nature” were arrested in January 2014. Kim Musika, a 24-year-old businessman, and Jackson Musaka, a 19-year-old transgender woman, face charges under Section 145 of Uganda’s penal code. This is reported to be the first trial brought under Section 145.
- Although the two are not facing charges under the Anti-Homosexuality Act of 2014, they still face the possibility of life imprisonment.

W. ***Ugandan Constitutional Court repeals controversial Anti-Homosexuality Act, Lawyer Herald, August 1, 2014, available at***

<http://www.lawyerherald.com/articles/6278/20140801/uganda-constitutional-court-anti-homosexuality-act-lgbt-challenge-voweri-museveni-lack-of-quorum.htm>

- Despite the fact that the Constitutional Court struck down the 2014 Anti-Homosexuality Act on procedural grounds, legal scholars and activists on the ground voiced continued concern. As Ugandan law professor Sylvia Tamale stated: “We’re very happy. But it’s unfortunately that the court did not deal with the substantive issue that violate our rights.” That means that “Parliament may be able to pass the controversial law again....”
- “[T]he constitutional court did not discuss on whether the country’s other anti-LGBT laws, including the archaic sodomy code, has violated human rights. Under the sodomy code provision, two men are awaiting trial to determine their purported guilt under such legislation. Moreover, LGBT activists in Uganda are expecting a retaliation from supporters of the anti-gay law should they win.”
- “Kasha Jacqueline of the organization Freedom and Roam Uganda, who co-petitioned in the constitutional court complaint, said, “Many people are going to retaliate and attack community members. People are going to retaliate – not just the members of Parliament and anti-gay groups and religious leaders, but in the community as well.”

. Targeting of Ugandan LGBTI Activists

Before Passage of the 2014 Anti-Homosexuality Act

X. **Victor Mukasa, Transcript of Remarks Before the United Nations on Grave Human Rights Violations Against LGBT People, December 12, 2009, available at**

<http://iglhrc.org/content/victor-mukasa-un-speaking-grave-human-rights-violations-against-lgbt-people>

- “As an activist, I have experienced violations by the state; I have been beaten by police a number of times. The reason? Walking past policemen that have the knowledge that I am a homosexual or peacefully protesting injustices committed against me or other LGBT persons. In July 2005 my home was illegally raided by state agents, searched without a search warrant, in search for incriminating evidence of homosexuality. A guest of mine was then arrested without an arrest warrant, and we were both subjected to inhuman and degrading treatment while at the police station. The offense was homosexuality. I have had to carry out my human rights defending work in hiding and even today, if I chose to go back home, I would have to live and work in hiding.”
- “Even human rights defenders seeking to ensure the right to life of LGBT people face such severe persecution: In June 2008, for example, 3 Ugandan LGBT activists were arrested at the 2008 HIV Implementers Meeting for peacefully protesting the government’s refusal to direct funds towards HIV programs that would target men who

have sex with men, even though the exclusion of LGBT people from national HIV/AIDS policies results in immeasurable loss of life.”

Y. David Smith, *Ugandan minister shuts down gay rights conference: Simon Lokodo said LGBT activists were illegally associating and urged arrest of organizer he claimed had insulted him*, February 15, 2012, available at <http://www.theguardian.com/world/2012/feb/15/ugandan-minister-gay-rights-conference>

- On Valentine’s Day of 2012, Minister of Ethics and Integrity, Simon Lokodo, raided and shut down a LGBTI rights workshop held by Freedom and Roam Uganda (FARUG). Lokodo was accompanied by local police officers, confiscating materials and threatening to arrest participants.
- The purpose of the workshop was to train and educate Ugandan LGBTI activists on skills such as project planning and organizational leadership.
- “Defending his actions later, Lokodo told the Guardian, ‘You should not allow people to plan the destruction of your country. You cannot allow terrorists to organize in your country.... They were recruiting people to go out and divulge the ideology of LGBT. In Uganda, the culture, tradition, and laws do not support bestiality and lesbianism.... [W]e don’t like them to organize and associate.’”

Z. Sunnivie Brydum, *Gay Ugandan Activists Arrested, Detained Without Charge, The Advocate*, November 14, 2013, available at <http://www.advocate.com/news/world-news/2013/11/14/gay-ugandan-activists-arrested-detained-without-charge>

- Samuel Ganafa, a prominent LGBTI activist in Uganda, was “arrested, jailed [since November 12]... and three times had his home raided - all without being informed of the charges against him.” Ganafa is the executive director of Spectrum Uganda and chairman of Sexual Minorities Uganda, two of the most prominent LGBTI rights organizations in Uganda.
- At least four other activists were arrested with Ganafa, according to activists.
- Although police refused to explain the charges against Ganafa, Ganafa himself has said that he is being charged with sodomy.
- “LGBT advocates in Uganda report that local media is portraying Ganafa as ‘a sodomy rapist who infected someone with HIV/AIDS.’ When reporters asked police for medical proof of these allegations, police could not produce any such evidence.”
- According to Kasha Jacqueline, another LGBTI activist, “[Ganafa] is being targeted because the [anti-gay activists] are looking for someone in the movement with a high profile and he suits that.”

After Passage of the 2014 Anti-Homosexuality Act

- AA. Rodney Muhumuza, *Uganda: Police raid US project that assisted gays*, Associated Press, April 4, 2014, available at <http://bigstory.ap.org/article/uganda-police-raid-us-project-assisted-gays>**
- “Ugandan police raided the offices in a United States-funded project [Walter Reed Project] known to offer AIDS services to homosexuals... in what appeared to be the first public action by police to enforce a new law that strengthened criminal penalties against gay sex.”
 - The Makerere University Walter Reed Project has been running HIV programs across Uganda through the U.S. President’s Emergency Fund for AIDS Relief. Its objectives include monitoring trends, conducting HIV vaccine trials, and providing antiretroviral therapy to individuals with HIV.
 - “A lot of LGBTI people found it comfortable to go there,” Frank Mugisha, a LGBTI Ugandan activist, said.
 - Maria Burnett, a researcher in Uganda with Human Rights Watch, said, “The Ministry of Health keeps reassuring everyone that the (anti-gay) law will not result in discrimination and stigma in access to health care services and research but yesterday’s events clearly contradict that.”
- BB. Reuters, *Uganda Drafts New Anti-Gay Law Targeting NGOs*, July 6, 2014, available at <http://www.newsweek.com/uganda-drafts-new-anti-gay-law-targeting-ngos-248842>**
- Following the signing of the 2014 Anti-Homosexuality Act, Ugandan legislators have drafted a new bill that would “bar non-governmental organizations (NGOs) from promoting homosexuality” and from commenting on Ugandan politics.
 - “Critics say the legislation will further erode civil liberties and entrench a climate of oppression and political intolerance.”
- CC. Human Rights Watch, *Uganda: Ruling Against LGBT Activists Violates Rights: Sets Dangerous Precedent; Inhibits Advocacy, HIV Outreach*, July 11, 2014, available at <http://www.hrw.org/news/2014/07/11/uganda-ruling-against-lgbt-activists-violates-rights>**
- Justice Stephen Musota of the High Court of Uganda ruled against four LGBTI activists in a civil lawsuit against Minister of Ethics and Integrity, Simon Lokodo, and the attorney general for the raid and shutdown of a February 2012 workshop.
 - Justice Musota ruled that the raid and shutdown were not illegal because the workshop participants were found to have been “promoting” or “inciting” same-sex acts. He referred to the affidavit of one alleged “ex-gay,” who testified that the workshop was

“training homosexual youths to safely engage in the same-sex practices by distributing condoms.”

- LGBTI activists and public health workers in Uganda and abroad have expressed concern over the ruling and the continued backlash against LGBTI and seropositive Ugandans in light of the Anti-Homosexuality Act of 2014.
 - Neela Ghoshal, lead LGBTI researcher for Human Rights Watch, stated, “From the High Court judgment, it could be inferred that it is now illegal in Uganda to conduct HIV prevention activities, targeting men who have sex with men, including the distribution of condoms.”